

LOUIS R. RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
VACANT
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 October 8, 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 Michael Thannisch, St. Paul's Anglican Church.

3. PLEDGE OF ALLEGIANCE

City of La Porte Fire Department Honor Guard will Present the Colors.

The Pledge of Allegiance will be led by Councilmember Kristin Martin.

Firefighter Destinee Rayburn will sing the National Anthem.

4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS

(a) Proclamation - Fire Prevention Week - Mayor Rigby

(b) Proclamation - Domestic Violence Awareness Month - Mayor Rigby

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

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 minutes of the Regular meeting held on September 24, 2018 and amended minutes of the Special meeting held on September 6, 2018 - P. Fogarty

(b) Consider approval or other action regarding an Ordinance ordering a Special Election of the City of La Porte, Texas, for December 8, 2018, for the purpose of electing a city official to the position of Councilperson-at-large-Position B for the remainder of the unexpired term, which expires May 2, 2020 - P. Fogarty

(c) Consider approval or other action regarding an Ordinance amending Chapter 50, Appendix A "Fees" of the Code of Ordinances of the City of La Porte, by adjusting various golf course user fees for the La Porte Golf Course - A. Osmond

(d) Consider approval or other action authorizing City staff to execute a Pipeline Permit issued to ExxonMobil Pipeline Company, for replacing approximately 750 feet of an existing 16-inch crude oil pipeline within the City of La Porte - L. Wingate

(e) Consider approval or other action authorizing the purchase of Fiscal Year 2018-2019 Vehicle Replacements - under Texas Buy Board contract No. 521-16 and HGAC contracts numbers VE11-15 and GR01-18 - D. Pennell

- (f) Consider approval or other action awarding Bid #18022 for Pool Renovations - R. Epting
- (g) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and Harris County Flood Control District for maintenance of pedestrian bridge on the La Porte Hike and Bike Trail System - R. Epting

7. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action to provide direction to the City Manager regarding implementation of the 2018-2019 Fiscal Year employee merit pay increases - Mayor Rigby
- (b) Discussion and possible action regarding a new recreation and fitness facility - Mayor Rigby

8. REPORTS

- (a) Receive report of the Drainage and Flooding Committee Meeting - Councilmember Jay Martin

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, October 11, 2018
- La Porte Development Corporation Board Meeting, Monday, October 22, 2018
- City Council Meeting, Monday, October 22, 2018
- Zoning Board of Adjustment Meeting, Thursday, October 25, 2018

- 10. 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 K. Martin, Zemanek, Bentley, Engelken, Earp, Ojeda, J. Martin and Mayor Rigby.

11. 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 551.071 (2) - Consultation with Attorney: Meet with City Attorney and City Manager to discuss legal issues related to status of employee benefits of former employee.

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

13. 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 October 8, 2018 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on October 2, 2018.

Patrice Fogarty



**Council Agenda Item
October 8, 2018**

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(b) Proclamation - Domestic Violence Awareness Month - Mayor Rigby

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



Proclamation

Office of the Mayor

WHEREAS, on December 23, 1925 , the La Porte Fire Department was officially organized with appointed officers and established as the city's fire department; and

WHEREAS, on December 28, 1931, the La Porte Fire Prevention Organization was established; and

WHEREAS, on November 7, 2000, the charter members were presented to the club along with a proposal to establish the Honor Guard; and

WHEREAS, we recognize all fire personnel, both paid and volunteer, for their dedication and response to emergencies within our city; and

WHEREAS, Fire Prevention Week is observed each year during the week of October 9th in commemoration of the Great Chicago Fire, which began on October 8, 1871, and caused devastating damage. This horrific conflagration killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures, and burned more than 2,000 acres of land.

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim October 7 through 14, 2018, as

"National Fire Prevention Week"

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 8th day of October, 2018.

