



1111 Bayou Road
La Marque, Texas
409-938-9202

Mayor Bobby Hocking

Mayor Pro-Tem Keith Bell- District A

Councilmember Chris Lane- District B

Councilmember Robert Michetich- District C

Councilwoman Casey McAuliffe- District D

OFFICIALLY POSTED ON THE WEB:

DATE: 7.5.19 TIME: 2:00 p.m.

ORDINANCE NO. O-2019-0013
RESOLUTION NO. R-2019-0016

**CITY OF LA MARQUE
REGULAR CITY COUNCIL
AGENDA
Of
JULY 8, 2019**

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting on Monday, July 8, 2019, beginning at 6:00 p.m. at 1109-B, Bayou Road for the purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

(4) PRESENTATIONS/ PROCLAMATIONS/INTRODUCTIONS

- a. Introduction of new City Employee Detective Gene Crow - La Marque Police Department
- b. Employee Presentation

(5) CITIZENS PARTICIPATION (Limited to three minutes per person)

Comments from the public (at this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes.) In compliance with Texas Open Meeting Act, the City may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(6) CONSENT AGENDA (All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)

- a. City Council Regular Meeting Minutes of June 10, 2019
- b. Discussion/possible action regarding adopting Resolution No. **R-2019-0014**, to deny CenterPoint Energy Houston Electric, LLC's request to increase its electric transmission and distribution rates within the City

(7) PUBLIC HEARING

- a. Conduct Public Hearing to hear public input regarding adopting Resolution No. **R-2019-003**, authorizing and creating the Trails at Woodhaven Lakes Public Improvement District No. 4 within the corporate limits of the City of La Marque (**PUBLIC HEARING HAS REMAINED OPENED SINCE JANUARY 14, 2019 COUNCIL MEETING**)
- b. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-005**, replacing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances of the City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours
- c. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-008**, amending Chapter 68, Article V, Section 68-138 (b), of the Code of Ordinances of the City of La Marque, Texas; to adopt the revised Drought Contingency Plan completed by LJA Engineering
- d. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-009**, amending Article III, SPEED REGULATIONS of the Code of Ordinances of the City of La Marque, Texas Section 62-88, reducing the speed limit on the Northbound main lanes and Southbound main lanes of IH45 from 65 mph to 55 mph, and reducing the speed limit on the Northbound Frontage Road and the Southbound Frontage Road from 50 mph to 45 mph, until the completion of the freeway expansion project by the Texas Department of Transportation
- e. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-0010**, approving a road right of way abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the West side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steven F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas, (Walker Street) as recommended by the Planning and Zoning Commission
- f. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-0011**, amending Chapter 2, Administration, Article I, in general, of the Code of Ordinances of the City of La Marque, Texas, by adding a new section 2-9, establishing procedures for placing items on the agenda

(8) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2019-005**, replacing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances of the City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours – Police Chief K. Jackson **THIS IS THE SECOND AND FINAL READING**
- b. Discussion/possible action regarding adopting Ordinance No. **O-2019-008**, amending Chapter 68, Article V, Section 68-138 (b), of the Code of Ordinances of the City of La Marque, Texas; to adopt the revised Drought Contingency Plan completed by LJA Engineering - Interim Public Works Director C. Cary **THIS IS THE SECOND AND FINAL READING**
- c. Discussion/possible action regarding adopting Ordinance No. **O-2019-009**, amending Article III, SPEED REGULATIONS of the Code of Ordinances of the City of La Marque, Texas Section 62-88, reducing the speed limit on the Northbound main lanes and Southbound main lanes of IH45 from 65 mph to 55 mph, and reducing the speed limit on the Northbound Frontage Road and the Southbound Frontage Road from 50 mph to 45 mph, until the completion of the freeway expansion project by the Texas Department of Transportation – Police Chief K. Jackson **THIS IS THE SECOND AND FINAL READING**
- d. Discussion/possible action regarding adopting Ordinance No. **O-2019-0010**, approving a road right of way abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the West side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steven F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas, (Walker Street) as recommended by the Planning and Zoning Commission – Development Services Coordinator S. Sutton **THIS IS THE SECOND AND FINAL READING**
- e. Discussion/possible action regarding adopting Ordinance No. **O-2019-0011**, amending Chapter 2, Administration, Article I, in general, of the Code of Ordinances of the City of La Marque, Texas, by adding a new section 2-9, establishing procedures for placing items on the agenda - City Manager C. Jackson **THIS IS THE SECOND AND FINAL READING**

(9) NEW BUSINESS

- a. Discussion/possible action regarding awarding RFQ #19-01 to LJA Engineering, Inc. for Engineering Services for Proposed Contract Funding for the Community Development Block Grant-Disaster Recovery (CDBG-DR) through the Texas General Land Office for Infrastructure and Acquisition projects - City Manager C. Jackson

- b. Discussion/possible action authorizing the City Manager to negotiate and enter into a contract with LJA Engineering, Inc. for Engineering Services of the Community Development Block Grant-Disaster Recovery (CDBG-DR) through the Texas General Land Office for Infrastructure and Acquisition projects – City Manager C. Jackson
- c. Discussion/possible action regarding adopting Resolution No. **R-2019-0015**, authorizing the City Manager of the City of La Marque, Texas, as authorized signatory for contractual documents pertaining to the Texas General Land Office (GLO); Texas Community Development Block Grant-Disaster Recovery (CDBG-DR) Hurricane Harvey DR-4332 – City Manager C. Jackson
- d. Discussion/possible action regarding adopting Resolution No. **R-2019-0016**, concerning civil rights, citizen participation plan, equal opportunity and fair housing policies relating to the preparation of grant applications through the Texas General Land Office; Community Development Block Grant – Disaster Recovery (CDBG-DR) – City Manager C. Jackson
- e. Discussion/possible action regarding the preliminary construction budget and proposed streetscape layout for the intersection of Laurel & 1st Street as provided by RPA Architects – Economic Development Corporation Executive Director A. Getty
- f. Discussion/possible action regarding adopting Ordinance No. **O-2019-0012**, adopting the revised FEMA floodplain maps as a condition of continued eligibility in the National Flood Insurance Program (NFIP) – Interim Public Works Director C. Cary *THIS IS THE FIRST READING*
- g. Discussion/possible action regarding accepting proposal from Enterprise Fleet Management to replace/dispose certain Public Works vehicles – Finance Director S. Kou

(10) APPOINTMENTS

- a. Discussion/possible action regarding appointments and/or reappointments to fill various positions of the Boards and Commissions – Mayor Hocking

(11) EXECUTIVE SESSION

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)

(12) ACTION TAKEN FROM EXECUTIVE SESSION

(13) REQUEST AND ANNOUNCEMENTS

Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415. (b), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;*
- (2) information regarding holiday schedules;*
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;*
- (4) a reminder about an upcoming event organized or sponsored by the governing body;*
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and*
- (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.*

(14) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on or before July 5, 2019, before 5:30 p.m.

Robin Eldridge, TRMC
City Clerk

.....
This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or
interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-
9259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information.
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**CITY OF LA MARQUE
REGULAR CITY COUNCIL
MINUTES
Of
JUNE 10, 2019**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, June 10, 2019, beginning at 6:00 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Mayor Hocking called the Regular Meeting to order at 6:00 p.m.

(2) ROLL CALL

Bobby Hocking	Mayor
Keith Bell	Mayor Pro-Tem, Councilmember District A
Chris Lane	Councilmember, District B
Robert Michetich	Councilmember, District C
Casey Mc Auliffe	Councilwoman, District D

OTHER OFFICIALS PRESENT:

Charles "Tink" Jackson	City Manager
Robin Eldridge	City Clerk
Ellis Ortego	City Attorney

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Bell led the invocation and the Pledge of Allegiance

(4) PROCLAMATIONS/PRESENTATIONS

- a. Proclamation – Juneteenth Celebration Day
Councilwoman Mc Auliffe read and presented Ms. Geraldine Sam, Tracie Steans, and Douglas Wayne Hobgood, Jr., members of the Juneteenth Committee with a Juneteenth Proclamation
- b. LGBTQIA Pride Month - June
Councilwoman Mc Auliffe read a LGBTQIA proclamation in recognition of Pride Month, which is celebrated nationally during the month of June.
- c. Presentation – This is La Marque Video

A power-point presentation of staff, citizens, employees and businesses together in a "This is La Marque" video was shown. Thanks were given to La Marque Public Relations Specialist Colleen Merritt, and Gardy Garcia and Curt Casper of KHEA FM, the local radio station that also helped in the creation of the video.

(5) CITIZENS PARTICIPATION

1. Richard Loftis shared his concerns over his neighbor spraying pesticides in the ditch. He asked Council to adopt an ordinance to prohibit the spraying of pesticides in the ditches; he feels like it is the reason why the water doesn't drain, and he had water come in his home during the last hurricane.
2. Ollie Neiderhofer shared concerns with information for item #10. Said that the backup information was incorrect there were conflicting dates of the meetings held in reference to 1409 Ross with the Building Standards Commission meetings and minutes provided in the backup.

It was recommended that this address be pulled from the demolition list from the award of bid in item 10.

(6) CONSENT AGENDA

- a. City Council Regular Meeting Minutes of May 13, 2019
 - b. Discussion/possible action regarding adopting Resolution No. **R-2019-0013**, approving the Commissioners' Court of Galveston County nomination of members for re-appointment/appointment to the United Board of Health
- ** Councilwoman Mc Auliffe made a motion to approve the Consent Agenda
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY**

(7) PUBLIC HEARING

- a. Conduct Public Hearing to hear public input regarding adopting Resolution No. **R-2019-003**, authorizing and creating the Trails at Woodhaven Lakes Public Improvement District No. 4 within the corporate limits of the City of La Marque (**PUBLIC HEARING HAS REMAINED OPENED SINCE JANUARY 14, 2019 COUNCIL MEETING**)

Mayor Hocking closed the Regular meeting and opened the Public Hearing at 6:20 p.m.

Tony Padua and son recently came before City Council on April 8, 2019 in a workshop to discuss a proposed Development Agreement and were directed to continue working on a land plan, to be more creative and add more green space and possibly introduce a different housing option and to ensure all amenities would be available to the entire community. Their revised plan integrates all the amenities and the following: 35 acres of single family residence which includes townhome/patio-type home options; 12 ½ acres of commercial including a senior living project they wish to pursue; 3 acres of

“flex” space for use as additional residential with higher density or add to commercial community that would complement the area the surrounding 19 acres of lakes with fountains, open spaces and landscaping with the central point being a playground involving BBQ grills and a park; 1 1/2 miles around the lakes for jogging trails and dog walking; 12 acres of roads and rights-of-ways. “We would like to present this new option to go along with our Reimbursement Agreement”. It was said that this project would be a landmark for La Marque, using both low and high density housing, with senior housing element, and the commercial element and natural features. “We are asking for your support in using the Public Improvement District. It’s the only way we can financially justify developing this property. We appreciate your consideration.”

Further discussion involved the requirement of certain trees and landscaping for each home site and the front façade requirements of those homes, the sizes of the home and townhome requirements and lot sizes, and leasing or purchasing options. Steven Estassi, Director of the Conroe facility, spoke and focused on the senior living community project. Discussed a few particulars of the retail that would include (cleaners, nail salons to begin with).

It was mentioned that this tract of land was a PID for many years with no activity, until it was dissolved a few months ago. Mayor Hocking asked, “Why are you wanting the City to re-establish a PID on a piece of property on the site of a failed PID and for the next forty years or so, we are committing ourselves and futures Councils to 8 to 10 million in bonds. What is the rationale?”

Mr. Padua explained that he had purchased this tract from a previous developer who, when one of the builders failed and the other builder tried to re-negotiate the contract, during a time period when the housing and economy was in trouble (in the 80’s), which affected many developers all over the place. “The only thing we are asking from the City as to have the City as a conduit to issue the bonds but guaranteed by the development. In the beginning, we have to add value and generate the sources of repayment before we even go out and issue the PID. The City of La Marque will not be responsible for one penny. This is a common way to fund projects all over Texas.”

Discussion continued; some concerns from Councilmember Michetich were whether a MUD had been considered and it was said that the City was unfavorable of MUDs at that time. Third party to do all collections, this is not included in the documents that have been submitted, no time lines or restrictions if those time lines are not met. “I am not seeing protections for the City.” Rental agreement - jurisdiction lies within the HOA, and not through the developer. Too much rental property already in the City. The market value 40,000 dollars per acre at this time; if developed, the value would increase from around 2 million to 60 – 80 million dollars, generating more tax values.

Geraldine Sam spoke and had concerns with the possibility of the developer going bankrupt somewhere down the line, and that the citizens would eventually have to pay for the bonds in that case.

City Manager Jackson provided points of clarification: Restrictions are placed on a PID and not the previous MUDs, because PIDs do have the backing of the City, and MUDs do not. They have to build to get that value started, but when PIDs fail, then they would have to bond against the value that is there, based on the completed project. If the City goes into another recession and can't get the rest of the amenities built (phase two or the ponds, etc.), the bonds are sitting there and the property has to be foreclosed on. In this case, there is a chance of the City being left on the hook. PIDs historically have been used in cities where there is lacking development.

Mayor Pro-Tem Bell asked what the market value of this property was at this time, to which it was said to be about \$40,000.00 per acres (2 million) and if this improvement went forward, it could be possibly go to \$200,000.00 (60 to 80 million dollars). Whether restrictions can be placed on the homeowners so that they cannot rent property within this district was discussed.

Time frame in between the building of phase one and phase two was discussed and it being an "arbitrary" time line. The question of whether any time lines that were placed in a previous PID or MUD was mentioned and City Manager Charles Jackson provided points of clarification to this: PIDs have the backing of the City when MUD's do not. PIDs do fail sometimes, and when this happens, they have to get the value, then they bond against the value that is there, but the value that is there is based on the complete project, not just on the portion completed, so phase one gets built, the ponds don't get built, the parks don't get built, because it fails coming into phase two. If there is another recession, those bonds are sitting there and not the full amount of equity out there to pay for it. The City would have to end up foreclosing on that property and there is a chance of being left on the hook for a portion of those bonds."

Mayor Pro-Tem Bell stated that there is still an opportunity there. "I understand what is being said; the point is that we have a fire station on the westside that we are struggling to man, we have road projects throughout this entire City, we have improvements that need to be done throughout this City, and nobody better say anything about raising taxes, so we have capped our ability to generate revenue. This is a potential development so that we might be able to increase the valuation of our properties and generate more tax revenue. I think we need to take this opportunity and work it out."

Mr. Padua reassured Ms. Sam that the City would not be putting up one penny for this development.

Councilwoman Mc Auliffe explained that a PID was a special financial relationship and that special assessments are levied against those only in the PID area, and only after a certain value has been reached.

Mr. Jackson further provided the difference between a PID and a MUD and added, "Historically, PIDs were developed in areas where the City is having trouble developing within their city."

Councilwoman Mc Auliffe added, "Since a PID is historically used in cities where they are trying to "jump start" development, and it works beautifully in places all over Texas, but here since it is not really a place that has been identified as a lagging area, for me to see a plan for a neighborhood that just blows everything else out of the water. "But, I want to see even more green space, more information about the retail area, and much more details. I am very encouraged that you all heard our requests from the last meeting we had."

Mr. Padua explained a similar, original project that they developed in Conroe, which led to several developments of PIDs that in count is now at fifteen or sixteen, and that they were their very first PID.

Mr. Faisan Nofel spoke from the audience and expressed his concerns on the time frame and how it will effect those homes already built and what the new homes being built will lower the value of the older homes, causing those owners to pay more taxes.

Ginger Manett, Saltgrass HOA, spoke and agreed with Councilmember Michetich about rental properties; this needs to be addressed. The phases were clarified as to what development would come first, and second, the first being half the homes, and then phase two, the commercial and the senior facility being the first phase.

Without objection, the public hearing was to remain open and this item tabled until the developer provides changes in the Developer's Agreement as discussed above.

- b. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-007**, changing the zoning classification from R-1 Single Family Residential to C-1, (General Commercial) A TRACT OF LAND being the North 75-feet of Lots 1, 2 and 3 in Block 25, Lots 12, 13 and 14 in Block 20 and the abandoned right-of-way of Grape Street (80-foot width) adjacent to said lots, all in Section "K" of the Cook and Stewart Subdivision, according to the plat recorded in Volume 81, Page 526 in the Office of the County Clerk of Galveston County, Texas (OCCGC), containing 0.956 acre (41,630 square feet) of land **(1600 MLK Blvd)** as recommended by the Planning and Zoning Commission

Milton Alberstadt, owner of the property stood and explained what his business sales. (Bells that old gas stations used for service)

Mayor Hocking closed the Public Hearing at 7:26 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding adopting Resolution No. **R-2019-003**, authorizing and creating the Trails at Woodhaven Lakes Public Improvement District No. 4 within the corporate limits of the City of La Marque - Finance Director S. Kou (THIS ITEM WAS TABLED FROM THE MAY 13, 2019 COUNCIL MEETING)
 - ** Councilwoman Mc Auliffe made a motion to continue the public hearing and to table this item.
 - ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- b. Discussion/possible action regarding a proposed Development Agreement between the City of La Marque, Texas and Woodhaven Lakes, Ltd. for Trails at Woodhaven Lakes Subdivision, and provide direction to City Manager - City Manager C. Jackson (THIS ITEM WAS TABLED FROM THE MAY 13, 2019 COUNCIL MEETING)
 - ** Councilmember Lane made a motion to table this item.
 - ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- c. Discussion/possible action regarding adopting Ordinance No. **O-2019-007**, changing the zoning classification from R-1 Single Family Residential to C-1, (General Commercial) A TRACT OF LAND being the North 75-feet of Lots 1, 2 and 3 in Block 25, Lots 12, 13 and 14 in Block 20 and the abandoned right-of-way of Grape Street (80-foot width) adjacent to said lots, all in Section "K" of the Cook and Stewart Subdivision, according to the plat recorded in Volume 81, Page 526 in the Office of the County Clerk of Galveston County, Texas (OCCGC), containing 0.956 acre (41,630 square feet) of land. **(1600 MLK Blvd.)** as recommended by the Planning and Zoning Commission THIS IS THE SECOND AND FINAL READING
 - ** Councilwoman Mc Auliffe made a motion to adopt Ordinance No. O-2019-007, on the Second and Final reading.
 - ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- d. Discussion/possible action regarding adopting Ordinance No. **O-2019-005**, replacing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances of the City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours THIS IS THE FIRST READING (THIS ITEM WAS TABLED FROM THE MARCH 11, 2019 COUNCIL MEETING)

Councilmember Michetich made a motion to adopt Ordinance No. O-2019-005.
Councilmember Lane seconded.

Mayor Pro-Tem Bell thanked Chief Jackson for making the recommended changes from the previous proposed ordinance, page 63 the fourth WHEREAS - "Can we change the part where it reads.... "committed by" to..... "crimes involving juveniles?"

The question of whether or not homeschooled children would be subject to this ordinance if out during the hours specified in this ordinance. "My interpretation is that they are not subject to compulsory school attendance by the Texas Education Code, but also up to the discretion of the officer and the circumstances," Chief Jackson replied.

Further discussion of page 65, 4 under Section 44-2 (c) EXEMPTIONS - which pertains to whether or not a juvenile is in on the sidewalk in front of where they reside or immediately adjacent to their home whether they can be found in violation of this ordinance (this will also depend on the circumstances and the discretion of the officer, after making contact with a parent or guardian.)

Page 66, Section 44-2 (e) POLICE PROCEDURE- it was asked that the word "interrogated" be changed to "questioned".

Page 67, the paragraph that it was asked that a portion of that be removed from the proposed ordinance (e)..... "not resulting in custody at the La Marque Police Department."

** Councilwoman Mc Auliffe stated that in all the research that she has done, more and more cities are doing away with these curfews since data collected doesn't reflect reduction of crime involving juveniles and she feels like it doesn't help with community trust.

** Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2019-005 with the amendments that have been documented on the First reading.

** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

** Councilmember Lane made a motion to adopt Ordinance No. O-2019-005 as amended.

** Councilmember Michetich seconded. MOTION CARRIED 4 to 1, with Councilwoman Mc Auliffe voting against the ordinance.

(9) NEW BUSINESS

a. Discussion/possible action regarding adopting Ordinance No. **O-2019-008**, amending Chapter 68, Article V, Section 68-138 (b), of the Code of Ordinances of the City of La Marque, Texas; to adopt the revised Drought Contingency Plan completed by LJA Engineering **THIS IS THE FIRST READING**

** Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2019-008 on the First reading.

** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- b. Discussion/possible action regarding adopting Ordinance No. **O-2019-009**, amending Article III, SPEED REGULATIONS of the Code of Ordinances of the City of La Marque, Texas Section 62-88, reducing the speed limit on the Northbound mainlanes and Southbound mainlanes of IH45 from 65 mph to 55 mph, and reducing the speed limit on the Northbound Frontage Road and the Southbound Frontage Road from 50 mph to 45 mph, until the completion of the freeway expansion project by the Texas Department of Transportation **THIS IS THE FIRST READING**

** Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2019-009, on the First reading.

** Councilwoman Mc Auliffe seconded.

Councilmember Michetich asked that this notification be sent out as quickly and as many times as possible for those traveling along I-45. **MOTION CARRIED UNANIMOUSLY**

- c. Discussion/possible action regarding adopting Ordinance No. **O-2019-0010**, approving a road right of way abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the West side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steven F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas, (Walker Street) as recommended by the Planning and Zoning **THIS IS THE FIRST READING**

** Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2019-0010, on the First reading.

** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- d. Discussion/possible action regarding adopting Ordinance No. **O-2019-0011**, amending Chapter 2, Administration, Article 1, in general, of the Code of Ordinances of the City of La Marque, Texas, by adding a new Section 2-9, establishing procedures for placing items on the Agenda

** Councilmember Michetich made a motion to adopt Ordinance No. O-2019-0011 on the First reading.

** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**

- e. Discussion/possible action regarding authorizing the Mayor to execute the Galveston County Cooperative Evacuation Plan

Councilmember Michetich asked that the City solicit Judge Henry to have a person operate an open bridge twenty-four hours during the evacuation before and during a conference call during a crisis, such as a hurricane.

** Councilmember Michetich made a motion to authorize the Mayor to execute the Galveston County Cooperative Evacuation Plan

** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**

f. Discussion/possible action regarding authorizing the Mayor to execute the Galveston County Cooperative Reentry Plan

** Councilwoman Mc Auliffe made a motion to authorize the Mayor to execute the Galveston County Cooperative Reentry Plan

** Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY**

g. Discussion/possible action regarding approval of a revision to the County Road Bond Project City of La Marque street improvements list to add Goliad Avenue in place of Sunset Lane

** Councilwoman Mc Auliffe made a motion to approve a revision to the County Road Bond Project City of La Marque street improvements list to add Goliad Avenue in place of Sunset Lane

** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

h. Discussion/possible action regarding approval of the Budget Calendar

** Councilmember Michetich made a motion to approve the Budget Calendar

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY** (meetings to begin at 10:00 a.m.)

i. Discussion/possible action to accept the City of La Marque Audited Comprehensive Annual Financial Report as of September 30, 2018

** Councilmember Michetich made a motion to accept the City of La Marque Audited Comprehensive Annual Financial Report as of September 30, 2018

** Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY**

(10) AGREEMENTS/CONTRACTS/BID AWARDS

a. Discussion/possible action regarding award of Bid **LM #11-19** to Grant Mackay Co. for the demolition of thirteen (13) substandard residential structures in the amount of \$69,800.00

** Councilmember Michetich made a motion to award Bid LM #11-19 to Grant Mackay Co. for the demolition of thirteen (13) substandard residential structures in the amount of \$69,800.00 – and removing 1409 Ross from the list and also including \$28,650.00 that EDC unanimously voted on to use Grant Mackay Co. to demolish 408-416 Laurel (LM #12-19).

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY**

(11) APPOINTMENTS

- a. Discussion/possible action regarding appointments and/or reappointments to fill various positions of the Boards and Commissions

** Councilwoman Mc Auliffe appointed Douglas Wayne Hobgood, Jr. to the Planning and Zoning Commission

** Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY**

(12) EXECUTIVE SESSION

There was no Executive Session

(13) ACTION TAKEN FROM EXECUTIVE SESSION
N/A

(14) REQUEST AND ANNOUNCEMENTS

Mayor Hocking reminded all of the Reception for the new City Manager is to immediately follow the meeting. On behalf of the City Council and City of La Marque, he sent deepest and heartfelt condolences to the family of Chris Reed, the Police Chief of Kemah who recently passed and then wished all a wonderful Juneteenth, and the festivities on the 22nd of June.

Councilmember Michetich wished all a Happy Father's Day.

(15) ADJOURNMENT

** Councilmember Lane made a motion to adjourn the meeting at 8:05 p.m.

** Mayor Pro-Tem Bell seconded. **MEETING ADJOURNED**

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

Robin Eldridge, TRMC, City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019
Prepared by: Robin Eldridge

Agenda item: 6b
Reviewed by: Charlene Warren
Charles Jackson

Department: City Clerk

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Resolution No. **R-2019-0014**, to deny CenterPoint Energy Houston Electric, LLC's request to increase its electric transmission and distribution rates within the City

X

ATTACHMENTS FOR REFERENCE

1. Resolution
2. Email from legal counsel (GCCC)
3. Model Staff Report

STAFF BRIEFING:

- CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company") has an electric rate increase pending
- The City is a member of a coalition of cities known as Gulf Coast Coalition of Cities (GCCC), whose primary focus is to advocate for the public interest before the Public Utility Commission (PUC)
- The Coalition has been in existence since the early 1990's
- GCCC working in conjunction with the City of Houston and the Texas Coast Utilities Coalition, have determined that CenterPoint's annual revenues should be decreased by about 200 million relative to their current level.
- City Council adopted Resolution No. R-2019-009, at the May 6, 2019 Special City Council Meeting suspending CenterPoint's application for a rate increase.
- According to CenterPoint, the impact on an average residential customer would be an increase of about \$2.38 per month
- Resolution also authorizes the hiring of Lloyd Gosselink and consultants to represent the City in this matter, and to negotiate on our behalf in settlement discussions, etc.
- If the City fails to take action before the effective date, CenterPoint's rate request is deemed approved.

HISTORY:

- The work undertaken by GCCC has saved ratepayers millions of dollars in unreasonable charges

TARGET IMPLEMENTATION:

SIGNIFICANT ACTION DATES:

5/6/2019 – City Council adopted a resolution suspending CenterPoint's application to increase rates

7/1/2019 – Received email to adopt a resolution to deny a CenterPoint Energy rate increase



CITY COUNCIL AGENDA FORM

8/8/2019 – Final action due by City to deny rates by adopting a Resolution

ACTION:

- | | |
|--|--|
| ☐ Ordinance | ☒ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Item #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Resolution No. **R-2019-0014**, to deny CenterPoint Energy Houston Electric, LLC's request to increase its electric transmission and distribution rates within the City

FISCAL IMPACT: Unknown at this time

RESOLUTION NO. R-2019-0014

A RESOLUTION OF THE CITY OF LA MARQUE, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about April 5, 2019, CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company"), pursuant to PURA §§ 33.001 and 36.001 filed with the City of La Marque ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective May 10, 2019; and

WHEREAS, the City is an electric utility customer of CenterPoint and a regulatory authority with exclusive original jurisdiction over the rates and charges of CenterPoint within the City; and

WHEREAS, the City is a member of the Gulf Coast Coalition of Cities ("GCCC"), a membership of similarly situated cities served by CenterPoint that have joined together to efficiently and cost-effectively review and respond to electric issues affecting rates charged in CenterPoint's service area; and

WHEREAS, GCCC is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review CenterPoint's filing; and

WHEREAS, the City, in a reasonably noticed meeting that was open to the public, considered the Company's application; and

WHEREAS, pursuant to its exclusive original jurisdiction over CenterPoint's rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's attorneys and consultants recommend that the City deny the application.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION 1. That the rates proposed by CenterPoint in an application submitted to the City by CenterPoint on or about April 5, 2019, are hereby found to be unreasonable, and are denied.

SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

SECTION 3. That GCCC's reasonable rate case expenses shall be reimbursed by CenterPoint within 30 days of presentation of an invoice to CenterPoint.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 5. A copy of this Resolution shall be sent to CenterPoint, care of Patrick Peters, CenterPoint Energy, Inc., 1005 Congress Avenue, Suite 650, Austin, Texas 78701 (patrick.peters@centerpointenergy.com), and to Chris Brewster at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (cbrewster@lglawfirm.com).

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque this _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Robin Eldridge

From: Judy McMahon <jmcmahon@lglawfirm.com> on behalf of Chris Brewster <CBrewster@lglawfirm.com>
Sent: Monday, July 1, 2019 3:23 PM
To: Alvin (Diane Harper); Alvin (Junru Roland); Alvin (Suzanne Hanneman); Brazos Country (Mary Lou Craig); Brookshire (Claudia Harrison); Brookshire (Eric Scott); Bunker Hill Village (Karen Glynn); Clear Lake Shores (Christy Stroup); Clear Lake Shores (Michael McNamara); Deer Park (Gary Jackson); Deer Park (Jay Stokes); Deer Park (Jim Fox); Dickinson (Alun Thomas); Dickinson (Chris Heard); Dickinson (Ron Morales); Friendswood (Mary Kay Fischer); Friendswood (Morad Kabiri); Fulshear (Aaron Groff); Fulshear (Brant Gary); Fulshear (Jack Harper); Fulshear (Kim Kopecky); Fulshear (Wes Vela); Galveston (Brian Maxwell); Galveston (Donald S. Glywasky); Galveston (Sally Bakko); Hedwig Village (Kelly Johnson); Hillshire Village and Piney Point Village (David Olson); Hilshire Village (Robin Border); Hilshire Village (Susan Blevins); Hunters Creek (Tom Fullen); Iowa Colony (Ron Cox); Iowa Colony/Oyster Creek (Larry R. Boyd); Jersey Village (Austin Bleess); Jersey Village (Lorri Coody); Kemah (Nick Haby); Kemah (Wendy Ellis); Charlene Todaro; Robin Eldridge; Lake Jackson (Bill Yenne); Lake Jackson (Modesto Mundo); Lake Jackson (Sherri Russell); Manvel (Bobby Gervais); Manvel (Kyle Jung); Manvel (Michael Higgins); Manvel (Tammy Bell); Missouri City (Allena Portis); Missouri City (Anthony Snipes); Missouri City (E. Joyce Iyamu); Mont Belvieu (Dalton Rice); Mont Belvieu (Nathan Watkins); Mont Belvieu (Scott Swigert); Morgan's Point (Brian Schneider); Nassau Bay (Csilla Ludanyi); Nassau Bay (Dick Gregg Jr.); Nassau Bay (Jason Reynolds); Nassau Bay (Mary Chambers); Nassau Bay (Sandra Ham)
Cc: Thomas Brocato; Hanna Campbell
Subject: ACTION REQUIRED: CenterPoint Electric Rate Case Denial Resolution
Attachments: Denial Resolution for CenterPoint Rate Case.DOCX; Model Staff Report Re Denial Resolution- 2019 CenterPoint Rate Case.DOC

Gulf Coast Coalition of Cities (GCCC) Members Served by CenterPoint Electric:

As you are aware, CenterPoint currently has an electric rate case pending. The PUC hearing in that case concluded on Friday afternoon, and post-hearing briefing is underway and will occur over the next two weeks. We expect a proposed decision from the Administrative Law Judges (ALJs) of the State Office of Administrative Hearings (SOAH) in mid-August, with PUC consideration of the ALJs' recommendation in the weeks that follow. GCCC, working in conjunction with the City of Houston and the Texas Coast Utilities Coalition, have determined that CenterPoint's annual revenues should be decreased by about \$200 million relative to their current level, and we litigated this position in last week's SOAH hearing.

Earlier this year, we advised cities to suspend CenterPoint's application for a rate increase for 90 days. **The time has now come for you to take final action on the Company's rate request at the City level.** For those cities who have retained original jurisdiction over CenterPoint Electric, I advise that you adopt the attached denial resolution. The purpose of this resolution is to deny the Company's proposed rates as unreasonable and excessive, as our analysis indicated that they are. We have also included a model staff report for your use. Previously, pursuant to your authority as the local regulator of CenterPoint, your city adopted a resolution that suspended the effective date of CenterPoint's proposed rate increase for an additional 90 days. **This means that your city must take final action on the Company's request by Thursday, August 8, 2019.**

The attached resolution accomplishes this. Once your Council adopts the resolution, please send it to us to and to CenterPoint, as directed in the resolution itself. CenterPoint will then appeal your denial to the PUC, and the PUC will render a decision that will apply to all of CenterPoint's electric service territory, both within cities and outside of

cities. Please call or email me if you have questions, or if you are concerned that you may not be able to take action by August 8.

Thanks - Chris



CHRIS BREWSTER

Principal

512-322-5831 Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

www.lglawfirm.com | 512-322-5800

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******ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT ******

A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO LEGAL COUNSEL.

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MODEL STAFF REPORT REGARDING CENTERPOINT’S REQUESTED RATE CHANGE

PURPOSE:

On April 5, 2019, CenterPoint Energy Houston Electric, LLC (“CenterPoint” or “Company”) filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$161 million per year. In the filing, the Company asks the City to approve an increase in \$154 million in retail transmission and distribution rates (an increase of about 7.4%) and \$6.8 million in wholesale transmission rates (an increase of about 1.8%). According to CenterPoint, the impact on an average residential customer would be an increase of about \$2.38 per month.

In a prior City action, CenterPoint’s rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with the Gulf Coast Coalition of Cities (“GCCC”), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by GCCC, CenterPoint’s request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by CenterPoint.

Explanation of “Be It Resolved” Sections:

1. This paragraph finds that the Company’s application is unreasonable and should be denied.
2. This section requires CenterPoint to maintain its existing rates within the City.
3. This section states that GCCC’s reasonable rate case expenses shall be reimbursed by CenterPoint within 30 days of presentation of an invoice to CenterPoint.
4. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
5. This section provides that the City will notify counsel for CenterPoint and counsel for GCCC of the City’s action by sending a copy of the approved and signed Resolution to each counsel.



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Prepared by: Chief Kirk Jackson

Agenda item: 8a

Reviewed by: Charlene Warren

Charles Jackson

Department: Police Department

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2019-005**, replacing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances of the City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours **THIS IS THE SECOND AND FINAL READING**



ATTACHMENTS FOR REFERENCE

1. Proposed ordinance with changes
2. Texas Local Government Code, Section 370.002
3. Previous version of the ordinance

STAFF BRIEFING:

- According to the Local Government Code, a Home-Ruled Municipality that adopts a "Juvenile Curfew Ordinance" shall review the effects on the community and/or on any problems the ordinance was intended to remedy.
 - This review should be done before the third anniversary date of the ordinance.
 - This item is presented in an effort to comply with the requirements set forth in the Local Government Code.
 - After a review of the ordinance, minor changes to verbiage and a change to State statute reference have been made.
 - The review of the ordinance was presented to Council in 2017 (see Significant Action Dates below).
 - A review of arguments for and against the perpetuation of the curfew ordinance has been conducted and it is the opinion of city administration that abolition of the ordinance would not be in the best interest of the citizens of La Marque.
 - The review of the ordinance is now presented to Council for adoption.
 - The City Attorney has reviewed the proposed ordinance.

TARGET IMPLEMENTATION: After an approval of a proposed ordinance on a First Reading, and conducting a Public Hearing and an approval of the ordinance on the Second Reading.

SIGNIFICANT ACTION DATES:

4/10/2017 - First Reading of a proposed ordinance passed unanimously

5/8/2017 - Second Reading of proposed ordinance was not held due to the regular meeting being cancelled

5/15/2017 - Second Reading of proposed ordinance not on meeting agenda

8/7/2017 - Second Reading of proposed ordinance tabled due to 120 day time limit exceeded



CITY COUNCIL AGENDA FORM

9/11/2017 - Ordinance First Reading was submitted for an agenda item; however, it was not included in the agenda.

3/11/2019 - Ordinance tabled for review and revision

6.10.2019 - Ordinance passed on First reading with a few minor changes

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-005**, replacing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances of the City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours
THIS IS THE SECOND AND FINAL READING

FISCAL IMPACT: No financial burden anticipated as a result of the ordinance.

ORDINANCE NO. O-2019-005

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REPLACING SEC. 44-2; CURFEW FOR MINORS, CHAPTER 44, OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS; AND IN ITS PLACE ADOPTING A NEW SEC. 44-2; ESTABLISHING A CURFEW FOR ANY PERSON UNDER THE AGE OF SEVENTEEN YEARS DURING CERTAIN HOURS; MAKING IT UNLAWFUL FOR ANY PARENT OR PERSON IN LOCO PARENTIS ENTITLED TO CUSTODY OR CONTROL OF A MINOR TO VIOLATE THIS SECTION AND PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of La Marque has a paramount responsibility to protect the juveniles within its City boundaries; and

WHEREAS, there is a potential relationship between an increased number of motor vehicle crashes involving juveniles and certain night time hours within the United States; and

WHEREAS, there is a potential relationship between an increased number of crimes involving juveniles and certain night time hours within the United States; and

WHEREAS, the City of La Marque wishes to promote the safety and the good order of the community by reducing the potential incidents of juvenile victims and juvenile criminal activity. NOW, THEREFORE

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

That Chapter 44, Section 44-2 of the Code of Ordinances of the City of La Marque is hereby replaced and in its place a new section 44-2 is hereby adopted which shall read as follows:

SECTION 44-2 (a) Curfew for Minors

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not mere directory.

DEFINITIONS: For the purposes of this section, the following words or terms shall have the meaning ascribed thereto:

- (1) **Establishment.** Any privately-owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

- (2) **Operator.** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause prescribing a penalty, the term as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.
- (3) **Parent.** Any natural parent of a minor, a legal guardian, or any adult person, eighteen (18) years or older, in whose care the minor has been placed by the natural parent or legal guardian.
- (4) **Public Place.** Any public street, highway, road, alley, park, playground, public building, parkway or vacant lot.
- (5) **Remain.** To stay behind, to tarry and stay unnecessarily upon a public place, including congregating in groups totaling four (4) or more minors in which any minor included would not be using the public place for any ordinary or serious purpose such as passage or going home. To implement this definition with more precision and precaution, numerous exceptions will be provided hereinafter to indicate that this is not a mere prohibitory or presence type curfew ordinance. More exceptions become available to minors with increasing years and advancing maturity as appropriate in the interest of reasonable regulation.
- (6) **Minor.** Any person under the age of seventeen (17) years of age.
- (7) **Official City Time.** The prevailing local standard of time at the date in question, whether Central Standard Time or Daylight Savings Time, as observed by the public. The time maintained by the La Marque Police Department shall be prima facie evidence of the time of day for continued implementation of this article.
- (8) **Years of Age.** This term means the time from one birthday, such as sixteen, to the next, but not including the date of the next birthday. Thus, upon a person's seventeenth birthday, he or she will cease to be a minor regulated by this ordinance.

SECTION 44-2 (b) CURFEW

- (a) It shall be unlawful for any person under seventeen (17) years of age to purposely remain, walk, run, stand, drive or ride about in or upon any public place in the City of La Marque between the hours of 11:00 p.m. and 6:00a.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on Friday or Saturday, times being local time in the City of La Marque; and,

- (b) 9:00 a.m. until 3:00 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday; provided, however, the hours defined in this paragraph shall not be considered as Curfew Hours for minors not subject to compulsory school attendance pursuant §25.085, Texas Education Code, nor shall the hours defined in this paragraph be considered as Curfew Hours on days or during periods in which the school where the applicable minor is enrolled have been canceled under the order and direction of officials authorized to issue such orders and directives.

