

LOUIS R. RIGBY  
Mayor  
JOHN ZEMANEK  
Councilmember At Large A  
DOTTIE KAMINSKI  
Councilmember At Large B  
DANNY EARP  
Councilmember District 1



CHUCK ENGELKEN  
Councilmember District 2  
BILL BENTLEY  
Councilmember District 3  
KRISTIN MARTIN  
Councilmember District 4  
JAY MARTIN  
Councilmember District 5  
NANCY OJEDA  
Mayor Pro-Tem  
Councilmember District 6

## **CITY COUNCIL MEETING AGENDA**

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held July 23, 2018, beginning at 6:00 PM in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Katie Gould, St. John's Episcopal Church.
3. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance will be led by Councilmember John Zemanek.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)
5. **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) Consider approval or other action regarding minutes of the Regular City Council Meeting held on July 9, 2018 - P. Fogarty
  - (b) Consider approval or other action filling the vacancy in the alternate position on the Drainage and Flooding Committee by appointing Councilmember John Zemanek - P. Fogarty
  - (c) Consider approval or other action regarding recommended date of September 10, 2018, for the Public Hearing on the City's Fiscal Year 2018-2019 Proposed Budget - S. Wolny
  - (d) Consider approval or other action regarding an Ordinance authorizing an agreement between the City of La Porte and Whitley Penn, for auditing services for a three-year period, September 30, 2018 to September 30, 2020 - M. Dolby
  - (e) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Emerson Automation Solutions for its facility located at 4607 New West Drive, in the Bayport Industrial District - D. Pennell
  - (f) Consider approval or other action regarding the issuance of two pipeline permits to Cowboy Pipeline Service Co., on behalf of Kuraray America ('KA'), for the construction of two 6-5/8" stainless steel pipelines within the City of La Porte - D. Pennell
6. **PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**
  - (a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny passage of an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 6.43 acre tract of land located south of 11100 SH 225, and legally described as Tracts 351 & 352, La Porte Outlots, by changing from "Large Lot Residential" to "Light Industrial"; consider approval or other action regarding an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 6.43 acre tract of land located south of 11100 SH 225, legally described as Tracts 351 & 352, La Porte Outlots, from "Large Lot Residential" to "Light Industrial." - I. Clowes

- (b) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny zone change request #18-92000004, for a change from Large Lot Residential (LLD) to Light Industrial (LI) for a 6.43 acre tract of land located south of 11100 SH 225., legally described as Tracts 351 & 352, La Porte Outlots; consider approval or other action regarding an Ordinance amending Chapter 106 'Zoning' of the Code of Ordinances by changing the zoning classification of a 6.43 acre tract of land located south of 11100 SH 225, legally described as Tracts 351 & 352, La Porte Outlots , from Large Lot Residential (LLD) to Light Industrial (LI) - I. Clowes
- (c) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-91000005 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 0.85-acre tract of land located at 800 W. Fairmont Pkwy. and legally described as Lots 1-32, Block 173, Town of La Porte Subdivision; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning", by granting Special Conditional Use Permit #18-91000005, to allow for the development of a Hotel/Motel use to be located on a 0.85-acre tract of land described as Lots 1-32, Block 173, Town of La Porte Subdivision, in the General Commercial (GC) Zoning District - I. Clowes
- (d) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-91000006 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 0.87-acre tract of land located at 928 SH 146 South and legally described as Reserve A, Denny's Classic Diner La Porte Subdivision; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning", by granting Special Conditional Use Permit #18-91000006, to allow for the development of a Hotel/Motel use to be located on a 0.87-acre tract of land described as Reserve A, Denny's Classic Diner La Porte Subdivision, in the General Commercial (GC) Zoning District - I. Clowes
- (e) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000009 to allow for a Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720) use to locate on a 34.69-acre tract of land within the Planned Unit Development (PUD) zoning district, located at 1302 Wharton Weems Blvd. and legally described as Reserve "I" Port Crossing Commerce Center Subdivision; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning", by granting Special Conditional Use Permit #18-91000009, to allow for Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720) use to be located on a 34.69-acre tract of land within the Planned Unit Development (PUD) zoning district and legally described as Reserve "I" Port Crossing Commerce Center Subdivision - I. Clowes
- (f) Public hearing to receive comments regarding the La Porte Fire Control, Prevention, and Emergency Medical Services District's proposed budget for the fiscal year which begins October 1, 2018, as approved by the Board of Directors of the District at its meeting held on June 21, 2018; consider approval of proposed budget of La Porte Fire Control, Prevention and Emergency Medical Services District - D. Ladd
- (g) Public hearing to receive comments regarding request by property owner to authorize a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, by allowing the sale of alcoholic beverages for on-premise consumption at Aroma's Italian Grill located at 1023 S. Broadway, within 300 feet of a public school; consider approval or other action regarding an Ordinance authorizing a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, by allowing the sale of alcoholic beverages for on-premise consumption at Aroma's Italian Grill located at 1023 S. Broadway, within 300 feet of a public school - R. Mancilla

## 7. REPORTS

- (a) Receive report of the La Porte Development Corporation Board Meeting - Councilmember Nancy Ojeda

## 8. ADMINISTRATIVE REPORTS

- Zoning Board of Adjustment Meeting, Thursday, July 26, 2018
- City Council Meeting, Monday, August 13, 2018
- Budget Workshop Meetings, week of August 13th, 2018
- Planning and Zoning Commission Meeting, Thursday, August 16, 2018
- City Council Meeting, Monday, August 27, 2018
- Zoning Board of Adjustment Meeting, Thursday, August 30, 2018

**9. COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies. Councilmembers Zemanek, Bentley, Ojeda, Engelken, Earp, J. Martin, K. Martin, Kaminski and Mayor Rigby

**10. EXECUTIVE SESSION**

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, in accordance with the authority contained in:

**Texas Government Code - Section 551.072** - Deliberation regarding purchase, exchange, lease or value of Real Property: Meet with City Manager and City Attorney to discuss value of real property in industrial districts, concerning negotiations with industry representatives for terms of new Industrial District Agreements.

**11. RECONVENE** into regular session and consider action, if any, on item(s) discussed in executive session.

**12. ADJOURN**

**The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code (the Texas open meetings laws).**

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

**CERTIFICATION**

I certify that a copy of the July 23, 2018 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on July 17, 2018.

*Patrice Fogarty*



**Council Agenda Item  
July 23, 2018**

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Katie Gould, St. John's Episcopal Church.
3. **PLEDGE OF ALLEGIANCE**– The Pledge of Allegiance will be led by Councilmember John Zemanek.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

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## Council Agenda Item July 23, 2018

5. **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.)*
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  - (f) Consider approval or other action regarding the issuance of two Pipeline Permits to Cowboy Pipeline Service Co., on behalf of Kuraray America ('KA'), for the construction of two 6-5/8" stainless steel pipelines within the City of La Porte - D. Pennell

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Mayor Pro-Tem

## **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JULY 9, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, July 9, 2018**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Ojeda, Zemanek, K. Martin, Bentley, Kaminski, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander and Assistant City Attorney Clark Askins. Councilmember Jay Martin was absent.

2. **INVOCATION** – The invocation was given by Brian Christen, La Porte Community Church.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Dottie Kaminski.

4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**  
(a) Proclamation – Parks and Recreation Month – Mayor Rigby

Mayor Rigby provided a proclamation to Parks and Recreation Director Rosalyn Epting on behalf of Parks and Recreation Month.

5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Youth Pastor TJ McIntosh, 316 E. Fairmont Pkwy., First Assembly of God Church, addressed Council regarding serving the City of La Porte in the capacity of tutoring and/or assisting with the serving food. He is the youth pastor, and they want to help in any way needed.

Mike Patterson, 10119 Stonemont, addressed Council and provided an update on Fairmont Park Pool. Mr. Patterson reported the association is having difficulties finding lifeguards and requested the City provide lifeguards, and the association will pay for them.

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) Consider approval or other action regarding the Regular City Council Meeting held on June 25, 2018 – P. Fogarty

(b) Consider approval or other action regarding pay scale for Fiscal Year 2019 for Civil Service employees for Meet and Confer Agreement – M. Hartleib

Councilmember Ojeda made a motion to approve all Consent Agenda items pursuant to staff recommendations. Councilmember Engelken seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember J. Martin was absent.

## 7. PUBLIC HEARING AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive public comment(s) on the Northside Neighborhood Drainage Improvement Project and associated Texas GLO CDBG-DR 2015 Floods and Storms (DR-4223 and DR-4245) – L. Wingate

The public hearing opened at 6:14 p.m. City Engineer Lorenzo Wingate presented a summary.

There being no public comments, the public hearing closed 6:15 p.m.

## 8. RESOLUTIONS

- (a) Consider approval or other action regarding a Resolution authorizing the submittal of an application to the Texas General Land Office for the 2015 Floods and Storms (DR-4223 and DR-4245 Community Development Block Grant Disaster Recovery Program – L. Wingate

City Engineer Lorenzo Wingate presented a summary.

Councilmember K. Martin made a motion to approve a Resolution authorizing the submittal of an application to the Texas General Land Office for the 2015 Floods and Storms (DR-4223 and DR-4254 Community Development Block Grant Disaster Recovery Program. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember J. Martin was absent.

- (b) Consider approval or other action regarding a Resolution authorizing submittal of an application to the Texas Water Development Board for Fiscal Year 2018-2019 Flood Protection Grant – L. Wingate

City Engineer Lorenzo Wingate presented a summary.

Councilmember K. Martin made a motion to approve a Resolution authorizing the submittal of an application to the Texas General Land Office for the 2015 Floods and Storms (DR-4223 and DR-4254 Community Development Block Grant Disaster Recovery Program. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember J. Martin was absent.

- (c) Consider approval or other action regarding an Ordinance providing for condemnation of dangerous/substandard building located at 9906 Rocky Hollow based on the recommendation of the Dangerous Building Inspection Board – M. Kirkwood (***This item was postponed from the June 25, 2018, City Council Meeting.***)

Deputy Building Official Mike Kirkwood presented a summary.

Councilmember Bentley made a motion to extend the timeline to the August 13, 2018, City Council meeting. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember J. Martin was absent.

## 9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding report received from the Economic Alliance Houston Port Region – J. Weeks

Assistant City Manager Jason Weeks presented a summary.

Mr. Chad Burke and Mr. Fred Welch provided the annual report and a presentation.

10. (a) Receive report of the Drainage and Flooding Committee Meeting held prior to the City Council Meeting – Councilmember Danny Earp

Councilmember Earp provided a report of the Drainage and Flooding Committee Meeting held prior to the City Council Meeting.

11. **ADMINISTRATIVE REPORTS**  
There were no additional reports.

Councilmember Zemanek left the dais at 6:43 p.m. and returned at 6:45 p.m.

12. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information.

Councilmember Kaminski congratulated Parks and Recreation Director Rosalyn Epting. Councilmembers Bentley and Engelken congratulated Parks and Recreation Director Rosalyn Epting and commented the Police Department does a great job and the City has recognized and compensated well with the Meet and Confer Agreement. Councilmember Earp congratulated Parks and Recreation Director Rosalyn Epting; thanked Chad Burke for the annual report and requested an update from Staff on the status of Five Points. Councilmember Ojeda informed she attended Little Cedar Bayou Park grand opening; the Fairmont Park Public Safety Pool Party; commented the Newsletter looks great, along with the article written by Economic Development Coordinator Ryan Cramer; thanked Youth Pastor TJ McIntosh for his willingness to assist the community; requested an update on the Spencer Highway Sidewalk/Fence Project; and requested staff to advise why the turning lanes on Fairmont Parkway are not painted bright yellow as initially advised. Councilmember K. Martin congratulated Parks and Recreation Director Rosalyn Epting and also commented the Newsletter looks great. Councilmember Zemanek thanked Chad Burke and Fred Welch for the annual report; congratulated Parks and Recreation Director Rosalyn Epting; and requested reports on the Airport Study; the Air National Guard and Hazmat Cleanup. Mayor Rigby recognized Habitat for Humanity on the two new home dedications; commented the Newsletter was very informative; and advised he received a lot of great comments regarding the July 4<sup>th</sup> fireworks.

13. **EXECUTIVE SESSION** – The City reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, including, but not limited to, the following:

**Texas Government Code, Section 551.071 (2)** – Consultation with City Attorney: Meet with City and City Manager to discuss and receive direction regarding negotiations with industry representatives for terms of new Industrial District Agreements.

City Council recessed the regular Council meeting to convene an executive session at 6:50 p.m. regarding the item listed above.

14. **RECONVENE** into regular session and consider action, if any on item(s) discussed in executive session.

Council reconvened the regular Council meeting at 7:40 p.m. This subject will continue to be discussed at future council meetings. Mayor Rigby advised a verbal report by the city attorney and city manager was received regarding Industrial District Agreements.

15. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:41 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember J. Martin was absent.

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Patrice Fogarty, City Secretary

Passed and approved on July 23, 2018.

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Mayor Louis R. Rigby

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested</b> <u>July 23, 2018</u>	<b><u>Appropriation</u></b>
<b>Requested By:</b> <u>Patrice Fogarty</u>	<b>Source of Funds:</b> <u>N/A</u>
<b>Department:</b> <u>City Secretary</u>	<b>Account Number:</b> <u>N/A</u>
<b>Report</b> <input checked="" type="checkbox"/> <b>Resolution:</b> <input type="checkbox"/> <b>Ordinance:</b> <input type="checkbox"/>	<b>Amount Budgeted:</b> <u>N/A</u>
<b>Exhibit:</b>	<b>Amount Requested:</b> <u>N/A</u>
	<b>Budgeted Item:</b> YES NO

### SUMMARY & RECOMMENDATION

The Drainage and Flooding Committee consists of three regular members and one alternate. The regular members are Jay Martin, Chuck Engelken, and Danny Earp. The alternate position is vacant.

Council is being asked to consider appointing John Zemanek to fill the vacancy. Members on this Committee serve without terms, and they must be a council member.

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#### **Action Required by Council:**

Consider appointing Councilmember John Zemanek to fill the alternate position on the La Porte Drainage and Flooding Committee.

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#### **Approved for City Council Agenda**

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

\_\_\_\_\_  
Date

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 23, 2018  
Requested By: Shelley Wolny, Treasurer  
Department: Finance  
Report:  Resolution:  Ordinance:   
Other:  \_\_\_\_\_

Appropriation

Source of Funds: \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Amount Budgeted: \_\_\_\_\_  
Amount Requested: \_\_\_\_\_  
Budgeted Item:  YES  NO

**Attachments :**

**1. FY2019 Budget Calendar**

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### SUMMARY & RECOMMENDATIONS

In accordance with Article IV, Section 4.03 of the City's Charter and Section 102 of the Local Government Code, Council shall determine the place and time of the Public Hearing on the proposed budget, and shall cause to be published a notice of the place and time. Not less than ten (10) days after date of publication, Council will hold a Public Hearing on the proposed budget.

Staff is recommending that a Public Hearing for the Fiscal Year 2018-2019 Proposed Budget be held on Monday, September 10, 2018, at a Regular Called meeting of the City Council to begin at 6:00 p.m.

Additionally, staff would like to discuss the proposed dates for the budget workshops. Staff recommends holding the budget workshops during the week of August 13<sup>th</sup>.

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**Action Required of Council:**

Approve the recommended date of September 10, 2018, for the Public Hearing on the City's FY2018-2019 Proposed Budget.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

**Date**

## BUDGET CALENDAR FY 2018-2019

DAY	DATE	ACTIVITY
Saturday	April 14	Pre-Budget Workshop with Council
Tuesday	April 24	Budget Kickoff – Initial Discussion and Packet Distribution Begin Departmental Input of 2017-2018 Estimates (Level 150) Begin Departmental Input of 2018-2019 Projections (Level 200)
Friday	May 4	Overtime Projections due from Divisions for FY 2018 Estimates and FY 2019 Projections
Friday	May 18	Complete Departmental Input of 2017-2018 Estimates (Level 150) Complete Departmental Input of 2018-2019 Projections (Level 200) Revenue Estimates and Projections due to Finance Goals, Objectives and Performance Measures due to Finance
Thursday	May 31	Proposed budgets to City Manager (Revenues & Expenditures)
Week	June 11-15	City Manager review with Departments
Thursday	June 21	Final Revenue Estimates Prepared
Friday	July 6	Budget review compilations completed by City Manager
Monday	July 23	City Council to determine place and time of Public Hearing
Monday	July 23	City Manager sends City Council Proposed Budget
Week	Aug 13-17	City Manager Budget Workshops with Council
Monday	Aug 13	City Council to decide on dates of Public Hearings on tax rate (if needed)
Thursday	Aug 23	Post Notice of Public Hearing and Notice of Property Tax Revenue Increase
Monday	Sep 10	City Council Adopts Budget/Public Hearing
Monday	Sep 24	City Council Adopts Tax Rate– <i>IF NOT ADOPTED WITH BUDGET</i>

15 days  
30 days\*  
10 days

\*30 days prior to setting the tax levy.

**REQUEST FOR CITY COUNCIL AGENDA ITEM**

<b>Agenda Date Requested:</b> <u>July 23, 2018</u>
<b>Requested By:</b> <u>Michael Dolby, Director of Finance</u>
<b>Department:</b> <u>FINANCE</u>
<b>Report:</b> <u>    </u> <b>Resolution:</b> <u>    </u> <b>Ordinance:</b> <u>  X  </u>

<u><b>Amount Budgeted</b></u>
<b>Source of Funds:</b> <u>001 ,016, 033, 034&amp; 038</u>
<b>Account Number:</b> <u>5001-Audit</u>
<b>Amount Budgeted:</b> <u>\$66,100</u>
<b>Amount Requested</b> <u>                    </u>
<b>Budgeted Item: (YES) NO</b>

**Exhibits:** Ordinance

**Exhibits:** Pricing Comparison

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The finance staff published an RFP for auditing services for the years 2018, 2019, 2020. The RFPs were opened on May 22, 2018, and staff received (5) respondents. The evaluation committee reviewed the proposals and selected three firms for the Fiscal Affairs Committee to interview. The firms were Pattillo, Brown and Hill, Weaver and Tidwell and Whitley Penn. On June 13, 2018 the Fiscal Affairs Committee listened to oral presentations by each firm and selected Whitley Penn.

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**Action Required by Council:**

Approve Ordinance authorizing agreement with Whitley Penn firm for auditing services for a three-year period (September 30, 2018 to September 30, 2020).

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**Approved for City Council Agenda**

\_\_\_\_\_  
**Corby Alexander, City Manager**

\_\_\_\_\_  
**Date**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF LA PORTE AND WHITLEY PENN, CERTIFIED PUBLIC ACCOUNTANTS, TO AUDIT THE CITY'S GENERAL-PURPOSE FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDING SEPTEMBER 30, 2018, SEPTEMBER 30, 2019, AND SEPTEMBER 30, 2020; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

**Section 1.** The City Council hereby approves and authorizes the contract, agreement, or other undertaking described in the title of this ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The City Manager is hereby authorized to execute such document and all related documents on behalf of the City of La Porte. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

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

**Section 3.** This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED, this \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF LA PORTE

By: \_\_\_\_\_

Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

\_\_\_\_\_  
Clark T. Askins, Assistant City Attorney

## Professional Fees for Auditing Services

		McConnell & Jones	Patillo Brown and Hill	Whitley Penn	Postlethwaite & Netterville	Weaver & Tidwell
<b>Part 1</b>						
Partners		\$7,200	\$7,200	\$7,280	\$10,640	\$18,523
Managers		\$10,350	\$7,200	\$10,230	\$9,180	\$16,807
Supervisory Staff		\$12,600	\$18,000	\$19,720	\$15,620	\$21,724
Staff		\$8,000	\$15,000	\$17,550	\$24,564	\$13,446
Meals and Lodging		incl	\$2,000	\$0	\$0	n/a
Transportation		\$850	\$500	\$0	\$2,000	n/a
Arbitrage Reporting		*		\$0	\$0	n/a
CAFR		\$8,000	\$1,500	\$5,320	\$0	\$2,500
Other Fees					\$1000 (printing)	
<b>Part I Total- inclusive maximum fees</b>	2018	<b>\$47,000</b>	<b>\$51,400</b>	<b>\$60,100</b>	<b>\$63,004</b>	<b>\$73,000</b>
	2019	<b>\$47,000</b>	<b>\$51,750</b>	<b>\$61,300</b>	<b>\$64,004</b>	<b>\$73,000</b>
	2020	<b>\$47,000</b>	<b>\$52,250</b>	<b>\$62,500</b>	<b>\$65,004</b>	<b>\$73,000</b>
<b>Part II</b>						
Single Audit		\$7,000	\$4,000		\$3,500	n/a
LPWA		\$11,000	\$4,500	\$6,000		n/a
La Porte Redevelopment Authority		0				n/a
TIRZ		0				n/a
<b>Part II Total- Not to exceed</b>	2018	<b>\$18,000</b>	<b>\$8,500</b>	<b>\$6,000</b>	<b>\$3,500</b>	<b>included in Part 1</b>
	2019	<b>\$18,000</b>	<b>\$8,600</b>	<b>\$6,000</b>	<b>\$3,500</b>	
	2020	<b>\$18,000</b>	<b>\$8,700</b>	<b>\$6,000</b>	<b>\$3,500</b>	
<b>Total not to exceed</b>	2018	<b>\$65,000</b>	<b>\$59,900</b>	<b>\$66,100</b>	<b>\$66,504</b>	<b>\$73,000</b>
	2019	<b>\$65,000</b>	<b>\$60,350</b>	<b>\$67,300</b>	<b>\$67,504</b>	<b>\$73,000</b>
	2020	<b>\$65,000</b>	<b>\$60,950</b>	<b>\$68,500</b>	<b>\$68,504</b>	<b>\$73,000</b>

\* Will need additional information related to services being requested for arbitrage

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 23, 2018</u>
Requested By: <u>Don Pennell</u>
Department: <u>Public Works</u>
Report: _____ Resolution: _____ Ordinance: _____

<b><u>Budget</u></b>
Source of Funds: <u>N/A</u>
Account Number: <u>N/A</u>
Amount Budgeted: <u>N/A</u>
Amount Requested: <u>N/A</u>
Budgeted Item: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**Exhibits:**

- Approved IDA – Ordinance No. 2007-IDA-103
- Area Map
- Water-Sewer Service Application
- Water Service Agreement
- Sewer Service Agreement
- Initial WSA & SSSA

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### **SUMMARY & RECOMMENDATION**

Emerson Automation Solutions, new Lessee, approached the City for new water service agreement and sewer service agreement for the GSL Constructors, LTD facility at 4607 New West Drive in the Bayport Industrial District (see Area Map). The site has a current Industrial District Agreement (IDA) with the City through December 31, 2019.

The City and Tyco Valve & Control, original Lessee, originally entered into a Water and Sanitary Sewer Service Agreement on August 26, 2002. The City provided potable water, for usual human domestic consumption and uses, building fire sprinkler systems design for hazard group 2 (350 – 450 gpm), landscape irrigation, and allowed domestic sanitary sewer discharges, as part of this original agreement. Domestic water service was approved at 4,250 gallons per day (129,625 gallons per month) and domestic sewer service was approved at 2,250 gallons per day (58,331 gallons per month). Additional requirements for domestic sewer service included the installation of a sanitary sewer sampling well and an Industrial Waste Permit (Wastewater Discharge Permit).

Council has approved a policy to provide water and sanitary sewer service to companies located outside the city limits and within the City’s industrial districts (ETJ). These companies are required by the policy to maintain a current Industrial District Agreement (IDA) with the City. There is an existing IDA with the City for the subject site (2007-IDA-103). Additionally, the applicant is subject to an administrative fee of \$8,100 per agreement, for a total combined fee of \$16,200. As required, a non-refundable payment of twenty-five percent (25%) of the total administrative fees has been received, with the remaining balance (\$12,150) to be paid upon approval of the water/sewer service agreements.

Based on the stated demand for domestic uses, the average monthly volume for potable water is 123,525 gallons. Under the terms of the policy, the company will pay one and one-half (1-1/2) times the City’s current utility rate for service. The company will pay two (2) times the City’s current utility rate for service for any additional monthly usage beyond 123, 525 gallons.

Based on the stated demand for domestic uses, the average monthly volume for domestic sanitary sewer service is 105,012 gallons. Under the terms of the policy, the company will pay one and one-half (1-1/2) times the City’s current utility rate for service. The company will pay two (2) times the City’s current utility rate for service for any additional monthly usage beyond 123,525 gallons.

The terms of Emerson Automation Solutions’ Water Service Agreement and Sanitary Sewer Service Agreement will expire on December 31, 2019, plus any renewals or extensions thereof. However, these agreements will automatically expire at

such time as there is no effective Industrial District Agreement between the parties, or if the City exercises its right of termination.

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**Action Required by Council:**

Consider approval or other action, authorizing the City Manager to execute a Water Service Agreement, and Sanitary Sewer Service Agreement, with Emerson Automation Solutions for its facility at 4607 New West Drive, in the Bayport Industrial District.

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**Approved for City Council Agenda**

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**Corby D. Alexander**

---

**Date**

**ORDINANCE NO. 2007-IDA-103**

**AN ORDINANCE AUTHORIZING THE EXECUTION BY THE CITY OF LA PORTE OF AN INDUSTRIAL DISTRICT AGREEMENT WITH GSL PARTNERS SUB SEVEN, LP, A TEXAS LIMITED PARTNERSHIP (4607 NEW WEST DRIVE) FOR THE TERM COMMENCING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2019, MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW, AND PROVIDING AN EFFECTIVE DATE HEROF.**

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

Section 1. GSL Partners Sub Seven, LP, a Texas Limited Partnership (4607 New West Drive) has executed an industrial district agreement with the City of La Porte, for the term commencing January 1, 2008, and ending December 31, 2019, a copy of which is attached hereto, incorporated by reference herein, and made a part hereof for all purposes.

Section 2. The Mayor, the Assistant City Manager, the City Secretary, and the City attorney of the City of La Porte, be and they are hereby, authorized and empowered to execute and deliver on behalf of the City of La Porte, the industrial district agreement with the corporation named in Section 1 hereof.

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

Section 4. This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

**PASSED** and **APPROVED**, this 17<sup>th</sup> day of December, 2007.

CITY OF LA PORTE



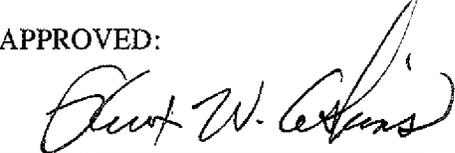
Alton Porter, Mayor

ATTEST:



Martha Gillett, City Secretary

APPROVED:



Knox Askins, City Attorney

NO. 2007-IDA-103 §  
STATE OF TEXAS §  
COUNTY OF HARRIS §

INDUSTRIAL DISTRICT AGREEMENT

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and GSL Partners SUB SEVEN, L.P., a limited partnership ~~corporation~~, hereinafter called "COMPANY",

W I T N E S S E T H:

WHEREAS, it is the established policy of the City Council of the City of La Porte, Texas, to adopt such reasonable measures from time to time as are permitted by law and which will tend to enhance the economic stability and growth of the City and its environs by attracting the location of new and the expansion of existing industries therein, and such policy is hereby reaffirmed and adopted by this City Council as being in the best interest of the City and its citizens; and

WHEREAS, pursuant to its policy, City has enacted Ordinance No. 729, designating portions of the area located in its extraterritorial jurisdiction as the "Battleground Industrial District of La Porte, Texas", and Ordinance No. 842A, designating portions of the area located in its extraterritorial jurisdiction as the "Bayport Industrial District of La Porte, Texas", hereinafter collectively called "District", such Ordinances being in compliance with the Municipal Annexation Act of Texas, codified as Section 42.044, Texas Local Government Code; and

WHEREAS, Company is the owner of land within a designated Industrial District of the City of La Porte, said land being legally described on the attached Exhibit "A" (hereinafter "Land"); and said Land being more particularly shown on a plat attached as Exhibit "B", which plat describes the ownership boundary lines; a site layout, showing all improvements, including pipelines and railroads, and also showing areas of the Land previously annexed by the City of La Porte; and

WHEREAS, City desires to encourage the expansion and growth of industrial plants within said Districts and for such purpose desires to enter into this Agreement with Company pursuant to Ordinance adopted by the City Council of said City and recorded in the official minutes of said City:

FINAL DRAFT: November 1, 2007

NOW, THEREFORE, in consideration of the premises and the mutual agreements of the parties contained herein and pursuant to the authority granted under the Municipal Annexation Act and the Ordinances of City referred to above, City and Company hereby agree with each other as follows:

I.

City covenants, agrees and guarantees that during the term of this Agreement, provided below, and subject to the terms and provisions of this Agreement, said District shall continue to retain its extraterritorial status as an industrial district, at least to the extent that the same covers the Land belonging to Company and its assigns, unless and until the status of said Land, or a portion or portions thereof, as an industrial district may be changed pursuant to the terms of this Agreement. Subject to the foregoing and to the later provisions of this Agreement, City does further covenant, agree and guarantee that such industrial district, to the extent that it covers said Land lying within said District and not now within the corporate limits of City, shall be immune from annexation by City during the term hereof (except as hereinafter provided) and shall have no right to have extended to it any services by City, and that all Land, including that which has been heretofore annexed, shall not have extended to it by ordinance any rules and regulations (a) governing plats and subdivisions of land, (b) prescribing any building, electrical, plumbing or inspection code or codes, or (c) attempting to exercise in any manner whatever control over the conduct of business thereon; provided, however, any portion of Land constituting a strip of land 100' wide and contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146, shall be subject to the rules and regulations attached hereto as Exhibit "C" and made a part hereof; and provided, however, it is agreed that City shall have the right to institute or intervene in any administrative and/or judicial proceeding authorized by the Texas Water Code, the Texas Clean Air Act, the Texas Health & Safety Code, or other federal or state environmental laws, rules or regulations, to the same extent and to the same intent and effect as if all Land covered by this Agreement were not subject to the Agreement.

II.

In the event that any portion of the Land has heretofore been annexed by City, Company agrees to render and pay full City ad valorem taxes on such annexed Land and improvements, and tangible personal property.

Under the terms of the Texas Property Tax Code (S.B. 621, Acts of the 65th Texas Legislature, Regular Session, 1979, as amended), the appraised value for tax purposes of the annexed portion of Land, improvements, and tangible personal property shall be determined by the Harris County Appraisal District. The parties hereto recognize that said Appraisal District has no authority to appraise the Land, improvements, and tangible personal property in the unannexed area for the purpose of computing the "in lieu"

payments hereunder. Therefore, the parties agree that the appraisal of the Land, improvements, and tangible personal property in the unannexed area shall be conducted by City, at City's expense, by an independent appraiser of City's selection. The parties recognize that in making such appraisal for "in lieu" payment purposes, such appraiser must of necessity appraise the entire (annexed and unannexed) Land, improvements, and tangible personal property.

Nothing herein contained shall ever be interpreted as lessening the authority of the Harris County Appraisal District to establish the appraised value of Land, improvements, and tangible personal property in the annexed portion, for ad valorem tax purposes.

### III.

A. The properties upon which the "in lieu of" taxes are assessed are more fully described in subsections 1, 2, and 3 of subsection C, of this Paragraph III (sometimes collectively called the "Property"); provided, however, pollution control equipment installed on the Land which is exempt from ad valorem taxation pursuant to the provisions of Sec. 11.31 of the Texas Property Tax Code is exempt from ad valorem taxation and "in lieu of taxes" hereunder. Property included in this Agreement shall not be entitled to an agricultural use exemption for purposes of computing "in lieu of taxes" hereunder.

B. On or before the later of December 31, 2008, or 30 days from mailing of tax bill and in like manner on or before each December 31st thereafter, through and including December 31, 2019, Company shall pay to City an amount of "in lieu of taxes" on Company's Property as of January 1st of the current calendar year ("Value Year").

C. Company and City agree that the following percentages ("Percentage Amount") shall apply during each of the Value Years:

Value Year 2008:	62%
Value Year 2009:	62%
Value Year 2010:	62%
Value Year 2011:	62%
Value Year 2012:	62%
Value Year 2013:	62%
Value Year 2014:	63%
Value Year 2015:	63%
Value Year 2016:	63%
Value Year 2017:	63%
Value Year 2018:	63%
Value Year 2019:	63%

Company agrees to pay to City an amount of "in lieu of taxes" on Company's land, improvements and tangible personal property in the unannexed area equal to the sum of:

1. Percentage Amount of the amount of ad valorem taxes which would be payable to City if all of the Company's Land and improvements which existed on January 1, 2008, and each January 1 thereafter of the applicable Value Year during the term of this Agreement, (excluding amounts which would be so payable with respect to any Substantial Increase in value of such Land and improvements to which subparagraph 2, below applies), had been within the corporate limits of City and appraised each year by City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code; and
2. (a) On any Substantial Increase in value of the Land, improvements, and tangible personal property (excluding inventory) dedicated to new construction, in excess of the appraised value of same on January 1, 2007, resulting from new construction (exclusive of construction in progress, which shall be exempt from taxation), for each Value Years following completion of construction in progress, an amount equal to Twenty-five percent (25%), if construction is completed in Value years 2008 through 2013; and Twenty percent (20%), if construction is completed in Value years 2014 through 2019, of the amount of ad valorem taxes which would be payable to City if all of said new construction had been within the corporate limits of City and appraised by City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code.

In the case of new construction which is completed in Value Year 2016 or later, and provided, further, that City and Company enter into an Industrial District Agreement after the expiration of this Industrial District Agreement, then, and in such events, such new construction shall be entitled to additional Value Years under the new Agreement at a Twenty percent (20%) valuation under this subparagraph (a), for a total of six (6) Value Years, but not extending beyond Value Year 2022.

- (b) A Substantial Increase in value of the Land, improvements, and tangible personal property (excluding inventory) as used in subparagraph 2(a) above, is defined as an increase in value that is the lesser of either:
  - i. at least Five percent (5%) of the total appraised value of Land and improvements, on January 1, 2007; or
  - ii. a cumulative value of at least \$3,500,000.00.

For the purposes of this Agreement, multiple projects that are completed in a Value Year can be cumulated to arrive at the amount for the increase in value.

(c) If existing Property values have depreciated below the Property value established on January 1, 2007, an amount equal to the amount of the depreciation will be removed from the calculation under this subparagraph 2 to restore the value to the January 1, 2007, value; and

3. Percentage Amount of the amount of ad valorem taxes which would be payable to City on all of the Company's tangible personal property of every description, located in an industrial district of City, including, without limitation, inventory, (including inventory in a federal Foreign Trade Zone and including Freeport exempted inventory), oil, gas, and mineral interests, items of leased equipment, railroads, pipelines, and products in storage located on the Land, if all of said tangible personal property which existed on January 1, 2008, and each January 1 thereafter of the applicable Value Year during the term of this Agreement, (excluding amounts which would be so payable with respect to any Substantial Increase in value of such tangible personal property to which subparagraph 2, above applies), had been within the corporate limits of City and appraised each year by the City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code.

with the sum of 1, 2 and 3 reduced by the amount of City's ad valorem taxes on the annexed portion thereof as determined by appraisal by the Harris County Appraisal District.

4. Notwithstanding the above, should City elect to grant the freeport inventory exemption authorized by Article VIII, Section 1-j of the Texas Constitution and Section 11.251 of the Texas Property Tax Code to taxpayers within the City limits, then the freeport inventory exemption shall apply to parties to this Agreement. Further, should inventory or any other class or type of property become exempt from taxation by constitutional amendment or act of the Texas Legislature (including, but not limited to, Article VIII, Section 1-n, of the Texas Constitution and Section 11.253 of the Texas Property Tax Code), such class or type of property shall be exempt for purposes of this Agreement, unless the City Council of the City of La Porte shall by Ordinance provide for the continued taxation of such property under the authority of any applicable provisions of the Texas Constitution and Texas Statutes.

5. City and Company acknowledge circumstances might require the City to provide emergency services to Company's Property described on Exhibit "A" attached hereto. Emergency services are limited to fire, police, and public works emergency services. If Company is not a member of Channel Industries Mutual Aid Association (CIMA), Company agrees to reimburse City for its costs arising out of any emergency response requested by Company to Company's property, and to which City agrees to respond. If Company is a member of CIMA, the obligations of Company and City shall be governed by the CIMA agreement, to which agreement City is a party.

#### IV.

This Agreement shall extend for a period beginning on the 1st day of January, 2008, and continuing thereafter until December 31, 2019, unless extended for an additional period or periods of time upon mutual consent of Company and City as provided by the Municipal Annexation Act; provided, however, that in the event this Agreement is not so extended for an additional period or periods of time on or before August 31, 2019, the agreement of City not to annex property of Company within the District shall terminate. In that event, City shall have the right to commence immediate annexation proceedings as to all of Company's property covered by this Agreement, notwithstanding any of the terms and provisions of this Agreement.

Company agrees that if the Texas Municipal Act, Section 42.044, Texas Local Government Code, is amended after January 1, 1994, or any new legislation is thereafter enacted by the Legislature of the State of Texas which imposes greater restrictions on the right of City to annex land belonging to Company or imposes further obligations on City in connection therewith after the annexation of such land, Company will waive the right to require City to comply with any such additional restrictions or obligations and the rights of the parties shall be then determined in accordance with the provisions of said Texas Municipal Annexation Act as the same existed January 1, 1994.

#### V.

This Agreement may be extended for an additional period or periods by agreement between City and Company and/or its assigns even though it is not extended by agreement between City and all of the owners of all land within the District of which it is a part.

#### VI.

A. In the event Company elects to protest the valuation for tax purposes set on its said properties by City or by the Harris County Appraisal District for any year or years during the terms hereof, nothing in this Agreement shall preclude such protest and

Company shall have the right to take all legal steps desired by it to reduce the same.

Notwithstanding such protest by Company, and except as otherwise provided in Article VI(B), Company agrees to pay to City on or before the date therefor hereinabove provided, at least the total of (a) the total amount of ad valorem taxes on the annexed portions, plus (b) the total amount of the "in lieu of taxes" on the unannexed portions of Company's hereinabove described property which would be due to City in accordance with the foregoing provisions of this Agreement on the basis of renditions which shall be filed by Company.

When the City or Harris County Appraisal District (as the case may be) valuation on said property of Company has been so finally determined, either as the result of final judgment of a court of competent jurisdiction or as the result of other final conclusion of the controversy, then within thirty (30) days thereafter Company shall make payment to City of any additional payment due hereunder, or City shall make payment to Company of any refund due, as the case may be, based on such final valuation, together with applicable penalties, interests, and costs.

B. Should Company disagree with any appraisal made by the independent appraiser selected by City pursuant to Article II above (which shall be given in writing to Company), Company shall, within twenty (20) calendar days of receiving City's invoice, give written notice to the City of such disagreement. In the event Company does not give such written notice of disagreement within such time period, the appraisal made by said independent appraiser shall be final and controlling for purposes of the determination of "in lieu of taxes" payments to be made under this Agreement.

Should Company give such notice of disagreement, Company shall also submit to the City with such notice a written statement setting forth what Company believes to be the market value of Company's hereinabove described property. Both parties agree to thereupon enter into good faith negotiations in an attempt to reach an agreement as to the market value of Company's property for "in lieu" purposes hereunder. If, after the expiration of thirty (30) days from the date the notice of disagreement was received by City, the parties have not reached agreement as to such market value, the parties agree to submit the dispute to final arbitration as provided in subparagraph 1 of this Article VI(B).

Notwithstanding any such disagreement by Company, Company agrees to pay to City on or before December 31 of each year during the term hereof, at least the total of (a) the ad valorem taxes on the annexed portions, plus (b) the total amount of the "in lieu" payments which would be due hereunder on the basis of Company's written valuations statement submitted to City by Company hereunder, or the total assessment and "in lieu of taxes" thereon for the last preceding year, whichever is higher.

1. A Board of Arbitrators shall be created composed of one person named by Company, one by City, and a third to be named by those two. In case of no agreement on this arbitrator in 10 days, the parties will join in a written request that the Chief Judge of the U.S. District Court for the Southern District of Texas appoint the third arbitrator who, (as the "Impartial Arbitrator") shall preside over the arbitration proceeding. The sole issue to be determined in the arbitration shall be resolution of the difference between the parties as to the fair market value of Company's property for calculation of the "in lieu" payment and total payment hereunder for the year in question. The Board shall hear and consider all relevant and material evidence on that issue including expert opinion, and shall render its written decision as promptly as practicable. That decision shall then be final and binding upon the parties, subject only to judicial review as may be available under the Texas General Arbitration Act (Chapter 171, "General Arbitration", Texas Civil Practice and Remedies Code). Costs of the arbitration shall be shared equally by the Company and the city, provided that each party shall bear its own attorneys fees.

#### VII.

City shall be entitled to a tax lien on Company's above described property, all improvements thereon, and all tangible personal property thereon, in the event of default in payment of "in lieu of taxes" payments hereunder, which shall accrue penalty and interest in like manner as delinquent taxes, and which shall be collectible by City in the same manner as provided by law for delinquent taxes.

#### VIII.

This Agreement shall inure to the benefit of and be binding upon City and Company, and upon Company's successors and assigns, affiliates and subsidiaries, and shall remain in force whether Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the property belonging to it within the territory hereinabove described, and the agreements herein contained shall be held to be covenants running with the land owned by Company situated within said territory, for so long as this Agreement or any extension thereof remains in force. Company shall give City written notice within ninety (90) days, with full particulars as to property assigned and identity of assignee, of any disposition of the Land, and assignment of this Agreement.

#### IX.

If City enters into an Agreement with any other landowner with respect to an industrial district or enters into a renewal of any

existing industrial district agreements after the effective date hereof and while this Agreement is in effect, which contains terms and provisions more favorable to the landowner than those in this Agreement, Company and its assigns shall have the right to amend this Agreement and City agrees to amend same to embrace the more favorable terms of such agreement or renewal agreement.

X.

The parties agree that this Agreement complies with existing laws pertaining to the subject and that all terms, considerations and conditions set forth herein are lawful, reasonable, appropriate, and not unduly restrictive of Company's business activities. Without such agreement neither party hereto would enter into this Agreement. In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, articles or other parts of this Agreement or the application thereof to any person, firm, corporation or circumstances shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrase, clause, sentence, paragraph, section, article or other part of the Agreement shall be deemed to be independent of and separable from the remainder of this Agreement and the validity of the remaining parts of this Agreement shall not be affected thereby.

XI.

Upon the commencement of the term of this Agreement, all other previously existing industrial district agreements with respect to said Land shall terminate.

XII.

Notices by a party to the other party hereto, shall be mailed or delivered as follows:

To the City of La Porte:

City Manager  
City of La Porte  
604 West Fairmont Parkway  
La Porte, TX 77571

To Company:

GSL Partners SUB SEVEN, L.P.  
(COMPANY)  
Attention: Management Department  
5858 Westheimer Ste 800  
Houston, TX 77057

Company shall promptly notify City of any change of ownership of Property, any assignment of this Agreement, and of any change of billing address.

Company shall notify City annually, on or before June 1, of any changes to the following information:

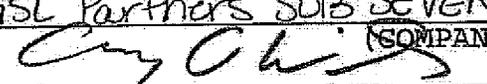
Property  
Plant Manager

Name: Sequoia Nelson  
Address: 5858 Westheimer Ste 800  
Houston, TX 77057  
Phone: 713.243.6916  
Fax: 713.952.5445  
Email: snelson@gslwelcome.com

Tax Agent/Billing Contact

Name: Same as above  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

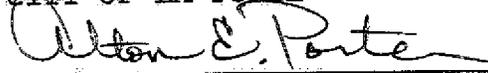
ENTERED INTO effective the 1st day of January, 2008.

GSL Partners SUB SEVEN, L.P.  
(COMPANY)  
By:   
Name: Craig G. Wilson  
Title: Executive Vice-President  
Address: 5858 Westheimer Ste 800  
Houston, TX 77057

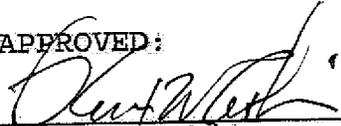
ATTEST:

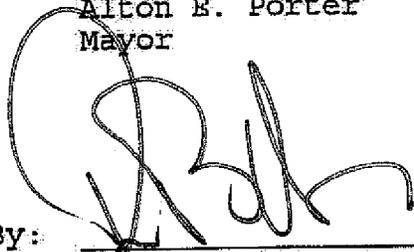
  
City Secretary

CITY OF LA PORTE

By:   
Alton E. Porter  
Mayor

APPROVED:

  
Knox W. Askins  
City Attorney  
City of La Porte

By:   
~~John Joerns~~  
Assistant City Manager

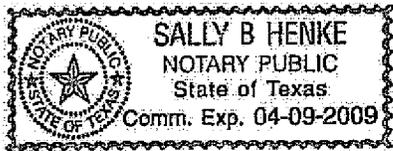
P.O. Box 1218  
La Porte, TX 77572-1218  
281.471.1886  
281.471.2047 fax  
knoxaskins@comcast.net

CITY OF LA PORTE  
604 West Fairmont Parkway  
La Porte, TX 77571

STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 14<sup>th</sup> day of December, 2007, by Craig G. Wilson, Executive Vice-President of CEL Partners sub SEVEN, LP corporation, a Texas corporation, on behalf of said entity.

Sally B. Henke  
Notary Public, State of Texas



STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 17<sup>th</sup> day of December, 2007, by Alton E. Porter, Mayor of the City of La Porte, a municipal corporation, on behalf of said entity.

Martha Gillett  
Notary Public, State of Texas

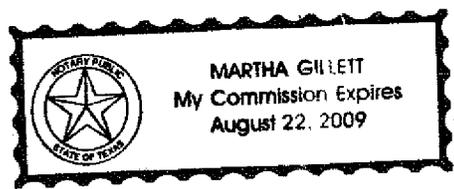


EXHIBIT A

LEGAL DESCRIPTION OF THE LAND

METES & BOUNDS DESCRIPTION  
8.9170 ACRES BEING OUT OF  
RESTRICTED RESERVE "C"  
BAYPORT NORTH INDUSTRIAL PARK  
HARRIS COUNTY, TEXAS

All that certain 8.9179 acres of land being out of Restricted Reserve "C", Bayport North Industrial Park according to the plat thereof filed at Film Code No. 437010, Harris County Map Records, also being out of that certain called 110.5334 acre tract of land described in a deed dated 11-08-1999 from Don L. Tuffil, Trustee to Bayport North Industrial Park, L.P. filed for record in the Official Public Records of Real Property of Harris County, Texas, at Clerk's File No. U-074335, Film Code No. 529-10-2581 and that certain called 45.59 acre tract of land described in a deed dated 11-08-1999 from Don L. Tuffil, Trustee to Bayport North Industrial Park, L.P. filed for record in the Official Public Records of Real Property of Harris County, Texas, at Clerk's File No. U-074536, Film Code No. 529-10-2596 being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8" iron rod with cap located in the east right-of-way line of New West Drive (60' wide) at its intersection with the south end of a 20' cut back line for the north right-of-way line of New Decade Drive (80' wide), and being the southerly southwest corner of said Reserve "C";

THENCE N 47° 48' 51" W - 28.42', with the said cut back line, to a found 5/8" iron rod with cap for corner;

THENCE with the aforementioned east right-of-way line of New West Drive N 03° 06' 23" W - 546.85' to a found 5/8" iron rod with cap for corner;

THENCE in an easterly direction N 88° 03' 50" E - 540.46', with the north line of said 8.9179 acre tract to a found 5/8" iron rod with cap for corner;

THENCE in a southerly direction S 01° 56' 01" E - 561.09', with the east line of said 8.9179 acre tract to a found 5/8" iron rod with cap for corner;

THENCE with the aforementioned north right-of-way line of New Decade Drive S 07° 26' 41" W - 508.89' to the POINT OF BEGINNING and containing 8.9179 acres (381,343 square feet) of land, more or less.

