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



CITY OF LA PORTE DEVELOPMENT CORPORATION BOARD OF DIRECTORS MEETING AGENDA

Notice is hereby given of a meeting of the City of La Porte Development Corporation Board of Directors to be held on June 26, 2023, at the City Hall Council Chamber, 604 West Fairmont Parkway, La Porte, Texas, beginning at 5:00 pm to consider the following items of business: Remote participation is available, also. Attend via a screen using this link:

https://us02web.zoom.us/j/84695938493?pwd=RkVpem5QUzF6NTFCTzYrZGZEL2xVZz09. Join by phone at 888-475-4499 or 877-853-5257. The meeting ID is 846 9593 8493 and the passcode is 895925.

1. CALL TO ORDER

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

3. AUTHORIZATIONS

- (a) Approve the minutes of the April 24, 2023, meeting of the La Porte Development Corporation Board of Directors. [Richard Warren, President]
- (b) Receive Annual Report from Economic Alliance Houston Port Region. [Matt Daeumer, Assistant City Manager]
- (c) Presentation, discussion, and possible action to approve the incentive payment with Frank Nance, owner of State Farm, located at 508 W Main Street in La Porte, Texas, in an amount not to exceed \$15,000.00. [Matt Daeumer, Assistant City Manager]

4. SET NEXT MEETING

5. STAFF REPORTS

- (a) Update on Economic Development Manager.
- 6. BOARD COMMENTS Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Committee members and City staff, for which no formal action will be discussed or taken.
- 7. EXECUTIVE SESSION The La Porte Development Corporation reserves the right to meet in executive session on any agenda item should the need arise and if authorized by the Texas Open Meetings Act, Title 5, Chapter 551, of the Texas Government Code.
- 8. Reconvene into open session and consider action, if any, on items discussed in executive session.

9. ADJOURN

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

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

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

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the June 26, 2023, La Porte Development Corporation Board agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING TIME OF POSTING TAKEN DOWN

Gee Woodward

Lee Woodward, City Secretary

RICHARD WARREN PRESIDENT

BRENT MCCAULLEY COUNCILPERSON

AMANDA GERRISH BOARD MEMBER

CHUCK ENGELKEN COUNCILPERSON



DANNY EARP BOARD MEMBER

JOHN BLAKEMORE BOARD MEMBER

> NANCY OJEDA VICE-PRESIDENT

MINUTES OF THE LA PORTE DEVELOPMENT CORPORATION BOARD OF DIRECTORS MEETING OF APRIL 24, 2023

The City of La Porte Development Corporation Board met on Monday, April 24, 2023, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 5:20 p.m., with the following in attendance:

Board members present: Richard Warren, Nancy Ojeda, Chuck Engelken, John Blakemore, Brent McCaulley

Board members attending remotely: None

Board members absent: Danny Earp, Amanda Gerrish

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

CALL TO ORDER – President Warren called the meeting to order at 5:26 p.m.

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

There were no comments.

3. CONSENT AGENDA

a. Approve the minutes of the February 27, 2023, meeting of the La Porte Development Corporation Board of Directors. [Richard Warren, President]

Member Engelken moved to approve the minutes of the February 27, 2023, regular meeting of the La Porte Development Corporation Board of Directors; the motion was seconded by Member McCaulley; the motion was adopted, 5-0.

4. AUTHORIZATIONS

a. Presentation, discussion, and possible action to approve a Mutual Recission and Release Agreement between the La Porte Development Corporation and R Favorite Things, LLC, for the purpose of terminating the Economic Development Incentive Agreement dated September 22, 20232, between the La Porte Development Corporation and R Favorite Things, LLC for development of the Revak Building located at 114 W. Main Street in La Porte, Texas. [Matt Daeumer, Assistant City Manager]

Member Engelken moved to approve a Mutual Recission and Release Agreement between the La Porte Development Corporation and R Favorite Things, LLC, for the purpose of terminating the Economic Development Incentive Agreement dated September 22, 2022, between the La Porte Development Corporation and R Favorite Things, LLC for development of the Revak Building located at 114 W. Main Street in La Porte, Texas; the motion was seconded by Member McCaulley; the motion was adopted, 5-0.

b. Presentation, discussion, and possible action to approve a reimbursement payment in an amount not to exceed \$25,000.00 to the applicant, Marion (Marty) Campise, under terms of the Economic Development Incentive Agreement dated October 10, 2022, for the enhancements for his business, Main Street Entertainment and Food Park, located at 402 W. Main Street in La Porte, Texas. [Matt Daeumer, Assistant City Manager]

Member Engelken moved to approve a reimbursement payment in an amount not to exceed \$25,000.00 to the applicant, Marion (Marty) Campise, under terms of the Economic Development Incentive Agreement dated October 10, 2022, for the enhancements for his business, Main Street Entertainment and Food Park, located at 402 W. Main Street in La Porte, Texas; the motion was seconded by Member Ojeda; the motion was adopted, 5-0.

5. SET DATE FOR NEXT MEETING

May 22, 2023, was set as a tentative date for the next meeting of the Board.

6. STAFF REPORTS

a. Update on open Economic Development Manager position.