City of La Porte

Louis R. Rigby, Mayor





Proclamation

Office of the Mayor

WHEREAS, one in three women and one in ten men report abuse in their relationships in the form of physical, emotional, sexual, psychological and economic. Domestic violence effects women, children and men of all racial, social, religious, ethnic and economic backgrounds; and

WHEREAS, approximately 3.3 million children witness domestic violence annually, which violence in the home is the strongest indicator that will be transferred to the next generation; and everyone deserves to feel safe in their homes and communities; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own; but we can work together to educate our entire population about what can be done to prevent domestic violence, support victim/survivors and their significant others, and increase support for agencies providing services to victim/survivors; and

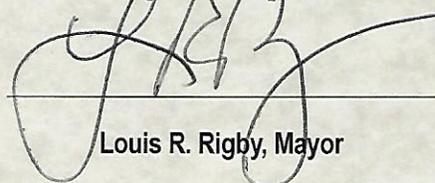
WHEREAS, Domestic Violence Awareness and Prevention Month provides an excellent opportunity for citizens of La Porte and surrounding communities to reduce domestic violence through prevention, education, increased awareness, encouraging every person to speak out when witnessing acts of violence, taking time to talk about creating a healthy, respectful, and safe community, and holding perpetrators who commit acts of violence responsible for their actions.

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim the month of October 2018, as:

“Domestic Violence Awareness Month”

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 8th day of October, 2018.

City of La Porte



Louis R. Rigby, Mayor





**Council Agenda Item
October 8, 2018**

- 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.)*
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 - (b) Consider approval or other action regarding an Ordinance ordering a Special Election of the City of La Porte, Texas, for December 8, 2018, for the purpose of electing a city official to the position of Councilperson-at-large-Position B for the remainder of the unexpired term, which expires May 2, 2020 - P. Fogarty
 - (c) Consider approval or other action regarding an Ordinance amending Chapter 50, Appendix A "Fees" of the Code of Ordinances of the City of La Porte, by adjusting various golf course user fees for the La Porte Golf Course - A. Osmond
 - (d) Consider approval or other action authorizing City staff to execute a Pipeline Permit issued to ExxonMobil Pipeline Company, for replacing approximately 750 feet of an existing 16-inch crude oil pipeline within the City of La Porte - L. Wingate
 - (e) Consider approval or other action authorizing the purchase of Fiscal Year 2018-2019 Vehicle Replacements - under Texas Buy Board contract No. 521-16 and HGAC contracts numbers VE11-15 and GR01-18 - D. Pennell
 - (f) Consider approval or other action awarding Bid #18022 for Pool Renovations - R. Epting
 - (g) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and Harris County Flood Control District for maintenance of pedestrian bridge on the La Porte Hike and Bike Trail System - R. Epting

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Councilmember At Large A
DOTTIE KAMINSKI
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CHUCK ENGELKEN
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Mayor Pro-Tem

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE SEPTEMBER 24, 2018

The City Council of the City of La Porte met in a regular meeting on **Monday, September 24, 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. All members of Council were present: Councilmembers Ojeda, Zemanek, J. Martin, K. Martin, Bentley, Kaminski, Engelken, and Earp. Staff present: City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Assistant City Attorney Clark Askins.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Jay Martin.

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

Steve Gillett, 2601 S. Broadway, addressed Council regarding the Special City Council meeting held on September 6, 2018, with a concern over a possible Charter violation.

Chuck Rosa, 812 S. Virginia, addressed Council regarding bond elections.

Joey Hulsey, 10844 Spruce Dr. N, declined to speak.

Guadalupe Recendez, 630 N. 13th, addressed Council regarding her home flooding and sewer issues and asked for help.