12

LANDLORD INITIALS: RL

TENANT INITIALS: PS

"EXHIBIT B"

Attach Plat reflecting the ownership boundary lines; a site layout, showing all improvements, including pipelines and railroads, and also showing areas of the Land previously annexed by the City of La Porte.)

"EXHIBIT C"  
Page 1 of 3

**RULES AND REGULATIONS**

Any portion of Land constituting a strip of land 100' wide and contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146 shall be subject to the following rules and regulations pertaining to new signage, screening, driveways and median crossovers. These rules and regulations shall apply after the effective date of this Agreement when Company develops or constructs improvements on vacant Land described in Exhibit "A" which is adjacent to Fairmont Parkway, State Highway 225, or State Highway 146.

1. Any sign erected in said 100' strip of land shall be subject to the following provisions:
  - ◆ One freestanding identification sign shall be permitted for each side of an industrial establishment that fronts on an improved public right-of-way.
  - ◆ Freestanding identification signs for single tenant buildings shall not exceed 150 square feet in area.
  - ◆ One freestanding identification sign for identifying multiple businesses is allowable at the intersection of improved public rights-of-way.
  - ◆ Freestanding identification signs for multiple businesses shall not exceed 350 square feet.
  - ◆ Freestanding identification signs shall not exceed 45 feet in height.
  - ◆ Minimum setback for sign construction shall be ten (10) feet from property lines.
  
2. When Land adjacent to said 100' strip is developed, the initial 50' of said strip beyond any existing pipeline easement contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146 shall be screened by one of the following techniques:
  - a) Leaving in place existing trees, vegetation, underbrush, etc. to provide a thorough and effective visual screening of the development. Existing trees shall, together with other vegetation and underbrush, create a continuous visual screen.

"EXHIBIT C"

Page 2 of 3

- b) The use of earthen berms with approximately 3:1 side slopes, 50' wide at the base and 8' high. The berms may be landscaped with a combination of trees, shrubs, and ground cover. All berms and landscaping will be maintained by the property owners.
- c) A screening plan, to be approved by the City, that includes a combination of trees, shrubs, and ground cover that after 5 years growth will be at least 20 feet in height and shall, together with shrubs and ground cover, create a continuous visual screen. Provided, however, in public utility easements or rights-of-way, the vegetation shall be installed and maintained in a manner which is acceptable to the public utility company, and does not interfere with the operation and maintenance of the public utility facilities.

For items b and c above, the actual length of required screening along the roadway will be equal to the length of the new development that is parallel to the roadway. Screening shall not be required for new development that is to the rear of or behind existing facilities.

In all cases the 50' strip, along the entire roadway frontage, shall be dedicated as a landscape easement and shall be kept free from any improvements except for approved driveway access and identification signs.

For cases of new development or improvements where a 50' landscape easement is not available or practical, Company shall meet with City to determine a suitable landscaping alternative.

- d) In the case of land contiguous to Fairmont Parkway, in addition to the other requirements of these Rules and Regulations, Company shall dedicate to City by Plat a ten foot (10') wide pedestrian and bicycle easement, extending along Company's Fairmont Parkway boundary, within the fifty foot (50') landscape easement. The pedestrian easement shall not be within any pipeline facility, except for necessary crossings.

- 3. Driveways opening from said strip of land onto State Highway 225 or State Highway 146 shall be subject to the rules and regulations of the Texas Department of Transportation and provisions of the City's Code of Ordinances, whichever is more restrictive.

Driveways opening from said strip of land onto Fairmont Parkway shall be subject to the rules and regulations of Harris County and provisions of the City's Code of Ordinances, whichever is more restrictive.

"EXHIBIT C"  
Page 3 of 3

4. Driveways opening from said strip of land onto Fairmont Parkway shall be approved by the City and may require the installation of separate acceleration/deceleration lanes.
5. Installation of a median crossover on Fairmont Parkway shall be subject to the approval of both Harris County and City.

5858 Westheimer, Suite 800 Ph: 713 952 7000 gslwelcome.com  
Houston, TX 77057-5777 Fax: 713 952 5445 snelson@gslwelcome.com



a Welcome company

Sequoya Nelson  
Property Manager

December 15, 2007

Ms. Kathy Powell  
City of LaPorte  
604 W. Fairmont Pkwy  
La Porte, TX 77571

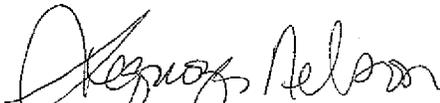
RE: Industrial District Agreements

Dear Ms. Powell:

Enclosed are two originals of the new Industrial District Agreement executed by GSL for our properties that are within the district.

If you have any questions, please feel free to contact me at (713)243-6916.

Sincerely,

  
Sequoya Nelson

## Powell, Kathy

---

**From:** Sequoya Nelson [snelson@gslwelcome.com]  
**Sent:** Friday, December 14, 2007 12:09 PM  
**To:** Powell, Kathy  
**Subject:** GSL IDA--Tyco

**Attachments:** SKMBT\_C25207121412080.pdf



SKMBT\_C25207121  
412080.pdf (8 M...

This is 4607 New West Drive

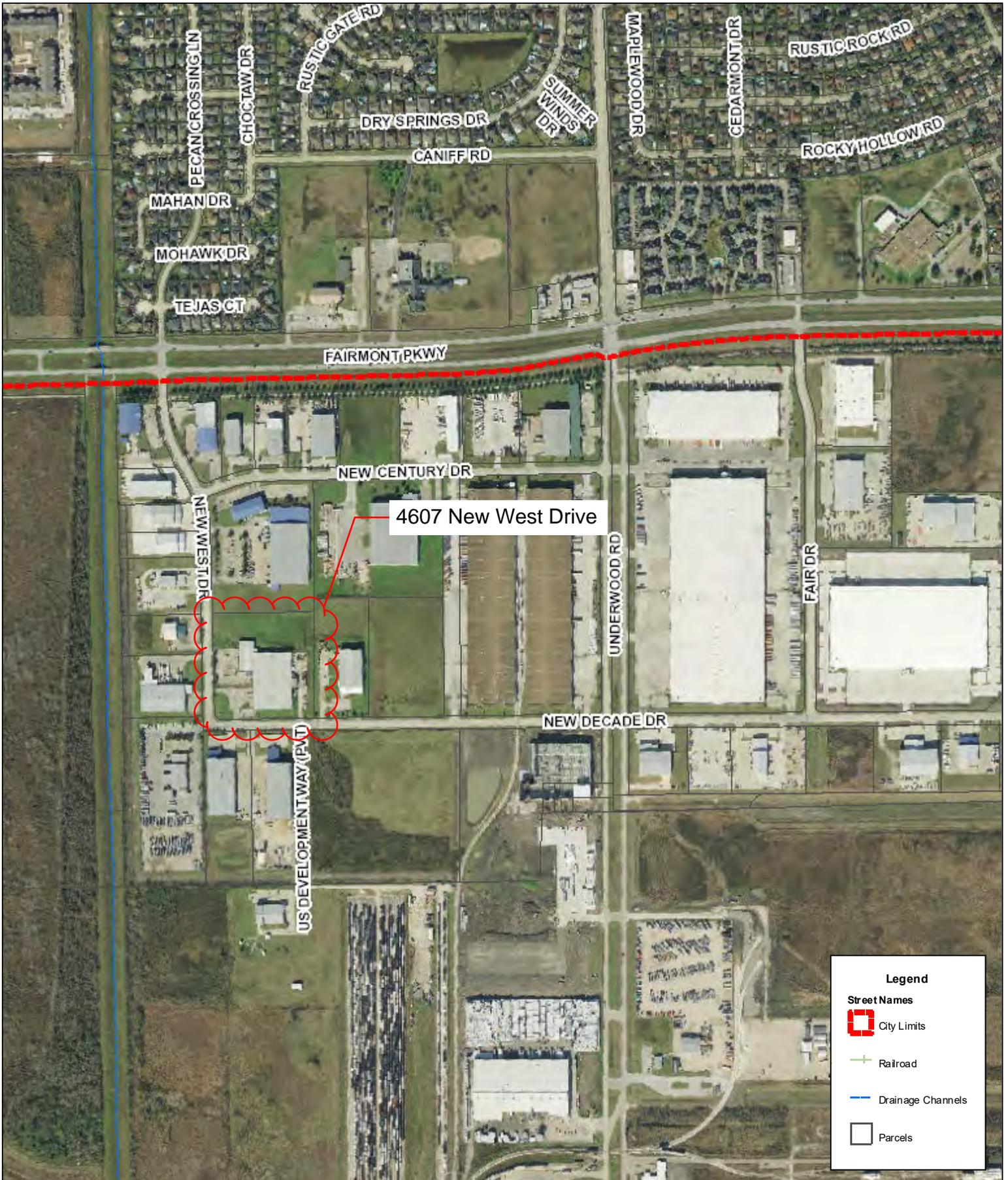
-----Original Message-----

**From:** copier@gslwelcome.com [mailto:copier@gslwelcome.com]  
**Sent:** Friday, December 14, 2007 6:10 AM  
**To:** Sequoya Nelson  
**Subject:** Your Scanned Documents

Please save the attached files.

If this email appears in your Junk Mail folder, please add it address to your contacts to prevent it being marked as spam.

- GSL Industrial



4607 New West Drive

**Legend**

**Street Names**

-  City Limits
-  Railroad
-  Drainage Channels
-  Parcels

*Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of La Porte makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of La Porte from any damage, loss, or liability arising from such use.*



**City of La Porte**  
 604 W. Fairmont Parkway  
 La Porte, TX 77571  
 (281) 471-5020  
 www.laportetx.gov

# La Porte GIS Mapping

1" = 764'



CITY OF LA PORTE PLANNING DEPARTMENT  
604 West Fairmont Parkway, La Porte, TX 77571  
Phone: 281.471.5020, Fax: 281.470.5005  
www.laportetx.gov

- City Use Only -

Rec'd by: \_\_\_\_\_ Date: \_\_\_\_\_  
Date of Initial Review Meeting: \_\_\_\_\_  
Date of Internal Review Meeting: \_\_\_\_\_  
Request Meets Policy Guidelines?: Y or N  
Date of Notification to Company: \_\_\_\_\_

**APPLICATION for WATER / SEWER SERVICE to COMPANIES  
WITH AN INDUSTRIAL DISTRICT AGREEMENT (IDA)**

Note: Submittal of partial or incomplete information may delay processing of your application

**1.) COMPANY NAME (per Applicant's IDA w/ City):**

Name: GSL PARTNERS SUB SEWER, LP?  
Phone #: 713-243-6916  
Fax #: 713-952-5445  
E-Mail: swelso@gsllwelcome.com  
Company Address: 5858 WESTMEIER, STE 800  
HOUSTON, TX 77057

**2.) \*SITE TENANT (if other than "Company"):**

Company Name: EMERSON AUTOMATION SOLUTIONS  
FINANCIAL CONTROL, US LP,  
Phone #: 832-261-2400  
Fax #: 281-291-8801  
Address: 4607 NEW WEST DRIVE  
PASADENA, TEXAS 77507  
Contact Name: PAUL AUSTIN

**3.) PROPERTY DATA (If available, include any survey, plat, site plan, map or sketch of the subject site with this form):**

\*Company's Industrial District Agreement No.: 2007 - IDA - 103  
\*Site Address: 4607 New West Drive, Pasadena, Texas 77507  
Site HCAD ID(s): 120-728-000-0014; \_\_\_\_\_; \_\_\_\_\_  
Total Site Acreage (Per Exhibit "A" of Company's IDA): 6.917 Acres

**4.) SITE FACILITY INFORMATION (If available, include any site plan or sketch of the subject facility with this form):**

New Construction

Describe Project: \_\_\_\_\_

New Tenant Requesting **Additional** Water and/or Sanitary Sewer Allocation

(Specify reason(s) for additional allocation request: NOT ASKING FOR ADDITIONAL WATER/SEWAGE  
SEE ACTUAL FULLTIME EMPLOYEE NOTED

\*Full-time Regular + Full-time Contract Employees who will occupy this facility: 48 81 Total Full-Time Employees

\*\*Current Amount of Water Allocated to Company by existing Water Service Agreement: 129,625 gallons per month

\*\*Current Amount of Sewer Allocated to Company by existing Sewer Service Agreement: 58,331 gallons per month

**5.) WATER SERVICE IS REQUESTED to COMPANY'S SITE FOR THE FOLLOWING PURPOSE(S):**

Domestic Uses (i.e. Drinking, Flushing, Etc.)

Other (describe): \_\_\_\_\_

**6.) SANITARY SEWER SERVICE IS REQUESTED to COMPANY'S SITE FOR THE FOLLOWING PURPOSE(S):**

Domestic Uses (i.e. Wastewater from domestic uses)

Other (describe): \_\_\_\_\_

\* An Administrative Fee of \$100 per employee is assessed for each agreement (Min Fee = \$5,000; Max Fee = \$15,000)

\*\*If Applicable

STATE OF TEXAS §

COUNTY OF HARRIS §

**CITY OF LA PORTE  
WATER SERVICE AGREEMENT**

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and EMERSON AUTOMATION SOLUTIONS, FORMAL CONTROLLER US L.P. hereinafter called "COMPANY".

I.

COMPANY is the owner of certain real property which is situated within the CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing potable water from CITY for usual human domestic uses. Previous planning considerations for the long-range potable water supply of CITY did not include the needs of properties located outside the corporate limits of CITY. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited water service. CITY agrees, however, to provide limited potable water service to COMPANY. For and in consideration of furnishing domestic potable water by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees that will be located at the COMPANY'S property as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Full-Time Employees on site	<u>68</u>
+ Number of Full-Time Contract Employees on site	<u>13</u>
= Total On-Site Full-Time Employees	<u>81</u>
Potable Water Approved for Domestic Use (Total on-site Employees times 50 gpd per employee)	<u>4,050</u>
Total Amount of Potable Water Approved for COMPANY (Average Daily Volume, gpd)	<u>4,050</u>

## IV.

CITY has determined that adequate resources are available to CITY to furnish potable water to COMPANY based on the following terms and conditions, to-wit:

- (A) COMPANY shall pay to CITY a one-time administrative fee of \$ 8,100.
- (B) The total amount of potable water approved to COMPANY is established at 4,050 ( ) gallons per day. This number is based on an average of fifty (50) gallons per employee per day as established by CITY.
- (C) The average monthly volume of 123,525 ( ) gallons is established by multiplying the average daily volume by a factor of 30.5, which shall be used to facilitate CITY'S utility service billings.
- (D) Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of 123,525 ( ) gallons. Repeated consumption greater than the established average monthly volume may result in termination of service.
- (E) COMPANY shall pay the standard water tap/meter fee based on CITY'S current tap/meter fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard water deposit fee through CITY'S Utility Billing Division prior to receiving water service from CITY.
- (F) The cost of water up to the average monthly volume of 123,525 ( ) gallons shall be billed at one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G) The cost of water for amounts used in excess of the established average monthly volume shall be billed at two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (H) COMPANY shall submit a preliminary site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development may be subject to certain additional requirements as described in Exhibit A. These requirements shall be shown on the final site plan and approved by City.
- (I) COMPANY'S site design and site development will, in certain cases, be subject to specific "Rules and Regulations" as defined in Exhibit "C" of COMPANY'S Industrial District Agreement with CITY.
- (J) All plumbing installed by COMPANY connected to the domestic water line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements.
- (K) A reduced pressure zone backflow preventer shall be installed and maintained by COMPANY to protect CITY from any possible cross-connections.
- (L) COMPANY'S potable water supply system will be segregated from any existing and future fire protection system.

- (M) The total cost for the engineering design and construction of any potable water main, service line, back flow preventer, meter or other required appurtenances will be the responsibility of COMPANY.
- (N) COMPANY agrees to be bound by all applicable ordinances of CITY, relative to the furnishing of potable water to customers within the corporate limits of CITY.
- (O) There shall be no resale of water provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (P) CITY'S personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY shall have the right to inspect any and all work related to the furnishing of potable water to COMPANY.
- (Q) CITY shall have the right to interrupt or temporarily suspend said water service to COMPANY if an emergency arises and there is not an adequate water supply to meet the needs of the citizens of La Porte.
- (R) CITY reserves the right to enforce its drought contingency plan on all water customers at CITY'S sole discretion.
- (S) CITY does not guarantee its water system to provide specific water pressure and/or water volume requirements of COMPANY.

#### V.

All expenses of the installation of the meter; service lines from the main to the meter; and from the meter to COMPANY'S facilities, shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities beyond the meter. CITY shall own the meter.

#### VI.

In the event a State or Harris County license, permit, or permission to install the water main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

#### VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S water facilities, reading its water meter(s) and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

#### VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects

within ten (10) calendar days from date of written notice by CITY may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public water supply is threatened.

IX.

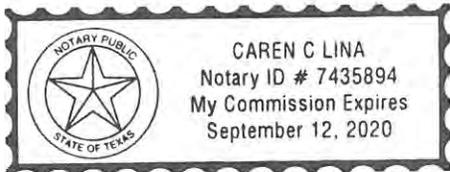
Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another water supply. If the transition is not complete within said six-month period, CITY shall have the right to terminate water service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Water Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Water Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall expire on December 31, 2019 plus any renewals and extensions thereof. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Paul S. Austin  
Signature of Company's Authorized Representative



Printed Name: Paul S. Austin

Company Representative's Title: SITE MANAGER

Company's Address:  
4607 New West Drive  
Pasadena, Tx 77507

ATTEST:

CITY OF LA PORTE

\_\_\_\_\_

Patrice Fogarty  
City Secretary

\_\_\_\_\_

Louis R. Rigby  
Mayor

APPROVED:

\_\_\_\_\_

Knox W. Askins  
City Attorney

By:

\_\_\_\_\_

Corby Alexander  
City Manager

**EXHIBIT "A"**  
to Water Service Agreement

The Water Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive water service from CITY per the terms of the Water Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

**Additional Requirements of COMPANY:**

- 1.

**Initial for Approval:**

CITY APPROVAL: \_\_\_\_\_

COMPANY APPROVAL: \_\_\_\_\_

STATE OF TEXAS           §

COUNTY OF HARRIS       §

CITY OF LA PORTE  
SANITARY SEWER SERVICE AGREEMENT

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and EMERSON AUTOMATION SOLUTIONS, FINAL CONTROL DS LP. hereinafter called "COMPANY".

I.

COMPANY is the COMPANY of certain real property, which is situated in CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing sanitary sewer service from CITY for usual human domestic uses. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited sanitary sewer service. CITY agrees, however, to provide limited sanitary sewer service to COMPANY. For and in consideration of furnishing sanitary sewer service by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees, as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Employees on-site	<u>68</u>
Number of Contract Employees	<u>13</u>
Total on-site Employees	<u>81</u>
Sanitary Sewer Desired for Domestic Use (Total on-site times 50 gpd per employee)	<u>4,050</u>
Total Amount of Sanitary Sewer Approved For COMPANY (Average Daily Volume, gpd)	<u>3,443</u>

## IV.

CITY has determined that adequate facilities are available to allow CITY to furnish sanitary sewer to COMPANY based on the following terms and conditions, to-wit:

- (A). COMPANY shall pay to CITY a one-time administrative connection charge of \$ 8,100.
- (B). COMPANY shall pay the standard sewer tap fee based on CITY'S current sewer tap fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard sewer deposit fee through CITY'S Utility Billing Division prior to receiving sewer service from CITY.
- (C). The average daily volume is established at 4,050 ( ) gallons per day. This number is based on an average of fifty (50) gallons per employee per day established by CITY.
- (D). The average monthly volume is calculated to be eighty-five percent (85%) of the average daily volume multiplied by a factor of 30.5, which shall be used to facilitate service billings.
- (E). The cost of sanitary sewer service up to the average monthly volume of 105,012 ( ) gallons shall be one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (F). The cost of sanitary sewer service for amounts in excess of the established average monthly volume shall be two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G). Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of 105,012 gallons ( ). Repeated sanitary sewer delivery greater than the established average monthly volume may result in termination of service.
- (H). COMPANY agrees that during periods when the CITY'S collection system is surcharged, the CITY may require the suspension of use of the sanitary sewer system for periods not to exceed thirty-six hours.
- (I). CITY shall have the right to interrupt or temporarily suspend said sanitary sewer service to COMPANY if an emergency arises and there is not an adequate sewer collection or treatment capacity to meet the needs of the citizens of La Porte.
- (J). COMPANY shall file application with CITY for an Industrial Waste Permit and hereby agrees to be bound by CITY'S Industrial Waste Ordinance (Chapter 74, Article II of the Code of Ordinances) and any subsequent amendments or revisions.
- (K). Owner shall install a sanitary sewer sampling well in accordance with CITY'S standards to ensure no sewer waste, other than domestic waste enters its sanitary sewer system.
- (L). The total cost for the engineering design and construction of any sanitary sewer main, service line, lift station, meter or other required appurtenances will be the responsibility of COMPANY.

- (M). COMPANY agrees that it shall be bound by all applicable ordinances of CITY, relative to the furnishing of sanitary sewer service to customers within the corporate limits of CITY.
- (N). COMPANY shall install a sanitary sewer sampling well in accordance with CITY's standards.
- (O). All plumbing installed by COMPANY connected to the sanitary sewer line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements. CITY'S engineering and code enforcement personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY plumbing inspectors shall have the right to inspect any and all work related to the furnishing of sanitary sewer service to COMPANY.
- (P). There shall be no resale of the sanitary sewer service provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (Q). COMPANY shall submit a certified site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development project may be subject to certain additional requirements as described in Exhibit "A", attached. These requirements shall be shown on the site plan and approved by City.

#### V.

All expenses of the installation of service lines from the main to the COMPANY'S facilities shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities.

#### VI.

In the event a State or Harris County license, permit, or permission to install the sanitary sewer main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

#### VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S sanitary sewer facilities, and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

#### VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) days may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public sanitary sewer system is threatened.

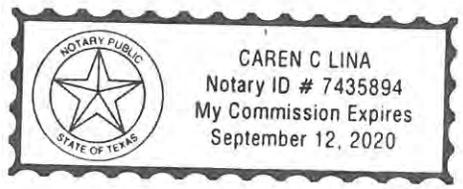
IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another sanitary sewer service provider. If the transition is not complete within said six-month period, CITY shall have the right to terminate sanitary sewer service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Sanitary Sewer Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Sanitary Sewer Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall terminate on December 31, 2019. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



Paul S. Austin  
Signature of Company's Authorized Representative

Printed Name: Paul S. Austin

Company Representative's Title: Site Manager

Company's Address:  
4607 New West Drive  
Pasadena, Tx 77507

ATTEST:

CITY OF LA PORTE

\_\_\_\_\_

Patrice Fogarty  
City Secretary

\_\_\_\_\_

Louis R. Rigby  
Mayor

APPROVED:

\_\_\_\_\_

Knox W. Askins  
City Attorney

By: \_\_\_\_\_

Corby Alexander  
City Manager

**EXHIBIT "A"**  
to Sanitary Sewer Service Agreement

The Sanitary Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive sewer service from CITY per the terms of the Sanitary Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

**Additional Requirements of COMPANY:**

- 1.

**Initial for Approval:**

CITY APPROVAL: \_\_\_\_\_

COMPANY APPROVAL: \_\_\_\_\_

Sabrina

CITY OF LA PORTE  
INDUSTRIAL DISTRICT - WATER & SEWER APPLICATION  
(LOCATION OUTSIDE OF CITY LIMITS)

BUSINESS NAME: Tyco Valves & Controls  
CONTACT PERSON: Hugh Konigsmark PHONE: cell #913-557-3593

SERVICE ADDRESS: 4607 New West Drive  
(ADDRESS OF SITE RECEIVING ACTUAL SERVICE)

MAILING ADDRESS: 4607 New West Drive - Pasadena, TX 77507  
(ADDRESS TO BE USED FOR BILLING)

NOTE TO CUSTOMER: AN APPROPRIATE BACKFLOW PREVENTION DEVICE IS REQUIRED ON THE CUSTOMER'S SIDE OF THE METER, AT THE PROPERTY LINE. FOLLOWING CITY APPROVAL, THE CERTIFICATION TEST REPORT ON THE DEVICE SHALL BE PROVIDED TO THE CITY'S PUBLIC WORKS DIVISION.

STAFF USE ONLY

Legal Description: Part of Reserve C

HCAD Parcel # #120-728-000-0003 H.T.E. ID # 40448

All Admin. Fees Paid To Inspection Services Division: 06-17-02 (BS)

C.C. Approval - Ord.# 2002-2582 Approval Date: 08-26-02

Water Service Use: Domestic  Fire  Industrial  Landscaping

Sewer Service Use: ~~YES~~ ~~OR~~ ~~NO~~ (see other sheet)

CLP Acceptance Of Water &/Or Sewer Line(s): Yes (w/subdivision) BS

Confirm Landscape Installation: Berm landscaping OK per BS 04-09-02

Confirm Backflow Protection Of City Main: OK per Ray Mayo - 10/23/02 @ 2:50

Water Meter Size(s): Set Meter Only: mla Tap & Meter: 2"  
(Identify Size Needed)

Size Of Sewer Tap (If Applicable): N/A

WATER CHARGES: \$ 1,100.00 Date of Payment(s): 9-10-02

SEWER CHARGES: \$ mla Receipt No.# 132502

Computer Entry: 9-10-02 by WF # Assigned: 24646

Part of Parent Tract #120-728-000-0003 → 6.91 AC Tract 7 TYCO  
ID# 40448

CITY OF LA PORTE  
INDUSTRIAL DISTRICT - WATER & SEWER APPLICATION  
(LOCATION OUTSIDE OF CITY LIMITS)

BUSINESS NAME: TYCO Valves & Controls  
CONTACT PERSON: Hugh Konigsmark PHONE: cell #713-557-3593

SERVICE ADDRESS: 4607 New West Drive  
(ADDRESS OF SITE RECEIVING ACTUAL SERVICE)

MAILING ADDRESS: 4607 New West Drive - Pasadena, Tx 77507  
(ADDRESS TO BE USED FOR BILLING)

NOTE TO CUSTOMER: AN APPROPRIATE BACKFLOW PREVENTION DEVICE IS REQUIRED ON THE CUSTOMER'S SIDE OF THE METER, AT THE PROPERTY LINE. FOLLOWING CITY APPROVAL, THE CERTIFICATION TEST REPORT ON THE DEVICE SHALL BE PROVIDED TO THE CITY'S PUBLIC WORKS DIVISION.

STAFF USE ONLY

Legal Description: Part of Reserve C

HCAD Parcel # #120-728-000-0003 H.T.E. ID # 40448

All Admin. Fees Paid To Inspection Services Division: 06-17-02 (BS)

C.C. Approval - Ord.# 2002-2582 Approval Date: 08-26-02

Water Service Use: Domestic Fire Industrial Landscaping

Sewer Service Use: YES -OR- NO

CLP Acceptance Of Water &/Or Sewer Line(s): Yes (w/subdivision) BS

Confirm Landscape Installation: Beam landscaping OK per BS 09-09-02

Confirm Backflow Protection Of City Main: OK per Ray Mayo - 10/23/02 @ 2:50

Water Meter Size(s): Set Meter Only: n/a Tap & Meter: 2"  
(Identify Size Needed)

Size Of Sewer Tap (If Applicable): \* 6" tied to lift station (no tap fee req'd. by billing is required) \*

WATER CHARGES: \$ 1,100<sup>00</sup> Date of Payment(s): 9-10-02

SEWER CHARGES: \$ no fee/billing req'd Receipt No.# 132504

Computer Entry: 9-10-02 by WF # Assigned: 24647

Pt. of Parent Tract #120-728-000-0003 → 6.91 A Tract TYCO

\* Sewer tap to lift station by contractor; City (PW) to inspect tap.  
6" Fire TAP by contractor; City (PW) to inspect.

ORDINANCE NO. 2002-2532

AN ORDINANCE APPROVING AND AUTHORIZING A WATER SERVICE AGREEMENT AND A SANITARY SEWER SERVICE AGREEMENT BETWEEN THE CITY OF LA PORTE AND GSL CONSTRUCTORS, LTD. (TYCO VALVE & CONTROL, LESSEE); FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

**Section 1.** The City Council hereby approves and authorizes the contract, agreement, or other undertaking described in the title of this ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The City Manager is hereby authorized to execute such document and all related documents on behalf of the City of La Porte. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

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

**Section 3.** This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED, this 26<sup>th</sup> day of August, 2002.

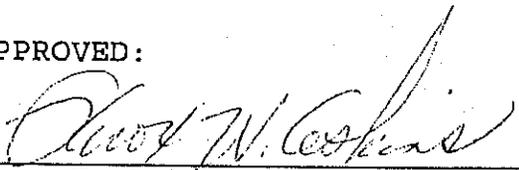
CITY OF LA PORTE

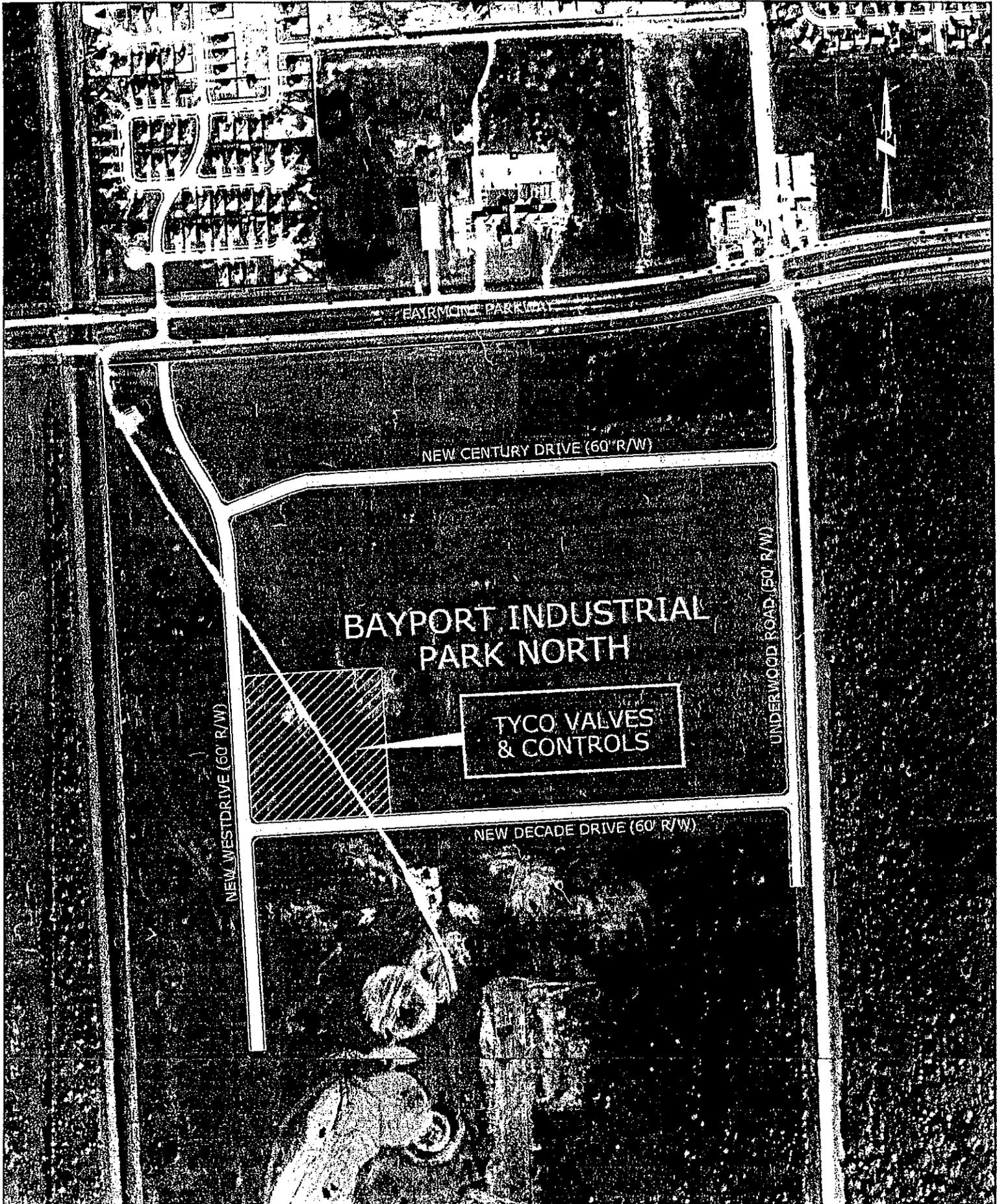
By:   
Norman L. Malone,  
Mayor

ATTEST:

  
Martha A. Gillett  
City Secretary

APPROVED:

  
Knox W. Askins,  
City Attorney



BAIRMORE PARKWAY

NEW CENTURY DRIVE (60' R/W)

BAYPORT INDUSTRIAL  
PARK NORTH

TYCO VALVES  
& CONTROLS

UNDERWOOD ROAD (50' R/W)

NEW WEST DRIVE (60' R/W)

NEW DECADE DRIVE (60' R/W)

# **EXHIBIT “D”**

**Water Service Agreement**

STATE OF TEXAS §

COUNTY OF HARRIS §

WATER SERVICE AGREEMENT

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and **GSL CONSTRUCTORS, LTD., (TYCO VALVE & CONTROLS, LESSEE)** hereinafter called "COMPANY".

I.

COMPANY is the owner of certain real property which is situated in CITY'S Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing potable water from CITY for usual human domestic consumption and uses, and for limited industrial processes as hereinafter stated. Previous planning considerations for the long-range potable water supply of CITY did not include the needs of property located outside the city limits of CITY. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited water service. CITY agrees, however, to provide limited potable water service to COMPANY. For and in consideration of furnishing domestic potable water by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to its number of employees, and/or its desired amount of potable water for limited industrial processes, as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Company Employees on site	<u>45</u>
Number of Contract Employees on site	<u>0</u>
Total on-site Employees	<u>45</u>
Potable Water Approved for Domestic Use (Total on-site Employees times 50 gpd per employee)	<u>2,250</u>
*Potable Water Approved for Industrial Processes (gpd)	<u>2,000</u>
Total Amount of Potable Water Approved for Company (Average Daily Demand, gpd)	<u>4,250</u>

#### IV.

CITY has determined that adequate facilities are available to CITY to furnish potable water to COMPANY based on the following terms and conditions, to-wit:

(A) Company shall pay to CITY a one-time administrative connection charge of \$ 5,000

(B) Potable water used for Industrial Processes shall be limited to the following:

\*Building fire sprinkler (designed for ordinary hazard group 2, 350-450 gpm), landscape irrigation.

(C) COMPANY shall file an application for water service with CITY'S Utility Billing Division and pay appropriate deposit and water meter charge. CITY shall be responsible for furnishing and installing meter at Company's expense. COMPANY shall be responsible for installing appropriate meter box to be approved by City.

(D) Where applicable, COMPANY shall also pay to CITY \$ N/A as a pro-rata reimbursement for installation of utility mains funded by other parties.

(E) The total amount of potable water approved (average daily demand) is established at FOUR THOUSAND TWO HUNDRED FIFTY (4,250) gallons per day. This number is based on an average of fifty (50) gallons per employee per day established by CITY, plus any amount approved

for industrial processes.

- (F) The average monthly demand of ONE HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED TWENTY-FIVE (129,625) gallons is established by multiplying the average daily demand by a factor of 30.5, which shall be used to facilitate service billings.
- (G) The cost of water up to the average monthly demand of ONE HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED TWENTY-FIVE (129,625) gallons shall be one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (H) The cost of water for amounts used in excess of the established average monthly demand shall be two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (I) Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly demand of ONE HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED TWENTY-FIVE (129,625). Repeated consumption greater than the established average monthly demand may result in termination of service.
- (J) CITY shall have the right to interrupt or temporarily suspend said water service to COMPANY if an emergency arises and there is not an adequate water supply to meet the needs of the citizens of La Porte.
- (K) CITY reserves the right to enforce its drought contingency plan on all water customers at CITY'S sole discretion.
- (L) The total cost for the engineering design and construction of any potable water main, service line, back flow preventer, meter or other required appurtenances will be the responsibility of COMPANY.

- (M) COMPANY agrees that it shall be bound by all applicable ordinances of CITY, relative to the furnishing of potable water to customers within the corporate limits of CITY.
- (N) All plumbing installed by COMPANY connected to the domestic water line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements. CITY'S engineering and code enforcement personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY plumbing inspectors shall have the right to inspect any and all work related to the furnishing of potable water to COMPANY.
- (O) A reduced pressure zone backflow preventer shall be installed and maintained by COMPANY to protect CITY from any possible cross-connections.
- (P) The potable water supply system will be segregated from any existing and future COMPANY fire protection system.
- (Q) There shall be no resale of the water provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (R) COMPANY shall submit a certified site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. Company's development may be subject to certain additional requirements as described in Exhibit A. These requirements shall be shown on the site plan and approved by City.

#### V.

All expenses of the installation of the meter; service lines from the main to the meter; and from the meter to COMPANY'S facilities, shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities beyond the meter. CITY shall own the meter.

#### VI.

CITY will have ownership and maintenance responsibility for its water mains, and service lines

up to and including CITY'S water meter. In the event a State or Harris County license, permit, or permission to install the water main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

#### VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S water facilities, and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

#### VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) days may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public water supply is threatened.

#### IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another water supply. If the transition is not complete within said six-month period, CITY shall have the right to terminate water service at its sole discretion.

#### X.

In the event of any conflict between the terms and provisions of this Water Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Water Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall terminate on December 31, 2007. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the 26th day of August, 2002.

GSL Constructors Ltd  
Company

By: [Signature]  
Name: Phillip D. Matthews  
Title: CONSTRUCTION MANAGER  
Address: 6671 S.W. Hwy. Suite 200  
HOUSTON, TX. 77074

CITY OF LA PORTE

ATTEST:

[Signature]  
Martha A. Gillett  
City Secretary

CITY OF LA PORTE

By: [Signature]  
Norman L. Malone  
Mayor

APPROVED:

[Signature]  
Knox W. Askins  
City Attorney

By: [Signature]  
Robert T. Herrera  
City Manager

City Attorney  
PO Box 1218  
La Porte, TX 77572-1218

Phone: (281) 471-1886  
Fax: (281) 471-2047

City of La Porte  
PO Box 1115  
La Porte, TX 77572-1115

Phone: (281) 471-5020  
Fax: (281) 471-7168

This is **EXHIBIT A**, consisting of 1 page, referred to in and part of the **Water Service Agreement and/or Sanitary Sewer Service Agreement** between CITY and COMPANY dated \_\_\_\_\_,

Initial:  
CITY  
COMPANY 

ADDITIONAL REQUIREMENTS

The Agreement is amended and supplemented to include the following agreement of the parties. COMPANY shall provide additional improvements as specifically set forth below. These agreements represent contractual undertakings of COMPANY, undertaken to induce CITY to sell water to COMPANY pursuant to the terms of the Water Service Agreement and/or Sanitary Sewer Service Agreement and this addendum. Said additional improvements undertaken by COMPANY are an integral part of the consideration by COMPANY for obtaining the provision of water and/or sanitary sewer service from CITY.

1) Storm Water Plan:

For new development COMPANY shall provide a Storm Water Management Plan that is approved by Harris County Flood Control District and CITY. COMPANY shall construct and maintain any storm water system as a condition of continued water and/or sewer service.

2) Beautification Efforts:

COMPANY shall submit a Landscaping Plan subject to approval by CITY. COMPANY shall install and maintain landscaping along its existing developed frontage as per approved Landscaping Plan as a condition of continued water service.

# **EXHIBIT “E”**

**Sanitary Sewer Service Agreement**

STATE OF TEXAS §

COUNTY OF HARRIS §

**SANITARY SEWER SERVICE AGREEMENT**  
(for Companies located in Bayport North Industrial Park)

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and **GSL CONSTRUCTORS, LTD., (TYCO VALVE & CONTROLS, LESSEE)** hereinafter called "COMPANY".

I.

COMPANY is the owner of certain real property, which is situated in CITY'S Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing sanitary sewer service from CITY for usual human domestic uses. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited sanitary sewer service. CITY agrees, however, to provide limited sanitary sewer service to COMPANY. For and in consideration of furnishing sanitary sewer service by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to its number of employees, and/or its desired amount of sanitary sewer from limited industrial processes, as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following.

Number of Employees on-site	<u>45</u>
Number of Contract Employees	<u>0</u>
Total on-site Employees	<u>45</u>
Sanitary Sewer Desired for Domestic Use (Total on-site times 50 gpd per employee)	<u>2,250</u>
Sanitary Sewer Approved for Industrial Processes (gpd)	<u>0</u>
Total Amount of Sanitary Sewer Approved by Company (Average Daily Demand, gpd)	<u>2,250</u>

#### IV.

CITY has determined that adequate facilities are available to allow CITY to furnish sanitary sewer to COMPANY based on the following terms and conditions, to-wit:

- (A). Company shall pay to CITY a one-time administrative connection charge of \$ 5,000
- (B). COMPANY shall file an application for sanitary sewer service with CITY'S Utility Billing Division and pay appropriate deposit.
- (C). The average daily demand is established at TWO THOUSAND TWO HUNDRED FIFTY (2,250) gallons per day. This number is based on an average of fifty (50) gallons per employee per day established by CITY.
- (D). The average monthly demand is calculated to be eighty-five percent (85%) of the average daily demand multiplied by a factor of 30.5, which shall be used to facilitate service billings.
- (E). The cost of sanitary sewer service up to the average monthly demand of FIFTY-EIGHT THOUSAND THREE HUNDRED THIRTY-ONE (58,331) gallons shall be one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (F). The cost of sanitary sewer service for amounts in excess of the established average monthly

demand shall be two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.

- (G). Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly demand of FIFTY-EIGHT THOUSAND THREE HUNDRED THIRTY-ONE (58,331) gallons. Repeated sanitary sewer delivery greater than the established average monthly demand may result in termination of service.
- (H). COMPANY agrees that during periods when the CITY'S collection system is surcharged, the CITY may require the suspension of use of the sanitary sewer system for periods not to exceed thirty-six hours.
- (I). CITY shall have the right to interrupt or temporarily suspend said sanitary sewer service to COMPANY if an emergency arises and there is not an adequate sewer collection or treatment capacity to meet the needs of the citizens of La Porte.
- (J). COMPANY agrees that it shall be bound by CITY'S Industrial Waste Ordinance (Chapter 74, Article II of the Code of Ordinances) and any subsequent amendments or revisions.
- (K). The total cost for the engineering design and construction of any sanitary sewer main, service line, lift station, meter or other required appurtenances will be the responsibility of COMPANY.
- (L). COMPANY agrees that it shall be bound by all applicable ordinances of CITY, relative to the furnishing of sanitary sewer service to customers within the corporate limits of CITY.
- (M). All plumbing installed by COMPANY connected to the sanitary sewer line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements. CITY'S engineering and code enforcement personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY plumbing inspectors shall have the right to inspect any and all work related to the furnishing of sanitary sewer service to COMPANY.

- (N). There shall be no resale of the sanitary sewer service provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (O). COMPANY shall submit a certified site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. Company's development project may be subject to certain additional requirements as described in Exhibit A. These requirements shall be shown on the site plan and approved by City.

#### V.

All expenses of the installation of service lines from the main to the COMPANY'S facilities shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities.

#### VI.

CITY has no ownership and/or maintenance responsibility for the sanitary sewer mains and/or service lines within Bayport North Industrial Park. In the event a State or Harris County license, permit, or permission to install the sanitary sewer main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

#### VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S sanitary sewer facilities, and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

#### VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) days may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public sanitary sewer system is threatened.

IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another sanitary sewer service provider. If the transition is not complete within said six-month period, CITY shall have the right to terminate sanitary sewer service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Sanitary Sewer Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Sanitary Sewer Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall terminate on December 31, 2007. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the 26th day of August, 2002.

CSL CONSTRUCTORS, LTD.

Company

By:

[Signature]

Name: PHILIP D. MATTHEWS

Title: CONSTRUCTION MANAGER

Address: 6671 S.W. FRWY SUITE 200  
HOUSTON, TX. 77074

CITY OF LA PORTE

ATTEST:

[Signature]

Martha A. Gillett  
City Secretary

CITY OF LA PORTE

By:

[Signature]

Norman L. Malone  
Mayor

APPROVED:

[Signature]

Knox W. Askins  
City Attorney

By:

[Signature]

Robert T. Herrera  
City Manager

This is **EXHIBIT A**, consisting of 1 page, referred to in and part of the **Water Service Agreement and/or Sanitary Sewer Service Agreement** between CITY and COMPANY dated \_\_\_\_\_

Initial:  
CITY   
COMPANY 

**ADDITIONAL REQUIREMENTS**

The Agreement is amended and supplemented to include the following agreement of the parties. COMPANY shall provide additional improvements as specifically set forth below. These agreements represent contractual undertakings of COMPANY, undertaken to induce CITY to sell water and/or sanitary sewer to COMPANY pursuant to the terms of the Water Service Agreement and/or Sanitary Sewer Service Agreement and this addendum. Said additional improvements undertaken by COMPANY are an integral part of the consideration by COMPANY for obtaining the provision of water and/or sanitary sewer service from CITY.

- 1) Storm Water Plan: For new development COMPANY shall provide a Storm Water Management Plan that is approved by Harris County Flood Control District and CITY. COMPANY shall construct and maintain any storm water system as a condition of continued water and/or sewer service.
- 2) Beautification Efforts: COMPANY shall submit a Landscaping Plan subject to approval by CITY. COMPANY shall install and maintain landscaping along its existing developed frontage as per approved Landscaping Plan as a condition of continued water service.
- 3) Sampling Well: COMPANY shall install a sanitary sewer sampling well in accordance with CITY's standards.
- 4) Industrial Waste Permit: COMPANY shall submit application to CITY for industrial waste permit.

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 23, 2018

Requested By: Don Pennell

Department: Public Works

Report: \_\_\_ Resolution: \_\_\_ Ordinance: \_\_\_

### Appropriation

Source of Funds:       N/A      

Account Number:       N/A      

Amount Budgeted:       N/A      

Amount Requested:       N/A      

Budgeted Item: \_\_\_ YES   X   NO

**Exhibits:**

1. Pipeline Permit Application (17-1937)
2. Pipeline Permit Application (17-1938)
3. Fee Payment Receipts
4. Vicinity Map
5. Construction Drawings
6. Harris County Approval
7. MSDS Data

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### SUMMARY & RECOMMENDATION

Cowboy Pipeline Service Co., on behalf of Kuraray America ("KA"), has made application with the City to construct two 6-5/8" stainless steel pipelines to transport acetic acid 99-100% and vinyl acetate within La Porte. The subject pipelines will transport the aforementioned commodities from the KA Bayport plant and terminating at the KA La Porte plant.