An update was provided by Assistant City Manager Daeumer.

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

There were no comments.

ADJOURN – The meeting was adjourned without objection at 5:33 p.m.

Lee Woodward, City Secretary



REQUEST FOR LA PORTE DEVELOPMENT CORPORATION BOARD AGENDA ITEM

Agenda Date Requested: June 26, 2023	Appropriation	
Requested By: <u>Matt Daeumer, Asst. City Manager</u>	Source of Funds:	
Department: <u>CMO</u>	Account Number:	
C Report C Resolution C Ordinance	Amount Budgeted:	
	Amount Requested:	
Exhibits: Economic Alliance Presentation	Budgeted Item: C Yes No	

SUMMARY

As part of our agreement, the Economic Alliance Houston Port Region is to make an annual presentation to the Economic Development Corporation and City Council. Chad Burke with the Economic Alliance will present an update on their activities in the Port area and La Porte.

RECOMMENDED MOTION

No Action necessary

Approved for the La Porte Development Corporation Board meeting agenda

Corby D. Alexander, City Manager

Date

Economic Alliance Houston Port Region

La Porte Annual Report June 26, 2023

Economic Alliance

HOUSTON PORT REGION

Presented By: Chad Burke President & CEO Economic Alliance Houston Port Region chad@allianceportregion.com





along the Gulf Coast

FOOTPRINT





ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

PROVIDE PROFESSIONAL ASSISTANCE TO COMPANIES to navigate the multiple facets of the expansion process in the Houston Port

region.

Economic Alliance Wins Jobs and Capital Investment by Year



77 PROJECT WINS

D PROJECTS A YEAR



3,000 JOBS CREATED

6

ECONOMIC DEVELOPMENT

LOCAL INVESTMENTS, WORLDWIDE IMPACTS - Securing business to invest capital and create jobs.

VINYLS	JOBS RETAINED 200	CAPITAL INVESTMENT \$1B		
Chevron	400	\$450M	JOBS	
капека	150	\$150M	CREATED 100	
2022 PROJECT TOTALS	750	\$1.6B	100	

ECONOMIC DEVELOPMENT

ANNOUNCEMENT- Securing business to invest capital and create jobs.

Kao



JOBS CAP EX 60 \$250M

- Tertiary Amine Production Plant -5010 Underwood
- Former Sunoco site that sat vacant for over 10 years
- Basic ingredients in hair conditioners, dishwashing detergents, disinfectants and other household products

PARTNER & ADVOCATE





Kuraray's EVAL Plant on Bay Area Blvd needed to address the timing of CenterPoint proposed outages for equipment upgrades.

- Kuraray tried for several weeks to broker a meeting with CPE to discuss alternatives – no success
- EA elevated the conversation with contacts at CPE
- CPE adjusted outage/upgrade dates to synch with Kuraray's scheduled turnaround saving the company in excess of \$1.5M based on the facilitated dialogue



Container Export Group - Convened **16 companies** that **produce, warehouse, or distribute** polymers, resins and specialty chemical exports.

- All experiencing delays at Port Houston
- Surveyed the group for issue/congestion confirmation and development of solutions
- Findings/Solutions to be discussed with Port Houston Advisory Council of Executive Shippers (ACES)

INEOS

Battleground Manufacturing Complex needed to address the safety of ingress & egress to their facility on Independence Pkwy

- EA facilitated a meeting with Harris County traffic engineers
- County agreed to conduct a traffic study
- Center turning lane is being constructed and the speed limit will drop from 55 to 45

PROJECT PIPELINE – 2023

Project Pipeline by Industry

Industry Breakdown



Active Projects

✓ 23 Projects

- ✓ \$6.1B Cap Ex
- ✓ 3,800 New Jobs
- ✓ 300 Retained Jobs
- ✓ 39% Petrochem
- ✓ 4% Logistics
- ✓ 44% Manufacturing
- ✓ 5% Alt Fuels
- ✓ 4% Corp Hdqtr
- ✓ 4% Real Estate Dev

Early stages and evaluating multiple locations across the Houston Port region.



PORT HOUSTON ACTIVITY

#1 Busiest Exporting & Energy Port in the U.S.



PORT HOUSTON RECORD GROWTH

PORT HOUSTON RECORDED ITS BEST YEAR YET IN 2022:

- Container volume was up 14% in '22). Just short of 4M TEUs at 3.9M
- Nearly double the volume posted six years earlier in 2016 and nearly 500k TEUs more than in 2021.



PORT HOUSTON

CONTAINER COMMODITIES – EXPORTS & IMPORTS



Container Commodities: Imports Percent of TEU Total

('21)



61% are Consumables

Container Commodities: Exports Percent of TEU Total ('21)



60% Resins & Chemicals



Source: Journal of Commerce/ PIERS data *Notes:* Totals are estimated, not exact. See details below.





PUBLIC POLICY

PUBLIC POLICY

ECONOMIC ALLIANCE LEADERSHIP TEAM – Deliver Federal Policy White Paper in D.C.