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 Special City Council Meeting held on September 6, 2018 and minutes of the Regular City Council Meeting held on September 10, 2018 – P. Fogarty

(b) Consider approval or other action amending dates of regular City Council meetings in November and December 2018 – P. Fogarty

(c) Consider approval or other action regarding the Tax Assessor's certified 2018 ad valorem anticipated collection rate for the City of La Porte – M. Dolby

- (d) Consider approval or other action regarding an Ordinance amending Chapter 70 “Traffic and Vehicles” of the Code of Ordinances by revising certain regulations related to establishment of school zones within the corporate limits of the City of La Porte – R. Parker
- (e) Consider approval or other action regarding an Ordinance vacating, abandoning and closing a portion of the West Madison Street right-of-way, located in Blocks 643 and 654, Town of La Porte – I. Clowes

Councilmember Engelken made a motion to approve all Consent Agenda items pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3720** AN ORDINANCE AMENDING CHAPTER 70 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES BY REVISING CERTAIN REGULATIONS RELATED TO ESTABLISHMENT OF SCHOOL ZONES WITHIN THE CORPORATE LIMITS OF THE CITY OF LA PORTE; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3721** AN ORDINANCE VACTING, ABANDONING AND CLOSING A PORTION OF THE WEST MADISON STREET RIGHT-OF-WAY LOCATED IN BLOCKS 643 AND 654 OF THE TOWN OF LA PORTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny an amendment to the City’s Future Land Use Map Component of the Comprehensive Plan for a 6.93 acre tract of land located in the 3400 Block of Canada Rd., and legally described as Reserve A, Block 1 Dawson Subdivision, by changing from “Mid-High Density Residential” to “Commercial”; consider approval or other action regarding an Ordinance amending the City’s Future Land Use Map Component of the Comprehensive Plan for a 6.93 acre tract of land located in the 3400 Block of Canada Rd., and legally described as Reserve A, Block 1 Dawson Subdivision, by changing from “Mid-High Density Residential” to “Commercial”– I. Clowes

The public hearing opened at 6:13 p.m. City Planner Ian Clowes presented a combined summary for Items A and B.

Bill Ginder, 20322 Stone Moss, Spring TX., addressed Council and provided a map. Mr. Ginder advised the property cannot sell as it is currently configured.

There being no additional public comments, the public hearing was closed at 6:19 p.m.

Councilmember Engelken made a motion to accept the recommendation of the Planning and Zoning Commission and deny amendment to the City’s Future Land Use Map Component of the Comprehensive Plan. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

(b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny zone change request #18-92000008, for a change from Mid Density Residential (R-2) to General Commercial (GC) for a 6.92 acre tract of land located in the 3400 Block of Canada Rd., legally described as Reserve A, Block 1 Dawson Subdivision; consider approval or other action regarding an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances by changing the zoning classification of a 6.92 acre tract of land located in the 3400

Block of Canada Rd., legally described as Reserve A, Block 1 Dawson Subdivision, from Mid Density Residential (R-2) to General Commercial (GC) – I. Clowes

The public hearing opened at 6:20 p.m. There being no public comments, the public hearing was closed at 6:20 p.m.

Councilmember Engelken made a motion to accept the recommendation of the Planning and Zoning Commission and deny zone change request #18-92000008. Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

(c) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-910000010 to allow for a Hotel/Motel Use in the General Commercial (GC) Zoning District, located on a 2.28 acre tract of land located at 711 W. Fairmont Pkwy., and legally described as Lots 1-16 and 19-32, Block 1103 and East 30 feet of 7th Street right-of-way and adjacent 16-foot alley, 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 #18-910000010 to allow for a Hotel/Motel Use in the General Commercial (GC) Zoning District, located on a 2.28 acre tract of land located at 711 W. Fairmont Pkwy., and legally described as Lots 1-16 and 19-32, Block 1103 and East 30 feet of 7th Street right-of-way and adjacent 16-foot alley, La Porte Subdivision, in the General Commercial (GC) Zoning District – I. Clowes

The public hearing opened at 6:21 p.m. City Planner Ian Clowes presented a summary.

Martha Gillett, 2601 S. Broadway, addressed Council in opposition to a Holiday Inn Express at the proposed location.