Staff has reviewed construction plans for the final phase of the pipeline project and determined the company's plans for construction meets the requirements of the City's ordinance and presents no conflicts with existing water, sewer or drainage facilities along its route.

Upon approval of Council, Staff will execute a construction permit for Cowboy Pipeline Service Co., on behalf of Kuraray America ("KA"), in duplicate originals, one which shall be delivered to the Permittee and one which shall be retained by the City, as required by ordinance.

---

**Action Required by Council:**

Consider approval or other action regarding the issuance of two pipeline permits to Cowboy Pipeline Service Co., on behalf of Kuraray America ("KA"), for the construction of two 6-5/8" stainless steel pipelines within the City of La Porte.

---

**Approved for City Council Agenda**

---

Corby D. Alexander, City Manager

---

Date

---

**Corby D. Alexander, City Manager**

---

**Date**

Planning & Development Department  
**PIPELINE PERMIT APPLICATION**

**1. PIPELINE PROJECT DATA:**

Project Name: 6" Kuraray Pipeline Project  
Project Origin: Kuraray Bayport, Texas Project Destination: Kuraray La Porte, Texas  
Pipeline Diameter: (2) 6 5/8" O.D. Pipeline Commodity: Vinyl Acetate Monomer/ Acetic Acid  
Normal Operating Pressure: 280 PSI; Max. Operation Pressure 340 PSI; Max. Allowable Temp. 425

**2. PIPELINE OWNER:**

Owner Name: Kuraray America, Inc.  
Owner Address: 11500 Bay Area Blvd., Pasadena, Texas 77507  
Owner Phone: Russell Adams Owner Fax: \_\_\_\_\_  
Owner Email: Russell.Adams@Kuraray.com

**RECEIVED**

**By penam at 11:20 am, Dec 12, 2017**

**3. PERMIT APPLICANT (Owner's Agent):**

Company Name: Cowboy Pipeline Service Company  
Company Address: 550 Westcott Street, Suite 250, Houston, Texas 77007  
Agent Name: Kirby Ewing Agent Title: Permit Spec.  
Agent Phone: (469-261-6483) Agent Fax: \_\_\_\_\_  
Agent Email: Kirby.ewing@contractlandstaff.com

**4. PIPELINE CONTRACTOR:**

Company Name: Same As Applicant  
Company Address: \_\_\_\_\_  
Primary Contact Name: \_\_\_\_\_ Primary Contact Title: \_\_\_\_\_  
Primary Contact Phone 1: \_\_\_\_\_ Primary Contact Phone 2: \_\_\_\_\_  
Primary Contact E-Mail: \_\_\_\_\_

**5. 24-HOUR EMERGENCY CONTACTS:**

Primary Contact Name: Eric DuBose Primary Contact Title: Project Manager  
Primary Contact Phone 1: (713) 705-3454 Primary Contact Phone 2: \_\_\_\_\_  
Primary Contact E-Mail: eric@pipelineoperators.com  
Secondary Contact Name: \_\_\_\_\_ Secondary Contact Title: \_\_\_\_\_  
Secondary Contact Phone 1: \_\_\_\_\_ Secondary Contact Phone 2: \_\_\_\_\_  
Secondary Contact E-Mail: \_\_\_\_\_

**6. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):**

- COMPLETE ITEMS 1-6 OF PERMIT APPLICATION
- SUBMIT PROJECT PLANS (3 HARDCOPIES –OR– DIGITAL .PDF)
- ATTACH PIPELINE APPLICATION FEE OF \$1,000.00
- PRINT & SIGN APPLICANT NAME BELOW

SCHEDULED START DATE OF CONSTRUCTION:

January 15, 2017

ESTIMATE DURATION OF CONSTRUCTION:

Six Months

APPLICANT'S PRINTED NAME: Kirby Ewing APPLICANT'S SIGNATURE: Kirby Ewing

Digitally signed by Kirby Ewing  
DN: cn=Kirby Ewing, o=City of La Porte, ou=City of La Porte, email=Kirby.Ewing@laportetx.gov, c=US  
Date: 2017.12.12 11:20:56 -0500

**(STAFF USE ONLY):**

PERMIT NO.: 17-1937

PERMIT APPROVED BY: \_\_\_\_\_ DATE OF APPROVAL: \_\_\_\_\_

Planning & Development Department  
**PIPELINE PERMIT APPLICATION**

**1. PIPELINE PROJECT DATA:**

Project Name: 6" Kuraray Pipeline Project  
Project Origin: Kuraray Bayport, Texas Project Destination: Kuraray La Porte, Texas  
Pipeline Diameter: (2) 6 5/8" O.D. Pipeline Commodity: Vinyl Acetate Monomer/ Acetic Acid  
Normal Operating Pressure: 280 PSI; Max. Operation Pressure 340 PSI; Max. Allowable Temp. 425

**2. PIPELINE OWNER:**

Owner Name: Kuraray America, Inc.  
Owner Address: 11500 Bay Area Blvd., Pasadena, Texas 77507  
Owner Phone: Russell Adams Owner Fax: \_\_\_\_\_  
Owner Email: Russell.Adams@Kuraray.com

**RECEIVED**

**By penam at 11:20 am, Dec 12, 2017**

**3. PERMIT APPLICANT (Owner's Agent):**

Company Name: Cowboy Pipeline Service Company  
Company Address: 550 Westcott Street, Suite 250, Houston, Texas 77007  
Agent Name: Kirby Ewing Agent Title: Permit Spec.  
Agent Phone: (469-261-6483 Agent Fax: \_\_\_\_\_  
Agent Email: Kirby.ewing@contractlandstaff.com

**4. PIPELINE CONTRACTOR:**

Company Name: Same As Applicant  
Company Address: \_\_\_\_\_  
Primary Contact Name: \_\_\_\_\_ Primary Contact Title: \_\_\_\_\_  
Primary Contact Phone 1: \_\_\_\_\_ Primary Contact Phone 2: \_\_\_\_\_  
Primary Contact E-Mail: \_\_\_\_\_

**5. 24-HOUR EMERGENCY CONTACTS:**

Primary Contact Name: Eric DuBose Primary Contact Title: Project Manager  
Primary Contact Phone 1: (713) 705-3454 Primary Contact Phone 2: \_\_\_\_\_  
Primary Contact E-Mail: eric@pipelineoperators.com  
Secondary Contact Name: \_\_\_\_\_ Secondary Contact Title: \_\_\_\_\_  
Secondary Contact Phone 1: \_\_\_\_\_ Secondary Contact Phone 2: \_\_\_\_\_  
Secondary Contact E-Mail: \_\_\_\_\_

**6. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):**

- COMPLETE ITEMS 1-6 OF PERMIT APPLICATION
- SUBMIT PROJECT PLANS (3 HARDCOPIES -OR- DIGITAL .PDF)
- ATTACH PIPELINE APPLICATION FEE OF \$1,000.00
- PRINT & SIGN APPLICANT NAME BELOW

SCHEDULED START DATE OF CONSTRUCTION:

January 15, 2017

ESTIMATE DURATION OF CONSTRUCTION:

Six Months

APPLICANT'S PRINTED NAME: Kirby Ewing

APPLICANT'S SIGNATURE: Kirby Ewing

Digitally signed by Kirby Ewing  
DN: cn=Kirby Ewing, o=City of La Porte, ou=City of La Porte, email=kirby.ewing@laportetx.gov, c=US  
Date: 2017.12.12 11:20:00 -0500

**(STAFF USE ONLY):**

PERMIT NO: 17-1938

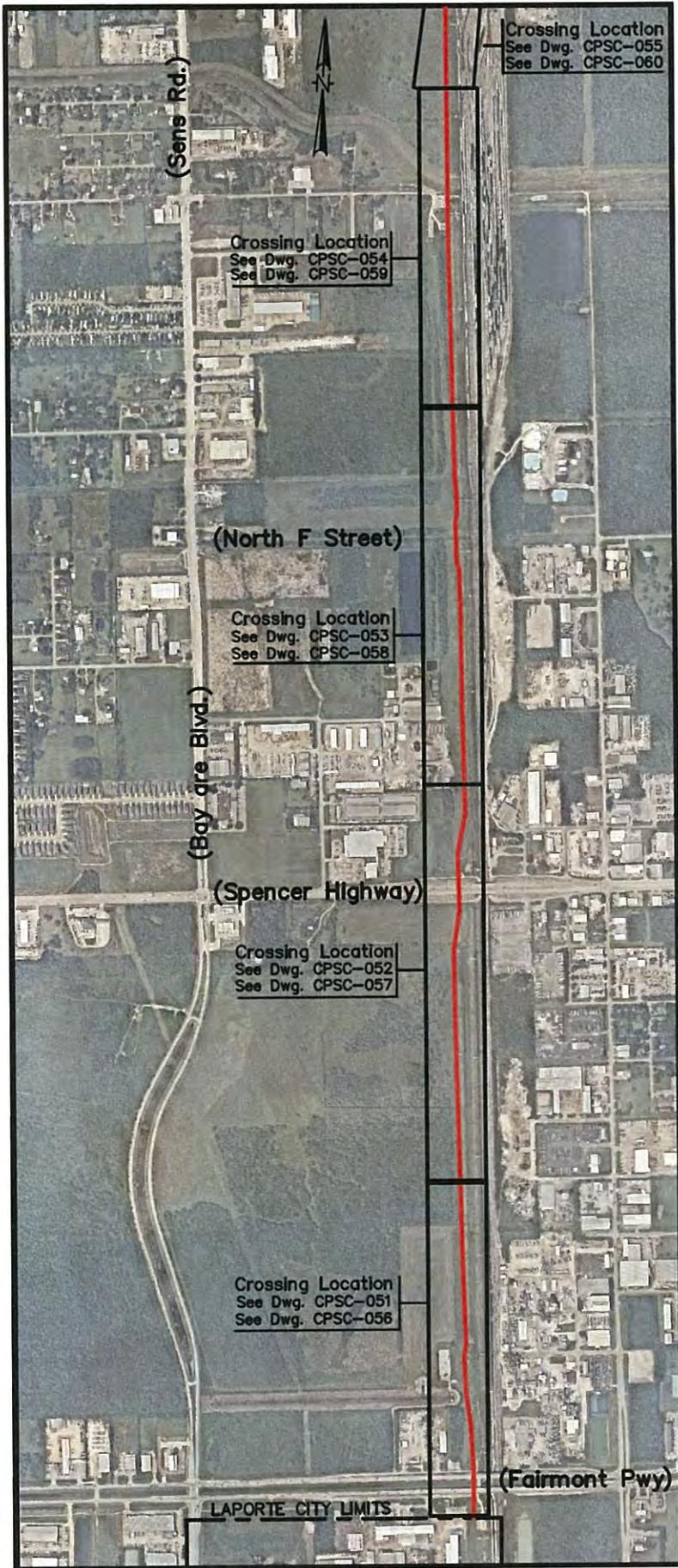
PERMIT APPROVED BY: \_\_\_\_\_

DATE OF APPROVAL: \_\_\_\_\_





HARRIS COUNTY, TEXAS



VICINITY MAP  
Not to Scale

**Statements:**

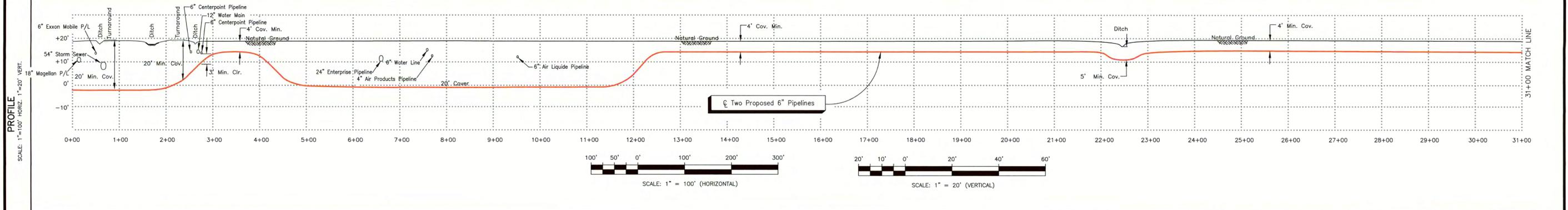
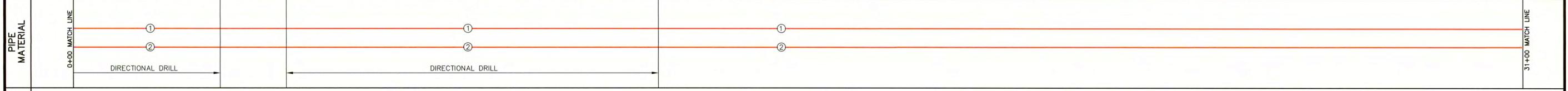
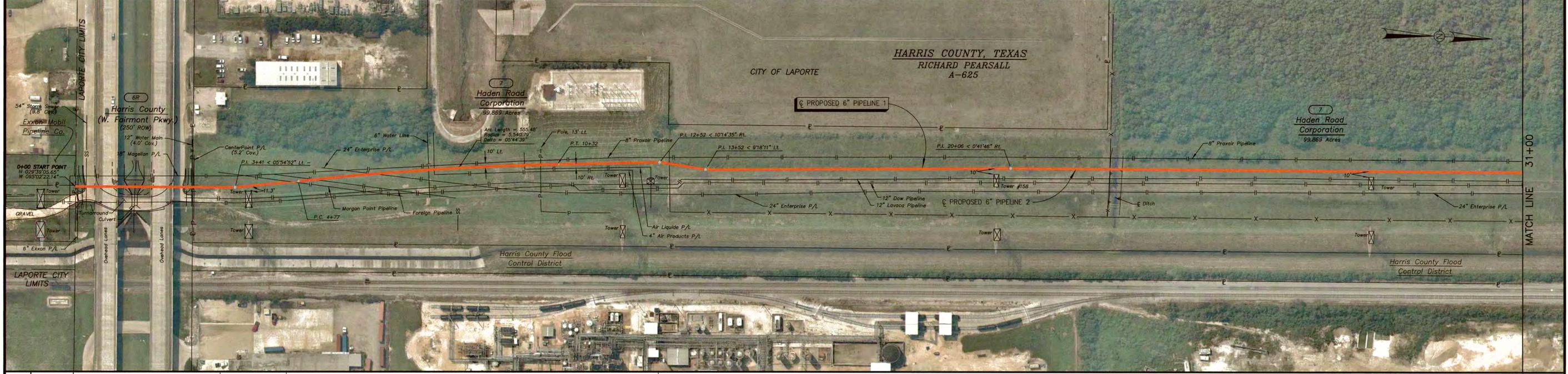
- Permittee shall, at any time in the future, where such pipeline or portion thereof crosses or is laid within, under or across any street, road or utility right-of-way, drainage way or public way existing or projected at the time the permit is issued, reposition such pipeline (which shall include lowering or raising the pipeline, as well as casing it, if required) at the permittee's sole expense, when the city reasonably requires such action incidental to public construction or public improvement: Construction, maintenance and improvement of streets, water lines, sanitary sewer lines, storm sewers, ditches and public utilities. The city shall give the permittee prior written notice of the need for repositioning location, and such notice shall be mailed certified mail, return receipt requested, to the permittee as designated in the application. The permittee shall have six months to complete such repositioning.
- Permittee shall notify the director at least 48 hours prior to performing any scheduled repairs or maintenance on the pipeline. For unscheduled emergency repairs or maintenance, taken to protect the public health, safety or welfare, the permittee shall notify the city police department dispatcher as soon as practical but no later than one hour after commencing repairs or maintenance.

President, Cowboy Pipeline Service, LP

				<b>COWBOY PIPELINE SERVICE COMPANY</b>		
				TITLE (2) PROPOSED 6" STAINLESS STEEL PIPELINES CROSSING CITY OF LAPORTE FEE PROPERTIES		
2	6/14/18	Revised per City of LaPorte Comments	JB	DRAWN BY: JJB	DATE: 12/07/17	DRAWING NUMBER <b>CPSC-050</b>
1	4/20/18	Revised per City of LaPorte Comments	JB	CHECKED BY:	DATE:	
0	2/05/18	Revised per City of LaPorte Comments	JB	SCALE: NOTED	SHT. 1 OF 1	
NO.	DATE	REVISION	BY			

TERRAIN	FLAT LAND	
OWNERSHIP & RODS	<b>6R</b> <b>HARRIS COUNTY</b> <b>(West Fairmont Parkway)</b> 15.152 Rods	<b>7</b> <b>HADEN ROAD CORPORATION</b> 172.727 Rods

STATIONING	0+00 Laporte City Limits, Road B/W 0+02 18" Magellan Pipeline (5.0' Cov.) 0+05 6" Exxon Mobile Pipeline (6.1' Cov.) 0+15 Top of Bank 0+18 Top of Bank 0+22 Edge of Road 0+24 54" Storm Sewer (9.8' Cov.) 0+80 Top of Bank 1+11 Conc. Retaining Wall 1+26 Q. Ditch 1+39 Conc. Retaining Wall 1+98 Edge of Road, Centerpoint Pipeline 2+26 Edge of Road 2+36 Q. Ditch 2+40 Q. Ditch 2+45 Top of Bank 2+48 12" Water Main, Road B/W 2+51 Power Line 2+56 6" Centerpoint Pipeline, (5.2' Cov.) 3+41 P.I. < 05'54"52" LL 3+40 Tower Leg, 11.3' Rt. 3+70 Tower Leg, 11.3' Rt. 4+66 Morgan Point Pipeline (4.3' Cov.) 4+76 Foreign Pipeline 4+77 P.C. 6+58 24" Enterprise Pipeline (6.3' Cov.) 7+53 6" Water Line 7+63 4" Air Products Pipeline 8+50 8" Praxair Pipeline, 10' Lt. 9+55 Air Products Pipeline (4.6' Cov.) 9+99 Power Line, Pole 13' Lt. 10+32 P.T. 11+00 Air Liquide Pipeline, 10' Rt. 12+52 P.I. < 10'51'43" Rt. 12+74 Fence Line 13+52 P.I. < 01'18"11" Lt. 19+68 Tower Leg, 10.0' Rt. 19+79 Tower Leg, 10.0' Rt. 20+06 P.I. < 04'1'46" Rt. 22+10 Top of Bank 22+11 Fence Line 22+40 Q. Ditch 22+47 Top of Bank 27+60 Tower Leg, 10.0' Rt. 27+70 Tower Leg, 10.0' Rt.
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LEGEND			
—●—	PROPOSED PIPELINE	○	POWER POLE
—●—	FOREIGN PIPELINE	⊕	BORE ENTRY / EXIT
—P—P—	POWER LINE	Ⓜ	MATERIAL ITEM
—C—C—	BURIED CABLE (UG)	Ⓡ	RECTIFIER
—x—x—	FENCE LINE	Ⓟ	BOND BOX
—W—W—	WATER LINE	Ⓜ	ANODE BED
—R—R—	RAILROAD	Ⓜ	TEST STATION
—D—D—	DITCH CENTERLINE	Ⓜ	T.S. w/PERM. COUPON & REFERENCE CELL
—R—R—	ROAD CENTERLINE	Ⓜ	
—P—P—	PIPE CHANGE	Ⓜ	
—V—V—	MAIN LINE VALVE	Ⓜ	
Ⓜ	REMOTE MONITORING DEVICE	Ⓜ	
Ⓜ	(P.I.) POINT OF INTERSECTION	Ⓜ	
Ⓜ	EQUATION	Ⓜ	
Ⓜ	SANITARY SEWER	Ⓜ	
Ⓜ	DIRECTIONAL DRILL	Ⓜ	

Engineering/Construction Notes:

- Pipeline design in accordance with Title 49, Subtitle B, Ch. 1 Sub Ch. D, Part 195 of the Code of Federal Regulations.
- Pipeline crossing designed per utility locations identified by Survey Utility locations are to be verified by Construction Contractor Via One-Call and visual or equivalent methods. A minimum of 1' separation shall be maintained between pipelines and existing structures/utilities.
- Drilling and pull-back parameters are the responsibility of the Drilling Contractor and are outside the scope of this drawing.

Pipe 1 Specifications:

Installation Method: HDD & Open Cut  
 Medium: Acetic Acid (AA)  
 Pipe Dims: 6.625" O.D. 0.250" W.T.  
 Pipe Mat. ASTM A312, Type 304 Dual Rated, ERW Stainless Steel, TGF-3.  
 Max. Oper. Pressure: 340 PSIG  
 Min. Test Pressure: 425 PSIG  
 Operating Pressure: Less than 200 PSIG  
 Max. Allow. Oper. Temperature: 140° Fahrenheit



NO.	DATE	REVISION	BY
3	6/14/18	Revised per engineers comments	JJB
2	4/26/18	Revised per engineers comments	JJB
1	4/9/18	Revised per engineers comments	JJB

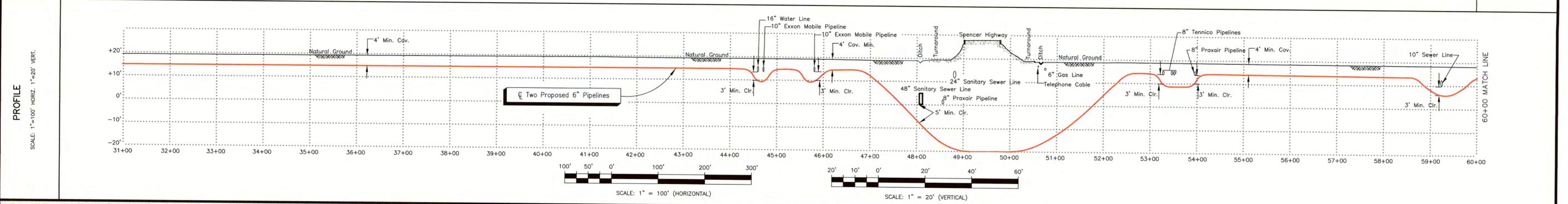
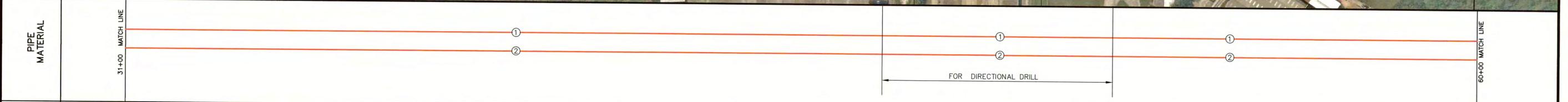
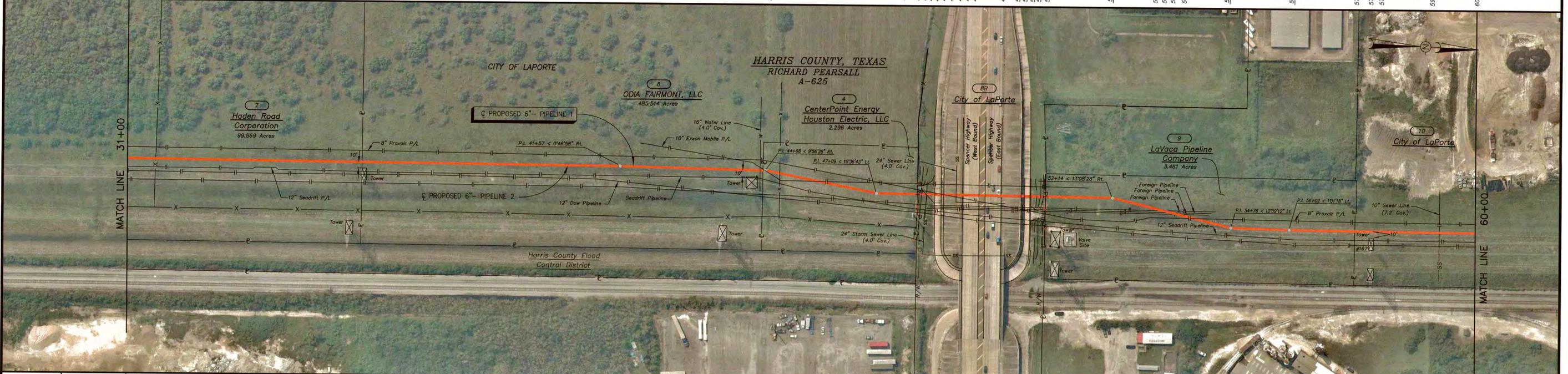
FOR: **KURARAY AMERICA, INC.**

TITLE: **PROPOSED 6" PIPELINE 1 FROM KURARAY BAYPORT TO KURARAY LAPORTE**

PREPARED BY: **COWBOY PIPELINE SERVICE COMPANY**  
HOUSTON, TEXAS

DRAWN BY	REVIEWED	SCALE	DATE
JJB	JJB	1=100'	2/05/18
CHECKED	APPROVED	SHEET NUMBER	LATEST ATTN
JJB	JJB	1 OF 5	3
DRAWING NUMBER: <b>CPSC-051</b>			

TERRAIN	FLAT LAND												
OWNERSHIP & RODS	31+00 MATCH LINE	7 HADEN ROAD CORPORATION 30.364 Rods	36+01	8 ODIA FAIRMONT, LLC 52.303 Rods	44+64	4 CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC 20.061 Rods	47+95	8R CITY OF LAPORTE SPENCER HIGHWAY 16.667 Rods	50+70	9 LAVACA PIPELINE COMPANY 40.727 Rods	57+42	10 CITY OF LAPORTE 15.636 Rods	60+00 MATCH LINE
STATIONING	31+00 Match Line 31+60 Fence Line	36+01 Property Line 36+02 Tower Leg, 10.0' RL 36+12 Tower Leg, 10.0' RL	41+57 P.I. < 0'46'58" RL	44+28 Tower Leg, 10.0' RL 44+53 Tower Leg, 10.0' RL 44+59 16" Water Line (4.0' Cover) 44+64 Property Line 44+67 10" Exxon Mobile P/L (4.2' Cover) 44+68 P.I. < 0'35'28" RL	44+19 Fence Line 45+83 10" Exxon Mobile P/L (4.3' Cover)	47+09 P.I. < 10'35'43" LL 47+95 Property Line 47+96 Fence Line 47+98 Overhead Power Line 48+15 48" Sanitary Sewer Line 48+16 Edge of Asphalt (Turn Around) 48+73 Praxair Pipeline 48+80 24" Sanitary Sewer Line (4.0' Cover) 48+97 Edge W. Bound Lanes (Overhead)	49+70 Edge E. Bound Lanes (Overhead) 50+38 Edge of Asphalt (Turn Around) 50+51 Undergrade Fire Line (3.0' Cover) 50+67 Undergrade Gas Line (5.0' Cover) 50+70 Property Line	52+14 P.I. < 13'08'28" RL	53+27 Foreign Pipeline (4.5' Cover) 53+46 Foreign Pipeline (4.5' Cover) 53+55 Foreign Pipeline (4.5' Cover) 53+96 8" Praxair Pipeline (4.3' Cover)	54+76 P.I. < 12'09'12" LL	56+02 P.I. < 10'11'18" LL	57+42 Property Line 57+72 Tower Leg, 10.0' RL 57+82 Tower Leg, 10.0' RL 59+23 10" Sewer Line (7.2' Cov.)	60+00 Match Line



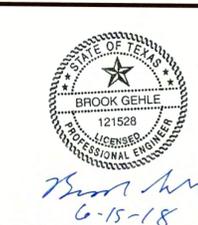
**LEGEND**

	PROPOSED PIPELINE		POWER POLE		REMOTE MONITORING DEVICE
	FOREIGN PIPELINE		BORE ENTRY / EXIT		(P.I.) POINT OF INTERSECTION
	BURIED CABLE (UG)		MATERIAL ITEM		EQUATION
	FENCE LINE		RECTIFIER		SANITARY SEWER
	WATER LINE		BOND BOX		DIRECTIONAL DRILL
	RAILROAD		ANODE BED		
	DITCH CENTERLINE		TEST STATION		
	ROAD CENTERLINE		T.S w/PERM. COUPON & REFERENCE CELL		
	PIPE CHANGE				
	MAIN LINE VALVE				

**Engineering/Construction Notes:**

- Pipeline design in accordance with Title 49, Subtitle B, Ch. 1 Sub Ch. D, Part 195 of the Code of Federal Regulations.
- Pipeline crossing designed per utility locations identified by Survey Utility locations are to be verified by Construction Contractor Via One-Call and visual or equivalent methods.
- A minimum of 1' separation shall be maintained between pipelines and existing structures/utilities.
- Drilling and pull-back parameters are the responsibility of the Drilling Contractor and are outside the scope of this drawing.

**Pipe 1 Specifications:**  
 Installation Method: HDD & Open Cut  
 Medium: Acetic Acid (AA)  
 Pipe Dims: 6.625" O.D., 0.250" W.T.  
 Pipe Mat: ASTM A312, Type 304 Dual Rated, ERW Stainless Steel, TGF-3,  
 Max. Oper. Pressure: 340 PSIG  
 Min. Test Pressure: 425 PSIG  
 Operating Pressure: Less than 200 PSIG  
 Max. Allow. Oper. Temperature: 140° Fahrenheit



NO.	DATE	REVISION	BY
3	6/14/18	Revised per engineers comments	JJB
2	4/26/18	Revised per engineers comments	JJB
1	4/9/18	Revised per engineers comments	JJB

**KURARAY AMERICA, INC.**

FOR: **PROPOSED 6" PIPELINE 1 FROM KURARAY BAYPORT TO KURARAY LAPORTE**

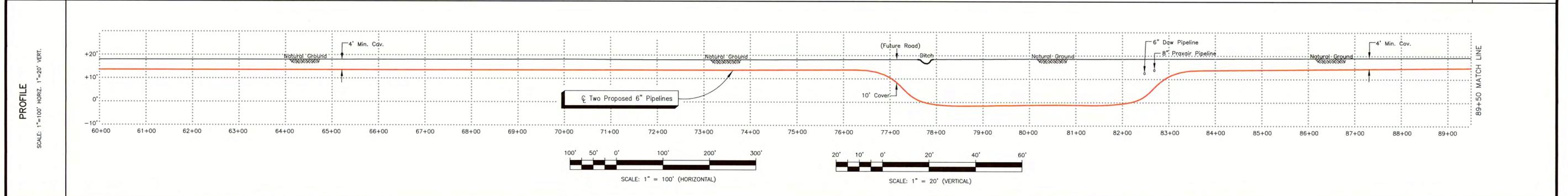
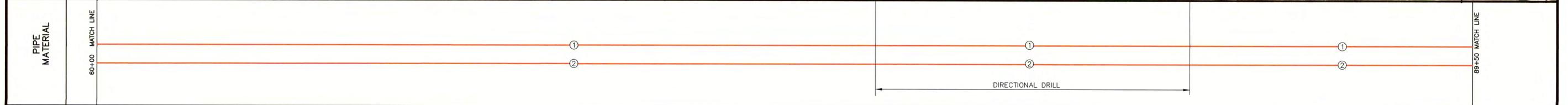
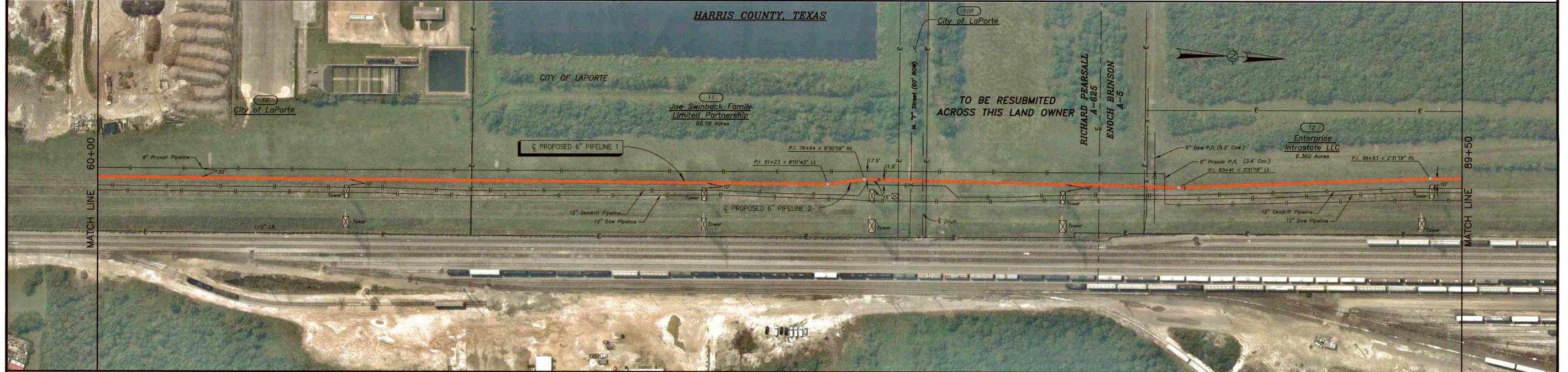
PREPARED BY: **COWBOY PIPELINE SERVICE COMPANY**  
HOUSTON, TEXAS

DATE	REVISION	SCALE	DATE
2/05/18		1"=100'	

SHEET NUMBER: 2 OF 5  
 SHEET ALTN: 3  
 DRAWING NUMBER: CPSC-052

TERRAIN	FLAT LAND										
OWNERSHIP & RODS	60+00 MATCH LINE	10 CITY OF LAPORTE 49.576 Rods	68+18	11 JOE SWINBACK FAMILY LIMITED PARTNERSHIP 55.654 Rods	77+36	10R CITY OF LAPORTE (NORTH F STREET) 3.636 Rods	77+96	TO BE RESUBMITTED ACROSS THIS LAND OWNER	82+66	12 ENTERPRISE INTRASTATE LLC 41.455 Rods	89+50 MATCH LINE

STATIONING	60+00 Match Line	62+50 8" Praxair Pipeline, 20' Lt.	65+41 Tower Leg, 10.0' Rt. 65+51 Tower Leg, 10.0' Rt.	68+17 Fence Line 68+18 Property Line	73+12 Tower Leg, 10.0' Rt. 73+22 Tower Leg, 10.0' Rt.	75+85 P.I. < 8'01" x 43" Lt.	76+64 P.I. < 9'30" x 58" Rt. 76+65 8" Praxair Pipeline, 17.5' Lt. 76+67 Tower Leg, 10.0' Rt. 77+00 12" Sadrift Pipeline, 10' Rt. 77+36 Property Line 77+65 Fence Line 77+65 Ditch Bank 77+65 Ditch 77+96 Property Line	81+85 Tower Leg, 10.0' Rt. 81+95 Tower Leg, 10.0' Rt.	82+66 Property Line 82+66 Fence Line	82+88 6" Dow Pipeline (5.2' Cov.) 83+15 Praxair Pipeline (3.4' Cov.) 83+41 P.I. < 3'31" x 18" Lt.	88+83 P.I. < 2'31" x 18" Rt. 88+83 Tower Leg, 10' Rt. 88+93 Tower Leg, 10' Rt.	89+50 Match Line
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LEGEND	
—	PROPOSED PIPELINE
— P —	FOREIGN PIPELINE
— C —	POWER LINE
— C —	BURIED CABLE (UG)
— x —	FENCE LINE
— C —	WATER LINE
—	RAILROAD
—	DITCH CENTERLINE
—	ROAD CENTERLINE
—	PIPE CHANGE
—	MAIN LINE VALVE
○	POWER POLE
⊕	BORE ENTRY / EXIT
⊕	MATERIAL ITEM
⊕	RECTIFIER
⊕	BOND BOX
⊕	ANODE BED
⊕	TEST STATION
⊕	T.S. w/PERM. COUPON & REFERENCE CELL
RMD	REMOTE MONITORING DEVICE
(P.I.)	(P.I.) POINT OF INTERSECTION
☆	EQUATION
SS	SANITARY SEWER
D D	DIRECTIONAL DRILL

Engineering/Construction Notes:

- Pipeline design in accordance with Title 49, Subtitle B, Ch. 1 Sub Ch. D, Part 195 of the Code of Federal Regulations.
- Pipeline crossing designed per utility locations identified by Survey Utility locations are to be verified by Construction Contractor Via One-Call and visual or equivalent methods.
- A minimum of 1' separation shall be maintained between pipelines and existing structures/utilities.
- Drilling and pull-back parameters are the responsibility of the Drilling Contractor and are outside the scope of this drawing.

Pipe 1 Specifications:  
 Installation Method: HDD & Open Cut  
 Median: Acetic Acid (AA)  
 Pipe Dims: 6.625" O.D. 0.250" W.T.  
 Pipe Mat. ASTM A312, Type 304 Dual Rated,  
 ERW Stainless Steel, TGF-3  
 Max. Oper. Pressure: 340 PSIG  
 Min. Test Pressure: 425 PSIG  
 Operating Pressure: Less than 200 PSIG  
 Max. Allow. Oper. Temperature: 140° Fahrenheit

6-15-18

NO.	DATE	REVISION	BY
3	6/14/18	Revised per engineers comments	JJB
2	4/26/18	Revised per engineers comments	JJB
1	4/9/18	Revised per engineers comments	JJB

**KURARAY AMERICA, INC.**

**PROPOSED 6" PIPELINE 1  
FROM KURARAY BAYPORT  
TO KURARAY LAPORTE**

NO.	DATE	REVISION	BY
3	6/14/18	Revised per engineers comments	JJB
2	4/26/18	Revised per engineers comments	JJB
1	4/9/18	Revised per engineers comments	JJB

**COWBOY PIPELINE SERVICE COMPANY**  
HOUSTON, TEXAS

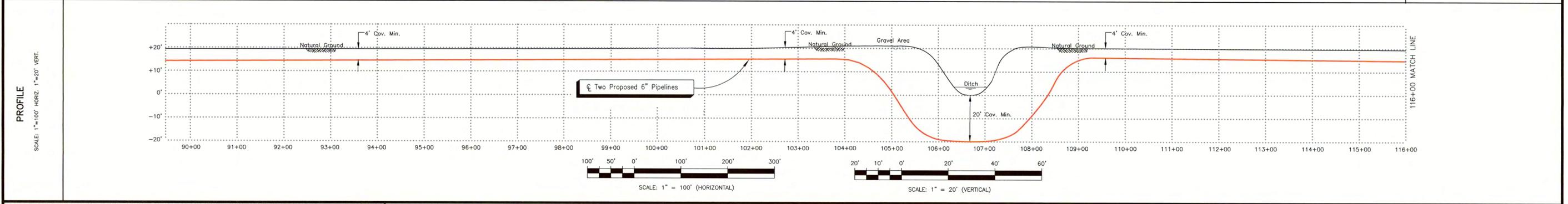
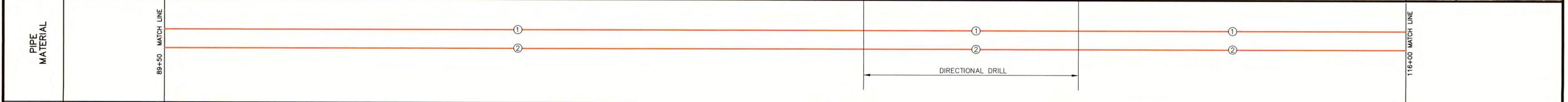
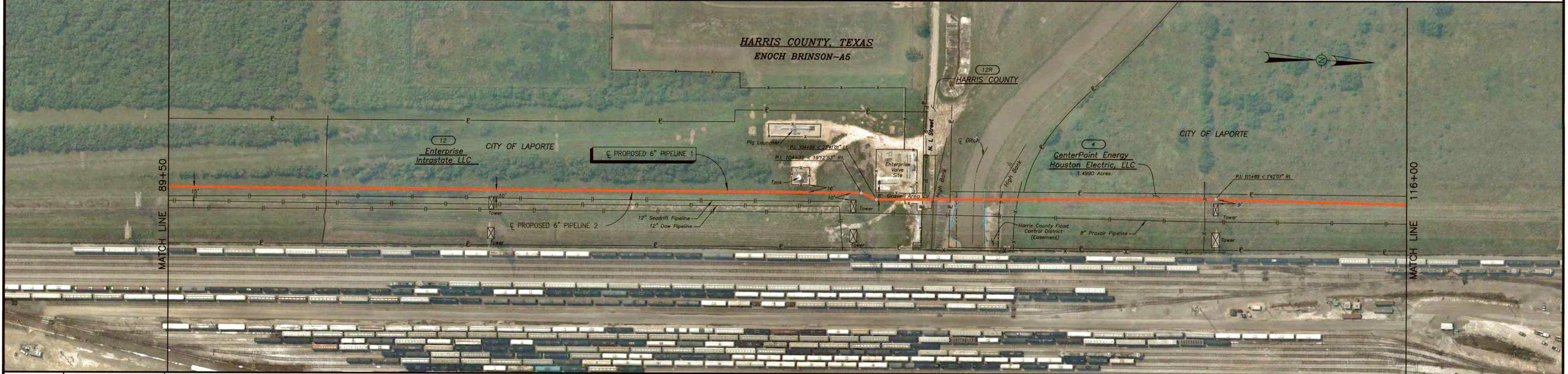
SCALE: 1"=100'  
DATE: 2/05/18

SHEET NUMBER: 3 OF 5  
LATEST ALTN: 3

DRAWING NUMBER: CPSC-053

TERRAIN	FLAT LAND				
OWNERSHIP & RODS	89+50 MATCH LINE	<p>12</p> <p><b>ENTERPRISE INTRASTATE LLC</b></p> <p>138.667 Rods</p>	<p>12R</p> <p><b>HARRIS COUNTY</b></p> <p>3.636 Rods</p>	<p>4</p> <p><b>CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC</b></p> <p>59.091 Rods</p>	116+00 MATCH LINE

STATIONING	89+50 Match Line	90+00 12" Seadrift Pipeline, 15' Rt.	92+87 Fence Line	96+88 Tower Leg, 10' Rt. 96+99 Tower Leg, 10' Rt.	102+82 Fence Corner, 16' Lt. 103+20 Fence Corner, 16' Lt.	104+10 Tower Leg, 10' Rt. 104+20 Tower Leg, 15' Rt. 104+32 P.I. < 197'2.53" Rt. 104+35 Fence, 8' Lt. 104+66 P.I. < 23'41'01" Lt.	105+27 Fence Line 105+65 Property Line 105+99 High Bank 106+25 Property Line 106+47 Edge of Water 106+79 & Ditch 106+99 Edge of Water 107+31 High Bank 107+67 Fence Line	111+69 Fence Line 111+89 Tower Leg, 9' Rt. 111+99 P.I. < 129'2'00" Rt. 111+99 Tower Leg, 9' Rt.	116+00 Match Line
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**LEGEND**

	PROPOSED PIPELINE		POWER POLE		REMOTE MONITORING DEVICE
	FOREIGN PIPELINE		BORE ENTRY / EXIT		(P.I.) POINT OF INTERSECTION
	POWER LINE		MATERIAL ITEM		EQUATION
	BURIED CABLE (UG)		RECTIFIER		SANITARY SEWER
	FENCE LINE		BOND BOX		DIRECTIONAL DRILL
	WATER LINE		ANODE BED		TEST STATION
	RAILROAD		T.S. w/PERM. COUPON & REFERENCE CELL		
	DITCH CENTERLINE				
	ROAD CENTERLINE				
	PIPE CHANGE				
	MAIN LINE VALVE				

**Engineering/Construction Notes:**

- Pipeline design in accordance with Title 49, Subtitle B, Ch. 1 Sub Ch. D, Part 195 of the Code of Federal Regulations.
- Pipeline crossing designed per utility locations identified by Survey Utility locations are to be verified by Construction Contractor Via One-Call and visual or equivalent methods.
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**Pipe 1 Specifications:**  
 Installation Method: HDD & Open Cut  
 Median: Acetic Acid (AA)  
 Pipe Dims: 6.625" O.D. 0.250" W.T.  
 Pipe Mat: ASTM A312, Type 304 Dual Rated, ERW Stainless Steel, TIG-3,  
 Max. Oper. Pressure: 340 PSIG  
 Min. Test Pressure: 425 PSIG  
 Operating Pressure: Less than 200 PSIG  
 Max. Allow. Oper. Temperature: 140° Fahrenheit

**Professional Engineer:**  
 BROCK GEHLE  
 121528  
 LICENSED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 6-15-18

NO.	DATE	REVISION	BY
3	6/14/18	Revised per engineers comments	JJB
2	4/26/18	Revised per engineers comments	JJB
1	4/9/18	Revised per engineers comments	JJB

FOR: **KURARAY AMERICA, INC.**

TITLE: **PROPOSED 6" PIPELINE 1 FROM KURARAY BAYPORT TO KURARAY LAPORTE**

PREPARED BY: **COWBOY PIPELINE SERVICE COMPANY HOUSTON, TEXAS**

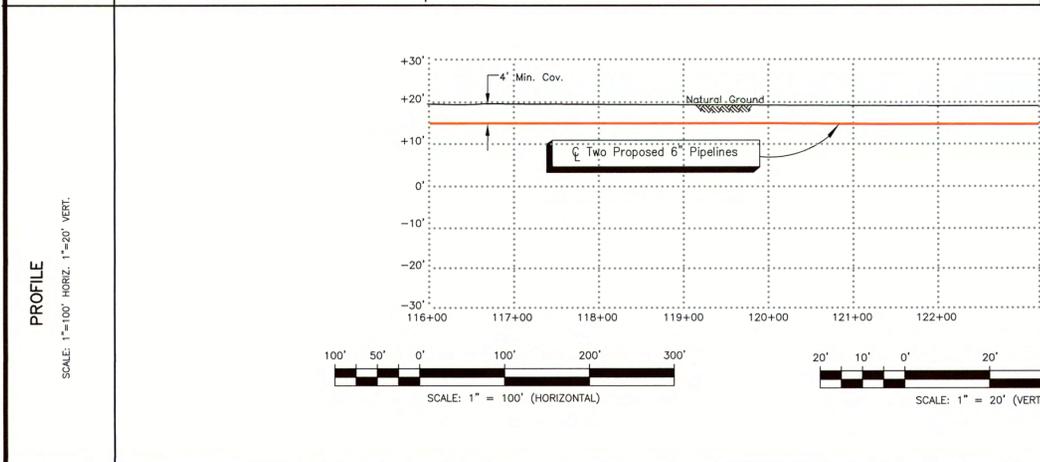
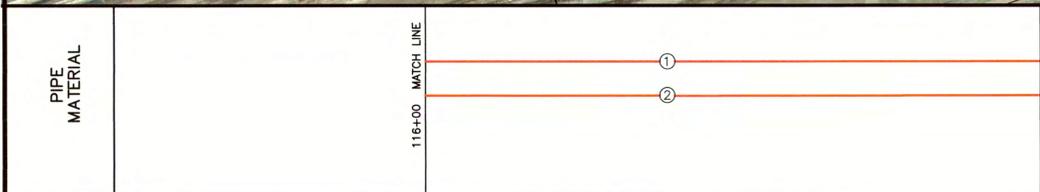
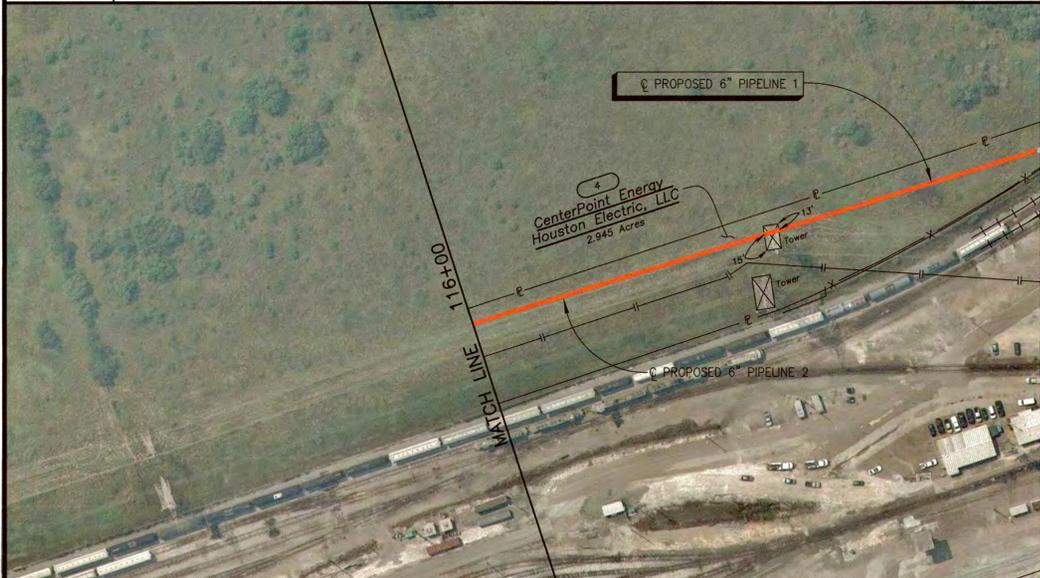
NO.	DATE	REVISION	BY
3	6/14/18	Revised per engineers comments	JJB
2	4/26/18	Revised per engineers comments	JJB
1	4/9/18	Revised per engineers comments	JJB