SECTION 44-2 (c) EXCEPTIONS

In the following exceptional cases, a minor in or upon any public place or in and upon any establishment shall not be deemed in violation of this article; this section is intended as a clear general guide for minors, their parents, and enforcement officials.

- (1) When the minor is accompanied by his or her parent, legal guardian, or authorized adult supervisor;
- (2) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the rights of assembly. It shall be deemed a bona fide exercise of such rights if the assembly, whether parade or demonstration, is conducted pursuant to bona fide religious, social, or school activities, or has been permitted by the City of La Marque pursuant to the code of ordinances of the City of La Marque.
- (3) When engaged in performing an errand or other legitimate business at the direction of a parent, guardian, or supervisory adult, including travel to and from such location by a direct route;
- (4) When the minor is on the sidewalk at the place where such minor resides, or on the sidewalk of either next door neighbor, when said neighbor does not object to such presence;
- (5) When the minor is engaged in employment, or any employment activities;
- (6) If married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code;
- (7) All of the above cited exceptions to the curfew ordinance include travel to and from such activity by a direct route, and this article is in no way to be construed as a limitation upon normal travel by a minor engaged in interstate movement;

- (8) Each of the foregoing exceptions are severable and in addition other possible exceptions may be added hereto in the future as warranted by experience as illuminated by the views of student government associations, school personnel, citizens, neighborhood spokesman, parents, officers, and persons in authority concerned positively with minors as well as juvenile delinquency.

SECTION 44-2 (d) PARENTAL RESPONSIBILITY

It shall be unlawful for a parent knowingly to permit a minor in his or her care to be or remain in any public place or to be or remain in any establishment other than for exempt activities during the curfew hours established by this article. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in such parent's custody. It shall be prima facie evidence of violation of this section if a responsible parent has no knowledge of a minor's whereabouts during the hours of curfew established by this article.

SECTION 44-2 (e) POLICE PROCEDURE

- (a) A La Marque police officer, upon finding or having his or her attention called to any minor in or on a public place or in or on the premises of a business establishment in prima facie violation of this article, may, if there exists reasonable grounds to believe that the minor has engaged in delinquent conduct or conduct indicating a need for supervision in accordance with Section 51.03 and 52.01 of the Texas Family Code, take the minor into custody. A parent shall be immediately notified to pick up the minor upon his or her arrival to the La Marque Police Department. A police officer taking a minor into custody shall also have discretion to deliver such minor to a parent under circumstances deemed appropriate by the officer.
- (b) Upon picking up a minor in custody, said parent shall be questioned about the circumstances of such activity of the minor. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility for accurate, effective, fair, and impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities, and, if required, referral to social agencies equipped to handle family problems that may be disclosed by investigation. In the absence of convincing identification, a police officer on the street may use his or her best judgment in determining age. Police procedures shall be constantly refined in the light of experience, and changes herein may be made on the basis of such experience.

- (c) In any event, a police officer shall within twenty-four (24) hours file a written report on the minor incident or shall participate to the extent possible in the preparation and filing of such report by his supervisor.
- (d) When a parent has come to take charge of a minor and the appropriate information has been received, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to any adult blood relative. However, the police department shall have the discretion to refuse to turn the child over to persons other than the natural parents or legal guardians, if circumstances warrant such refusal in their opinion.
- (e) A La Marque police officer taking into custody a person younger than seventeen (17) years of age for violation of the curfew herein set, shall, without necessary delay:
 - 1. Release the person to the person's parent, guardian or custodian; or
 - 2. Take the person to a place designated as a juvenile curfew processing office by the La Marque Chief of Police; or
 - 3. Take the person before a justice or municipal court to answer the charge.

SECTION 44-2 (f) PENALTIES

Prevailing community standards as reflected by this article require the availability of criminal penalties in order for this article to be a viable instrument for the maintenance of such standards. Consequently, violation of this article by any person shall be deemed to be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00). Minors who shall violate the provisions of this article three (3) times shall be subject to appropriate action by juvenile authorities.

SECTION 44-2 (g) SEVERABILITY

Severability is intended throughout and within this article. If any provision, including any section, paragraph, sentence, clause, phrase or word or the application thereof to any person or circumstances is held invalid, the application to other persons or under other circumstances shall not be affected thereby and the validity of the provision in

any and all other respects shall not be affected thereby. It is intended that this provision be held inapplicable in any case if such exists, where its application would be unconstitutional construction hereof is intended and shall be given. There is no intent herein to violate either the Texas Constitution or the Constitution of the United States.

SECTION 44-2 (b) REVIEW OF JUVENILE ORDINANCE

Before the third anniversary of the date of an adoption of a juvenile curfew ordinance and every third year after, the governing body shall:

- (1) review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and
- (2) conduct public hearings on the need to continue the ordinance; and
- (3) abolish, continue, or modify the ordinance.

Failure to act in accordance with Section 44-2 shall cause the ordinance to expire upon the third anniversary date of adoption."

PASSED AND APPROVED by City Council of the City of La Marque on the first reading this 10th day of June 2019.

PASSED, APPROVED AND ADOPTED by City Council of the City of La Marque on the second reading this _____ day of _____ 2019.

Effective Date: This Ordinance will become effective on this the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE
TYPE OF LOCAL GOVERNMENT

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND
COUNTY HEALTH AND PUBLIC SAFETY

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR
ORDINANCE. (a) Before the third anniversary of the date of
adoption of a juvenile curfew ordinance by a general-law
municipality or a home-rule municipality or an order of a county
commissioners court, and every third year thereafter, the
governing body of the general-law municipality or home-rule
municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the
community and on problems the ordinance or order was intended to
remedy;

(2) conduct public hearings on the need to continue
the ordinance or order; and

(3) abolish, continue, or modify the ordinance or
order.

(b) Failure to act in accordance with Subsections (a)(1)-
(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31,
1995.

ORDINANCE NO. O-2014-005

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REPEALING SEC. 44-2; CURFEW FOR MINORS, CHAPTER 44, OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS; AND IN ITS PLACE ADOPTING A NEW SEC. 44-2; ESTABLISHING A CURFEW FOR ANY PERSON UNDER THE AGE OF SEVENTEEN YEARS DURING CERTAIN HOURS; MAKING IT UNLAWFUL FOR ANY PARENT OR PERSON IN LOCO PARENTIS ENTITLED TO CUSTODY OR CONTROL OF A MINOR TO VIOLATE THIS SECTION AND PROVIDING PENALTIES.

WHEREAS, there is a potential relationship between an increased number of crimes committed by juveniles and certain night time hours in the City of La Marque; and

WHEREAS, there is a potential relationship between an increased number of juvenile victims of crimes and certain night time hours in the City of La Marque;

WHEREAS, the City of La Marque wishes to promote the safety and the good order of the community by reducing the potential incidents of juvenile criminal activity and juvenile victims. NOW, THEREFORE

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

That Chapter 44, Section 44-2 of the Code of Ordinances of the City of La Marque is hereby repealed and in its place a new section 44-2 is hereby adopted which shall read as follows:

SECTION 44-2 (a) Curfew for Minors

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not mere directory.

DEFINITIONS: For the purposes of this section, the following words or terms shall have the meaning ascribed thereto:

(1) **Establishment.** Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

(2) **Operator.** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause prescribing a penalty, the term as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

(3) **Parent.** Any natural parent of a minor, a legal guardian, or any adult person, eighteen (18) years or older, in whose care the minor has been placed by the natural parent or legal guardian.

(4) **Public Place.** Any public street, highway, road, alley, park, playground, public building, parkway or vacant lot.

(5) **Remain.** To stay behind, to tarry and stay unnecessarily upon a public place, including congregating in groups totaling four (4) or more minors in which any minor included would not be using the public place or any ordinary or serious purpose such as passage or going home. To implement this definition with more precision and precaution, numerous exceptions will be provided hereinafter to indicate that this is not a mere prohibitory or presence type curfew ordinance. More exceptions become available to minors with increasing years and advancing maturity as appropriate in the interest of reasonable regulation.

(6) **Minor.** Any person under the age of seventeen (17) years of age.

(7) **Official City Time.** The prevailing local standard of time at the date in question, whether Central Standard Time or Daylight Savings Time, as observed by the public. The time maintained by the La Marque Police Department shall be prima facie evidence of the time of day for continued implementation of this article.

(8) **Years of Age.** This term means the time from one birthday, such as sixteen, to the next, but not including the date of the next birthday. Thus, upon a person's seventeenth birthday, he or she will cease to be a minor regulated by this ordinance.

SECTION 44-2 (b) CURFEW

(a) It shall be unlawful for any person under seventeen (17) years of age to purposely remain, walk, run, stand, drive or ride about in or upon any public place in the City of La Marque between the hours of 10:30 p.m. and 6:00 a.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on Friday or Saturday, times being local time in the City of La Marque; and,

(b) 8:00 a.m. until 3:00 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday; provided, however, the hours defined in this paragraph (1) shall not be considered as Curfew Hours for minors not subject to compulsory school attendance pursuant §21.032, Texas Education Code, nor shall the hours defined in this paragraph (1) be considered as Curfew Hours on days or during periods in which the school where the applicable minor is enrolled have been canceled under the order and direction of officials authorized to issue such orders and directives.

SECTION 44-2 (c) EXCEPTIONS

In the following exceptional cases, a minor in or upon any public place or in and upon any establishment shall not be deemed in violation of this article; this section is intended as a clear general guide for minors, their parents, and enforcement officials.

- (1) When the minor is accompanied by his or her parent, legal guardian, or authorized adult supervisor;
- (2) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the rights of assembly. It shall be deemed a bona fide exercise of such rights if the assembly, whether parade or demonstration, is

conducted pursuant to bona fide religious, social, or school activities, or has been permitted by the City of La Marque pursuant to the code of ordinances of the City of La Marque.

- (3) When engaged in performing an errand or other legitimate business at the direction of a parent, guardian, or supervisory adult, including travel to and from such location by a direct route;
- (4) When the minor is on the sidewalk at the place where such minor resides, or on the sidewalk of either next door neighbor, when said neighbor does not object such presence;
- (5) When the minor is engaged in employment activities, such as, but not restricted to, newspaper delivery;
- (6) If married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code;
- (7) All of the above cited exceptions to the curfew ordinance include travel to and from such activity by a direct route, and this article is in no way to be construed as a limitation upon normal travel by a minor engaged in interstate movement;
- (8) Each of the foregoing exceptions are severable and in addition other possible exceptions may be added hereto in the future as warranted by experience as illuminated by the views of student government associations, school personnel, citizens, neighborhood spokesman, parents, officers, and persons in authority concerned positively with minors as well as juvenile delinquency.

SECTION 44-2 (d) PARENTAL RESPONSIBILITY

It shall be unlawful for a parent knowingly to permit a minor in his or her care to be or remain in any public place or to be or remain in any establishment other than for exempt activities during the curfew hours established by this article. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in such parent's custody. It shall be prima facie evidence of violation of this section if a responsible parent has no knowledge of a minor's whereabouts during the hours of curfew established by this article.

SECTION 44-2 (e) POLICE PROCEDURE

- (a) A La Marque police officer, upon finding or having his or her attention called to any minor in or on a public place or in or on the premises of a business establishment in prima facie violation of this article, may, if there exists reasonable grounds to believe that the minor has engaged in delinquent conduct or conduct indicating a need for supervision in accordance with Section 51.03 and 52.01 of the Texas Family Code, take the minor into custody. A parent shall be immediately notified to pick up the minor upon his or her arrival to the La Marque Police Department. A police officer taking a minor into custody shall also have discretion to deliver such minor to a parent under circumstances deemed appropriate by the officer.
- (b) Upon picking up a minor in custody, said parent shall be interrogated about the circumstances of such activity of the minor. This is intended to permit ascertainment, under constitutional

safeguards, of relevant facts, and to centralize responsibility for accurate, effective, fair, and impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities, and, if required, referral to social agencies equipped to handle family problems that may be disclosed by investigation. In the absence of convincing identification, a police officer on the street may use his or her best judgment in determining age. Police procedures shall be constantly refined in the light of experience, and changes herein may be made on the basis of such experience.

- (c) In any event, a police officer shall within twenty-four (24) hours file a written report on the minor incident or shall participate to the extent possible in the preparation and filing of such report by his supervisor.
- (d) When a parent has come to take charge of a minor and the appropriate information has been received, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to any adult blood relative. However, the police department shall have the discretion to refuse to turn the child over to persons other than the natural parents or legal guardians, if circumstances warrant such refusal in their opinion.
- (e) In the case of a violation of a minor not resulting in custody at the La Marque Police Department, the police department shall by certified mail notify the minor's parents of the violation of the minor and include a warning that subsequent violations will result in full enforcement of this article, including the enforcement of parental responsibility by criminal action.
- (f) A La Marque police officer taking into custody a person younger than seventeen (17) years of age for violation of the curfew herein set, shall, without necessary delay:
 - 1. Release the person to the person's parent, guardian or custodian;
 - 2. Take the person before a justice or municipal court to answer the charge; or
 - 3. Take the person to a place designated as a juvenile curfew processing office by the La Marque Chief of Police.

SECTION 44-2 (f) PENALTIES

Prevailing community standards as reflected by this article require the availability of criminal penalties in order for this article to be a viable instrument for the maintenance of such standards. Consequently, violation of this article by any person shall be deemed to be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00). Minors who shall violate the provisions of this article three (3) times shall be subject to appropriate action by juvenile authorities.

SECTION 44-2 (g) SEVERABILITY

Severability is intended throughout and within this article. If any provision, including any section, paragraph, sentence, clause, phrase or word or the application thereof to any person or circumstances is held invalid, the application to other persons or under other circumstances shall not be affected thereby and the validity of the provision in any and all other respects shall not be affected thereby. It is intended that this provision be held inapplicable in any case if such exists, where its application would be

unconstitutional construction hereof is intended and shall be given. There is no intent herein to violate either the Texas Constitution or the Constitution of the United States.

SECTION 44-2 (h) REVIEW OF JUVENILE ORDINANCE

Before the third anniversary of the date of an adoption of a juvenile curfew ordinance and every third year after, the governing body shall:

- (1) review the ordinance's effects on the community and on problems the ordinance was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance; and
- (3) abolish, continue, or modify the ordinance.

Failure to act in accordance with Section 44-2 shall cause the ordinance to expire upon the third anniversary date of adoption."

PASSED AND APPROVED on the first reading this 24th day of February 2014.

PASSED AND APPROVED on the second reading this ____ day of ____ 2014.

Bobby Hocking, Mayor
City of La Marque, Texas

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

ATTEST:

Robin Eldridge, City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Prepared by: Chaise Cary

Agenda item: 8b

Reviewed by: Charlene Warren/

Charles Jackson

Department: Public Works

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2019-008**, amending Chapter 68, Article V, Section 68-138(b), of the Code of Ordinances of the City of La Marque, Texas; to adopt the revised Drought Contingency Plan completed by LJA Engineering. **THIS IS THE SECOND AND FINAL READING**

☒

ATTACHMENTS FOR REFERENCE:

1. Ordinance
2. Drought Contingency Plan
3. Current Ordinance

STAFF BRIEFING:

- The Drought Contingency Plan, also known as the Emergency Demand Management Plan, is a combination of strategies for responding to temporary and potentially recurring water supply shortages and for other supply emergencies
- Texas Water Development Board, TCEQ, and Gulf Coast Water Authority require the plans to be submitted

HISTORY:

- The City of La Marque's current Drought Contingency Plan was completed in April of 2014 and expired in May of 2019
- LJA Engineering completed the last (4) Water Conservation/ Drought Contingency Plans for the City of La Marque, dating back to 2004

TARGET IMPLEMENTATION: July 8, 2019

SIGNIFICANT ACTION DATES:

6/10/2019 - First reading of proposed Ordinance

7/08/2019 - Second reading of proposed Ordinance



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other-Agreement | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	5,000.00
Actual Bid	N/A
Estimated Expenditure	2,500.00
Acct. Name(s)	Dues
Line Item #	02-4071-24-00
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-008**, amending Chapter 68, Article V, Section 68-138(b), of the Code of Ordinances of the City of La Marque, Texas; to adopt the revised Drought Contingency Plan completed by LJA Engineering **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: \$2,500.00 for preparation of Drought Contingency Plan by LJA Engineering

ORDINANCE NO. O-2019-008

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS AMENDING CHAPTER 68, ARTICLE V, SECTION 68-138 (b), OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS, TO ADOPT THE REVISED DROUGHT CONTINGENCY PLAN

WHEREAS, the City of La Marque recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other act of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 and subchapter A of Chapter 288 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of La Marque, Texas, the City deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

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

SECTION 1. That the Drought Contingency Plan attached hereto as Exhibit A and made part hereof for all purposes be, and the same is hereby adopted as, the official policy of the City of La Marque.

SECTION 2. That the Director is hereby directed to implement, administer and enforce the Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by City Council of the City of La Marque on the FIRST reading on this the 10th day of June 2019.

PASSED, APPROVED AND ADOPTED by City Council of the City of La Marque on the SECOND and FINAL Reading on this the ____ day of _____, 2019.

Page 2, Ordinance No. O-2019-008
Drought Contingency Plan

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

Page 2, Ordinance No. O-2019-00
Drought Contingency

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

DROUGHT CONTINGENCY PLAN



APRIL 2019

LJA Project E019-0001

Prepared by:

LJA Engineering, Inc.
11821 East Freeway, Suite 360
Houston, Texas 77029
Ph: 713-450-1300
Fax: 713-450-1385



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INTRODUCTION

Section I. Description and Location

The City of La Marque is an incorporated City approximately 38 miles southeast of downtown Houston. La Marque contains about thirteen and one-quarter square miles of property within central Galveston County. The City lies on the mainland portion of Galveston County and is bounded on the north and east by the City of Texas City, on the west by the City of Santa Fe, and on the south by the City of Hitchcock and an unincorporated section of Galveston County.

The City of La Marque is primarily a residential community with few commercial and industrial customers.

Section II. Population

The 2018 population estimate is 15,912 (based on information from the United States Census Bureau).

Section III. Boundaries and Political Jurisdictions

The City of La Marque is located in northwestern Galveston County approximately thirty-eight (38) miles southeast of downtown Houston. The City is bounded on Interstate Highway 45, State Highway 3, and Farm roads 519, 1765, and 2004.

Section IV. Water Source

The City of La Marque's potable water is supplied from two sources. The first is the surface water supply purchased and furnished by the Gulf Coast Water Authority's (G.C.W.A.) surface water treatment plant located in Texas City, Texas. The surface water source provides the City with 95% of their potable water, and the other source is from ground water (well water) which provides the remaining 5%.

The City of La Marque also has two (2) water wells to provide potable water to its customers during high demand and emergency conditions. The well is capable of producing 1,225 gpm (1.764 MGD). The well water is obtained from the Gulf Coast Aquifer, and the wells are permitted by the Harris-Galveston Subsidence District.

Section V. Mission Statement

The primary mission of the Utility is as follows:

- Provide adequate water volume and pressure for firefighting
- Provide potable water for public consumption, public safety, and welfare
- Provide quality service



The intent of the City of La Marque's Drought Contingency Plan will be to reduce unnecessary consumption of water by implementing efficient water use practices in times needed. Currently, the City has no shortage of water; however, the City recognizes the benefits of having a plan should a drought occur.

Section VI. Critical Customers

The City has no dominant "critical" customers with the exception of the school system, day care facilities. There are no hospitals, nursing centers or major commercial or industrial installations. The City does not know of any customer who is water dependent for life support or medical reasons that live within the City.

Section VII. Goal

The goal of the City's Drought Contingency Plan will be to provide temporary procedures for mandatory and voluntary action, which will reduce demand on the water supply system during a water shortage situation. The Plan will include mechanisms for prohibiting certain other uses during emergency water shortages.



DROUGHT CONTINGENCY PLAN

Section I. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of the water supply facilities, with particular regard for domestic water use, sanitation and fire protection, and to protect and preserve public health, welfare and safety, and to minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of La Marque hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (Plan) are considered to be non-essential and continuation of such uses during times of water shortage, or other emergency water supply conditions, are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of the Plan.

Section II. Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of scheduling a meeting to receive comments, input, notifying the public by notices in the local paper, postings at City Hall, and by utilizing the local radio stations.

Section III. Public Education

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of:

- Utility bill inserts
- Direct mailing
- Sponsor school programs to promote Water Conservation Education
- Newspaper advertisement/school function directories (i.e., football programs, ads-yearbook, ads-FFA and 4-H programs)
- Distribute and have available brochures on water conservation

Section IV. Coordination with Regional Water Planning Groups

The service area of the City is located within the Houston Region (H), and the City has provided a copy of this Plan to the Houston Region (H), Regional Water Planning Group, which is headed by Mr. Mark Evans, with North Harris County Regional Water Authority. Mr. Evans may be contacted at (281) 440-3924.



Section V. Authorization

The City's Director of Public Works or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon a determination that such implementation is necessary to protect public health, safety, and welfare. The City's Director of Public Works or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI. Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City. The terms "persons" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII. Definitions

For the purposes of this Plan the following definitions shall apply:

Aesthetic Water Use: Water use for ornamental or decorative purposes such as fountains, reflecting pools and water gardens.

Mayor: Chief executive for the City.

Commercial and Institutional Water Use: Water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants and office buildings.

Conservation: Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: Any person, company or organization using water supplied by the City.

Designee: Any City employee designated by the Mayor and/or City Manager with the authority to enforce the Drought Contingency Plan.

Domestic Water Use: Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Even Number Address: Street addresses, box numbers or rural postal route numbers ending in 0, 2, 4, 6 or 8 and locations without addresses.



City Manager: Manages all departments of the City and is responsible to the City Council Members.

Odd Number Address: Street addresses, box numbers or rural postal route numbers ending in 1, 3, 5, 7 or 9.

Industrial Water Use: The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscaping Irrigation Use: Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-Essential Water Use: Water uses that are not essential or required for the protection of public health, safety, and welfare, including:

1. Irrigation of landscape areas, including parks, athletic fields and golf courses, except where otherwise provided under the Plan.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle.
3. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas.
4. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
5. Flushing gutters or permitting water to run or accumulate in any gutter or street.
6. Use of water to fill, refill or add to any indoor or outdoor swimming pools or Jacuzzi-type pools.
7. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
8. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak(s).
9. Use of water from hydrants for construction purposes or any other purposes than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.



Section VIII. Criteria for Initiation and Termination of Drought Response Stages

The City's Director of Public Works and his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is when the specified "triggers" are reached.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for Initiation: Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII-Definitions, when:

1. The City of Houston's Surface Water Treatment Plants curtail production and/or delivery or if the distribution system is compromised.
2. Average daily water consumption reaches 85% of production capacity for three (3) days.
3. The static level of the water wells begins to fall below normal operating conditions.
4. Weather conditions are to be considered in drought classification determinations. Predicted long cold or dry periods and conditions are to be considered in impact analysis.

Requirements for Termination: Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 2 Triggers - MODERATE Water Shortage Conditions

Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of the Plan when:

1. The City of Houston's Surface Water Treatment Plants curtail production and/or delivery.
2. The static water level in the wells continues to decline.
3. Average daily water consumption reaches 100% of the rated production capacity for a three-day period.
4. Storage capacity (water level) is not being maintained during a period of 100% rated production period.
5. Weather conditions indicate that a mild drought will exist for several days.

Requirements for Termination: Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions



Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of the Plan when:

1. The City of Houston's Surface Water Treatment Plants curtail production and/or delivery.
2. The average daily water consumption exceeds the system's capacity.
3. The average daily water consumption will not enable storage levels to be maintained.
4. System demand exceeds high service pump capacity.
5. Failure of the water well system or distribution system.
6. Water system is contaminated either accidentally or intentionally.
7. Water system fails from "acts of God" (tornados, hurricanes) or man. Severe condition is reached immediately upon detection.

Requirements for Termination: Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions for Stage 4 of the Plan when the Director of Public Works or his/her designee determines that a water supply emergency exists based on:

8. Raw water from Lake Houston or Trinity River via the Coastal Water Authority (CWA) is contaminated and/or the raw water conveyance system is compromised.
9. City of Houston's Surface Water Treatment Plants are rendered inoperable due to "acts of God" such as hurricanes, tornadoes and major storms.
10. Major water main break or system failures occur, which causes unprecedented loss of capability to provide adequate water service.
11. Water system is contaminated either accidentally or intentionally (biologically or chemically).
1. Water system is rendered inoperable or unreliable due to terrorist activity.

Requirements for Termination: Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for Initiation: Customers shall be required to comply with the requirements



and restrictions for Stage 5 of this Plan when the City's Public Works Director, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line break which causes unprecedented loss of capability to provide water service.
2. Water system fails from "acts of God" (hurricanes, tornados).
3. Water system is contaminated either accidentally or intentionally.
4. Water system is rendered inactive due to terrorist activity.
5. City of Houston's Surface Water Treatment Plant facilities are rendered inoperable due to "acts of God" such as hurricanes, tornadoes and major storms.

Requirements for Termination: Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 6 Triggers – WATER ALLOCATION

Requirements for Initiation: Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with requirements and restrictions for Stage 5 of this Plan when:

1. The City of Houston's Surface Water Treatment Plant curtails production and/or Delivery.
2. Average daily water consumption reaches 100% of production capacity for three (3) consecutive days.
3. Static level in the City's water wells falls to a critical level.
4. Weather predictions are for continued dry weather with no letup in sight.

Requirements for Termination: Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Section IX. Drought Response Stages

The City's Director of Public Works or his/her designee shall monitor water supply and/or demand conditions on a daily basis and in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe or emergency water shortage condition exists and shall implement the following notification procedures:

Notification



Notification of the Public: The City's Director of Public Works or his/her designee shall notify the public by means of:

- Publication in a newspaper of general circulation
- Direct mail to each customer
- Public service announcements
- Signs posted in public places
- Take-home fliers from schools

Additional Notification: The City's Director of Public Works or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities based upon the respective drought stages:

- Fire Chief(s)
- TCEQ (required when **mandatory** restrictions are imposed)
- Major water users
- Critical water users, i.e., hospitals and schools
- Parks/street superintendents and public facilities managers
- City and/or County emergency management coordinators

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary 10% reduction in total daily water consumption.

Best Management Practices for Supply Management:

1. Develop an information center and designate information person.
2. Advise public of condition and publicize the availability of information from the center.
3. Encourage voluntary reduction of water use.
4. Contact commercial and industrial users and explain the necessity for the initiation of strict conservation methods.
5. Implementation of system oversight and make adjustments as required to meet changing conditions.
6. Discontinue flushing of water mains.

Voluntary Water Use Restrictions for Reducing Demand:



1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
2. All operations of the City shall adhere to water use restrictions prescribed in Stage 2 of the Plan.
3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a 15% reduction in total daily water demand

Best Management Practices for Supply Management:

1. The city will reduce or discontinue flushing water mains.
2. Reduce or discontinue irrigation of landscape areas.
3. During winter months, request that customers insulate pipes rather than running their water to prevent freezing.

Water Use Restrictions for Reducing Demand: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing,



when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. Use of water from hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain public health, safety, and welfare, with the exception of the use of water from designated fire hydrants for construction purposes allowed under special permit from the City.
6. The following uses of water are defined as non-essential and are prohibited:
 - a. Wash down of any sidewalks, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - c. Use of water for dust control.
 - d. Flushing gutters or permitting water to run or accumulate in any gutter or street
 - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a 25% reduction in total daily consumption (i.e. total water use, daily water demand, etc.).

Best Management Practices for Supply Management:

1. The City will reduce or discontinue flushing water mains.
2. Reduce or discontinue irrigation of landscape areas.
3. During winter months, request that customers insulate pipes rather than running their water to prevent freezing.



Water Use Restrictions for Reducing Demand: All requirements of Stage 2 shall remain in effect during Stage 3 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 A.M. and between 8:00 P.M. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety and welfare are prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 A.M. and 10:00 A.M. and between 6:00 P.M. and 10:00 P.M.
3. The filling, refilling or adding water to swimming pools, wading pools, and Jacuzzi-type pools are prohibited.
4. No application for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.
5. The use of water for construction purposes from designated fire hydrants under the special permit is to be discontinued.
6. All restaurants are prohibited from serving water to patrons except upon request.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a 35% reduction in total daily consumption (i.e. total water use, daily water demand, etc.).

Best Management Practices for Supply Management:

1. The City will reduce or discontinue flushing water mains.
2. Reduce or discontinue irrigation of landscape areas.
3. During winter months, request that customers insulate pipes rather than running their water to prevent freezing.

Water Use Restrictions for Reducing Demand: All requirements of Stage 3 shall remain in effect during Stage 4 except:

1. Irrigation of landscaped areas is absolutely prohibited.



2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle and/or construction equipment is prohibited.
3. No application for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be approved.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a 50% reduction in total daily consumption.

Best Management Practices for Supply Management:

1. Discontinue flushing water mains unless there are health concerns.
2. Discontinue irrigation of the City’s landscape areas.
3. No application for new, additional, expanded or increase-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be approved.

Stage 6 Response – Water Allocation

In the event that water shortage conditions threaten public health, safety and welfare, the Director of Public Works or his/her designee is hereby authorized to allocate water according to the following water allocation plan.

Single Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

<u>Persons per Household</u>	<u>Gallons per Month</u>
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per Household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the City



of a greater number of persons per household on a form prescribed by the Director of Public Works. The Director of Public Works shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go the City of La Marque offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Director of Public Works. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of La Marque on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of La Marque in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the Director of Public Works shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of La Marque of a reduction in the number of persons in the household shall be fined not less than \$200.00.

Residential water customers shall pay the following surcharges:

- \$100 for the first 1,000 gallons over allocation
- \$200 for the second 1,000 gallons over allocation
- \$300 for the third 1,000 gallons over allocation
- \$400 for each additional 1,000 gallons over allocation

Surcharges shall be cumulative.



Commercial Customers

A monthly water allocation shall be established by the Director of Public Works or his/her designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage of the billing period of the same month in the previous year. If the customer's billing history is less than a year, the monthly average of the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer 75% of whose monthly usage is less than 6,000 gallons shall be allocated 6,000 gallons. The Director of Public Works shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of La Marque to determine the allocation. Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased if: 1) the designated period does not accurately reflect the customer's normal water usage; 2) one non-residential customer agrees to transfer part of its allocation to another non-residential customer or; 3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Director of Public Works and/or his/her designee. Non-residential commercial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 10,000 gallons per month:

- \$100 per 1,000 gallons for the first 1,000 gallons over allocation
- \$200 per 1,000 gallons for the second 1,000 gallons over allocation
- \$300 per 1,000 gallons for the third 1,000 gallons over allocation
- \$400 per 1,000 gallons for each additional 1,000 gallons over allocation

Customers whose allocation is 10,001 gallons per month or more:

- 5 times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation
- 10 times the block rate for each 1,000 gallons from 5% through 10% above allocation
- 15 times the block rate for each 1,000 gallons from 10% through 15% above allocation
- 20 times the block rate for each 1,000 gallons more than 15% above allocation

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers



A monthly water allocation shall be established by the Director of Public Works or his/her designee for each industrial customer which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The Director of Public Works shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of La Marque to determine the allocation. Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased if: 1) the designated period does not accurately reflect the customer's normal water use because the customer had shut down a major processing unit for repair or overhaul during the period; 2) the customer has added or is in the process of adding significant additional processing capacity; 3) the customer has previously implemented significant permanent water conservation measures so as to limit the ability to further reduce water use; 5) the customer agrees to transfer part of its allocation to another industrial customer; or 6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Director of Public Works and/or his/her designee. Industrial customers shall pay the following surcharges.

Customers whose allocation is 6,000 gallons through 10,000 gallons per month:

- \$300 per 1,000 gallons for the first 1,000 gallons over allocation
- \$400 per 1,000 gallons for the second 1,000 gallons over allocation
- \$500 per 1,000 gallons for the third 1,000 gallons over allocation
- \$600 per 1,000 gallons for each additional 1,000 gallons over allocation

Customers whose allocation is 10,001 gallons per month or more:

- 10 times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation
- 15 times the block rate for each 1,000 gallons from 5% through 10% above allocation
- 20 times the block rate for each 1,000 gallons from 10% through 15% above allocation
- 25 times the block rate for each 1,000 gallons more than 15% above allocation



The surcharges shall be cumulative. As used herein, “block rate” means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer’s allocation.

Section X. Enforcement

1. No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City’s Director of Public Works or his/her designee, in accordance with provisions of the Plan.
2. Any person who violates the Plan is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00) each day that one or more of the provisions in the Plan is violated. Each violation shall constitute a separate offense. If a person is convicted of three or more distinct violations of the Plan, the Director of Public Works shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$200, and any other costs incurred by the City in discontinuing a service. In addition, suitable assurance must be given to the City’s Director of Public Works that the same action shall not be repeated while the Plan is in effect. Compliance with the Plan may also be sought through injunctive relief in the Municipal Court.
3. Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person’s property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation committed by a child occurred on property within the parent’s control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of the Plan and that the parent could not have reasonably known of the violation.
4. Any employee of the City, police officer, or other City employee designated by the City’s Director of Public Works may issue a citation to a person he/she reasonably believes to be in



violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the designated Municipal Court on the date shown on the citation, which date shall not be less than three (3) days or more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's residence. The alleged violator shall appear in the Municipal Court designated on the citation to enter a plea of guilty or not guilty for the violation of the Plan. If the alleged violator fails to appear in the Municipal Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and, if possible, given preferential setting in Municipal Court before all other cases.

Section XI. Variances

The City's Director of Public Works or his/her designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under the Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- a. Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City's Director of Public Works or his/her designee and shall include the following:

- a. Name and address of the petitioner(s).
- b. Purpose of water use.
- c. Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- e. Description of the relief requested.
- f. Period of time for which the variance is sought.
- g. Alternative water use restrictions or other measures how the petitioner is taking or proposes to take to meet the intent of the Plan and the compliance date.



h. Other pertinent information.

EXHIBIT A

CITY ORDINANCE FOR ADOPTION OF A DROUGHT CONTINGENCY

**CITY ORDINANCE FOR ADOPTION OF A
DROUGHT CONTINGENCY PLAN**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LA MARQUE ADOPTING A DROUGHT
CONTINGENCY PLAN**

WHEREAS, the City of La Marque recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other act of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 and subchapter A of Chapter 288 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of La Marque, Texas, the City deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

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

SECTION 1. That the Drought Contingency Plan attached hereto as Exhibit A and made part hereof for all purposes be, and the same is hereby adopted as, the official policy of the City of La Marque.

SECTION 2. That the Director is hereby directed to implement, administer and enforce the Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE CITY OF LA MARQUE _____ DAY OF _____
2019.

Bobby Hocking, Mayor

ATTESTED TO:

Robin Eldridge, City Clerk

ARTICLE V. - WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN^[4]

--- (4) ---

State Law reference— Public water suppliers required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; drought contingency plans for municipal uses by public water suppliers, 30 Tex. Admin. Code § 288.20.

Sec. 68-138. - Adopted.

- (a) The City of La Marque, Texas, Revised Water Conservation Plan attached hereto as Exhibit "A" is hereby adopted.
- (b) The City of La Marque, Texas, Drought Contingency Plan attached hereto as Exhibit "A" is hereby adopted.

(Ord. No. 869, § 1, 9-13-1999; Ord. No. 1022, 8-10-2009; Ord. No. O-2014-0012, 7-14-2014; Ord. No. O-2014-0019, 9-22-2014)

Sec. 68-139. - Trigger conditions.

Actions shall be taken by the city when certain trigger conditions, as hereinafter described, are met. Trigger conditions for the city shall be based on the city's ability to receive water from the Galveston County Water Authority (GCWA). Production amounts shall be based on a seven-day average daily demand. The following trigger conditions are hereby established:

- (1) *Mild conditions.* Daily water demand reaches 1.8 mgd (about 90 per cent of the city's capacity) and appears to be increasing or there is a probability for demand increases.
- (2) *Moderate conditions.* Daily water demand reaches 2.0 mgd (100 percent of the city's capacity).
- (3) *Severe conditions:*
 - a. Daily water demand exceeds city's capacity.
 - b. The eminent or actual failure of a component of the system will cause an immediate health or safety hazard.

(Code 1972, § 21-71; Ord. No. 814, § 1)

Sec. 68-140. - Resulting actions from reaching trigger conditions.

The following actions shall be taken by the city staff when each of the following trigger conditions is reached:

- (1) *Mild conditions.* Inform the public through the news media that a trigger condition has been reached and suggest to the public ways to voluntarily reduce water use.
- (2) *Moderate conditions:*
 - a. [Institute] mandatory lawn watering schedule.
 - b. Assess fines to water users.
 - c. Institute an excessive use fee, special pricing structure, or surcharge.
 - d. Prohibit certain uses, such as ornamental water fountains or other nonessential water uses.

- e. Request industries or other nonmunicipal water users to stop certain uses, find alternative sources, increase recycling, or modify production processes where possible.
- f. Initiate emergency water supply contract.

(3) *Severe conditions:*

- a. Prohibit all outdoor water use.
- b. Limit the amount of water each customer can use and take legal action as needed to secure compliance.
- c. Require industrial or commercial water users to stop operations so that remaining water is available for essential health and safety related uses.

(Code 1972, § 21-72; Ord. No. 814, § 2)

Sec. 68-141. - Information and education.

As soon as it is adopted and on a periodic basis, the emergency water demand plan shall be presented to the public through news media, public meetings, and inserts in the monthly water bills.

(Code 1972, § 21-73; Ord. No. 814, § 3)

Sec. 68-142. - Initiation procedures.

The director of utilities will monitor the water usage and utility system condition. When a trigger condition is reached, the city manager will be notified and will initiate the management plan. The following written procedures and documents shall be available to the city manager:

- (1) Automatic regulatory implementation provisions;
- (2) Prearranged media notification or press release procedures;
- (3) Direct notification procedures, including mail or, if needed, telephone notification systems;
- (4) Prearranged contract procedures to obtain emergency water supplied from other sources if needed; and
- (5) Checklists or operating procedures as necessary.

(Code 1972, § 21-74; Ord. No. 814, § 4)

Sec. 68-143. - Termination of conditions.

The director of utilities shall continue to monitor the emergency plan until satisfied that the emergency situation has passed, at which time the city manager will be notified. The city manager will inform the public through the newspaper.

(Code 1972, § 21-75; Ord. No. 814, § 5)

Sec. 68-144. - Implementation.

The plan shall be implemented through its [the] adoption of a resolution by the city council and the passage of an ordinance.

(Code 1972, § 21-76; Ord. No. 814, § 6)

Sec. 68-145. - Violation, penalty.

- (a) All violations of the provisions hereof shall be punishable by a fine not to exceed the maximum allowed by law. Each day's violation shall be and constitute a separate offense.
- (b) Continued violation of these provisions may result in termination of water service for the violation at the discretion of the city council.

(Code 1972, § 21-77; Ord. No. 814, § 7)

Secs. 68-146—68-173. - Reserved.



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019
Prepared by: Chief Kirk Jackson

Agenda item: 8c
Reviewed by: Charlene Warren/
Charles Jackson

Department: Police

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding Ordinance No. **O-2019-009**, amending Article III, SPEED REGULATIONS of the Code of Ordinances of the City of La Marque, Texas, Section 62-88, reducing the speed limit on the Northbound main lanes and Southbound main lanes of IH45 from 65 mph to 55 mph, and reducing the speed limit on the Northbound Frontage Road and the Southbound Frontage Road from 50 mph to 45 mph, until the completion of the freeway expansion project by the Texas Department of Transportation **THIS IS THE SECOND AND FINAL READING**



ATTACHMENTS FOR REFERENCE

1. Proposed Ordinance
2. Texas Department of Transportation Form No. 1204 (Request for Regulatory Construction Speed Zone)
3. Texas Department of Transportation Title Sheet (Plans of Proposed State Highway Improvement)

STAFF BRIEFING:

- City of La Marque has approximately 5.5 miles of IH-45 within the corporate limits.
- Texas Department of Transportation is responsible for the maintenance and construction of IH-45.
- Texas Department of Transportation is engaged in an IH-45 expansion project that started near the Galveston County-Harris County line.
- City of La Marque was notified of the expansion project beginning in the city limits and has been asked to reduce the speed limits on the main lanes and frontage roads of IH-45 for the duration of the expansion project in La Marque.
- The project will affect the main lanes and frontage roads from FM 1764, on the northernmost city limit, to FM 519, on the southernmost city limit.
- The proposed ordinance has been reviewed and approved by the City Attorney.