Houston Ship Channel Infrastructure Investment and Widening

Community College Federal Priorities for Workforce Opportunities March 2023 DC Trip 45 Members Attended 40 Meetings across 2 Days







Coastal Barrier-Hurricane Surge Protection



PUBLIC POLICY

ECONOMIC ALLIANCE LEADERSHIP TEAM – Deliver State Policy White Paper in Austin in 2023

Economic Alliance supports the funding and completion of transportation projects impacting the movement of product and people through the state's most vital economic corridor.

- Beltway 8 Ship Channel Bridge and State Highway 225 Funding and completion of all <u>8 direct connectors</u>.
- Engineer, fund and complete a <u>direct connector from State</u> Highway 225 to Barbour's Cut Blvd.
- Fund the <u>San Jacinto River Bridge</u> replacement, Cedar Bayou Crossing, and Garth Road improvements.
- Grand Parkway/99 Southeast Section; segments A, B and C.





THE HOUSTON PORT REGION IS ONE OF THE MOST IMPORTANT INDUSTRIAL AND LOGISTIC BASES IN THE WORLD.

Economic Alliance, representing over 200 private sector companies, Port Houston, 12 cities, Harris County and several educational institutions support policies that create an attractive business climate for business and skilled workers to grow.

Objectives of our 88th legislative session priorities are to highlight the following issues related to the Houston Port region:

- TCEQ SUNSET
- ECONOMIC DEVELOPMENT INCENTIVES
- ELECTRIC RELIABILITY
- WORKFORCE DEVELOPMENT/COLLEGES
- PROPERTY TAX RELIEF
- TRANSPORTATION PROJECTS
- ASSET PROTECTIONS

Economic Alliance asks for your insight and support to advance solutions that strengthen the long-term growth of the most sought-after region in the world for petrochemical, manufacturing, maritime and logistics operations.

HOUSTON PORT REGION LEGISLATIVE PRIORITIES

TCEQ SUNSET

Support environmental policies that are conducive to creating economic opportunity and preserving a sound business environment.

ECONOMIC DEVELOPMENT INCENTIVES

Support the creation of a new school property tax abatement program (Chapter 313) that attracts new investment and ensures our long-term competitiveness.

ELECTRIC RELIABILITY

Support solutions that improves the operational performance of our existing electric generation fleet and provide targeted incentives to attract new generation.

WORKFORCE DEVELOPMENT/COLLEGES

Continued support for the Texas Commission on Community College Finance revised model for funding community colleges.

PROPERTY TAX RELIEF

Support measures to ease the property tax burden and a complete reformation of the industrial and residential property appraisal system.

Maintenance of municipal authority and oppose any measure which jeopardizes the ability to make decisions that impact businesses and quality of life.

TRANSPORTATION PROJECTS

Support the funding and completion of documented transportation projects impacting the state's most vital economic corridor.

ASSET PROTECTIONS

Support legislation to fund the design and construction of the Coastal Spine Project.



TRANSPORATION/ INFRASTRUCTURE

TRANSPORTATION/INFRASTRUCTURE

ECONOMIC ALLIANCE CONVENES local/state elected officials, Port Houston, petrochemical association partners and private sector members to **DELIVER TXDOT A PRIORITIZED PROJECT LIST**

> Impacting safety, mobility efficiency and environmental concerns related to the SH146/ SH225/610/I10 transportation corridor.







ACKNOWLEDGMENT OF GROWTH

Facilitate economic opportunity through the acknowledgment of Port Houston's unprecedent growth that has made it the nation' busiest port.

Enhance the Houston Port region's \$50 billion in manufacturing expansions, Port Houston's \$1B commitment to widen and deepen the Houston ship channel, and state/local investment to construct the \$2B Beltway 8 bridge and expansion of SH146.



TRANSPORTATION/INFRASTRUCTURE

PRIORITY PROJECTS

I-10 East Expansion/San Jacinto River Bridge



I-10 San Jacinto River Bridge



Reconstruct and widen I-10 from Monmouth to Spur 330



SH 225 - 610 PEL Study Expansion





TRANSPORTATION/INFRASTRUCTURE

PRIORITY PROJECTS



SH 146 Expansion & Widening/Fairmont to Red Bluff

Beltway 8 Bridge and Hwy 225 Direct Connectors

State Highway 146 Ready to Let: 2021 or Earlier Estimated Amount: \$180 Million From Fairmont Parkway to Red Bluff Widen to 6 main lanes · Environmentally cleared Begin Proj · Final design underway/anticipated to let in Fall 2022 Bay · The total cost of this project is approximately \$42 million BELTWAY 8 DIRECT CONNECTORS AT SH225 JECT N Economic Alliance 9



WORKFORCE DEVELOPMENT

WORKFORCE DEVELOPMENT

DIRECTLY MARKET CAREER PATHS and **JOB OPPORTUNITIES** to address attrition, skill enhancement, and demand **TO POTENTIAL JOB CANDIDATES.**

- Leverage partnerships with EHCMA and 9 community colleges to recruit and train a qualified workforce
- Filling a key role with industry partners in identifying and prioritizing the high-demand, high-paying careers

 Industry Need
 Image: Second conditional conditiona conditite conditional conditional condite conditional

WORKFORCE DEVELOPMENT

PREPARING THE NEXT GENERATION WORKFORCE - To close the skilled worker gap and connect economic opportunities in the Houston Port region.