John Faught, Austin, TX employee of Holiday Inn Express, addressed Council in favor of the proposed Holiday Inn Express.

Theresa Garcia, 1125 Willow Creek Dr., addressed Council in favor of the proposed Holiday Inn Express.

Jackie Ramirez, 113 Sylvia, addressed Council in favor of the proposed Holiday Inn Express.

Prinisha Bhatt, 908 W. G St., addressed Council in favor of the proposed Holiday Inn Express.

Alma Pizana, 3629 Choctaw, addressed Council in favor of the proposed Holiday Inn Express.

Shamin Baigh, 217 S. 7th Street, addressed Council in favor of the proposed Holiday Inn Express.

Matthew Autin declined to speak.

Randy Rabe, 8811 Strang Rd., addressed Council in favor of the proposed Holiday Inn Express.

Omar Izfar addressed Council in favor the proposed Holiday Inn Express. Mr. Izfar commented the City of La Porte is well deserving of a high quality hotel at this location and informed there was no one he spoke to who was not in favor of the hotel.

Owner Operator of Holiday Inn Express Dimple Patel, 908 W. G St., addressed Council in favor of the proposed Holiday Inn Express and advised of over 100 businesses and residences submitted letters of approval. Mr. Patel also informed council that guests residing at a hotel over 30 days are not required to pay 17% in hotel occupancy taxes.

Philip Dunn, 701 San Jacinto, addressed Council in favor of the proposed Holiday Inn Express and advised he does business with the hotel.

Chuck Rosa, 812 S. Virginia, addressed Council in favor of the proposed Holiday Inn Express.

Councilmember Bentley asked Mr. Patel how many hotels he and his family own and operate. Mr. Patel responded six.

Leslie Guzman, 3102 Woodland Court, addressed Council and informed she knows of residents who are opposed to the hotel.

Veronica Minor, 428 S. Nugent, addressed Council in favor of the hotel.

Councilmember Kaminski asked Mr. Patel if he conducted a traffic study before purchasing the property. Mr. Patel responded no.

With no additional public comments, the public hearing was closed at 7:21 p.m.

Councilmember Engelken made a motion to accept the recommendation by the Planning and Zoning Commission and deny zone change request #18-91000010. Councilmember Kaminski seconded. **MOTION PASSED 7/2.**

Ayes:	Councilmembers J. Martin, K. Martin, Kaminski, Zemanek, Earp, Engelken and Ojeda
Nays:	Mayor Rigby and Councilmember Bentley
Absent:	None

(d) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000011 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.39 acre tract of land located at the southeast corner of the K and 15th Street right-of-way, and legally described as Reserve A, Block 1 Home Porte; 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 #18-91000011, to allow for the development of a Hotel/Motel use in the General Commercial (GC) Zoning District to be located on a 2.39 acre tract of land located at the southeast corner of the K and 15th Street right-of-way, and legally described as Reserve A, Block 1 Home Porte – I. Clowes

The public hearing opened at 7:22 p.m. City Planner Ian Clowes presented a summary.

Michael Gaertner provided a presentation and information on how to utilize hotel occupancy taxes for specific projects and the management of hotels in the community.

Councilmember Ojeda left the table at 7:26 p.m. and returned at 7:28 p.m.

With no additional public comments, the public hearing was closed at 7:45 p.m.

Councilmember Bentley made a motion to accept the recommendation by the Planning and Zoning Commission and approve Special Conditional Use Permit #18-91000011 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.39 acre tract of land located at the southeast corner of the K and 15th Street right-of-way, and legally described as Reserve A, Block 1 Home Porte. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3722 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 CONDITTIONAL USE PERMIT NO. 18-91000011, TO ALLOW FOR A HOTEL (EXCEPT CASINO HOTELS) AND MOTEL USE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT, ON A 2.39 ACRE TRACT OFL AND BEING LEGALLY DESCRIBED AS RESERVE A, BLOCK 1, HOME**

PORTE, 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.