HISTORY:

4/22/2019 - City of La Marque received the notice of scheduled construction.

TARGET IMPLEMENTATION: After adoption of a proposed ordinance on First Reading, conducting a Public Hearing, and adoption of the ordinance on the Second Reading.



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-009**, amending Article III, SPEED REGULATIONS of the Code of Ordinance of the City of La Marque, Texas, Section 62-88, reducing the speed limit on the Northbound main lanes and Southbound main lanes of IH45 from 65 mph to 55 mph, and reducing the speed limit on the Northbound Frontage Road and the Southbound Frontage Road from 50 mph to 45 mph, until the completion of the freeway expansion project by the Texas Department of Transportation **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: There will be no fiscal impact realized by the City of La Marque.

ORDINANCE NO. O-2019-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, TEMPORARILY REDUCING THE SPEED LIMITS FOR A PORTION OF THE SOUTH BOUND MAINLANES AND THE NORTH BOUND MAINLANES OF IH45 FROM 65 MPH TO 55 MPH AND A PORTION OF THE SOUTHBOUND FRONTAGE ROAD AND THE NORTHBOUND FRONTAGE ROAD FROM 50 MPH TO 45 MPH AND FOR ESTABLISHING THE PERIOD OF TEMPORARY REDUCTION OF SUCH SPEED LIMITS; PROVIDING A PENALTY NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Texas Department of Transportation has notified the City of La Marque, Texas, of its plan of construction for the widening of areas of the South Bound Interstate 45 and North Bound Interstate 45; and

WHEREAS, a traffic control study during construction requires a decrease of 10 mph of the posted speed limit on the main lanes and a decrease of 5 mph on the Frontage Roads; and

WHEREAS, the current posted speed limits on both the South Bound Mainlanes and the North Bound Mainlanes in such areas are 65 mph.

WHEREAS, the current posted speed limits on both the South Bound Frontage Roads and the North Bound Frontage Roads in such areas are 50 mph.

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

SECTION ONE:

That the speed limit of 65 mph on the South Bound Mainlanes of I-45 beginning at mile marker 4.353 and ending at mile marker 6.178 be decreased from 65 mph to 55 mph.

SECTION TWO:

That the speed limit of 65 mph on the North Bound Mainlanes of I-45 beginning at mile marker 4.353 and ending at mile marker 6.178 be decreased from 65 mph to 55 mph.

SECTION THREE:

That the speed limit of 50 mph on the South Bound Frontage Road of I-45 beginning at mile marker 4.353 and ending at mile marker 6.178 be decreased from 50 mph to 45 mph.

SECTION FOUR:

That the speed limit of 50 mph on the North Bound Frontage Road of I-45 beginning at mile marker 4.353 and ending at mile marker 6.178 be decreased from 50 mph to 45 mph.

SECTION FIVE:

That this Ordinance shall become effective on the second and final reading and remain in effect until completion of the freeway expansion project on both the South Bound Mainlanes and the North Bound main lanes and the Frontage Roads of I-45 by Texas Department of Transportation, at which time the speed limits in the above referenced areas of I-45 shall revert back to 65 mph and 50 mph respectively.

SECTION FOUR:

Savings and Repealing Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION FIVE:

Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not less than fifty (\$50.00) and not more than two hundred dollars (\$200.00). Each unlawful act or continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude La Marque from filing suit to enjoin the violation. La Marque retains all legal rights and remedies available to it pursuant to local, state and federal law.

Speed Regulations

PASSED AND APPROVED by City Council of the City of La Marque on FIRST reading this 10th day of June 2019.

PASSED, APPROVED and ADOPTED by City Council of the City of La Marque on SECOND and FINAL reading this the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

Request for Regulatory Construction Speed Zone

District: Houston	Highway: IH 45
Contact Person: Jack Zhu	Contact Phone Number: 713-802-5648

Type of work:	☒ 2 - Lane closure w/ barrier	☐ 4 - One-way traffic signal
☒ 1 - Shoulder activity	☐ 2 - Temporary diversion	☐ 4 - Unpaved surface
☐ 1 - Lane encroachment	☒ 3 - Lane closure w/o barrier	

Type of Work	Posted Speed	Construction Speed Limit
1	≥ 65 mph ≤ 60 mph	May be 5 mph below posted speed May not be used
2	≥ 80 mph = 75, 70 or 65 mph ≤ 60 mph	May be as low as 65 mph May be 10 mph below the posted speed May be 5 mph below the posted speed
3	≥ 80 mph ≤ 75 mph	May be as low as 65 mph May be 10 mph below the posted speed
4	≥ 55 mph ≤ 50 mph	May be as low as 45 mph May be 10 mph below the posted speed

Section	Section 1	Section 2	Section 3	Section 4
County	Galveston	Galveston	Galveston	Galveston
Highway	IH 45	IH 45	IH 45 FR	IH 45 FR
City Name (or Rural)	La Marque	Rural	La Marque	Rural
Pre-construction Posted Speed	65	65	55	55
Proposed Construction Speed	55	55	45	45
Control-Section-Job	0500-04-105	0500-04-105	0500-04-105	0500-04-105
Beginning Mile Point	4.353	6.681	4.353	6.681
Ending Mile Point	6.178	7.753	6.178	7.753
Length	1.825 miles	1.072 miles	1.825 miles	1.072 miles
Project Number	NH 1902(105)	NH 1902(105)	NH 1902(105)	NH 1902(105)

Indicate below whether or not your form submission includes attachment(s):

☐ YES

☒ NO

Instructions:

If you accessed this form from within the eForms System, once you have opened it, click the "Take Form Offline" icon (bottom, left) and save the form to your computer. If you accessed the form from a web page link, you can also use File>Save As on the top menu bar to save the form to your computer.

Once you have completed your form, you may save it and submit it by clicking the "Submit by E-mail" button on page 1. This opens your e-mail client and automatically attaches your completed form to a pre-addressed e-mail. Simply click "Send," and you're done.

	Types of Work:						
	Shoulder Activity	Lane Encroachment	Lane Closure with Barrier	Temporary Diversion	Lane Closure w/o Barrier	One-Way Traffic Signal	Unpaved Surface
Condition	Activity closer than 10 ft but not closer than 2 ft from the edge of the traveled way	Activity encroaches to the edge of the traveled way	Activity requires a lane closure with workers protected by a barrier	Activity requires a temporary diversion be constructed	Activity requires a lane closure with workers within 10 feet of travel way unprotected by barrier	Activity uses a one-way traffic signal to direct traffic through construction area	Activity requires traffic to travel on an unpaved surface
Factors	1, 2	1, 2, 3, 4, 6	3, 4, 6, 7	3, 4, 6, 8	1, 3, 4, 6, 7	3, 6, 8	5, 6
Current Speed Limit (MPH)	Potential Construction Speeds (MPH)						
85	80	80, 75, 70 or 65		80, 75, 70 or 65		80, 75, 70, 65, 60, 55, 50 or 45	
80	75	75, 70 or 65		75, 70 or 65		75, 70, 65, 60, 55, 50 or 45	
75	70	70 or 65		70 or 65		70, 65, 60, 55, 50 or 45	
70	65	65 or 60		65 or 60		65, 60, 55, 50 or 45	
65	60	60 or 55		60 or 55		60, 55, 50 or 45	
60	None	55		55 or 50		55, 50 or 45	
55	None	50		50 or 45		50 or 45	
50	None	45		45 or 40		45 or 40	
45	None	40		40 or 35		40 or 35	
40	None	35		35 or 30		35 or 30	
35	None	30		30 or 25		30 or 25	
30	None	25		25 or 20		25 or 20	
25	None	20		20 or 15		20 or 15	

Note: Buffer zones may be needed for speed transitions ≥ 15 mph.

Factors:

- 1- Workers present for extended periods within 10 feet of traveled way unprotected by barriers
- 2- Horizontal curvature that might increase vehicle encroachment rate
- 3- Lane width reduction of 1 foot or more with a resulting lane width less than 11 feet
- 4- Barrier, traffic control devices or pavement edge drop off within 2 feet of traveled way
- 5- Reduced design speed for stopping sight distance
- 6- Unexpected conditions
- 7- Traffic congestion created by lane closure
- 8- Reduced design speed for detour roadway or transitions

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pw: \\txdot\project\iseonline.com: TXDOT3\Documents\12 - HOU\Design Projects\050004105\4 - Design\Plan Set\1. General\105*1H 45*Title Sheet*01.dgn
COUNTY GALVESTON PROJ. NO. NH 1902(105)
HWY. NO. 1H 45 LETTING DATE
DATE ACCEPTED

INDEX OF SHEETS
SEE SHEET 2-8

REGISTERED ACCESSIBILITY SPECIALIST (RAS)
INSPECTION REQUIRED TOLR NO.

STATE OF TEXAS
DEPARTMENT OF TRANSPORTATION

PLANS OF PROPOSED
STATE HIGHWAY IMPROVEMENT

PROJECT NO. NH 1902(105)
CONTROL CSJ 0500-04-105

IH 45
GALVESTON COUNTY

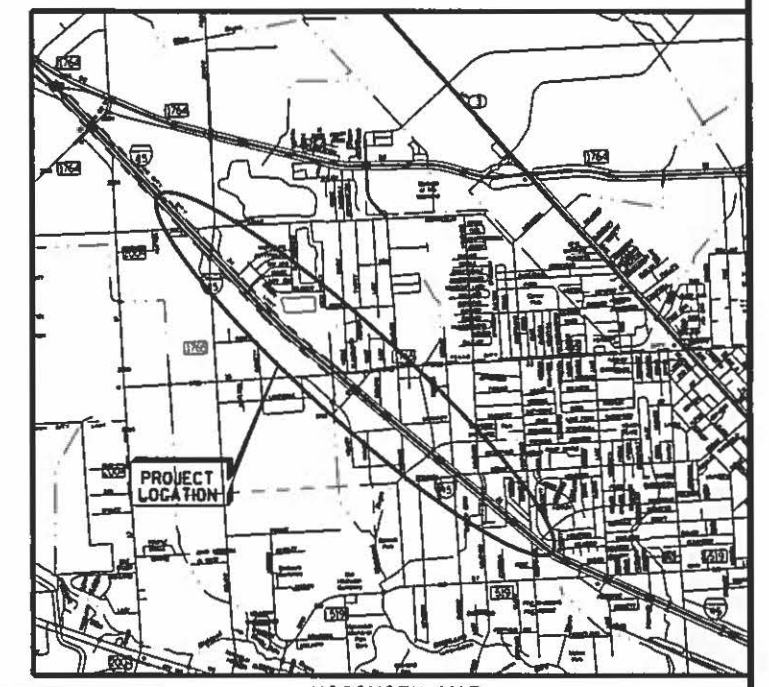
IH 45	
FUNCTIONAL CLASSIFICATION PRINCIPAL ARTERIAL INTERSTATE	
DESIGN SPEED	
MAIN LANES.....	70 MPH
ACCESS ROADS.....	N/A
RAMPS.....	45 MPH
FRONTAGE ROADS.....	45 MPH
DESIGN ADT	
2022	MAIN LANES 76,200 FRONTAGE RDS 6,300
2042	103,000 8,600

STATE	DIST.	COUNTY
TEXAS	HOUSTON	GALVESTON
CONT.	SECT.	JOB
0500	04	105
		HIGHWAY NO.
		IH 45

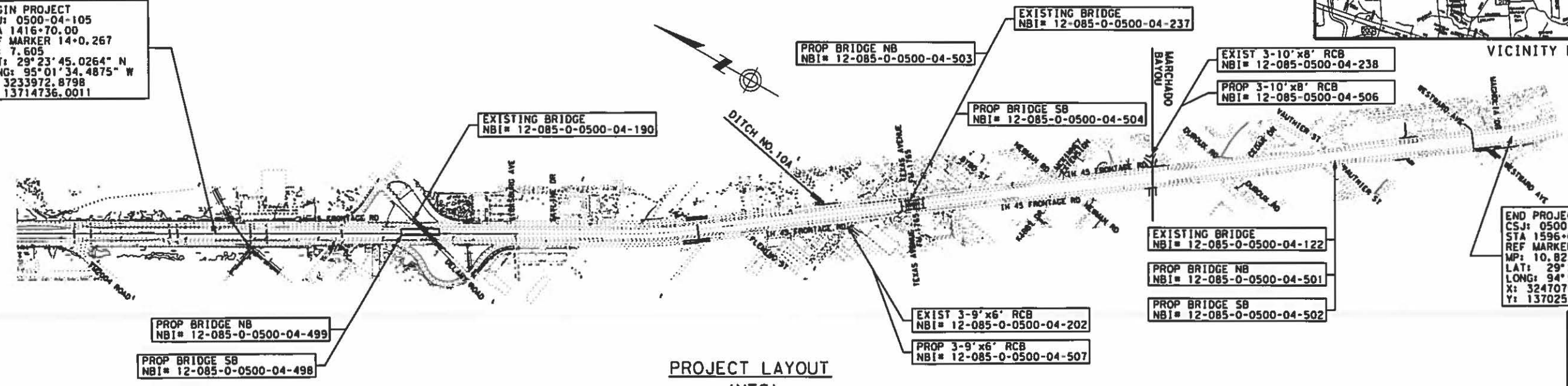
CSJ	LIMITS	STATION	ROADWAY		BRIDGE		TOTAL	
			FT	MI	FT	MI	FT	MI
0500-04-105	FROM SOUTH OF FM 1764 TO NORTH OF FM 519	1416+70.00-1596+00.00	16400	3.106	1530	0.289	17930	3.395

NET LENGTH OF PROJECT
RDWY = 16400 FT = 3.106 MI
BRIDGE = 1530 FT = 0.289 MI
TOTAL = 17930 FT = 3.395 MI

FOR THE CONSTRUCTION OF WIDENING OF A FREEWAY FACILITY
CONSISTING OF GRADING, CEMENT TREATED BASE, CONCRETE PAVEMENT, RETAINING WALLS,
BRIDGES, STORM DRAIN, SIGNING, PAVEMENT MARKINGS, LIGHTING AND TRAFFIC SIGNALS, ETC
LAYMAN'S DESC.: RECONSTRUCT TO 8 MAINLANES AND 2 2-LANE FRONTAGE ROADS



BEGIN PROJECT
CSJ: 0500-04-105
STA 1416+70.00
REF MARKER 14+0.267
MP: 7.605
LAT: 29°23'45.0264" N
LONG: 95°01'34.4875" W
X: 3233972.8798
Y: 13714736.0011



END PROJECT
CSJ: 0500-04-105
STA 1596+00.00
REF MARKER 17+0.697
MP: 10.823
LAT: 29°21' 39.8446" N
LONG: 94°59' 11.0831" W
X: 3247079.11
Y: 13702537.56



ALL BEARINGS AND COORDINATES ARE BASED ON THE
TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204),
NORTH AMERICAN DATUM OF 1983 (NAD 1983) 1993
ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN
ARE SURFACE AND MAY BE CONVERTED TO GRID BY
DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00013.

SPECIFICATIONS ADOPTED BY THE TEXAS DEPARTMENT OF
TRANSPORTATION, NOVEMBER 1, 2014; AND THE CONTRACT PROVISIONS
LISTED AND DATED AS FOLLOWS, SHALL GOVERN ON THIS PROJECT:
REQUIRED CONTRACT PROVISIONS, FEDERAL-AID CONSTRUCTION
CONTRACTS (FORM FHWA 1273, MAY, 2012)

RR CROSSINGS : NONE
EQUATIONS : NONE
EXCEPTIONS : NONE

COORDINATING AGENCIES
CONCURRENCE
CITY MANAGER
CITY OF LA MARQUE

SUBMITTED FOR LETTING
SUPERVISING DESIGN ENGINEER
APPROVED FOR LETTING
DISTRICT ENGINEER



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Prepared by: Sussie Sutton

Agenda item: 8d

Reviewed by: Charlene Warren

Charles Jackson

Department: Development Services

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2019-0010**, approving a road right of way abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the West side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steven F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas, (Walker Street) as recommended by the Planning and Zoning Commission **THIS IS THE SECOND AND FINAL READING**

X

ATTACHMENTS FOR REFERENCE:

1. Ordinance (including metes and bounds)
2. La Marque Economic Development Appraisal Report
3. Right-of-Way Abandonment Application
4. Planning and Zoning Letter of Recommendation
5. Planning and Zoning Minutes (draft) - May 14, 2019

STAFF BRIEFING:

- Letters of No Objection have been obtained from Texas New Mexico Power, CenterPoint Energy, AT&T, and Comcast.
- Notices were sent to adjacent property owners.
- At the May 14, 2019 Planning and Zoning Commission meeting, a Public Hearing was held and abandonment request was approved.
- Planning and Zoning Commission has provided a Letter of Recommendation.

HISTORY:

5-14-19 - Planning & Zoning recommended approval of abandonment request

4-24-19 - Newspaper Public Notice

4-29-19 - Property Owner Notice letter mailed

4-17-19 - Final Letter of No Objection received from the last utility company

12-07-17 - Application received for a partial ROW abandonment

TARGET IMPLEMENTATION: **July 8, 2019**

SIGNIFICANT ACTION DATES: N/A



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Item #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-0010**, approving a road right of way abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the West side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steven F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas, (Walker Street) as recommended by the Planning and Zoning Commission
THIS IS THE SECOND AND FINAL READING

FISCAL IMPACT: The marrying of the right of way and the lots on either side of the right of way will position this property for an enhanced site to market to a retail development, which will result in sales tax monies for the city.

ORDINANCE NO. O-2019-0010

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS PROVIDING FOR THE VACATING, ABANDONMENT OF A PORTION OF A RIGHT OF WAY ROAD EASEMENT BEING A TRACT OF LAND BEING A PART OF THE ROAD RIGHT OF WAY ON THE EAST SIDE OF SUPER CITY SUBDIVISION NO. 2 (CORRECTED), ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254, PAGE 60 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS AND PART OF THE ROAD RIGHT OF WAY ON THE WEST SIDE OF THE DAUGHERTY SURVEY NO. 4, OUT OF THE MARCHAND SUBDIVISION IN THE STEVEN F. AUSTIN LEAGUE NO. 4, ACCORDING TO THE MAP OR PLAT OF MARCHAND SUBDIVISION RECORDED IN VOLUME 254-A, PAGE 50 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS

WHEREAS, the City of La Marque (the “City”) is a Texas Home Rule Municipality organized under the Constitution and laws of the State of Texas, located in Galveston County, Texas; and

WHEREAS, the City’s Charter provides that it may exercise all powers of local self-government and powers granted to home rule cities by State Law; and

WHEREAS, the City’s Charter further provides that the City shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the City and may provide for the improvements thereof by paving, repaving, raising, draining or otherwise; and

WHEREAS, the Texas Transportation Code provides that a home rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, the Texas Transportation Code further provides that a home rule municipality may vacate, abandon, or close a street or alley; and

WHEREAS, the City Council find that the original plat recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the west side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steven F. Austin League No. 4, according the map or plat of Marchand Subdivision Recorded in Volume 254-A, Page 50, Galveston County, Texas; and

WHEREAS, the City Council of the City of La Marque, Texas, finds that the easement described in Exhibit “A”, and the plat recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the Road right-of-way on the west side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steven F. Austin League No. 4, According to the map or plat of Marchand Subdivision Recorded in Volume 254-A, Page 50; and

WHEREAS, the City does not need the portion of the easement for public utilities or utility maintenance vehicles and equipment; and

WHEREAS, the burden of continued maintenance and the risk of liability of the easement that would be incurred by the City exceed any benefit to the City of La Marque, Texas, from continued ownership; and

WHEREAS, there is no longer any public need for the City to retain ownership of nor perform maintenance on the easement described in Exhibit "A"; and

WHEREAS, La Marque Economic Development Corporation filed a petition for abandonment with the City for that portion of the road easement described in Exhibit "A" in accordance with La Marque Code of Ordinances; and

WHEREAS, La Marque Economic Development has agreed to fulfill its obligations under City of La Marque, Texas Code of Ordinances including payment to the City of the fair market value of the abandoned easement described in Exhibit "A" as a precondition of its receipt of a Deed without warranty memorializing the abandonment; and

WHEREAS, on May 19, 2019, the Planning and Zoning Commission of the City of La Marque, Texas, recommended that City Council approve the petition filed by La Marque Economic Development Corporation; and

WHEREAS, the abandoning of that easement described in Exhibit "A" will cause no detriment to the rights of the citizens of La Marque, Texas; and

WHEREAS, City Council finds and declares that it is in the best interest of all of the citizens of the City of La Marque, Texas, that easement described in Exhibit "A" be vacated, closed and abandoned. **NOW, THEREFORE**

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

Section 1. The facts set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City's interest, if any, of the portion of the easement described in Exhibit "A" is hereby vacated, abandoned and closed to be sold via a Deed without warranty in exchange for payment to the City in an amount equal to the fair market value of that easement described in Exhibit "A".

Section 3. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any

part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by City Council of the City of La Marque on the first reading on this the 10th day of June 2019.

PASSED, APPROVED AND ADOPTED by City Council of the City of La Marque on the second and final reading on this the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Robin Eldridge, City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

DERRICK ENGINEERING

(409-925-7221) - 13018 Elizabeth Drive - Santa Fe, Texas 77510

April 12, 2015 - Job No. 10301

EXHIBIT "A" TRACT 1

A tract of land being part of the road right of way on the East side of Super City Subdivision No. 2 (Corrected) according to the map or plat thereof recorded in Volume 254 Page 60 in the Office of the County Clerk of Galveston County Texas and part of the road right of way on the West side of the Daugherty Survey No. 4 out of the Marchand Subdivision in the Steven F. Austin League No. 4 according to the map or plat of Marchand Subdivision recorded in Volume 134 Page 468 in the Office of the County Clerk of Galveston County Texas, said road right of way also being shown on Amburn's Subdivision of the Daugherty Survey according to the map or plat thereof recorded in Volume 254-A Page 50 in the Office of the County Clerk of Galveston County, Texas, said tract being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Lot 1 of Section One of Amburn's Subdivision of the Daugherty Survey as recorded in Volume 254-A Page 50 in the Office of the County Clerk of Galveston County, Texas, said point being North 00 deg. 43 min. West, a distance of 2081.6 feet and South 89 deg. 17 min. West, a distance of 1119.47 feet from the Southeast corner of said Amburn Subdivision as shown on said plat.

THENCE North 00 deg. 43 min. West, along the East line of a 30 foot wide road right of way as shown on said Amburn's Subdivision, a distance of 317.00 feet to a 1/2" iron rod set at the POINT OF BEGINNING of the herein described tract.

THENCE South 89 deg. 17 min. West, at 30.00 feet pass the West line of said Daugherty Survey No. 4, same being the East line of said Super City Subdivision No. 2 (corrected), and continuing for a total distance of 60.00 feet to a 60d nail set for corner on the East line of Lot 16 Block 3 of said Super City Subdivision No. 2 (corrected).

THENCE North 00 deg. 43 min. West, along the East line of Lots 16 and 8, in Block 3 of said Super City Subdivision No. 2 (corrected), a distance of 274.20 feet to a 1/2" iron rod found for corner.

THENCE South 89 deg. 17 min. West, along the North line of said Lot 8 Block 3, a distance of 30.00 feet to a 1/2" iron rod set for corner.

THENCE North 00 deg. 43 min. West, a distance of 107.84 feet to a 1/2" iron rod set for corner on the Southwest right of way line of L.H. 45 (300' R.O.W.).

THENCE South 47 deg. 15 min. East, along said right of way line, a distance of 124.28 feet to a 1/2" iron rod set for corner on the East line of a 30 foot wide road right of way as shown on said Amburn's Subdivision;

THENCE South 00 deg. 43 min. East, along said right of way line, a distance of 296.76 feet to the POINT OF BEGINNING.

PREPARED FOR

**LA MARQUE ECONOMIC DEVELOPMENT CORPORATION
1130 1st STREET
LA MARQUE, TEXAS 77568**

APPRAISAL OF

**0.515 ACRE OF LAND BEING PART OF A
60' WIDE UNIMPROVED RIGHT OF WAY
KNOWN AS WALKER STREET, LA MARQUE, TEXAS**



PREPARED BY

**MICHAEL R. HAITHCOAT
1201 PINEY WOODS
FRIENDSWOOD, TEXAS 77546**

MICHAEL R. HAITHCOAT
REAL PROPERTY APPRAISAL SERVICES

December 15, 2017

La Marque Economic Development Corporation
1130 1st Street
La Marque, Texas 77568

Attn.: Mr. Alex Getty
Executive Director

Ref: Appraisal services on a portion of the unimproved
right of way known as Walker Street, La Marque, Texas.

Dear Mr. Getty,

As per your request I have conducted an appraisal and am submitting an appraisal
report on the property legally described as:

0.515 acre or 22,452 square feet of land known as a portion of the
unimproved right-of-way known as Walker Street, La Marque,
Galveston County, Texas.

The subject of this appraisal consists of 22,452 square feet of vacant land. The Sales
Comparison Approach-Vacant Land to value was developed as the property is effectively
vacant land.

Prior to developing an estimate of market value for the subject the appraiser will
explain the mind set and methodology utilized in the following analysis. The subject property
is a dedicated but unimproved road right-of-way with a long and narrow configuration. The
Highest and Best Use of the subject site has been determined to be utilized with the adjacent
property.

In this particular instance the client owns the adjoining land on both sides of
the right-of-way. The abandonment of the subject right of way will create a
contiguous tract of land under the ownership of the La Marque Economic
Development Corporation containing a total of 5.689 acres or 247,834 square feet. For
the purposes of this report the appraiser will value this hypothetical 5.689 acre tract
which includes the subject 0.515 acres to establish a value per square foot to be utilized
in the estimation of the value of the subject 0.515 acre tract for abandonment purposes
utilizing the across the fence methodology of valuation.

Across The Fence¹ valuation is defined as:

¹ *The Dictionary of Real Estate Appraisal*, 4th Edition, Copyright 2002, by the Appraisal Institute, Page 5.

"In the valuation of real estate corridors, the value concluded based on comparison with adjacent lands before the consideration of any other adjustment factors. The across the fence value accounts for location and market conditions. Accordingly, this is an intermediate value (or prior to) the consideration of the corridor factor."

This is consistent with the concept of Strips and Gores.

Strips and Gores: The general rule is that as a matter of public policy, one conveying a tract of land adjoined by an easement strip is presumed to have conveyed to the center of the easement in absence of specific reservation. This is commonly referred to as the doctrine of "strips and gores".² An instrument which conveys land and then excepts to a road, railroad right of way, etc., that occupies a mere easement over the land, conveys fee to the entire tract and the exception merely makes the conveyance subject to the easement.³ The presumption does not apply if the grantor owns land abutting both sides of the strip or if the strip is larger and more valuable than the conveyed tract.⁴

The market value conclusion reached for **the real estate only**, with an exposure to the market as defined herein, as of December 9, 2017, with an exposure to the market of up to one year, as follows:

FORTY FOUR THOUSAND NINE HUNDRED DOLLARS
\$44,900

EXTRAORDINARY ASSUMPTIONS/LIMITING CONDITIONS

The value estimates within this appraisal are contingent upon the subject property, as well as the adjoining properties, being free and clear of any toxic or hazardous waste materials such as, but not limited to, lead or lead-based products. It should be noted a potential purchaser of a property with hazardous waste or dangerous materials may assume financial liability for removal of such materials. The appraiser highly recommends an inspection be performed qualified professionals to ensure there are no hazardous waste materials, mold or wood destroying pests (such as, but not limited to, termites) on the subject. The value is also contingent upon the General Assumptions and General Limiting Conditions of this report. Also, the aforementioned values stated above were represented as of the effective date of this appraisal and value estimates could change in the future.

² *Rio Bravo Oil Co. v. Weed*, 121 Tex. 427, 50 S.W.2d 1080 (1932); *State v. Fuller*, 407 S.W.2d 215 (Tex. 1966); *Cantley v. Gulf Production Co.*, 135 Tex. 339, 143 S.W.2d 912 (1940).

³ *Haines v. McLean*, 154 Tex. 272, 276 S.W.2d 777 (1955).

⁴ *Krenek v. Texstar North America, Inc.*, 787 S.W.2d 566 (Tex. App.-Corpus Christi 1990, writ denied).

My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Uniform Standards of Professional Appraisal Practice and the Texas Real Estate Commission.

Michael R. Haithcoat, Real Property Appraisal Services



By: Michael R. Haithcoat
State Certification Number: TX-1337695-G
Expires: January 31, 2018

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

PROPERTY APPRAISED:	0.515 acre or 22,452 square feet of land known as a portion of the unimproved right-of-way known as Walker Street, La Marque, Galveston County, Texas.
DATE OF INSPECTION:	December 9, 2017
EFFECTIVE DATE OF VALUE:	December 9, 2017
EFFECTIVE DATE OF REPORT:	December 15, 2017
LAND AREA:	22,452 square feet or 0.515 acre
ZONING:	General Commercial
UTILITIES AVAILABLE:	All available with public water and sewer
FLOOD ZONE:	Zone C
CURRENT USE:	Vacant Land, dedicated ROW
HIGHEST AND BEST USE:	To be utilized with the adjacent property.
PROJECTED MARKETING PERIOD:	Up to one year

VALUE ESTIMATES:

Sales Comparison Approach-Vacant Land	\$48,272
Cost Approach	N/A
Income Approach	N/A
Sales Comparison Approach	N/A
Estimated Market Value:	\$44,900 (R)

Scope of Appraisal

The Uniform Standards of Professional Appraisal Practice, promulgated by *The Appraisal Foundation*, "Scope of Work Rule"⁵ requires the appraiser:

1. Identify the problem to be solved;
2. Determine and perform the scope of work necessary to develop credible assignment results; and
3. Disclose the scope of work in the report.

The Uniform Standards of Professional Appraisal Practice Standard Rule 2-2(b)(x) requires clear and conspicuous statement of "all extraordinary assumptions and hypothetical conditions;" and "state that their use might have affected the assignment results;..."

Extraordinary Assumption "an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions."⁶

1. The appraiser was not provided a survey of the Parent Tract as defined herein and has relied upon the Galveston Central Appraisal District records and my on-site inspection. Should a recent survey be provided later that provides additional information that contradicts what is described herein, I reserve the right to make any changes deemed necessary to the value conclusions.
2. There were no additional Extraordinary Assumptions, other than those stated and identified above that might have affected the following assignment results.

Hypothetical Condition "a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis."⁷

1. For the purpose of analysis I have identified a Parent Tract utilized in the "Across the Fence" methodology of valuation for the subject abandonment tract. For the purpose of this analysis, the improvements located on a portion of the Parent Tract was not considered. The Parent Tract was considered "As Though Vacant" with no consideration given to the contributory value of the improvements.

⁵ *Uniform Standards of Professional Appraisal Practice*, 2016-2017 Edition; *The Appraisal Foundation*; Pages U-12 & U-13.

⁶ *Uniform Standards of Professional Appraisal Practice*, 2016-2017 Edition; *The Appraisal Foundation*, Page U-3.

⁷ *Uniform Standards of Professional Appraisal Practice*, 2016-2017 Edition; *The Appraisal Foundation*, Page U-3.

2. There were no additional Hypothetical Conditions utilized in this analysis that might have affected the following assignment results.

Intended Use/User, Identification of Client, Development and Process of the Appraisal Report

The intended use of this report is to provide the client with an opinion of the fee simple, market value of the subject property for use in decision-making purposes with respect to estate disposition. The intended user is the client, La Marque Economic Development Corporation. *The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.*

The problem to be solved in this assignment is to develop an opinion of the fee simple market value of the subject property for decision-making purposes. The development and process of the appraisal includes estimating the market value of the whole property as of the effective date of the appraisal with an estimated exposure time to the market as developed herein. The task was completed by the scope of services of the following:

1. Make an inspection of the subject property. Investigate the physical data on the subject property provided by my inspection, data provided by client, research and the Galveston County Central Appraisal District records.
2. Consider onsite improvements, if any, on the subject properties. The subject of this analysis is vacant land.
3. Review deed records, data sources and MLS documents as well as had discussions with buyers, sellers and active real estate agents in the subject neighborhood with reference to sales and market activity/trends.
4. Analyze the Highest and Best Use of the subject property both "as though vacant" and "as improved" if needed.
5. Ascertain the relevant and appropriate approaches to value necessary to develop credible assignment results and develop these approaches within this report in a concise and understandable manner.
6. Reconcile the data developed to arrive at a credible opinion of market value as of the effective date of this appraisal, **December 9, 2017**, with an exposure time to the market as developed and reported herein. The date of inspection was **December 9, 2017** and the date of this report is **December 15, 2017**.
7. Report the findings to the client in a summary format appraisal report.

This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice and the Code of Professional Ethics. As such, it presents the data,

reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value in an appraisal format. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's files. The depth of discussion and analyses contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

Furthermore, in accordance with a prior agreement with the client and the appraiser, this report was to include all applicable approaches that would lead the appraisers to a reasonable and supportable conclusion of value. The USPAP guidelines allow the appraisers to use applicable approaches that would conclude a reasonable value indication. The client may also request specific approaches to value to use in an appraisal assignment. However, the client is warned that the elimination of an approach to value may lessen the reliability of the final value conclusion. In this particular instance, all applicable approaches to value were considered.

The appraisal was conducted in conformity with the Ethics and Standards of The Appraisal Institute, the State of Texas, the Uniform Standards of Professional Appraisal Practice (USPAP), and guidelines requested by the client.

Market Value

The clients request was to develop an opinion as the "Market Value"⁸ of the subject real property, as of the effective date. Market Value is defined as follows:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledge, and assuming the price is not affected by undue stimulus."

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and each acting in what they consider their own best interest;
3. A reasonable time is allowed for exposure in the market;
4. Payment is made in terms of cash in US dollars or in terms of financial arrangements comparable thereto; and
5. The price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

⁸ Federal Deposit Insurance Corporation, Source: FDIC Regulation 12 CFR Part 34.

Interest Valued

Fee Simple Estate⁹ is described as “An absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.” The interest valued in this report is the unencumbered fee simple estate of the subject property, subject to any existing zoning, easements and deed restrictions of record as of September 22, 2017.

Effective Date of Value

December 9, 2017

Date of Report

December 15, 2017

History of the Subject Property

According to Galveston County deed records and the Galveston County Central Appraisal District, the subject property is a dedicated but unimproved street right-of-way. The Parent Tract identified on both sides of the right-of-way is owned by The La Marque Economic Development Corporation. This ownership has been in effect for a portion of the tract since 2013 and on the other portion of the Parent Tract since 2014. No other market transactions involving the subject property or the Parent Tract is known to the appraiser over the past three years.

Competency of the Appraiser

It is presented this report was completed by Mr. Michael R. Haithcoat. Mr. Haithcoat has completed numerous appraisal assignments on properties such as the subject and has the experience and ability to complete the appraisal in a competent manner. For a more detailed description of the appraiser's qualifications, refer to the addenda section of this appraisal.

Exposure Time on the Market

Exposure time¹⁰ may be defined as:

1. The time a property remains on the market.
2. The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.”

⁹ The Dictionary of Real Estate Appraisal Terminology, Fourth Edition, Page 113, 2002.

¹⁰ The Dictionary of Real Estate Appraisal, Fifth Edition, Page 73, 2010.

My opinion of value is based on the reasonable exposure time period of up to one year. This period is supported by the sales included within this report as well as retained in the appraiser's files.

Market Area Analysis

Market areas are defined by "a combination of factors-e.g., physical features, the demographic and socioeconomic characteristics of the residents or tenants, the condition of the improvements (age, upkeep, ownership and vacancy rates) and land use trends."¹¹ The common denominator within a market area is that the social, economic, governmental and environmental forces that effect property value similarly affect these land uses. The physical boundaries of the market area should reflect the limits of influence from these forces.

The subject property is located in the southern sector of the City of La Marque, Galveston County, Texas approximately 45 miles southeast of Houston's Central Business District. For the purposes of this report, we have defined the immediate neighborhood as the La Marque/Texas City commercial/industrial district that extends through the southeast portion of La Marque and southern Texas City with the petrochemical plants that characterize the industrial nature of Texas City with the major employers of British Petroleum, Sterling Chemical, Marathon Petroleum, Dow Chemicals, The Port of Texas City, Union Carbide and Valero Refining to name a few. This neighborhood is primarily industrial and commercial in nature having the general boundaries of FM 1765 to the north, Galveston Bay to the east and south and Interstate Highway 45 to the west. Major thoroughfares providing access to the area include State Highway 3, State Highway 146, Loop 197 and FM 519. FM 1764 (Palmer Highway), FM 1765 and FM 519 provide access to Interstate Highway 45 and the Houston/Galveston Metroplex. The past few years has seen this area become more industrial oriented as residential and retail/office interests are focused further to the west and north. The Southern Pacific Railroad line extends into the area parallel and adjacent to SH 146 while the Galveston Houston and Henderson Railroad line extends parallel and adjacent to SH 3 through the neighborhood. The two lines merge south of Texas City/La Marque near IH 45 at the Texas City Wye and cross Galveston Bay to Galveston Island and the Port of Galveston.

Galveston County is part of the Houston-Sugar Land-Baytown Metropolitan Statistical Area. The proximity of the Houston-Galveston-Freeport areas and their petrochemical, medical and industrial economic base provides the subject neighborhood with much of its employment opportunities. The economic and industrial base of the Houston-Galveston area's growth is dependent upon the Houston Ship Channel Complex. The Ship Channel was completed in 1915 and is a 52-mile shipping link to the Gulf of Mexico. In terms of tonnage, the Port of Houston ranked as the world's 10th largest port in 2005. It ranked first in the United States in volume of foreign tonnage and second in total tonnage. In 2009, 7,700 ships called at the Port of Houston, moving 220 million short tons of cargo. Other service transportation systems linked to the Port of Houston include automobile, truck traffic and commercial freight lines, household carriers, tank truck lines and other smaller carriers. Major railroad systems operate several lines of main track out of Houston. Two

¹¹ *The Appraisal of Real Estate*, 14th Edition, 2013, The Appraisal Institute; Page 166.

major airports, Bush Intercontinental and William P. Hobby, provide the city with commercial air transportation. The Bush Intercontinental Airport began operation in 1969. It is one of the most modern air transportation facilities in the world. The Port of Galveston, while considerably smaller than the Port of Houston, is a major container port and has recently become a cruise ship hub for the central United States region. The Freeport/Lake Jackson area is a major petrochemical area with Dow Chemical facilities as the major anchor in the region.

The Houston economy is based on the petroleum and petro-chemical related industries, high-tech industry and medical industries. US petro-chemical production is highly concentrated in the Houston-Gulf Coast region, which has over 45% of the nation's basic petro-chemical manufacturing capacity and nearly 50% of its capacity for first stage derivatives. Houston has seen increases in high-tech companies moving into the area in spite of the recent change in direction of the aerospace industry at NASA. The Houston Medical complex is one of the largest in the world and growing.