WORKFORCE DEVELOPMENT ACTIVITIES '22

64 CAREER PATH PRESENTATIONS 72 7,000 SCHOOL INDIVIDUALS/ STUDENTS



VOLUNTEERS COMPANIES

from

SINCE 2016 PROVIDED SCOPE OF CAREER PATHS AND JOB OPPORTUNITIES TO

54,000+

STUDENTS





QUALITY OF LIFE

QUALITY OF LIFE

ECONOMIC ALLIANCE AND SAN JACINTO TEXAS HISTORIC DISTRICT PROVIDE MATCHING FUNDS for Q of L projects.

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TOTAL MATCHING FUNDS



 9 projects/capital campaigns. Impacting residents/organizations located in Pasadena, Pearland, Morgan's Point, La Porte, Shoreacres and Precinct 2 at large.

BEAUTIFICATION/COMMUNITY ENCHANCEMENT PROJECTS

\$38K

- Pasadena Mini-Murals on Signal Boxes
- Restoration of the Pearland Depot
- City of Morgan's Point Storage Tank Rehab/Logo
- La Porte Gold Star Families Memorial Monument
- Texas Memorial Illumination at San Jacinto Monument
- Shoreacres Gateway Flag Pole

CAPITAL CAMPAIGNS/COMMUNITY IMPACT PROJECTS

\$25K

- Dolly Parton's Imagination Library Various Elementary Schools in Precinct 2.
- The Imelda Assistance Fund Grant money to nonprofit organizations that provide services to individuals.
- The Bridge Over Troubled Waters (The Bridge) –
- Campaign to build a new center for children and youth of domestic violence victims.









INSIGHTS/THOUGHT LEADERSHIP

INSIGHTS/THOUGHT LEADERSHIP

VITAL POINT FOR KNOWLEDGE SHARING & THOUGHT LEADERSHIP -Topics and issues relevant to industry along the Gulf Coast.

- GULF COAST INDUSTRY FORUM
- ECONOMIC OUTLOOK
- 2 INDUSTRIAL PROCUREMENT FORUMS -**CONTRACTORS & OWNERS**
- **3 WOMEN IN ALLIANCE LEADERSHIP LUNCHEONS**
- HOUSTON PORT REGION SUPPLY CHAIN FORUM
- SOUTHEAST TRANSPORTATION SUMMIT
- LEGISLATIVE KICKOFF
- ANNUAL MEMBERSHIP BANQUET



3,700 **ATTENDEES**

> 340 **AVERAGE** ATTENDANCE PER EVENT





KNOWLEDGE SHARING VEHICLES

10K+ **RECIPIENTS PER**







GULF COAST INDUSTRY FORUM

ECONOMIC ALLIANCE'S LARGEST EVENT of the year bringing industry, government, and community stakeholders.



Gulf Coast Industry Forum

Leverages the resources, experience, and network of the Houston Port region associated with Petrochemical, Maritime, and Logistics industries on the gulf coast.



ATTENDEES SPEAKERS & E PANELIST

2 45 ERS & EXHIBITORS

THURSDAY SEPTEMBER 21, 2023 PASADENA CONVENTION CENTER

PETROCHEMICAL LEADERSHIP PANEL

Todd Behne OXYCHEM Louie DeHaes KANEKA Tim Sutherland CHEVRON



SUSTAINABILITY LEADERSHIP PANEL

Ron Abbott CHEVRON PHILLIPS Craig Cookson AMERICAN CHEMISTRY COUNCIL Charles McConnell UNIVERSITY OF HOUSTON






Thank You!

www.allianceportregion.com



REQUEST FOR LA PORTE DEVELOPMENT CORPORATION BOARD AGENDA ITEM

Agenda Date	Requested: Jun	ie 26, 2023
Requested B	y: Matt Daeume	r, Asst. City Mgr.
Department:	Administration/C	MO
Report	Resolution	C Ordinance

Exhibits: Incentive Agreement, proof of payment, pictures

Ар	propriation
Source of Funds:	038 – EDC Fund
Account Number:	038-6030-565-9997
Amount Budgeted:	\$387,347.00
Amount Requested:	\$15,000.00
Budgeted Item:	• Yes C No

SUMMARY & RECOMMENDATIONS

On May 23, 2022, staff brought the La Porte Development Corporation Board a project in downtown La Porte. The applicant, Frank Nance, purchased the building at 508 W. Main St, which currently house his State Farm Insurance Agency. There was a need to significantly remodel and expand the structure in order to grow his business. The initial estimates put the applicant's investment at \$200,000. Staff ran the project through the EDC matrix, which indicated that this project would be eligible for a \$30,000 incentive.

On May 23, 2022, the La Porte Development Corporation Board discussed the project and approved to move forward with an incentive package for this project in an amount not to exceed of \$30,000. As required by state law, a sixty (60) day public comment period needed to occur. The public "Notice of Proposed Project" was advertised in the Bay Area Observer on June 2, 2022. On August 22, 2022, the La Porte Development Corporation approved the incentive agreement for 508 W. Main Street.