SCALE: 1" = 100' DATE: 2/05/18

CHECKED: APPROVED SHEET NUMBER: 4 OF 5 LATEST ALBN: 3

DRAWING NUMBER: **CPSC-054**

TERRAIN	FLAT LAND	
OWNERSHIP & RODS	116+00 MATCH LINE	122+95
STATIONING	116+00 Match Line	122+95
	<p style="text-align: center;">4  <b>CENTERPOINT ENERGY</b>  <b>HOUSTON ELECTRIC, LLC</b>          43.697 Rods</p> <p style="text-align: center;">119+60 Tower Leg, 15' RL          119+72 Tower Leg, 13' LL</p>	



**LEGEND**

	PROPOSED PIPELINE		POWER POLE		REMOTE MONITORING DEVICE
	FOREIGN PIPELINE		BORE ENTRY / EXIT		(P.I.) POINT OF INTERSECTION
	POWER LINE		MATERIAL ITEM		EQUATION
	BURIED CABLE (UG)		RECTIFIER		SANITARY SEWER
	FENCE LINE		BOND BOX		DIRECTIONAL DRILL
	WATER LINE		ANODE BED		
	RAILROAD		TEST STATION		
	DITCH CENTERLINE		T.S w/PERM. COUPON & REFERENCE CELL		
	ROAD CENTERLINE				
	PIPE CHANGE				
	MAIN LINE VALVE				

**Engineering/Construction Notes:**

- Pipeline design in accordance with Title 49, Subtitle B, Ch. 1, Sub Ch. D, Part 195 of the Code of Federal Regulations.
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 Median: Acetic Acid (AA)  
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 Pipe Mat. ASTM A312, Type 304 Dual Rated, ERW Stainless Steel, TGF-3.  
 Max. Oper. Pressure: 340 PSIG  
 Min. Test Pressure: 425 PSIG  
 Operating Pressure: Less than 200 PSIG  
 Max. Allow. Oper. Temperature: 140° Fahrenheit

*Brook Gehle*  
6-22-18

NO.	DATE	REVISION	BY
3	6/14/18	Revised per engineers comments	JJB
2	4/26/18	Revised per engineers comments	JJB
1	4/9/18	Revised per engineers comments	JJB

**KURARAY AMERICA, INC.**

**PROPOSED 6" PIPELINE 1  
FROM KURARAY BAYPORT  
TO KURARAY LAPORTE**

DESIGN BY	REVIEWED	SCALE	DATE
JJB	JJB	1"=100'	2/05/18
CHECKED	APPROVED	SHEET NUMBER	LATEST ALTN
JJB	JJB	5 OF 5	3
DRAWING NUMBER: CPSC-055			

PREPARED BY:  
**C O W B O Y**  
PIPELINE SERVICE COMPANY  
HOUSTON, TEXAS





# SITE DEVELOPMENT REVIEW/PERMIT APPLICATION

10555 Northwest Freeway Suite 120 Houston, TX 77092 Main Phone: 713-956-3000 Monday Friday 7:30am 4:00pm

## PROPOSED DRIVEWAYS (Only)

Culvert Length _____ Linear Feet Driveway Width _____ Linear Feet Driveway material _____ Nearest cross street _____ Distance to nearest cross street _____ Ft Direction of driveway in relation to nearest cross street N S E W (Select One) <b>N</b>	Culvert Length _____ Linear Feet Driveway Width _____ Linear Feet Driveway material _____ Nearest cross street _____ Distance to nearest cross street _____ Ft Direction of driveway in relation to nearest cross street <b>N</b> N S E W (Select One)
Culvert Length _____ Linear Feet Driveway Width _____ Linear Feet Driveway material _____ Nearest cross street _____ Distance to nearest cross street _____ Ft Direction of driveway in relation to nearest cross street N S E W (Select One) <b>N</b>	Culvert Length _____ Linear Feet Driveway Width _____ Linear Feet Driveway material _____ Nearest cross street _____ Distance to nearest cross street _____ Ft Direction of driveway in relation to nearest cross street <b>N</b> N S E W (Select One)

## CIVIL DEVELOPMENT (Check all applicable boxes)

<input type="checkbox"/> <b>Sitework</b> Est. Constr. Cost \$ _____	<input type="checkbox"/> <b>Enclosed Structure</b> (Not requiring Fire Code)	
<input type="checkbox"/> <b>Subdivision</b> Number of Lots _____	Structure # or Type _____ Use _____	Cost \$ _____ SqFt _____
<input type="checkbox"/> <b>Mobilehome Park</b> Number of Spaces _____	Structure # or Type _____ Use _____	Cost \$ _____ SqFt _____
<input type="checkbox"/> <b>RV Park</b> Number of Spaces _____	Structure # or Type _____ Use _____	Cost \$ _____ SqFt _____
<input type="checkbox"/> <b>Fence</b> Cost \$ _____	Structure # or Type _____ Use _____	Cost \$ _____ SqFt _____
<input type="checkbox"/> <b>Other</b> _____ Cost \$ _____	Structure # or Type _____ Use _____	Cost \$ _____ SqFt _____

## SEWER AND WATER SYSTEM (Check all applicable boxes)

<b>PUBLIC</b> <input type="checkbox"/> Proposed <input type="checkbox"/> Existing	<b>PRIVATE</b> <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Existing
Public water and sewer system provider name: _____	Provide Harris County septic permit number: <u>innate</u>

## AFFIDAVIT (If applicable)

Detention Pond Receipt # \_\_\_\_\_ from County Clerk Office. Storm Water Quality Receipt # \_\_\_\_\_ from County Clerk Office.

All development and driveway construction must be completed in accordance with the Regulations of Harris County, Texas for Flood Plain Management (Adopted 8-28-97) and the Regulations of Harris County for the Construction of Driveways and/or Culverts on County Easements and Rights of Way. This application is valid only for property located in the Unincorporated Areas of Harris County, Texas. The Owner hereby acknowledges and agrees to be strictly bound to Commissioners' Court of Harris County in ensuring that all provisions, conditions and requirements attached to the issuance of the development permit(s) under the Regulations of Harris County, Texas for Flood Plain Management and driveway permit(s) under the Regulations of Harris County for the Construction of Driveways and/or Culverts on County Easements and Rights of Way will be faithfully and fully complied with.

The Owner understands and agrees that the County Engineer may make scheduled or unscheduled inspections of the property upon the issuance of the permit. The Owner acknowledges that the driveway construction must be inspected before the concrete is poured and after it is finished. The Owner is aware that pursuant to Chapter 352 of the Texas Local Government Code, the County Fire Marshal may, in the interests of safety and fire prevention, inspect certain structures for fire hazards. If the Owner is a corporation, partnership or other legal entity other than a natural person, then the undersigned acting as the authorized representative of said entity will be responsible for ensuring the entity's compliance with all provisions, conditions and requirements of the development and driveway permit.

**(Initials Required)** The owner acknowledges that fill placed on subject land is in such manner so as not to flood or otherwise damage any land adjoining or near the land in which the fill is placed. The owner further acknowledges that he or she has read Section 11.086 of the Texas Water Code Annotated and is familiar with the provisions of said statute.

KE

Kirby Ewing \_\_\_\_\_ 2/7/2018  
Print Name Above (APPLICANT) Signature (APPLICANT) Date

### DO NOT WRITE BELOW THIS LINE HARRIS COUNTY OFFICE USE ONLY

Receiving	Permit Tech:	Records	Date paid:
Applicant#:	Permit Tech:	Develop Number	Cashier:
Request#:	Approved by:		Application Fee:
Property#:	Date:	Service Request:	Code:
Clerk:	Violation#:		Inspection Fee:
Date:	Vio. Date:		Code:

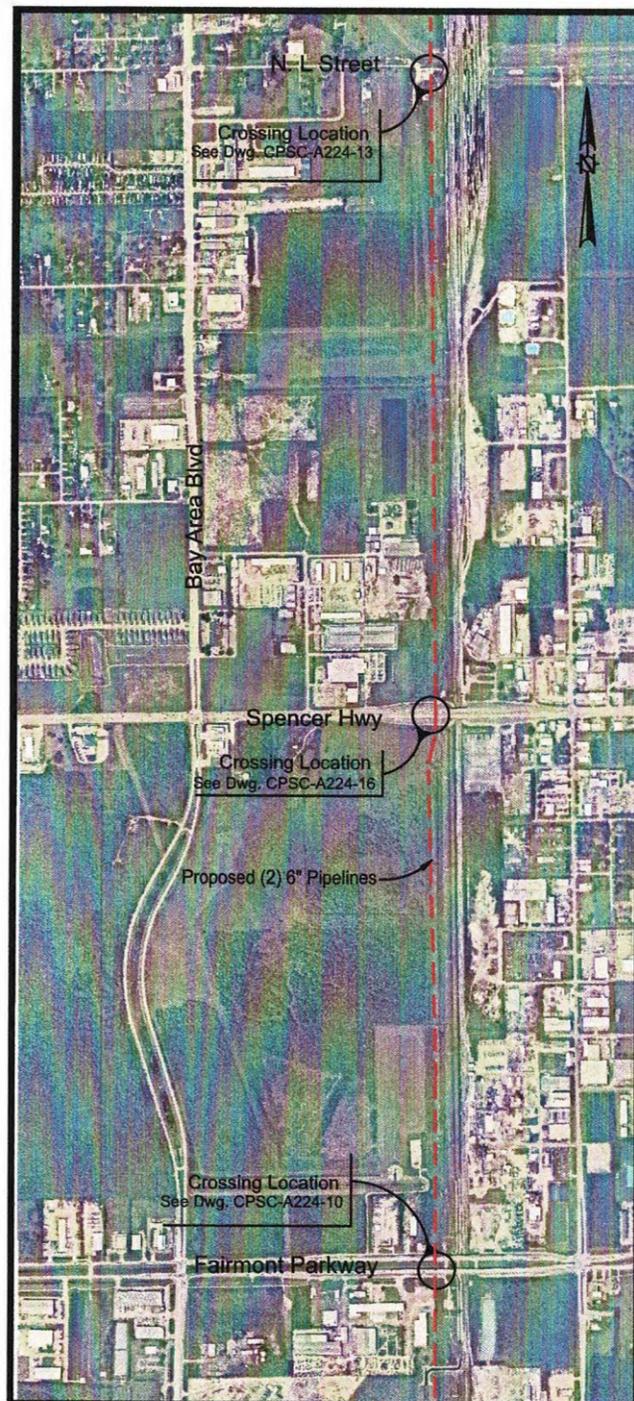
**EXHIBIT "A"**  
**ENGINEERS COVER PAGE**

**HARRIS COUNTY FAIRMONT PARKWAY,  
HARRIS COUNTY NORTH L STREET R.O.W.  
AND SPENCER HIGHWAY R.O.W.**

**Key Map Number = 580-E and 540-S**

**Project Name - Cowboy Pipeline (2) 6 5/8" Pipelines Crossing Under Harris County R.O.W.**

**Project Description** - Cowboy Pipeline Service Co., on behalf of Kuraray America ("KA"), is installing two (2) new 6 5/8" O.D. stainless steel pipelines that begin at KA Bayport plant and terminating at the KA-LaPorte plant. There are (2) Harris County R.O.W. crossings see Vicinity Map this page for locations. The total distance of the project is approximately 25,000 lineal feet. The construction method selected to cross under the Harris County R.O.W. will be Horizontal Directional Drilling ("HDD"). The Horizontal Directional Drilling entry point and the exit point will be outside the Harris County R.O.W. fee property. There will be **NO** surface construction damage on said fee property - (see details showing depths below the ground). Construction will be in accordance with Title 49, Subtitle B, Ch.1, Subchapter D, Part 195 of the Code of Federal Regulations. OSHA Rules and Regulations and API 1102 - Recommended Practices for Pipeline Crossing Highways, Railroads and Water Drainage Canals.



**VICINITY MAP**  
NTS

**Harris County R.O.W. Notes Section**

A Notification issued by HC Infrastructure Department- Permits Office - is required for proposed work within Harris County Right-of-Way. The project must be approved prior to obtaining the required Notification. A Notification must be obtained separately from site development permit package. For additional information please visit: [http://hcpid.org/permits/pr\\_notification\\_of\\_construction.html](http://hcpid.org/permits/pr_notification_of_construction.html) or contact Public Review Inspections Department ☎ (713)274-3931



**General Note:**

1. The Engineering Stamp is intended to represent the design conditions, and the RPLS Stamp is intended to represent the survey data where applicable.

<b>C O W B O Y</b> PIPELINE SERVICE COMPANY HOUSTON, TEXAS		
TITLE HARRIS COUNTY RIGHT OF WAY		
DRAWN BY: JJB	DATE: 12/21/17	DRAWING NUMBER
CHECKED BY:	DATE:	CPSC-A224-09
SCALE: Noted		

NO.	DATE	REVISION	BY
1	3/12/18	Revised per engineers comments	JJB
0	1/31/18	Revised per engineers comments	JJB

HARRIS COUNTY, TEXAS  
RICHARD PEARSALL, A-625

A Notification issued by HC Infrastructure Department- Permits Office - is required for proposed work within Harris County Right-of-Way. The project must be approved prior to obtaining the required Notification. A Notification must be obtained separately from site development permit package. For additional information please visit: [http://hcpid.org/permits/pr\\_notification\\_of\\_construction.html](http://hcpid.org/permits/pr_notification_of_construction.html) or contact Public Review Inspections Department @ (713)274-3931

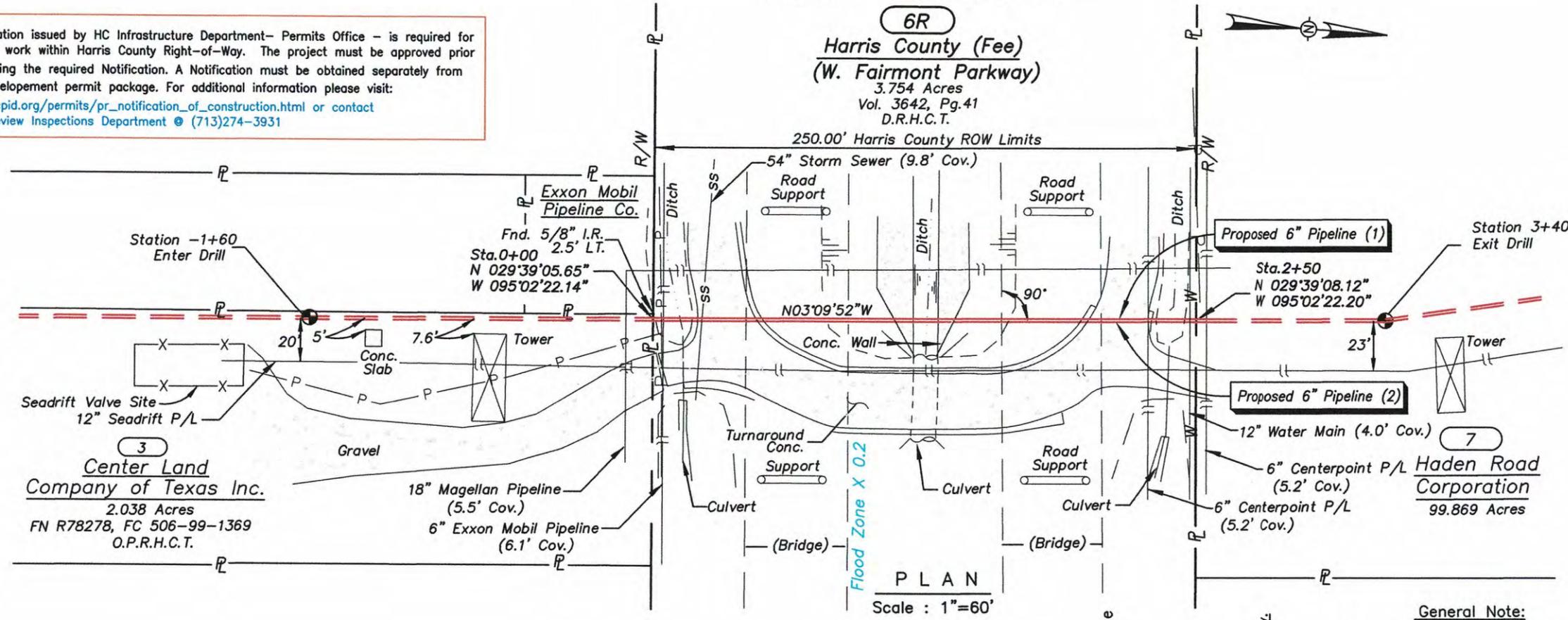


EXHIBIT "B"



**Center Land Company of Texas Inc.**  
2.038 Acres  
FN R78278, FC 506-99-1369  
O.P.R.H.C.T.

**6R**  
Harris County (Fee)  
(W. Fairmont Parkway)  
3.754 Acres  
Vol. 3642, Pg.41  
D.R.H.C.T.

General Note:

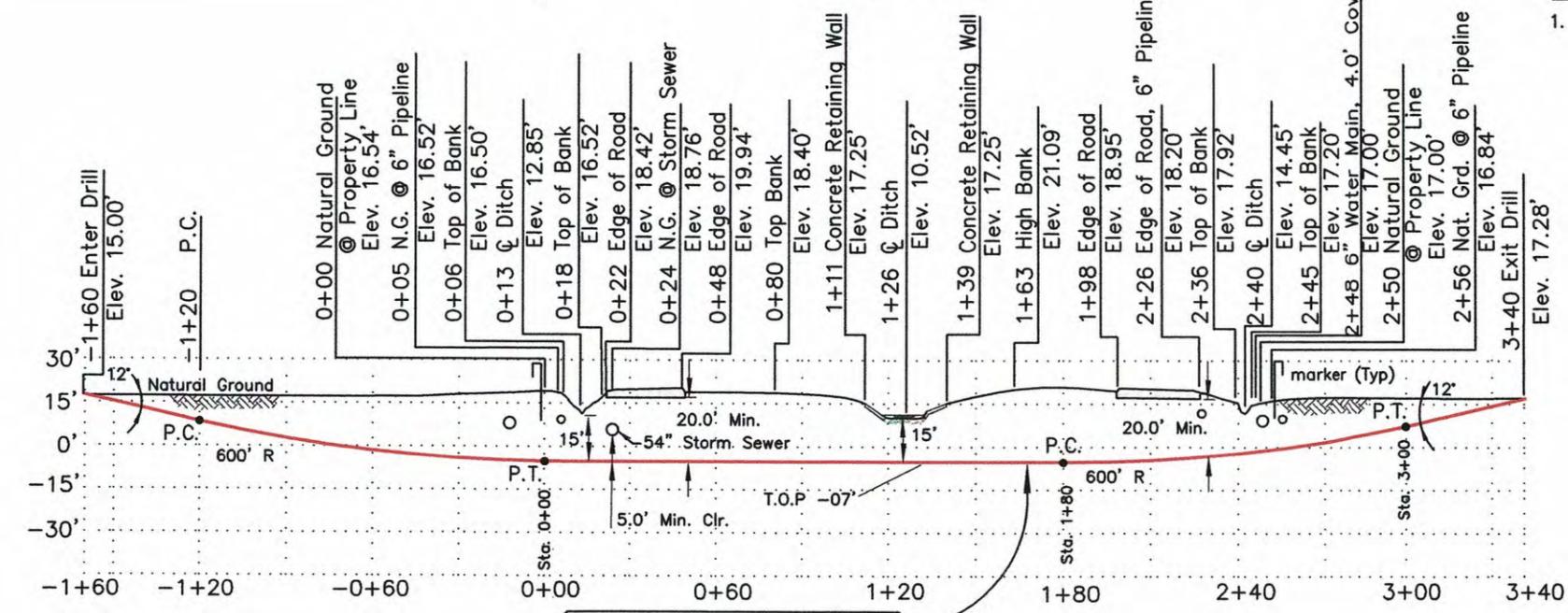
- The Engineering Stamp is intended to represent the design conditions, and the RPL Stamp is intended to represent the survey data where applicable.

Survey Notes:

- THIS DRAWING IS NOT TO BE CONSTRUED AS A BOUNDARY SURVEY. LOCATION OF BOUNDARY LINES SHOWN IN THIS DRAWING WERE MADE USING DOCUMENTATION AND FIELD EVIDENCE MADE AVAILABLE TO THE SURVEYOR AT THE TIME THE SURVEY WAS MADE ON THE GROUND TO BE CONFIRMED AT CONSTRUCTION.
- BASIS OF BEARING NAD 83, TEXAS STATE PLANE SOUTH CENTRAL, US SURVEY FOOT.

Engineering/Construction Notes:

- Pipeline design in accordance with Title 49, Subtitle B. Ch. 1 Sub Ch. D. Part 195 of the Code of Federal Regulations.
- Pipeline crossing designed per utility locations identified by Survey Utility locations are to be verified by Construction Contractor Via One-Call and visual or equivalent methods.
- A minimum of 1' separation shall be maintained between pipelines and existing structures/utilities.
- Drilling and pull-back parameters are the responsibility of the Drilling Contractor and are outside the the scope of this drawing.



- LEGEND**
- R = RADIUS
  - P.T. = POINT OF TANGENT (END RADIUS)
  - P.C. = POINT OF CURVATURE (RADIUS)
  - P.O.B. = POINT OF BEGINNING
  - I.R. = IRON ROD
  - D.R.H.C.T. = DEED RECORDS, HARRIS COUNTY, TEXAS
  - O.P.R.H.C.T. = OFFICIAL PUBLIC RECORDS, HARRIS COUNTY, TEXAS

**Pipe 1 Specifications:**  
Installation Method: HDD  
Median: Acetic Acid (AA)  
Pipe Dims: 6.625" O.D. 0.250" W.T.  
Pipe Mat: ASTM A312, Type 316 Dual Rated, ERW Stainless Steel, TGF-3.  
Max. Oper. Pressure: 340 PSIG  
Min. Test Pressure: 425 PSIG

**Pipe 2 Specifications:**  
Installation Method: HDD  
Median: Vinyl Acetate Monomer (VAM)  
Pipe Dims: 6.625" O.D. 0.250" W.T.  
Pipe Mat: ASTM A312, Type 304 Dual Rated, ERW Stainless Steel, TGF-3.  
Max. Oper. Pressure: 340 PSIG  
Min. Test Pressure: 425 PSIG

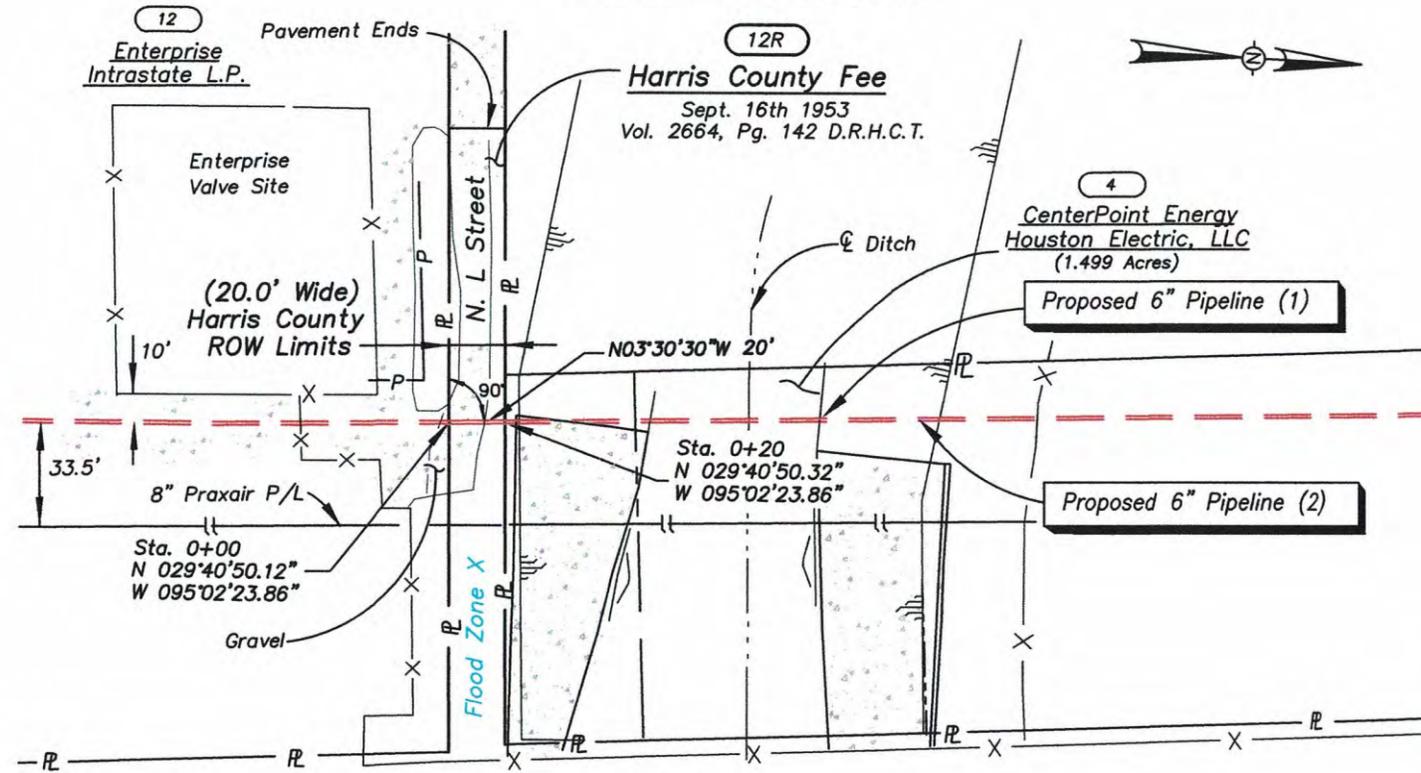
**PROFILE**  
Scale : 1"=60' Horiz. & Vert

TOTAL LENGTH 250.00 FEET =15.152 RODS

**COWBOY PIPELINE SERVICE COMPANY**  
HOUSTON, TEXAS

(2) PROPOSED 6" PIPELINES ACROSS HARRIS COUNTY W. FAIRMONT PARKWAY

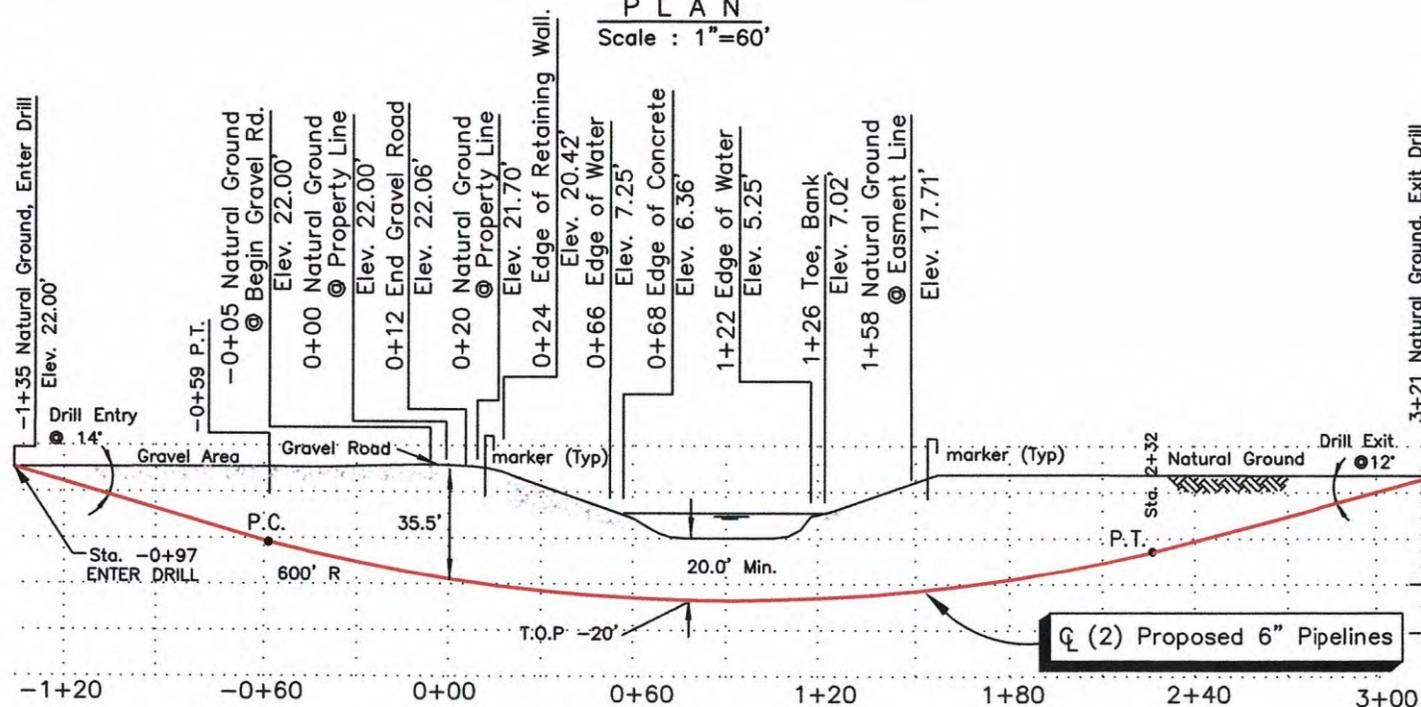
0	3/12/18	Revised per engineers comments	JJB
0	1/22/18	Revised per engineers comments	JJB
NO.	DATE	REVISION	BY
DRAWN BY: JJB			DATE: 11/9/17
CHECKED BY:			DRAWING NUMBER
SCALE: Noted			CPSC-A224-10



*Brook Gehle*  
3-13-18

A Notification issued by HC Infrastructure Department- Permits Office - is required for proposed work within Harris County Right-of-Way. The project must be approved prior to obtaining the required Notification. A Notification must be obtained separately from development permit package. For additional information please visit:  
[http://hcpid.org/permits/pr\\_notification\\_of\\_construction.html](http://hcpid.org/permits/pr_notification_of_construction.html) or contact Public Review Inspections Department ☎ (713)274-3931

PLAN  
Scale : 1"=60'



PROFILE  
Scale : 1"=60' Horiz. & Vert.

LEGEND

- R = RADIUS
- P.T. = POINT OF TANGENT (END RADIUS)
- P.C. = POINT OF CURVATURE (RADIUS)
- P.O.B. POINT OF BEGINNING
- I.R. IRON ROD
- D.R.H.C.T. DEED RECORDS, HARRIS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HARRIS COUNTY, TEXAS

Pipe 1 Specifications:

Installation Method: HDD  
Median: Acetic Acid (AA)  
Pipe Dims: 6.625" O.D. 0.250" W.T.  
Pipe Mat: ASTM A312, Type 316 Dual Rated, ERW Stainless Steel, TGF-3.  
Max. Oper. Pressure: 340 PSIG  
Min. Test Pressure: 425 PSIG

Pipe 2 Specifications:

Installation Method: HDD  
Median: Vinyl Acetate Monomer (VAM)  
Pipe Dims: 6.625" O.D. 0.250" W.T.  
Pipe Mat: ASTM A312, Type 304 Dual Rated, ERW Stainless Steel, TGF-3.  
Max. Oper. Pressure: 340 PSIG  
Min. Test Pressure: 425 PSIG

General Note:

1. The Engineering Stamp is intended to represent the design conditions, and the RPLS Stamp is intended to represent the survey data where applicable.

Survey Notes:

1. THIS DRAWING IS NOT TO BE CONSTRUED AS A BOUNDARY SURVEY. LOCATION OF BOUNDARY LINES SHOWN IN THIS DRAWING WERE MADE USING DOCUMENTATION AND FIELD EVIDENCE MADE AVAILABLE TO THE SURVEYOR AT THE TIME THE SURVEY WAS MADE ON THE GROUND TO BE CONFIRMED AT CONSTRUCTION.
2. BASIS OF BEARING NAD 83, TEXAS STATE PLANE SOUTH CENTRAL, US SURVEY FOOT.

Engineering/Construction Notes:

1. Pipeline design in accordance with Title 49, Subtitle B. Ch. 1 Sub Ch. D. Part 195 of the Code of Federal Regulations.
2. Pipeline crossing designed per utility locations identified by Survey Utility locations are to be verified by Construction Contractor Via One-Call and visual or equivalent methods.
3. A minimum of 1' separation shall be maintained between pipelines and existing structures/utilities.
4. Drilling and pull-back parameters are the responsibility of the Drilling Contractor and are outside the the scope of this drawing.

TOTAL LENGTH 20 FEET = 1.212 RODS

**COWBOY**  
PIPELINE SERVICE COMPANY  
HOUSTON, TEXAS

(2) PROPOSED 6" PIPELINES ACROSS  
HARRIS COUNTY " NORTH L STREET "  
RIGHT OF WAY

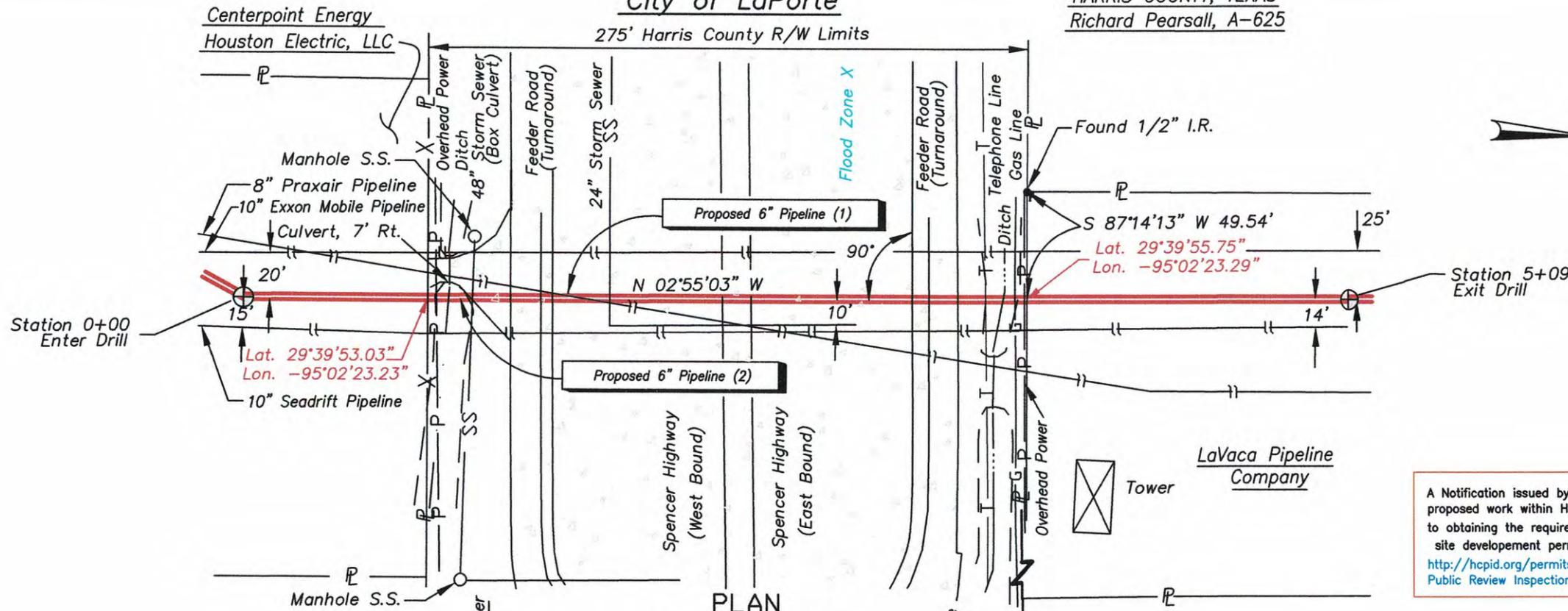
1	3/12/18	Revised per engineers comments	JJB
0	1/18/18	Revised per engineers comments	JJB
NO.	DATE	REVISION	BY

DRAWN BY: JJB	DATE: 12/28/17	DRAWING NUMBER
CHECKED BY:	DATE:	CPSC-A224-13
SCALE: Noted		

City of LaPorte

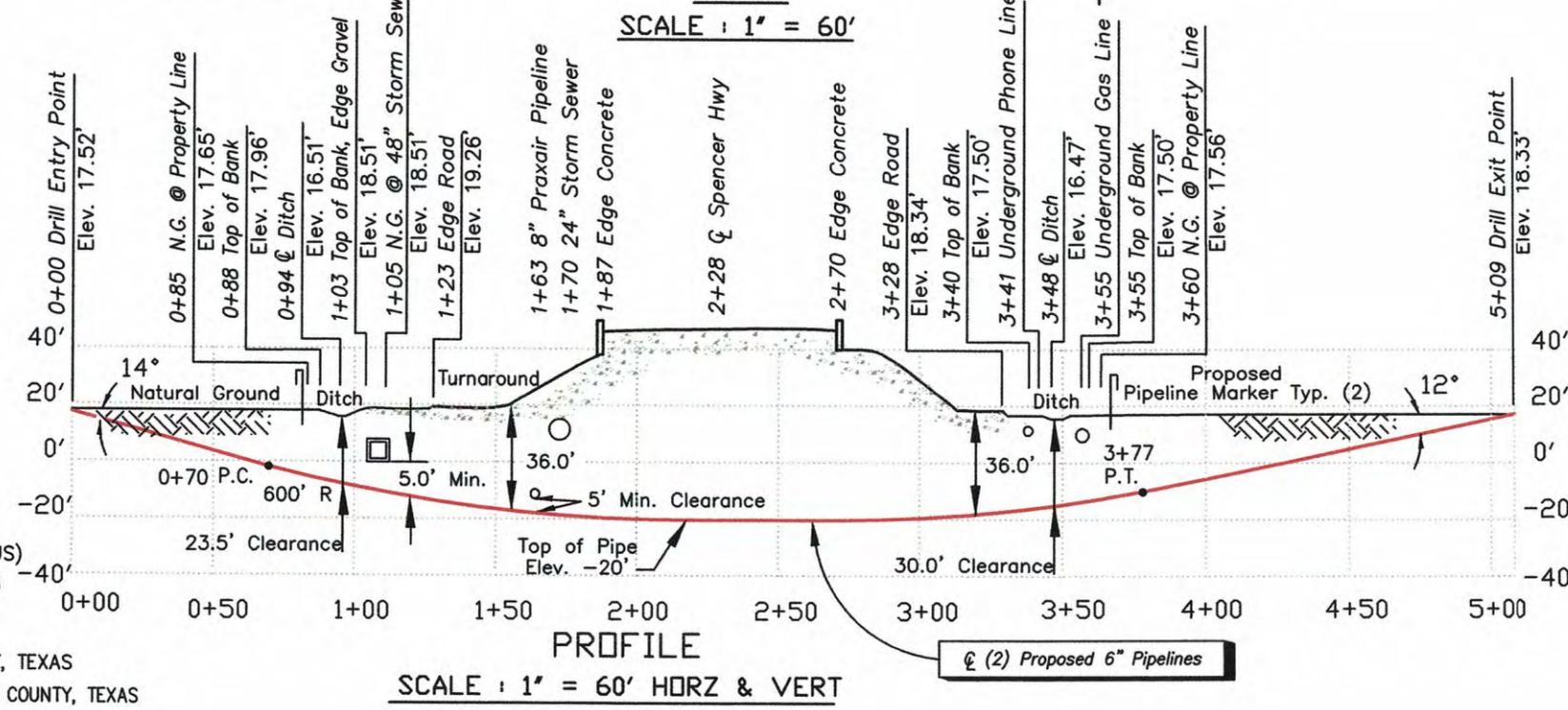
HARRIS COUNTY, TEXAS  
Richard Pearsall, A-625

EXHIBIT "D"



A Notification issued by HC Infrastructure Department- Permits Office - is required for proposed work within Harris County Right-of-Way. The project must be approved prior to obtaining the required Notification. A Notification must be obtained separately from site development permit package. For additional information please visit: [http://hcpid.org/permits/pr\\_notification\\_of\\_construction.html](http://hcpid.org/permits/pr_notification_of_construction.html) or contact Public Review Inspections Department @ (713)274-3931

PLAN  
SCALE: 1" = 60'



PROFILE  
SCALE: 1" = 60' HORZ & VERT

- LEGEND**
- R = RADIUS
  - P.T. = POINT OF TANGENT (END RADIUS)
  - P.C. = POINT OF CURVATURE (RADIUS)
  - P.O.B. = POINT OF BEGINNING
  - I.R. = IRON ROD
  - D.R.H.C.T. = DEED RECORDS, HARRIS COUNTY, TEXAS
  - O.P.R.H.C.T. = OFFICIAL PUBLIC RECORDS, HARRIS COUNTY, TEXAS
  - P — PROPOSED BASELINE
  - P — PROPERTY LINE
  - X — ADJOINING PROPERTY LINE
  - x — FENCE LINE
  - P — OVERHEAD POWER LINE
  - T — UNDERGROUND TELEPHONE LINE
  - G — UNDERGROUND GAS LINE
  - // — EXISTING PIPELINE

- Pipe 1 Specifications:**  
 Installation Method: HDD  
 Median: Acetic Acid (AA)  
 Pipe Dims: 6.625" O.D. 0.250" W.T.  
 Pipe Mat: ASTM A312, Type 316 Dual Rated, ERW Stainless Steel, TGF-3.  
 Max. Oper. Pressure: 340 PSIG  
 Min. Test Pressure: 425 PSIG
- Pipe 2 Specifications:**  
 Installation Method: HDD  
 Median: Vinyl Acetate Monomer (VAM)  
 Pipe Dims: 6.625" O.D. 0.250" W.T.  
 Pipe Mat: ASTM A312, Type 304 Dual Rated, ERW Stainless Steel, TGF-3.  
 Max. Oper. Pressure: 340 PSIG  
 Min. Test Pressure: 425 PSIG

- General Note:**
- The Engineering Stamp is intended to represent the design conditions, and the RPLS Stamp is intended to represent the survey data where applicable.
- Survey Notes:**
- THIS DRAWING IS NOT TO BE CONSTRUED AS A BOUNDARY SURVEY. LOCATION OF BOUNDARY LINES SHOWN IN THIS DRAWING WERE MADE USING DOCUMENTATION AND FIELD EVIDENCE MADE AVAILABLE TO THE SURVEYOR AT THE TIME THE SURVEY WAS MADE ON THE GROUND TO BE CONFIRMED AT CONSTRUCTION.
  - BASIS OF BEARING NAD 83, TEXAS STATE PLANE SOUTH CENTRAL, US SURVEY FOOT.
- Engineering/Construction Notes:**
- Pipeline design in accordance with Title 49, Subtitle B, Ch. 1 Sub Ch. D. Part 195 of the Code of Federal Regulations.
  - Pipeline crossing designed per utility locations identified by Survey Utility locations are to be verified by Construction Contractor Via One-Call and visual or equivalent methods.
  - A minimum of 1' separation shall be maintained between pipelines and existing structures/utilities.
  - Drilling and pull-back parameters are the responsibility of the Drilling Contractor and are outside the the scope of this drawing.

TOTAL LENGTH 275.00 FEET = 16.667 RODS

**COWBOY PIPELINE SERVICE COMPANY**  
HOUSTON, TEXAS

(2) PROPOSED 6" PIPELINES ACROSS SPENCER HIGHWAY

1	3/12/18	Revised per engineers comments	JJB
0	1/22/18	Revised per City of LaPorte comments	JJB
NO.	DATE	REVISION	BY

DRAWN BY: JJB	DATE: 11/9/17	DRAWING NUMBER
CHECKED BY:	DATE:	
SCALE: Noted		CPSC-A224-16

1. PAVING

(FOR H.C. PUBLIC R.O.W. ONLY)

Table with columns: DESIGN THICKNESS OF PAVING, STABILIZED SUBGRADE DEPTH, DESIGN STRENGTH OF CONCRETE, STEEL SPACING LONG, STEEL SPACING TRANS.

DRIVEWAYS (in H.C. ROW only)

Table with columns: DRWY, WIDTH, MATERIAL, CULVERT?, CULVERT LENGTH, NEAREST X-STREET, DIST. TO X-STREET.

HARRIS COUNTY STANDARD DRIVEWAY DETAIL APPEARS ON SHEET

FIRE APPARATUS ACCESS ROAD

- REQUIRED AND SHOWN ON SHEET(S)
NOT REQUIRED DUE TO

CURBING

- ISLANDS AND MEDIANS REQUIRE STANDARD 6" CURBING
STANDARD 6" CURBING PROPOSED
4" x 12" CURBING PROPOSED EXCEPT AT MEDIANS AND ISLANDS

TRAFFIC CONSIDERATIONS

- MDIAN CUTS
NO MDIAN CUT OR RELOCATION IS PROPOSED
MDIAN MODIFICATIONS ARE SHOWN ON SHEET

- LEFT / RIGHT TURN LANE
NO LEFT / RIGHT TURN LANE IS PROPOSED
LEFT / RIGHT TURN LANE IS SHOWN ON SHEET

- TRAFFIC CONTROL PLAN
NO WORK IN THE RIGHT OF WAY IS PROPOSED THAT WOULD INTERFERE WITH TRAFFIC FLOW
TRAFFIC CONTROL SHOWN ON SHEET

- TRAFFIC SIGNAL
NO TRAFFIC SIGNAL IS EXISTING / PROPOSED
EXISTING TRAFFIC SIGNAL DEVICES (T.C. BOXES AND LOOPS) SHOWN ON SHEET
PROPOSED TRAFFIC SIGNAL (BY OTHERS)

- TRAFFIC IMPACT ANALYSIS
NO TRAFFIC IMPACT ANALYSIS IS REQUIRED
TRAFFIC IMPACT ANALYSIS HAS BEEN APPROVED ON DATE:
PLAN TITLE:
HCPID PROJECT NO.:

7. FLOOD CONTROL DISTRICT CRITERIA

DETENTION SUMMARY

Table with columns: RAINFALL EVENT PROBABILITY, PRE-DEVELOPED PEAK RUNOFF (CFS), POST-DEVELOPED PEAK RUNOFF (CFS), DETENTION BASIN PEAK OUTFLOW (CFS), MAXIMUM WATER SURFACE ELEVATION, PEAK STORAGE VOLUME (AC-FT), STORAGE RATE (AC-FT PER AC).