Over the past 20 years the Houston Bay Area has sustained a 4 to 6 percent annual growth rate. Within a ten-mile radius the population has increased from 219,763 in 1990 to a 2010 Census estimate of 363,359. As the Houston area became saturated and the area economy diversified from the petrochemical industry into the medical and hi-tech fields, the Bay Area has experienced significant growth. The proximity to the Houston/Galveston employment centers, the existing natural recreation destinations of Clear Lake and Galveston Bay along with the enticement of planned development communities has made the Bay Area one of the most desirable and growing communities in the nation.

Significant development in the subject general market area is located at the corner of FM 646 and Interstate Highway 45. Located at the northwest corner is a HEB and Kohl's anchored shopping center. Located at the northeast corner is a shopping center anchored by a Lowe's, JC Penney and Best Buy. The most recent development is the League City Towne Center located at the southeast corner of FM 646 and Interstate Highway 45. It is anchored by Target, Home Depot and TJ Maxx. Surrounding these retail developments are apartments, medical facilities, freestanding restaurants and other commercial developments. Residential construction continues in this area on both sides of IH-45. New residential subdivisions are under development along FM 517 to the north of the subject market area in the area of the Bay Colony development along with new multi-family residential and support commercial/retail development. In the immediate subject neighborhood, Tanger Outlet Mall and Buc-ee's Convenience Store is soon to be joined by an elaborate 25 acre theme park known as Adventure Pointe. Phase 1 is scheduled to include a carousel, pirate village with a Jean LaFitte's ship and a year-round ice-skating rink. The park's main historical reference will be fully refurbished trains. The track will rotate eight different trains.

Conclusion of Market Area Analysis:

In conclusion, the proximity to the Houston area and its generally stable economic base and diverse business and recreational assets gives the subject market area the advantage of a small town atmosphere and metropolitan amenities. Evidence of the growth was also

apparent from the increase of new construction in the area including single-family residential subdivisions, multi-family apartment complexes, commercial/retail centers and office buildings to list a few. Again, the subject market area is experiencing an increase in values, but appears to be slowing from the previous few years. This condition is expected to continue through 2018 with ongoing development, but slowing market sectors. The general subject area economy is considered sound and the immediate subject market is expected to follow the Houston area economy. The Houston unemployment rate was 5.2% in August of 2017 down from 5.4% in August of 2016 according to the Bureau of Labor Statistics. Conversely, the Houston Metro area lost 39,787 jobs in the 12 months ending August 2017, according to the Texas Workforce Commission. According to the Greater Houston Partnership Update (August 2017), the City of Houston issued \$10.7 billion in building permits, up 7.2% from the \$10.072 billion for the previous 12 month ending August 2016. The Greater Houston Partnership also reported that Residential permit values fell 15.2%, from \$1.443 Billion in July 2016 to \$1.225 Billion in July 2017. Commercial building permits totaled \$5.3 billion, up 16.4% from \$4.55 Billion in from a year ago. The Houston Purchasing Managers Index (PMI), a short-term leading indicator for regional production, registered 58.8 in August 2017, up from 49.4 in August 2016.

The International Energy Agency information estimates the daily world production of crude oil at 97.0 million barrels per day of production and the consumption at 97.7 barrels generating a deficit of 0.7 million barrels per day for the fourth quarter of 2017. Several large oil firms have stopped laying off employees and maintaining their current workforce since the price of oil has stabilized. According to the Greater Houston Partnership (GHP), the negative impact in the Houston and Texas economy is becoming evident and is expected to continue through early 2018 as concerns over the slowing growth in China, the looming lifting of Iranian sanctions and the high inventories of crude in the world keep prices low with the NYMEX futures market showing oil trading around \$60 a barrel. This price has initiated some movement in the oil industry as far as the beginning of drilling again.

SITE DESCRIPTION

The legal description of this property is:

0.515 acre or 22,452 square feet of land known as a portion of the unimproved right-of-way known as Walker Street, La Marque, Galveston County, Texas.

The subject property is accessible from Interstate Highway 45 where there is approximately 124 feet of frontage along the southwest line of the feeder road. The eastern boundary extends southward from the northeast corner of the subject property a distance of 296.76 feet to a corner. The southern boundary of the subject is 60 feet wide. The western boundary is 274.2 feet in length and 107.84 feet in length. Please refer to the survey enclosed below.

The Harris County Appraisal District plat included below identifies the subject abandonment tract and the parent tract I have identified and utilized for valuation purposes. The parent tract is described as a 5.689 acre tract which includes 5.174 acres owned by the La

Marque Economic Development Corporation and the subject abandonment tract of 0.515 acres. The 5.174 acres is comprised of a 4.035 acre tract located along the west boundary of the abandonment and a 1.139 acre tract located along the east boundary of the abandonment.

According to the Flood Insurance Rate Map. Community Panel Number 485486 0005D and 485486 0015D, dated February 16, 1983 the subject property is located in Zone C out of the 100 year flood hazard zone. The flood hazard maps are included in this report. The drainage appears adequate and the designation appears to not be detrimental.

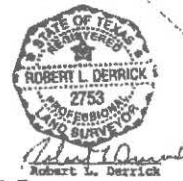
The Galveston County Central Appraisal District lists the subject Parent Tract under account numbers 6891-0002-0004-002 and 0002-0223-0000-000. The subject abandonment is not identified with an account number. The 2017 tax rate for the properties is \$2.835855 per \$100 of assessed valuation.

Surrounding land uses include commercial concerns along the Interstate Highway 45 frontage with residential neighborhoods on the secondary roadways.

[illegible]

Subject property DOES NOT lie within the 100
year flood plain; Property lies in Zone C
according to Map No. 485486 0015 D.

I hereby certify that this is a plot on the above property indicating improvements thereon which was prepared under my supervision from a survey made on the ground on April 10, 1915.



DERRICK ENGINEERING

(409-925-7221) - 13016 Elizabeth Drive - Santa Fe Texas 77510

April 12, 2015 - Job No. 10301

EXHIBIT "A" TRACT 1

A tract of land being part of the road right of way on the East side of Super City Subdivision No. 2 (Corrected), according to the map or plat thereof recorded in Volume 254 Page 60 in the Office of the County Clerk of Galveston County Texas and part of the road right of way on the West side of the Daugherty Survey No. 4 out of the Marchand Subdivision in the Steven F. Austin League No. 4 according to the map or plat of Marchand Subdivision recorded in Volume 134 Page 468 in the Office of the County Clerk of Galveston County, Texas, said road right of way also being shown on Amburn's Subdivision of the Daugherty Survey according to the map or plat thereof recorded in Volume 254-A Page 50 in the Office of the County Clerk of Galveston County, Texas, said tract being more particularly described by metes and bounds as follows

COMMENCING at the Northwest corner of Lot 1 of Section One of Amburn's Subdivision of the Daugherty Survey as recorded in Volume 254-A Page 50 in the Office of the County Clerk of Galveston County, Texas, said point being North 00 deg. 43 min. West, a distance of 2081.6 feet and South 89 deg. 17 min. West, a distance of 1119.47 feet from the Southeast corner of said Amburn Subdivision as shown on said plat

THENCE North 00 deg. 43 min. West, along the East line of a 30 foot wide road right of way as shown on said Amburn's Subdivision, a distance of 317.00 feet to a 1/2" iron rod set at the POINT OF BEGINNING of the herein described tract

THENCE South 89 deg. 17 min. West, at 30.00 feet pass the West line of said Daugherty Survey No. 4, same being the East line of said Super City Subdivision No. 2 (corrected), and continuing for a total distance of 60.00 feet to a 60d nail set for corner on the East line of Lot 16 Block 3 of said Super City Subdivision No. 2 (corrected)

THENCE North 00 deg. 43 min. West, along the East line of Lots 16 and 8, in Block 3 of said Super City Subdivision No. 2 (corrected), a distance of 274.20 feet to a 1/2" iron rod found for corner

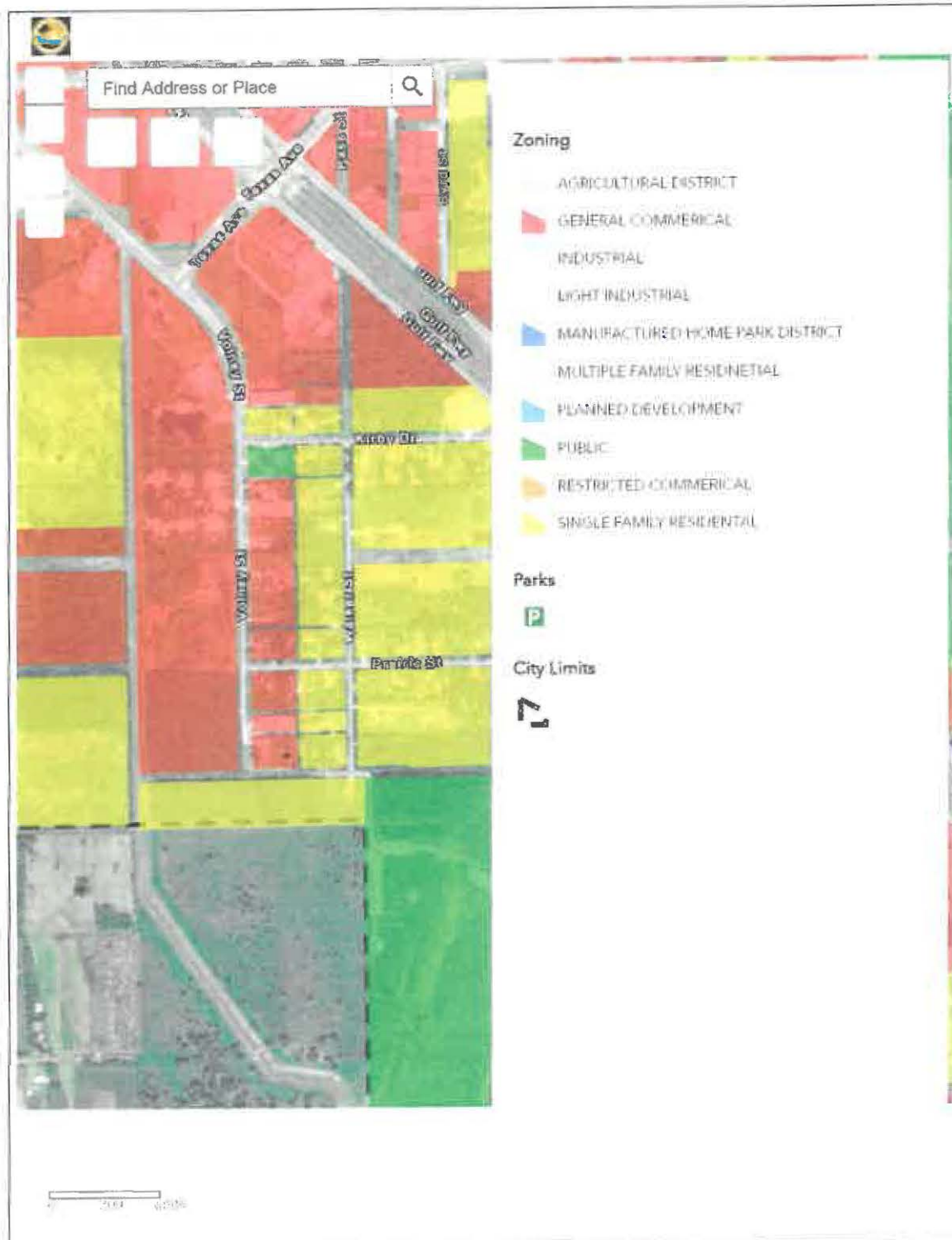
THENCE South 89 deg. 17 min. West, along the North line of said Lot 8, Block 3, a distance of 30.00 feet to a 1/2" iron rod set for corner

THENCE North 00 deg. 43 min. West, a distance of 107.84 feet to a 1/2" iron rod set for corner on the Southwest right of way line of I. H. 45 (300' R.O.W.)

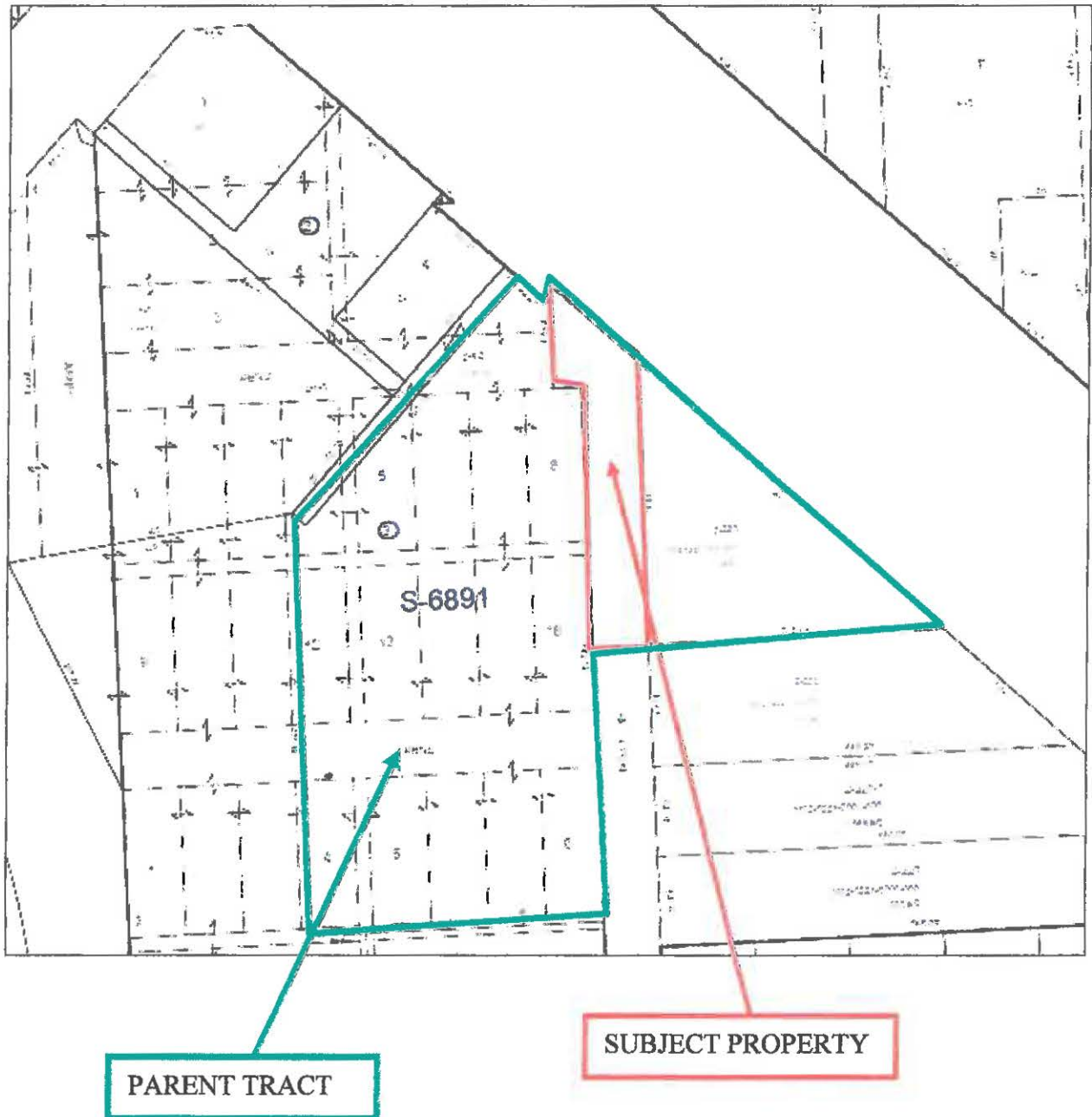
THENCE South 47 deg. 13 min. East along said right of way line a distance of 124.28 feet to a 1/2" iron rod set for corner on the East line of a 30 foot wide road right of way as shown on said Amburn's Subdivision.

THENCE South 00 deg. 43 min. East along said right of way line a distance of 296.76 feet to the POINT OF BEGINNING.

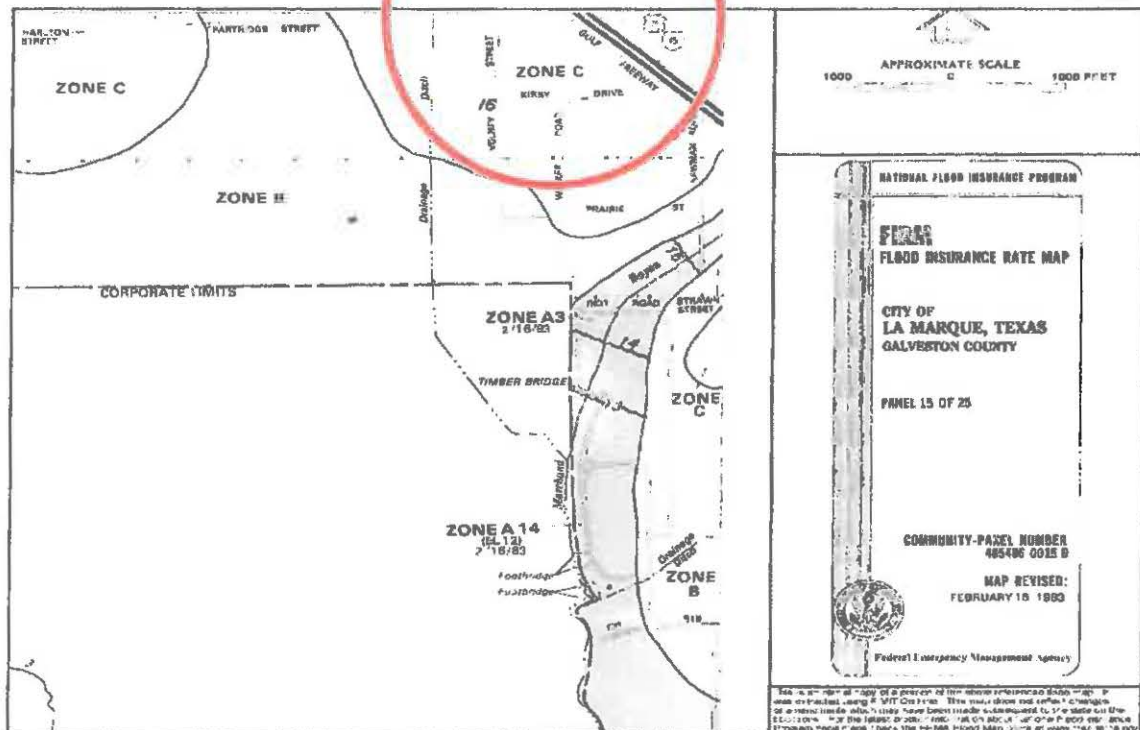
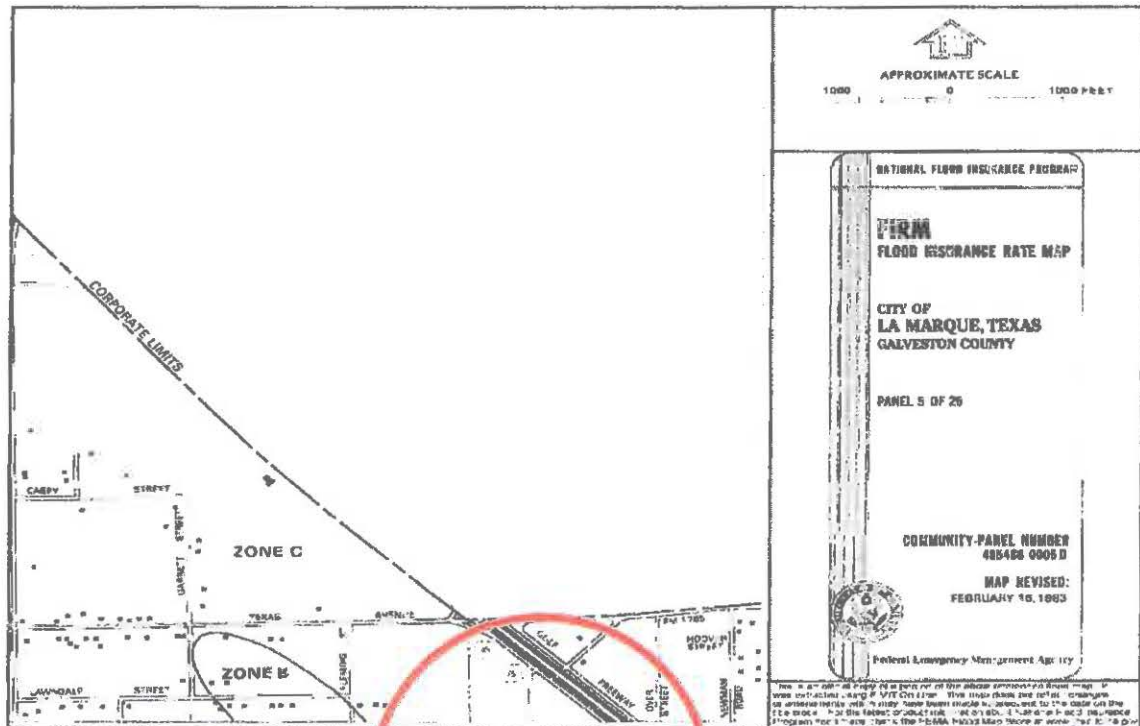
Zoning Map



Plat Map



Flood Map





View of the subject as seen from the Interstate Highway 45 frontage road looking south.



Another view of the IH-45 frontage.



View of the unimproved ROW as seen from the intersection of Kirby and Walker south of the subject.



Another view from the Kirby/Walker intersection.

HIGHEST AND BEST USE

Highest and Best Use - As Though Vacant:

Highest and Best Use may be defined as "the reasonably probable and legal use of vacant land or an improved property, that is physically possible, legally permissible, appropriately supported, financially feasible, and that results in the highest value."¹² Data collected and analyzed for purposes of the Market Area Analysis, and particularly the Site Data, is useful in arriving at a final decision. The following discussion analyzes the potential highest and best use of the subject utilizing the four considerations detailed in the definition.

Legal Use: Galveston County does not subscribe to zoning for land use control; however, the City of La Marque does employ zoning. The subject property is located in a General Commercial district. Therefore, from a legal standpoint, the location of the subject property and the surrounding property uses would indicate commercial improvements that are a commentary use would be the most likely use. Therefore, the legally permissible use of the site is to improve the site with commercial improvements as the market dictates.

Physically Possible Use: The subject whole property contains a total of 22,452 square feet of land that due to the size and shape is restricted in its possible uses. The subject property is part of a dedicated right-of-way that is 60 feet wide along the southern boundary and extends north along its eastern boundary a distance of 296.76 feet to a point on the southwest line of the IH-45 feeder road. The subject has 124.28 feet of frontage on the feeder road. At this point, it extends south and southeast at an angle. The western boundary is 274.2 feet in length. The narrow width of the tract and irregular shape restricts potential development of the site. Therefore, the appraiser has determined the physically possible use of the site is to be used with an adjacent property.

Financially Feasible Use. In determining which uses are legally permissible and physically possible eliminates some uses from consideration. Those uses that meet the first two criteria are analyzed further. As long as a potential use has a value commensurate with its cost and conforms to the first two tests, the use is financially feasible. Therefore, it is our opinion the financially feasible use for the subject is to be used with an adjacent property.

Maximally Productive Use. The maximally productive use or the use that results in the highest value is typically one that is consistent with the other three criteria detailed above. Currently, it appears that the market does not differentiate between the stated uses; therefore, it is our opinion, the maximally productive use is the same as the financially feasible use of the site, that being to be used with an adjacent property.

¹² *The Appraisal of Real Estate*, 13th Edition, Page 278.

SALES COMPARISON APPROACH-VACANT LAND

The Sales Comparison Approach is a direct approach to estimating the value of real property, as it conforms to the presumption of sale or exchange inherent in the definition of market value. The market value of a given property is estimated by a comparison of other similar properties in the same or similar vicinity which have recently sold in the open market. The sales comparison approach applies the principle of substitution since typically buyers will not purchase a property at a price higher than prices of similar property with comparable locations, characteristics and future earning capabilities. Of all the appraisal approaches, this approach is the most direct, most frequently used, the best understood and one of the most generally preferred. It is the only approach to value that directly affects supply and demand and actual trading in the market place under ideal circumstances. The Sales Comparison Approach-Vacant Land was considered applicable.

The following current listings and vacant land sales were researched and considered the best indicators of market value for the subject tract.

CURRENT LISTINGS

CURRENT LISTING #1

Key Map: 736 G

Location: Southwest line of Interstate Highway 45, north line of Texas Avenue (FM 1765), La Marque, Texas.

Owner: La Marque Economic Development Corporation

Legal Description: 14.54 acres or approximately 633,362 square feet of land being part of Lot 18, all of Lot 19 and Lot 30, Mainland Homesteads, S. F. Austin Survey, Abstract 2, City of La Marque, Galveston County, Texas.

Listing Price: \$3.00/SF

Utilities: Yes

Comments: This irregular shaped tract is located on the southwest line of IH-45 with approximately 39 feet of frontage. There is also approximately 338.5 feet of frontage on the north line of Texas Avenue (FM 1765). The site also has frontage on an unimproved row adjacent north of Lots 18 and 19. The site is zoned General Commercial District by the City of La Marque. The La Marque Economic Development Corporation as indicated there are some conditions associated with the sale of the property as to construction starts. This listing was confirmed with Alex Getty; 409.938.9258. GCAD # 133166, 133131 and 133135.

CURRENT LISTING #2

Key Map: 737 N

Location: Southwest line of Interstate Highway 45, north of Main Street (FM 519), La Marque, Texas.

Owner: Facundo and Edwardo Caminos

Legal Description: Approximately 0.88 acre or 38,333 square feet of land being part of a 5.5 acre parent tract known as Tract 240 S. F. Austin Survey, Abstract 2, City of La Marque, Galveston County, Texas.

Listing Price: \$99,900 or \$2.58/SF

Utilities: Yes

Comments: The irregular shaped parent tract is located on the southwest line of IH-45 with approximately 821 feet of frontage. The site is zoned General Commercial District by the City of la Marque. The site is located in Flood Zone C. The 0.88 acre tract is to be subdivided off the parent 5.5 acres. The asking price was \$99,900 and the property was listed for more than 536 days. This listing was handled by Anthony Jensen of Zapp Realty; 409.771.8157. HARMLS #7708594. GCAD #131622..

CURRENT LISTING #3

Key Map: 736 M

Location: North line of Texas Avenue (FM 1765) and the east line of South West Drive, east of IH-45, La Marque, Texas

Owner: Raymond Goff

Legal Description: 0.9925 acre or 43,234 square feet of land being Lot 19 and the west ½ of Lot 20, Block 2, Super City No. 4, City of La Marque, Galveston County, Texas.

Listing Price: \$245,000 or \$5.67/SF of land area

Financing: Cash to seller

Remarks: This rectangular shaped tract has approximately 310 feet of frontage on the north line of Texas Avenue and 159 feet of frontage on South West Road. All utilities are available. The property was listed for 262 days. This property was listed with Realty Executives Advantage, Karen Seale; 409.770.4076. HARMLS #84918861. GCAD #134325.

CURRENT LISTING #4

Key Map: 737 S

Location: Northwest corner of FM 519 and Vauthier, west of IH-45, La Marque, Texas.

Owner: Dean and Catherine Brown

Legal Description: 7.851 acres or 341,990 square feet of land being part of Lot 1, Westerlage Subdivision, S. F. Austin Survey, Abstract 2, La Marque, Galveston County, Texas.

Consideration: \$475,000 or \$1.39/SF of land area

Financing: Cash to seller

Remarks: This tract is rectangular-shaped and located on the northwest corner of FM 519 and Vauthier. All utilities are available. The property was listed for more the 304 days with an asking price of \$475,000. This property was listed with Patrick McFarland of BHGRE Gary Greene; 281.482.0055. HARMLS #34657349. GCAD #134713.

LAND SALES

Land Sale #1

Key Map: 734 M

Date: March 16, 2016

Location: North line of State Highway 6, east of Avenue Q ½
and west of Avenue P, Santa Fe, Texas

Film Code: 2016015617

Grantor: Bennie and Sherry Smith

Grantee: Saar Texas Ventures, LLC

Description: 1.936 acres or 84,332 square feet of land being part
of Outlots 362 & 364, Alta Loma Outlots, Abstract
47, Santa Fe, Galveston County, Texas.

Consideration: \$180,000 or \$2.13/SF of land area

Financing: Cash to seller

Remarks: This irregular-shaped tract has approximately 201.3
feet of frontage on State Highway 6. All utilities
are available. The property was listed for 645 days
with an asking price of \$250,000. This sale was
confirmed by Victoria Christie, Terra Firma
Properties; 409.256.4807 and HARMLS
#85901054. R193343.

Land Sale #2

Key Map: 700 W

Date: October 29, 2015

Location: Northeast corner of IH-45 and 30th Avenue North,
Texas City, Texas

Film Code: 2015068341

Grantor: Judy Ann Fisk

Grantee: Bharat Patel

Description: 3.0 acres or 130,680 square feet of land being part
of Lot 11, Waterman's Subdivision, Abstract 208,
Texas City, Galveston County, Texas.

Consideration: \$424,710 or \$3.25 per square foot of land area

Financing: Cash to seller

Remarks: This tract is located on the northeast corner of IH-
45 and 30th Avenue North. Municipal water and
sewer were available. This sale was confirmed with
Matt Cooper, 713.204.2659. GCAD #355477.

Land Sale #3

Key Map: 700 W

Date: November 14, 2014

Location: East line of IH-45 south line of 30th Ave. N

Film Code: 2014065987

Grantor: Victor R. Duran

Grantee: Mosaic Hospitality, LLC

Description: 1.992 acres or 86,772 square feet of land being part of Lots 11 and 13, Waterman's Subdivision, Abstract 208, Texas City, Galveston County, Texas.

Consideration: \$480,000 or \$5.53 per square foot of land area

Financing: Cash to seller

Remarks: This tract is located on the southeast corner of IH-45 and 30th Avenue North. Municipal water and sewer were available. This sale was confirmed by the listing agent Ana Chavarria 832.643.7763. MLS #2625237.

Land Sale #4

Key Map: 771 C

Date: March 3, 2015

Location: North line of State Highway 6, south of Bayou Road.

Film Code: 2015013123

Grantor: Jerry and Brenda McLaren

Grantee: SD&I, LLC

Description: 1.482 acres or 64,556 square feet of land being Block 1, Wittjen Subdivision, No. 7, James Spillman League, Abstract 175, Galveston County, Texas.

Consideration: \$125,000 or \$1.94/SF of land area

Financing: Cash to seller

Remarks: This irregular-shaped tract is located on the north line of SH6 and the south line of Pelican Road. There is 118.52 feet of frontage on SH 6, 311.51 feet of frontage on Pelican. No water or sewer is available to the site. This property was listed for 192 days with an asking price of \$110,000. The sale price at \$125,000 was the result of negotiation with the seller agreeing to owner finance the sale. The original listing price was \$125,000. This sale was confirmed with J. Roy Hall of BHGRE Gary Green; 409.939.5838. HARMLS #38951886.

The map shows the area around Texas City, Texas, with the following features:

- Subject Property:** Highlighted in red, located near the intersection of I-37 and I-45.
- Land Sale #1:** Highlighted in blue, located near the intersection of I-37 and I-45.
- Land Sale #2:** Highlighted in blue, located near the intersection of I-37 and I-45.
- Land Sale #3:** Highlighted in blue, located near the intersection of I-37 and I-45.
- Land Sale #4:** Highlighted in blue, located near the intersection of I-37 and I-45.
- Major Roads:** I-37, I-45, FM 519 Rd, and various local roads like 2nd St, 4th St, 6th St, 8th St, 10th St, 12th St, 14th St, 16th St, 18th St, 20th St, 22nd St, 24th St, 26th St, 28th St, 30th St, 32nd St, 34th St, 36th St, 38th St, 40th St, 42nd St, 44th St, 46th St, 48th St, 50th St, 52nd St, 54th St, 56th St, 58th St, 60th St, 62nd St, 64th St, 66th St, 68th St, 70th St, 72nd St, 74th St, 76th St, 78th St, 80th St, 82nd St, 84th St, 86th St, 88th St, 90th St, 92nd St, 94th St, 96th St, 98th St, 100th St.
- Landmarks:** Gulf Coast Cemetery, Jones Brooks Park, Texas City Industrial Complex, Texas City Junction, Bayou Vista, Dickinson, League City, Santa Fe, Hatcher, Texas City, Texas City Heights, Texas City Bay.

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LAND SALES ADJUSTMENT GRID					
	Sale # 1	Sale # 2	Sale # 3	Sale # 4	Subject
Date Of Sale	Mar/16	Oct/15	Nov/14	Mar/15	
Size (SF)	84,332	130,680	86,772	64,556	247,834 SF
Sale Price Per SF:	\$2.13	\$3.25	\$5.53	\$1.94	
Cash Equivalent/Adjusted Price	\$2.13	\$3.25	\$5.53	\$1.94	
MULTIPLIED FACTORS					
Condition Of Sale Adjustment	0%	0%	0%	0%	
Adjusted Price (\$/SF)	\$2.13	\$3.25	\$5.53	\$1.94	
Market Cond. (Time) Adjustment	0%	0%	0%	0%	
Time / Cond. Adjusted, Cash - Equivalent Price (\$/SF)	\$2.13	\$3.25	\$5.53	\$1.94	
ADDED FACTORS					
Location Adjustment	10%	-20%	-20%	20%	
Physical Characteristics:					
Size Adj. - SF Basis	-20%	-10%	-20%	-20%	
Corner Influence	0%	-5%	-5%	-5%	
Shape/Topography	0%	0%	0%	0%	
Utilities	0%	0%	0%	10%	
Floodplain	0%	0%	0%	0%	
Net Loc. and Physical Adj.	-10%	-35%	-45%	5%	
Adjusted Price / SF	\$1.92	\$2.11	\$3.04	\$2.04	
Estimated Value of Land:					
Parent Tract	247,834 SF	X	\$2.00	=	\$495,668
Subject Tract	22,452 SF	X	\$2.00	=	\$44,904

All numbers and calculations are rounded to the nearest whole number.

DISCUSSION OF LAND SALES

The Parent Tract contains 5.689 acres or 247,834 square feet of land. The four vacant land sales represent the most recent indicators of value in the subject market area considered comparable to the subject. The four current listings were also given weight in the final determination of value. The sales included in this analysis range in size from 64,556 square feet to 130,680 square feet with sale prices ranging from \$1.94 to \$5.53 per square foot. Adjustments were considered for condition of sale, market conditions, location, size, shape, utilities and floodplain.

In this particular instance a condition of sales adjustment was not required as all four sales were considered market transactions. While the general market appears to be increasing in value, no discernable increase in vacant land values was apparent and an increase in market conditions (time) was considered not applicable.

Sales #1 and #4 were considered to have inferior locations on State Highway 6 and were adjusted upward. Sales #2 and #3 were located on Interstate Highway 45 frontage in a superior location near the intersection with Palmer Highway and required downward adjustments. Generally smaller tracts of land are considered to have superior values per unit based on the economies of scale where the greater number of units purchased the less per unit price paid and all four sales were adjusted downward for their smaller size. Sales #2, #3 and #4 were adjusted downward for their superior corner influence or two street frontage. Sale #4 required an upward adjustment for the lack of municipal utilities to the site. After adjustment the indicated values ranged from \$1.92 to \$3.04 per square foot. The appraiser gave greater weight to Sales #1, #2 and #4 in the final estimation of value. Based on the above analysis, I have reconciled a value of \$2.00 per square foot to be applicable for the subject site, as though vacant. Therefore, I have concluded a market value for the subject of \$44,904, rounded to:

**FORTY FOUR THOUSAND NINE HUNDRED DOLLARS
\$44,900**

COST APPROACH

The Cost Approach is one of the steps in the valuation process. The indication of value derived from this approach is reached by estimating the value of the land and adding to this replacement cost of the improvements less accrued depreciation. The approach is especially persuasive when the site value is well supported and the improvements are new or suffer only minor accrued depreciation and, therefore, approximate the highest and best use of the subject site. The subject is effectively vacant land and the Cost Approach is not applicable.

INCOME APPROACH

The income approach to value is measured by an income stream whereby the present worth of future benefits can be measured. This approach is generally measured by the net income which a fully informed person is entitled to, assuming the property will produce income during its remaining useful life. Typically, when persons buy an income producing property, they purchase the real estate based on the exchange of the sum of present dollars for the right to receive future dollars. In this particular instance, the subject property is effectively vacant land and the Income Approach was deemed not applicable.

SALES COMPARISON APPROACH - AS IMPROVED

The sales comparison approach is a direct approach to estimating the value of real property, as it conforms to the presumption of sale or exchange inherent in the definition of market value. The market value of a given property is estimated by a comparison of other similar properties in the same or similar vicinity which have recently sold in the open market. The sales comparison approach applies the principle of substitution since typically buyers will not purchase a property at a price higher than prices of similar property with comparable locations, characteristics and future earning capabilities. Of all the appraisal approaches, this approach is the most direct, most frequently used, the best understood and one of the most generally preferred. It is the only approach to value that directly affects supply and demand and actual trading in the market place under ideal circumstances. The subject property is effectively vacant land and the Sales Comparison Approach – As Improved is not applicable.

RECONCILIATION AND FINAL VALUE ESTIMATE:

All three approaches to value were considered applicable in arriving at a credible value estimate for the subject. The conclusion reached for each approach is as follows:

<i>Sales Comparison Approach-Vacant Land</i> _____	<i>\$44,900</i>
<i>Cost Approach</i> _____	<i>N/A</i>
<i>Income Approach</i> _____	<i>N/A</i>
<i>Sales Comparison Approach-Improved Property</i> _____	<i>N/A</i>

When deriving a value estimate for a property, various factors from the two applicable approaches must be considered. When weighing the indicated values, the most important considerations are the strengths and weaknesses of each approach to value, the data collected within each method and the particular property being appraised.

The Cost Approach, Income Approach and Sales Comparison Approach for Improved Properties (Market Approach) were deemed not applicable as the subject is vacant land. The Sales Comparison Approach – Vacant Land was the only applicable approach in the final determination of value.

Based on discussions with brokers and market participants in the area, it is my opinion an exposure period to the market of up to one year is anticipated for the subject

property. Therefore, in my opinion, the Market Value of the real estate of the subject properties, as of December 9, 2017, is as follows:

FORTY FOUR THOUSAND NINE HUNDRED DOLLARS
\$44,900

“DISCLAIMER: This document is being furnished to the recipient for the recipient’s convenience, and it is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. Any reliance on the contents shall be solely at the recipient’s risk. This document is being provided to the client without any warranty or representation, expressed or implied, as to its content, its suitability for any purpose, its accuracy, truthfulness or completeness.”

Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property’s value, marketability or utility.

The process was to develop an opinion of value and to perform a complete appraisal report as defined by the Uniform Standards of Professional Appraisal Practice. This means that no departure from Standard Rule 1 was invoked.

Michael R. Haithcoat is competent to appraise the subject property, having appraised several similar properties. The educational program followed is developed by the Appraisal Foundation and the Texas Appraiser Licensing and Certification Board in order to remain abreast of current and future trends in the real estate market and the appraisal profession.

EXTRAORDINARY ASSUMPTIONS/LIMITING CONDITIONS

The value estimates within this appraisal are contingent upon the subject property, as well as the adjoining properties, being free and clear of any toxic or hazardous waste materials such as, but not limited to, lead or lead-based products. It should be noted a potential purchaser of a property with hazardous waste or dangerous materials may assume financial liability for removal of such materials. The appraiser highly recommends an inspection be performed qualified professionals to ensure there are no hazardous waste materials, mold or wood destroying pests (such as, but not limited to, termites) on the subject. The value is also contingent upon the General Assumptions and General Limiting Conditions of this report. Also, the aforementioned values stated above were represented as of the effective date of this appraisal and value estimates could change in the future.