Staff was provided documents and has validated \$214,806.80 in expenses related to this project and substantial completion of the project, which meets the required 1st benchmark threshold. There is one additional benchmark to be passed in the future, which Staff will bring forward to the Board in February of 2024, as stated in the agreement. Mr. Nance made his payments in a combination of checks and financing. He submitted canceled checks and the financing confirmation to show payment.

- Draw #1:
 - o Check #1011
 - Amount: \$13,442
- Draw #2:
 - Check #1015
 - Amount: \$33,000
- Draw #3:
 - o Check #1016

- Amount: \$5,000
- o Check #1017
 - Amount: \$4,575
- Draw #4:
 - o Financed
 - Amount: \$52,635
- Draw #5:
 - o Financed
 - Amount: \$20,541
- Draw #6:
 - Financed
 - Amount: \$49,448
- Draw #7:
 - Check #2013
 - Amount: \$7,051.64
 - o Check #1019
 - Amount: \$2.36
 - Financed
 - \$21,376
- Additional Payments
 - Check #1060
 - Amount: \$5,760.75
 - Payment made in addition to the financing.
 - Check #1018
 - Amount: \$1,975
 - Payment made in addition to the financing.

The applicant, Frank Nance, has passed his first benchmark for proof of a capital investment of at least \$130,000.00 and proof of substantial completion of renovation of the building.

ACTION REQUIRED BY LPDC BOARD

Presentation, discussion, and possible action to approve the incentive payment with Frank Nance, owner of State Farm, located at 508 W Main Street in La Porte, Texas in an amount not to exceed \$15,000.00.

Approved for the La Porte Development Corporation Board meeting agenda

Corby D. Alexander, City Manager

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE LA PORTE DEVELOPMENT COPRPORATION AND FRANK NANCE, FOR USE OF TYPE B DEVELOPMENT CORPORATION SALES TAX FUNDS

THIS AGREEMENT made by and entered into this 22nd day of August 2022 between the La Porte Development Corporation, a Type B non-profit corporation operating under authority of Texas Local Government Code Chapters 501 and 505, hereinafter referred to as "LPDC", and Frank Nance, hereinafter referred to as "Recipient".

WITNESSETH:

WHEREAS, the voters of the City of La Porte authorized the levying of additional sales tax within the City for promotion of economic development and the LPDC is authorized to use such tax revenues for certain qualifying projects and other economic development related purposes; and

WHEREAS, Recipient is an individual who owns the land and existing building situated thereon, located at 508 West Main Street, La Porte, Texas, and at which site Recipient operates a business as an independent agent for State Farm Insurance Company; and

WHEREAS, Recipient wishes to renovate the exterior and interior of the existing building located at 508 West Main Street, and make associated infrastructure, site and related improvements, for the purpose of operating commercial office space and which would 1) result in the expenditure by Recipient of an estimated \$130,000.00 in capital improvements; and 2) employ an estimated four (4) full time personnel; and

WHEREAS, Recipient has requested that LPDC provide financial incentives to Recipient to contribute towards the cost of renovation of the property at 508 West Main Street under a qualifying project of the LPDC for infrastructure, site and related improvements that promote or develop new or expanded business enterprises, as authorized by Texas Local Government Code Chapters 501 and 505, and it is the desire of LPDC to assist in the funding of same, finding that such expenditures will promote or develop new or expanded business.

WHEREAS, Texas law and the by-laws of the LPDC require that certain expenditures and projects by the LPDC be approved by the governing body of the City; and whereas the LPDC Board has duly approved such project and the expenditures for same have been authorized by the La Porte City Council; and

NOW THEREFORE, in consideration of the covenants and conditions stated herein, and in consideration of the mutual benefits that will accrue to each of the parties hereof, as well as to the citizens of the City of La Porte, Texas, the parties have agreed and do hereby agree as follows:

1

ARTICLE I

In consideration of Recipient renovating the existing structure at 508 West Main Street and operating commercial office space at the subject site ("Building" herein), which proposal was considered in that certain public hearing authorizing a proposed project for the expenditure of LPDC funds for the promotion or development of new or expanded business enterprises, held before the LPDC on August 22, 2022, LPDC agrees to provide Recipient an incentive package consisting of a cash payment in a total sum not to exceed \$30,000.00, to be distributed in two increments of \$15,000.00 and \$15,000.00 each, with each distribution conditioned on the attainment of certain performance thresholds, more specifically outlined as follows:

1) A cash incentive payment in an amount equal to \$15,000.00 will be distributed to Recipient by LPDC, upon a) receipt by LPDC of proof of substantial completion of renovation of the Building and, and b) proof of minimum capital investment in the amount of \$130,000.00 applied towards renovation of the Building and related infrastructure and site work. However, in no case will the \$15,000.00 payment be made by LPDC if documentation substantiating 1) substantial completion of the renovation of the Building and 2) the expenditure of no less than \$130,000.00 applied towards capital improvements to the Building and related infrastructure and site improvements is not delivered to and received by LPDC by July 31, 2023. In the case that proof of substantial completion of renovation of the Building and minimum capital investment of \$130,000.00 applied towards capital improvements to the Building related infrastructure and site improvements is presented to LPDC on or before said July 31, 2023 deadline, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof of substantial completion of the renovation of the Building and minimum capital investment of \$130,000.00 by LPDC from Recipient. Upon verification of the substantial completion of the Building and minimum capital investment of \$130,000.00, as reflected by formal vote of the LPDC Board of Directors that Recipient has satisfied the requirements of this paragraph, LPDC will then remit the \$15,000.00 to Recipient within a period not to exceed thirty (30) days.