ADDITIONAL CRITERIA FOR PUMPED DETENTION BASINS:
VOLUME OF PUMPED 1% EXCEEDANCE STORAGE VOLUME = AC-FT % OF TOTAL VOLUME
MAXIMUM DESIGN OUTFLOW VELOCITY INTO HCFCD CHANNEL = FT/SEC
DRAIN TIME FOR BASIN = HOURS BASED ON HEAD CONDITIONS.

STORMWATER DRAINAGE DESIGN REPORT

REPORT TITLE
REPORT DATE
DATE OF ACCEPTANCE BY HCFCD OR FLOODPLAIN ADMINISTRATOR: HCFCD PROJECT #

STORMWATER DETENTION FOR THE PROPOSED WORK CONTAINED IN THESE PLANS IS PROVIDED BY OTHER PLANS.

PLAN TITLE
ENGINEERING FIRM
DATE SIGNED BY HCFCD
HCFCD PROJECT #

HCFCD STANDARD NOTES: SEE SHEET ALL OF THESE PLANS.

HCFCD STANDARD DETAILS: SEE SHEET 10,13,16 OF THESE PLANS.

REFER TO PLAN SHEETS 10-16 FOR EXISTING AND PROPOSED RIGHT OF WAY DELINEATION AND COMPLETE RECORDING INFORMATION TO INCLUDE CLERK'S FILE NUMBERS, TYPE OF ESTATE (e.g., DRAINAGE EASEMENT, FEE STRIP, ETC.) AND GRANTEE (e.g. COH, HCFCD, PUBLIC, TXDOT, ETC.)

- NOTES:
COMPLETE ONLY IF HCFCD OR HARRIS COUNTY IS REQUIRING DETENTION
COMPLETE ONLY IF PROJECT HAS WITHIN IT OR IS IMMEDIATELY ADJACENT TO AN EXISTING OR PROPOSED HCFCD MAINTAINED CHANNEL OR DETENTION BASIN.
COMPLETE ONLY IF PROJECT INCLUDES NEW OUTFALL, BACKSLOPE INTERCEPTOR OR OTHER RELATED WORK WITHIN AN EXISTING OR PROPOSED HCFCD MAINTAINED CHANNEL OR DETENTION BASIN.
COMPLETE ONLY IF PROJECT HAS WITHIN OR IMMEDIATELY ADJACENT TO IT AN EXISTING OR PROPOSED PUBLIC DRAINAGE CHANNEL OR DETENTION BASIN.

FOR PROJECTS LOCATED IN ANY FLOODPLAIN:
Development constructed or placed in accordance with these plans shall comply with all provisions of the Regulations of Harris County, Texas for Floodplain Management.
No fill is allowed in the flood plain and no fill is allowed in the floodway.
FOUNDATION NOTES: Apply to only buildings or building additions requiring a less than 30 ft permit.
All water bearing elements, including retaining walls, electrical distribution panels, and any other mechanical or electrical equipment must be elevated in accordance with Section 405 of Harris County Floodplain regulations.
Any electrical circuit serving a light switch or outlet located below the base (100 year) flood elevation shall be dropped from above and be on a separate breaker.
All materials used below the (100-year) base flood elevation are on approval of FEMA Technical Bulletin 3-89 as Class 1 water-resistant, and approved in accordance with 403.44 Technical Bulletin 4-05 for foundation openings.
If the property is located within the designated 100-year floodplain or one-year floodplain all construction up to twenty-four (24) inches above the base flood elevation must use masonry, concrete or steel. These materials must be used for piers, columns and foundation walls.
Construction of critical care facilities on land located below the base (100-year) flood elevation in the 300 year flood plain or within the base (100-year) flood plain shall have the lowest floor elevated to three feet or more above the base flood elevation.
Floodproofing and sealing measures must be taken to ensure that basic substances will not be displaced by or released into floodwaters.
Access routes elevated to or above the level of the base flood shall be provided to all critical facilities to the extent possible.
Completed Elevation Certificates to be submitted, one in person, a second after the job is posted or job done is finished and before the framing starts, and a third to request more construction on the job. \*HARRIS COUNTY FLOOD PLANNING on the Harris County Engineering Department, 10113 Northwest Freeway, Suite 128, Houston, TX 77062
If completed as-built certificate must be submitted after the structure is complete and before it is occupied.
The County Engineer's Office will post a flood inspection notice on the structure once all requirements have been met.

2. RESIDENTIAL / SUBDIVISION DRAINAGE

PROPOSED DRAINAGE SYSTEM TYPE

- STORM SEWER
ROADSIDE DITCH
LOW IMPACT DEVELOPMENT (LID)

DESIGN METHOD USED

- CITY OF HOUSTON YEAR FREQUENCY
OTHER:

DRAINAGE SYSTEM OUTFALLS DIRECTLY TO EXISTING

- DETENTION POND (APPROVED H.C. PRJ NO.):
DETENTION POND MAINTAINED BY:
HCFCD DRAINAGE DITCH UNIT NO.:
H.C. ROADSIDE DITCH (ROAD NAME):
H.C. STORM SEWER (APPROVED H.C. PRJ NO.):

H.C. OUTFALL CALCULATIONS

- ROADSIDE DITCH OUTFALL:
ALLOWABLE OUTFALL RATE: 0.0027 x LF Frontage = (CFS)
PROPOSED OUTFALL RATE: (CFS), CALCULATIONS PROVIDED ON SHEET

- STORM SEWER OUTFALL:
CAPACITY ALLOCATED TO TRACT FROM D. A. MAP: (CFS)
FROM DRAINAGE AREA MAP DATED:
PREPARED BY:
APPROVED H.C. PROJECT NO.:
ACTUAL OUTFALL RATE: (CFS), CALCULATIONS PROVIDED ON SHEET

DETENTION PROVIDED BY

- DETENTION BASIN IS PART THIS PLAN SET. SERVICE AREA MAP IS ON SHEET
REGIONAL DETENTION BASIN SYSTEM (APPROVED H.C. PRJ NO.):

PROPOSED STORM SEWER IS SUBMERGED (AGREEMENT MUST BE PROVIDED).
STATIC W.S.E. @ OUTFALL IS

OFFSITE SHEET FLOW: (100 YEAR)

OFFSITE SHEET FLOW MAPPING, TOTAL DISCHARGE CALCULATIONS, AND DESIGN ACCOMMODATIONS ARE SHOWN ON SHEET OR, AS PRESENTED IN THE APPROVED DRAINAGE STUDY ENTITLED

TOTAL ACREAGE =
TOTAL DISCHARGE =

NOTE: ALL OFFSITE SHEET FLOW FROM ADJACENT PROPERTIES MUST BE IDENTIFIED AND PROPERLY ACCOUNTED FOR IN THE PROJECT. THE SIGNING ENGINEER HEREBY CERTIFIES THAT THESE AREAS HAVE BEEN ADDRESSED.

8. FLOOD PLAIN STATUS

GENERAL INFORMATION

FIRM PANEL(S) FOR PROPERTY: 48201C-0945M
FIRM PANEL(S) DATE: 7/5/17
STATUS OF PROPERTY ON MAP

- ENTIRELY LOCATED IN UNSHADED ZONE "X"
LOCATED PARTIALLY OR ENTIRELY IN ANY "A" ZONE OR SHADED ZONE "X", DELINEATE FLOODPLAIN BOUNDARY ON CONSTRUCTION DRAWINGS (DRAINAGE LAYOUT PG. NO. ) (BASE FLOOD LEVEL )
LOCATED IN THE 10-YEAR FLOODPLAIN
SITE REMOVED FROM FLOODPLAIN BY LOMR, LOMR-F, LOMA CASE NO. REVISED FLOODPLAIN IS SHOWN ON SHEET

ELEVATION INFORMATION

- BENCHMARK USED
HARRIS COUNTY FLOODPLAIN REFERENCE MARK
HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT BENCHMARK (FOR COASTAL AREAS)

DESCRIPTION OF BENCHMARK INCLUDING ELEVATION, DATUM AND YEAR OF ADJUSTMENT (2001 ADJ.)

FLOOD PLAIN DETERMINATION BASED ON GROUND ELEVATION

- PROPERTY LIES ENTIRELY ABOVE THE BASE FLOOD LEVEL AND IN SHADED ZONE "X"
PROPERTY LIES PARTIALLY OR ENTIRELY BELOW THE BASE FLOOD LEVEL

FLOODPLAIN STORAGE SUMMARY (APPLIES ONLY TO PORTION OF LAND LOCATED WITHIN FLOODPLAIN AS DELINEATED BY FIRM PANEL).

- TOTAL VOLUME OF MATERIAL PROPOSED TO BE MOVED OR PLACED WITHIN THE FIRM DELINEATED FLOODPLAIN (FILL, BASE, CONCRETE, ASPHALT, ETC.): i.e., BELOW ELEVATION (2001 ADJ.) CUBIC YARDS
TOTAL VOLUME OF MATERIAL PROPOSED TO BE REMOVED FROM THE FIRM DELINEATED FLOODPLAIN: i.e., BELOW ELEVATION (2001 ADJ.) CUBIC YARDS
FILL AREA & VOLUME CALCULATIONS ARE SHOWN ON SHEET

- NOTES:
COMPLETE FOR ALL PROJECTS
COMPLETE ONLY IF PROJECT IS ADJACENT TO 100-YEAR FLOOD PLAN

LOMR REQUIRED CLOMR REQUIRED VERIFIED BY: 03/14/2018

FOR PROJECTS LOCATED IN ANY FLOODPLAIN:
Development constructed or placed in accordance with these plans shall comply with all provisions of the Regulations of Harris County, Texas for Floodplain Management.
No fill is allowed in the flood plain and no fill is allowed in the floodway.
FOUNDATION NOTES: Apply to only buildings or building additions requiring a less than 30 ft permit.
All water bearing elements, including retaining walls, electrical distribution panels, and any other mechanical or electrical equipment must be elevated in accordance with Section 405 of Harris County Floodplain regulations.
Any electrical circuit serving a light switch or outlet located below the base (100 year) flood elevation shall be dropped from above and be on a separate breaker.
All materials used below the (100-year) base flood elevation are on approval of FEMA Technical Bulletin 3-89 as Class 1 water-resistant, and approved in accordance with 403.44 Technical Bulletin 4-05 for foundation openings.
If the property is located within the designated 100-year floodplain or one-year floodplain all construction up to twenty-four (24) inches above the base flood elevation must use masonry, concrete or steel. These materials must be used for piers, columns and foundation walls.
Construction of critical care facilities on land located below the base (100-year) flood elevation in the 300 year flood plain or within the base (100-year) flood plain shall have the lowest floor elevated to three feet or more above the base flood elevation.
Floodproofing and sealing measures must be taken to ensure that basic substances will not be displaced by or released into floodwaters.
Access routes elevated to or above the level of the base flood shall be provided to all critical facilities to the extent possible.
Completed Elevation Certificates to be submitted, one in person, a second after the job is posted or job done is finished and before the framing starts, and a third to request more construction on the job. \*HARRIS COUNTY FLOOD PLANNING on the Harris County Engineering Department, 10113 Northwest Freeway, Suite 128, Houston, TX 77062
If completed as-built certificate must be submitted after the structure is complete and before it is occupied.
The County Engineer's Office will post a flood inspection notice on the structure once all requirements have been met.

4. WATER AND WASTEWATER

COMMERCIAL PROJECTS

- DOES PROPERTY HAVE EXISTING AND/OR PROPOSED UTILITIES?
YES
NO

IF YES, CHECK THE BOX THAT APPLIES TO THIS PROJECT

- PUBLIC WATER & SANITARY
PRIVATE WATER WELL & SEPTIC SYSTEM
PUBLIC WATER & PRIVATE SEPTIC SYSTEM
PRIVATE WATER WELL & PUBLIC SANITARY

NOTE: PUBLIC UTILITIES REQUIRE A LETTER FROM THE DISTRICT/ MUNICIPALITY AUTHORIZING SERVICE & CONNECTION. THIS IS REQUIRED FOR PLAN APPROVAL.

UTILITY DISTRICT/MUNICIPALITY NAME:

NOTE: SEPTIC SYSTEMS REQUIRE H.C. WASTE WATER REVIEW

H.C. SEPTIC PERMIT/REQUEST NO.:

H.C. WASTE WATER REVIEW APPROVAL
NAME & DATE:
REVIEWER COMMENTS:

NOTE: ALL EXISTING AND PROPOSED UTILITIES MUST BE ACCURATELY SHOWN & LABELED ON THE SITE PLANS.

SUBDIVISION PROJECTS

- UTILITY DISTRICT/MUNICIPALITY NAME:
PRIVATE WATER & WASTE WATER SYSTEMS
PRIVATE WATER & INDIVIDUAL OSSF
INDIVIDUAL WATER WELL & OSSF

NOTE: A COPY OF TCEQ APPROVAL FOR PRIVATE WATER & WASTE WATER SYSTEMS IS REQUIRED FOR PLAN APPROVAL.

5. DESCRIPTION OF PROPERTY

LEGAL DESCRIPTION

- ACREAGE: 0.061
SUBDIVISION:
SURVEY & ABSTRACT: Enoch Brinson, Survey A-5 and Richard Pearsall, Survey A-625
ADJACENT ROADS: None directly adjacent

PLATTING

- SUBDIVISION PLAT
PROPOSED PLAT / REPLAT
RECORDED PLAT / REPLAT

PLAT NAME:

H.C. PLAT NUMBER: N/A

JURISDICTIONS

- CITY OF La Porte
ETJ, CITY OF HOUSTON
ETJ, CITY OF
NO ETJ

HCAD ACCOUNT NOS. (ALL) KEY MAP PG. 540S, 540W, 580E
NA - County Owned

UNOBSTRUCTED VISIBILITY EASEMENT (U.V.E.)

- REQUIRED AND SHOWN ON SHEET(S)
NOT REQUIRED

NOTE: ALL APPROVED, FINAL PLATS AND ASSOCIATED CPC101 FORMS MUST BE INCLUDED WITH PLAN SUBMITTAL.

6. STORM WATER QUALITY

CONSTRUCTION PROTECTIVE MEASURES (must be completed on all projects)

- SWPPP SITE PLAN AND DETAILS ON SHEET(S)
N/A (disturbs <1ac)

APPLICABILITY FOR PERMANENT FEATURES (must be completed on all projects)

- EXEMPT NEW DEVELOPMENT:
PROJECT IS ON A PARCEL LESS THAN 5 ACRES. (must be verified with plat)
EXEMPT REDEVELOPMENT:
PROJECT DOES NOT MEET THE DEFINITION OF SIGNIFICANT REDEVELOPMENT (Part A, Sec. 2.41 of Regulations of Harris County, Texas for Stormwater Quality Management)
EXEMPT GRANDFATHERED:

- EXEMPT "GRAND FATHERED" BY AN EXISTING DRAINAGE SYSTEM PRIOR TO OCT. 2001. \*\* (REQUIRED: PROVIDE ORIGINAL DRAINAGE AREA MAP INCLUDING CALCULATIONS)
GENERAL:

- PROJECT'S SWQ REQUIREMENTS ARE WITHIN THE JURISDICTION OF THE FOLLOWING CITY/MUNICIPALITY: La Porte

STORM WATER QUALITY PERMIT REQUIREMENT FOR THIS PROJECT IS COVERED BY
PROJECT TITLE:
HARRIS COUNTY PROJECT NO. & SWQ PERMIT NO.

- "STORM WATER QUALITY MANAGEMENT PLAN" INCLUDED. SWQMP SITE PLAN ON SHEET(S)

PERMANENT SWQ FEATURES (MUST BE COMPLETED ON ALL PROJECTS THAT ARE NOT EXEMPT OR GRANDFATHERED.)

- VEGETATIVE CONTROLS USED: (FILTER STRIP, GRASSY SWALE, URBAN FORESTRY) DETAILS AND CALCULATIONS APPEAR ON SHEET(S)

- POND STRUCTURE USED (WET, DRY, WETLANDS) DETAILS AND CALCULATIONS APPEAR ON SHEET(S)

- HYDRODYNAMIC TYPE SEPARATOR MODEL:

- OTHER(S):

HCFD SIGNATURE BLOCK

PROJECT NAME: Cowboy Pipeline (2) 6 5/8" Pipelines Crossing Under Harris County R.O.W.

ADDRESS: 2625 Bay Area Blvd., Houston, TX 77058

WAS ACCEPTED BY THE FOLLOWING GROUPS FOR THE PURPOSES LISTED BELOW:

ENGINEERING DIVISION

INTERPOSE NO OBJECTION BT
DATE
BY AS TO LOCATION OF ITEMS IN COUNTY RIGHT OF WAY DATE
BY AS TO PAVING AND/OR DRAINAGE ONLY DATE
No PSWAIF Required From Harris County
BY AS TO STORM WATER QUALITY M.C. 3/19/2018 DATE

ADDITIONAL COMMENTS:

HARRIS COUNTY FLOOD CONTROL DISTRICT

INTERPOSE NO OBJECTION
BY FOR ITEMS LOCATED OUTSIDE OF HCFCD RIGHT-OF-WAY DATE
APPROVED: RSC
BY FOR ITEMS LOCATED WITHIN EXISTING HCFCD RIGHT-OF-WAY DATE
APPROVED:
BY FOR ITEMS LOCATED WITHIN PROPOSED HCFCD RIGHT-OF-WAY DATE
ADDITIONAL COMMENTS:

THE PROJECT WAS REVIEWED, HOWEVER, THIS DOES NOT MEAN THE ENTIRE PROJECT, INCLUDING ALL SUPPORTING DATA AND CALCULATIONS HAVE BEEN COMPLETELY CHECKED AND VERIFIED. THESE DRAWINGS ARE SIGNED, DATED AND SEALED BY A PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, WHICH THEREFORE CONVEYS THE ENGINEER'S RESPONSIBILITY AND ACCOUNTABILITY. THIS DOES NOT RELIEVE ANY PARTY FROM COMPLYING WITH APPROPRIATE FEDERAL, STATE AND LOCAL ENVIRONMENTAL RULES, LAWS, AND REGULATIONS AND ANY OTHER LEGALLY ADOPTED REGULATION OR ORDINANCE RELATED TO LAND DEVELOPMENT. IF THE CITY SIGNATURES ARE REQUIRED BY ORDINANCE, COUNTY PERMITS WILL NOT BE ISSUED UNTIL SUCH SIGNATURES ARE OBTAINED. THESE SIGNATURES ARE VALID FOR A MAXIMUM OF TWO YEARS.

ENGINEER'S CERTIFICATION

I, Brook Gehle, a LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE INFORMATION PRESENTED ON THIS SHEET IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM NOT VIOLATING ANY PROVISION OF THE CURRENT TEXAS ENGINEERING PRACTICE ACT AND RULES CONCERNING THE PRACTICE OF ENGINEERING AND PROFESSIONAL ENGINEERING LICENSURE.

ANY VIOLATIONS WILL BE FORWARDED TO THE HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE FOR PROSECUTION.

THE COMPLETED PROJECT CONSISTS OF DRAWING SHEETS 09 THRU 17

Signature: Brook Gehle 3-17-18 DATE



REVISIONS

NOTE: REVISION BLOCK IS TO BE USED ONLY FOR CHANGES MADE AFTER PLANS HAVE BEEN APPROVED BY HARRIS COUNTY.

Table with columns: DATE, SHEET NO., DESCRIPTION, P.E. INITIAL, H.C. APPROVED DATE.

HARRIS COUNTY ENGINEERING DEPARTMENT REVIEW SHEET

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<b>Product name</b>	Acetic acid 99-100%		NA/EN
<b>MSDS number</b>	80002	<b>Revision Date</b>	May.07.2015
<b>Revision Number</b>	0.01	<b>Issuing date</b>	May.07.2015

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## 1. Product and company identification

Trade Name

### **Acetic acid 99-100%**

**Celanese Ltd.**

222 W. Las Colinas Blvd., Suite 900N  
Irving, TX 75039  
United States  
Phone: 972 443 4000  
Internet: www.celanese.com

**Transportation emergency phone numbers:**

In USA, call 800 424 9300  
Outside USA, call 703 527 3887, collect calls accepted.  
In Mexico, call (921) 211-5048, 211-5000

**Identified uses**

Chemical intermediate, Agrochemicals, Cleaning agent, Process chemicals

## 2. Hazard Identification

**GHS Classification**

**Hazards**

Flammable liquid  
Skin corrosion/irritation  
Serious eye damage/eye irritation

**Category**

Category 3  
Category 1A  
Category 1

**Label elements**



**Signal Word**

Danger

**Hazard Statements**

Flammable liquid and vapor  
Causes severe skin burns and eye damage  
Causes serious eye damage

<b>Product name</b>	Acetic acid 99-100%	<b>Revision Date</b>	NA/EN
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**Precautionary statements**

Keep away from heat/sparks/open flames/hot surfaces. - No smoking.  
 Keep container tightly closed.  
 Ground/bond container and receiving equipment.  
 Use explosion-proof electrical/ ventilating/ lighting/ equipment.  
 Use only non-sparking tools.  
 Take precautionary measures against static discharge.  
 In case of fire:  
 Use foam, dry chemical, carbn dioxide (CO2), water spray to extinguish.  
 Do not breathe dust/fume/gas/mist/vapors/spray  
 Wash face, hands and any exposed skin thoroughly after handling.  
 Wear protective gloves/ protective clothing/ eye protection/ face protection.  
 IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water/ shower.  
 IF SWALLOWED: rinse mouth. Do NOT induce vomiting  
 IF INHALED: Remove person to fresh air and keep comfortable for breathing.  
 Immediately call a POISON CENTER or doctor/physician  
 IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.  
 Immediately call a POISON CENTER or doctor.  
 Wash contaminated clothing before reuse.  
 Store locked up.  
 Store in a well-ventilated place. Keep cool.  
 Dispose of contents/ container to an approved waste disposal plant.

**3. Composition/information on ingredients**

Components	CAS-No	Percent %
Acetic acid	64-19-7	min 99.85

**4. First aid measures**

**General Information**

Remove contaminated, soaked clothing immediately and dispose of safely. Pay attention to own protection. In any case show the physician the Safety Data Sheet.

**Skin**

Wash off immediately with plenty of water for at least 15 minutes. Obtain medical attention.

**Eyes**

Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. Call a physician immediately.

**Inhalation**

Move to fresh air. Keep at rest. Call a physician immediately.

**Ingestion**

If conscious, drink plenty of water. If swallowed, do not induce vomiting - seek medical advice.

**Notes to physician**

Observe for latent pulmonary edema.

<b>Product name</b>	Acetic acid 99-100%	<b>Revision Date</b>	NA/EN
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## 5. Fire-fighting measures

**NFPA:**      **Health:** 3                                      **Flammability:** 2                                      **Instability:** 0

**Suitable extinguishing media**

Foam, Dry chemical, Carbon dioxide (CO2), Water spray

**Extinguishing media which must not be used for safety reasons**

Do not use a solid water stream as it may scatter and spread fire.

**Special exposure hazards arising from the substance or preparation itself, its combustion products, or released gases**

Under conditions giving incomplete combustion, hazardous gases produced may consist of

Carbon monoxide

Carbon dioxide (CO2)

Nitrogen oxides (NOx)

Combustion gases of organic materials must in principle be graded as inhalation poisons

**Special protective equipment for fire-fighters**

Wear self-contained breathing apparatus and protective suit.

**Environmental precautions**

Water used to fight fire runoff can cause environmental damage. Dike and collect water used to fight fire.

**Other Information**

Cool containers / tanks with water spray

## 6. Accidental release measures

**Personal precautions**

Avoid contact with the skin and the eyes. Keep away from heat and sources of ignition. Provide adequate ventilation.

**Isolation**

Keep unnecessary people away; isolate hazard area and deny entry. Isolate for 800 meters or 0.5 miles in all directions if tank, rail car, or tank truck is involved in fire. Evacuate downwind areas as conditions warrant to prevent exposure and to allow vapors or fumes to dissipate. Spills may expose downwind areas to toxic or flammable concentrations over considerable distances in some cases.

**Environmental precautions**

Prevent further leakage or spillage. Do not discharge into the drains/surface waters/groundwater. Dike and collect water used to fight fire.

**Methods for cleaning up**

Soak up with inert absorbent material (e.g. sand, silica gel, acid binder, universal binder, sawdust). Keep in suitable, closed containers for disposal. Dispose of in accordance with local regulations.

**Authority Notification**

Within the United States, call the National Response Center (800-424-8802) and appropriate state and local authorities if the quantity released over 24 hours is equal to or greater than the reportable quantity listed below:

5000 lb/2270kg

<b>Product name</b>	Acetic acid 99-100%	<b>Revision Date</b>	NA/EN
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## 7. Handling and storage

**Advice on safe handling**

Provide sufficient air exchange and/or exhaust in work rooms.

**Protection - fire and explosion:**

Keep away from sources of ignition - No smoking. Take necessary action to avoid static electricity discharge. Ground and bond containers when transferring material. In case of fire, emergency cooling with water spray should be available.

**Technical measures/Storage conditions**

Keep tightly closed in a dry, cool and well-ventilated place. Handle an open container with care.

**Material storage**

Store locked up. Keep in a dry, cool and well-ventilated place.

**Incompatible products**

Keep away from: , bases, amines

## 8. Exposure controls / personal protection

### OSHA Exposure Limits

Components	TWA
Acetic acid	10 PPM

### ACGIH Exposure Limits

Components	TWA
Acetic acid	10 PPM

Components	STEL
Acetic acid	15 PPM

Components	2005 NIOSH IDLH
Acetic acid	50 PPM

### Mexico National Exposure Limits

Components	LMPE - PPT
Acetic acid	25 mg/m <sup>3</sup> 10 PPM

Components	STEL
Acetic acid	37 mg/m <sup>3</sup> 15 PPM

Components	Mexican Carcinogen Category

<b>Product name</b>	Acetic acid 99-100%	<b>Revision Date</b>	NA/EN
<b>MSDS number</b>	80002	<b>Issuing date</b>	May.07.2015
<b>Revision Number</b>	0.01		May.07.2015

Acetic acid	Not applicable
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**Exposure controls**

**Engineering measures**

General or dilution ventilation is frequently insufficient as the sole means of controlling employee exposure. Local ventilation is usually preferred. Explosion-proof equipment (for example fans, switches, and grounded ducts) should be used in mechanical ventilation systems.

**Protective equipment**

A safety shower and eyebath should be readily available.

**General advice**

Do not get in eyes, on skin, or on clothing. Do not breathe vapors or spray mist. Use only in an area equipped with a safety shower. Hold eye wash fountain available.

**Respiratory protection**

For concentrations > 1 and < 10 times the occupational exposure level: Use air-purifying respirator with full facepiece and organic vapor cartridge(s) or air-purifying full facepiece respirator with an organic vapor canister or a full facepiece powered air-purifying respirator fitted with organic vapor cartridge(s). The air purifying element must have an end of service life indicator, or a documented change out schedule must be established. Otherwise, use supplied air.

For concentrations more than 10 times the occupational exposure level and less than the lower of either 100 times the occupational exposure level or the IDLH: Use Type C full facepiece supplied-air respirator operated in positive-pressure or continuous-flow mode.

For concentrations > 100 times the occupational exposure level or greater than the IDLH level or unknown concentrations (such as in emergencies): Use self-contained breathing apparatus with full facepiece in positive-pressure mode or Type C positive-pressure full facepiece supplied-air respirator with an auxiliary positive-pressure self-contained breathing apparatus escape system.

For escape: Use self-contained breathing apparatus with full facepiece or any respirator specifically approved for escape.

**Skin protection:**

Wear impervious clothing and gloves to prevent contact. Neoprene is recommended. Other protective material may be used, depending on the situation, if adequate degradation and permeation data is available. If other chemicals are used in conjunction with this chemical, material selection should be based on protection for all chemicals present..

**Eye/face protection:**

Wear chemical goggles when there is a reasonable chance of eye contact.. In addition to goggles, wear a face shield if there is a reasonable chance for splash to the face..

**9. Physical and chemical properties**

**Appearance**

<b>Form</b>	liquid
<b>Color</b>	colourless
<b>Odor</b>	pungent

<b>Product name</b>	Acetic acid 99-100%	<b>Revision Date</b>	NA/EN
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## 9. Physical and chemical properties

<b>Molecular Weight</b>	60.05
<b>Flash point</b>	39°C(104°F)
<b>Method</b>	closed cup
<b>Ignition temperature</b>	463°C (865°F)
<b>Decomposition Temperature</b>	not determined
<b>Lower explosion limit</b>	4.0 Vol. %
<b>Upper explosion limit</b>	19.9 Vol. %
<b>Melting point/range</b>	17°C (62.6°F)
<b>Boiling point/range</b>	118°C (244.4°F) .?°F)
<b>Density</b>	1.045 g/ml @ 25°C
<b>pH</b>	2.4 @ 60 g/l
<b>Viscosity</b>	1.056 mPa*s @ 25°C
<b>Vapor pressure</b>	21 hPa @ 25°C 77 hPa @ 50°C
<b>Vapor density</b>	2.07 (Air=1)
<b>Evaporation Rate</b>	0.97 (n-Butyl acetate = 1)
<b>Water solubility</b>	miscible
<b>Solubility in other solvents</b>	miscible with Ethanol Diethyl ether Acetone Benzene soluble in Chloroform
<b>Partition coefficient (n-octanol/water)</b>	-0.17 (measured)

## 10. Stability and reactivity

### Chemical stability

Stable under normal conditions of handling, use and transportation.

### Conditions to avoid

Avoid any source of ignition. Avoid contact with heat, sparks, open flame, and static discharge.

### Incompatible Materials

Keep away from:

amines  
bases

### Hazardous Combustion or Decomposition Products:

Thermal decomposition products may include oxides of carbon.

### Possibility of hazardous reactions

Hazardous polymerization does not occur.

## 11. Toxicological information

### Potential health effects

**Routes of exposure** Skin, eyes, inhalation, ingestion.

### Immediate effects

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<b>Skin</b>	Causes skin burns. May be harmful if absorbed through skin. Symptoms of overexposure include: Redness or discoloration, swelling, itching, burning or blistering of skin.
<b>Eyes</b>	Exposure to vapors and liquid causes severe eye burns, damage irreversible. Symptoms of exposure may include: Eye irritation, burning sensation, pain, watering, and/or change of vision.
<b>Inhalation</b>	Causes respiratory tract irritation. Symptoms of exposure may include: Nasal discharge, hoarseness, coughing, chest pain and breathing difficulty. Accumulation of fluid in the lungs (pulmonary edema); symptoms can be delayed for several hours.
<b>Ingestion</b>	Causes digestive tract burns. Symptoms of exposure may include: Nausea, vomiting, loss of appetite, gastrointestinal irritation and/or diarrhea. Inflammation of mouth, throat, esophagus and/or stomach.
<b>Target organ effects</b>	Overexposure (prolonged or repeated exposure) may cause: Injury to the eyes Digestive tract damage Respiratory tract damage Skin damage.
<b>Medical conditions which may be aggravated by exposure:</b>	Respiratory Tract Skin Eyes

## Acetic acid

<b>Acute oral toxicity</b>	LD50: 3310 mg/kg
<b>Acute inhalation toxicity</b>	LC50 (4h): > 40000 mg/m <sup>3</sup>
<b>Skin corrosion/irritation</b>	corrosive
Species	rabbit
Method	OECD 404
<b>Skin Sensitization</b>	nonsensitizer
<b>Serious eye damage/eye irritation</b>	corrosive
Species	rabbit eye
Method	OECD 405
<b>Carcinogenic effects</b>	No evidence of carcinogenicity
<b>in vitro Mutagenicity</b>	Ames Test: negative - with and without metabolic activation - Method: OECD 471 In vitro Mammalian Chromosome aberrations in Chinese Hamster Cells: negative - with and without metabolic activation - Method: OECD 473
<b>in vivo Mutagenicity</b>	In vivo Mammalian Erythrocyte Micronucleus Test: negative - Method: EU Method B.12 (Reference substance: Acetic anhydride)
<b>Developmental effects</b>	No evidence of reproductive and developmental toxicity
Routes of exposure	oral gavage
Species	rabbit rat mouse

<b>Product name</b>	Acetic acid 99-100%	<b>Revision Date</b>	NA/EN
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**Acetic acid**

<b>Repeated exposure</b>	NOAEL: 1600 mg/kg bw/day
Routes of exposure	No adverse effects
Species	oral gavage
	rat male
	NOAEL: 290 mg/kg bw/day

**12. Ecological Information**

**Acetic acid**

<b>Acute fish toxicity</b>	LC50: > 300.82 mg/l (96h)
Species:	Oncorhynchus mykiss (rainbow trout)
Method	OECD 203
<b>Acute daphnia toxicity</b>	EC50: > 300.82 mg/l (48h)
Species:	Daphnia magna
Method	OECD 202
<b>Toxicity to aquatic plants</b>	EC50: > 300.82 mg/l (72h)
Species:	Skeletonema costatum
Method	ISO 10253
<b>Toxicity to bacteria</b>	EC3 (16h): 850 mg/l
Species:	Pseudomonas putida
<b>Biodegradation</b>	Readily biodegradable
Method	OECD 301 C
<b>Other potential hazards</b>	The substance does not meet the criteria for PBT / vPvB according to REACH, Annex XIII

**13. Disposal considerations**

**Disposal considerations**

Dispose of spilled material in accordance with state and local regulations for hazardous waste. Recommended methods are incineration or biological treatment at a federally or state-permitted disposal facility. Note that this information applies to the material as manufactured; processing, use, or contamination may make this information inappropriate, inaccurate, or incomplete.

Note that this handling and disposal information may also apply to empty containers, liners and rinsate. State or local regulations or restrictions are complex and may differ from federal regulations. This information is intended as an aid to proper handling and disposal; the final responsibility for handling and disposal is with the owner of the waste.

**EPA Hazardous Waste Code(s):** D002, D001

**14. Transport information**

**US Department of Transportation**

<b>UN/NA Number:</b>	UN 2789
<b>Proper Shipping Name</b>	Acetic acid, glacial
<b>Hazard class</b>	8

<b>Product name</b>	Acetic acid 99-100%	<b>Revision Date</b>	NA/EN
<b>MSDS number</b>	80002	<b>Issuing date</b>	May.07.2015
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## 14. Transport information

<b>Subsidiary hazard</b>	3
<b>Packing Group</b>	II
<b>Reportable Quantity (RQ)</b>	5000 lb/2270kg
<b>Emergency Resp. Guide</b>	132

### TDG

<b>UN/NA Number:</b>	UN 2789
<b>Proper Shipping Name</b>	ACETIC ACID, GLACIAL
<b>Class:</b>	8
<b>Subsidiary Risk:</b>	3
<b>Packing Group:</b>	II

### Mexico Transport Information

<b>UN-No.</b>	UN 2789
<b>Proper Shipping Name</b>	Acetic acid, glacial
<b>Hazard Class</b>	8
<b>Subsidiary Risk</b>	3
<b>Packing Group</b>	II

### ICAO/IATA

<b>UN-No.</b>	UN 2789
<b>Proper Shipping Name</b>	Acetic acid, glacial
<b>Hazard Class</b>	8
<b>Subsidiary Risk</b>	3
<b>Packing group</b>	II

### IMDG

<b>UN/ID No.</b>	UN 2789
<b>Proper Shipping Name</b>	Acetic acid, glacial
<b>Hazard Class</b>	8
<b>Subsidiary Risk</b>	3
<b>Packing group</b>	II
<b>Marine pollutant</b>	no
<b>EmS Code</b>	F-E, S-C

## 15. Regulatory Information

### US State Regulations

Chemicals associated with the product which are subject to the state right-to-know regulations are listed along with the applicable state(s):

# Safety Data Sheet



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<b>Product name</b>	Acetic acid 99-100%		NA/EN
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## Acetic acid 64-19-7

Pennsylvania	Listed
New York	Listed
New Jersey	Listed
Illinois	Listed
Massachusetts	Listed
Rhode Island	Listed

## U.S. FEDERAL REGULATIONS

### TSCA Inventory:

We certify that all components are either on the TSCA inventory or qualify for an exemption.

### Environmental Regulations:

#### Acetic acid 64-19-7

CERCLA Hazardous Substance      Listed

### SARA 311:

<b>Acute health:</b>	Yes
<b>Chronic health:</b>	No
<b>Fire:</b>	Yes
<b>Sudden release of pressure:</b>	No
<b>Reactive:</b>	No

## INTERNATIONAL REGULATIONS

### International Inventories

Listed on the chemical inventories of the following countries or qualifies for an exemption:

Australia (AICS)  
Canada (DSL)  
China (IECSC)  
Europe (EINECS)  
Japan (ENCS)  
Japan (ISHL)  
Korea (KECI)  
New Zealand (NZIoC)  
Philippines (PICCS)  
United States (TSCA)

## 16. Other information

NFPA:	Health: 3	Flammability: 2	Instability: 0
HMIS:	Health: 3	Flammability: 2	Physical Hazard: 0

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<b>Product name</b>	Acetic acid 99-100%		NA/EN
<b>MSDS number</b>	80002	<b>Revision Date</b>	May.07.2015
<b>Revision Number</b>	0.01	<b>Issuing date</b>	May.07.2015

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## **16. Other information**

### **Prepared By**

Product Stewardship Department  
Celanese

### **Sources of key data used to compile the datasheet**

Information contained in this safety data sheet is based on Celanese owned data and public sources deemed valid or acceptable.. The absence of data elements required by ANSI or 1907/2006/EC indicates that no data meeting these requirements is available..

### **Other Information:**

Observe national and local legal requirements  
Changes against the previous version are marked by \*\*\*

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<b>Product name</b>	Acetic acid 99-100%		NA/EN
<b>MSDS number</b>	80002	<b>Revision Date</b>	May.07.2015
<b>Revision Number</b>	0.01	<b>Issuing date</b>	May.07.2015

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**Abbreviation and Acronym:**

ADR = Accord européen sur le transport des marchandises dangereuses par Route (European Agreement concerning the International Carriage of Dangerous Goods by Road)  
CAS = Chemical Abstracts Service (division of the American Chemical Society)  
CLP = Classification, Labelling and Packaging  
DNEL = Derived No Effect Level  
EINECS = European Inventory of Existing Commercial Chemical Substances  
GHS = Globally Harmonized System of Classification and Labelling of Chemicals  
IATA = International Air Transport Association  
IBC Code = International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IMO)  
ICAO = International Civil Aviation Organization  
IMDG = International Maritime Code for Dangerous Goods  
LC50 = Lethal Concentration  
LD50 = Lethal Dose  
LOAEC = Low Observed Adverse Effect Concentration  
LOAEL = Low Observed Adverse Effect Level  
LOEL = Low Observed Effect Level  
MEST = Mouse Ear Swelling Test  
NOAEC = No Observed Adverse Effect Concentration  
NOAEL = No Observed Adverse Effect Level  
NOEC = No Observed Effect Concentration  
NOEL = No Observed Effect Level  
PBT = Persistent, Bioaccumulative and Toxic  
PNEC = Predicted No Effect Concentration  
RCR = Risk Characterization Ratio  
RID = Règlement international concernant le transport des marchandises dangereuses par chemin de fer (Regulations Concerning the International Transport of Dangerous Goods by Rail)  
R-Phrases = Risk Phrases  
S-Phrases = Safety Phrases  
STOT RE = Specific Target Organ Toxicity Repeated Exposure  
STOT SE = Specific Target Organ Toxicity Single Exposure  
STP = Sewage Treatment Plant  
vPvB = very Persistent and very Bioaccumulative

## 1. Identification

<b>Product identifier</b>	<b>VINYL ACETATE MONOMER</b>
<b>Other means of identification</b>	None.
<b>Recommended use</b>	Industrial use
<b>Recommended restrictions</b>	None known.
<b>Manufacturer/Importer/Supplier/Distributor information</b>	
<b>Manufacturer / Importer / Supplier / Distributor information</b>	
<b>Company name</b>	Kuraray America, Inc.
<b>Address</b>	2625 Bay Area Blvd, Suite 600 Houston, TX 77058-1551
<b>Telephone:</b>	+1-800-423-9762
<b>E-mail</b>	info@kurarayamerica.com
<b>Emergency phone number</b>	CHEMTREC: +1-800-424-9300 (outside the U.S. +1-703-527-3887)

## 2. Hazard(s) identification

<b>Physical hazards</b>	Flammable liquids	Category 2
<b>Health hazards</b>	Acute toxicity, inhalation	Category 4
	Serious eye damage/eye irritation	Category 2A
	Carcinogenicity	Category 2
	Specific target organ toxicity following single exposure	Category 3 respiratory tract irritation
	Specific target organ toxicity following repeated exposure	Category 2
<b>Environmental hazards</b>	Hazardous to the aquatic environment, acute hazard	Category 3
<b>OSHA defined hazards</b>	Not classified.	

This SDS adheres to the regulatory requirements of the US OSHA Hazard Communication Standard, 29CFR 1910.1200.

### Label elements



<b>Signal word</b>	Danger
<b>Hazard statement</b>	Highly flammable liquid and vapour. Harmful if inhaled. May cause respiratory irritation. Suspected of causing cancer. Harmful to aquatic life.

### Precautionary statements

#### Prevention

Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Keep away from heat/sparks/open flames/hot surfaces. - No smoking. Keep container tightly closed. Ground/bond container and receiving equipment. Use explosion-proof electrical/ventilating/lighting equipment. Use only non-sparking tools. Take precautionary measures against static discharge. Avoid breathing mist or vapour. Use only outdoors or in a well-ventilated area. Avoid release to the environment. Wear protective gloves/protective clothing/eye protection/face protection.

#### Response

If on skin (or hair): Take off immediately all contaminated clothing. Rinse skin with water/shower. If inhaled: Remove person to fresh air and keep comfortable for breathing. If exposed or concerned: Get medical advice/attention. Call a poison center/doctor if you feel unwell. In case of fire: Use appropriate media to extinguish.

<b>Storage</b>	Store in a well-ventilated place. Keep container tightly closed. Store in a well-ventilated place. Keep cool. Store locked up.
<b>Disposal</b>	Dispose of contents/container in accordance with local/regional/national/international regulations.
<b>Hazard(s) not otherwise classified (HNOC)</b>	None known.

### 3. Composition/information on ingredients

#### Substances

Chemical name	Common name and synonyms	CAS number	%
Vinyl acetate		108-05-4	>99
Acetaldehyde		75-07-0	< 0.1
Hydroquinone		123-31-9	< 0.1

### 4. First-aid measures

<b>Inhalation</b>	Remove victim to fresh air and keep at rest in a position comfortable for breathing. Oxygen or artificial respiration if needed. Call a POISON CENTRE or doctor/physician if you feel unwell.
<b>Skin contact</b>	Take off immediately all contaminated clothing. Wash off with soap and water.
<b>Eye contact</b>	Immediately flush eyes with plenty of water for at least 15 minutes. Remove contact lenses, if present and easy to do.
<b>Ingestion</b>	Get medical attention if symptoms occur.
<b>Most important symptoms/effects, acute and delayed</b>	Direct contact with eyes may cause temporary irritation. May cause respiratory irritation. Coughing.
<b>Indication of immediate medical attention and special treatment needed</b>	Provide general supportive measures and treat symptomatically. Thermal burns: Flush with water immediately. While flushing, remove clothes which do not adhere to affected area. Call an ambulance. Continue flushing during transport to hospital. Keep victim warm. Keep victim under observation. Symptoms may be delayed.
<b>General information</b>	Take off all contaminated clothing immediately. IF exposed or concerned: Get medical advice/attention. If you feel unwell, seek medical advice (show the label where possible). Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves. Wash contaminated clothing before reuse.

### 5. Fire-fighting measures

<b>Suitable extinguishing media</b>	Alcohol resistant foam. Water fog. Dry chemical powder. Carbon dioxide (CO2).
<b>Unsuitable extinguishing media</b>	Do not use water jet as an extinguisher, as this will spread the fire.
<b>Specific hazards arising from the chemical</b>	Vapours may form explosive mixtures with air. Vapours may travel considerable distance to a source of ignition and flash back. During fire, gases hazardous to health may be formed.  Inhibited with Hydroquinone to prevent polymerization. Hydroquinone may be depleted during prolonged storage or excessive heat.
<b>Special protective equipment and precautions for firefighters</b>	Self-contained breathing apparatus and full protective clothing must be worn in case of fire.
<b>Fire fighting equipment/instructions</b>	In case of fire and/or explosion do not breathe fumes. Move containers from fire area if you can do so without risk. Wear self-contained breathing apparatus and protective suit. Use personal protective equipment. Cool containers / tanks with water spray. Do not allow run-off from fire fighting to enter drains or water courses. Evacuate personnel to safe areas. Evacuate personnel and keep upwind of fire. Water spray may be used to dilute liquid in order to decrease exposure. Fight fire from a distance, heat may rupture containers.
<b>Specific methods</b>	Use standard firefighting procedures and consider the hazards of other involved materials.
<b>General fire hazards</b>	Highly flammable liquid and vapour.  Burning produces noxious and toxic fumes. Fire or intense heat may cause violent rupture of packages. Vinyl acetate vapors may form polymers in vents and flame arrester resulting in blockage of vents.

## 6. Accidental release measures

### Personal precautions, protective equipment and emergency procedures

Keep unnecessary personnel away. Keep people away from and upwind of spill/leak. Eliminate all ignition sources (no smoking, flares, sparks, or flames in immediate area). Wear appropriate protective equipment and clothing during clean-up. Avoid inhalation of vapours and spray mists. Do not touch damaged containers or spilled material unless wearing appropriate protective clothing. Ventilate closed spaces before entering them. Local authorities should be advised if significant spillages cannot be contained. For personal protection, see section 8.

### Methods and materials for containment and cleaning up

Eliminate all ignition sources (no smoking, flares, sparks, or flames in immediate area). Take precautionary measures against static discharge. Use only non-sparking tools. Keep combustibles (wood, paper, oil etc) away from spilled material. This product is miscible in water.

**Large Spills:** Stop the flow of material, if this is without risk. Dike the spilled material, where this is possible. Cover with plastic sheet to prevent spreading. Use a non-combustible material like vermiculite, sand or earth to soak up the product and place into a container for later disposal. Prevent product from entering drains. Following product recovery, flush area with water.