1. This is an appraisal report, which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it may not include full discussions of the data, reasoning and analyses that were used in the appraisal

process to develop the appraisers' opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's files. The information contained in this report is specific to the needs of the client and the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

2. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
3. The property is appraised free and clear of any liens and encumbrances unless otherwise stated in this report.
4. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
5. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
6. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property. The legal description in this report is assumed to be correct.
7. It is assumed that there are no hidden or unapparent conditions of the property, sub-soil, or structure which would render it more or less valuable. No responsibility is assumed for such condition or for arranging for engineering studies that may be required to discover them.
8. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the appraisal report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in this appraisal report.
10. It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
11. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.

12. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless stated in this report.
13. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The appraisers' value opinion is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraisers' descriptions and resulting comments are the result of routine observations made during the appraisal process.
14. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability or utility.
15. Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans and specifications.
16. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
17. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may or may not be used for any purpose other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualifications and only in its entirety.
18. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales or other media without prior written consent and approval of the appraiser.

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.

2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.
4. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. My compensation is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated value, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Uniform Standards of Professional Appraisal Practice and the Texas Appraiser Licensing and Certification Board.
7. Use of this report is subject to the requirements of the Appraisal Foundation relating to review by its duly authorized representatives.
8. Michael R. Haithcoat is State Certified General by the Texas Appraisal Licensing and Certification Board.
9. Michael R. Haithcoat made a personal inspection of the property that is the subject of this report.
10. No one provided significant professional assistance to the persons signing this report.
11. This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
12. I have not performed any real estate appraisal functions on the subject property for the three years prior to the effective date of this appraisal.

Please call if I may be of further assistance to you in this matter.



By: Michael R. Haithcoat
State Certification Number: TX-1337695-G
Expiration Date: January 31, 2018

ADDENDA

GENERAL ASSUMPTIONS

The legal description in this report is assumed to be correct.

No survey of the property has been made by the appraiser and no responsibility is assumed in connection with such matters. Sketches in this report are included only to assist the reader in visualizing the property.

No responsibility is assumed for matters of a legal nature affecting title to the property nor is an opinion of title rendered. The title is assumed to be good and merchantable.

Information furnished by others is assumed to be true, correct and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser.

All mortgage, liens, encumbrances, leases and servitude have been disregarded unless so specified within the report. The property is appraised as though under responsible ownership and competent management.

It is assumed that there are no hidden or unapparent conditions of the property, sub-soil, or structure which would render it more or less valuable. No responsibility is assumed for such condition or for engineering which may be required to discover them.

It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in this appraisal report.

It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless non-compliance is stated, defined and considered in this appraisal report.

It is assumed by the appraisers that the subject property as well as surrounding properties, unless so identified in this report, are free and clear of any environmental hazardous waste materials, which would involve any environmental liabilities to the subject parcel as well as any surrounding properties. The appraisers are not experts within this field as to the chemicals and/or hazardous waste materials.

It is assumed that the utilization of the land and improvements is within the boundaries or property described and that there is no encroachment or trespass unless noted within the report.

GENERAL LIMITING CONDITIONS

The appraiser will not be required to give testimony or appear in court because of having made this appraisal, with reference to the property in question, unless arrangements have been previously made therefore.

Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualifications and only in its entirety.

The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.

Neither all nor any part of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales or any other media without written consent and approval of the appraiser. Nor shall the appraiser, firm or professional organization of which the appraiser is a member, be identified without written consent of the appraiser.

QUALIFICATIONS OF MICHAEL R. HAITHCOAT

Professional Affiliations

State of Texas Authorized Real Estate Appraiser - Number TX-1337695-G, Expires January 31, 2018.

State of Texas Board of Professional Examiners, Registered Professional Appraiser Number 61268-9, Retired.

Education

Graduated from South Houston High School, South Houston, Texas

Attended College of the Mainland, San Jacinto Junior College, Galveston Community College and Texas A & M University.

Real Estate Courses

Principles of Real Estate I
Principles of Real Estate II
Uniform Standards of Professional Appraisal Practice
Residential Appraisal
Texas Real Estate Contracts
Income Property Appraisal
Mass Appraisal
Technical Report Writing
Land Appraisal
Rates and Ratios, Appraisal Institute
Eminent Domain/Condemnation

Experience

1995 to current	Self-employed
1992-1995	Don Rouse's Wildlife Gallery, Galveston, TX
1991-1992	Paul Smith & Associates Real Estate Appraisers & Consultants, Kemah, TX
1981-1991	Galveston County Central Appraisal District, Galveston County, TX

In connection with above employment, a partial client list includes the following:

Texas First Bank
Texas City Terminal Railway
Company
Dow Employees Federal Credit
Texan Bank
HomeTown Bank
University of Texas Medical Branch
Mills, Shirley, Eckel & Bassett
Clear Lake City Water Authority
Olson & Olson, LLP.

Galveston County
Brazoria County Conservation
And Reclamation District #3
Greer, Herz & Adams, L.L.P.
Southwest Bank of Texas
City of Santa Fe
Tramonte, Tramonte & Bastien
Sapio & Redmond, Attorneys
Village of Tiki Island
City of Clear Lake Shores

Extensive experience with vacant land, single family and multi-family residential appraisals.

Commercial appraisal experience includes free-standing retail, strip centers, restaurants, office buildings, mixed use buildings, apartments, subdivision analysis, mini-storage facilities, R.V. parks, industrial warehouses and Eminent Domain/Condemnation and Right-of-Way work.

Experience with waterfront, wetland properties and partial interest ownerships.

Biographical Background

Born in Riverside, California. Married, one child. Residence located in Friendswood, Texas.

Texas Appraiser Licensing and Certification Board

P.O. Box 12188 Austin, Texas 78711-2188

Certified General Real Estate Appraiser

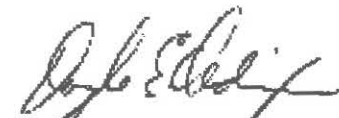
Number: TX 1337695 G

Issued: 01/07/2016

Expires: 01/31/2018

Appraiser: MICHAEL ROBERT HAITHCOAT

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.


Douglas E. Oldmixon
Commissioner



1111 Bayou Road
La Marque, Texas 77568



**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
APPLICATION/CHECKLIST
FOR
ABANDONMENT OF STREET, ALLEY, EASEMENT, ETC.**

Applicant name: La Marque Economic Development Corporation

Mailing address: 1130 First Street

Telephone: 409-938-9258 e-mail agetty@lmedc.com

Abandonments of streets, Alleys, etc. are governed by city Ordinance Section 56-4

Property to be abandoned See attached survey

- ✓ 1. Petition (letter of request) submitted to the City Clerk in writing Sec 56-4 (a) ☐
- ✓ 2. Petition (letter of request) is directed to City Council Sec 56-4(a) ☐
- ✓ 3. Petition (letter of request) has the description of the property to be abandoned
Sec 56-4 (a) ☐
- ✓ 4. List of all abutting owners and their addresses. Sec 56-4 (a) (List from HCAD) ☐
- 5. Petition (List) of abutting owners Sec 56-4 (a) ☐
- 6. Attachment showing why abutting owners are not joining in petition Sec 56-5 (a) ☐
- 7. Fee of \$500.00 has been paid Sec 56-4 (b) Appendix A (fee) - *NAIVE* ☐
- 8. Release forms mailed by certified mail to all abutting property owners Sec 56-4 (b) ☐
- 9. Release forms mailed by certified mail to all utility companies Sec 56-4 (b) ☐

10. If only a portion of the street is requested to be abandoned that has public access from either direction petitioner must provide the City Clerk with the names for both the portion that is to be closed and the portion that is to be opened to the next intersection Sec 56-4 (c) ☐
- _____
- _____
- _____
- _____
- _____
- _____
11. Notices and release forms have been mailed to the owners of the closed and open portions of said street Sec 56-4 (c) ☐
12. Petition was submitted to the Planning Commission for recommendation to the City Council at the next regular scheduled meeting Sect 56-4 (d) ☐
13. 30 days have lapsed from the date the request was filed Sec 56-4 (d) ☐
14. Planning and Zoning Commission formulated their response in less than 30 days ☐
15. Fee determined by city ordinance / market value Sec 56-4 (e) ☐
16. Market value appraisal made by bona fide appraiser selected by the city Sec 56-4 (d) ☐
17. Fee is paid to include market value, payment of appraisal, and payment to prepare Quitclaim deed Sec 56-4 (e) ☐
18. Quitclaim Deed delivered to new owners Sec 56-4 (e) ☐



Applicant Signature

12/5/17
Date



May 14, 2019

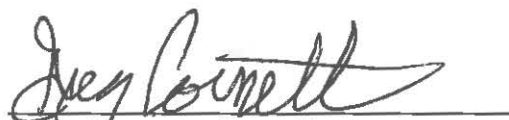
Mayor and City Council
City of La Marque
1111 Bayou Road
La Marque, Texas 77568

Dear Mayor and City Council:

On May 14, 2019, the Planning and Zoning Commission considered a request of abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the West side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steve F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas. (Walker Street).

By unanimous vote, Planning and Zoning Commission recommended forwarding a approval recommendation to City Council.

Thank you,


Greg Cornett, Vice Chair
Planning and Zoning Commission



1111 Bayou
La Marque, Texas 77568
409-938-9202

**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING
MINUTES
OF
May 14, 2019**

Public Hearing and Regular Meeting Minutes of the City of La Marque Planning and Zoning Commission held on May 14, 2019, beginning at 4 p.m. at 1109-B Bayou Road with the following members present: Greg Cornett, Hugh Cash and Jean Gutierrez.

(1) CALL TO ORDER

Vice Chairperson Cornett called the meeting to order at 4:00 p.m.

(2) ROLL CALL

PRESENT:

Vice Chairperson Greg Cornett - Present

Commissioner Hugh Cash - Present

Commissioner Jean Gutierrez - Present

Commissioner Augustino Molis - Absent

OTHER OFFICIALS/STAFF PRESENT:

Robert Michetich - City Councilmember

Charles Jackson - City Manager

Charlene Warren - Assistant to the City Manager

Ellis Ortego - City Attorney

Sussie Sutton - Development Coordinator

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was dispensed by the Planning & Zoning Commission, led by Vice-Chairperson Cornett.

(4) APPROVAL OF MINUTES

- a. Meeting minutes of February 12, 2018. (Tabled In March)
Commissioner Gutierrez motioned to table the minutes. Commissioner Cash seconded. **MOTION PASSED UNANIMOUSLY.**
- b. Meeting minutes of March 12, 2018.
Commissioner Cash motioned to approve the minutes. Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**



1111 Bayou
La Marque, Texas 77568
409-938-9202

- c. Meeting minutes of April 9, 2018.
Commissioner Cash motioned to approve the minutes. Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**

(5) CITIZENS PARTICIPATION

There was no participation.

The Planning & Zoning Commission Regular Meeting closed and the Public Hearing convened at 4:05 p.m.

(6) PUBLIC HEARING

- a. Conduct public hearing to hear public input regarding a request of abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steve F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas. (Walker Street)

The Planning & Zoning Commission Public Hearing closed and the Planning & Zoning Commission Regular meeting convened at 4:11 p.m.

(7) NEW BUSINESS

- a. **Discussion/possible action regarding a request** of abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected), according to the map or plat thereof recorded in Volume 254, Page 60 in the Office of the County Clerk of Galveston County, Texas and part of the road right of way on the West side of the Daugherty Survey No. 4, out of the Marchand Subdivision in the Steve F. Austin League No. 4, according to the map or plat of Marchand Subdivision recorded in Volume 254-A, Page 50 in the Office of the County Clerk of Galveston County, Texas. (Walker Street)

Commissioner Cash motioned to recommend approval to City Council for the abandonment of a portion of a right of way road easement being a tract of land being a part of the road right of way on the East side of Super City Subdivision No. 2 (corrected). Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**



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409-938-9202

- b. Discussion/possible action regarding the election of a new chairperson for the Planning & Zoning Commission.

Commissioner Gutierrez motioned to table the election of a new chairperson. Commissioner Cash seconded. **MOTION PASSED UNANIMOUSLY.**

- c. Discussion/possible action regarding the election of a new vice chairperson for the Planning & Zoning Commission.

Commissioner Cash motioned to table the election of a new vice chairperson. Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**

(8) CHAIRPERSON'S REPORT

There was no report.

(9) REQUESTS AND ANNOUNCEMENTS

There were no requests or announcements.

(10) ADJOURNMENT

It was the consensus of the Commission to adjourn the meeting.

Greg Cornett, Vice-Chairperson
Planning & Zoning Commission



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019
 Prepared by: Charles Jackson

Agenda item: 8e
 Reviewed by: Charlene Warren/
Charles Jackson

Department: Administration

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2019-0011**, amending Chapter 2, Administration, Article I, in general, of the Code of Ordinances of the City of La Marque, Texas, by adding a new section 2-9, establishing procedures for placing items on the agenda **THIS IS THE SECOND AND FINAL READING**

X

ATTACHMENTS FOR REFERENCE

1. Proposed Ordinance

STAFF BRIEFING:

- City Council members have individually requested a procedural Ordinance that establishes a mechanism for Council Members to be able to place items on an agenda for Council Meetings.
- The attached Ordinance outlines a process for reaching the requested desired outcome.
- The proposed Ordinance has been reviewed and approved by the City Attorney.

TARGET IMPLEMENTATION: July 8, 2019

ACTION:

- | | |
|---|---|
| ☒ Ordinance
☐ Special Presentation
☐ Finance Report
☐ Other
☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | ☐ Resolution
☐ Proclamation
☐ Public Hearing |
|---|---|

Cost Details:	
Budgeted	NA
Actual Bid	NA
Estimated Expenditure	NA
Acct. Name(s)	NA
Line Item #	NA
Other Funding	NA

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-0011**, amending Chapter 2, Administration, Article I, in general, of the Code of Ordinances of the City of La Marque, Texas, by adding a new section 2-9, establishing procedures for placing items on the agenda **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: N/A

ORDINANCE NO. O-2019-0011

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF LA MARQUE, TEXAS, BY ADDING A NEW SECTION 2-9, ESTABLISHING PROCEDURES FOR PLACING ITEMS ON THE AGENDA, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of La Marque is a home-rule municipality; and

WHEREAS, the City of La Marque City Council wishes to establish a procedure for placing items on the agenda;

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

Section 1.

That Chapter 2, Administration, Article I, In General, of the Code of Ordinances of the City of La Marque, Texas, is hereby amended by adding a section to be numbered 2-9, which shall read as follows:

“Section 2-9. Procedures for Placing Items on the Agenda.

(a) Resolutions, ordinances, or items for council consideration, discussion, and/or action shall be placed on the agenda for regular or special council meetings upon either: 1) a verbal request by two council members at a regular meeting; 2) a request in writing signed by two council members and submitted to the City Clerk not later than 12:00 pm on the Wednesday before a regular or special meeting; 3) a verbal or written request of the City Manager; or 4) a verbal or written request of the Mayor.

(b) Requests for emergency items shall be made in the same manner as far in advance of the meeting as possible and shall meet all statutory requirements.”

Section 2.

This Ordinance shall become effective on the second and final passage.

Page 2, Ordinance No. O-2019-0011
Placing Items on Agenda

PASSED AND APPROVED by the City Council of the City of La Marque, Texas on FIRST reading this ____ day of _____, 2019.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque, Texas on SECOND and FINAL reading this ____ day of _____, 2019.

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Prepared by: Charles Jackson/
Charlene Warren

Department: Administration

Agenda item: 9a

Reviewed by: Charlene Warren/
Charles Jackson

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding awarding RFQ #19-01 to LJA Engineering, Inc. for Engineering Services for Proposed Contract Funding for the Community Development Block Grant-Disaster Recovery (CDBG-DR) through the Texas General Land Office for Infrastructure and Acquisition projects

☒

ATTACHMENTS FOR REFERENCE

1. RFQ Packet
2. Score tabulations

STAFF BRIEFING:

- In October, 2018, the City was notified that it had been awarded Community Development Block Grant - Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by H-GAC
- The award for Local Buyout/Acquisition is \$1,485,783.00
- The award for Local Infrastructure is \$1,447,527.00
- It is now a requirement through the Texas General Land Office (administrators of the CDBG program) that requesting agencies must procure their own Grant Administrators and Engineers
- Previously, the State would allow selection from a list of preferred vendors
- The ultimate cost for these services is paid for through any grant proceeds the City receives

HISTORY:

- RFQ was posted in Galveston Daily News on June 7, 2019 and June 14, 2019
- RFQ were publicly acknowledged on June 20, 2019

TARGET IMPLEMENTATION: July 8, 2019

SIGNIFICANT ACTION DATES:

July 8, 2019 - City Council to consider awarding RFQ



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Award of RFP/RFQ | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to award RFQ #19-01 to LJA Engineering, Inc. for Engineering Services for Proposed Contract Funding for the Community Development Block Grant-Disaster Recovery (CDBG-DR) through the Texas General Land Office for Infrastructure and Acquisition projects

FISCAL IMPACT: None; any future awards of CDBG grant funds will include provisions for administration and engineering services.

City of La Marque, Texas
Request for Qualifications (RFQ) for Engineering
RFQ #19-01

June 7, 2019

Re: RFQ #19-01 Proposed Contract Funding for the CDBG – Disaster Recovery Fund through GLO Community Development & Revitalization

Engineering Service Providers:

Attached is a copy of the City of La Marque Request for Qualifications for engineering services. These services are being solicited to assist the City of La Marque in its application and project implementation of a contract(s), if awarded, from the CDBG – Disaster Recovery Fund of the General Land Office (GLO) Community Development Block Grant Program. The City of La Marque will be applying for such funding to support infrastructure and housing activities in the City of La Marque.

Multiple contracts may be awarded as a result of this solicitation.

The submission requirements for this proposal are also included on the attached Request for Qualifications (RFQ) form. Firms and/or individuals should have past experience with federally funded programs. Please submit a proposal of services and statement of qualifications to:

City of La Marque
Attn: City Clerk
1111 Bayou Road
La Marque, Texas 77568

To obtain a copy of the RFQ packet, please visit our website at www.cityoflamarque.org or contact Robin Eldridge, City Clerk at 409-938-9259.

Along with your proposal, you must also include verification that your company as well as the company's principal is not listed (is not debarred) through the System for Award Management (www.SAM.gov). Please include a print out of the search results.

The deadline for submission of proposals is **10:00 a.m., June 20, 2019**, at which time the bids will be publicly acknowledged in the La Marque Council Chambers located at 1109-B Bayou Road, La Marque, Texas, 77568.

The City of La Marque reserves the right to negotiate with any and all persons or firms submitting proposals, per the Texas Professional Services Procurement Act and the Uniform Grant and Contract Management Standards.

The City of La Marque is an Affirmative Action/Equal Opportunity Employer.

Request for Qualifications (RFQ) for Engineering Services

The City of La Marque is seeking to enter into an Engineering Services contract with a state-registered engineering firm. The following outlines this request for qualifications.

- I. Scope of Work - The contract will encompass all application and project-related services for the City of La Marque under its CDBG-Disaster Recovery project, including but not limited to the following:

Pre-Funding Services

- Assist with the development of grant applications, as necessary.

Post-Funding Services

- Initial Engineering and Design Support
- Engineering and Final Design Support
- Bid and Award Support
- Contract Management and Construction Oversight
- Specialized Services

Please specify actual tasks to be performed under each of these categories.

*Pre-funding services are not eligible for CDBG-DR reimbursement and must be paid with local or other non-CDBG-DR funds.

- II. Statement of Qualifications - The City of La Marque is seeking to contract with a competent engineering firm, registered to practice in the State of Texas, that has had experience in the following areas:

- Municipal construction including but not limited to disaster recovery, projects;
- Registered and in good standing as a professional engineer per the Texas Engineering Practice Act
- Federally-funded construction projects; and
- Projects located in this general region of the state

As such, please provide within your proposal a list of past local government clients, as well as resumes of all engineers, environmental, architects, surveyors that will or may be assigned to this project if awarded the services contract award.

Please provide a copy of your current certificate of insurance for professional liability.

- III. Evaluation Criteria - Proposals received will be evaluated and ranked according to the following criteria:

<u>Criteria</u>	<u>Maximum Points</u>
Experience	60
Work Performance	25
Capacity to Perform	15
Total	100

- IV. Affirmative Steps Respondent shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises and labor surplus area firms are used when possible.
- V. For this RFQ, Respondent's qualifications will be evaluated, and the most qualified Respondent will be selected, subject to negotiation of fair and reasonable compensation.
- Upon the award of this contract, profit (either %/actual cost) must be identified and negotiated as a separate element of the price for any contract.
- VI. Deadline for Submission - Proposals received will be received no later than **10:00 a.m., June 20th, 2019** at the following address:

City of La Marque
Attn: City Clerk
1111 Bayou Road
La Marque, Texas 77568

Engineering Scoring Sheet

Grant Recipient _____
 Name of Respondent _____
 Evaluator's Name _____

CDBG-DR
 Date of Rating _____

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	_____
2. Has worked on federally funded construction projects	15	_____
3. Extent of experience in project construction management	20	_____
4. References	5	_____
Subtotal, Experience	60	=====

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	_____
2. Manages projects within budgetary constraints	5	_____
3. Work product is of high quality	10	_____
Subtotal, Performance	25	=====

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	_____
2. Adequacy of Resources	5	_____
3. Professional liability insurance is in force	5	_____
Subtotal, Capacity to Perform	15	=====

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	_____
2. Work Performance	25	_____
3. Capacity to Perform	15	_____
Total Score	100	=====



TEXAS GENERAL LAND OFFICE

ENGINEERING

SCOPE OF WORK

SCOPE OF SERVICES REQUESTED	2
DESCRIPTION OF SERVICES AND SPECIAL CONDITIONS.....	2
ENGINEERING SERVICES.....	2

SCOPE OF SERVICES REQUESTED

Providers will help the GLO fulfill State and Federal Community Development Block Grant Disaster Recovery (“CDBG-DR”) statutory responsibilities related to disaster recovery for presidentially declared disasters in Texas. Providers will assist the GLO and grant recipients in the completion of CDBG qualified housing or non-housing projects. Respondents may be qualified to provide Engineering services for housing projects, non-housing projects, or both. Engineering services must be performed in compliance with the U.S. Department of Housing and Urban Development (“HUD”) and guidelines issued by the GLO. Providers will be bound to specific terms and conditions found in the sample general terms and conditions.

DESCRIPTION OF SERVICES AND SPECIAL CONDITIONS

Respondents will be required to show the ability to provide all the Engineering services described below. Respondent shall then provide a detailed description of how they meet the requirement, describing their knowledge and experience, as well as providing discrete examples of previous work where applicable.

General Requirements

- (a) Coordinate, as necessary, between subrecipient and its service providers (i.e., Engineer, Environmental, Contracted Construction Company, Grant Administrator, etc.) and GLO. regarding project design services.
- (b) Provide monthly project status updates.
- (c) Funding release will be based on deliverables identified in the contract.

Initial Engineering and Design Support

Respondents will be required to show the ability to provide all the Engineering services described below:

- (a) Assist with the development of grant applications, as necessary.
- (b) Provide all project information necessary to ensure timely execution of the environmental review.
- (c) Provide preliminary engineering, investigations, and drawings sufficient to achieve the preliminary design milestone, including at a minimum:
 - i. Cross sections/elevations
 - ii. Project layout/staging areas

- iii. General notes
- iv. Special notes
- v. Design details
- vi. Specifications
- vii. Utility relocation designs
- viii. Construction limits, including environmentally sensitive areas that should be avoided during construction
- ix. Required permits
- x. Quantities
- xi. Estimate of construction costs to within +/- 25%
- xii. Schedules for design, permitting, acquisition and construction

- (d) Design surveying, topographic and utility mapping.
- (e) Perform subsurface explorations for project sites, as necessary.
- (f) Prepare horizontal alignments/layouts for all proposed project alternatives necessary to fully describe the project scope, anticipated limitations, and potential project impacts.
- (g) Recommend value engineering options (alternative design, construction methods, procurement, etc.) that may improve efficiency, expedite the schedule, or reduce project costs for the subrecipient.
- (h) Identify, acquire and submit all necessary permits and approvals required for design approval and construction.
- (i) Submit all necessary deliverables to the appropriate entity for review and comment. Adjust project and/or design to satisfactorily address any comments, as necessary.
- (j) Prepare plans and profiles, including vertical design information for the selected alternative.
- (k) Identify and address potential obstacles to project implementation (i.e., pipelines, easements, permitting, environmental, etc.) prior to moving forward with the final design.
- (l) Support subrecipient with acquisition or property/servitudes/right-of-way documentation as required by the City to facilitate the project, preparing right of way surveys and/or property boundary maps and legal

descriptions of parcels to be acquired.

- (m) Provide project schedules from cradle to grave in MS Project format or equal as approved by the subrecipient based on GLO guidance.

Engineering and Final Design Support

Respondents will be required to show the ability to provide all the Engineering services described below as they relate to final design support:

- (a) Prepare plans and profiles, including necessary design information for the selected alternative sufficient to achieve all detailed design milestones. Examples include, but are not limited to:
 - i. Cross sections/elevations
 - ii. Project layout/staging areas
 - iii. General notes
 - iv. Special notes
 - v. Design details
 - vi. Specifications
 - vii. Utility relocation designs
 - viii. Construction limits, including environmentally sensitive areas that should be avoided during construction
 - ix. Required permits
 - x. Quantities
 - xi. Estimate of construction costs to within +/- 20%
 - xii. Schedules for design, permitting, acquisition and construction
- (b) Provide information to appropriate individuals for the development of environmental fund release reports and floodplain maps.
- (c) Identify, acquire and submit all necessary permits and approvals required for design approval and construction.
- (d) Provide hard copy, if necessary, reproducible plan drawings and bid documents, in addition to electronic copies to the subrecipient, upon design completion, and as requested during design. Electronic copies should be in the native format (AutoCAD DWG) along with PDF packages and should contain all corresponding references, databases, or

files associated with the completed design documents.

- (e) Assist the subrecipient and any service provider related to the project with all necessary documentation to ensure compliance with all Program requirements and regulations.

Bid and Award Support

Respondents will be required to show the ability to provide all the Engineering services described below as they relate to bid and award support.

- (a) Submit appropriate items and support subrecipient in the development of complete bid package.
- (b) Prepare and assist subrecipient in the advertisements for bid solicitation.
- (c) Support development and issuance of bid-related documents necessary to complete bid process (e.g., bid proposal form, bid addenda and supporting documentation).
- (d) Attend and support subrecipient at pre-bid conference and bid opening.
- (e) Support subrecipient with ongoing communication during bid process.
- (f) Support subrecipient to complete bid tabulation and evaluation of responses and provide recommendation for award.
- (g) Support subrecipient to negotiate and finalize contract documents, including issuance of the Notice to Proceed, in accordance with program and subrecipient requirements.
- (h) Support subrecipient in the conducting of a preconstruction conference.

Contract Management and Construction Oversight

Respondents will be required to show the ability to provide all the Engineering services described below as they relate to contract management and construction oversight.

- (a) Ensure delivery of subrecipient project in accordance with contract.
- (b) Provide ongoing Construction Oversight Reports detailing the status of construction for subrecipient project.
- (c) Review all service provider submittals to ensure compliance with construction contract documents and provide recommendations to subrecipient.
- (d) Provide periodic and final inspections and tests reports, as required for the project.
- (e) Provide on-site supervision and oversight of construction activities at a minimum on a bi-weekly basis or as directed by the GLO or subrecipient.

- (f) Review Construction Change Orders and provide recommendation to subrecipient as to appropriate action.
- (g) Review invoice/draw requests and provide recommendation to subrecipient as to appropriate action, in compliance with the construction contract documents.
- (h) Obtain independent cost estimates for validation purposes, as required.
- (i) Review and respond to requests for information/clarification.
- (j) Support subrecipient with issue identification and claims resolutions.
- (k) Enter all requisite information into the GLO system of record in accordance with established policies and procedures.
- (l) Develop a final “as built” report of quantities, drawings, and specifications.
- (m) Issue to the subrecipient, for execution, a Certificate of Construction Completion within 30 days of final inspection approval.
- (n) Deliver “as-built” drawings to the subrecipient within 30 days of project completion.
- (o) Host and/or attend project coordination meetings in person, by phone, or by video conference, which may or may not fall during normal business hours.
- (p) Perform other contract management and construction oversight duties as required to ensure success of the subrecipient project.
- (q) Provide necessary certifications to regulatory agencies of project completion and compliance (ex. TCEQ).
- (r) Submit all final invoices within 60 days after contract or work order expiration.

Specialized Services

Respondents will be required to show the ability to provide all the Engineering services described below as they relate to specialized services.

- (a) Provide Geotechnical Investigations as may be required for a project.
- (b) Provide Detailed Surveying as may be required for a project.
- (c) Provide Site Specific Testing as may be required for a project.
- (d) Provide Archeological Studies as may be required for a project.
- (e) Provide Planning Studies as may be required for a project.

- (f) Provide Feasibility Studies as may be required for a project.
- (g) Provide Legal documentation for property and/or easements to be acquired (i.e., field notes, etc.).
- (h) Provide Phase I and Phase II environmental site assessments as requested.

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED	

CERTIFICATION REGARDING LOBBYING LOWER TIER COVERED TRANSACTIONS

Applicants should review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying."

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

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

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

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

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

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

In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

NAME OF APPLICANT

AWARD NUMBER AND/OR PROJECT NAME

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

THIS FORM MUST BE EXECUTED

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

Approved by OMB

0348-0046

1. Type of Federal Action: ☐ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance	2. Status of Federal Action: ☐ a. bid/offer/application ☐ b. initial award ☐ c. post-award	3. Report Type: ☐ a. initial filing ☐ b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, if known: Congressional District, if known: 4c	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

THIS FORM SHOULD BE EXECUTED ONLY WHEN REPORTING LOBBYING ACTIVITIES UNDERTAKEN WITH GRANT FUNDS

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

GENERAL AFFIRMATIONS

Provider agrees without exception to the following affirmations:

1. Provider certifies that he/she/it has not given, offered to give, nor intends to give at anytime hereafter, any economic opportunity, future employment, gift, loan gratuity, special discount, trip, favor, or service to a public servant in connection with the Contract.
2. Provider certifies that neither Provider nor any firm, corporation, partnership, or institution represented by Provider or anyone acting for such firm, corporation, partnership, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or federal antitrust laws; or (2) communicated the contents of the Contract or proposal either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for the Contract or proposal.
3. Provider certifies that if its business address shown on the Contract is a Texas address, that address is the legal business address of Provider and Provider qualifies as a Texas Resident Bidder under Texas Administrative Code, Title 34, Part 1, Chapter 20.
4. Section 2155.004 of the Texas Government Code prohibits the award of a contract that includes proposed financial participation by a person who received compensation from the Subrecipient to participate in preparing the specifications or request for proposals on which the Contract is based. Under Section 2155.004, Government Code, the vendor [Provider] certifies that the individual or business entity named in this bid or Contract is not ineligible to receive the specified Contract and acknowledges that the Contract may be terminated and payment withheld if this certification is inaccurate.
5. Under Texas Family Code section 231.006, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25 percent is not eligible to receive payments from state funds under a contract to provide property, materials, or services. Under Section 231.006, Texas Family Code, the vendor or applicant [Provider] certifies that the individual or business entity named in this Contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this Contract may be terminated and payment may be withheld if this certification is inaccurate.
6. Provider agrees that any payments due under the Contract will be applied towards any debt, including but not limited to delinquent taxes and child support, Provider owes to the State of Texas.
7. The Subrecipient is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 13224, blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism and any subsequent changes made to it. The Subrecipient will cross-reference Providers/vendors with the federal System for Award Management (<https://www.sam.gov/>), which includes the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list.
8. Provider certifies: 1) that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity; 2) that Provider is in compliance with the State of Texas statutes and rules relating to procurement; and 3) that Provider is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <https://www.sam.gov/>.

9. Under Section 2155.006(b) of the Texas Government Code, the Subrecipient may not enter into a contract that includes proposed financial participation by a person who, during the five year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, Provider certifies that the individual or business entity named in the Contract is not ineligible to receive the specified Contract and acknowledges that the Contract may be terminated and payment withheld if this certification is inaccurate.
10. The state auditor may conduct an audit or investigation of any entity receiving state funds directly under the Contract or indirectly through a subcontract under the Contract. Acceptance of funds directly under the Contract or indirectly through a subcontract under the Contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Provider shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Provider and the requirement to cooperate is included in any subcontract it awards.
11. Provider understands that the neither the Subrecipient nor the GLO tolerate any type of fraud. The Subrecipient's policy is to promote consistent, legal, and ethical organizational behavior by assigning responsibilities and providing guidelines to enforce controls. Any violations of law, agency policies, or standards of ethical conduct will be investigated, and appropriate actions will be taken. Providers are expected to report any possible fraudulent or dishonest acts, waste, or abuse affecting any transaction with the GLO to the GLO's Internal Audit Director at 512.463.5338 or to tracey.hall@glo.texas.gov.

NOTE: Information, documentation, and other material related to this Contract may be subject to public disclosure pursuant to the "Public Information Act," Chapter 552 of the Texas Government Code.

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This Sample Contract is provided as an **EXAMPLE ONLY**. The Texas General Land Office (“GLO”) makes no representations or warranties regarding the sufficiency of this Sample Contract for use by any party including, without limitation, any local government entity.

A local government entity should consult with its own contracting and procurement staff and/or legal counsel regarding the sufficiency of any contract document or procurement process.

**PROFESSIONAL ENGINEERING SERVICES FOR
NON-HOUSING PROJECTS
UNDER THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CONTRACT NO. _____**

THE ****insert subrecipient name**** (the “Subrecipient”) and ****insert vendor name****, Tax Identification Number *** (“Provider”), each a “Party” and collectively, “the Parties,” enter into the following contract for professional engineering services (the “Contract”) pursuant to the Professional Services Procurement Act, TEX. GOVT. CODE 2254 and 2 C.F.R. Part 200.

WHEREAS, the Subrecipient has received U.S. Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery (“CDBG-DR”) funds, administered by the Texas General Land Office (“GLO”) for damage sustained from _____; and

WHEREAS, the CDBG-DR program is funded under the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act, 2016, Pub. L. No. 114-113.

NOW, THEREFORE, the Parties agree to the following terms and conditions:

I. DEFINITIONS / INTERPRETIVE PROVISIONS / PROJECT DESCRIPTION

1.01 DEFINITIONS

“Activity” means a defined class of works or services authorized to be accomplished using CDBG-DR grant funds. Activities are specified in Subrecipient Budgets as ‘Category,’ and the terms are interchangeable under this Contract.

“Administrative and Audit Regulations” means the regulations included in Title 2, CFR, Part 200. Chapter 321 of the Texas Government Code; Subchapter F of Chapter 2155 of the Texas Government Code; and the requirements of Article VII herein. With regard to any federal funding, agencies with the necessary legal authority include: the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of Inspector General, and any of their authorized representatives. In addition, state agencies and/or designee’s with the authority to audit and inspect include, the Subrecipient, the GLO, the GLO’s contracted examiners, the State Auditor’s Office, the Texas Attorney General’s Office and the Texas Comptroller of Public Accounts. “Attachment” means documents, terms, conditions, or additional information physically added to this Contract following the execution page, or incorporated by reference, as if physically.

“Benchmark” or “Billing Milestone” means a clearly defined set of incremental services that must be performed; or an interim level of accomplishment that must be met by Provider in order to receive periodic incremental and final reimbursement for services under this Contract.

“CDBG—DR” means the Community Development Block Grant—Disaster Recovery Program administered by the U.S. Department of Housing and Urban Development, in cooperation with the GLO.

“Certificate of Construction Completion” means a document submitted by an engineer or, if none, a construction contractor, to a Subrecipient which, when executed by the Subrecipient, indicates acceptance of the non-housing project, as built.

“Contract” means this entire document, along with any Attachments, both physical and incorporated by reference; and any Amendments, Revisions, or Technical Guidance Letters that may be issued by the GLO, to be incorporated by the GLO, to be incorporated by reference herein for all purposes as they are issued, if any.

“Contract Period” means the period of time between the effective date of a contract and its expiration or termination date.

“Deliverable” means a unit or increment of work to include, any item, report, data, document, photograph, or other submission required to be delivered under the terms of this Contract, in whatever form.

“Federal Assurances” means Standard Form 424B (Rev. 7-97) (non-construction projects); or Standard Form 424D (Rev. 7-97) (construction projects), in **Attachment A**, attached hereto and incorporated herein for all purposes.

“Federal Certifications” means U.S. Department of Commerce Form CD-512 (12-04), “Certifications Regarding Lobbying – Lower Tier Covered Transactions,” also in **Attachment A**, attached hereto and incorporated herein for all purposes.

“Fiscal Year” means the period beginning September 1 and ending August 31 each year, which is the annual accounting period for the State of Texas.

“GAAP” means “Generally Accepted Accounting Principles.”

“GASB” means the Governmental Accounting Standards Board.

“General Affirmations” means the statements in **Attachment B**, attached hereto and incorporated herein for all purposes, which Provider affirms by executing this Contract.

“GLO” means the Texas General Land Office, its officers, employees, and designees.

“HSP” means HUB Subcontracting Plan, as outlined by Chapter 2161 of the Texas Government Code.

“HUB” means Historically Underutilized Business, as defined by Chapter 2161 of the Texas Government Code.

“HUD” means the United States Department of Housing and Urban Development.

“Mentor Protégé” means the Comptroller of Public Accounts’ leadership program found at: <http://www.window.state.tx.us/procurement/prog/hub/mentorprotege/>

“Non-housing” refers to a project involving the restoration and/or repair of infrastructure facilities and the economic revitalization activities approved under a CDBG-DR program grant.

“Performance Statement” means Provider’s detailed scope of work hereby incorporated for all purposes as **Attachment C**.

“Project” means the professional engineering services described in **SECTION 1.03** of this Contract and in any applicable Attachments.

“Project Completion Report” means a report containing an “as built” accounting of all projects completed under a CDBG-DR non-housing grant and containing all information required to completely close out a grant file.

“Project Implementation Manual” means a set of guidelines for the CDBG-DR Program, incorporated herein by reference for all purposes in its entirety.

“Project Period” means the stated time for completion of a Project assigned by Work Order, if any.

“Prompt Pay Act” means Chapter 2251, Subtitle F of Title 10 of the Texas Government Code.

“Provider” means ****insert vendor name****, selected to provide the services under this Contract, if any.

“Public Information Act” means Chapter 552 of the Texas Government Code.

“Quarterly Report” means a document submitted by Provider to a Subrecipient for approval and submission to the GLO as a condition of reimbursement, as discussed in **SECTION 1.05** and **ARTICLE III**, below.

“RFQ”/“RFP” means the Subrecipient’s Request for Qualifications/Proposals No. _____, or the Solicitation, as defined below.

“Scope of Work” means Provider’s detailed scope of work hereby incorporated for all purposes as **Attachment C**.

“Solicitation” means Subrecipient’s Request for Qualifications/Proposals No. _____, including any Addenda.

“Solicitation Response” means Provider’s full and complete response to the Solicitation, including any Addenda.

“State of Texas *TexTravel*” means Texas Administrative Code, Title 34, Part 1, Chapter 5, Subchapter C, Section 5.22, relative to travel reimbursements under this Contract, if any.

“Subcontractor” means an individual or business that signs a contract to perform part or all of the obligations of Provider under this Contract.

“Subrecipient” means ****insert subrecipient name****, a local governmental body or political subdivision that receives funds under HUD’s CDBG—DR Program for non-housing projects.