In the case where Recipient fails to submit proof of substantial completion of renovation of the Building and proof of a minimum capital investment in the amount of \$130,000.00 by the July 31, 2023 deadline, despite therefore being disqualified for the first \$15,000.00 incentive payment, Recipient will remain eligible to qualify for receipt of the second \$15,000.00 incentive payment under Paragraph 2 below, in so far as the conditions precedent of permanent employment of four (4) positions required in such paragraph is met. However, in such case Recipient will remain responsible to submit proof of substantial completion of

renovation of the Building and minimum capital investment in the amount of \$130,000.00 in order to qualify for the second incentive payment outlined in Paragraph 2 below.

2) A cash incentive payment in an amount equal to \$15,000.00 will be distributed to Recipient by LPDC upon delivery to the LPDC of a) an employment roster evidencing that Recipient employs a minimum of four (4) full time employees at the Building site as of January 31, 2024. However, in no case will the \$15,000.00 payment be made by LPDC if proof of the employment of a minimum of four (4) full time personnel at the Building site as of January 31, 2024 is not delivered to and received by LPDC by August 30, 2024. Proof of employment, for purposes of this agreement, may be satisfied by submission to LPDC by the said August 30, 2024 deadline of a) copies of Recipient's 941 Report to the Internal Revenue Service and C3 Report to the Texas Workforce Commission for each employee (but with social security numbers of each employee redacted) and b) a notarized statement executed by Recipient affirming that a cumulative four (4) full time employees are employed in positions permanently located at the Building site.

> In the case that proof of employment of four (4) full-time personnel is presented to LPDC on or before said <u>August 30, 2024</u> deadline, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof of employment by lessees at the Building site by Recipient. Upon verification of employment as reflected by formal vote of the LPDC Board of Directors, LPDC will then remit the \$15,000.00 to Recipient within a period not to exceed thirty (30) days.

In the event that Recipient gualifies for the \$15,000.00 incentive installment based upon proof of employment of four (4) full-time positions located at the Building site pursuant to Article 1, Paragraph 2, above, then in such case Recipient shall be required to prove the continuous employment at the Building site of a minimum of four (4) full-time positions, for a continuous five (5) year period. At the conclusion of each calendar year during such five (5) year period, beginning on December 31, 2024, through and including December 31, 2028, Recipient shall be required to submit to the LPDC proof of employment of a minimum of four (4) full-time positions at the Building site, in the manner required under Article 1, Paragraph 2, above. Should Recipient fail to provide proof of the employment of four (4) full-time employees at the end of a calendar year, then for that year Recipient shall be responsible for remitting to the LPDC the sum of \$6,000.00, representing recapture out of the previously awarded \$30,000.00 incentive paid under this Agreement. However, in the instance that Recipient provides proof of employment of a minimum of four (4) full-time positions at the end of a calendar year, Recipient shall be relieved from the obligation to remit to the LPDC \$6,000.00 recapture for that year.

If Recipient fails to qualify for the \$15,000 incentive installment provided for in Article I, Paragraph 1 but qualifies for payment of the \$15,000.00 payment under

3

terms of this Agreement, including 1) LPDC funds spent by Recipient in contravention of this Agreement and 2) any LPDC funds previously paid to Recipient but not yet spent by Recipient. In each such case, the previously paid cash payment or payments shall be remitted to the LPDC within sixty (60) of receipt of written demand for same.

Any breach of this covenant shall be grounds for immediate termination of the distribution of funds.

ARTICLE VI

The term of this Agreement is for a period beginning on the date of approval by LPDC and ending July 1, 2029.

ARTICLE VII

All funds provided by the LPDC pursuant to this Agreement may be used only for the purposes authorized by this Agreement. Notwithstanding Article I, above, City shall be under no obligation to make any fund disbursements if the reports required under this Agreement have not been delivered to the LPDC.

ARTICLE VIII

This Agreement does not create any joint venture, partnership, or agency relationship between the LPDC and Recipient. Recipient shall have exclusive control of, and the exclusive right to control the details of the work to be performed by Recipient hereunder and all personnel performing same, and shall be solely responsible for the acts and omissions of its officers, members, agents, servants, employees, subcontractors, program participants, volunteers, licensees, and invitees. In no event shall any person participating in or performing any of Recipient's duties or responsibilities hereunder be considered an officer, agent, servant, or employee of the LPDC.

ARTICLE IX

Recipient agrees to assume and does hereby assume all responsibility and liability for damages sustained by persons or property, whether real or asserted, by or from the carrying on of work by Recipient or in the performance of services performed and to be performed by Recipient hereunder. Recipient covenants and agrees to, and does hereby indemnify, defend, and hold harmless LPDC and all their respective officers, agents, and employees from all suits, actions, claims, and expenses of any character, including attorney's fees, brought for or incurred on account of any injuries or damages, whether real or asserted, sustained by any person or property by or in consequence of any intentional or negligent act, omission, or conduct of Recipient, its agents, servants or employees.