**Small Spills:** Absorb with earth, sand or other non-combustible material and transfer to containers for later disposal. Wipe up with absorbent material (e.g. cloth, fleece). Clean surface thoroughly to remove residual contamination.

Never return spills to original containers for re-use. For waste disposal, see section 13 of the SDS.

### Environmental precautions

Avoid release to the environment. Prevent further leakage or spillage if safe to do so. Avoid discharge into drains, water courses or onto the ground. Inform appropriate managerial or supervisory personnel of all environmental releases.

## 7. Handling and storage

### Precautions for safe handling

Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Do not handle, store or open near an open flame, sources of heat or sources of ignition. Protect material from direct sunlight. When using do not smoke. Explosion-proof general and local exhaust ventilation. Take precautionary measures against static discharges. All equipment used when handling the product must be grounded. Use non-sparking tools and explosion-proof equipment. Avoid inhalation of vapours and spray mists. Avoid prolonged exposure. Should be handled in closed systems, if possible. Use only outdoors or in a well-ventilated area. Wear appropriate personal protective equipment. Avoid release to the environment. Observe good industrial hygiene practices.

**Precautions Regarding Recycled/Recovered vinyl acetate monomer (VAM):** Special transfer and storage procedures must be used for recycled vinyl acetate monomer, such as unreacted VAM recovered from an incomplete polymerization process. Recycled VAM will not contain sufficient levels of inhibitor to prevent polymerization and may even contain traces of polymerization initiator. Recycled or recovered VAM must not be returned to a storage tank unless special precautions are taken to ensure that adequate polymerization inhibitors have been added and that cross contamination of storage tanks does not occur.

### Conditions for safe storage, including any incompatibilities

Store locked up. Keep away from heat, sparks and open flame. Prevent electrostatic charge build-up by using common bonding and grounding techniques. Store in a cool, dry place out of direct sunlight. Store in original tightly closed container. Store in a well-ventilated place. Keep in an area equipped with sprinklers. Store away from incompatible materials (see section 10 of the SDS).

## 8. Exposure controls/personal protection

### Occupational exposure limits

#### US. OSHA Table Z-1 Limits for Air Contaminants (29 CFR 1910.1000)

Components	Type	Value
Acetaldehyde (CAS 75-07-0)	PEL	360 mg/m <sup>3</sup>
Hydroquinone (CAS 123-31-9)	PEL	200 ppm 2 mg/m <sup>3</sup>

#### US. ACGIH Threshold Limit Values

Material	Type	Value
VINYL ACETATE MONOMER	STEL	15 ppm

## US. ACGIH Threshold Limit Values

Material	Type	Value
	TWA	10 ppm
Components	Type	Value
Acetaldehyde (CAS 75-07-0)	Ceiling	25 ppm
Hydroquinone (CAS 123-31-9)	TWA	1 mg/m <sup>3</sup>
Vinyl acetate (CAS 108-05-4)	STEL	15 ppm
	TWA	10 ppm

## US. NIOSH: Pocket Guide to Chemical Hazards

Material	Type	Value
VINYL ACETATE MONOMER	Ceiling	15 mg/m <sup>3</sup>
		4 ppm
Components	Type	Value
Hydroquinone (CAS 123-31-9)	Ceiling	2 mg/m <sup>3</sup>
Vinyl acetate (CAS 108-05-4)	Ceiling	15 mg/m <sup>3</sup>
		4 ppm

<b>Biological limit values</b>	No biological exposure limits noted for the ingredient(s).
<b>Appropriate engineering controls</b>	Explosion-proof general and local exhaust ventilation. Good general ventilation (typically 10 air changes per hour) should be used. Ventilation rates should be matched to conditions. If applicable, use process enclosures, local exhaust ventilation, or other engineering controls to maintain airborne levels below recommended exposure limits. If exposure limits have not been established, maintain airborne levels to an acceptable level. Eye wash fountain and emergency showers are recommended.
<b>Individual protection measures, such as personal protective equipment</b>	
<b>Eye/face protection</b>	Chemical respirator with organic vapour cartridge and full facepiece.
<b>Skin protection</b>	
<b>Hand protection</b>	Wear appropriate chemical resistant gloves. Suitable gloves can be recommended by the glove supplier.
<b>Other</b>	Wear suitable protective clothing. Use of an impervious apron is recommended.
<b>Respiratory protection</b>	Chemical respirator with organic vapour cartridge and full facepiece.
<b>Thermal hazards</b>	Wear appropriate thermal protective clothing, when necessary.
<b>General hygiene considerations</b>	When using do not smoke. Always observe good personal hygiene measures, such as washing after handling the material and before eating, drinking, and/or smoking. Routinely wash work clothing and protective equipment to remove contaminants.

## 9. Physical and chemical properties

<b>Appearance</b>	Colourless liquid.
<b>Physical state</b>	Liquid.
<b>Form</b>	Liquid.
<b>Colour</b>	Colourless.
<b>Odour</b>	Acrid. Ester-like.
<b>Odour threshold</b>	Not available.
<b>pH</b>	Not available.
<b>Melting point/freezing point</b>	-93.2 °C (-135.76 °F)
<b>Initial boiling point and boiling range</b>	72.8 °C (163.04 °F)
<b>Flash point</b>	-8.0 °C (17.6 °F) Closed cup 0.5 - 0.9 °C (32.9 - 33.6 °F) Open cup
<b>Evaporation rate</b>	Not available.
<b>Flammability (solid, gas)</b>	Not applicable.

## Upper/lower flammability or explosive limits

<b>Explosive limit - lower (%)</b>	2.6 %
<b>Explosive limit – upper (%)</b>	13.4 %
<b>Vapour pressure</b>	12.03 kPa at 20 °C
<b>Vapour density</b>	3
<b>Relative density</b>	Not available.
<b>Solubility(ies)</b>	
<b>Solubility (water)</b>	2.4 g/l at 20 °C
<b>Partition coefficient (n-octanol/water)</b>	0.73
<b>Auto-ignition temperature</b>	427 °C (800.6 °F)
<b>Decomposition temperature</b>	Not available.
<b>Viscosity</b>	Not available.

## Other information

<b>Density</b>	0.93 g/cm <sup>3</sup>
<b>Dynamic viscosity</b>	0.43 mPa.s
<b>Dynamic viscosity temperature</b>	20 °C (68 °F)
<b>Explosive properties</b>	Not explosive.
<b>Kinematic viscosity</b>	0.4614 mm <sup>2</sup> /s estimated
<b>Molecular formula</b>	C <sub>4</sub> -H <sub>6</sub> -O <sub>2</sub>
<b>Molecular weight</b>	86.09 g/mol
<b>Oxidizing properties</b>	Not oxidising.

## 10. Stability and reactivity

<b>Reactivity</b>	The product is stable and non-reactive under normal conditions of use, storage and transport.
<b>Chemical stability</b>	Material is stable under normal conditions. Unstable with heat.  Polymerization is a highly exothermic reaction and may generate sufficient heat to cause thermal decomposition and/or rupture containers.
<b>Possibility of hazardous reactions</b>	No dangerous reaction known under conditions of normal use.
<b>Conditions to avoid</b>	Temperature > 36 °C (> 97 °F). Avoid heat, sparks, open flames and other ignition sources. Avoid temperatures exceeding the flash point. Contact with incompatible materials.
<b>Incompatible materials</b>	Peroxides. Reducing Agents. Oxidizing agents. Strong acids. Strong bases. Reacts violently with peroxides.
<b>Hazardous decomposition products</b>	Carbon oxides. Organic acids. Aldehydes. Acetaldehyde Alcohols. Acrolein.

## 11. Toxicological information

### Information on likely routes of exposure

<b>Inhalation</b>	Harmful if inhaled.
<b>Skin contact</b>	May cause mild skin irritation.
<b>Eye contact</b>	Direct contact with eyes may cause temporary irritation.
<b>Ingestion</b>	Expected to be a low ingestion hazard.

**Symptoms related to the physical, chemical and toxicological characteristics** May cause respiratory irritation. Coughing.

### Information on toxicological effects

**Acute toxicity** Harmful if inhaled. May cause respiratory irritation.

Components	Species	Test results
Hydroquinone (CAS 123-31-9)		
<b>Acute</b>		
<i>Dermal</i>		
LD50	Rat	> 900 mg/kg
<i>Oral</i>		
LD50	Rat	320 mg/kg
Vinyl acetate (CAS 108-05-4)		
<b>Acute</b>		
<i>Oral</i>		
LD50	Rat	2920 mg/kg
<b>Skin corrosion/irritation</b>	Prolonged skin contact may cause temporary irritation.	
<b>Serious eye damage/eye irritation</b>	Direct contact with eyes may cause temporary irritation.	
<b>Respiratory or skin sensitisation</b>		
<b>ACGIH sensitisation</b>		
Hydroquinone (CAS 123-31-9)	Dermal sensitization	
<b>Respiratory sensitisation</b>	Not a respiratory sensitiser.	
<b>Skin sensitisation</b>	This product is not expected to cause skin sensitisation.	
<b>Germ cell mutagenicity</b>	No data available to indicate product or any components present at greater than 0.1% are mutagenic or genotoxic.	
<b>Carcinogenicity</b>	Suspected of causing cancer.	
<b>IARC Monographs. Overall Evaluation of Carcinogenicity</b>		
Hydroquinone (CAS 123-31-9)	3 Not classifiable as to carcinogenicity to humans.	
Vinyl acetate (CAS 108-05-4)	2B Possibly carcinogenic to humans.	
<b>NTP Report on Carcinogens</b>		
Acetaldehyde (CAS 75-07-0)	Reasonably Anticipated to be a Human Carcinogen.	
<b>OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)</b>		
Not listed.		
<b>Reproductive toxicity</b>	This product is not expected to cause reproductive or developmental effects.	
<b>Specific target organ toxicity - single exposure</b>	May cause respiratory irritation.	
<b>Specific target organ toxicity - repeated exposure</b>	Not classified.	
<b>Aspiration hazard</b>	Not an aspiration hazard.	
<b>Chronic effects</b>	Prolonged inhalation may be harmful. Prolonged exposure may cause chronic effects.	

## 12. Ecological information

<b>Ecotoxicity</b>	Harmful to aquatic life.		
<b>Components</b>			
Hydroquinone (CAS 123-31-9)			
<b>Aquatic</b>			
Algae	EC50	Algae (Selenastrum capricornotum)	0.3 mg/l, 72 hours
Crustacea	EC50	Daphnia magna	0.3 mg/l, 48 hours
Fish	LC50	Zebrafish (Danio rerio)	0.11 - 0.64 mg/l, 96 hours
<b>Persistence and degradability</b>	No data is available on the degradability of this product.		
<b>Bioaccumulative potential</b>			
<b>Partition coefficient n-octanol / water (log Kow)</b>			
VINYL ACETATE MONOMER (CAS 108-05-4)	0.73		
Hydroquinone (CAS 123-31-9)	0.59		
Vinyl acetate (CAS 108-05-4)	0.73		
<b>Mobility in soil</b>	No data available.		

**Other adverse effects** No other adverse environmental effects (e.g. ozone depletion, photochemical ozone creation potential, endocrine disruption, global warming potential) are expected from this component.

### 13. Disposal considerations

**Disposal instructions** Collect and reclaim or dispose in sealed containers at licensed waste disposal site. Do not allow this material to drain into sewers/water supplies. Do not contaminate ponds, waterways or ditches with chemical or used container. Dispose of contents/container in accordance with local/regional/national/international regulations.

**Local disposal regulations** Dispose in accordance with all applicable regulations.

**Hazardous waste code** The waste code should be assigned in discussion between the user, the producer and the waste disposal company.

**Waste from residues / unused products** Dispose of in accordance with local regulations. Empty containers or liners may retain some product residues. This material and its container must be disposed of in a safe manner (see: Disposal instructions).

**Contaminated packaging** Since emptied containers may retain product residue, follow label warnings even after container is emptied. Empty containers should be taken to an approved waste handling site for recycling or disposal.

### 14. Transport information

#### DOT

**UN number** UN1301  
**UN proper shipping name** Vinyl acetate, stabilized  
**Transport hazard class(es)**  
**Class** 3  
**Subsidiary risk** -  
**Packing group** II  
**Special precautions for user** Read safety instructions, SDS and emergency procedures before handling.

#### IATA

**UN number** UN1301  
**UN proper shipping name** Vinyl acetate, stabilized  
**Transport hazard class(es)**  
**Class** 3  
**Subsidiary risk** -  
**Packing group** II  
**Environmental hazards** No.  
**Special precautions for user** Read safety instructions, SDS and emergency procedures before handling.

#### IMDG

**UN number** UN1301  
**UN proper shipping name** Vinyl acetate, stabilized  
**Transport hazard class(es)**  
**Class** 3  
**Subsidiary risk** -  
**Packing group** II  
**Environmental hazards**  
**Marine pollutant** No.  
**EmS** Not available.  
**Special precautions for user** Read safety instructions, SDS and emergency procedures before handling.

**Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code** Not established.

### 15. Regulatory information

**US federal regulations** This product is a "Hazardous Chemical" as defined by the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

#### TSCA Section 12(b) Export Notification (40 CFR 707, Subpt. D)

Acetaldehyde (CAS 75-07-0) 0.1 % One-Time Export Notification only.

#### OSHA Specifically Regulated Substances (29 CFR 1910.1001-1050)

Not listed.

#### CERCLA Hazardous Substance List (40 CFR 302.4)

Acetaldehyde (CAS 75-07-0) Listed  
Hydroquinone (CAS 123-31-9) Listed

**Superfund Amendments and Reauthorization Act of 1986 (SARA)**

**Hazard categories**  
 Immediate Hazard - Yes  
 Delayed Hazard - Yes  
 Fire hazard - Yes  
 Pressure Hazard - No  
 Reactivity hazard - No

**SARA 302 Extremely hazardous substance**

Chemical name	CAS number	Reportable quantity (pounds)	Threshold planning quantity (pounds)	Threshold planning quantity, lower value (pounds)	Threshold planning quantity, upper value (pounds)
Vinyl acetate	108-05-4	5000	1000		
Hydroquinone	123-31-9	100		500	10000

**SARA 311/312 Hazardous chemical** Yes

**SARA 313 (TRI reporting)**

Chemical name	CAS number	% by wt.
Vinyl acetate	108-05-4	>99
Acetaldehyde	75-07-0	< 0.1

**Other federal regulations****Clean Air Act (CAA) Section 112 Hazardous Air Pollutants (HAPs) List**

Acetaldehyde (CAS 75-07-0)  
 Hydroquinone (CAS 123-31-9)  
 Vinyl acetate (CAS 108-05-4)

**Clean Air Act (CAA) Section 112(r) Accidental Release Prevention (40 CFR 68.130)**

Acetaldehyde (CAS 75-07-0)  
 Vinyl acetate (CAS 108-05-4)

**Clean Water Act (CWA) Section 112(r) (40 CFR 68.130)** Hazardous substance

**Safe Drinking Water Act (SDWA)** Not regulated.

**US state regulations****US. Massachusetts RTK - Substance List**

Acetaldehyde (CAS 75-07-0)  
 Hydroquinone (CAS 123-31-9)  
 Vinyl acetate (CAS 108-05-4)

**US. New Jersey Worker and Community Right-to-Know Act**

Acetaldehyde (CAS 75-07-0)  
 Hydroquinone (CAS 123-31-9)  
 Vinyl acetate (CAS 108-05-4)

**US. Pennsylvania Worker and Community Right-to-Know Law**

Acetaldehyde (CAS 75-07-0)  
 Hydroquinone (CAS 123-31-9)  
 Vinyl acetate (CAS 108-05-4)

**US. Rhode Island RTK**

Acetaldehyde (CAS 75-07-0)  
 Hydroquinone (CAS 123-31-9)  
 Vinyl acetate (CAS 108-05-4)

**US. California Proposition 65**

WARNING: This product contains a chemical known to the State of California to cause cancer.

**US - California Proposition 65 - Carcinogens & Reproductive Toxicity (CRT): Listed substance**

Acetaldehyde (CAS 75-07-0)

**International Inventories**

Country(s) or region	Inventory name	On inventory (yes/no)*
Australia	Australian Inventory of Chemical Substances (AICS)	Yes
Canada	Domestic Substances List (DSL)	Yes

Country(s) or region	Inventory name	On inventory (yes/no)*
Canada	Non-Domestic Substances List (NDSL)	No
China	Inventory of Existing Chemical Substances in China (IECSC)	Yes
Europe	European Inventory of Existing Commercial Chemical Substances (EINECS)	Yes
Europe	European List of Notified Chemical Substances (ELINCS)	No
Japan	Inventory of Existing and New Chemical Substances (ENCS)	Yes
Korea	Existing Chemicals List (ECL)	Yes
New Zealand	New Zealand Inventory	Yes
Philippines	Philippine Inventory of Chemicals and Chemical Substances (PICCS)	Yes
United States & Puerto Rico	Toxic Substances Control Act (TSCA) Inventory	Yes

\*A "Yes" indicates this product complies with the inventory requirements administered by the governing country(s).

A "No" indicates that one or more components of the product are not listed or exempt from listing on the inventory administered by the governing country(s).

## 16. Other information, including date of preparation or last revision

**Issue date** 29-May-2015

**Revision date** -

**Version No.** 01

**HMIS® ratings**  
 Health: 2\*  
 Flammability: 3  
 Physical hazard: 0

**Disclaimer**  
 Do not use Kuraray materials in medical applications involving implantation in the human body or contact with internal body fluids or tissues unless the material has been provided from Kuraray under a written contract that is consistent with Kuraray policy regarding medical applications and expressly acknowledges the contemplated use. For further information, please contact your Kuraray representative.

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 23, 2018

Requested By: Ian Clowes

Department: Planning and Development

Report:  X  Resolution:       Ordinance:  X

### Appropriations

Source of Funds:  N/A

Account Number:  N/A

Amount Budgeted:  N/A

Amount Requested:  N/A

Budgeted Item:  N/A

Exhibits:     **Ordinance**  
                  **P&Z Recommendation Letter**  
                  **Existing Land Use Map**  
                  **Proposed Land Use Map**

---

### SUMMARY & RECOMMENDATION

This item is a request for consideration to amend the city's Future Land Use Plan in conjunction with a request by Louisiana Chemical Equipment Co., L.L.C., applicant and owner, who is seeking approval of a Zone Change from the Large Lot Residential (LL) zoning district to the Light Industrial (LI) zoning district. The property in question is located south of 11100 SH 225 and is legally described as Tracts 351 & 352, La Porte Outlots.

The city's Future Land Use Plan (FLUP) identifies the subject property as "Large Lot Residential". In order to accommodate the proposed zone change, the FLUP would need to be amended to show the property as "Light Industrial".

The Planning and Zoning Commission, at their June 21, 2018 regular meeting, voted 5-0 to recommend denial of the proposed Future Land Use Amendment.

#### Action Required by Council:

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to deny an Ordinance amending the City's Future Land Use Plan for a 6.43 acre tract of land known as Tracts 351 & 352, La Porte Outlots, located south of 11100 SH 225. and as depicted in the attached exhibit.

Approved for City Council Agenda

---

**Corby D. Alexander, City Manager**

---

**Date**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING AN UPDATE TO THE FUTURE LAND USE MAP COMPONENT OF THE COMPREHENSIVE PLAN OF THE CITY OF LA PORTE, TEXAS UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF LA PORTE, TEXAS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

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

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

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

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

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

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

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on June 21, 2018, the La Porte Planning and Zoning Commission reviewed the Future Land Use Map component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for that 6.43 acre tract of land located south of 11100 SH 225, and legally described as follows: Tracts 351 & 352, La Porte Outlots, City of La Porte, Harris County, Texas, from its present designation of "Large Lot Residential", to "Light Industrial ", and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend to the La Porte City Council such amendments be made to the Future Land Use Plan component of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY

THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, THAT:

Section 1 That an amendment to the Future Land Use Map component of the Comprehensive Plan of the City of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its July 23, 2018 meeting, pursuant to the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

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

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

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

Section 4 This Ordinance shall be in effect from and after its passage and approval.  
Passed and approved this the 23rd day of JULY, 2018.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_

Louis R. Rigby, Mayor

ATTEST:

By: \_\_\_\_\_

Patrice Fogarty, City Secretary

APPROVED:

By: \_\_\_\_\_

Clark Askins, Assistant City Attorney



June 22, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Request #18-92000004 to Amend the Future Land Use Map

Dear Mayor Rigby and City Council:

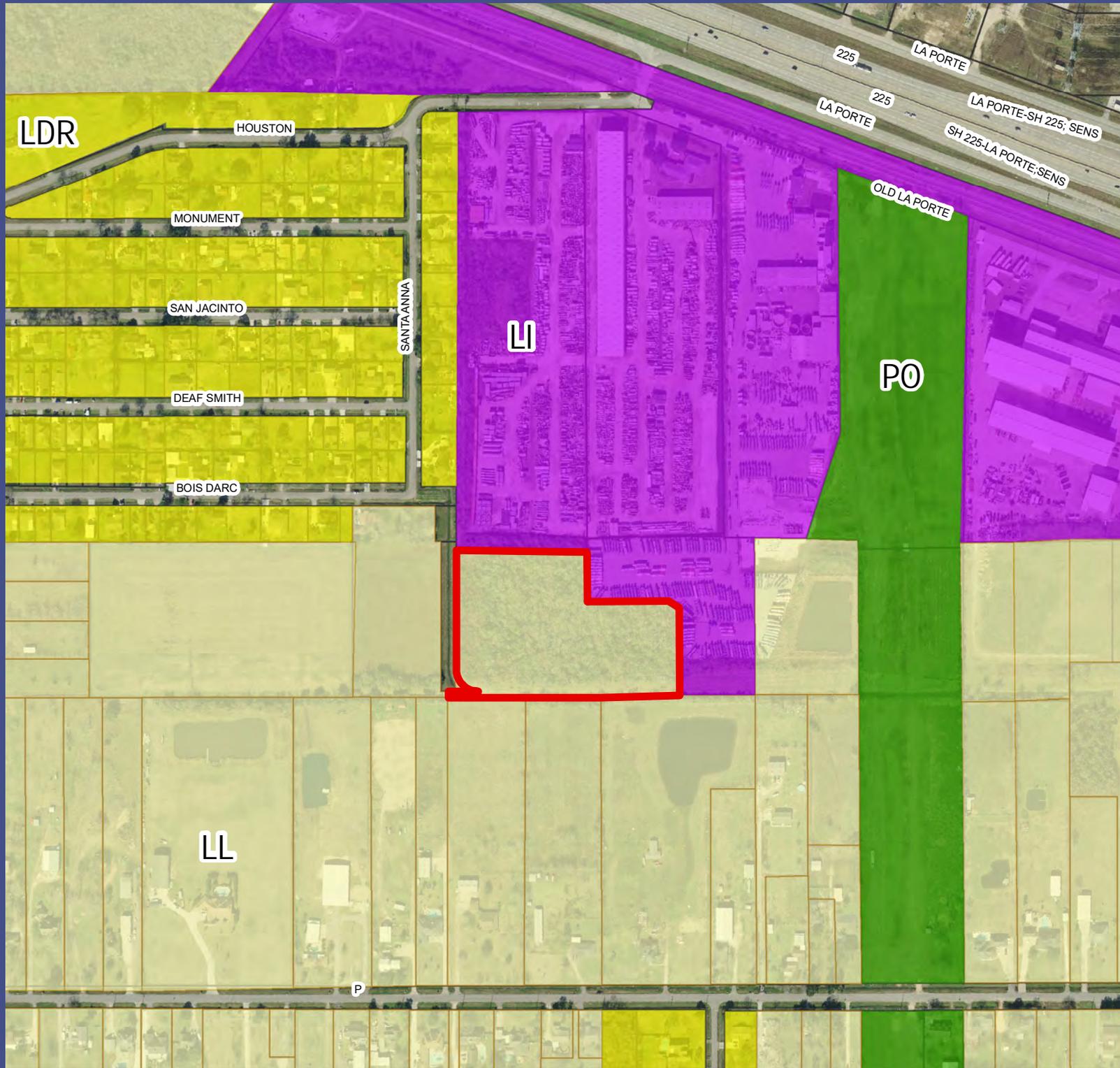
The La Porte Planning and Zoning Commission held a meeting on June 21, 2018 on a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 6.43 acre tract of land located south of 11100 SH 225, and is legally described as Tracts 351 & 352, La Porte Outlots. The request was for approval of a change of the future land use designation from "Large Lot Residential" use to "Light Industrial" use

The Commission voted 5-0 to recommend denial of the proposed amendments to the City's Future Land Use Map. Commissioner Follis abstained.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development  
Department File



**EXHIBIT A**

**CURRENT  
FLUP MAP**

**Zone Change  
18-92000004**

**Louisiana Chemical  
LLD to LI**

**Legend**

 Subject Parcel

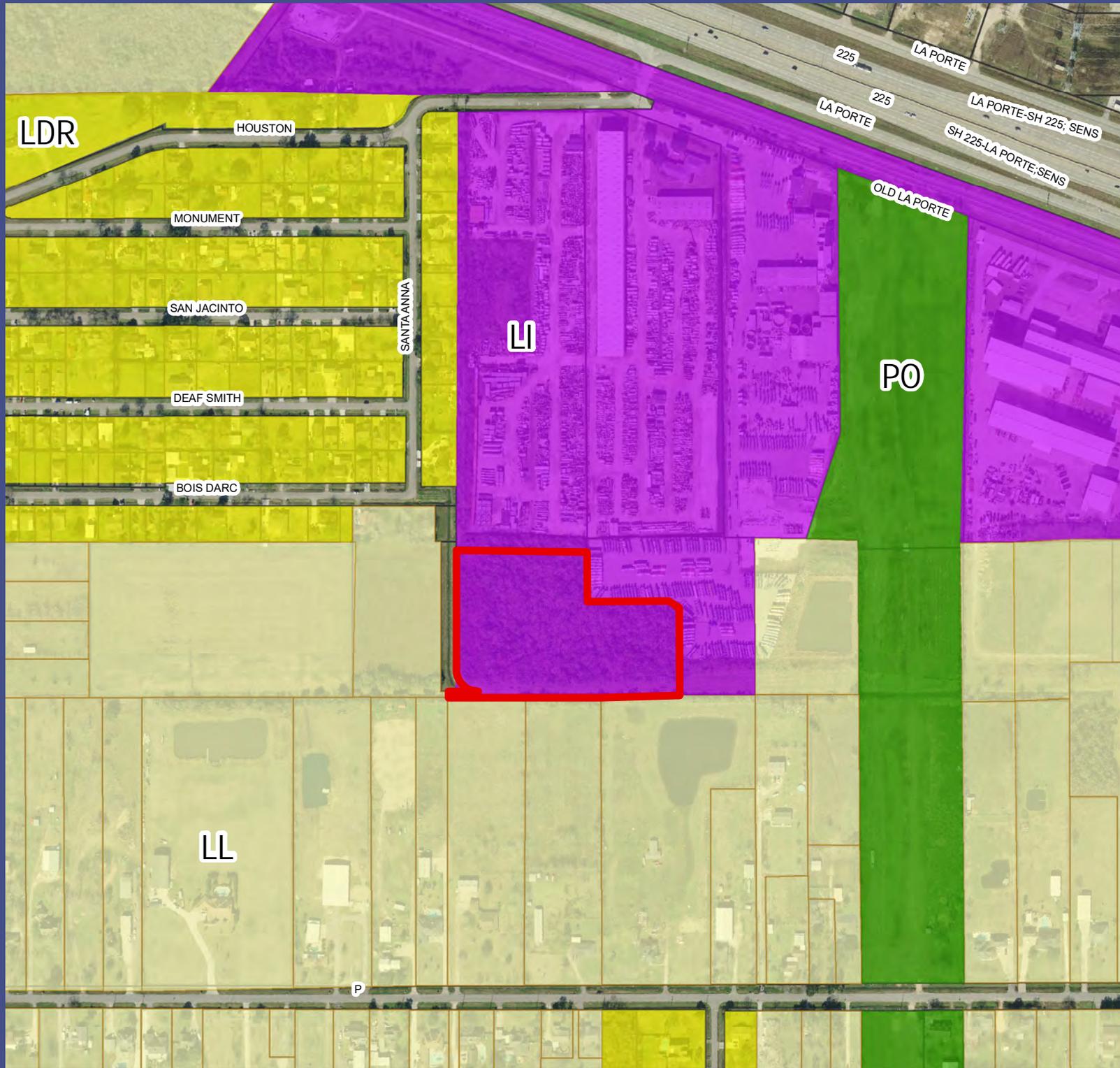


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1 inch = 421 feet



**APRIL 2018  
PLANNING DEPARTMENT**



**EXHIBIT B**  
**PROPOSED**  
**FLUP MAP**

**Zone Change**  
**18-92000004**

**Louisiana Chemical**  
**LLD to LI**

**Legend**

 Subject Parcel



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1 inch = 421 feet



APRIL 2018  
 PLANNING DEPARTMENT

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>July 23, 2018</u>
<b>Requested By:</b> <u>Ian Clowes</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <u> X </u> <b>Resolution:</b> <u>     </u> <b>Ordinance:</b> <u> X </u>

<b><u>Appropriations</u></b>	
<b>Source of Funds:</b>	<u>N/A</u>
<b>Account Number:</b>	<u>N/A</u>
<b>Amount Budgeted:</b>	<u>N/A</u>
<b>Amount Requested:</b>	<u>N/A</u>
<b>Budgeted Item:</b>	<u>N/A</u>

- Exhibits:**
- Ordinance**
  - P&Z Recommendation Letter**
  - Applicant Information and Request**
  - Returned Comment Sheets**
  - Aerial Map**
  - Zoning Map**
  - Land Use Map**

---

### **SUMMARY & RECOMMENDATION**

The City of La Porte, is seeking approval of a Zone Change from the Large Lot Residential (LL) zoning district to the Light Industrial (LI) zoning district. The property in question is located south of 11100 SH 225 and is legally described as Tracts 351 & 352, La Porte Outlots.

The property is currently undeveloped and is owned by Louisiana Chemical. The applicant would like to expand their existing lay down operations on to the 6.43 acre tract of land, to store a portion of their chemical equipment inventory. If approved, the applicant will be required to apply a dust free surface for the proposed laydown yard.

Staff received two returned notices in opposition and a number of phone calls from area residents, all opposed to the proposed request.

The Planning and Zoning Commission, at their June 21, 2018 regular meeting, voted 5-0 to recommend denial of the proposed Zone Change.

**Action Required by Council:**

1. Conduct public hearing.

2. Consider action on a recommendation by the Planning and Zoning Commission to deny an Ordinance for zone change request #18-92000004, for a 6.43 acre tract of land located south of 11100 SH 225 and is legally described as Tracts 351 & 352, La Porte Outlots

**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

---

**Date**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 6.43 ACRE TRACT OF LAND LOCATED SOUTH OF 11100 SH 225 AND IS LEGALLY DESCRIBED AS TRACTS 351 & 352, LA PORTE OUTLOTS, FROM LARGE LOT RESIDENTIAL (LL) TO LIGHT INDUSTRIAL (LI); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 6.43 acre tract of land located south of 11100 SH 225 and is legally described as Tracts 351 & 352, La Porte Outlots, Harris County, Texas, from Large Lot Residential (LL) to Light Industrial (LI).

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

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

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

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

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

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

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

PASSED AND APPROVED this the \_\_\_\_\_ day of JULY, 2018.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

\_\_\_\_\_  
Clark Askins, Assistant City Attorney



June 22, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Zone Change Request #18-92000004

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the June 21, 2018 meeting on a zone change request by the City of La Porte for a zone change of property legally described as Tracts 351 & 352, La Porte Outlots, from Large Lot Residential (LL) to Light Industrial (LI). The site is a 6.43 acre tract of land located south of 11100 SH 225.

The Commission voted 5-0 to recommend denial of the proposed zone change. Commissioner Follis abstained.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development  
Department File



# Zone Change Application

Planning and Development Department

### PROJECT INFORMATION

Address where zone change is being requested: 11100 Hwy 225, LaPorte, Texas, 77571  
Legal description where zone change is being requested: TRS 351&352 LaPorte Outlots 6.43 Acres  
HCAD Parcel Number where zone change is being requested: 023-139-000-0351  
Zoning District: Light Industrial Lot area: 6.43 Acres  
*A request for approval of a zone change is hereby made to the City of La Porte.*  
Description of Request: We would like to rezone the 6.43 acres in the back of our yard for continued use as additional storage.

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

### PROPERTY OWNER(S) INFORMATION

Name: \_\_\_\_\_  
Company (if applicable): Louisiana Chemical Equipment Co., L.L.C.  
Address: PO Box 1490  
City: LaPorte State: Texas Zip: 77572-1490  
Phone: 281-471-4900 Email: stephenjr@LCEC.com

### AUTHORIZED AGENT (if other than owner)

Name: \_\_\_\_\_  
Company (if applicable): NA  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): \_\_\_\_\_ Date: 3/12/18

#### STAFF USE ONLY:

Case Number:  
18-9200004

Date Application Received:  
3/14/18



# Louisiana Chemical Equipment Co., L.L.C.

PLANT REMOVAL

SURPLUS EQUIPMENT

LIQUIDATIONS

USED CHEMICAL PROCESS EQUIPMENT

P.O. BOX 65064  
PHONE (225) 923-3602  
E-MAIL: [plants@lcec.com](mailto:plants@lcec.com)

BATON ROUGE, LOUISIANA 70896-5064  
FAX (225) 926-5237  
<http://www.lcec.com>

Ian Clowes | City Planner  
604 W. Fairmont Parkway | La Porte, TX 77571

LCEC has been at its current location 11100 HWY 225 in La Porte, TX since 1972.

We currently have an opportunity to expand our business, however it is imperative that we are able to utilize the 6 acres (plot) behind our property as additional laydown area for our core business of the buying and selling of used chemical equipment. We have an opportunity to lease out a section of our Western most portion (approx. 10 acres) for a container storage yard. However, we really have no place to go and it is a monumental task to move all of our assets. The six acres behind our yard is only accessible by LCEC and will be used as additional storage only. There will be no lighting and we are willing to leave some trees along the back as well as some fencing. However, we need this land to utilize as much of the acreage as possible in order to secure the lease.

Stephen J. Rotenberg  
President  
Louisiana Chemical Equipment Co., L.L.C.  
Baton Rouge, LA 70896  
Tel: 225/923-3602  
Fax: 225/926-5237  
Cell: 713/412-0263

## Conceptual Drawing



## Current Photo





**Zone Change Application**  
Planning and Development Department

**AFFIDAVIT OF POSTING**  
*PLANNING AND ZONING COMMISSION PUBLIC HEARING*

STATE OF TEXAS  
COUNTY OF HARRIS  
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

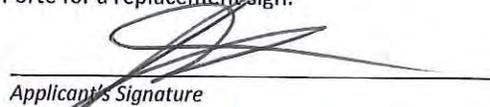
1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 11100 Hwy 225, LaPorte, Texas, 77571  
LEGAL DESCRIPTION: TRS 351&352 LaPorte Outlots 6.43 Acres

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: \_\_\_\_\_.

3. Said sign shall be placed on the property within 20 feet of the abutting street.

4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

  
Applicant's Signature

Stephen J. Rotenberg  
Applicant's Printed Name

Subscribed and sworn before me this 12<sup>th</sup> day of March, 2018, by

Stephen J. Rotenberg (Print Applicant's Name).

  
Notary Public

(Seal)

My commission expires: Stephen G. McCollister  
NOTARY PUBLIC  
East Baton Rouge Parish, Louisiana  
Bar Roll No. 1931  
My Commission Expires: at death.

**Ledoux**

---

**From:** "Ledoux" <wsledoux@comcast.net>  
**Date:** Friday, April 13, 2018 1:10 PM  
**To:** "Ledoux" <wsledoux@comcast.net>  
**Attach:** 2018-05-06 07.28.40.jpg; 2018-05-06 07.28.29.jpg; 2018-05-04 10.32.30.jpg  
**Subject:** Fw: Zone change request #18-92000004

We built our home in Lomax 25 years ago because we loved the rural feel of the neighborhood.

We have always enjoyed the many bird species, including woodpeckers and several hawks. There have been raccoons and a few coyotes as well. The woods behind my home is their home and I want it to stay that way.

If the city re-zones this acreage described as Tracts 351 & 352, La Porte Outlots, then that gives LCE freedom to do whatever it wants.

I have attached photos showing my current view and my probable view if they are successful in their attempt. There is also the excessive noise and security lighting to consider.

Please don't re-zone this property. I had planned on living the rest of my life here and leaving it for our children. This is our home. Besides destroying the aesthetic value of our property, it will definitely lower the property value. The property should be "grandfathered in" as Large lot residential.

Thank you for your consideration on this subject



Wanda Ledoux

11201 N P ST  
LaPorte

4/13/2018





A Meeting of the La Porte  
Planning & Zoning Commission

Scheduled for  
**APRIL 19, 2018**

To Consider  
**Zone Change Request #18-92000004**

---

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

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I am **OPPOSED** to granting this request for the following reasons:

*see attached sheet*

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Stephen Brown  
Name (please print)

11115 N. Pst  
Address

C. Stephen Brown  
Signature

LaPorte TX. 77571  
City, State, Zip

Stephen Brown  
11115 N. Pst  
LA Porte TX, 77571  
713-724-9939

I am OPPOSED to granting this request for the following reasons:

If allowed to rezone this property into industrial/commercial this will cause the value of my property to substantially lower. Most property owners in the Lomax area bought paying much higher amounts than the property value were at the time. We paid these higher prices to live on acreage instead of crowded neighborhoods. This is a residential area and should remain as such. No one wants to walk out into their back yard and see a fenced in industrial lot that holds old used machinery and parts when we are normally looking at a wooded area.

Allowing this change would also affect my quality of living on my property as well as my neighbors. It will not only affect adjoining property but for several properties in the area. The noise from these companies is already loud enough and allowing this change would only double the noise pollution it would bring. The extra noise would also put a burden on City resources such as the Police Department when complaints of loud noises rises over what they are currently responding to.

When considering this change the Commission should not look at the money to be made but the money that would be lost and consider how many home owners will be affected by this change. There is more bad reasons than good reasons for allowing this change. Homeowners should not be pushed out by businesses. The bottom line is that for them wanting to make more money will cause numerous homeowners and their families to either move or tolerate a decline in their quality of living and value of their property.

And last this would displace a lot of wildlife. The property is currently home to coyotes, rabbits, squirrels and an occasional deer. There is no place for this wildlife to go if allowed.





# AERIAL MAP

**Zone Change  
18-92000004**

**Louisiana Chemical  
LLD to LI**

## Legend

 Subject Parcel

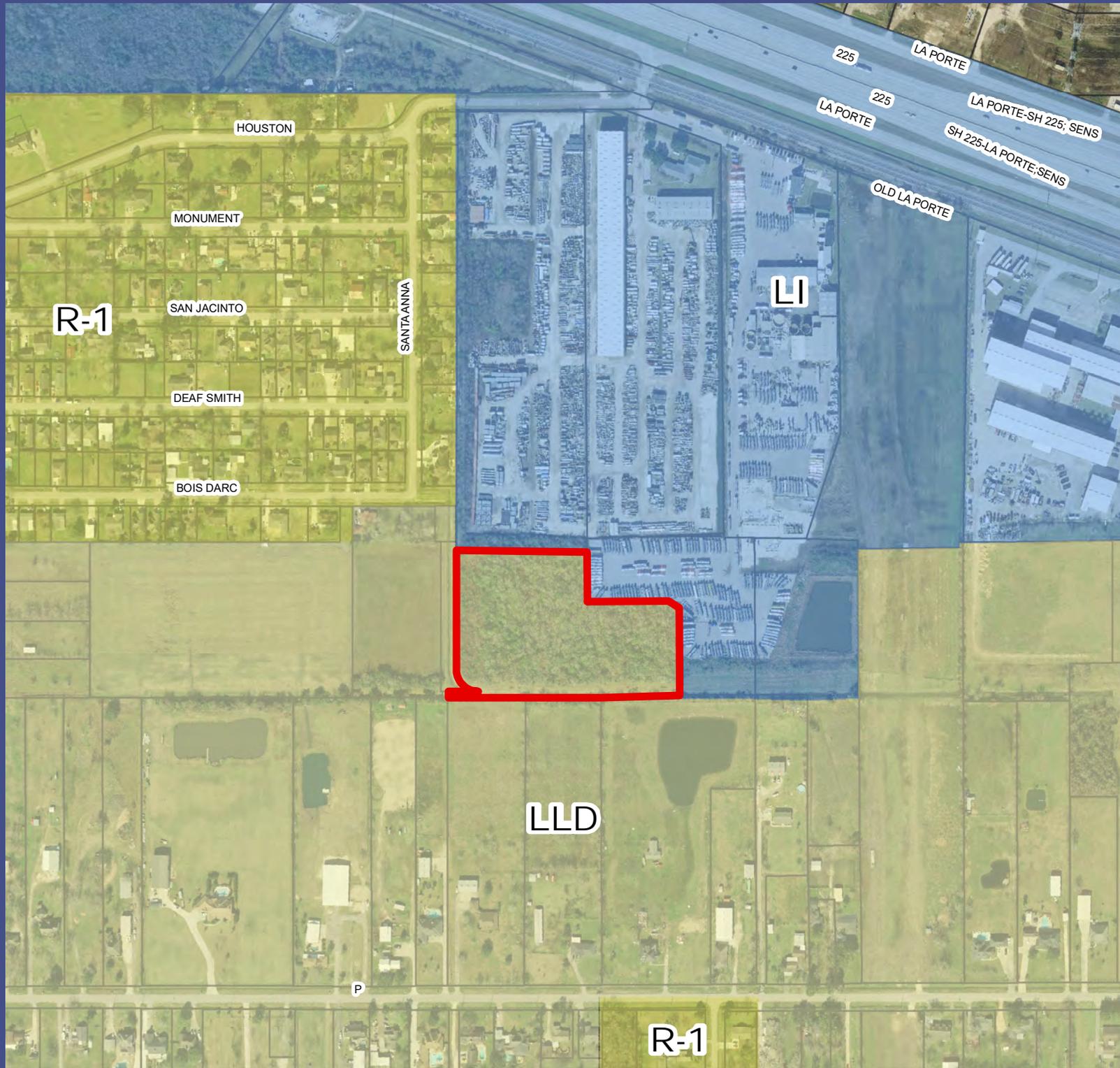


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1 inch = 421 feet



**JULY 2018  
PLANNING DEPARTMENT**



# ZONING MAP

**Zone Change  
18-92000004**

**Louisiana Chemical  
LLD to LI**

## Legend

 Subject Parcel

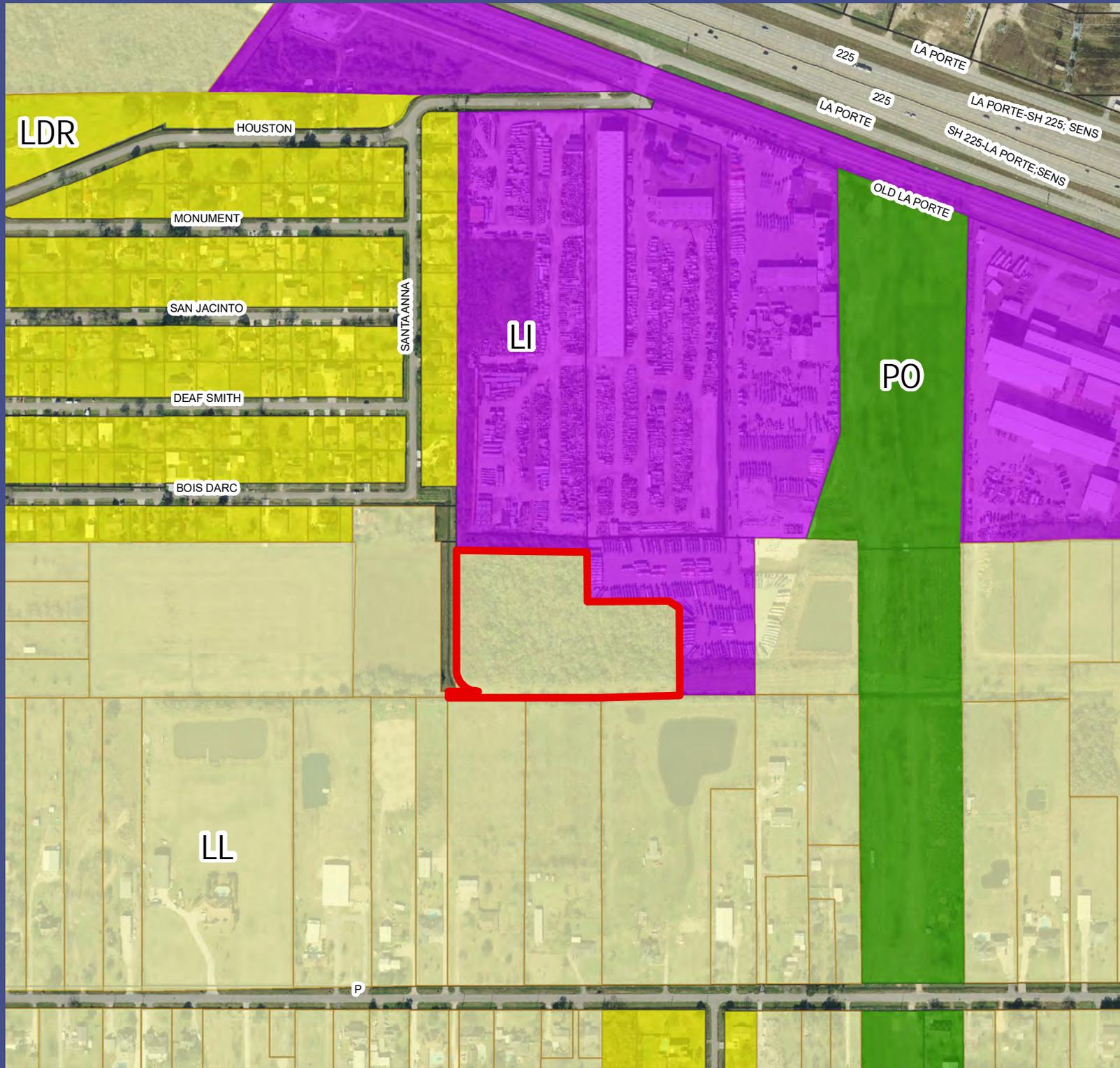


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**JULY 2018  
PLANNING DEPARTMENT**



# FLUP MAP

**Zone Change  
18-92000004**

**Louisiana Chemical  
LLD to LI**

## Legend

 Subject Parcel



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1 inch = 421 feet



**JULY 2018  
PLANNING DEPARTMENT**

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>July 23, 2018</u>
<b>Requested By:</b> <u>Ian Clowes</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <input checked="" type="checkbox"/> <b>Resolution:</b> <input type="checkbox"/> <b>Ordinance:</b> <input checked="" type="checkbox"/>

<u>Appropriations</u>	
<b>Source of Funds:</b>	<u>N/A</u>
<b>Account Number:</b>	<u>N/A</u>
<b>Amount Budgeted:</b>	<u>N/A</u>
<b>Amount Requested:</b>	<u>N/A</u>
<b>Budgeted Item:</b>	<u>N/A</u>

- Exhibits:**
- Ordinance**
  - Proposed SCUP**
  - P&Z Recommendation Letter**
  - Applicant Information and Request**
  - Aerial Map**
  - Zoning Map**
  - Land Use Map**

---

### SUMMARY & RECOMMENDATION

Applicant, Nirmal Gandhi, on behalf of Nick Desai, owner, is seeking approval of a SCUP to allow for a Hotel/Motel Use to locate in the General Commercial (GC) Zoning District. The property in question is a 0.85 acre tract of land located at 800 W. Fairmont Pkwy. and is legally described as Lots 1-32, Block 173, Town of La Porte Subdivision.