“Subrecipient Agreement” means the contractual agreement for a CDBG-DR non-housing grant between the GLO and the Subrecipient for which Provider performs services assigned by the Subrecipient, if any.

“Technical Guidance Letter or ‘TGL’” means an instruction, clarification, or interpretation of the requirements of the CDBG-DR Program, issued by the GLO to specified recipients, applicable to specific subject matter, to which the addressed Program participants shall be subject.

1.02 INTERPRETIVE PROVISIONS

- (a) The meanings of defined terms are equally applicable to the singular and plural forms of the defined terms;
- (b) The words “hereof,” “herein,” “hereunder,” and similar words refer to this Contract as a whole and not to any particular provision, section, attachment, work order, or schedule of this Contract unless otherwise specified;
- (c) The term “including” is not limiting and means “including without limitation” and, unless otherwise expressly provided in this Contract, (i) references to contracts (including this Contract) and other contractual instruments shall be deemed to include all subsequent amendments and other modifications thereto, but only to the extent that such amendments and other modifications are not prohibited by the terms of this Contract, and (ii) references to any statute or regulation are to be construed as including all statutory and regulatory provisions consolidating, amending, replacing, supplementing, or interpreting the statute or regulation;
- (d) The captions and headings of this Contract are for convenience of reference only and shall not affect the interpretation of this Contract;
- (e) All attachments within this Contract, including those incorporated by reference, and any amendments are considered part of the terms of this Contract;
- (f) This Contract may use several different limitations, regulations, or policies to regulate the same or similar matters. All such limitations, regulations, and policies are cumulative and each shall be performed in accordance with its terms;
- (g) Unless otherwise expressly provided, reference to any action of the Subrecipient or by the Subrecipient by way of consent, approval, or waiver shall be deemed modified by the phrase “in its/their sole discretion.” Notwithstanding the preceding sentence, any approval, consent, or waiver required by, or requested of, the Subrecipient shall not be unreasonably withheld or delayed;
- (h) Time is of the essence in this Contract.
- (i) In the event of conflicts or inconsistencies between this contract and its attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority: Signed Contract; Attachments to the Contract: Attachment X, Attachment Y, Attachment Z (Attachment order will be specific to each Contract, Provider’s Response will be the last item in the overall list.); Solicitation Documents; and Provider’s Response to Solicitation.

General Rule: Contract, General Affirmations, Insurance, other docs created by us like the solicitation, then docs created by them. Ask an Atty if you have out of the ordinary documents

1.03 PROJECT

Provider shall perform, or cause to be performed, professional engineering services as required for disaster recovery projects in the City of ***, *** County, Texas, as authorized under GLO Contract No. **_***_***_**** (“Subrecipient’s Contract”), as may be amended from time to time, and as outlined in detail in the Performance Statement, attached hereto and incorporated herein for all purposes as Attachment C (“the Project”).

Provider is responsible for obtaining Subrecipient’s most current performance statement and Implementation Schedule, Budget (“Subrecipient’s Documents”), and any other documentation which may be required to accomplish the Project that is the subject of this Work Order. Such documents are incorporated herein by reference in their entirety for all purposes.

No work may begin and no charges may be incurred prior to the effective date of Subrecipient’s Contract and/or Amendment, to which this Work Order is related, with the exception of assistance to Subrecipient in completing the grant application as necessary, and other pre-execution services authorized by prior, written approval of the GLO, if any. Subrecipient Documents may be obtained from the Subrecipient or the Subrecipient’s Grant Administrator, and their effective date and status as executed documents must be confirmed by Provider prior to commencement of any services. Document status may be confirmed through the GLO. Provider may obtain GLO contact information from the Subrecipient.

1.04 REPORTING REQUIREMENTS

Provider shall assist the Subrecipient to timely submit all reports and documentation that are required under this Contract and any Subrecipient Agreement.

QUARTERLY REPORTS – APPLICABLE TO NON-HOUSING AND HOUSING PROJECTS:

QUARTERLY REPORTS ARE REQUIRED AS A CONDITION OF REIMBURSEMENT TO ALL SUBRECIPIENTS. It is incumbent upon Provider to facilitate the submission of each Quarterly Report in a timely manner. Each Quarterly Report shall include progress made since the prior reporting period, current Benchmarks achieved, projected quantities, problems encountered and detailed plans to correct them, goals to be accomplished in the subsequent reporting period, and any other information as may be required by the GLO.

The GLO may review the Quarterly Report(s) and may request revisions to be made. Provider shall make itself aware of such revision requests and shall assist the Subrecipient in making appropriate revisions. Upon acceptance of the Quarterly Report and submission of a properly prepared invoice, appropriate payment may be made to Subrecipient and to Provider.

In the sole discretion of the GLO, reports may be requested more often than quarterly, and Provider shall facilitate the timely submission to the GLO of such additional information by the Grant Recipient.

Reimbursement may be withheld if a Quarterly Report is delinquent or deficient, in the sole discretion of the GLO.

Provider shall submit to the Subrecipient all reports, drawings, surveys, designs, and such other work products as required by the Scope of Services in **Attachment A** of this Work Order and Subrecipient's Contract, and in accordance with the Project Implementation Manual, and any Technical Guidance Letters or Revisions issued by the GLO, if any.

FINAL DOCUMENTATION: By the close of business no later than thirty (30) days after completion of a construction project, Provider shall submit to the Subrecipient and to Subrecipient's Grant Administration firm, if any, a copy of the executed Certificate of Construction Completion ("COCC") for the project which must include a final, as built report of quantities, drawings, and specifications used during the course of the project, with justification as to why any variances from original plans, approved pursuant to **SECTION 1.04(c)** of Provider's Contract, were required. **Notwithstanding the preceding** the GLO, in its sole discretion, may approve extensions to this Deliverable due date. Such approvals must be in writing, and may be delivered by regular mail, electronic mail, or facsimile transmission.

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II. TERM

2.01 DURATION

This Contract shall be effective as of the date signed by the last party, and shall terminate on [REDACTED]. The Subrecipient, at its own discretion, may extend any contract awarded pursuant to the Solicitation for up to [REDACTED] () additional [REDACTED] () year terms or until the time the grant funding expires, whichever comes first. Any extension will be subject to terms and conditions mutually agreeable to both parties.

2.02 EARLY TERMINATION

The Subrecipient may terminate this Contract by giving written notice specifying a termination date at least thirty (30) days subsequent to the date of the notice. Upon receipt of any such notice, Provider shall cease work, undertake to terminate any relevant subcontracts, and incur no further expense related to this Contract. Such early termination shall be subject to the equitable settlement of the respective interests of the parties, accrued up to the date of termination.

2.03 ABANDONMENT OR DEFAULT

If the Provider defaults on the Contract, the Subrecipient reserves the right to cancel the Contract without notice and either re-solicit or re-award the Contract to the next best responsive and responsible vendor qualified under the Solicitation. The defaulting provider will not be considered in the re-solicitation and may not be considered in future solicitations for the same type of work, unless the specification or scope of work significantly changed. The period of suspension will be determined by the Subrecipient based on the seriousness of the default.

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III. CONSIDERATION

3.01 CONTRACT LIMIT, FEES, AND EXPENSES

Provider will be compensated on a negotiated fee basis, for a not to exceed amount of **** DOLLARS (\$***.**), reimbursable in increments as shown in the Benchmarks in Attachment C for the type of work to be performed. The Professional Engineering Services Fee shall not exceed the maximum amount available for such services as prescribed by the Subrecipient Agreement, the GLO, HUD or any governing law, for the term of this Contract. The Subrecipient agrees to pay Provider in accordance with The Prompt Pay Act, Tex. Govt. Code Ch. 2251.

The form of invoice will be prescribed by the Subrecipient and made available to Provider in a separate submission from the Subrecipient.

Grant funds must not be commingled between or among HUD funding rounds; nor between or among Non-Housing and Housing assignments.

Reimbursement for services may be requested based on the Benchmarks, according to the type of services authorized, contingent upon Provider's facilitation of the timely submission of each Quarterly Report required, as discussed in SECTION 1.04, above.

At a minimum, invoices must clearly reflect:

- (a) Provider's Contract Number;
- (b) the name and GLO Contract Number (12 digits) of the Subrecipient Agreement to which services have been provided;
- (c) the current amount being billed;
- (d) the cumulative amount billed previously;
- (e) the balance remaining to be billed; and
- (f) an itemized statement of services performed, including documentation as required under the Contract, such as invoices, receipts, statements, stubs, tickets, time sheets, and any other which, in the judgment of the Subrecipient, provides full substantiation of reimbursable costs incurred.

Subject to the maximum Contract amount authorized herein, upon specific, prior, written approval by the Subrecipient, lodging, travel, and other incidental direct expenses may be reimbursed under this Contract for professional or technical personnel who are (a) away from the cities in which they are permanently assigned; (b) conducting business specifically authorized by the Subrecipient; and (c) performing services not originally contemplated in the Scope of Services.

The limit for such reimbursements shall be the rates established by the Comptroller of the State of Texas, as outlined in the State of Texas travel guidelines, *TexTravel*. If a rate within

the limits set forth in *TexTravel* is not available, Provider shall use its best efforts to obtain the lowest available room rate. Provider shall obtain prior approval from the Subrecipient.

NOTICE TO PROVIDER:

Failure to include all of the information required in **SECTION 3.01** with each invoice may result in a significant delay in processing payment for the invoice.

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IV. PROVIDER'S WARRANTY, AFFIRMATIONS, AND ASSURANCES

4.01 PERFORMANCE WARRANTY

Provider represents that all services performed under this Contract will be performed in a manner consistent with a degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Provider represents that all work product, including Deliverables if any, under this Contract shall be completed in a manner consistent with standards in the applicable trade, profession, or industry; shall conform to or exceed the specifications set forth in the incorporated Attachments (if any); and shall be fit for ordinary use, of good quality, and with no material defects. If Provider fails to submit Deliverables timely or to perform satisfactorily under conditions required by this Contract, the Subrecipient may require Provider, at its sole expense, to the extent such defect or damage is caused by the negligence of Provider, to (a) repair or replace all defective or damaged Deliverables; (b) refund any payment received for all defective or damaged Deliverables and, in conjunction therewith, require Provider to accept the return of such Deliverables; and/or (c) take necessary action so that future performance and Deliverables conform to the Contract requirements.

4.02 GENERAL AFFIRMATIONS

To the extent that they are applicable, Provider further certifies that the General Affirmations in **Attachment B** have been reviewed, and that Provider is in compliance with each of the requirements reflected therein.

4.03 FEDERAL ASSURANCES

To the extent that they are applicable, Provider further certifies that the Federal Assurances in **Attachment A** have been reviewed and that Provider is in compliance with each of the requirements reflected therein. The Federal Assurance form must be executed by Provider's authorized signatory.

4.04 FEDERAL CERTIFICATIONS

To the extent that they are applicable, Provider further certifies that the Federal Certifications also in **Attachment A** have been reviewed, and that Provider is in compliance with each of the requirements reflected therein. The Federal Certifications form must be executed by Provider's authorized signatory.

In addition, Provider certifies that it is in compliance with any other applicable federal laws, rules, or regulations, as they may pertain to this Contract including, but not limited to, those listed in Attachment D.

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V. FEDERAL AND STATE FUNDING, RECAPTURE OF FUNDS, AND OVERPAYMENT

5.01 FEDERAL FUNDING

- (a) Funding for this Contract is appropriated under the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act, 2016, Pub. L. No. 114-113 enacted on December 18, 2015, to facilitate disaster recovery, restoration, economic revitalization, and to affirmatively further fair housing in accordance with Executive Order 12892, in areas affected by Hurricanes Dolly and Ike, which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The fulfillment of this Contract is based on those funds being made available to the GLO as the lead administrative state agency. All expenditures under this Contract must be made in accordance with this Contract, the rules and regulations promulgated under the CDBG-DR Program, and any other applicable laws. Further, Provider acknowledges that all funds are subject to recapture and repayment for non-compliance.
- (b) **All participants in the CDBG-DR grant program must have a data universal numbering system (DUNS) number, as well as a Commercial And Government Entity (CAGE) Code.**
- (c) **The DUNS number and CAGE Code must be reported to the GLO for use in various grant reporting documents, and may be obtained by visiting the Central Contractor Registration web site at:**

<https://www.bpn.gov/ccr/>

Assistance with this web site may be obtained by calling **866-606-8220**.

5.02 STATE FUNDING

- (a) This Contract shall not be construed as creating any debt on behalf of the State of Texas and/or the GLO in violation of Article III, Section 49, of the Texas Constitution. In compliance with Article VIII, Section 6 of the Texas Constitution, it is understood that all obligations of the GLO hereunder are subject to the availability of state funds. If such funds are not appropriated or become unavailable, the Subrecipient, in its sole discretion, may terminate this Contract. In that event, the parties shall be discharged from further obligations, subject to the equitable settlement of their respective interests, accrued up to the date of termination.
- (b) Furthermore, any claim by Provider for damages under this Contract may not exceed the amount of funds appropriated for payment, but not yet paid to Provider, under the annual budget in effect at the time of the breach. Nothing in this provision shall be construed as a waiver of sovereign immunity.

5.03 RECAPTURE OF FUNDS

Provider shall conduct, in a satisfactory manner as determined by the Subrecipient, the Project as set forth in the Contract. The discretionary right of the Subrecipient to terminate for convenience under **SECTION 2.02** notwithstanding, it is expressly understood and

agreed by Provider that the Subrecipient shall have the right to terminate the Contract and to recapture, and be reimbursed for any payments made by the Subrecipient (i) that exceed the maximum allowable HUD rate; (ii) that are not allowed under applicable laws, rules, and regulations; or (iii) that are otherwise inconsistent with this Contract, including any unapproved expenditures.

5.04 OVERPAYMENT

Provider understands and agrees that it shall be liable to the Subrecipient or the GLO for any costs disallowed pursuant to financial and/or compliance audit(s) of funds received under this Contract. Provider further understands and agrees that reimbursement of such disallowed costs shall be paid by Provider from funds which were not provided or otherwise made available to Provider under this Contract.

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VI. OWNERSHIP

6.01 OWNERSHIP AND THIRD PARTY RELIANCE

- (a) The Subrecipient shall own, and Provider hereby assigns to the GLO, all right, title, and interest in all services to be performed; all goods to be delivered; and/or all other related work product prepared, or in the course of preparation, by Provider (or its subcontractors) pursuant to this Contract, together with all related worldwide intellectual property rights of any kind or character (collectively, the “Work Product”). Under no circumstance will any license fee, royalty, or other consideration not specified in this Contract be due to Provider for the assignment of the Work Product to the GLO or for the GLO’s use and quiet enjoyment of the Work Product in perpetuity. Provider shall promptly submit all Work Product to the GLO upon request or upon completion, termination, or cancellation of this Contract for any reason, including all copies in any form or medium.
- (b) Provider and the Subrecipient shall not use, willingly allow, or cause such Work Product to be used for any purpose other than performance of Provider’s obligations under this Contract without the prior written consent of either party and the GLO. Work Product is for the exclusive use and benefit of, and may be relied upon only by the Parties. Prior to distributing any Work Product to any third party, other than the GLO, the parties shall advise such third parties that if it relies upon or uses such Work Product, it does so entirely at its own risk without liability to the GLO, Provider, or the Subrecipient.

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VII. RECORDS, AUDIT, RETENTION, CONFIDENTIALITY, PUBLIC RECORDS

7.01 BOOKS AND RECORDS

Provider shall keep and maintain under GAAP or GASB, as applicable, full, true, and complete records necessary to fully disclose to the Subrecipient, the GLO, the State of Texas Auditor's Office, the United States Government, and/or their authorized representatives sufficient information to determine compliance with the terms and conditions of this Contract and all state and federal rules, regulations, and statutes.

7.02 INSPECTION AND AUDIT

- (a) Provider agrees that all relevant records related to this Contract and any Work Product produced in relation to this Contract, including the records and Work Product of its Subcontractors, shall be subject to the Administrative and Audit Regulations. Accordingly, such records and Work Product shall be subject, at any time, to inspection, examination, audit, and copying at any location where such records and Work Product may be found, with or without notice from the Subrecipient, the GLO, HUD, or other government entity with necessary legal authority. Provider agrees to cooperate fully with any federal or state entity in the conduct of inspection, examination, audit, and copying, including providing all information requested. Provider will ensure that this clause concerning federal and state entities' authority to inspect, examine, audit, and copy records and Work Product, and the requirement to fully cooperate with the federal and state entities, is included in any subcontract it awards.
- (b) Provider understands that acceptance of state funds under this Contract acts as acceptance of the authority of the State Auditor's Office to conduct an audit or investigation in connection with those funds. Provider further agrees to cooperate fully with the State Auditor's Office in the conduct of the audit or investigation, including providing all records requested. Provider will ensure that this clause concerning the State Auditor's Office's authority to audit state funds and the requirement to fully cooperate with the State Auditor's Office is included in any subcontracts it awards. Additionally, the State Auditor's Office shall at any time have access to and the rights to examine, audit, excerpt, and transcribe any pertinent books, documents, working papers, and records of Provider relating to the Contract for any purpose. HUD, the Comptroller General, the General Accounting Office, the Office of Inspector General, or any authorized representative of the U.S. Government shall also have this right of inspection. **PROVIDER SHALL ENSURE THAT ALL SUBCONTRACTS AWARDED REFLECT THE REQUIREMENTS OF THIS SECTION 7.02, AND THE REQUIREMENT TO COOPERATE.**
- (c) Provider will be deemed to have read and have knowledge of all applicable federal, state, and local laws, regulations, and rules including, but not limited to those identified in **Attachment D**, governing audit requirements pertaining to the Project.

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7.03 PERIOD OF RETENTION

All records relevant to this Contract shall be retained for a period subsequent to the final closeout of the State of Texas CDBG-DR grant program, in accordance with federal regulations. **The Subrecipient will notify all Program participants of the date upon which local records may be destroyed.**

7.04 CONFIDENTIALITY

To the extent permitted by law, Provider and the Subrecipient agree to keep all information confidential, in whatever form produced, prepared, observed, or received by Provider or the Subrecipient to the extent that such information is: (a) confidential by law; (b) marked or designated “confidential” (or words to that effect) by Provider or the Subrecipient; or (c) information that Provider or the Subrecipient is otherwise required to keep confidential by this Contract. Furthermore, Provider will not advertise that it is doing business with the Subrecipient, use this Contract as a marketing or sales tool, or make any press releases concerning work under this Contract without the prior written consent of the Subrecipient.

7.05 PUBLIC RECORDS

Information related to the performance of this Contract may be subject to the Public Information Act (“PIA”) and will be withheld from public disclosure or released only in accordance therewith. Provider shall make any information required under the PIA available to the Subrecipient in portable document file (“.pdf”) format or any other format agreed between the Parties. Failure of Provider to mark as “confidential” or a “trade secret” any information that it believes to be excepted from disclosure waives any and all claims Provider may make against the Subrecipient for releasing such information without prior notice to Provider. Provider shall notify the Subrecipient within twenty-four (24) hours of receipt of any third party written requests for information, and forward a copy of said written requests to the Subrecipient. If the request was not written, Provider shall forward the third party's contact information to the Subrecipient.

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VIII. MISCELLANEOUS PROVISIONS

8.01 INSURANCE

Provider shall acquire for the duration of this Contract insurance with financially sound and reputable insurers licensed by the Texas Department of Insurance, in the type and amount and in the form required by **Attachment E** of this Contract, **REQUIRED INSURANCE AND FORM**. Furthermore, Provider shall submit a certificate of liability insurance as required under this Contract, including (if requested) a schedule of coverage (or “underwriter’s schedules”) establishing to the satisfaction of the Subrecipient the nature and extent of coverage granted by each policy.

Provider shall submit certificates of insurance and endorsements electronically, in the manner requested by the Subrecipient. In the event that any policy is determined to be deficient to comply with the terms of this Contract, Provider shall secure such additional policies or coverage as the Subrecipient may reasonably request or that are required by law or regulation.

Provider will be responsible for submitting renewed certificates of insurance and endorsements, as evidence of insurance coverage throughout the term of this Contract. Provider may not be actively working on behalf of the Subrecipient if the insurance coverage does not adhere to insurance requirements. Failure to submit required insurance documents may result in the cancellation of this Contract.

8.02 TAXES/WORKERS’ COMPENSATION/UNEMPLOYMENT INSURANCE

PROVIDER AGREES AND ACKNOWLEDGES THAT DURING THE EXISTENCE OF THIS CONTRACT, PROVIDER SHALL BE ENTIRELY RESPONSIBLE FOR THE LIABILITY AND PAYMENT OF PROVIDER’S AND PROVIDER’S EMPLOYEES’ TAXES OF WHATEVER KIND, ARISING OUT OF THE PERFORMANCES IN THIS CONTRACT. PROVIDER AGREES TO COMPLY WITH ALL STATE AND FEDERAL LAWS APPLICABLE TO ANY SUCH PERSONS, INCLUDING LAWS REGARDING WAGES, TAXES, INSURANCE, AND WORKERS’ COMPENSATION. THE SUBRECIPIENT SHALL NOT BE LIABLE TO THE PROVIDER, ITS EMPLOYEES, AGENTS, OR OTHERS FOR THE PAYMENT OF TAXES OR THE PROVISION OF UNEMPLOYMENT INSURANCE AND/ OR WORKERS’ COMPENSATION OR ANY BENEFIT AVAILABLE TO A STATE EMPLOYEE OR EMPLOYEE OF ANOTHER GOVERNMENTAL ENTITY CUSTOMER. 2) PROVIDER AGREES TO INDEMNIFY AND HOLD HARMLESS THE SUBRECIPIENT, THE GLO, THE STATE OF TEXAS AND/OR THEIR EMPLOYEES, AGENTS, REPRESENTATIVES, CONTRACTORS, AND/OR ASSIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEYS’ FEES, AND EXPENSES, RELATING TO TAX LIABILITY, UNEMPLOYMENT INSURANCE AND/OR WORKERS’ COMPENSATION IN ITS PERFORMANCE UNDER THIS CONTRACT. PROVIDER SHALL BE LIABLE TO PAY ALL COSTS OF DEFENSE INCLUDING ATTORNEYS’ FEES. THE DEFENSE SHALL BE COORDINATED BY PROVIDER WITH THE SUBRECIPIENT NAMED AS A DEFENDANT IN ANY LAWSUIT AND PROVIDER

MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM THE SUBRECIPIENT. PROVIDER AND THE SUBRECIPIENT AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

8.03 LEGAL OBLIGATIONS

Provider shall procure and maintain for the duration of this Contract any state, county, city, or federal license, authorization, insurance, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Provider to provide the goods or services required by this Contract. Provider will be responsible for payment of all taxes, assessments, fees, premiums, permits, and licenses required by law. Provider agrees to be responsible for payment of any such government obligations not paid by its subcontractors during performance of this Contract.

8.04 INDEMNITY

EXCEPT FOR DAMAGES DIRECTLY OR PROXIMATELY CAUSED BY THE GROSS NEGLIGENCE OF THE SUBRECIPIENT OR THE GLO, PROVIDER SHALL INDEMNIFY AND HOLD HARMLESS THE SUBRECIPIENT, THE STATE OF TEXAS, THE GLO, AND THE OFFICERS, REPRESENTATIVES, AGENTS, AND EMPLOYEES OF THE SUBRECIPIENT, THE STATE OF TEXAS, AND THE GLO FROM ANY LOSSES, CLAIMS, SUITS, ACTIONS, DAMAGES, OR LIABILITY (INCLUDING ALL COSTS AND EXPENSES OF DEFENDING AGAINST ALL OF THE AFOREMENTIONED) ARISING IN CONNECTION WITH:

- THIS CONTRACT;
- ANY NEGLIGENCE, ACT, OMISSION, OR MISCONDUCT IN THE PERFORMANCE OF THE SERVICES REFERENCED HEREIN; OR
- ANY CLAIMS OR AMOUNTS ARISING OR RECOVERABLE UNDER FEDERAL OR STATE WORKERS' COMPENSATION LAWS, THE TEXAS TORT CLAIMS ACT, OR ANY OTHER SUCH LAWS.

PROVIDER SHALL BE RESPONSIBLE FOR THE SAFETY AND WELL BEING OF ITS EMPLOYEES, CUSTOMERS, AND INVITEES. THESE REQUIREMENTS SHALL SURVIVE THE TERM OF THIS AGREEMENT UNTIL ALL CLAIMS HAVE BEEN SETTLED OR RESOLVED AND SUITABLE EVIDENCE TO THAT EFFECT HAS BEEN FURNISHED TO THE SUBRECIPIENT. THE PROVISIONS OF THIS SECTION 8.03 SHALL SURVIVE TERMINATION OF THIS CONTRACT.

8.05 ASSIGNMENT AND SUBCONTRACTS

Provider shall not assign, transfer, or delegate any rights, obligations, or duties under this Contract without the prior written consent of the Subrecipient. Notwithstanding this provision, it is mutually understood and agreed that Provider may subcontract with others for some or all of the services to be performed. In any approved subcontracts, Provider shall legally bind such subcontractor to perform and make such subcontractor subject to all the duties, requirements, and obligations of Provider as specified in this Contract. Nothing in this Contract shall be construed to relieve Provider of the responsibility for ensuring that the goods

delivered and/or the services rendered by Provider and/or any of its subcontractors comply with all the terms and provisions of this Contract. Provider will provide written notification to the Subrecipient of any such subcontractor performing fifteen percent (15%) or more of the work under this Contract, including the name and taxpayer identification number of subcontractor, the task(s) being performed, and the number of subcontractor employees expected to work on the task.

8.06 RELATIONSHIP OF THE PARTIES

Provider is associated with the Subrecipient only for the purposes and to the extent specified in this Contract, and, with respect to Provider's performance pursuant to this Contract, Provider is and shall be an independent contractor and, subject only to the terms of this Contract, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Contract. Nothing contained in this Contract shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create for the Subrecipient or the GLO any liability whatsoever with respect to the indebtedness, liabilities, and obligations of Provider or any other party. Provider shall be solely responsible for, and the Subrecipient shall have no obligation with respect to:

- (a) withholding of income taxes, FICA, or any other taxes or fees;
- (b) industrial or workers' compensation insurance coverage;
- (c) participation in any group insurance plans available to employees of the State of Texas;
- (d) participation or contributions by the State to the State Employees Retirement System;
- (e) accumulation of vacation leave or sick leave; or
- (f) unemployment compensation coverage provided by the State.

8.07 COMPLIANCE WITH OTHER LAWS

In the performance of this Contract, Provider shall comply with all applicable federal, state, and local laws, ordinances, and regulations. Provider shall make itself familiar with and at all times shall observe and comply with all federal, state, and local laws, ordinances, and regulations that in any manner affect performance under this Contract including, but not limited to, those attached hereto and incorporated herein for all purposes as **Attachment D**. Provider will be deemed to have knowledge of all applicable laws and regulations and be deemed to understand them.

8.08 NOTICES

Any notices required under this Contract shall be deemed delivered when deposited either in the United States mail, postage paid, certified, return receipt requested; or with a common carrier, overnight, signature required, to the appropriate address below:

Subrecipient

Name*****

Address*****

City, State ZIP**

Attention: *****

Provider

Provider*****

Address*****

City, State ZIP**

Attention: *****

Notice given in any other manner shall be deemed effective only if and when received by the party to be notified. Either party may change its address for notice by written notice to the other party as herein provided.

8.10 GOVERNING LAW AND VENUE

This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Texas, exclusive of conflicts of law provisions. Venue of any suit between Subrecipient and Provider under this Contract shall be in a court of competent jurisdiction in [REDACTED] County, Texas. Provider irrevocably waives any objection, including any objection to personal jurisdiction or the laying of venue or based on the grounds of forum non conveniens, which it may now or hereafter have to the bringing of any action or proceeding in such jurisdiction in respect of this Contract or any document related hereto.

8.11 SEVERABILITY

If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.

8.12 FORCE MAJEURE

Except with respect to the obligation of payments under this Contract, if either of the parties, after a good faith effort, is prevented from complying with any express or implied covenant of this Contract by reason of war; terrorism; rebellion; riots; strikes; acts of God; any valid order, rule, or regulation of governmental authority; or similar events that are beyond the control of the affected party (collectively referred to as a "Force Majeure"), then, while so prevented, the affected party's obligation to comply with such covenant shall be suspended, and the affected party shall not be liable for damages for failure to comply with such covenant. In any such event, the party claiming Force Majeure shall promptly notify the other party of the Force Majeure event in writing and, if possible, such notice shall set forth the extent and duration thereof. The party claiming Force Majeure shall exercise due diligence to prevent, eliminate, or overcome such Force Majeure event where it is possible to do so and shall resume performance at the earliest possible date. However, if non-performance continues for more than thirty (30) days, the GLO may terminate this Contract immediately upon written notification to Provider.

8.13 DISPUTE RESOLUTION

[Local Government Entity to Complete]

8.14 ENTIRE CONTRACT AND MODIFICATION

This Contract, its integrated Attachment(s), and any Technical Guidance issued in conjunction with this Contract, if any, constitute the entire agreement of the parties and are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Any additional or conflicting terms in such Attachment(s), Technical Guidance Letter shall be harmonized with this Contract to the extent possible. Unless such integrated Attachment, Technical Guidance Letter, or Revision specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language shall be construed consistently with the terms of this Contract.

8.15 COUNTERPARTS

This Contract may be executed in any number of counterparts, each of which shall be an original, and all such counterparts shall together constitute but one and the same Contract. If the Contract is not executed by the GLO within thirty (30) days of execution by the other party, this Contract shall be null and void. In the sole discretion of the GLO, Work Orders issued, if any, may be executed by the parties in counterparts exchanged by electronic mail.

8.16 THIRD-PARTY BENEFICIARY

The Parties agree that the GLO, as the administrator of the CDBG-DR program, is a third-party beneficiary to this Contract and that the GLO shall have the right to enforce any provision of this Contract. Provided, however, that GLO shall only enforce a provision Contract after notifying the Parties, in writing, of a potential breach or default of the Contract and allowing the Provider sixty (60) days to cure the breach or default. Venue of any suit under this Section 8.17 shall be in a court of competent jurisdiction in Travis County, Texas. Provider irrevocably waives any objection, including any objection to personal jurisdiction or the laying of venue or based on the grounds of forum non conveniens, which it may now or hereafter have to the bringing of any action or proceeding in such jurisdiction in respect of this Contract or any document related hereto. **NOTHING IN THIS CONTRACT SHALL BE CONSTRUED AS A WAIVER OF SOVEREIGN IMMUNITY BY THE GLO.**

8.17 PROPER AUTHORITY

Each party hereto represents and warrants that the person executing this Contract on its behalf has full power and authority to enter into this Contract. Provider acknowledges that this Contract is effective for the period of time specified in the Contract. Any services performed by Provider before this Contract is effective or after it ceases to be effective are performed at the sole risk of Provider.

SIGNATURE PAGE FOLLOWS

NONEXCLUSIVE LIST OF APPLICABLE LAWS, RULES, AND REGULATIONS

If applicable to the Project, Provider must be in compliance with the following laws, rules, and regulations; and any other state, federal, or local laws, rules, and regulations as may become applicable throughout the term of the Contract, and Provider acknowledges that this list may not include all such applicable laws, rules, and regulations.

Provider and is deemed to have read and understands the requirements of each of the following, if applicable to the Project under this Contract:

GENERALLY

The Acts and Regulations specified in this Contract;

Consolidated Security, Disaster Assistance, and Continuing Appropriation Act (Public Law 110-329);

The Housing and Community Development Act of 1974 (12 U.S.C. § 5301 *et seq.*);

Cash Management Improvement Act regulations (31 C.F.R. Part 205);

Community Development Block Grants (24 C.F.R. Part 570);

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200);

Disaster Recovery Implementation Manual;

Plan for Disaster Recovery; and

Guidance Documents: 2008 Supplemental Disaster Recovery Fund: Hurricanes Dolly and Ike; and Non-Housing Activities Application Guide, issued by the Texas Department of Housing and Community Affairs.

CIVIL RIGHTS

Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d *et seq.*); 24 C.F.R. Part 1, "Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development - Effectuation of Title VI of the Civil Rights Act of 1964";

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 (42 U.S.C. § 2000e *et seq.*);

Title VIII of the Civil Rights Act of 1968, "The Fair Housing Act of 1968" (42 U.S.C. 3601 *et seq.*), as amended;

Executive Order 11063, as amended by Executive Order 12259, and 24 C. F.R. Part 107, "Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063"; The

failure or refusal of Provider to comply with the requirements of Executive Order 11063 or 24 C.F.R. Part 107 shall be a proper basis for the imposition of sanctions specified in 24 C.F.R. 107.60;

The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*); and

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794.) and "Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development", 24 C.F.R. Part 8. By signing this Contract, Provider understands and agrees that the activities funded shall be performed in accordance with 24 C.F.R. Part 8; and the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*), including the use of a telecommunications device for deaf persons (TDDs) or equally effective communication system.

LABOR STANDARDS

The Davis-Bacon Act, as amended (originally, 40 U.S.C. 276a-276a-5 and re-codified at 40 U.S.C. 3141-3148); 29 C.F.R. Part 5;

The Copeland "Anti-Kickback" Act (originally, 18 U.S.C. 874 and re-codified at 40 U.S.C. 3145); 29 C.F.R. Part 3;

Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (originally, 40 U.S.C. § 327A and 330 and re-codified at 40 U.S.C. 3701-3708);

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act) (29 C.F.R. Part 5); and

Federal Executive Order 11246, as amended;

EMPLOYMENT OPPORTUNITIES

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C.1701u); 24 C.F.R. §§ 135.3(a)(2) and (a)(3);

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. § 4212); and

Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1688); and

Federal Executive Order 11246, as amended;

GRANT AND AUDIT STANDARDS

Single Audit Act Amendments of 1996, 31 U.S.C. § 7501;

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for

Federal Awards (2 C.F.R. Part 200);

Uniform Grant and Contract Management Act (Texas Government Code Chapter 783) and the Uniform Grant Management Standards issued by Governor's Office of Budget and Planning; and

Title 1 Texas Administrative Code § 5.167(c);

LEAD-BASED PAINT

Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831(b)) and the procedures established by TDRA thereunder.

HISTORIC PROPERTIES

The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 *et seq.*), particularly sections 106 and 110 (16 U.S.C. 470 and 470h-2), except as provided in §58.17 for Section 17 projects;

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 C.F.R. 1971-1975 Comp., p. 559, particularly section 2(c);

Federal historic preservation regulations as follows: 36 C.F.R. part 800 with respect to HUD programs; and

The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*), particularly section 3 (16 U.S.C. 469a-1).

ENVIRONMENTAL LAW AND AUTHORITIES

Environmental Review Procedures for Recipients assuming HUD Environmental Responsibilities (24 C.F.R. Part 58, as amended);

National Environmental Policy Act of 1969, as amended (42 U.S.C. §§ 4321-4347); and

Council for Environmental Quality Regulations for Implementing NEPA (40 C.F.R. Parts 1500-1508).

FLOODPLAIN MANAGEMENT AND WETLAND PROTECTION

Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 C.F.R. part 55, particularly Section 2(a) of the Order (For an explanation of the relationship between the decision-making process in 24 C.F.R. part 55 and this part, see § 55.10.); and

Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 C.F.R., 1977 Comp., p. 121 particularly Sections 2 and 5.

COASTAL ZONE MANAGEMENT

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended, particularly sections 307(c) and (d) (16 U.S.C. 1456(c) and (d)).

SOLE SOURCE AQUIFERS

The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq.*, and 21 U.S.C. 349) as amended; particularly section 1424(e)(42 U.S.C. 300h-3(e); and

Sole Source Aquifers (Environmental Protection Agency-40 C.F.R. part 149.).

ENDANGERED SPECIES

The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) as amended, particularly section 7 (16 U.S.C. 1536).

WILD AND SCENIC RIVERS

The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended, particularly sections 7(b) and (c) (16 U.S.C. 1278(b) and (c)).

AIR QUALITY

The Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended, particularly sections 176(c) and (d) (42 U.S.C. 7506(c) and (d)).

Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency-40 C.F.R. parts 6, 51, and 93).

FARMLAND PROTECTION

Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202); and

Farmland Protection Policy (Department of Agriculture-7 C.F.R. part 658).

HUD ENVIRONMENTAL STANDARDS

Applicable criteria and standards specified in HUD environmental regulations (24 C.F.R. part 51) (other than the runway clear zone and clear zone notification requirement in 24 C.F.R. 51.303(a)(3); and

HUD Notice 79-33, Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, September 10, 1979).

ENVIRONMENTAL JUSTICE

Executive Order 12898 of February 11, 1994 --- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, (59 FR 7629), 3 CFR, 1994 Comp. p. 859.

SUSPENSION AND DEBARMENT

Use of debarred, suspended, or ineligible contractors or subrecipients (24 C.F.R. Section 570.609);

General HUD Program Requirements; Waivers (24 C.F.R. Part 5); and

Nonprocurement Suspension and Debarment (2 C.F.R. Part 2424).

OTHER REQUIREMENTS

Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities (24 C.F.R. Part 58).

ACQUISITION / RELOCATION

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 *et seq.*), 24 C.F.R. Part 42, and 24 C.F.R. Section 570.606.

FAITH-BASED ACTIVITIES

Executive Order 13279 of December 12, 2002 - Equal Protection of the Laws for Faith-Based and Community Organizations, (67 FR 77141).