ARTICLE X

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

its understanding and agreement that if it is convicted of a violation of 8 U.S.C. Section 1324a(f), providing for civil and/or criminal penalties for engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens, it shall repay the amount of the public subsidy with interest, at the rate and according to the terms of the agreement signed under Section 2264.053 of the Government Code, not later than the 120th day after the date the city notifies the business of the violation.

ARTICLE XIX

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

SIGNED AND AGREED to by LPDC and Recipient on the dates indicated below.

LA PORTE DEVELOPMENT CORPORTION

Richard Warren, President

Date

ATTEST Secretary of the Frank Nance

23

Date

ATTEST

Frank Nance	
Aspendora Contractos, LLC	
RECAP	
ORIGINAL CONTRACT SUM	214,240.00
OWNERS EQUITY TO DATE	62,496.00
NET CHANGE BY CHANGE ORDER	0.00
CONTRACT SUM TO DATE	151,744.00
TOTAL COMPLETED & STORED TO DATE	206,496.00
TOTAL EARNED	206,496.00
LESS PREVIOUS PAYMENT	108,652.00
CURRENT PAYMENT DUE	97,844.00
BALANCE TO FINISH + RETAINAGE	7,744.00

Item	Description of Work	Scheduled	OWNERS	Owners	Owners	Draw	Draw	Draw	Draw	Work	
No.	Frank Nance	Value	EQUITY	Equity	Equity	#4	#5	#6	#7	Completed	
	State Farm Buiilding Expansion		#1	#2	#3	first bk draw			Final Draw	and Paid	Balance
	508 W Main St		\$ 53,000.00							to Date	to Draw
	LaPorte, TX 77571		01/12/23	02/14/23	02/20/23	03/07/23	03/29/23	04/19/23	05/12/23		
1	Dirtwork for Slab & Tree Removal	\$5,700	\$ 5,700.00	\$-	\$-	\$-	\$-	\$-	\$-	\$ 5,700.00	\$-
2	Dirtwork for Paving and Swell in Alley	\$2,200		\$ 1,800.00	\$-	\$ 400.00	\$-	\$-	\$ -	\$ 2,200.00	
3	Landscape and Finish Grading dirt work	\$2,200		\$-	\$-	\$-	\$-	\$ 1,900.00	\$ 175.00	\$ 2,075.00	\$ 125.00
4	Concrete - Foundation & Slab	\$13,000		\$ 13,000.00	\$-	\$-	\$-	\$-	\$-	\$ 13,000.00	\$-
5	Concrete Paving and Curbs	\$9,000		\$ 9,000.00	\$-	\$-	\$ -	\$-	\$ -	\$ 9,000.00	\$-
6	Framing, Siding and Roofing - Labor & Material	\$36,783		\$-	\$ 6,860.00	\$26,173.00		\$ 1,918.00	\$ 1,082.00	\$ 36,783.00	\$-
	Roof Work	\$370		\$-	\$-	\$ 370.00	\$ -	\$ -	\$ -	\$ 370.00	\$-
8	Cost to Cut opening into existing building	\$1,200		\$-	\$-	\$-	\$ -	\$ 1,200.00	\$-	\$ 1,200.00	\$-
9	Gutters and Downspouts	\$3,000		\$-	\$-	\$-	\$-	\$ 2,500.00		\$ 2,500.00	\$ 500.00
10	Disappearing Stair and Labor to install	\$700		\$-	\$-	\$-	\$ -	\$ 788.00	\$ -	\$ 788.00	\$ (88.00)
11	Insulation - all	\$4,216		\$-	\$-	\$-	\$ 4,216.00	\$-	\$ -	\$ 4,216.00	\$ -
12	Drywall	\$9,200		\$-	\$-	\$-	\$ 8,000.00	\$ 1,200.00	\$-	\$ 9,200.00	\$-
	Cabinets, Upper & Lower & Top	\$5,000						\$ 2,721.00	\$ 496.00	\$ 3,217.00	\$ 1,783.00
13	Suspended Ceiling	\$0		\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
14	Paint	\$8,030		\$-	\$-	\$-	\$ 3,680.00	\$ 2,151.00	\$ 2,199.00	\$ 8,030.00	\$ -
15	Doors & Door Hardware	\$9,602		\$-	\$ 1,683.00	\$-	\$ -	\$ 986.00	\$ 6,933.00	\$ 9,602.00	\$ -
16	Garage Door	\$3,485	\$ 1,742.00	\$-	\$-	\$-	\$-	\$ 1,893.00	\$-	\$ 3,635.00	\$ (150.00)
	Glass	\$3,000						\$ 2,585.00		\$ 2,585.00	
17	Flooring	\$14,975		\$-	\$-	\$-	\$ -	\$ 6,344.00	\$ 2,895.00	\$ 9,239.00	\$ 5,736.00
	Bathroom accessories	\$400		\$-	\$-	\$-	\$ -	\$ -	\$ 400.00		
	Plumbing	\$9,250		\$ 3,000.00	\$-	\$ 3,392.00	\$ 850.00	\$ 302.00	\$ 1,345.00	\$ 8,889.00	\$ 361.00
	HVAC	\$8,600		\$-	\$-	\$ 6,450.00		\$ 2,150.00		\$ 8,600.00	
	Electrical	\$23,250		\$-	\$-	\$10,000.00		\$ 11,951.00			
22	Temp Utilities, Mics Material, Labor & clean up	\$7,080		\$ 200.00	\$-	\$ 350.00		\$ 1,359.00			
	Project Management and Supervision	\$ 20,000		1 /	\$ 400.00						
	General Conditions, workmans comp & gen liab.	\$ 14,000	\$ 1,000.00	\$ 2,000.00	\$ 632.00	\$ 3,500.00	\$ 1,200.00	\$ 3,300.00	\$ 2,368.00	\$ 14,000.00	\$ -
	Rounding	\$ (1.00)									
	Total	\$ 214,240.00	\$ 13,442.00	\$ 33,000.00	\$ 9,575.00	\$52,635.00	\$20,541.00	\$ 49,448.00	\$ 27,855.00	\$ 206,496.00	\$ 7,745.00
	Borrows equity (amount paid by Frank)		\$ 13,442.00	\$ 33,000.00	\$ 9,575.00	\$ -			\$ 6,479.00	\$ 62,496.00	
	AMOUNT OF DRAW (advanced off line)		\$ -	\$-	\$ -	\$52,635.00	\$20,541.00	\$ 49,448.00	\$ 21,376.00	\$ 144,000.00	