The property is currently home to the former Wells Fargo Drive up Bank and zoned General Commercial (GC). The applicant is interested in removing the existing banking facility and redeveloping the site. Current plans call for a motel to be located on the northern portion of the property, leaving a strip of commercial along Fairmont for future use.

To date, staff has not received any notices in opposition or in favor of the proposed SCUP application.

The Planning and Zoning Commission, at their June 21, 2018 regular meeting, voted 6-0 to recommend denial of the proposed SCUP, as presented. If the City Council decides to approve the request, staff has suggested a number of conditions of approval. Below is a list of all included conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Hotel/Motel.

3. Permitted Hotel/Motel use shall only be permitted on the northern 1 acre of the property.
4. The underlying zoning is GC. All GC requirements will need to be met.
5. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
6. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to deny an Ordinance for SCUP #18-91000005

**Approved for City Council Agenda**

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

\_\_\_\_\_  
Date

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 18-91000005, TO ALLOW FOR A HOTELS (EXCEPT CASINO HOTELS) AND MOTELS USE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT, ON A 0.85 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS LOTS 1-32, BLOCK 173, TOWN OF LA PORTE SUBDIVISION, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #18-91000005, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a Hotel (except Casino Hotels) and Motel use on a 0.85 acre tract of land, said tract being legally described as Lots 1-32, Block 173, Town of La Porte Subdivision, La Porte, Harris County, Texas, and situated within the General Commercial (GC) zoning district.

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

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

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

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

**Section 6.** The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this the 23<sup>rd</sup> day of JULY, 2018.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

\_\_\_\_\_  
Clark Askins, Assistant City Attorney

**EXHIBIT A**

**City of La Porte  
Special Conditional Use Permit #18-91000005**

**This permit is issued to:** Nirmal Gandhi  
**Owner or Agent**

10701 Corporate Dr. #190 Stafford, TX 77477  
**Address**

**For Development of:** Motel  
**Development Name**

800 W. Fairmont Pkwy.  
**Address**

**Legal Description:** Lots 1-32, Block 173, Town of La Porte Subdivision, Harris County, TX

**Zoning:** GC, General Commercial

**Use:** Hotel (except Casino Hotels) and Motels

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City’s Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Hotel/Motel.
3. Permitted Hotel/Motel use shall only be permitted on the northern 1 acre of the property.
4. The underlying zoning is GC. All GC requirements will need to be met.
5. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process for any proposed building improvements.
6. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, “Zoning” of the City’s Code of Ordinances.

Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: \_\_\_\_\_

\_\_\_\_\_  
Director of Planning and Development

\_\_\_\_\_  
City Secretary



June 22, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Special Conditional Use Permit Request #18-91000005

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on June 21, 2018 to hear a Special Conditional Use Permit request by Nirmal Gandhi, on behalf of Nick Desai, owner; for a Special Conditional Use Permit to allow for a Hotel/Motel Use. The subject site is located at 800 W. Fairmont Pkwy., and is legally described as Lots 1-32, Block 173, Town of La Porte Subdivision. The subject site is zoned General Commercial (GC) and Section 106-310 of the Code of Ordinances requires a Special Conditional Use Permit in order for the above referenced use to be permitted within the GC zoning district.

The Commission voted 6-0 to recommend denial of the proposed SCUP.

Respectfully submitted

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

cc: Richard Mancilla, Director of Planning and Development  
Department File



# Special Conditional Use Permit Application

Planning and Development Department

### PROJECT INFORMATION

Address where SCUP is being requested: 805 W. Fairmont Parkway

Legal description where SCUP is being requested: \_\_\_\_\_

HCAD Parcel Number where SCUP is being requested: 023 253 073 0001

Zoning District: General Commercial Lot area: \_\_\_\_\_

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: Want to build a 2 story exterior corridor motor with 30 rooms and a managers living quarters

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

### PROPERTY OWNER(S) INFORMATION

Name: Nick Desai

Company (if applicable): \_\_\_\_\_

Address: 6227 N. Hwy 146

City: Baytown State: TX Zip: 77523

Phone: 281 748 9718 Email: na.

### AUTHORIZED AGENT (if other than owner)

Name: Nirmal Gandhi

Company (if applicable): GANDHI Designs LLC

Address: 10701 Corporate Dr. #190

City: STAFFORD State: TX Zip: 77477

Phone: 281 660 9204 Email: nirmal@gandhidesigns.com

### OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: [Signature] Date: 5/8/18

Owner(s)' Signature(s): [Signature] Date: 5/8/18

#### STAFF USE ONLY:

Case Number:  
18-91000005

Date Application Received:  
**RECEIVED**  
MAY 08 2018



# Special Conditional Use Permit Application

Planning and Development Department

## AFFIDAVIT OF POSTING PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS  
COUNTY OF HARRIS  
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

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

ADDRESS: 800 Fairmont Pkwy, LaPorte, TX 77571

LEGAL DESCRIPTION: \_\_\_\_\_

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: 06/15/18.

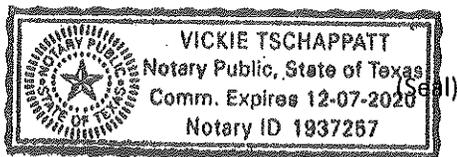
3. Said sign shall be placed on the property within 20 feet of the abutting street.

4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

N. Desai  
Applicant's Signature

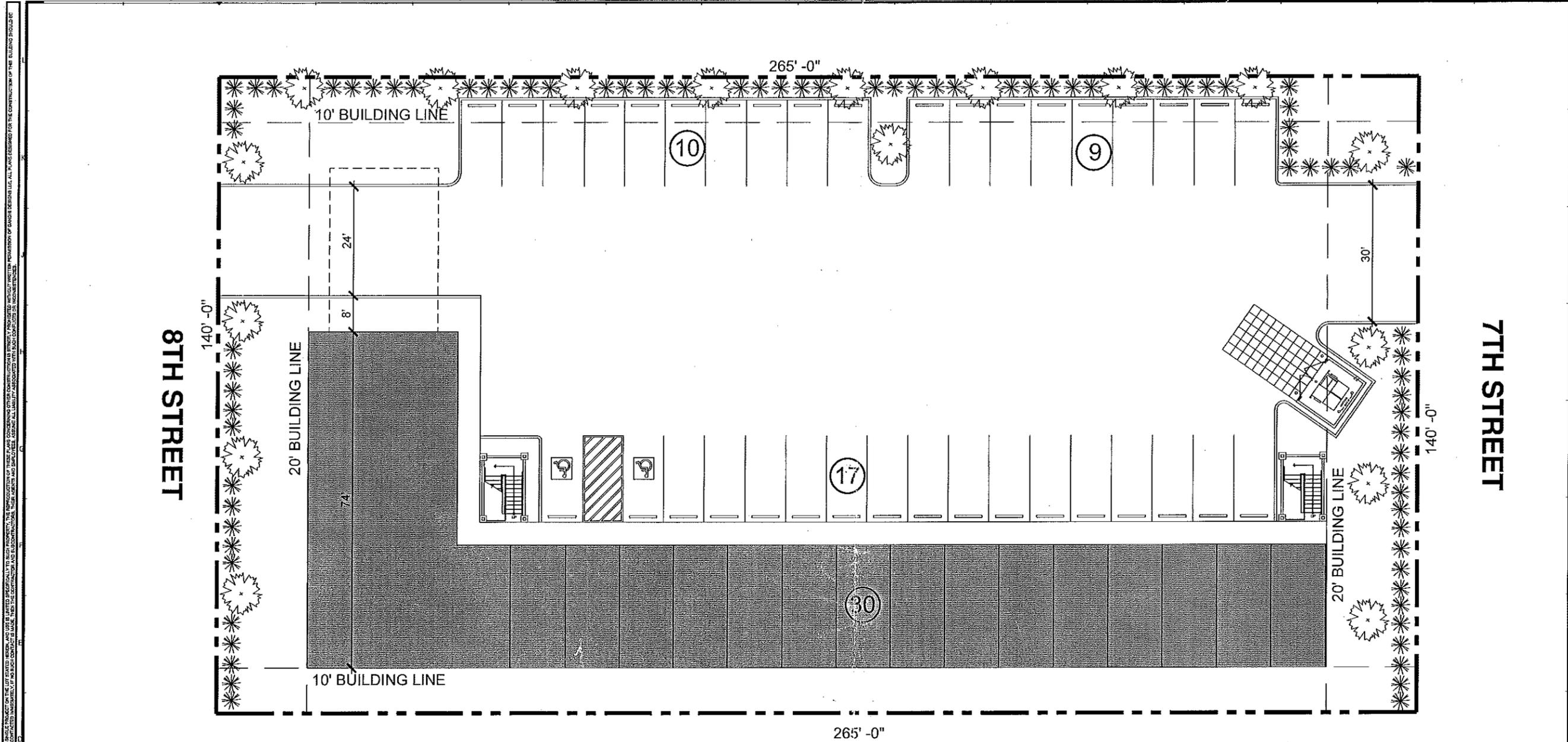
Nayankumar Desai  
Applicant's Printed Name

Subscribed and sworn before me this 8 day of May, 2018, by \_\_\_\_\_  
(Print Applicant's Name).



Vickie Tschappatt  
Notary Public

My commission expires: 12-7-2020



**1 SITE PLAN**  
SCALE: 1"=20'-0"



AREA TABULATION	
TOTAL LAND AREA	37,100 SF
FIRST FLOOR AREA	7,626 SF
SECOND FLOOR AREA	7,626 SF
TOTAL BUILDING AREA	15,252 SF
CANOPY AREA	864 SF

ROOM TABULATION	
ROOM TYPE:	ROOM COUNT
KING	23
ACCESSIBLE KING	1
DOUBLE QUEEN	5
ACCESS DOUBLE QUEEN	1
TOTAL ROOMS	30
TOTAL PARKINGS	36

**DESIGNS**  
ARCHITECTURE  
PLANNING  
CONSULTING

10701 CORPORATE DR. #110  
STAFFORD, TX 77477 / 281.666.5304  
EMAIL: @GANDHIDESIGNS.COM

ISSUES	1	2	3	4	5

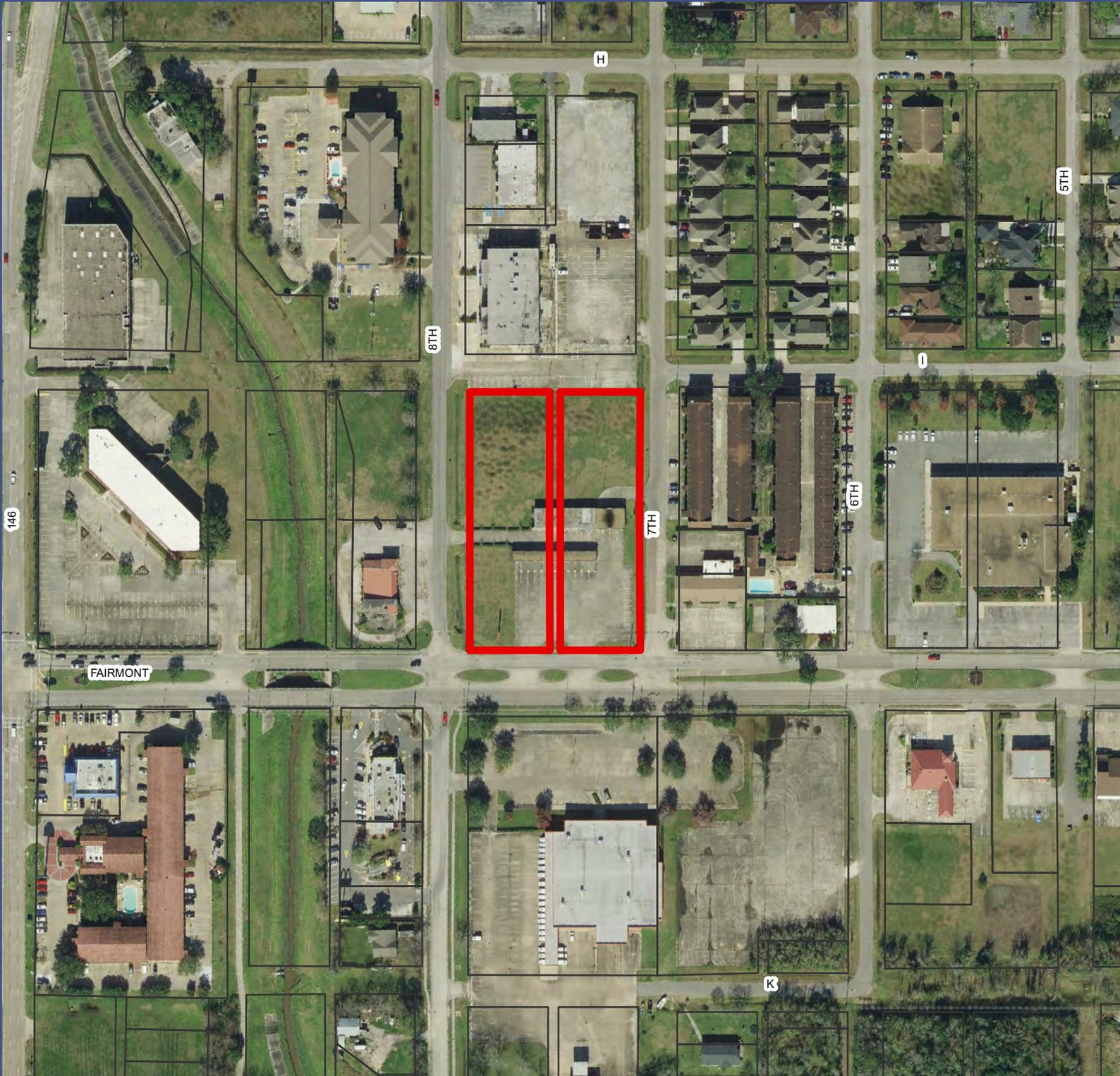
FOR OWNER OR  
FRANCHISE REVIEW  
ONLY

**NOT FOR  
CONSTRUCTION**

CONFIDENTIAL AND PROPRIETARY  
DRAWINGS AND PLANS ARE THE PROPERTY OF GANDHI DESIGNS ARCHITECTURE AND PLANNING CONSULTING. NO PART OF THESE DRAWINGS OR PLANS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GANDHI DESIGNS ARCHITECTURE AND PLANNING CONSULTING.

**LA PORTE INN**  
LA PORTE, TX

20180500- PROJECT NUMBER
DATE
SHEET TITLE
ARCHITECTURAL LANDSCAPE/FIRE SITE PLAN
SHEET NUMBER
<b>AC1.01</b>



# AERIAL MAP

SCUP  
18-9100005

800 W. Fairmont

## Legend

 Subject Parcel

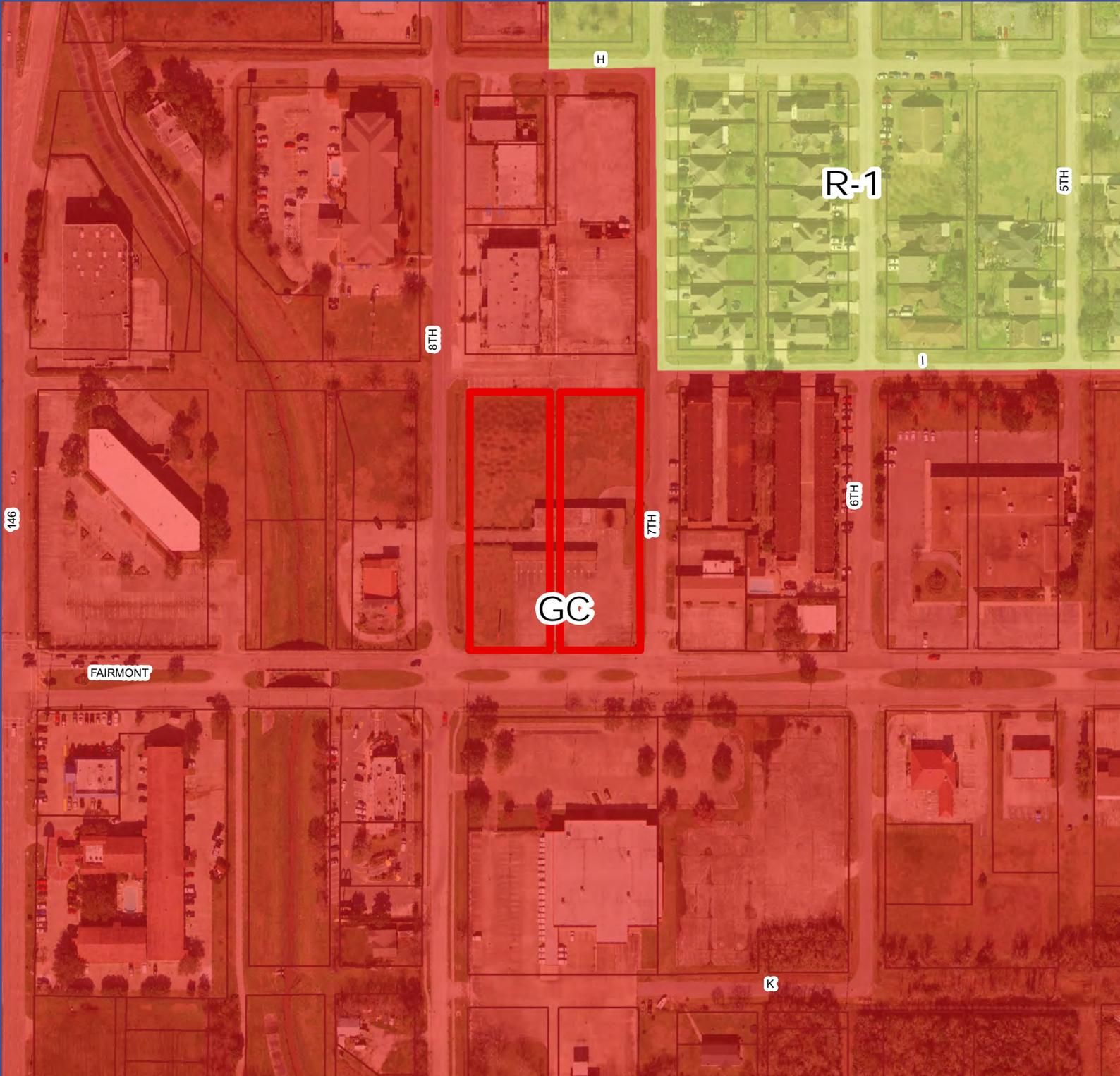


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1 inch = 211 feet



JUNE 2018  
PLANNING DEPARTMENT



# ZONING MAP

SCUP  
18-91000005

800 W. Fairmont

## Legend

 Subject Parcel



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

1 inch = 211 feet



JUNE 2018  
PLANNING DEPARTMENT



# FLUP MAP

SCUP  
18-91000005

800 W. Fairmont

## Legend

 Subject Parcel



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

1 inch = 211 feet



JUNE 2018  
PLANNING DEPARTMENT

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>July 23, 2018</u>
<b>Requested By:</b> <u>Ian Clowes</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <input checked="" type="checkbox"/> <b>Resolution:</b> <input type="checkbox"/> <b>Ordinance:</b> <input checked="" type="checkbox"/>

<b><u>Appropriations</u></b>	
<b>Source of Funds:</b>	<u>N/A</u>
<b>Account Number:</b>	<u>N/A</u>
<b>Amount Budgeted:</b>	<u>N/A</u>
<b>Amount Requested:</b>	<u>N/A</u>
<b>Budgeted Item:</b>	<u>N/A</u>

- Exhibits:**
- Ordinance**
  - Proposed SCUP**
  - P&Z Recommendation Letter**
  - Applicant Information and Request**
  - Aerial Map**
  - Zoning Map**
  - Land Use Map**

---

### **SUMMARY & RECOMMENDATION**

Applicant, Jaison Bechar, on behalf of Satish Bechar, owner, is seeking approval of a SCUP to allow for a Hotel/Motel Use to locate in the General Commercial (GC) Zoning District. The property in question is a 0.87 acre tract of land located at 928 SH 146 South. and is legally described as Reserve A, Denny’s Classic Diner La Porte Subdivision.

The property is currently is partially occupied by a Denny’s restaurant and is zoned General Commercial (GC). The applicant is interested in constructing a motel behind the existing restaurant. Current plans show the sole access to the motel coming from the Denny’s parking lot, with access to SH 146. The applicant is in the process of subdividing the property.

To date, staff has not received any notices in opposition or in favor of the proposed SCUP application.

The Planning and Zoning Commission, at their June 21, 2018 regular meeting, voted 6-0 to recommend denial of the proposed SCUP, as presented. If the City Council decides to approve the request, staff has suggested a number of conditions of approval. Below is a list of all included conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Hotel/Motel.

3. Permitted Hotel/Motel use shall only be permitted on the western 0.87 acres of the property.
4. The underlying zoning is GC. All GC requirements will need to be met.
5. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
6. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to deny an Ordinance for SCUP #18-91000006

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 18-91000006, TO ALLOW FOR A HOTELS (EXCEPT CASINO HOTELS) AND MOTELS USE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT, ON A 0.87 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS RESERVE A, DENNY'S CLASSIC DINER LA PORTE SUBDIVISION, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #18-91000006, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a Hotel (except Casino Hotels) and Motel use on a 0.87 acre tract of land, said tract being legally described as Reserve A, Denny's Classic Diner La Porte Subdivision, La Porte, Harris County, Texas, and situated within the General Commercial (GC) zoning district.

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

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

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

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

**Section 6.** The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this the 23<sup>rd</sup> day of JULY, 2018.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

\_\_\_\_\_  
Clark Askins, Assistant City Attorney

**EXHIBIT A**

**City of La Porte**  
**Special Conditional Use Permit #18-91000006**

**This permit is issued to:** Jaison Becher  
**Owner or Agent**

29711 S Legends Village Ct. Spring, TX 77386  
**Address**

**For Development of:** Motel  
**Development Name**

928 SH 146 South  
**Address**

**Legal Description:** Reserve A, Denny’s Classic Diner La Porte Subdivision, Harris County, TX

**Zoning:** GC, General Commercial

**Use:** Hotel (except Casino Hotels) and Motels

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City’s Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Hotel/Motel.
3. Permitted Hotel/Motel use shall only be permitted on the western 0.87 acres of the property.
4. The underlying zoning is GC. All GC requirements will need to be met.
5. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process for any proposed building improvements.
6. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, “Zoning” of the City’s Code of Ordinances.

Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: \_\_\_\_\_

\_\_\_\_\_  
Director of Planning and Development

\_\_\_\_\_  
City Secretary



June 22, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Special Conditional Use Permit Request #18-91000006

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on June 21, 2018 to hear a Special Conditional Use Permit request by Jaison Bechar, on behalf of Satish Bechar, owner; for a Special Conditional Use Permit to allow for a Hotel/Motel Use. The subject site is located at 928 SH 146 South, and is legally described as Reserve A, Denny's Classic Diner La Porte Subdivision. The subject site is zoned General Commercial (GC) and Section 106-310 of the Code of Ordinances requires a Special Conditional Use Permit in order for the above referenced use to be permitted within the GC zoning district.

The Commission voted 6-0 to recommend denial of the proposed SCUP.

Respectfully submitted

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

cc: Richard Mancilla, Director of Planning and Development  
Department File



# Special Conditional Use Permit Application

Planning and Development Department

### PROJECT INFORMATION

Address where SCUP is being requested: 914 S. HWY 146, La Porte, TX 77571

Legal description where SCUP is being requested: 0.877 Acre Tract out of Restricted Reserve "A" Denny's La Porte

HCAD Parcel Number where SCUP is being requested: 1206770000001

Zoning District: General Commercial Lot area: 0.877

*A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.*

Description of Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

### PROPERTY OWNER(S) INFORMATION

Name: Satish Bechar

Company (if applicable): \_\_\_\_\_

Address: 29711 S Legends Village Ct

City: Spring State: TX Zip: 77386

Phone: 713-303-6867 Email: sampatelht@yahoo.com

### AUTHORIZED AGENT (If other than owner)

Name: Jaison Bechar

Company (if applicable): \_\_\_\_\_

Address: 29711 S Legends Village Ct

City: Spring State: TX Zip: 77386

Phone: 713-775-7337 Email: jaisonb88@yahoo.com

### OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature:  Date: 05/14/2018

Owner(s)' Signature(s):  Date: 05/14/2018

#### STAFF USE ONLY:

Case Number:  
18-91000006

Date Application Received:  
5/16/18



# Special Conditional Use Permit Application

Planning and Development Department

## AFFIDAVIT OF POSTING PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

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

ADDRESS: 914 S. HWY 146, La Porte, TX 77571

LEGAL DESCRIPTION: 0.877 Acre Tract out of Restricted Reserve "A" Denny's La Porte

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: 06/05/2018.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Applicant's Signature

SATISH PATEL / BECHAR  
Applicant's Printed Name

Subscribed and sworn before me this 16<sup>th</sup> day of May, 2018, by  
Satish Rameshbhai Bechar (Print Applicant's Name).

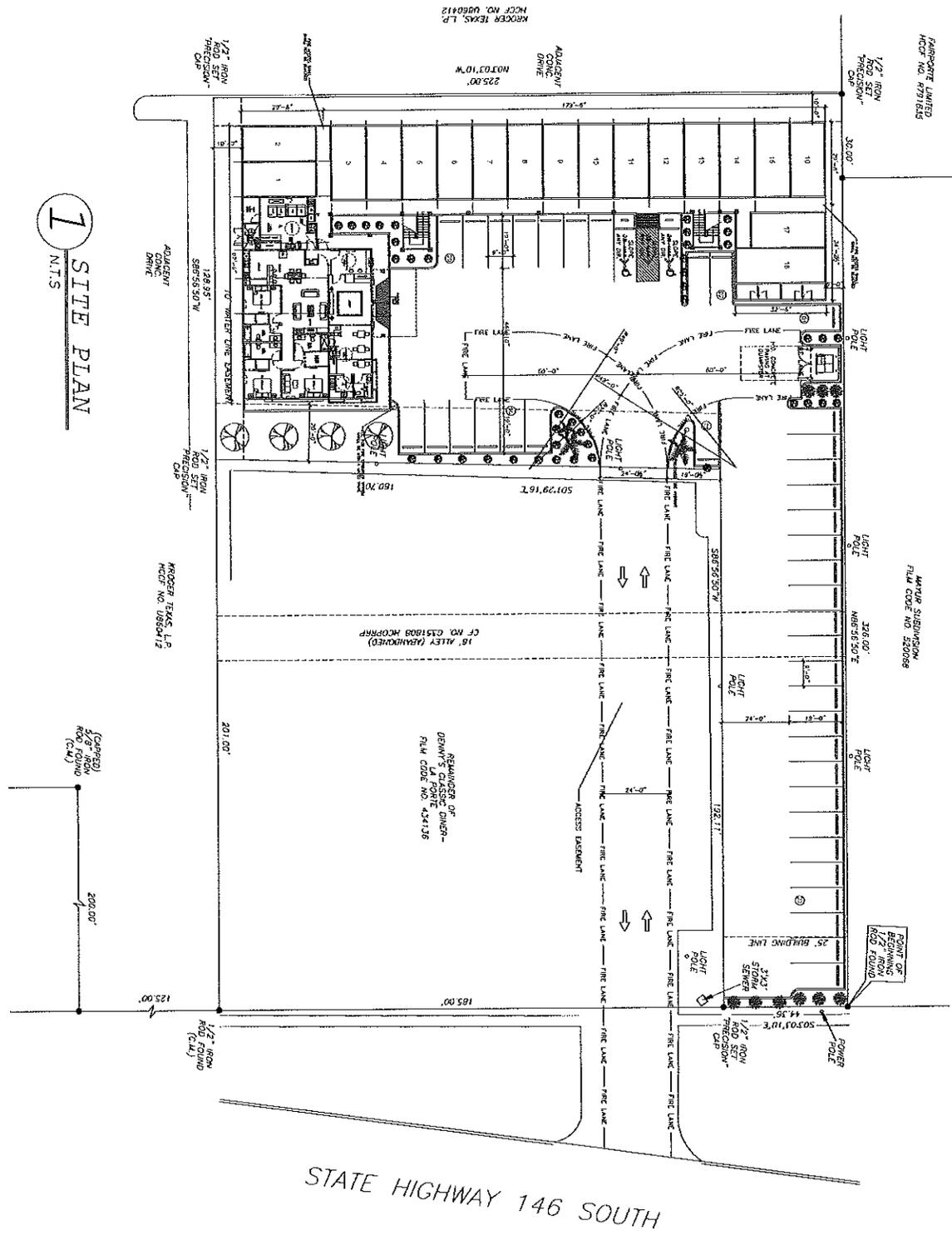
Maria Pena  
Notary Public

My commission expires: 2/16/2022



(Seal)

# 1 SITE PLAN



STATE HIGHWAY 146 SOUTH



<p>C-03.0</p>	<p>PROJECT: EXECUTIVE INN &amp; SUITES</p> <p>LOCATION: LA-PORTE, TEXAS</p>	
	<p>DATE: 08/15/2011</p> <p>SCALE: AS SHOWN</p> <p>DESIGNED BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>APPROVED BY: [Name]</p>	

## City of La Porte SCUP Project Description

For:

914 S. HWY 146

La Porte, TX 77571

HCAD Parcel # 120-677-000-0001

The project will be an Exterior Corridor Extended stay motel. It would primarily serve guests that require daily to weekly lodging in the area. It will cater more towards the refinery workers.



# AERIAL MAP

SCUP  
18-91000006

928 SH 146 South

## Legend

 Subject Parcel



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

1 inch = 211 feet



JUNE 2018  
PLANNING DEPARTMENT

# ZONING MAP

SCUP  
18-91000006

928 SH 146 South

## Legend

 Subject Parcel

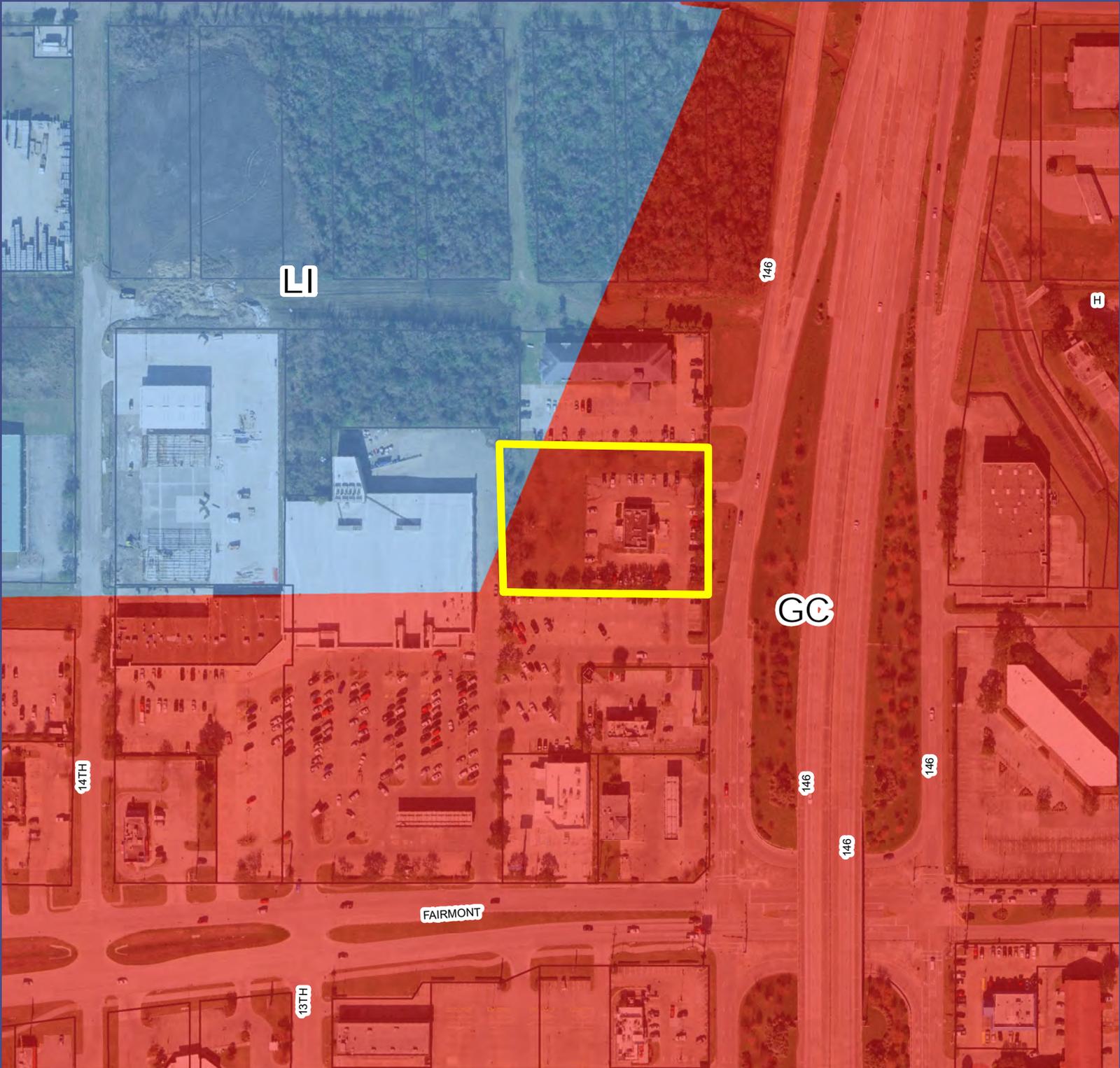


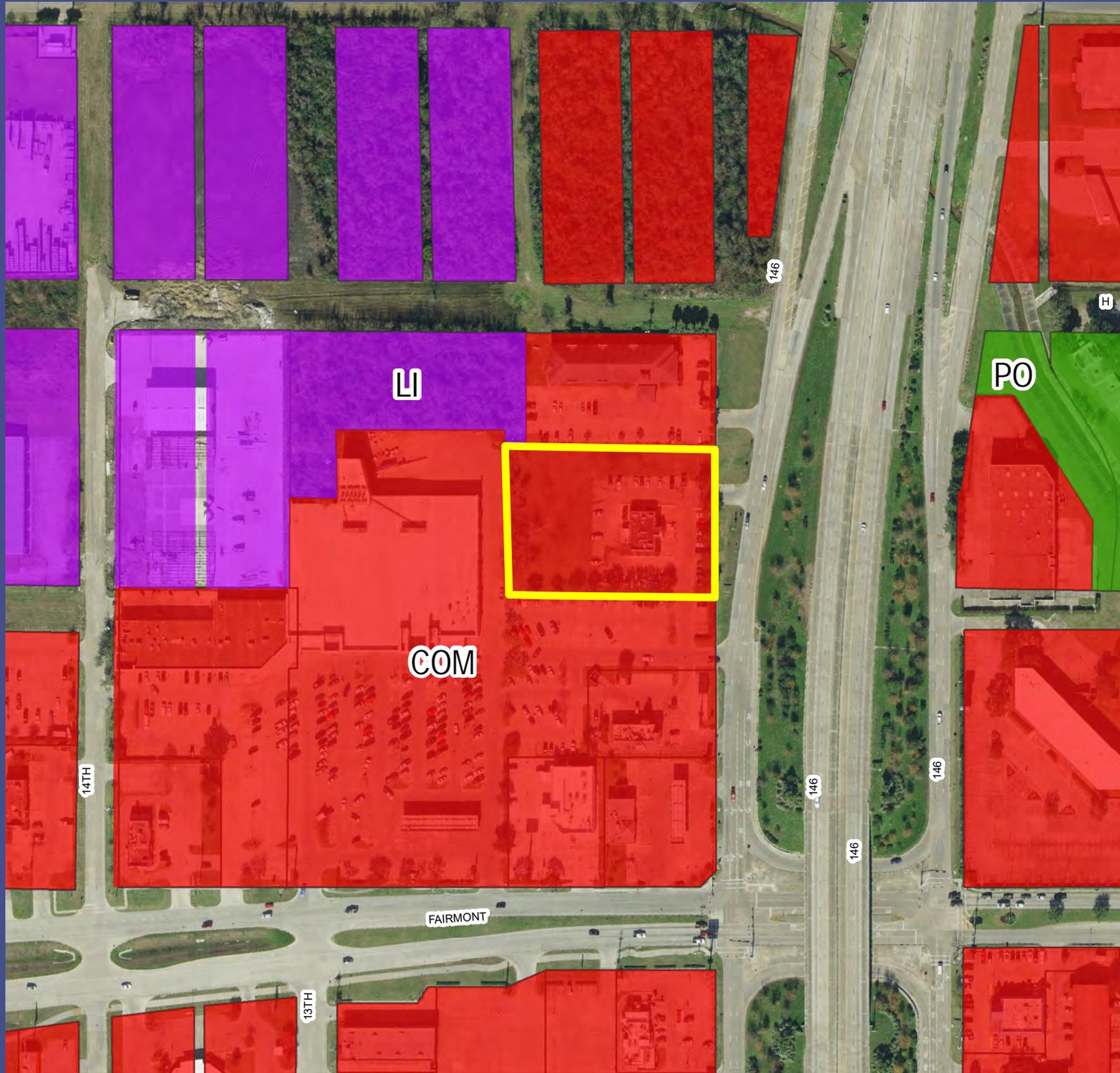
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1 inch = 211 feet



JUNE 2018  
PLANNING DEPARTMENT





# FLUP MAP

SCUP  
18-91000006

928 SH 146 South

## Legend

 Subject Parcel



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1 inch = 211 feet



JUNE 2018  
PLANNING DEPARTMENT

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>July 23, 2018</u>
<b>Requested By:</b> <u>Ian Clowes</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <input checked="" type="checkbox"/> <b>Resolution:</b> <input type="checkbox"/> <b>Ordinance:</b> <input checked="" type="checkbox"/>

<b><u>Appropriations</u></b>	
<b>Source of Funds:</b>	<u>N/A</u>
<b>Account Number:</b>	<u>N/A</u>
<b>Amount Budgeted:</b>	<u>N/A</u>
<b>Amount Requested:</b>	<u>N/A</u>
<b>Budgeted Item:</b>	<u>N/A</u>

- Exhibits:**
- Ordinance**
  - Proposed SCUP**
  - Applicant Information and Request**
  - Aerial Map**
  - Zoning Map**
  - Land Use Map**

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### **SUMMARY & RECOMMENDATION**

Applicant/owner, Hans Brindley of Liberty Property Trust is seeking approval of a SCUP to allow for a Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720) to locate in the PUD zoning district. The property in question is a 34.69 acre tract of land located at 1302 Wharton Weems Blvd. and is legally described as Reserve "I" in Port Crossing Commerce Center Subdivision.

The property is currently under development with a 600,000 square foot building. The proposed tenant would take up roughly 450,000 square feet of the new building. The site is located within the Port Crossing Commercial Park which has an active SCUP and Development Agreement. The agreement designates this site as Business Industrial (BI). The proposed NAICS code, 424720, requires approval of a SCUP within the BI zoning district.

To date, staff has not received any notices in opposition or in favor of the proposed SCUP application.

The Planning and Zoning commission is scheduled to hear the proposed SCUP at their July 19, 2018 regular meeting. Results from that meeting will be provided to Council prior to the July 23 City Council Meeting.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission on an Ordinance for SCUP #18-91000009

**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

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**Date**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 18-91000009, TO ALLOW FOR A PETROLEUM AND PETROLEUM PRODUCTS MERCHANT WHOLESALER (NAICS 424720) USE IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON A 34.69 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS RESERVE "I" IN PORT CROSSING COMMERCE CENTER SUBDIVISION, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #18-91000009, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720) use on a 34.69 acre tract of land, said tract being legally described as Reserve "I" in Port Crossing Commerce Center Subdivision, La Porte, Harris County, Texas, and situated within the Planned Unit Development (PUD) zoning district.

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

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

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

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

**Section 6.** The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this the 23<sup>rd</sup> day of JULY, 2018.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

\_\_\_\_\_  
Clark Askins, Assistant City Attorney



# Special Conditional Use Permit Application

Planning and Development Department

## PROJECT INFORMATION

Address where SCUP is being requested: 1302 Wharton Wheems

Legal description where SCUP is being requested: 34.69 acres in Reserve "I" in Port Crossing Commerce Center

HCAD Parcel Number where SCUP is being requested: 1292170030001

Zoning District: Business Industrial (Future land use is LI) Lot area: approx. 34.69

*A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.*

Description of Request: We are requesting conditional approval for a tenant with a use of NAICS code of 424720.

The tenant would lease approx. 450,000sf of our 600,360sf building at 1302 Wharton Wheems.

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

## PROPERTY OWNER(S) INFORMATION

Name: Hans Brindley

Company (if applicable): Liberty Property Trust

Address: 8827 N Sam Houston Pkwy

City: Houston State: tx Zip: 77064

Phone: 281-955-2000 Email: \_\_\_\_\_

## AUTHORIZED AGENT (if other than owner)

Name: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): Hans Brindley Digitally signed by Hans Brindley Date: 2018.06.20 17:32:42 -05'00' Date: 6/20/18

### STAFF USE ONLY:

Case Number:  
\_\_\_\_\_

Date Application Received:  
\_\_\_\_\_



# Special Conditional Use Permit Application

Planning and Development Department

## AFFIDAVIT OF POSTING PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

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

ADDRESS: 1302 Wharton Wheems

LEGAL DESCRIPTION: Reserve "I" Port Crossing Commerce Center

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: 7/2/18.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

  
Applicant's Signature

Hans Bendley  
Applicant's Printed Name

Subscribed and sworn before me this 21 day of June, 2018, by

Hans Bendley (Print Applicant's Name).



Leslie Nordstrom  
Notary Public

My commission expires: May 12, 2019



# Special Conditional Use Permit Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

## OVERVIEW

Approval of a Special Conditional Use Permit (SCUP) is required under the following circumstances:

1. To consider approval of certain uses identified as "Conditional Uses" in the city's Commercial and Industrial Use table (Section 106-310 of City of La Porte Code of Ordinances) and Residential Use table (Section 106-331).
2. When developing property in a Planned Unit Development (PUD) zone district, consideration of a SCUP is required in accordance with Section 106-659 of the Code of Ordinances.

SCUP requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

## SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed **application form**.
- Application fee** of \$400; nonrefundable.
- Site plan, conceptual site plan or general plan**, drawn to scale and dimensioned to show the location of proposed improvements for the development.
- Project description/justification letter** that thoroughly explains what is being requested and why such SCUP should be approved by the Planning and Zoning Commission and City Council.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the Planning and Zoning Commission meeting date. Such sign will be provided by the Planning and Development Department.

## PROCESS

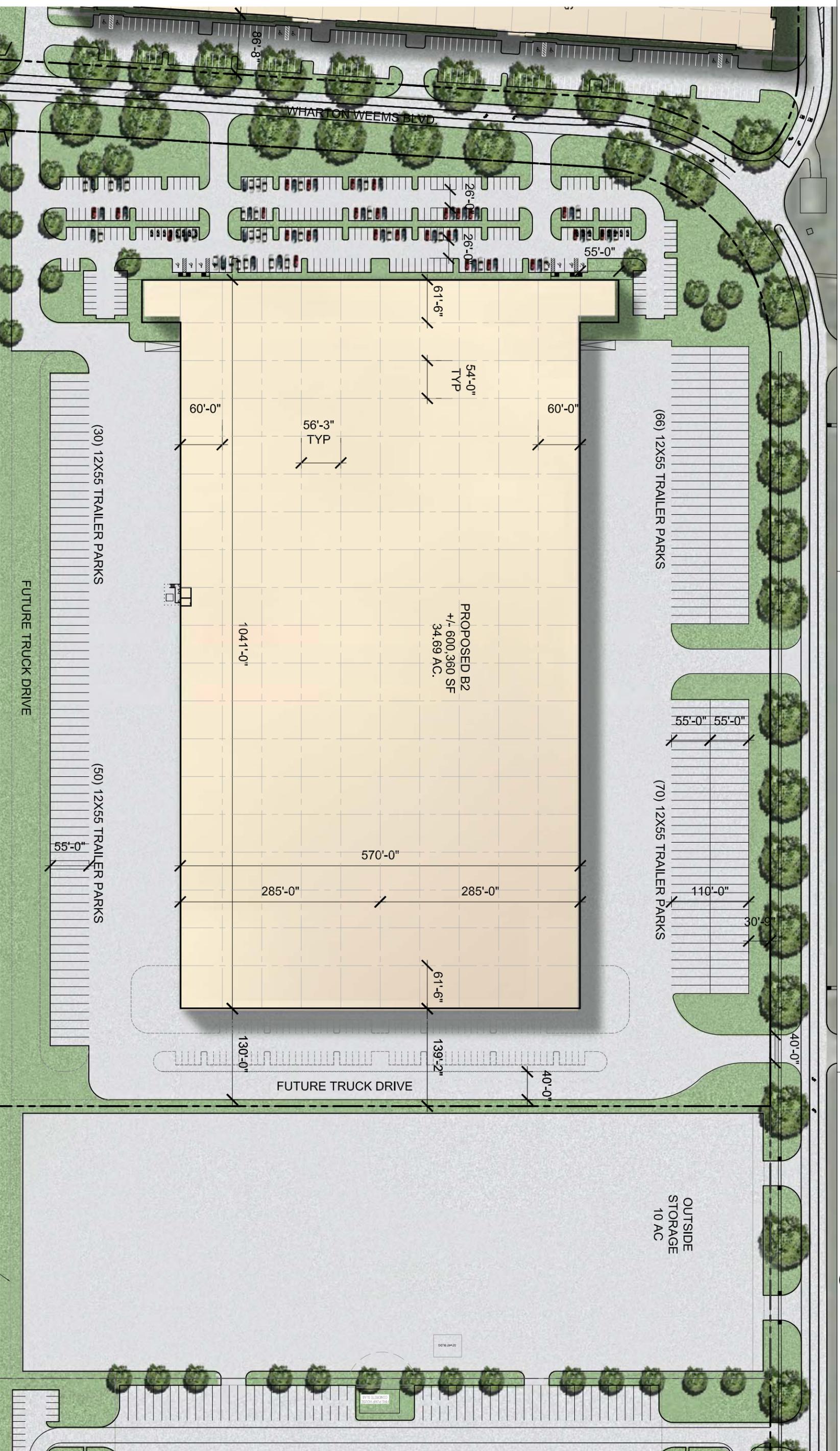
- Upon receipt of a complete application package by the Planning and Development Department, the SCUP request will be scheduled for the next available Planning and Zoning Commission meeting date as a public hearing.
- The Planning and Development Department will provide the applicant with a Notice of Public Hearing sign that must be posted on the property where the SCUP is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally, the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the SCUP is being requested.