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Engineering Scoring Sheet

Grant Recipient LA MARQUE
 Name of Respondent LJA Eng.
 Evaluator's Name CSACKSON

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

Factor	Max. Pts.	Score
1. Has previously completed Infrastructure/Housing projects	20	<u>19</u>
2. Has worked on federally funded construction projects	15	<u>14</u>
3. Extent of experience in project construction management	20	<u>14</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u><u>54</u></u>

Work Performance

Factor	Max. Pts.	Score
1. Past projects completed on schedule	10	<u>8</u>
2. Manages projects within budgetary constraints	5	<u>4</u>
3. Work product is of high quality	10	<u>7</u>
Subtotal, Performance	25	<u><u>20</u></u>

Capacity to Perform

Factor	Max. Pts.	Score
1. Staff Level / Experience of Staff	5	<u>5</u>
2. Adequacy of Resources	5	<u>5</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u><u>15</u></u>

TOTAL SCORE

Factor	Max. Pts.	Score
1. Experience	60	<u>54</u>
2. Work Performance	25	<u>20</u>
3. Capacity to Perform	15	<u>15</u>
Total Score	100	<u><u>89</u></u>

Engineering Scoring Sheet

Grant Recipient LA MARQUE
 Name of Respondent ADICO
 Evaluator's Name C. JACKSON

CDBG-DR
 Date of Rating 6/25/14

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>10</u>
2. Has worked on federally funded construction projects	15	<u>12</u>
3. Extent of experience in project construction management	20	<u>15</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>50</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>7</u>
2. Manages projects within budgetary constraints	5	<u>5</u>
3. Work product is of high quality	10	<u>7</u>
Subtotal, Performance	25	<u>19</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>5</u>
2. Adequacy of Resources	5	<u>4</u>
3. Professional liability insurance is in force	5	<u>4.5</u>
Subtotal, Capacity to Perform	15	<u>13.5</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>50</u>
2. Work Performance	25	<u>19</u>
3. Capacity to Perform	15	<u>14</u>
Total Score	100	<u>83</u>

Engineering Scoring Sheet

Grant Recipient LO MARQUE
 Name of Respondent Schaumburg/PRK
 Evaluator's Name C JACKSON

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>17</u>
2. Has worked on federally funded construction projects	15	<u>11</u>
3. Extent of experience in project construction management	20	<u>11</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>44</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>5</u>
2. Manages projects within budgetary constraints	5	<u>3</u>
3. Work product is of high quality	10	<u>3</u>
Subtotal, Performance	25	<u>11</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>4</u>
2. Adequacy of Resources	5	<u>5</u>
3. Professional liability insurance is in force	5	<u>25</u>
Subtotal, Capacity to Perform	15	<u>12</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>44</u>
2. Work Performance	25	<u>11</u>
3. Capacity to Perform	15	<u>12</u>
Total Score	100	<u>67</u>

Engineering Scoring Sheet

Grant Recipient LA MARQUEE
 Name of Respondent GOODMAN
 Evaluator's Name C JACKSON

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>14</u>
2. Has worked on federally funded construction projects	15	<u>10</u>
3. Extent of experience in project construction management	20	<u>11</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>42</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>5</u>
2. Manages projects within budgetary constraints	5	<u>3</u>
3. Work product is of high quality	10	<u>3</u>
Subtotal, Performance	25	<u>11</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>3</u>
2. Adequacy of Resources	5	<u>3</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>11</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>42</u>
2. Work Performance	25	<u>11</u>
3. Capacity to Perform	15	<u>11</u>
Total Score	100	<u>64</u>

Engineering Scoring Sheet

Grant Recipient LA MARQUE
 Name of Respondent Amani
 Evaluator's Name C. JACKSON

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

Factor	Max. Pts.	Score
1. Has previously completed Infrastructure/Housing projects	20	<u>15</u>
2. Has worked on federally funded construction projects	15	<u>10</u>
3. Extent of experience in project construction management	20	<u>10</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>40</u>

Work Performance

Factor	Max. Pts.	Score
1. Past projects completed on schedule	10	<u>5</u>
2. Manages projects within budgetary constraints	5	<u>3</u>
3. Work product is of high quality	10	<u>5</u>
Subtotal, Performance	25	<u>13</u>

Capacity to Perform

Factor	Max. Pts.	Score
1. Staff Level / Experience of Staff	5	<u>3</u>
2. Adequacy of Resources	5	<u>3</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>11</u>

TOTAL SCORE

Factor	Max. Pts.	Score
1. Experience	60	<u>40</u>
2. Work Performance	25	<u>13</u>
3. Capacity to Perform	15	<u>11</u>
Total Score	100	<u>64</u>

Engineering Scoring Sheet

Grant Recipient La Marque
 Name of Respondent LJA
 Evaluator's Name A. Achley

CDBG-DR
 Date of Rating 6/25/17

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>18</u>
2. Has worked on federally funded construction projects	15	<u>15</u>
3. Extent of experience in project construction management	20	<u>18</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>56</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>10</u>
2. Manages projects within budgetary constraints	5	<u>5</u>
3. Work product is of high quality	10	<u>10</u>
Subtotal, Performance	25	<u>25</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>5</u>
2. Adequacy of Resources	5	<u>4</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>14</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>56</u>
2. Work Performance	25	<u>25</u>
3. Capacity to Perform	15	<u>14</u>
Total Score	100	<u>95</u>

Engineering Scoring Sheet

Grant Recipient La Marque
 Name of Respondent Adico
 Evaluator's Name C. Jackson

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>15</u>
2. Has worked on federally funded construction projects	15	<u>15</u>
3. Extent of experience in project construction management	20	<u>20</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>55</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>9</u>
2. Manages projects within budgetary constraints	5	<u>5</u>
3. Work product is of high quality	10	<u>8</u>
Subtotal, Performance	25	<u>22</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>4</u>
2. Adequacy of Resources	5	<u>3</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>12</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>55</u>
2. Work Performance	25	<u>22</u>
3. Capacity to Perform	15	<u>12</u>
Total Score	100	<u>89</u>

Engineering Scoring Sheet

Grant Recipient La Marque
 Name of Respondent Goodman
 Evaluator's Name A. Ashy

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>15</u>
2. Has worked on federally funded construction projects	15	<u>12</u>
3. Extent of experience in project construction management	20	<u>15</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>47</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>9</u>
2. Manages projects within budgetary constraints	5	<u>4</u>
3. Work product is of high quality	10	<u>8</u>
Subtotal, Performance	25	<u>21</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>4</u>
2. Adequacy of Resources	5	<u>4</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>13</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>47</u>
2. Work Performance	25	<u>21</u>
3. Capacity to Perform	15	<u>13</u>
Total Score	100	<u>81</u>

Engineering Scoring Sheet

Grant Recipient La Marque
 Name of Respondent Schaumburg
 Evaluator's Name A. Dehy

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

Factor	Max. Pts.	Score
1. Has previously completed Infrastructure/Housing projects	20	<u>15</u>
2. Has worked on federally funded construction projects	15	<u>13</u>
3. Extent of experience in project construction management	20	<u>15</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>48</u>

Work Performance

Factor	Max. Pts.	Score
1. Past projects completed on schedule	10	<u>8</u>
2. Manages projects within budgetary constraints	5	<u>4</u>
3. Work product is of high quality	10	<u>7</u>
Subtotal, Performance	25	<u>19</u>

Capacity to Perform

Factor	Max. Pts.	Score
1. Staff Level / Experience of Staff	5	<u>4</u>
2. Adequacy of Resources	5	<u>4</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>13</u>

TOTAL SCORE

Factor	Max. Pts.	Score
1. Experience	60	<u>48</u>
2. Work Performance	25	<u>19</u>
3. Capacity to Perform	15	<u>13</u>
Total Score	100	<u>80</u>

Engineering Scoring Sheet

Grant Recipient La Marque
 Name of Respondent Amari
 Evaluator's Name A. Ally

CDBG-DR
 Date of Rating 6/25/19

Experience -- Rate the respondent for experience in the following areas:

Factor	Max. Pts.	Score
1. Has previously completed Infrastructure/Housing projects	20	<u>15</u>
2. Has worked on federally funded construction projects	15	<u>10</u>
3. Extent of experience in project construction management	20	<u>15</u>
4. References	5	<u>3</u>
Subtotal, Experience	60	<u>43</u>

Work Performance

Factor	Max. Pts.	Score
1. Past projects completed on schedule	10	<u>8</u>
2. Manages projects within budgetary constraints	5	<u>5</u>
3. Work product is of high quality	10	<u>7</u>
Subtotal, Performance	25	<u>20</u>

Capacity to Perform

Factor	Max. Pts.	Score
1. Staff Level / Experience of Staff	5	<u>4</u>
2. Adequacy of Resources	5	<u>3</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>12</u>

TOTAL SCORE

Factor	Max. Pts.	Score
1. Experience	60	<u>43</u>
2. Work Performance	25	<u>20</u>
3. Capacity to Perform	15	<u>12</u>
Total Score	100	<u>75</u>

Engineering Scoring Sheet

Grant Recipient City of La Marque
 Name of Respondent LJA Engineering
 Evaluator's Name Charlene Warren

CDBG-DR
 Date of Rating 6/25/2019

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>20</u>
2. Has worked on federally funded construction projects	15	<u>15</u>
3. Extent of experience in project construction management	20	<u>20</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u>60</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>9</u>
2. Manages projects within budgetary constraints	5	<u>5</u>
3. Work product is of high quality	10	<u>9</u>
Subtotal, Performance	25	<u>23</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>5</u>
2. Adequacy of Resources	5	<u>5</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>15</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>60</u>
2. Work Performance	25	<u>23</u>
3. Capacity to Perform	15	<u>15</u>
Total Score	100	<u>98</u>

Engineering Scoring Sheet

Grant Recipient City of La Marque
 Name of Respondent ADICO
 Evaluator's Name Charlene Warren

CDBG-DR
 Date of Rating 6/25/2017

Experience -- Rate the respondent for experience in the following areas:

Factor	Max. Pts.	Score
1. Has previously completed Infrastructure/Housing projects	20	<u>19</u>
2. Has worked on federally funded construction projects	15	<u>14</u>
3. Extent of experience in project construction management	20	<u>20</u>
4. References	5	<u>4</u>
Subtotal, Experience	60	<u><u>57</u></u>

Work Performance

Factor	Max. Pts.	Score
1. Past projects completed on schedule	10	<u>9</u>
2. Manages projects within budgetary constraints	5	<u>5</u>
3. Work product is of high quality	10	<u>10</u>
Subtotal, Performance	25	<u><u>24</u></u>

Capacity to Perform

Factor	Max. Pts.	Score
1. Staff Level / Experience of Staff	5	<u>4</u>
2. Adequacy of Resources	5	<u>5</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u><u>14</u></u>

TOTAL SCORE

Factor	Max. Pts.	Score
1. Experience	60	<u>57</u>
2. Work Performance	25	<u>24</u>
3. Capacity to Perform	15	<u>14</u>
Total Score	100	<u><u>95</u></u>

Engineering Scoring Sheet

Grant Recipient City of La Marque
 Name of Respondent Schaumburg : Polk
 Evaluator's Name Charlene Warren

CDBG-DR
 Date of Rating 6/25/2019

Experience -- Rate the respondent for experience in the following areas:

Factor	Max. Pts.	Score
1. Has previously completed Infrastructure/Housing projects	20	<u>20</u>
2. Has worked on federally funded construction projects	15	<u>15</u>
3. Extent of experience in project construction management	20	<u>18</u>
4. References	5	<u>5</u>
Subtotal, Experience	60	<u><u>58</u></u>

Work Performance

Factor	Max. Pts.	Score
1. Past projects completed on schedule	10	<u>7</u>
2. Manages projects within budgetary constraints	5	<u>4</u>
3. Work product is of high quality	10	<u>0</u>
Subtotal, Performance	25	<u><u>19</u></u>

Capacity to Perform

Factor	Max. Pts.	Score
1. Staff Level / Experience of Staff	5	<u>3</u>
2. Adequacy of Resources	5	<u>5</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u><u>13</u></u>

TOTAL SCORE

Factor	Max. Pts.	Score
1. Experience	60	<u>58</u>
2. Work Performance	25	<u>19</u>
3. Capacity to Perform	15	<u>13</u>
Total Score	100	<u><u>90</u></u>

Engineering Scoring Sheet

Grant Recipient City of La Marque
 Name of Respondent Armani Engineering
 Evaluator's Name Charlene Warren

CDBG-DR
 Date of Rating 6/25/2014

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>20</u>
2. Has worked on federally funded construction projects	15	<u>15</u>
3. Extent of experience in project construction management	20	<u>17</u>
4. References	5	<u>4</u>
Subtotal, Experience	60	<u>56</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>8</u>
2. Manages projects within budgetary constraints	5	<u>3</u>
3. Work product is of high quality	10	<u>7</u>
Subtotal, Performance	25	<u>18</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>3</u>
2. Adequacy of Resources	5	<u>5</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>13</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>56</u>
2. Work Performance	25	<u>18</u>
3. Capacity to Perform	15	<u>13</u>
Total Score	100	<u>87</u>

Engineering Scoring Sheet

Grant Recipient City of La Marque
 Name of Respondent The Goodman Corp.
 Evaluator's Name Charlene Warren

CDBG-DR
 Date of Rating 6/25/2019

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Has previously completed Infrastructure/Housing projects	20	<u>16</u>
2. Has worked on federally funded construction projects	15	<u>13</u>
3. Extent of experience in project construction management	20	<u>17</u>
4. References	5	<u>2</u>
Subtotal, Experience	60	<u>48</u>

Work Performance

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	<u>7</u>
2. Manages projects within budgetary constraints	5	<u>3</u>
3. Work product is of high quality	10	<u>7</u>
Subtotal, Performance	25	<u>17</u>

Capacity to Perform

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	<u>3</u>
2. Adequacy of Resources	5	<u>3</u>
3. Professional liability insurance is in force	5	<u>5</u>
Subtotal, Capacity to Perform	15	<u>11</u>

TOTAL SCORE

<u>Factor</u>	<u>Max. Pts.</u>	<u>Score</u>
1. Experience	60	<u>48</u>
2. Work Performance	25	<u>17</u>
3. Capacity to Perform	15	<u>11</u>
Total Score	100	<u>76</u>

OCT 23 P.M.



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

October 10, 2018

The Honorable Bobby Hocking
Mayor of La Marque
1111 Bayou
La Marque, TX 77568

Re: Hurricane Harvey Disaster Recovery Fund Applications

Dear Mayor Hocking:

Congratulations. Your community has been awarded Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by your regional council of governments, as follows:

- Local Buyout/Acquisition - \$1,485,783.00
- Local Infrastructure - \$1,447,527.00

The Texas General Land Office (GLO) is dedicated to assisting your community in the recovery process and would like to know whether you intend to apply for these CDBG-DR funds. Please notify the GLO of your community's decision to utilize these funds by November 30, 2018, using the email below.

The deadline for receipt of applications is January 31, 2019. If you or your staff have questions, please call or write our Deputy Director of Operations, Chelsea Buchholtz, at 512.475.5042 or Chelsea.Buchholtz.glo@recovery.texas.gov.

The GLO is dedicated to your success and grateful for your partnership in helping to rebuild an even stronger Texas. We look forward to working with you.

Sincerely,

GEORGE P. BUSH
Commissioner, Texas General Land Office

1700 North Congress Avenue, Austin, Texas 78701-1495
P.O. Box 12873, Austin, Texas 78711-2873
512-463-5001 glo.texas.gov



CITY COUNCIL AGENDA FORM

Meeting Date:	July 8, 2019	Agenda item:	9b
Prepared by:	Charles Jackson/ Charlene Warren	Reviewed by:	<i>Charlene Warren/ Charles Jackson</i>
Department:	Administration		

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding authorizing the City Manager to negotiate and enter into a contract with LJA Engineering, Inc. for Engineering Services of the Community Development Block Grant-Disaster Recovery (CDBG-DR) through the Texas General Land Office for Infrastructure and Acquisition projects.



ATTACHMENTS FOR REFERENCE

STAFF BRIEFING:

- In October, 2018, the City was notified that it had been awarded Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by H-GAC.
- The award for Local Buyout/Acquisition is \$1,485,783.00.
- The award for Local Infrastructure is \$1,447,527.00.
- It is now a requirement through the Texas General Land Office (administrators of the CDBG-DR program) established that subrecipients must follow the procurement methods as outlined in 2 CFR 200.318 – 200.326.
- This includes the requirement to follow state and local procurement law and policies as prescribed by 2 CFR 200.318(a) as well as the additional requirements stated in 2 CFR Part 200.
- A Request-for-Qualifications (RFQ) for Engineering Services was issued and advertised per the City of La Marque's as well as GLO procurement procedures.
- Submittals were scored by the selection committee (comprised of the City Manager, City's procured grant administrator, and Assistant to the City Manager), appointed by the City Manager as permitted and established within State guidelines
- Selection committee scored and tabulated the five (5) submittals received.
- Outcome of scores reflected in the award request
- Recommended engineering firm has previous experience working in and for the City.
- The ultimate cost for these services is paid for through any grant proceeds the City receives.

HISTORY:

June 7, 2019 – RFQ released, advertised in The Galveston Daily, and placed online

June 14, 2019 – RFQ advertised in The Galveston Daily

June 20, 2019 – Submittals deadline

June 20, 2019 – Public Acknowledgement

June 25, 2019 – Engineering Submittals Scored



CITY COUNCIL AGENDA FORM

TARGET IMPLEMENTATION: July 8, 2019

SIGNIFICANT ACTION DATES:

6/8/2019 – City Council to consider

8/31/2019 – Deadline for Grant submission

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Contract | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to authorize the City Manager to negotiate and enter into contract with LJA Engineering, Inc. for Engineering Services of the Community Development Block Grant-Disaster Recovery (CDBG-DR) through the Texas General Land Office for Infrastructure and Acquisition projects.

FISCAL IMPACT: None; any future awards of CDBG-DR grant funds will include provisions for administration and engineering services.



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Prepared by: Charles Jackson/
Charlene Warren

Department: Administration

Agenda item: 9c

Reviewed by: Charlene Warren/
Charles Jackson

AGENDA ITEM DESCRIPTION Discussion/possible action regarding adopting Resolution No. **R-2019-0015**, authorizing the City Manager of the City of La Marque, Texas, as authorized signatory for contractual documents pertaining to the Texas General Land Office (GLO); Texas Community Development Block Grant-Disaster Recovery (CDBG-DR) Hurricane Harvey DR-4332

☒

ATTACHMENTS FOR REFERENCE

1. Resolution

STAFF BRIEFING:

- In October, 2018, the City was notified that it had been awarded Community Development Block Grant - Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by H-GAC
- The award for Local Buyout/Acquisition is \$1,485,783.00
- The award for Local Infrastructure is \$1,447,527.00
- In preparation of submission of an application for the Texas Community Development Block Grant-Disaster Recovery it is necessary to appoint a person to execute contractual application documents pertaining to these grants

HISTORY:

- Every Federal Grant submitted on behalf of the City of La Marque has appointed such person
- The City of La Marque acknowledges that if an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide the GLO with a resolution stating who the new authorized signatory shall be

TARGET IMPLEMENTATION: July 8, 2019

SIGNIFICANT ACTION DATES:

July 8, 2019 – City Council to consider

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|--|
| ☐ Ordinance | ☒ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Other Funding

N/A

STAFF'S RECOMMENDATION: Motion to adopt Resolution No. **R-2019-0015**, authorizing the City Manager of the City of La Marque, Texas, as authorized signatory for contractual documents pertaining to the Texas General Land Office (GLO); Texas Community Development Block Grant-Disaster Recovery (CDBG-DR) Hurricane Harvey DR-4332

FISCAL IMPACT: None; any future awards of CDBG grant funds will include provisions for administration and engineering services.

RESOLUTION NO. R-2019-0015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, DESIGNATING AUTHORIZED SIGNATORY FOR CONTRACTUAL DOCUMENTS PERTAINING TO THE TEXAS GENERAL LAND OFFICE (GLO); TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) HURRICANE HARVEY DR-4332.

WHEREAS, the City of La Marque, Texas is in preparation of an application for the Texas Community Development Block Grant-Disaster Recovery directly related to the effects of _____ Hurricane _____ Harvey _____ (DR-4332) stormwater/wastewater/infrastructure/acquisitions/floodcontrol/drainage improvements), and;

WHEREAS, it is necessary to appoint persons to execute contractual application documents directly pertaining to the application submittal to the Texas General Land Office (GLO), and;

WHEREAS, an original signed copy of the CDBG-DR applications is to be submitted with a copy of this Resolution; and

WHEREAS, the City of La Marque, Texas as well appoints as an authorized signatory for the city to enter into a contract with LJA Engineering, Inc. for Engineering Services for the aforementioned Community Development Block Grant-Disaster Recovery (CDBG-DR) through the Texas General Land Office for Infrastructure and Acquisition projects.

WHEREAS, the City of La Marque, Texas, acknowledges that if an authorized signatory of the City changes (elections, illness, resignations, etc.) the City shall provide the GLO with a resolution stating who the new authorized signatory shall be; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS AS FOLLOWS:

The City Manager be authorized to execute contractual documents between the Texas General Land Office and the City of La Marque for the Texas Community Development Block Grant Disaster Recovery grant application as well as to enter into Engineering Services contract with LJA Engineering, Inc.

PASSES, APPROVED, AND ADOPTED by City Council of the City of La Marque on this the _____ day of _____, 2019

CITY OF LA MARQUE, TEXAS

Bobby Hocking
Mayor

ATTEST:

Robin Eldridge
City Clerk

APPROVED AS TO FORM:

Ellis Ortego
City Attorney



CITY COUNCIL AGENDA FORM

Meeting Date:	July 8, 2019	Agenda item:	9d
Prepared by:	Charles Jackson/ Charlene Warren	Reviewed by:	<i>Charlene Warren/ Charles Jackson</i>
Department:	Administration		

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Resolution No. **R-2019-0016**, concerning civil rights, citizen participation plan, equal opportunity and fair housing policies relating to the preparation of grant applications through the Texas General Land Office; Community Development Block Grant – Disaster Recovery (CDBG-DR)

X

ATTACHMENTS FOR REFERENCE

1. Resolution – including the following:
 - a. Citizen Participation Plan and Grievance Procedures;
 - b. Section 3 Policy;
 - c. Excessive Force Policy;
 - d. Section 504 Policy and Grievance Procedures;
 - e. Code of Conduct Policy; and
 - f. Affirmatively Further Fair Housing Policy

STAFF BRIEFING:

- In October, 2018, the City was notified that it had been awarded Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by H-GAC.
- The award for Local Buyout/Acquisition is \$1,485,783.00.
- The award for Local Infrastructure is \$1,447,527.00.
- The City of La Marque is preparing a grant application for the Texas General Land Office; Community Development Block Grant – Disaster Recovery (CDBG-DR)
- It is necessary for grantees to follow criteria and adopt resolutions, post notices and make appointments according to the Texas General Land Office Action Plan.
- The City of La Marque further states that all funds will be used in accordance with all federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition and all civil rights requirements.

HISTORY:

- The City has been allocated grants monies through the CDBG-DR for Infrastructure and Buyouts/Acquisitions.
- Each time a grant is applied for, these policies and guidelines are put in place in accordance with the GLO Action Plan.

TARGET IMPLEMENTATION: July 8, 2019



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|--|
| ☐ Ordinance | ☒ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – adoption of policies according to the Resolution | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Item #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Resolution No. **R-2019-0016**, regarding civil rights, equal opportunity and fair housing policies relating to the award of a grant funded through the Community Development Block Grant – Disaster Recovery (CDBG-DR)

FISCAL IMPACT: None; any future awards of CDBG grant funds will include provisions for administration and engineering services.

RESOLUTION NO. R-2019-0016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, REGARDING CITIZEN PARTICIPATION PLAN AND COMPLIANT PROCEDURES, CIVIL RIGHTS, EQUAL OPPORTUNITY, AND FAIR HOUSING POLICIES IN PREPARATION OF GRANT APPLICATION THROUGH THE TEXAS GENERAL LAND OFFICE; TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY DIRECTLY RELATED TO THE EFFECTS OF HURRICANE HARVEY (DR-4332) (STORMWATER / WASTEWATER / INFRASTRUCTURE / ACQUISITIONS / FLOOD CONTROL / DRAINAGE IMPROVEMENTS),

WHEREAS, the City of La Marque, Texas, (herein referred to as the “City of La Marque”) is in preparation for a grant application with the Texas General Land Office (GLO) Texas Community Development Block Grant – Disaster Recovery directly related to the effects of Hurricane Harvey (DR- 4332) (stormwater / wastewater / infrastructure / acquisitions / flood control / drainage improvements);

WHEREAS, the City of La Marque, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.704) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

WHEREAS, the City of La Marque, Texas has a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable;

WHEREAS, the City of La Marque, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the ci Act (42 U.S.C. 3601-3619) and implementing regulations, and that it will affirmatively further fair housing;

WHEREAS, the City of La Marque, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-DR project area;

WHEREAS, the City of La Marque, in accordance with Section 104 (1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325 (b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

WHEREAS, the City of La Marque, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate based on disability and agrees to ensure that

qualified individuals with disabilities have access to programs and activities that receive federal funds; and

WHEREAS, the City of La Marque, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the CDBG-DR contract, to affirmatively further fair housing;

WHEREAS, the City of La Marque, in accordance will comply with the acquisition and relocation requirements of the Uniform Act (URA), as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for in the Federal Register notice;

WHEREAS, the City of La Marque, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, that the **CITY** of La Marque **ADOPTS/REAFFIRMS THE FOLLOWING**:

1. Citizen Participation Plan and Complaint Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Section 504 Policy and Grievance Procedures;
5. Code of Conduct Policy; and
6. Affirmative Furthering Fair Housing Policy

PASSED, APPROVED AND ADOPTED by City Council of the City of La Marque on this the ____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking
Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis Ortego, City Attorney

CITIZEN PARTICIPATION PLAN AND COMPLAINT PROCEEDURES

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas General Land Office; Community Development Block Grant – Disaster Recovery (CDBG-DR) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of La Marque 1111 Bayou La Marque, TX 77568, 409-938-9200 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-DR project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-DR project, whether it is a proposed, ongoing, or completed CDBG-DR project, may during regular business hours submit such complaint or grievance, in writing to the City of La Marque, at 1111 Bayou La Marque, TX 77568 or may call 409-938-9200.
2. At which time is posted for a 30-day public comment period.
3. A copy of the complaint or grievance shall be transmitted by the City to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
4. The City of La Marque shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
5. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
6. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-DR for their further review and comment.
7. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the

use of CDBG-DR funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the CDBG-DR project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a CDBG-DR application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a CDBG-DR project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas General Land Office.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable CDBG-DR application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the CDBG-DR program, and the use of past CDBG-DR contract funds, if applicable. Citizens, with emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the CDBG-DR program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by CDBG-DR, proposed to be made in the use of CDBG-DR funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the CDBG-DR project, the City shall hold a public hearing and review its program performance including the actual use of the CDBG-DR funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the CDBG-DR project or for the closeout of the CDBG-DR project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

4. The City shall retain documentation of the CDBG-DR project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u the City of La Marque agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG-DR grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG-DR funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or GLO to the Grant Recipient.
- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of City of La Marque, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the The City of La Marque hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of La Marque to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of La Marque to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of La Marque will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of La Marque, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

SECTION 504 POLICY AGAINST DISCRIMINATION BASED ON HANDICAP AND COMPLAINT PROCEDURES

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of La Marque hereby adopts the following policy and grievance procedures:

Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).

1. The City of La Marque does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
2. The City of La Marque recruitment materials or publications shall include a statement of this policy in 1. above.
3. The City of La Marque shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
4. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG-DR program, the City of La Marque shall ensure that they are provided with the information necessary to understand and participate in the CDBG-DR program.
5. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the City of La Marque to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to: **Robin Eldridge, City Clerk, 1111 Bayou Road, La Marque, Texas 77568, (409) 938-9200**, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **Robin Eldridge**. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **Robin Eldridge**, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of La Marque relating to the complaint's files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of La Marque within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of La Marque complies with Section 504 and HUD regulations.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

FEDERAL GRANT PROGRAM PROCUREMENT POLICY

CODE OF CONDUCT

As a Grant Recipient of a CDBG-DR contract, CITY OF LA MARQUE shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the CDBG-DR contract or impact the integrity of the procurement process, in compliance on lobbying required by 24 CFR;

For procurement of goods and services, no employee, officer, or agent of the CITY OF LA MARQUE shall participate in the selection, award, or administration of a contract supported by CDBG-DR funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the CITY OF LA MARQUE shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG-DR funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the CDBG-DR activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a CDBG-DR contract or award, or that is required to complete some or all work under the CDBG-DR contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-DR contract or award, or that is required to complete some or all work under the CDBG-DR contract in order to meet a National Program Objective, that might potentially receive benefits from CDBG-DR awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the CITY OF LA MARQUE Attorney. Where violations appear to have occurred, the offending

employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque the _____ day of _____, 2019.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

AFFIRMATIVELY FURTHER FAIR HOUSING POLICY

In accordance with the Affirmatively Further Fair Housing Act, the City of La Marque hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. *The City of La Marque agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).*
2. *The City of La Marque agrees to plan at least one activity during the contract term to affirmatively further fair housing.*
3. *The City of La Marque will introduce and pass a resolution adopting this policy.*

As officers and representatives of The City of La Marque, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque the _____ day of _____, 20____.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Prepared by: Alex Getty

Agenda item: 9e

Reviewed by: Charlene Warren

Charles Jackson

Department: EDC

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding the preliminary construction budget and proposed streetscape layout for the intersection of Laurel & 1st Street as provided by RPA Architects



ATTACHMENTS FOR REFERENCE

1. Preliminary construction budget and proposed streetscape layout for the intersection of Laurel & 1st Street
2. City Council minutes of February 11, 2019
3. EDC minutes of May 16, 2019

STAFF BRIEFING:

- This is a continuation of the Renaissance District revitalization project
- Special Counsel has reviewed
- Reserve funds are available and some of the cost should be absorbed in the \$1,000,000 used to match the Galveston County bond for the street program
- Administration attends EDC board meetings where discussion occurs

HISTORY:

- This is the next step in the long-planned revitalization effort in the Renaissance District
- Citizens/Business Owners/City Council/EDC participated in the A&M study regarding downtown revitalization through the Texas Coastal Watershed Program

TARGET IMPLEMENTATION: As soon as conveniently possible. The sooner we solidify our plans, the more likely the plans can be integrated into the current county bond street program.

SIGNIFICANT ACTION DATES:

February 11, 2019 - To help us get to the point of reviewing the proposed layout, the ratification of the agreement between LMEDC and RPA Architects was approved by Council on February 11, 2019

January 17, 2019 - RPA Architects proposal was approved by the EDC Board



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other - Proposal | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

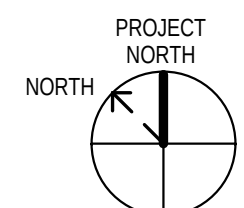
Budgeted	EDC reserves
Actual Bid	Estimate only at this juncture
Estimated Expenditure	\$750,000
Acct. Name(s)	Professional Fees
Line Item #	19-4040-00-00
Other Funding	

STAFF'S RECOMMENDATION: Motion to approve the preliminary construction budget and proposed streetscape layout for the intersection of Laurel & 1st Street as provided by RPA Architects

FISCAL IMPACT: This is the next step in placemaking for downtown. The street improvements at the intersection of Laurel and 1st Street will help make downtown more pedestrian friendly. The goal is for downtown to continue to be an economic driver and gathering place for generations to come.

**La Marque Street Scape Project
1st and Laurel
Preliminary Construction Budget
6-6-19**

		ITEM/ DESCRIPTION	UNITS	UNIT COST	AMOUNT
1		GENERAL CONDITIONS			
	A.	Overhead & Management			\$ 102,041.12
2		SITE WORK			
	A.	Demo/Prep & Stabalization	47,000 SF	\$1.00 SF	\$ 47,000.00
	B.	Trenching/storm extension	120 LF	\$50.00 LF	\$ 6,000.00
	C.	Drainage/Inlets	5	\$3,160	\$ 15,800.00
	D.	Ashalt Paving	35,304 SF	\$2.00 SF	\$ 70,608.00
	E.	Striping & Graphics, Car Stops			\$ 12,000.00
	F.	Remove (2) stop lights (By City)	Allowance		\$ -
	G.	Landscaping & Amenities	Allowance		\$ 40,000.00
3		CONCRETE			
	A.	Curbs & Gutter	2,440 LF	\$20 LF	\$ 48,800.00
	B.	Walks	8,196 SF	\$5 SF	\$ 40,980.00
	C.	Stained Concrete at Paving Intersection	3505 SF	13.00 SF	\$ 45,565.00
	D.	Pole Bases- Street- concrete	17	\$1,000 Each	\$ 17,000.00
	E.	Pole Bases- Intersection- concrete	4	\$1,500 Each	\$ 6,000.00
4		BUILDING UPGRADES			
	A.	Awnings			\$ 25,000.00
	B.	Shutters			\$ 10,000.00
	C.	Painting			\$ 6,000.00
	D.	Stucco/Brick work			\$ 5,000.00
5		LIGHTING			
	A.	Street Lights, Banners, Post & Materials	17	\$6,000	\$ 102,000.00
	A1.	Trenching & Equipment	2,400 LF	\$5.00 LF	\$ 12,000.00
	A2.	Labor & Wiring, Conduit			\$ 35,000.00
	B.	Intersection Poles	4	\$8,000 each	\$ 32,000.00
	B1.	Bega Lights	8	\$2,000 each	\$ 16,000.00
	B2.	Accent Lights	4	\$1,000 each	\$ 4,000.00
	B3.	Controllor	1	\$1500 each	\$ 1,500.00
	B4.	Labor & Equipment/Wiring/Conduit			\$ 35,000.00
		SUBTOTAL 1-5			\$ 735,294.12
		ADD BONDS 2%			\$ 14,705.88
		CONTINGENCY FUND			\$ -
		TOTAL			\$ 750,000.00



25 TOTAL LIGHT POLES

MASTER SITE PLAN



VIEW FROM FIRST STREET LOOKING SOUTHWEST



LA MARQUE E.D.C.
FIRST & LAUREL
STREETSCAPE

05/28/2019



VIEW FROM FIRST STREET - LOOKING NORTHEAST



VIEW ACROSS FIRST & LAUREL INTERSECTION - LOOKING EAST TOWARD 401-405 LAUREL



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**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
February 11, 2019**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, February 11, 2019, beginning at 6:00 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Mayor Hocking called the Regular Meeting to order at 6:00 p.m.

(2) ROLL CALL

Bobby Hocking	Mayor
Keith Bell	Mayor Pro-Tem, Councilmember District A
Chris Lane	Councilmember, District B
Robert Michetich	Councilmember, District C
Casey Mc Auliffe	Councilwoman, District D

OTHER OFFICIALS PRESENT:

Charlene Warren	Interim City Manager
Robin Eldridge	City Clerk
Ellis Ortego	City Attorney

(3) INVOCATION AND PLEDGE OF ALLEGIANCE- Mayor Pro-Tem Bell administered the invocation and led the Pledge of Allegiance

Mayor Hocking wished all a happy Black History Month and commended Mayor Geraldine Sam on her media posting of the chronology of the history of Black History Month.

(4) PRESENTATIONS/ PROCLAMATIONS

- a. Presentation Lemonade Day- Gina Spagnola
Ms. Spagnola presented City Council with backpacks and shirts and explained the process and described an overview and participation of last year's Lemonade Day (over 1,000 children participating and having their own lemonade stand in Galveston County). She encouraged all to get involved and said the Lemonade Day kickoff date was going to be held on Monday, February 25, 2019 at 6:00 p.m. (Council Chambers) - Saturday, May 4, 2019 is Lemonade Day.

(5) CITIZENS PARTICIPATION

1. Geraldine Sam expressed her hopes of Charlene Warren becoming the next City Manager and wished for Council's support. "She is doing a fine job with the City. I



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think she would be an asset to have as our City Manager, and I hope you all don't delay this any further." The second thing that she would like to see is La Marque have its own parade and celebration for Juneteenth and she would like to work with Council and any others who will help to coordinate this for Juneteenth.

2. Al Reida expressed his feelings towards the direction in which the City is currently going, he is happy with the Interim City Manager and said that she is doing a great job. He also wanted to acknowledge the passing of a former Galveston County Sheriff Joe Max Taylor, for which a moment of silence was given.

(6) CONSENT AGENDA

- a. City Council Meeting Minutes of January 14, 2019.
- b. City Council Workshop Minutes of January 14, 2019.
- c. Discussion/possible action regarding the approval of a three (3) year agreement between the City of La Marque and the La Marque Fire Association beginning October 1, 2018 and ending on September 30, 2021.
- d. Discussion/possible action regarding renewing the contract with Linebarger to assist with Municipal Court revenue collection.
- e. Discussion/possible action regarding the transfer of Lots 10 & 11, Preston Subdivision from the City of La Marque to the La Marque Economic Development Corporation.
- f. Discussion/possible action regarding approval of request for the City of La Marque to waive its liens on properties identified for housing redevelopment stimulated by the La Marque Economic Development Corporation.

Mayor Pro-Tem Bell had a question on Item "e."

Mayor Pro-Tem Bell clarified with Alex Getty the Executive Director of the La Marque Economic Development Corporation the number of homes that were planned to be built by Habitat for Humanity and he asked whether there was a certain design in mind for those homes and whether it would be consistent with the overall neighborhood. Mr. Getty replied that they would and that they were to be built to the "coastal craftsman theme". They will be built on pier and beams with a garage, no smaller than 1200 square feet, and that the City has the ability to review the final design and that they will fit into the neighborhood. Eight of the lots are on Kansas and two are on Preston. Ten total homes will start the revitalization to this area. Thanks was given to Councilmember Michetich for his role in getting this project restarted, and also the Economic Development Corporation- Revitalization Corporation.



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- ** Councilmember Lane made a motion to approve the Consent Agenda.
- ** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

(7) PUBLIC HEARINGS

- a. Conduct Public Hearing to hear public input regarding adopting Resolution No. **R-2019-003**, authorizing and creating Trails at Woodhaven Lakes Public Improvement District No. 4 within the corporate limits of the City of La Marque. **(PUBLIC HEARING HAS REMAINED OPENED SINCE JANUARY 14, 2019 COUNCIL MEETING)**

- ** Mayor Hocking closed the regular meeting at 6:13 p.m. and opened the Public Hearings.

No one spoke.

- b. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-001** amending the fiscal year 2017-18 Budget for General Fund, PIDs, Sanitation Fund, Capital Improvement Fund, Disaster Fund, Debt Service Fund and special (restricted) revenue and related expenditure funds by increasing (decreasing) certain revenues and increasing (decreasing) certain expenditures to individual budget accounts in certain funds as set forth in attached Exhibit "A".

No one spoke.

- c. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-002**, creating Tax Increment Reinvestment Zone Number Two for Omega Bay Subdivision, a contiguous geographic area in the City of La Marque, under the provisions of Chapter 311 of the Texas Tax Code.

No one spoke.

- d. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-003**, adopting and imposing impact fees.

No one spoke.

- e. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2019-004**, approving a road right of way abandonment for a portion of the 60-foot road easement (Clerks File #8843301) located in Painted Meadows Section 5 specifically overlapping lots in Block 1, Lots 1-8; Block 5, Lots 10-17, Block 4, Lots 2, 3, 16, and 17; Block 3, Lots 1-20, and Block 1, Lots 2 & 3, on behalf of Two Windy Hill Investments.

No one spoke.



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Mayor Hocking closed the Public Hearing (s) and reconvened the Regular meeting at 6:16 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding a proposed Development Agreement between the City of La Marque, Texas and Woodhaven Lakes, Ltd. for Trails at Woodhaven Lakes subdivision, and provide direction to City Manager.

** It was the consensus of Council to continue to leave this item open and the next item (b) open and table both until the March Council meeting.

- b. Discussion/possible action regarding adopting Resolution No. R-2019-003, authorizing and creating the Trails at Woodhaven Lakes Public Improvement District No. 4 within the corporate limits of the City of La Marque.

** See item above. (Tabled until the March Council meeting)

- c. Discussion/possible action regarding adopting Ordinance No. O-2019-001, amending the fiscal year 2017-18 Budget for General Fund, PIDs, Sanitation Fund, Capital Improvement Fund, Disaster Fund, Debt Service Fund, and special (restricted) revenue and related expenditure funds by increasing (decreasing) certain revenues and increasing (decreasing) certain expenditures to individual budget accounts in certain funds as set forth in attached Exhibit "A". **THIS IS THE SECOND AND FINAL READING**

** Councilmember Michetich made a motion to adopt Ordinance No. O-2019-001.

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- d. Discussion/possible action regarding adopting Ordinance No. O-2019-002, creating Tax Increment Reinvestment Zone Number Two for Omega Bay Subdivision, a contiguous geographic area in the City of La Marque, under the provisions of Chapter 311 of the Texas Tax Code. **THIS IS THE SECOND AND FINAL READING**

** Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2019-002.

** Councilmember Michetich seconded.

Councilwoman Mc Auliffe stated, "While I feel very strongly, that I would like to see the roads in Omega Bay become public rights of way, since our last meeting, I have done much research on other cities and their operations of Tax Increment Reinvestment Zones. I don't think the TIRZ is the right mechanism for the end goal." Then added, "I am in such respect to the hard work that the citizens of Omega Bay and my fellow Councilman Michetich has done to fix something that has been a long lingering bad deal."



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MOTION CARRIED with a vote of 4 to 1, with Councilwoman Mc Auliffe opposing.