paid by owner paid by owner paid by owner

Search Criteria			
Titling	FRANK S. NANCE	Account	Commercial Line -
		Branch	Pasadena
From Amount	\$0.00	To Amount	\$0.00
From Date		To Date	

Search Results

Effective Date	Posted Date	Amount	Principal	Interest	Resulting Balance	Description
05/22/2023	05/22/2023	\$ 21,376.00			\$ 299,116.85	BALANCE ADVANCE
05/12/2023	05/12/2023	\$ 2,315.90	\$ 978.84	\$ 1,337.06	\$ 277,740.85	REGULAR PAYMENT
04/19/2023	04/19/2023	\$ 49,448.00			\$ 278,719.69	BALANCE ADVANCE
04/11/2023	04/11/2023	\$ 2,315.90	\$ 1,190.04	\$ 1,125.86	\$ 229,271.69	REGULAR PAYMENT
03/29/2023	03/29/2023	\$ 20,541.00			\$ 230,461.73	BALANCE ADVANCE
03/08/2023	03/08/2023	\$ 52,635.00			\$ 209,920.73	BALANCE ADVANCE
03/06/2023	03/06/2023	\$ 2,315.90	\$ 1,536.38	\$ 779.52	\$ 157,285.73	REGULAR PAYMENT
02/09/2023	02/09/2023	\$ 930.81	\$ 67.31	\$ 863.50	\$ 158,822.11	REGULAR PAYMENT
01/17/2023	01/30/2023	\$ 931.15	\$ 67.31	\$ 863.84	\$ 158,889.42	REGULAR PAYMENT
12/15/2022	12/15/2022	\$ 906.38	\$ 67.31	\$ 839.07	\$ 158,956.73	REGULAR PAYMENT
11/21/2022	11/21/2022	\$ 908.65	\$ 908.65		\$ 159,024.04	REGULAR PAYMENT
11/18/2022	11/18/2022	\$ 869.38	\$ 67.31	\$ 802.07	\$ 159,932.69	REGULAR PAYMENT
11/14/2022	11/14/2022	\$ 908.65		\$ 908.65	\$ 160,000.00	REGULAR PAYMENT
10/30/2022	10/30/2022	\$ 42.07			\$ 160,000.00	FEE ASSESSMENT LATE CHARGE
10/07/2022	10/07/2022	\$ 504.79		\$ 504.79	\$ 160,000.00	REGULAR PAYMENT
08/15/2022	10/06/2022	\$ 20.50			\$ 0.00	FEE PAYMENT FLOOD DETERM
08/15/2022	10/06/2022	\$ 200.00			\$ 0.00	FEE PAYMENT COMM PROCESS
08/15/2022	10/06/2022	\$ 3,200.00			\$ 0.00	FEE PAYMENT APPRAISAL
08/15/2022	10/06/2022	\$ 3,040.00			\$ 0.00	FEE PAYMENT POINTS
08/17/2022	10/06/2022	\$ 160,000.00			\$ 160,000.00	BALANCE ADVANCE
09/30/2022	10/06/2022	\$ 25.24			\$ 160,000.00	FEE ASSESSMENT LATE CHARGE
08/15/2022	08/15/2022	\$ 304,000.00			\$ 0.00	CR LINE FUNDING

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ASPENDORA CONTRACTORS, LLC

511 S. Utah La Porte, TX 77571

Cell (281)932-3128 Email: bryan@aspendora.contractors

May 10, 2023

State Farm Insurance 508 West Main Street La Porte, TX 77571

INVOICE

Code Consultants for ADA and Energy Final Inspection \$575.00

Sincerely,

Bryan Moore

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