OVERALL SITE AREA = 34.69 ACRES

OVERALL BUILDING AREA = +/- 600,360 SF

PARKING = 400 SPACES @ .7/1000

# SITE PLAN - B2



LIBERTY PORT CROSSING

LIBERTY PROPERTY TRUST

HOUSTON

30 MAY 2018

TEXAS

151257



# AERIAL MAP

SCUP  
18-9100009

1302 Wharton  
Weems Blvd.

## Legend

 Subject Parcel

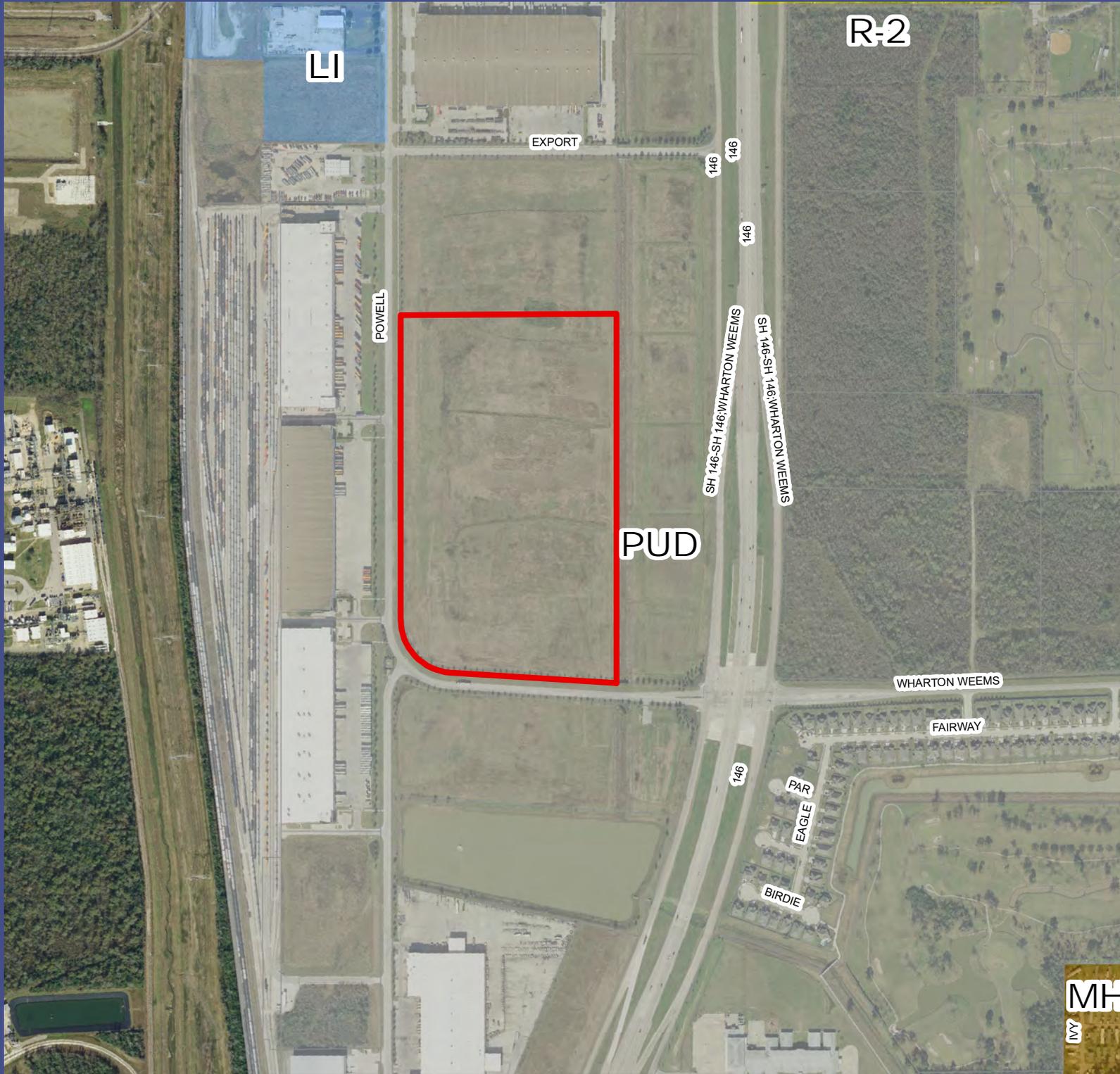


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 675 feet



JULY 2018  
PLANNING DEPARTMENT



# ZONING MAP

**SCUP**  
**18-9100009**

**1302 Wharton  
 Weems Blvd.**

## Legend

 Subject Parcel

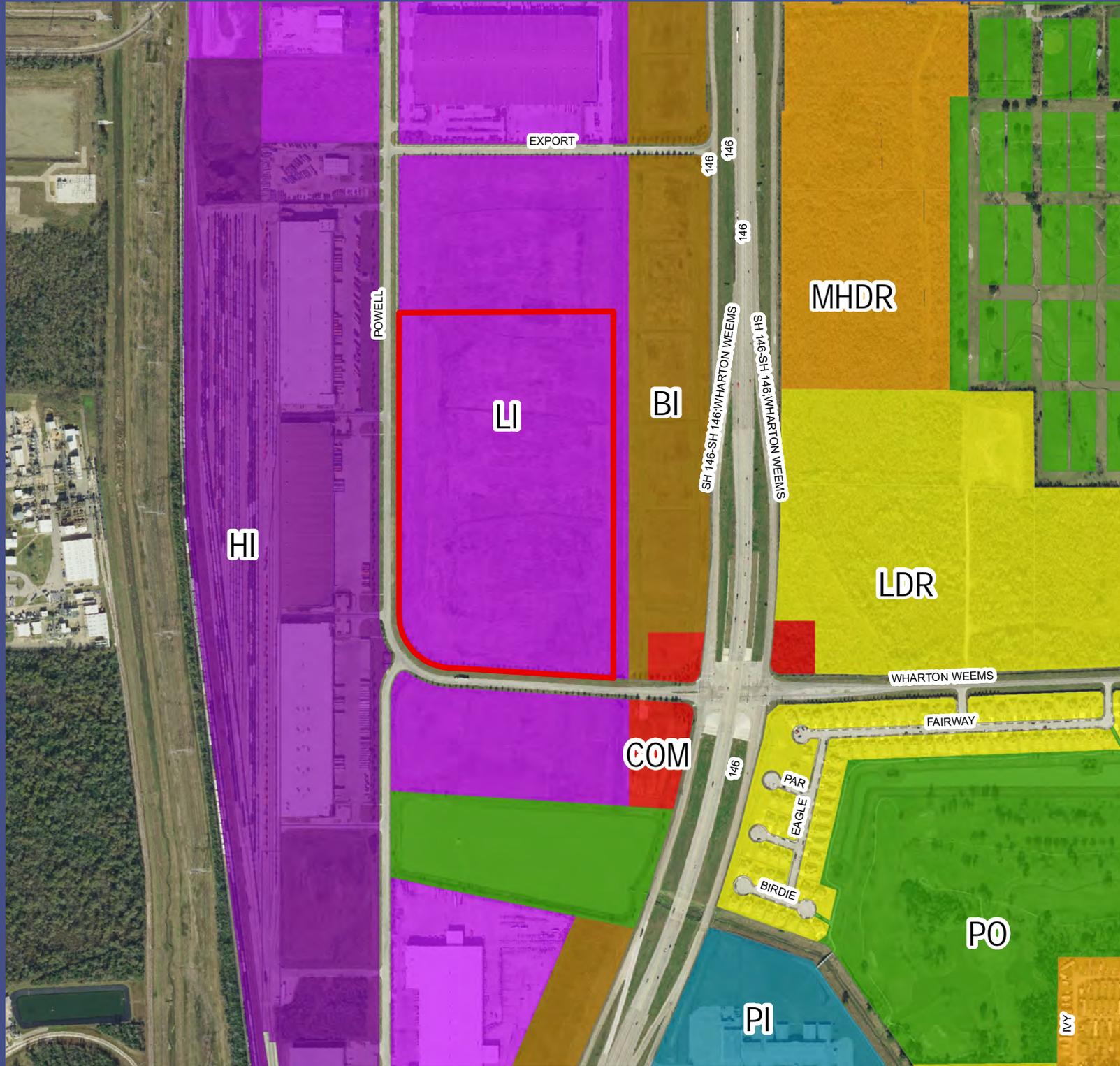


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1 inch = 675 feet



**JULY 2018**  
**PLANNING DEPARTMENT**



# FLUP MAP

SCUP  
18-9100009

1302 Wharton  
Weems Blvd.

## Legend

 Subject Parcel



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

1 inch = 675 feet



JULY 2018  
PLANNING DEPARTMENT

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 23, 2018</u>
Requested By: <u>Donald Ladd</u>
Department: <u>Fire</u>
Report: <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input type="checkbox"/>

<u>Appropriation</u>
Source of Funds: <u>N/A</u>
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES No

Exhibits: Fire Control District Budget 2018-2019

Exhibits: \_\_\_\_\_

Exhibits: \_\_\_\_\_

### SUMMARY & RECOMMENDATION

The continuation of the Fire Control, Prevention, and Emergency Medical Services District (LPFCPEMSD) was passed after a city-wide vote during elections in May of 2016. The mission for the District is to provide the community with the most efficient and progressive Fire Prevention, Protection, and Emergency Medical Services possible in an effective and responsible manner. This mission is accomplished by providing the best possible training, updated equipment, and protocols for the personnel that respond. LPFCPEMSD will incorporate strategies to help the Fire and Emergency Medical Services Departments accomplish its mission.

The LPFCPEMSD Board has established the budget, held a public hearing and approved the budget during the June 21, 2018 meeting. The next step in the process is for the budget approved by the Board be presented to Council in a public hearing format. Council will then approve or decline to approve the budget as presented.

The budget exhibit that is attached is the same as what was presented to the Board. However, due to the timing of the Board's public hearing, should the Board make any changes, staff will provide an updated budget to the Council that reflects those changes. Staff is recommending Council approval of the LPFCPEMSD budget as passed by the Board.

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#### Action Required by Council:

Conduct a Public Hearing to consider approval or other action of the La Porte Fire Control, Prevention, and Emergency Medical Services District budget for the fiscal year 2018-2019, which begins October 1, 2018, as approved by the Board of Directors of the District at its meeting of June 21, 2018.

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#### Approved for City Council Agenda

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

\_\_\_\_\_  
Date

City of La Porte, Texas  
Emergency Medical Services - ESD  
034-5059-522  
Detail of Expenditure

		Actual 2014-15	Actual 2015-16	Actual 2016-17	Budget 2017-18	Estimated 2017-18	Notes - Revised Estimate	Requested 2018-19	Notes - Departmental Request
<b>Supplies:</b>									
2003	Protective Clothing	\$ 17,182	18,200	20,126	\$ 20,000	\$ 20,000	CURRENTLY 44% EXPENDED WITH 58% YEAR LAPSED. ACCOUNT APPEARS TO BE TRACKING CONSISTENTLY WITH BUDGETED NEEDS FOR FY2017-18.	\$ 20,000	NO CHANGE REQUESTED FROM FY2017-18 BUDGET PERIOD. GENERAL EXPENDITURES INCLUDE REGULAR DUTY AND SPECIALTY UNIFORMS (SUMMER, BIKE TEAM, TACTICAL MEDIC, ETC) TO INCLUDE BADGES, NAME TAGS, DUTY BELTS, RAIN COATS. HELMETS, ETC.
2008	Educational	-	-	-	-	-	NO FUNDING WAS REQUESTED FOR THIS ACCOUNT FOR FY2017-18.	\$ 5,000	TRAINING MANIKIN FOR INTUBATIONS - \$2,000 * ULTRASOUND TRAINING (COURSE IN A BOX) - \$1,500 * ULTRASOUND TECHNOLOGY - PROTOCOL DEVELOPMENT - \$1,500
2050	Safety	37,102	-	-	-	-		-	
2090	Machinery/Tools/Equipment	-	8,987	2,200	16,650	14,450	CURRENTLY 87% EXPENDED WITH 58% YEAR LAPSED. ONE TIME BUDGETED ITEMS PURCHASED FOR THE FY2017-18 PERIOD.	4,000	EMERGENCY EQUIPMENT AND INSTALLATION FOR NEW REPLACEMENT VEHICLE FOR EMS CHIEF.
2091	Office Furniture/Equipment	986	-	-	-	-		-	
2093	Computer Equipment	3,000	-	-	-	-	NO FUNDING WAS REQUESTED FOR THIS ACCOUNT FOR FY2017-18.	7,000	3 - GETAC COMPUTER TABLETS FOR EMS UNITS.
<b>Supplies Subtotal</b>		58,270	27,187	22,326	36,650	34,450		36,000	
<b>Services &amp; Charges:</b>									
3020	Training/Seminars	15,692	16,174	10,904	15,380	15,380	CURRENTLY 60% EXPENDED WITH 58% YEAR LAPSED. ACCOUNT APPEARS TO BE TRACKING CONSISTENTLY WITH CURRENT EMS NEEDS GOING FORWARD THROUGH THE FISCAL YEAR.	21,375	TEXAS EMS CONFERENCE - \$5,225 5 PERSONNEL - REGISTRATION \$1000, TRAVEL \$1000, FOOD \$975, LODGING \$2250 * EMS MANAGEMENT TRAINING - \$2,980 REGISTRATION \$1330, TRAVEL \$600, FOOD \$300, LODGING \$750 * ACLS/ITLS/PHTLS/PALS TRAINING RENEWALS - LOCAL - \$2,000 REQUIRED FOR ALL EMS PERSONNEL * ONLINE CONTINUING EDUCATION PROGRAM - INTERNET - \$1,500 REQUIRED BY TDSHS FOR ALL CERTIFIED AND LICENSED PARAMEDICS (25X\$80) * EMS CODING AND BILLING TRAINING - \$1,850 EMS BILLING SPECIALIST - REGISTRATION \$500, TRAVEL \$600, FOOD \$300, LODGING \$450 * ALERT TRAINING & CONFERENCE - \$1,600 2 PERSONNEL - REGISTRATION \$500, TRAVEL \$200, FOOD \$400, LODGING \$500

City of La Porte, Texas  
 Emergency Medical Services - ESD  
 034-5059-522  
 Detail of Expenditure

	Actual 2014-15	Actual 2015-16	Actual 2016-17	Budget 2017-18	Estimated 2017-18	Notes - Revised Estimate	Requested 2018-19	Notes - Departmental Request
4002 Machinery/Tools/Equipment	21,120	28,820	27,161	32,600	29,639		38,300	CHILD SAFETY SEAT TRAINING & CONFERENCE - \$1,500 2 PERSONNEL - REGISTRATION \$400, TRAVEL \$200, FOOD \$400, LODGING \$500 * ULTRASOUND TECHNOLOGY - SUPER TRAINER COURSE - \$4,720 3 PERSONNEL - REGISTRATION \$FREE, TRAVEL \$2000, FOOD \$720, LODGING \$2000
4011 Building	6,300	-	-	-	-		-	
4020 Motor Pool: Lease Fees	95,241	147,430	163,956	168,446	168,446	CURRENTLY 91% EXPENDED WITH 58% YEAR LAPSED. ONE TIME BUDGETED MAINTENANCE AGREEMENT ITEMS PURCHASED FOR THE FY2017-18 PERIOD.	171,828	BIO-HAZARD DISPOSAL CONTRACT - \$5,000 ANNUAL - MEDICAL WASTE * STRYKER POWERLOAD/STRETCHER CONTRACT - \$13,300 ANNUAL - MAINTENANCE CONTRACT * PHYSIO-CONTROL EKG DEFIB/LUCAS CONTRACT - \$20,000 ANNUAL - MAINTENANCE CONTRACT
<b>Services &amp; Charges Subtotal</b>	<b>138,353</b>	<b>192,424</b>	<b>202,021</b>	<b>216,426</b>	<b>213,465</b>		<b>231,503</b>	
<b>Capital Outlay:</b>								
8021 Mach/Tools & Equip	68,700	73,009	72,723	61,400	56,590	CURRENTLY 92% EXPENDED WITH 58% YEAR LAPSED. ONE TIME BUDGETED ITEMS PURCHASED FOR THE FY2017-18 PERIOD.	78,400	3 - TERASON 3200T ULTRASOUND DEVICES - \$75,000 ADDITIONAL EQUIPMENT PORTABLE ULTRASOUND DEVICES TO BE UTILIZED IN THE FIELD TO HELP PARAMEDICS DIAGNOSE LIFE THREATNING MEDICAL EMERGENCIES. * 1 - STRYKER STAIR CHAIR - \$3,400 REPLACEMENT STAIR CHAIRS ARE UTILIZED TO EXTRICATE NON-AMBULATORY PATIENTS DOWN STAIRS AND OTHER MULTI-LEVEL ENVIRONMENTS TO THE AMBULANCE FOR TREATMENT AND TRANSPORT.
8050 Motor Vehicles	-	-	199,225	-	-		-	
<b>Capital Outlay Subtotal</b>	<b>68,700</b>	<b>73,009</b>	<b>271,948</b>	<b>61,400</b>	<b>56,590</b>		<b>78,400</b>	
<b>Division Total</b>	<b>\$ 265,323</b>	<b>\$ 292,620</b>	<b>\$ 496,295</b>	<b>\$ 314,476</b>	<b>\$ 304,505</b>		<b>\$ 345,903</b>	

City of La Porte, Texas  
 Fire Prevention - ESD  
 034-5050-522  
 Detail of Expenditure

	Actual 2014-15	Actual 2015-16	Actual 2016-17	Budget 2017-18	Estimated 2017-18	Notes - Revised Estimate	Requested 2018-19	Notes - Departmental Request
<b>Supplies:</b>								
2001 Office Supplies	\$ -	\$ 895	\$ -	\$ -			\$ -	
2003 Protective Clothing	895	1,670	2,849	2,700	2,700		3,500	Uniforms and safety equipment
2090 Machinery/Tools/Equipment	-	2,070	-	-			-	
<b>Supplies Subtotal</b>	<b>895</b>	<b>4,635</b>	<b>2,849</b>	<b>2,700</b>	<b>2,700</b>		<b>3,500</b>	
<b>Services &amp; Charges:</b>								
3020 Training/Seminars	1,608	1,878	1,435	5,200	5,200		6,200	National and State Conferences
4020 Motor Pool: Lease Fees	5,271	9,876	6,744	6,031	6,031		9,628	
5001 Accounting	5,000	-	-	-			-	
<b>Services &amp; Charges Subtotal</b>	<b>11,879</b>	<b>11,754</b>	<b>8,179</b>	<b>11,231</b>	<b>11,231</b>		<b>15,828</b>	
<b>Capital Outlay</b>								
8021 Machinery/Tools/Equipment	-	505	-	-	-		-	
8050 Motor Vehicles	-	-	-	18,000	18,000		-	
<b>Capital Outlay Subtotal</b>	<b>-</b>	<b>505</b>	<b>-</b>	<b>18,000</b>	<b>18,000</b>		<b>-</b>	
<b>Division Total</b>	<b>\$ 12,774</b>	<b>\$ 16,894</b>	<b>\$ 11,028</b>	<b>\$ 31,931</b>	<b>\$ 31,931</b>		<b>\$ 19,328</b>	

City of La Porte, Texas  
 Fire Suppression - ESD  
 034-5051-522  
 Detail of Expenditure

	Actual 2014-15	Actual 2015-16	Actual 2016-17	Budget 2017-18	Estimated 2017-18	Notes - Revised Estimate	Requested 2018-19	Notes - Departmental Request
<b>Personal Services:</b>								
1010 Regular Earnings	\$ 71,070	\$ 73,848	\$ 75,519	\$ 77,971	\$ 77,029		\$ 77,971	
1020 Overtime	-	-	3,273	-	-		-	
1030 Certification	-	-	-	-	-		-	
1035 Longevity	580	628	676	648	720		720	
1044 Cleaning Allowance	241	242	240	241	241		241	
1060 FICA	5,355	5,571	5,962	5,899	5,966		6,039	
1065 Retirement	11,845	11,885	12,801	12,623	12,697		12,733	
1080 Insurance - Medical	10,422	10,422	10,422	10,422	10,422		12,000	
1081 Insurance - Life	36	36	36	36	36		36	
<b>Personal Services Subtotal</b>	<b>99,549</b>	<b>102,632</b>	<b>108,929</b>	<b>107,840</b>	<b>107,111</b>		<b>109,740</b>	
<b>Supplies:</b>								
2001 Office Supplies	-	-	59	-	-		-	
2003 Protective Clothing	36,503	46,653	29,228	44,750	44,000		44,750	Bunker gear \$32,000 Uniforms \$5,850 Gloves and Hoods \$3,400 Replacement Helmets \$2,000 Honor Guard Uniforms \$1,500
2005 Minor Tools	-	-	-	-	-		-	
2006 Cleaning	-	-	-	-	-		-	
2007 Chemical	3,051	4,482	727	5,000	5,000		4,500	Foam \$1,500 Smoke machine fluid \$1,500 Anti-bacterial wash \$1,500
2009 Medical	6,211	5,034	7,704	7,400	7,400		7,400	Medical supplies
2015 Other Supplies	-	-	105	-	-		-	
2019 Training Field Supplies	105,633	12,800	3,606	8,250	8,250		9,250	Wood for ceiling \$3,500 Lawn equipment and mowers \$650 Metal for racks and welding supplies for props \$1,600 Floor maintenance \$2,000 A/C parts for field \$1,500
2090 Machinery/Tools/Equipment	31,855	99,815	13,242	16,600	15,000		13,600	Nozzles \$4,500 High rise packs \$3,300 New Hose \$5,000 Misc Parts \$800
2091 Office Furniture / Equipment	1,175	66,697	-	-	-		-	
2093 Computer Equipment	-	-	89	-	-		-	
<b>Supplies Subtotal</b>	<b>184,428</b>	<b>235,481</b>	<b>54,760</b>	<b>82,000</b>	<b>79,650</b>		<b>79,500</b>	

**Services & Charges:**

City of La Porte, Texas  
 Fire Suppression - ESD  
 034-5051-522  
 Detail of Expenditure

	Actual 2014-15	Actual 2015-16	Actual 2016-17	Budget 2017-18	Estimated 2017-18	Notes - Revised Estimate	Requested 2018-19	Notes - Departmental Request
3020 Training/Seminars	24,967	17,372	21,907	21,700	21,000		25,400	FDIC \$4,500 IAFC \$3,000 Rescue school \$3,800 TAMU week long \$4,500 Harris County field day \$6,200 Online EMS training \$1,400 Paid education training \$2,000
4001 Office Equipment	-	-	-	-	-		-	
4002 Machinery/Tools/Equipment	31,505	41,011	68,017	48,800	48,800		49,800	Replacement pagers and radio \$8,000 Fire hose replacement \$8,500 SCBA test and repair \$4,300 Ladder test \$6,500 Hose test \$9,000 Fire alarm test and repair \$2,000 Fire truck service \$8,000 Hydrolic rescue test \$3,500
4003 Radios/Base Stations	34	1,646	-	-	-		-	
4020 Motor Pool Lease Fees	299,283	396,428	431,148	432,760	432,760		446,782	
4055 Computer Software	-	-	-	-	-		-	
5001 Accounting	-	5,000	5,000	5,000	5,000		5,000	Audit
5005 Personnel Services	-	3,168	-	-	-		-	
5006 Fiscal Services	-	-	-	-	-		-	
9997 Request for Special Programs	-	-	-	-	-		2,899	\$2,899 - 3% Merit
<b>Services &amp; Charges Subtotal</b>	<b>355,789</b>	<b>464,625</b>	<b>526,072</b>	<b>508,260</b>	<b>507,560</b>		<b>529,881</b>	
<b>Capital Outlay:</b>								
8021 Mach / Tools & Equipment	33,743	30,024	504,855	43,000	43,000		10,000	Radio program
8050 Motor Vehicles	-	-	-	-	-		-	
<b>Capital Outlay Subtotal</b>	<b>33,743</b>	<b>30,024</b>	<b>504,855</b>	<b>43,000</b>	<b>43,000</b>		<b>10,000</b>	
<b>Division Total</b>	<b>\$ 673,509</b>	<b>\$ 832,762</b>	<b>\$ 1,194,616</b>	<b>\$ 741,100</b>	<b>\$ 737,321</b>		<b>\$ 729,121</b>	

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>July 23, 2018</u>
<b>Requested By:</b> <u>Richard Mancilla</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <u> X </u> <b>Resolution:</b> <u>    </u> <b>Ordinance:</b> <u> X </u>

<u>Appropriations</u>	
<b>Source of Funds:</b>	<u>N/A</u>
<b>Account Number:</b>	<u>N/A</u>
<b>Amount Budgeted:</b>	<u>N/A</u>
<b>Amount Requested:</b>	<u>N/A</u>
<b>Budgeted Item:</b>	<u>N/A</u>

**Exhibits:**        **Ordinance**  
                      **Application/TABC Prequalification Packet**  
                      **Aerial Map**  
                      **Letter from LPISD Board**

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### SUMMARY & RECOMMENDATION

The owner of the Aroma’s Italian Grill, Emir Metaliaj, located at 1023 S. Broadway, has applied for a permit to serve alcohol to patrons of the restaurant on site. The Alcohol Sales Chapter (Chapter 6) of the La Porte Code of Ordinances specifies distance requirements to certain land uses for establishments selling alcohol. The distances required to sell alcohol are 300 feet to a public school as measured from nearest property line to nearest property line. The property, on which the restaurant is located, is within 60 feet of LPISD property containing the La Porte High School. A subsequent request for a variance has been received by the City Secretary and is before City Council for consideration.

The following additional findings are applicable to this application:

1. Aroma’s Italian Grill is located within a strip center, which faces west toward Broadway and away from the high school.
2. The distance from the front door of the restaurant to the high school property line is approximately 190 feet, while the distance to the front door of nearest building on the high school campus is approximately 495 feet.
3. An existing alcohol establishment (carry out facility) is within the same strip center further to the north of this location that is also within 60 feet of the LPISD property line, but is grandfathered from these regulations.

The proposed ordinance attached hereto allows a variance for Aroma’s Italian Grill to sell alcohol.

In anticipation of a variance request Mr. Metaliaj submitted a request for consideration to the LPISD School Board who then took up the issue on June 12, 2018. A letter from LPISD was received by the City Secretary (attached) deferring the decision to the city without objection to the application.

Pursuant to Section 109.33(e) of the Texas Alcohol Beverage Code, the City Council may, upon application of a business subject to the distance requirements established in this section, allow a variance to the regulation if the City Council determined that enforcement of the distance requirements in a particular instance (for any of the six reasons listed)

1. is not in the best interest of the public;
2. constitutes waste or inefficient use of land or other resources;
3. creates an undue hardship on an applicant for a license or permit;
4. does not serve its intended purpose;
5. is not effective or necessary; or
6. for any other reason, the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines that the variance is in the best interest of the community.

Please note, a variance was applied for by the previous owner of this restaurant location (Broadway Café) and approved at the September 8, 2014 City Council meeting. At that time the applicant chose not to pursue the permit with TABC after the approval by the City therefore no permit was issued by the state.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider approval or other action of an ordinance authorizing and approving a variance to Chapter 6 of the La Porte Code of Ordinances by allowing for alcohol sales within Aroma's Italian Grill.

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 6-2 OF THE LA PORTE CODE OF ORDINANCES AND AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR AROMA'S ITALIAN GRILL, L.L.C, D/B/A AROMA'S ITALIAN GRILL, LOCATED AT 1023 S. BROADWAY ST., FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THREE-HUNDRED FEET OF LA PORTE HIGH SCHOOL; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

WHEREAS, Section 109.33 of the Texas Alcoholic Beverage Code authorizes the governing board of an incorporated city to enact regulations prohibiting the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public school or public hospital; and

WHEREAS, Chapter 6, Section 6-2 of the City Code of the City of La Porte prohibits the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public school or public hospital; and

WHEREAS, Section 109.33 of the Texas Alcoholic Beverage Code also authorizes the governing body of an incorporated city to allow variances to the regulation if the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community; and

WHEREAS, the La Porte City Council has previously passed and approved an ordinance amending Chapter 6 of the La Porte Code of Ordinance, which ordinance established procedures and guidelines for the granting of a variance to the prohibition; and

WHEREAS, the business premises at 1023 S. Broadway St. is situated within three hundred (300) feet of the nearest property line of La Porte High School, a public school, thus making the sale of alcoholic beverages a violation contrary to Section 6-2 of the City Code of Ordinances, and Aroma's Italian Grill, LLC, d/b/a Aroma's Italian Grill has filed an application with the City of La Porte for a variance to the prohibition;

WHEREAS, a public hearing to receive input from the public concerning Aroma's Italian Grill, LLC, d/b/a Aroma's Italian Grill's application for a variance to the prohibition was held during the La Porte City Council's regular meeting on July 23, 2018, and that notice of such public hearing was published in the City's official newspaper at least ten (10) days before the public hearing date; and, that written notice of such public hearing was sent to the owners of real property within 300 feet of the premises at 1023 S. Broadway St., and that separate notices were sent to each church, child care facility, daycare center, public or private school, or public hospital located within 300 feet of the premises at 1023 S. Broadway St., as well as to the superintendent of the La Porte I.S.D.

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

**Section 1.** The requirements of Section 6-2 of the City Code of Ordinances prohibiting the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public school or public hospital are waived for the purposes of the variance request filed by Aroma's Italian Grill, LLC, d/b/a Aroma's Italian Grill, for the property located at 1023 S. Broadway St., legally described as Lots 3-10, Block 64, Town of La Porte, and which premises is located within 300 feet of the property line of La Porte High School, a public school, and such variance application is hereby granted, but subject to the following conditions:

- (a) This variance shall be applicable only to applicant Aroma's Italian Grill, LLC, d/b/a Aroma's Italian Grill and the premises located at 1023 S. Broadway St. and shall not transfer to any successor company or entity.
- (b) The sale of alcohol beverages shall be limited to on-premises consumption.
- (c) This variance shall not be transferable to a land use other than a restaurant.
- (d) This variance shall terminate in the event of non-operation or non-use of a restaurant by Aroma's Italian Grill, LLC, d/b/a Aroma's Italian Grill on the premises of 1023 S. Broadway St. for a period of twelve or more successive calendar months.

**Section 2:** The La Porte City Council determines that enforcement of the distance requirements in the case of Aroma's Italian Grill, located at 1023 S. Broadway St. is 1) is not in the best interest of the public; 2) constitutes waste or inefficient use of land or other resources; 3) creates an undue hardship on an applicant for a license or permit; 4) does not serve its intended purpose; 5) is not effective or necessary; and 6) after consideration of the health, safety and welfare of the public and the equities of the situation, is not in the best interest of the community; and in consideration of these factors, that the granting of the variance applied for by Aroma's Italian Grill, LLC, d/b/a Aroma's Italian Grill, with the conditions described herein, should be granted.

**Section 3:** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 4:** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 5.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this

ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 6.** This Ordinance shall be effective immediately upon passage its passage and approval.

PASSED AND APPROVED this the 23rd day of JULY, 2018.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED:

\_\_\_\_\_  
City Attorney



# ON-PREMISE PREQUALIFICATION PACKET

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13

Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.

All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. [www.tabc.texas.gov/laws/code\\_and\\_rules.asp](http://www.tabc.texas.gov/laws/code_and_rules.asp)

## LOCATION INFORMATION

1. Application for:  Original  Add Late Hours Only License/Permit Number

Reinstatement License/Permit Number

Change of Licensed Location License/Permit Number

### 2. Type of On-Premise License/Permit

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>BG</b> Wine and Beer Retailer's Permit                 | <input type="checkbox"/> <b>LB</b> Mixed Beverage Late Hours Permit         |
| <input type="checkbox"/> <b>BE</b> Beer Retail Dealer's On-Premise License                    | <input type="checkbox"/> <b>MI</b> Minibar Permit                           |
| <input type="checkbox"/> <b>BL</b> Retail Dealer's On-Premise Late Hours License              | <input type="checkbox"/> <b>CB</b> Caterer's Permit                         |
| <input type="checkbox"/> <b>BP</b> Brewpub License  | <input type="checkbox"/> <b>FB</b> Food and Beverage Certificate            |
| <input type="checkbox"/> <b>V</b> Wine & Beer Retailer's Permit for Excursion Boats           | <input type="checkbox"/> <b>PE</b> Beverage Cartage Permit                  |
| <input type="checkbox"/> <b>Y</b> Wine & Beer Retailer's Permit for Railway Dining Car        | <input type="checkbox"/> <b>RM</b> Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> <b>MB</b> Mixed Beverage Permit                                      |   |
| <input type="checkbox"/> <b>O</b> Private Carrier's Permit – For Brewpubs (BP) with a BG only |   |

### 3. Indicate Primary Business at this Location

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel | <input type="checkbox"/> Bar                 |
| <input type="checkbox"/> Grocery/Market        | <input type="checkbox"/> Sexually Oriented                   | <input type="checkbox"/> Miscellaneous _____ |

### 4. Trade Name of Location

Aroma's Italian Grill

### 5. Location Address

1023 S Broadway

City La Porte	County Harris	State TX	Zip Code 77571
------------------	------------------	-------------	-------------------

### 6. Mailing Address

Same as Above

City	State	Zip Code
------	-------	----------

### 7. Business Phone No.

2819414257

### Alternate Phone No.

None

### E-mail Address

genci\_k@hotmail.com

## OWNER INFORMATION

### 8. Type of Owner

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Individual                    | <input type="checkbox"/> Corporation                          | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture                        |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                                |   |

### 9. Business Owner/Applicant

Ermir METALIAJ

10. Are you, the applicant a veteran-owned business?  Yes  No

11. Are you, the applicant a Historically Underutilized Business (HUB)?  Yes  No

**12. As indicated on the chart, enter the individuals that pertain to your business type:**

(For additional space, use Form L-OIC)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers		
Partnership/All Partners	Joint Venture/Venturers		
Limited Partnership/All General Partners	Trust/Trustee(s)		
Corporation/All Officers	City, County, University/Official		
Last Name METALIAJ	First Name Ermir	MI	Title Member
Last Name BAJRAMI	First Name Bujar	MI	Title Member
Last Name	First Name	MI	Title

**MEASUREMENT INFORMATION**

Section 109.31 et seq.

13. Will your business be located within 300 feet of a church or public hospital?  Yes  No

**NOTE:** For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

14. Will your business be located within 300 feet of any private/public school, day care center or child care facility?  Yes  No

If "YES," are the facilities located on different floors or stories of the building?  Yes  No

**NOTE:** For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

**NOTE:** For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

**NOTE:** If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

15. Will your business be located within 1,000 feet of a private school?  Yes  No

16. Will your business be located within 1,000 feet of a public school?  Yes  No

**60-DAY SIGN**

17. As required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location.

Exact Date (MM/DD/YYYY)

04/18/2018

**ALL APPLICANTS**

18. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE   
I, the applicant, have confirmed I am not located in the city limits of any city and therefore all city certificates are not required.

**WARNING AND SIGNATURE**

**IF APPLICANT IS SHOWN AS:**

- Proprietorship
- Partnership
- Corporation
- Limited Partnership
- Limited Liability Partnership
- Limited Liability Company

**WHO MUST SIGN:**

- Individual Owner
- Partner
- Officer
- General Partner
- General Partner
- Officer/Manager

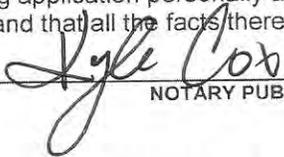
**WARNING:** Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

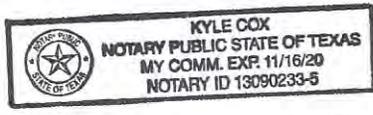
I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME Ermir Metaliaj SIGN HERE 

TITLE Member

Before me, the undersigned authority, on this 9<sup>th</sup> day of May, 2018, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE   
NOTARY PUBLIC



SEAL

**CERTIFICATE OF CITY SECRETARY (FOR MB, RM, V & Y)**

Section 11.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN HERE \_\_\_\_\_, TEXAS  
City Secretary/Clerk City

SEAL

**CERTIFICATE OF CITY SECRETARY (FOR BG & BE)**

Section 11.37 & 61.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

- Election for given location was held for:**
- legal sale of all alcoholic beverages
  - legal sale of all alcoholic beverages except mixed beverages
  - legal sale of all alcoholic beverages including mixed beverages
  - legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
  - legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

**OR IF ABOVE DOES NOT APPLY:**

- Be advised the location must have had two election passages per Section 25.14 or Section 69.17 of the TABC Code. One for beer and wine off-premise and one for mixed beverage.
- legal sale of beer and wine for off-premise consumption only
- AND EITHER:**
- legal sale of mixed beverages
- OR**
- legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN HERE \_\_\_\_\_, TEXAS  
City Secretary/Clerk City

SEAL

**CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT  
(LB & BL)**

Chapters 29 & 70 et seq.

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that one of the below is correct:

- The governing body of this city has by ordinance authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- The governing body of this city has by ordinance authorized the sale of **beer** between midnight and \_\_\_\_\_ A.M.; or
- The population of the city or county where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN  
HERE \_\_\_\_\_, TEXAS  
City Secretary/Clerk City

**S E A L**

**CERTIFICATE OF COUNTY CLERK (FOR MB, RM, V & Y)**

Section 11.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN  
HERE \_\_\_\_\_ COUNTY  
County Clerk

**S E A L**

**CERTIFICATE OF COUNTY CLERK (FOR BG & BE)**

Section 11.37 & 61.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court.

**Election for given location was held for:**

- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

**OR IF ABOVE DOES NOT APPLY:**

Be advised the location must have had two election passages per 25.14 or 69.17 of the TAB Code. One for beer and wine off-premise and one for mixed beverage.

- legal sale of beer and wine for off-premise consumption only

**AND EITHER:**

- legal sale of mixed beverages

**OR**

- legal sale of mixed beverages in restaurants by food and beverage certificate holders  
(applicant must apply for FB with BG or BE)

SIGN  
HERE \_\_\_\_\_ COUNTY  
County Clerk

**S E A L**

**CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT (LB & BL)**

Chapters 29 & 70 et seq

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that one of the below are correct:

- The Commissioner's Court of the county has by order authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- The Commissioner's Court of the county has by order authorized the sale of **beer** between midnight and \_\_\_\_\_ A.M.; or
- The population of the city or county where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

**SIGN**

**HERE** \_\_\_\_\_

County Clerk

\_\_\_\_\_ COUNTY

**S E A L**

**COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE**

Section 11.46 (b) & 61.42 (b)

This is to certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number \_\_\_\_\_ Outlet Number \_\_\_\_\_

Print Name of Comptroller Employee \_\_\_\_\_

Print Title of Comptroller Employee \_\_\_\_\_

**SIGN**

**HERE** \_\_\_\_\_

FIELD OFFICE \_\_\_\_\_

**S E A L**

**PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL, V & Y)**

Section 11.39 and 61.38

Name of newspaper		ATTACH PRINTED  COPY OF THE  NOTICE HERE
City, County		
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)		
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown.</i>		
Signature of publisher or designee Sworn to and subscribed before me on this date (MM/DD/YYYY)		
Signature of Notary Public		
<b>S E A L</b>		



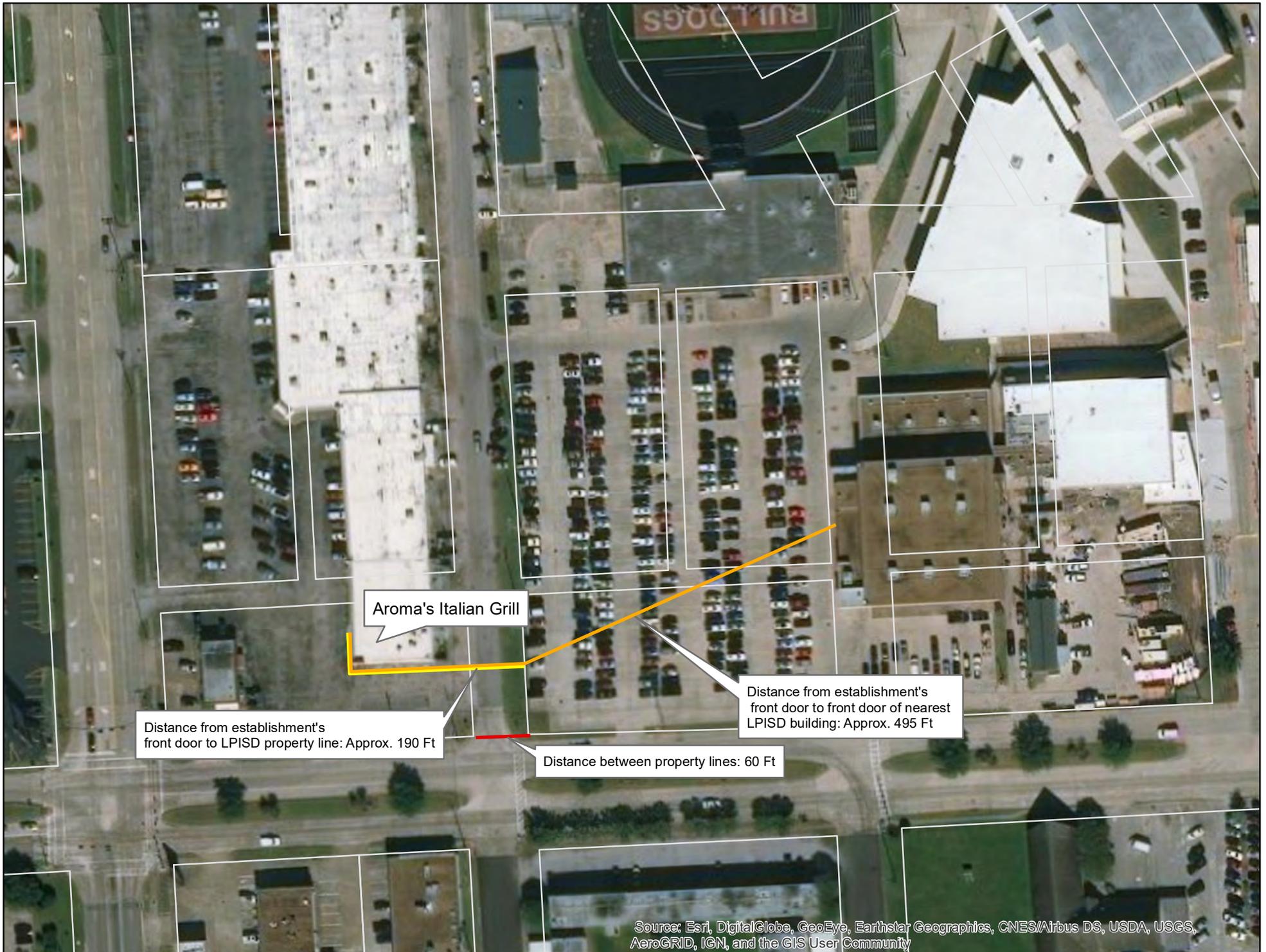
## OWNERSHIP INFORMATION

### Continued for Prequalification Packet

LOCATION INFORMATION			
1. Trade Name of Location			
2. Location Address			
City	County	State	Zip Code

OWNER INFORMATION			
3. Type of Owner			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> City/County/University	
<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Joint Venture		
<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Trust		
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

# Area Map for Variance Ordinance for Aroma's Italian Grill





# La Porte Independent School District

## COPY

1002 San Jacinto Street  
La Porte, Texas 77571

Lloyd W. Graham  
Superintendent of Schools

(281) 604-7001  
Fax (281) 604-7010  
www.lpsd.org

*Via Certified Mail, Return Receipt Requested*

June 14, 2018

Mr. Corby Alexander  
City of La Porte  
604 W. Fairmont Parkway  
La Porte, TX 77571

Dear Mr. Alexander:

La Porte ISD recently received a letter from the City of La Porte to inform us that Mr. Emir Metaliaj, owner of Aroma's Italian Grill, recently filed an application with the Texas Alcoholic Beverage Commission for a wine and beer permit. This issue was considered by our Board of Trustees at its June 12, 2018, meeting as an action/discussion item.

Following discussion, the LPISD Board of Trustees voted 7-0, to defer to the city government and support the city's judgement with regard to the issuance of a wine and beer permit at Aroma's Italian Grill.

Please let me know if you have any questions.

Sincerely,

Lloyd W. Graham  
Superintendent of Schools

The La Porte Independent School District does not discriminate on the basis of age, race, religion, color, national origin, sex or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; and Title II of the Americans with Disabilities Act. The Title IX Coordinator is Angela Garza-Viator, Executive Director of Human Resources, 1002 San Jacinto, La Porte, Texas 77571, Telephone (281) 604-7113. The Section 504 Coordinator is Cynthia Anderson, Executive Director of Special Programs, 1002 San Jacinto, La Porte, Texas 77571, Telephone (281) 604-7034.

El Distrito Independiente Escolar de La Porte no discrimina sobre la base de edad, raza, religión, color, origen nacional, sexo u discapacidad para proveer servicios educacionales, actividades y programas, incluyendo programas vocacionales, de acuerdo con el Título VI del Acta de Derechos Civiles de 1964, como fue enmendada; Título IX de las Enmiendas Educativas de 1972; Sección 504 del Acta de Rehabilitación de 1973, como fue enmendada; y el Título II del Acta de Americanos con Discapacidades. La Coordinadora del Título IX es Angela Garza-Viator, Directora Ejecutiva de Recursos Humanos, 1002 San Jacinto, La Porte, Texas 77571, Teléfono (281) 604-7113. La Coordinadora de la Sección 504 es Cynthia Anderson, Directora Ejecutiva de Programas Especiales, 1002 San Jacinto, La Porte, Texas 77571, Teléfono (281) 604-7034.



**Council Agenda Item  
July 23, 2018**

**7 (a) Receive report of the La Porte Development Corporation Board Meeting – Councilmember Nancy Ojeda**

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## **Council Agenda Item July 23, 2018**

**8. ADMINISTRATIVE REPORTS**

- Zoning Board of Adjustment Meeting, Thursday, July 26, 2018
- City Council Meeting, Monday, August 13, 2018
- Budget Workshop Meetings, week of August 13th, 2018
- Planning and Zoning Commission Meeting, Thursday, August 16, 2018
- City Council Meeting, Monday, August 27, 2018
- Zoning Board of Adjustment Meeting, Thursday, August 30, 2018

**9. COUNCIL COMMENT S** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies. Councilmembers Zemanek, Bentley, Ojeda, Engelken, Earp, Martin, K. Martin, Kaminski and Mayor Rigby

**10. EXECUTIVE SESSION**

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, in accordance with the authority contained in:

**Texas Government Code - Section 551.072** - Deliberation regarding purchase, exchange, lease or value of Real Property: Meet with City Manager and City Attorney to discuss value of real property in industrial districts, concerning negotiations with industry representatives for terms of new Industrial District Agreements.

**11. RECONVENE** into regular session and consider action, if any, on item(s) discussed in executive session.

**12. ADJOURN**

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