(e) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an Ordinance amending Chapter 106 “Zoning” of the City of La Porte Code of Ordinances in connection with a comprehensive review and update to Chapter 106, “Zoning”; consider approval or other action regarding an Ordinance amending Chapter 106, “Zoning” of the City of La Porte Code of Ordinances in connection with a comprehensive new and update to Chapter 106, “Zoning” – I. Clowes

The public hearing opened at 7:46 p.m. City Planner Ian Clowes presented a summary.

There were no public comments, and the public hearing was closed at 7:57 p.m.

Councilmember Earp made a motion to accept the recommendation by the Planning and Zoning Commission and approve an Ordinance amending Chapter 106 “Zoning” of the City of La Porte Code of Ordinances in connection with a comprehensive review and update to Chapter 106, “Zoning,” but with a couple of changed, to remove distribution centers and warehouses to be sent back to the Planning and Zoning Commission for a definition and remove NAICS Code 532490 with footnote 18 in the Main Street District. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3723 AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE IN CONNECTION WITH THE ANNUAL COMPREHENSIVE REVIEW AND UPDATE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

(f) Public hearing to receive comments regarding Harris County’s Method of Distribution (MOD) for the Community Development Block Grant-Disaster Recovery (CDBG-DR) Round 1 Funds for the Hurricane Harvey – L. Wingate

The public hearing opened at 8:00 p.m. City Engineer Lorenzo Wingate presented a summary.

Councilmember Bentley left the table at 8:02 p.m. and returned at 8:02 p.m.

There being no public comments, the public hearing was closed at 8:09 p.m.

7. RESOLUTIONS/AUTHORIZATIONS

(a) Consider approval or other action regarding a Resolution adopting the 2018 Appraisal Roll of the Harris County Appraisal District – M. Dolby

Finance Director Michael Dolby presented a summary.

Councilmember Zemanek made a motion to adopt a Resolution adopting the 2018 Appraisal Roll of the Harris County Appraisal District. Councilmember Engelken seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

(b) Consider approval or other action regarding an Ordinance establishing the tax rate for the City of La Porte for the current tax year (2018) for a total tax rate of \$0.71 per hundred dollar valuation - M. Dolby

Finance Director Michael Dolby presented a summary.

Councilmember Engelken made a motion to approve an Ordinance establishing the tax rate for the City of La Porte for the current tax year (2018) for a total tax rate of \$0.71 per hundred dollar valuation. Councilmember J. Martin seconded. **MOTION PASSED 8/1.**

Ayes: Mayor Rigby, Councilmembers Bentley, J. Martin, K. Martin, Kaminski, Zemanek, Engelken and Ojeda
Nays: Councilmember Earp
Absent: None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3724 AN ORDINANCE LEVYING TAXES UPON TAXABLE PROPERTY LOCATED WITHIN AND SUBJECT TO TAXATION IN THE CITY OF LA PORTE, TEXAS; MAKING APPROPRIATIONS FOR SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE CITY GOVERNMENT OF SAID CITY OF LA PORTE, FINDING THAT ALL REQUIRED NOTICES HAVE BEEN PUBLISHED AND ALL REQUIRED HEARINGS HELD; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

8. **DISCUSSION AND POSSIBLE ACTION**

- (a) Consider approval or other action regarding a Resolution appointing a representative and an alternate to the Houston Galveston Area Council (H-GAC) 2019 General Assembly and Board of Directors – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Ojeda made a motion to approve a Resolution appointing Councilmember Engelken as representative and Councilmember Bentley as alternate to the Houston Galveston Area Council (H-GAC) 2019 General Assembly and Board of Directors. Councilmember Bentley seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

9. **REPORTS**

- (a) Receive report of the Fiscal Affairs Committee Meeting – Councilmember Chuck Engelken

Councilmember Chuck Engelken provided an update of the Fiscal Affairs Committee Meeting held prior to the City Council Meeting.