- e. Discussion/possible action regarding adopting Ordinance No. **O-2019-003**, adopting and imposing impact fees. **THIS IS THE SECOND AND FINAL READING**

** Councilmember Michetich made a motion to adopt Ordinance No. O-2019-003.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- f. Discussion/possible action regarding adopting Ordinance No. **O-2019-004**, approving a road right of way abandonment for a portion of the 60-foot road easement (Clerks File #8843301) located in Painted Meadows Section 5 specifically overlapping lots in Block 1, Lots 1-8; Block 5, Lots 10-17, Block 4, Lots 2, 3, 16, and 17; Block 3, Lots 1-20, and Block 1, Lots 2 & 3, on behalf of Two Windy Hill Investments. **THIS IS THE SECOND AND FINAL READING**

** Councilmember Michetich made a motion to adopt Ordinance No. O-2019-004.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

(9) NEW BUSINESS

- a. Discussion/possible action regarding restoration of department name to Public Works from Public Services.

** Councilwoman Mc Auliffe made a motion to restore the department name to Public Works from Public Services.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding final selections from the City of La Marque I-45 Corridor Branding and Beautification by Clark Condon Landscape Architects and a TxDOT I-45 expansion update

Public Relations Specialist Colleen Merritt provided a summary of the continuation of a conversation about the I-45 expansion. "We are looking at a plan to brand and enhance the roads that are coming through La Marque, and the decisions we make will have a 50-year impact." Then she asked the following three questions:

- 1) Do we want stars or Texas icons on the bridges? - To which the consensus of Council was that they like the Texas icons.
- 2) The change order for the 1764 - decision of custom or standard pavers, to which the consensus of Council, to use the standard pavers, provided by TxDOT.
- 3) It was the consensus of Council for the approval of 1764 to Main Street budget.



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- ** Councilmember Michetich made a motion to approve the selections discussed from the City of La Marque I-45 Corridor Branding and Beautification by Clark Condon Landscape Architects.
- ** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

(10) AGREEMENTS/CONTRACTS

- a. Discussion/possible action to ratify the agreement dated January 3, 2019 between the La Marque Economic Development Corporation and Resource Planning Associates, LLC (RPA).
- ** Mayor Pro-Tem Bell made a motion to ratify the agreement dated January 3, 2019 between the La Marque Economic Development Corporation and Resource Planning Associates, LLC (RPA).
- ** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**
- b. Discussion/possible action regarding approving Resolution No. **R-2019-004**, authorizing the City Manager to execute an agreement with Public Agency Retirement Services (PARS) to provide an alternative retirement plan for part-time employees.
- ** Councilmember Lane made a motion to adopt Resolution No. R-2019-004.
- ** Councilmember Michetich seconded.

Mayor Pro-Tem Bell replied, "It is being sold as another option for our part-time employees, but what it looks like is a way for us as a city to shirk the responsibility of contribution to the retirement fund of our part-time employees. The savings is only about \$325.00 a year. It doesn't look like it is a better plan for the employees."

(PARS) representative Dion Papafote approached and explained, "Basically this is a program for part-time, seasonal temporary employees in lieu of social security, it was approved by Congress as an alternative to social security as part of OBRIM - 90, so it has been in place for a while. It is meant to be a benefit for the employees, and for the City, because obviously the City does save some money. In order to take any funds out, there must be a qualifying event. If the employee stays on and is hired full-time with the City, they may buy service time. It can also be transferred into a 403B, a 457 and a few other retirement options. If they go into the education field it can be transferred to a 401a, so there is a lot of flexibility. If taken out for any other reasons, there is a penalty that would apply." Discussion continued, and it was said that it is meant to be a retirement fund for part-time employees who cannot participate in TMRS, since you must be a full-time employee for that.



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The investments could be better benefits than social security. It was also discussed that while dealing with part-time employees who cannot work over a certain number of hours to remain part-time, would the lump sum be worth it? This would be based on number of years worked, and on an individual basis. The question was asked as to who approached who and why it was being initiated at this time. It was said that staff was looking into ways to provide some type of retirement for part-time employees. A twenty-dollar distribution fee that is charged and paid to PARS, as well as ongoing fees were discussed. A thirty-six hundred-dollar fee based on assets, annually. The question was asked as to what the ongoing fees are based on what assets the City has (the amount that it is in the retirement account). Per employee the city would save \$1,300.00 per year per employee (part-time). Mayor Pro-Tem Bell did not see the point in trying to save money when employees work hard for their money and for their retirement.

Ms. Papafote explained that this would be an additional retirement plan to their social security, while working part-time. Other entities that participate in their program were briefly discussed. The City decides the contribution ratio.

Councilwoman Mc Auliffe asked for more clarification on benefits to employees vs. benefits to the city.

Councilwoman Mc Auliffe made a motion to table this item. Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

(11) AWARD OF BID

- a. Discussion/possible action regarding the award of bid for construction of CDBG Waterline 2018-2019, LJA Engineering Project No. E019-1001, to JTM Construction, LLC in the amount of \$792,780.00.

****** Councilwoman Mc Auliffe made a motion to award bid for construction of CDBG Waterline 2018-2019, LJA Engineering Project No. E019-1001, to JTM Construction, LLC in the amount of \$792,780.00.

****** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

(12) EXECUTIVE SESSION

1. Section 551.074 (Personnel Matters) - Discussion of the City Manager position for the City of La Marque

Mayor closed the Regular meeting and convened into Executive Session at 6:49 p.m.

Mayor Hocking reconvened the Regular meeting at 10:26 p.m.



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(13) ACTION TAKEN FROM EXECUTIVE SESSION

1. Discussion/possible action regarding the City Manager position for the City of La Marque

** Councilwoman Mc Auliffe made a motion to table this item until Friday, February 15, at 1:00 p.m.

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

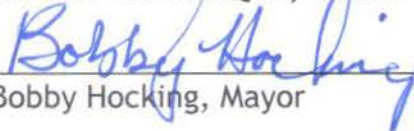
(14) REQUEST AND ANNOUNCEMENTS - There were none

(15) ADJOURNMENT

** Mayor Pro-Tem Bell made a motion to adjourn the Regular meeting at 10:27 p.m.

** Councilwoman Mc Auliffe seconded the motion. **MEETING ADJOURNED.**

CITY OF LA MARQUE, TEXAS


Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, TRMC
City Clerk

**CITIZENS REQUEST TO
SPEAK BEFORE COUNCIL**

In ordered to be heard, this form must be completed and returned to the City Clerk five (5) minutes prior to the start of the meeting.

Date of Meeting:	2-11-19
------------------	---------

Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have **three (3) minutes** to express their positions. Please indicate below the agenda item number on which you wish to comment.

Council Agenda Item Number:	
-----------------------------	--

Citizens wishing to address Council regarding a topic **not** on the agenda are afforded the same amount of time during "Citizens Request for Hearing" section. Please indicate below the subject matter.

Subject on which person wishes to speak:
Mrs. Warren City Manager
L.M. Jane Leeth Celebration

Please step to the podium as soon as you are recognized by the Mayor, stating your name and address before beginning your presentation. If you have written notes you wish to present to the Mayor and Council, please furnish an extra copy for the official files. Citizens who have questions concerning procedure or the registration form may request assistance from the City Clerk. Thank you for your cooperation.

Name:	Geraldine Sam
Address:	
Phone Number:	

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	

**CITIZENS REQUEST TO
SPEAK BEFORE COUNCIL**

In ordered to be heard, this form must be completed and returned to the City Clerk five (5) minutes prior to the start of the meeting.

Date of Meeting:	2.11.2019
------------------	-----------

Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have **three (3) minutes** to express their positions. Please indicate below the agenda item number on which you wish to comment.

Council Agenda Item Number:	
-----------------------------	--

Citizens wishing to address Council regarding a topic **not** on the agenda are afforded the same amount of time during "Citizens Request for Hearing" section. Please indicate below the subject matter.

Subject on which person wishes to speak:

Please step to the podium as soon as you are recognized by the Mayor, stating your name and address before beginning your presentation. If you have written notes you wish to present to the Mayor and Council, please furnish an extra copy for the official files. Citizens who have questions concerning procedure or the registration form may request assistance from the City Clerk. Thank you for your cooperation.

Name:	41 Reida
Address:	3217 Main St
Phone Number:	409 789 3185

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	



**LA MARQUE ECONOMIC DEVELOPMENT CORPORATION
REGULAR MEETING MINUTES
MAY 16, 2019**

AGENDA:

1. CALL TO ORDER

President Crowder called the meeting to order at 9:01 a.m.

2. ROLL CALL

PRESENT:

Ron Crowder, President
Gene Smith, Secretary
Louis "Mac" McGaffey
Deanie Barrett
Bobby Hocking

ABSENT:

3. APPROVAL OF MINUTES

a. Meeting of April 18, 2019

Board member Barrett made a motion to approve the minutes of April 18, 2019.
Board member Smith seconded. Motion passed unanimously.

4. FINANCIAL REPORT

a. Presentation of Monthly Financial Report
Report stood as submitted.

5. PRESENTATION

a. Bob Randall, President RPA Architects; update on costs associated with
401 Laurel and the intersection at Laurel & 1st Street

Mr. Randall shared some plans for the lighting (showing the number of lights along the current and future business locations within the Laurel and 1st Street area) and briefly discussed energizing of the lighting sources (LED fixtures); the possibility of a stimulus package to be offered to the businesses. The issue of the size of the grease trap (1250 gallons) required by the current ordinance was also discussed (Birdies and Art of Coffee); the requirement of back-flow preventer for the building, which requires annual testing; curb ramp at porch gate location (ADA compliant); walk-in cooler exterior condensing units; and the additional costs for this project were briefly discussed.

6. NEW BUSINESS

a. Discussion/possible action regarding the updates on costs associated with 401 Laurel provided by Bob Randall

After a brief discussion, Board member Hocking made a motion to approve the expenditures of \$48,000.00 for the additional costs provided by Bob Randall. Board member Smith seconded. Motion passed unanimously.

b. Discussion/possible action regarding the fencing bids for 401 Laurel

After a brief discussion, Board member McGaffey made a motion to award the fence bid to A to Z fencing in the amount of \$44,665. Board member Smith seconded. Motion passed unanimously.

c. Discussion/possible action for the City of La Marque bid tabulation #12-19 regarding the asbestos abatement and demolition of 408-416 Laurel

After a brief discussion, Board member Hocking made a motion to award bid #12-19 to Grant Mackay Inc., contingent upon approval by Council. Board member Smith seconded. Motion passed unanimously.

d. Discussion/possible action regarding EDC employee policy

After a brief discussion, Board member Barrett made a motion to approve the EDC employee policy. Board member Smith seconded. Motion passed unanimously.

e. Discussion/possible action regarding the proposed fiscal year 2020 budget

After a brief discussion, Board member Smith made a motion to approve the fiscal year 2020 budget. Board member Barrett seconded. Motion passed unanimously.

f. Discussion/possible action regarding proposal submitted by Site Location Partnership

After a brief discussion, Board member Barrett made a motion to approve the proposal by Site Location Partnership to assist in the attraction of new industry, and businesses to the City. Board member Smith seconded. Motion passed unanimously.

g. Discussion/possible action regarding tolling agreement request from Texas City Terminal Railroad

President Crowder asked that the action be postponed until after the Executive Session for this item.

7. OLD BUSINESS - there was none

8. DISCUSSION

a. Director's Report - report may include past, present, or future projects

The Executive Director added that P&Z approved an abandonment of a portion of the undeveloped Walker Street ROW at their May meeting and that it will be on the June Council meeting as a first reading; and EDC Board member Hocking's term is up at the end of this year and that a letter of recommendation from EDC for his reappointment will be sent to Council.

b. Public Relations Report – report to include an overview of efforts as it pertains public relations

PR Specialist Merritt added that the Shine On La Marque segment is unable to be viewed on Channel 16 at this time but, is running on i-45 NOW and has received many, many views.

9. EXECUTIVE SESSION

a. Section 551.072 of the Government Code - deliberations about real property - land acquisition and or sale

b. Section 551.071 of the Government Code – consultation with attorney

President Crowder closed the regular meeting and opened the Executive Session at 9:50 a.m.

President Crowder reconvened to the regular meeting at 10:03 a.m.

10. ACTION TO BE TAKEN FROM EXECUTIVE SESSION

a. Consider land acquisition and or sale

b. Consider action to be taken regarding consultation with attorney

Board member Smith made a motion to table new business item 6g. of the agenda concerning the tolling agreement with Texas City Railroad Terminal. Board member Hocking seconded. Motion passed unanimously.

11. REQUESTS, ANNOUNCEMENTS AND COMMENTS – there were none

It was the consensus of the Board to adjourn at 10:04 a.m.

Ron Crowder, President

Robin Eldridge, TMRC
City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019
Prepared by: Chaise Cary

Agenda item: 9f
Reviewed by: Charlene Warren
Charles Jackson

Department: Public Works

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2019-0012**, adopting the revised FEMA floodplain maps as a condition of continued eligibility in the National Flood Insurance Program (NFIP) **THIS IS THE FIRST READING**

☒ X

ATTACHMENTS FOR REFERENCE:

1. Ordinance
2. FEMA – Certified Letter Dated February 15, 2019
3. Final Summary of Map Actions

STAFF BRIEFING:

- FIRM – Flood Insurance Rate Map
- FIS – Flood Insurance Study
- SFHA – Special Flood Hazard Areas
- BFE – Base Flood Elevation
- NFIP – National Flood Insurance Program
- **Flood** hazards are dynamic and can change frequently because of a variety of factors, including weather patterns, erosion, and new development.
- **FEMA**, through the Risk **MAP** program, collects new or updated flood hazard data and periodically updates flood maps to reflect these changes.

HISTORY:

2/19/1983 – The Department of Homeland Security’s Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the SFHAs in your community.

2/28/2018 – FEMA completed a re-evaluation of the flood hazards in your community. FEMA provided the City with Preliminary and Revised Preliminary copies, respectively, of the Flood Insurance Study (FIS) report and FIRM that identified existing flood hazards in your community.

8/25/2019 – The FIRM for our community will become effective.

TARGET IMPLEMENTATION: August 15, 2019

SIGNIFICANT ACTION DATES:

7/08/2019 – First reading of proposed Ordinance

8/12/2019 – Public Hearing and Second reading of proposed Ordinance



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other-Agreement | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Item #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2019-0012**, adopting the revised FEMA floodplain maps as a condition of continued eligibility in the National Flood Insurance Program (NFIP) **THIS IS THE FIRST READING**

FISCAL IMPACT: N/A

ORDINANCE NO. O-2019-0012

AN ORDINANCE BY THE CITY COUNCIL OF LA MARQUE, TEXAS AMENDING SECTION 32-7, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD," OF CHAPTER 32, "FLOOD DAMAGE PREVENTION," SECTION 14-22, "REVISIONS TO BUILDING CODE," AND SECTION 14-24, "REVISIONS TO RESIDENTIAL CODE," OF CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," OF THE CITY OF LA MARQUE CODE OF ORDINANCES TO ADOPT THE CITY OF LA MARQUE 2019 FLOOD INSURANCE RATE MAPS (FIRM) AND 2019 FLOOD INSURANCE STUDY (FIS); PROVIDING FOR AN EFFECTIVE DATE OF AUGUST 15, 2019; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the Federal Emergency Management Agency ("FEMA") has identified special flood hazard areas within the boundaries of the City of La Marque, Texas (the "City") and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the Legislature of the State of Texas has, in Texas Water Code §§ 16.3145 & 16.315, conferred upon local governments the authority to adopt regulations to minimize flooding that are not less stringent than the requirements and criteria of the National Flood Insurance Program in order for the City to qualify for the National Flood Insurance Program; and

WHEREAS, the Flood Insurance Rate Maps and the Flood Insurance Study (FIS) previously adopted by the City have been revised by FEMA and a letter of final determination from FEMA has been issued to the City requiring the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) to be in effect by August 15, 2019; and

WHEREAS, the City Council desires to continue to meet the requirements of Texas Water Code §§ 16.3145 & 16.315 and Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for participation in the National Flood Insurance Program as administered by FEMA;

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

Section 1. Section 32-7, "Basis for establishing the areas of special flood hazard," of Chapter 32, "Flood Damage Prevention," of the City of La Marque Code of Ordinances is amended to read as follows:

“Section 32-7. - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study for the City of La Marque” dated August 15, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated August 15, 2019 and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.”

Section 2. Section 14-22, “Revisions to building code,” of Chapter 14, “Buildings and Building Regulations, is amended to read as follows:

“Sec. 14-22. - Revisions to building code.

The following sections of the building code adopted in Section 14-21 are revised as provided in this Section.

Section 101.1. Insert: City of La Marque

Section 103.1. Is deleted in its entirety.

Section 103.2. Is amended to read: 'The building official shall be appointed by the city manager.'

Section 1612.3. Insert: City of La Marque

Section 1612.3. Insert: August 15, 2019

Section 3410.2. Insert: March 1, 2017 effective date of building codes”

Section 3. Section 14-24, “Revisions to residential code,” of Chapter 14, “Buildings and Building Regulations, is amended to read as follows:

“Sec. 14-24. - Revisions to residential code.

The following sections of the residential code adopted in section 14-23 are revised as provided in this Section.

Section R101.1. Insert: City of La Marque

Section R103.1. Is deleted in its entirety.

Table R301.2(1). Insert the following as a single chart:

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Underlay Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					

0	120 b or c	A	Negligible	6"	Very heavy	Slight to moderate	32	No	FIRM/FRBM/FIS dated 08/15/2019	9	69.9
---	---------------	---	------------	----	---------------	-----------------------	----	----	--------------------------------------	---	------

Section P2603.5.1 . Insert: six inches (6")

Section P2603.5.1 . Insert: eighteen inches (18")"

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 6. This ordinance shall be effective August 15, 2019.

PASSED AND APPROVED on First reading this the 8th day of July, 2019.

PASSED, APPROVED AND ADOPTED on the Second and Final reading this the 12th day of August, 2019.

Bobby Hocking
Mayor

ATTEST:

Robin Eldridge
City Secretary

APPROVED AS TO FORM:

Ellis J. Ortego
City Attorney



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Prepared by: Suzy Kou

Agenda item: 9g

Reviewed by: Charlene Warren/

Charles Jackson

Department: Finance

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding accepting proposal from Enterprise Fleet Management to replace/dispose of certain Public Works vehicles

☒

ATTACHMENTS FOR REFERENCE

1. Estimated annual cost schedules

STAFF BRIEFING:

- City participated in the Enterprise fleet program during 2013 to improve our fleet with safety, efficiency, and cost effectiveness over time.
- Currently, there are approximately 16 non-Enterprise vehicles remaining in the Public Works inventory which were purchased from years 2000-2012.
- While there are still marketable values to these vehicles, Enterprise recommends selling them with estimated equity returns of \$92,500.
- Returned equity shall apply to new vehicles as down payment to lower the annual cost each budget.
- Estimated annual cost for three new vehicles in Utility Fund would be \$24,259.44 and two new vehicles in General Fund would be \$12,138.12 starting fiscal year 2019-20.

HISTORY: N/A

TARGET IMPLEMENTATION: July 9, 2019

SIGNIFICANT ACTION DATES: N/A

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	-0-
Actual Bid	
Estimated Expenditure	-0-
Acct. Name(s)	
Line Item #	
Other Funding	



CITY COUNCIL AGENDA FORM

STAFF'S RECOMMENDATION: Motion to accept Enterprise's proposal to replace/dispose of certain Public Works vehicles

FISCAL IMPACT: None during fiscal year 2018-19; General Fund - \$12,138.12 and Utility Fund - \$24,259.44 during fiscal year 2019-20.

City of La Marque - Public Works Menu Pricing



Equity Lease Menu Pricing

Vehicle Type	Year	Make	Model	Trim Level
1/2 Ton Pickup Crew 4x2	2019	Ford	F-150 Super Cab	XL 4x2 SuperCab Styleside 8 ft. box 163 in. WB
3/4 Ton Pickup Reg 4x2	2019	Ford	F-250 Super Cab	XL 4x2 SD SuperCab 8 ft. box 164 in. WB SRW

Quantity	Term	Estimated Annual Mileage
1	48	10,000
1	48	10,000

Monthly Cost (Lease Rate)*	Full Maintenance**	Annual Cost Including Maintenance
\$457.06	\$38.13	\$5,942.28
\$474.51	\$41.81	\$6,195.84

Annual Cost Including Maintenance by Quantity	One time Aftermarket Cost (By Quantity)
\$ 5,942.28	
\$ 6,195.84	

*Lease rates are based upon factory order pricing and miles per year
**Maintenance includes one set of brakes and no tires

Total Annual Cost Including Maintenance	\$ 12,138.12
Total Annual One Time Aftermarket Cost	\$ -
Estimated Equity in 4 Disposals	\$ 5,000.00

City of La Marque - Public Works Menu Pricing



Equity Lease Menu Pricing

Vehicle Type	Year	Make	Model	Trim Level	Quantity	Term	Estimated Annual Mileage	Monthly Cost (Lease Rate)*	Full Maintenance**	Annual Cost Including Maintenance	Annual Cost Including Maintenance by Quantity	One time Aftermarket Cost (By Quantity)
1/2 Ton Pickup Quad 4x2	2019	Ford	F-150 Crew Cab	XL 4x2 SuperCrew Cab Styleside 5.5 ft. box 145 in. WB	1	48	10,000	\$274.20	\$38.13	\$3,747.96	\$ 3,747.96	
3/4 Ton Pickup Reg 4x2	2019	Ford	F-150 Regular Cab	XL 4x2 Regular Cab Styleside 8 ft. box 141 in. WB	3	48	10,000	\$215.78	\$38.13	\$3,046.92	\$ 9,140.76	
1 Ton Pickup Crew 4x2	2019	Ford	F-350 Crew Cab	XL 4x2 SD Crew Cab 8 ft. box 176 in. WB DRW	2	36	30,000	\$419.43	\$54.35	\$5,685.36	\$ 11,370.72	

*Lease rates are based upon factory order pricing and miles per year
**Maintenance includes one set of brakes and no tires

Total Annual Cost Including Maintenance

\$ 24,259.44

Total Annual One Time Aftermarket Cost

\$ -

Estimated Equity in 12 Disposals (Applied to new leases)

\$ 87,500.00

PRIMARY RECOMMENDATION: Replace all units over 7 years and/or 100,000 miles and apply equity gains from the sale of said vehicles in the amount of \$5,500 per unit (average available equity per unit)

Current Fleet Data

Dept	Veh. #	Year	Make	Model	Series	Mileage	Annual Mileage	Current Est. Wholesale Value ²	Current Equity
DEP 12	700	2003	Ford	F-150		96,796	5,866	\$1,000	\$1,000
SHOP	401	2000	Ford	F-150		117,637	6,033	\$500	\$500
UT-22	826	2007	Ford	F-150	STX 4x2 Super Cab Styleside 5.5 ft. box 133 in. WB	27,683	2,215	\$3,000	\$3,000
UT-22	803	2003	Ford	F-250	XL 4x2 SD Super Cab 142 in. WB HD	172,648	10,464	\$3,500	\$3,500
UT-22	901	2011	Ford	F-250	XL 4x2 SD Super Cab 6.75 ft. box 142 in. WB SRW	60,000	7,059	\$11,500	\$11,500
UT-22	806	2012	Ford	F-250	XL 4x2 SD Super Cab 6.75 ft. box 142 in. WB SRW	29,404	3,921	\$19,000	\$19,000
UT-22	804	2007	Ford	F-350 Chassis	XL 4x2 SD Regular Cab 141 in. WB DRW	78,023	6,242	\$5,500	\$5,500
UT-24	2404	2012	Ford	F-250	XL 4x2 SD Super Cab 6.75 ft. box 142 in. WB SRW	69,904	9,321	\$12,500	\$12,500
DEP 12	800	2000	Ford	F-150		95,000	4,872	\$500	\$500
DEP 12	808	2007	Ford	F-250		71,293	5,703	\$3,000	\$3,000
UT-22	802	2007	Ford	F-150	STX 4x2 Super Cab Styleside 5.5 ft. box 133 in. WB	91,376	7,310	\$3,000	\$3,000
UT-22	1	2012	Ford	F-150	XL 4x2 Regular Cab Styleside 6.5 ft. box 126 in. WB	88,450	11,793	\$5,000	\$5,000
UT-22	2	2012	Ford	F-150	XL 4x2 Regular Cab Styleside 6.5 ft. box 126 in. WB	79,543	10,606	\$6,500	\$6,500
UT-22	204	2011	Ford	F-250	XL 4x2 SD Regular Cab 8 ft. box 137 in. WB SRW	55,715	6,555	\$9,500	\$9,500
UT-24	2406	2004	GMC	3500		110,837	7,151	\$5,500	\$5,500
UT-24	2401	2007	Ford	F-150	STX 4x2 Super Cab Styleside 5.5 ft. box 133 in. WB	62,420	4,994	\$3,000	\$3,000
SHOP	400	2003	Ford	F-150	XL 4x2 Super Cab Styleside 139 in. WB	97,438	5,905	\$1,000	\$0
						80,962	6,997	\$93,500	\$92,500
Average Equity Per Unit									\$6,000



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

February 15, 2019

The Honorable Bobby Hocking
Mayor, City of La Marque
4916 Garrett Street
La Marque, Texas 77568

Community: City of La Marque,
Galveston County,
Texas

Community No.: 485486

Map Panels Affected: See FIRM Index

Dear Mayor Hocking:

This is to formally notify you of the final flood hazard determination for the City of La Marque, Galveston County, Texas in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (44 CFR 67.11). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*. The flood hazard determinations for your community may include addition of and/or modification to Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, and regulatory floodways. SFHAs are the areas subject to inundation by the flood having a 1-percent change of being equaled or exceeded in any given year (base flood).

On February 16, 1983, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the SFHAs in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On September 27, 2012 and February 28, 2018, FEMA provided you with Preliminary and Revised Preliminary copies, respectively, of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community. A notification of the proposed flood hazard determinations for your community was published in the *Daily News* on June 20, 2013 and June 27, 2013, and in the *Federal Register*, at Part 67, Volume 78, Pages 28890 and 28891, on May 16, 2013.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed flood hazard determinations during that time. Accordingly, the flood hazard determinations for your community are considered final. The final flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on August 15, 2019. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS report establishing the flood hazard information for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to August 15, 2019, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations

that meet the standards of Paragraph 60.3(d and e) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d and e) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d and e);
2. Adopting all the standards of Paragraph 60.3(d and e) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d and e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Galveston County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

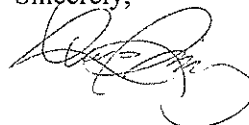
Our Regional Office staff would be happy to assist you with any difficulties you may encounter enacting the floodplain management ordinances. If you have questions regarding your application or any other questions, please feel free to contact one of the Regional contacts listed below for additional assistance:

For questions concerning:	Name	Telephone Number	Email
Engineering/Mapping	Mr. Larry Voice	(940) 898-5419	larry.voice@fema.dhs.gov
Community Outreach	Ms. Cynthia Wirz	(940) 898-5164	cynthia.wirz@fema.dhs.gov
Insurance	Mr. Gilbert Giron	(940) 898-5594	gilbert.giron@fema.dhs.gov
Compliance	Ms. Lauren Fulton	(940) 898-5474	lauren.fulton@fema.dhs.gov

If there are further questions regarding the FIS report and FIRM for the community, please contact Mr. Michael Segner, CFM. Mr. Segner, the NFIP State Coordinator, is accessible by telephone at 512-463-3509, in writing at 1700 North Congress Avenue, P.O. Box 13231, Austin, Texas 78711-3231, or by email at michael.segner@twddb.texas.gov.

Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at: <https://www.fema.gov/letter-final-determination>. Paper copies of these documents may also be obtained by calling our FMIX, toll free at the telephone number listed above.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:
Final SOMA

cc: Community Map Repository
Mr. Deck Shaver, Interim Director of Public Services and Floodplain Administrator, City of
La Marque
Mr. Michael Segner, CFM, State NFIP Coordinator, Texas Water Development Board
Ms. Jennifer Moss, Deputy Regional Technical Coordinator, RSC 6

FINAL SUMMARY OF MAP ACTIONS

Community: LA MARQUE, CITY OF

Community No: 485486

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panel(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on August 15, 2019.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR	06-06-BK83P	05/10/2007	Saltgrass Crossing, Sections 1 & 2	4854860005D 4854860015D	48167C0245G 48167C0385G

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	09-06-1852A	06/18/2009	BORONDO PINES, BLOCK 2, LOT 2 -- 156 LOWER BORONDO	4854860020D	48167C0401G

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

FINAL SUMMARY OF MAP ACTIONS

Community: LA MARQUE, CITY OF

Community No: 485486

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		



CITY COUNCIL AGENDA FORM

Meeting Date: July 8, 2019

Agenda item: **10a**

Prepared by: Robin Eldridge

Reviewed by: *Charlene Warren*

Charles Jackson

Department: Mayor & City Council

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding appointments and/or reappointments to fill various positions of the Boards and Commissions

X

ATTACHMENTS FOR REFERENCE

1. Boards and Commissions
2. Current applications on file
3. Current Ordinance

STAFF BRIEFING:

- There has been a change since the last time appointments and reappointments have been made
- Ordinance No. O-2018-0019 was adopted on January 14, 2019 which specifies procedures for appointments, terms, residential criteria and other
- Planning & Zoning Commission is at a critical membership number. There is one vacancy in the membership and two alternate position vacancies
- There are vacant positions available for appointment or reappointment on each of the Boards and Commissions
- There are **very few** applications on file
- Yellow highlights show those members whose terms have expired, or they are vacant positions, and green highlights show which members' terms will be expiring at the end of this year

HISTORY:

- Appointments and Reappointments to Boards and Commissions have historically been done by City Council

TARGET IMPLEMENTATION: As soon as possible, as to fill each Board or Commission with the number of members required to conduct City business

SIGNIFICANT ACTION DATES:

1.14.2019 - New Ordinance for appointing members to Boards and Commissions was adopted



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other - appointments/or reappointments to Boards & Commissions | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to approve appointments and/or reappointments to fill various positions of the Boards and Commissions

FISCAL IMPACT: N/A (Boards and Commission members serve without pay)

BOARD OF ADJUSTMENT

BOARD OF ADJUSTMENT- ORD. 953		Appointed	Expires	Appoints
1. Lillian Petty	#11 N. Skimmer	18	19	D
2. David Pennington-Exp.	924 Cypress	18	19	C
3. Herman Harper	102 Union	17	19	A
4. Harold Augustus	1030 Laurel	18	20	M
5. Lois M. Jones	2602 Meadow Lane	19	21	B
ALTERNATES				
1. Helen Kee	3103 Mc Arthur	16	18	D
2. VACANT		18	20	C
Ex-officio- Open				

The Board shall consist of five (5) members who are residents of the City, each to be appointed by the City Council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing.

The City Council may appoint two (2) alternate members of the Board who shall serve in the absence of one (1) or more of the regular members.

These alternate members, when appointed, shall serve for the same period as the regular members, which are for a term of two (2) years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

Each position on the Board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 5.

The terms of the odd-numbered positions (1, 3 & 5) will expire in odd-numbered years and the terms of even-numbered years (2 & 4) shall expire in even-numbered years. Board members may be appointed to successive terms.

CEMETERY BOARD

CEMETERY BOARD – ORD. 1033		Appointed	Expires	Appoints
1. Ellen Hanley	1019 Plum	18	20	A
2. Rosalind Meeks Crockett	1302 Merry Lane	18	20	C
3. Kurt Koopman	1004 Lilac	18	20	B
4. Bim Crowder (CHAIR)	401 Texas Avenue	19	21	D
5. VACANT- EXPIRED		17	19	M
Ex-officio- OPEN				

The Cemetery Board for the City of La Marque, Texas shall consist of five (5) members to be appointed by City Council; and one ex-officio member of City Council.

Board members shall serve for two (2) year terms.

CIVIL SERVICE COMMISSION

<i>CIVIL SERVICE COMMISSION Local Govmt. Code & ORD. 821</i>				
		Appointed	Expires	Appoints
1. Lucy Glenn	824 Laurel	18	19	CM
2. Morris Martin, Jr.	725 Lilac	18	20	CM
3. VACANT	Unexpired term	18	21	CM
Patty Rees				

The Civil Service Commission shall consist of three (3) members appointed by the City Manager.

Each January, the Commission must appoint a Chair and Vice Chair.

Chapter 143.006 and 007 - Local Government Code –Terms of Office

The terms of office shall be for three (3) year terms, with no more than one member appointed each year, with the exception of the initial appointments. The initial appointments to the Civil Service Commission shall serve as follows:

- One member to serve a one (1) year term
- One member to serve a two (2) year term
- One member to serve a three (3) year term

Position 1 - 1 year term

Position 2 - 2 year term

Position 3 - 3 year term

ECONOMIC DEVELOPMENT CORPORATION

<i>ECONOMIC DEVELOPMENT CORPORATION – Appointed Expires Appoints</i> <i>695 APPOINTED BY CITY COUNCIL</i>					
1	Ron Crowder	4 Chimney Corners	14	20	C
2	Gene Smith	2110 Evergreen	18	24	M
3	Deanie Barrett	2603 Cedar Drive	16	22	A
4	Bobby Hocking	614 Sunset Lane	13	19	B
5	Louis McGaffey	2314 Downey	14	20	D

The Board of Directors shall consist of five (5) directors each of whom shall be appointed by the Governing Body.

Appointments are for six (6) year terms.

KEEP LA MARQUE BEAUTIFUL COMMISSION

<i>KLMBC- ORDINANCE # O-2017-0021</i>		Appointed	Expires	Appoints
1. Kimberly Yancy	2602 Meadow Lane	19	21	B
2. Alanah Brown	716 Amato St.	19	21	D
3. Joe A. Compian	1020 Duroux	17	19	A
4. Terry Pettijohn	41 Borondo Pines	18	20	M
5. Kathy Herrin	56 Borondo Pines	19	21	B
6. David Holmen	605 Sable Terrace Ln.	16	18	M
7. Vivian Allen	816 Howell Ave.	17	19	C
Ex-officio- District D				

All seven (7) Commissioners appointed by the City Council serve two (2) year staggered terms, except that appointment to vacancies shall be for the unexpired term of the position to which the appointment is made.

PLANNING & ZONING COMMISSION

PLANNING & ZONING ORD. # 2014-0023		Appointed	Expires	Appoints
1 Augustino Molis	741 Spoonbill	18	20	A
2 Alan Waters	#1 Pin Tail	19	21	B
3 Greg Cornett	1310 Cedar	19	21	C
4 Hugh Cash	217 Sarlee	18	20	M
5 Douglas Hobgood	406 Edgar	19	21	D
ALTERNATES				
#1 VACANT	UNEXPIRED TERM	18	20	A
#2 Chris Columbo (U)	1206 Veronica	19	20	B
Ex-officio- District C				

The City Council shall appoint a Planning and Zoning Commission which shall consist of five (5) members, each member being a resident and a real property taxpayer of the City of La Marque, and none of whom shall hold any other position in the City Government.

Three members of the **first** Commission shall be appointed for a term of two years and two for a term of one year. Thereafter, new members shall be appointed for a term of two years. Ordinance No. O-2014-0023, allows for City Council to appoint two (2) alternates to the Planning & Zoning Board.

***Alternates** are required to attend and review packets as the regular Commission members. In the case that an alternate is present to make a quorum, in the absence of a member, they will be allowed to vote. If all members are present, alternates votes will not be allowed to vote.

U- unexpired term

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**



City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Board of Adjustments ←

Board Preference 2: Planning and Zoning ←

Name: Stephanie Gordon

Home Address: 105 Lake Road

City: La Marque Zip: 77568 La Marque Resident: 30 yrs

Home Telephone: 4094436711 Home E-mail: gordons765@gmail.com

Profession: Realtor

Special Knowledge or Experience applicable to City Board/Commission function:

Resident for over 30 years in TC/LM
Graduate of LMISD (1989) Real Estate Professional
AKO former employee of LMISD 2009-2015
Other Information (Civic Activities):
Galveston County Democrats / Former Precinct
331 Chair

I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: Stephanie Gordon

Date: Aug 27, 2018

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

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MAR 09 AM
2017

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
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Please type or print information

Board Preference 1: Clean City Commission

Board Preference 2: _____

Name: ISHAMIE MOSES

Home Address: 1403 DUBOIS

City: LA MARQUE Zip: 77568 La Marque Resident: 12 yrs

Home Telephone: 409 935 4373 Home E-mail: JMOSES1065@GLOBE. NET

Profession: CHRONIC CONDITION EDUCATOR - THE LUSSETREE

Special Knowledge or Experience applicable to City Board/Commission function: _____

PT. 1ST SQ. VETERAN, LONG TIME RESIDENT LA MARQUE

Other Information (Civic Activities):

VARIOUS

I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: Ishamie Moses

Date: 3-8-17

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**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
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THE CITY OF LA MARQUE**

2017

APR 05 AM

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Economic Development

Board Preference 2: Clean City

Name: Jennifer Faircloth Earl

Home Address: 1412 Bonham

City: La Marque Zip: 77568 La Marque Resident: 15 yrs

Home Telephone: 409-539-0304 Home E-mail: kyleearl@sbcglobal.net

Profession: Production Manager at Minotemon Press-Bay Area

Special Knowledge or Experience applicable to City Board/Commission function: I have experience of assisting in the running of a business as well as a longtime resident.

Other Information (Civic Activities):

N/A

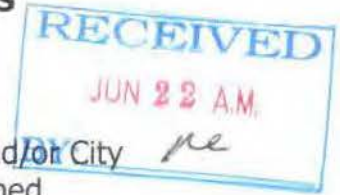
I verify that the information I have provided on this application to be true and correct. I also acknowledge that this information may be made available to the public.

Signature: Jennifer Faircloth Earl

Date: 4-3-17

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**CANDIDATE APPLICATION FORM
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Please type or print information

Board Preference 1: Board of Adjustment

Board Preference 2: _____

Name: Charlotte O. Westlake

Home Address: 825 Shady Lane

City: La Marque Zip: 77568 La Marque Resident: ☒ yrs

Home Telephone: 409-935-5167 Home E-mail: _____

Profession: Retired

Special Knowledge or Experience applicable to City Board/Commission function: Length of Time I have been on Board; zoning Committee

Other Information (Civic Activities):

I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: Charlotte O. Westlake

Date: 6-22-2018

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**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
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Please type or print information

Board Preference 1: Civil Service Commisioner

Board Preference 2: _____

Name: Lucy Glenn

Home Address: 824 Laurel

City: La Marque Zip: 77568 La Marque Resident: 16 yrs

Home Telephone: 409-457-9942 Home E-mail: luceknee@comcast.net

Profession: Physical Therapist

Special Knowledge or Experience applicable to City Board/Commission function: Member 2018, attended civil service conference 2018, interest in relationships between community and police, civic duty

Other Information (Civic Activities):

Board member for the Galveston Humane Society 2000-2004

I verify that the information I have provided on this application to be true and correct. I also acknowledge that this information may be made available to the public.

Signature: [Signature]

Date: 7/3/19

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD, LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

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Please type or print information

Board Preference 1: Make La Marque Beautiful

Board Preference 2: Economic Development

Name: Tracie Steans

Home Address: 2101 Jeridona / 1215 1st. La Marque Business

City: La Marque Tx Zip: 77568 La Marque Resident: All my life 8 yrs ^{4 years BUSINESS}

Home Telephone: 409 655-9261 Home E-mail: TracieSteans@yahoo.com

Profession: OWNER SMALL EVENTS

Special Knowledge or Experience applicable to City Board/Commission function: _____

Computer Tech Business owner
VERY INVOLVED IN COMMUNITY SERVICE 14 years Senior manager
Walmart Corp. Manage 475 employees mainland express

Other Information (Civic Activities):

Coach of the year 4 years. Girl Scout troop leader. President
of Project Give back. New life church Ministry. Choir member

I verify that the information I have provided on this application to be true and correct. Lincoln Syn
I also acknowledge that this information may be made available to the public. volunteer etc.

Signature: Tracie Steans

Date: July 2, 2019

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.