10. **ADMINISTRATIVE REPORTS**

City Manager Corby Alexander advised Council that Staff will follow up with Ms. Recendez and the issues of flooding at her home and informed Council that Staff has been working diligently to obtain post Harvey funding and will continue the efforts.

11. **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 Engelken, Earp, Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Bentley and Mayor Rigby

Councilmember J. Martin commented the hotel presentations were very informative; he wishes the Holiday Inn Express would stay in La Porte; the Planning Department can be more proactive in addressing issues of why the City is not attracting businesses for economic development in particular zones; welcomed Councilmember Kaminski back and wished her the best; Councilmember K. Martin requested City Manager Corby Alexander keep her in the loop on Ms. Recendez's flooding issue; commented the location of the Holiday Inn Express was going to affect the residents on the side of town and maybe a restaurant is more suitable for the particular side of town; Councilmember Kaminski informed she also had citizens contact her in opposition to the Holiday Inn Express and the potential of traffic, and she is pleased with the new El Toro and Hartz Chicken coming to the City; Councilmember Zemanek wished Councilmember Kaminski the best on her procedure on Wednesday; commented on the condition of the Air National Guard building, and

thanked Council for approving funding for a new Recreation and Fitness Center; Councilmember Bentley commented the meeting was very productive tonight; expressed concerns of the Planning and Zoning Commission not being presented the same presentation presented at tonight's meeting and commented the recommendation may have been different; commented he is impressed with the process of the PAC meetings; advised he visited the Municipal Court and sat with Assistant City Attorney Clark Askins, and commented he is looking forward to National Night Out; Councilmember Engelken commented Holiday Inn Express hotels are good hotels, it just needs a better location; commented the presentations of the hotels were both interesting; commented an audit should be conducted on all hotels to confirm accurate funding of hotel occupancy taxes and encouraged the City to spray for mosquitoes with the recent rain events; Councilmember Earp wished Councilmember Kaminski the best with her upcoming procedure; requested Staff work with the Planning and Zoning Commission on the type and location of hotels; and the City to explore the hotel licensing concept presented tonight; Councilmember Ojeda requested the list of types of hotels be forwarded to the Planning and Zoning Commission for their information; and Mayor Rigby thanked the Chamber of Commerce for hosting the First Responders' Breakfast that was well attended; he commented the only phone call he received in regards to the hotel was from Mr. Patel asking if he could sit down and give that presentation that they gave tonight; he stated he guesses the consensus is that it was the location; so, two blocks this side of 146 is bad and two blocks the other side of 146 is good; he doesn't get it because he said the cars are still going to be on Fairmont Parkway; and they are told you've got a great product, we'd really like to have you, but we don't want you there. Mayor Rigby stated about two years ago he recommended to this Council that Council look at an ordinance similar to the one the City has for apartment complexes that says you can't build an apartment complex within a thousand feet of an existing one. Mayor Rigby continued that at the time, one councilman said, "I think if someone has enough money to build a hotel, they ought to be able to build it." "Well, I guess that changed, because we are not going to allow that person to build this hotel."

12. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:30 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on October 8, 2018.

Mayor Louis R. Rigby

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Patrice Fogarty, City Secretary

Passed and approved on October 8, 2018.

Mayor Louis R. Rigby

LOUIS 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
Councilmember District 6
Mayor Pro-Tem

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE SEPTEMBER 6, 2018

The City Council of the City of La Porte met in a special meeting on **Monday September 6, 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, J. Martin, Bentley, Kaminski, Engelken, and Earp. Absent: Councilmember K. Martin. Also present were City Secretary Patrice Fogarty and City Manager Corby Alexander
2. **INVOCATION** – The invocation was given by Councilmember Jay Martin.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Danny Earp.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

No members of the public presented for public comments.
5. **DISCUSSION AND POSSIBLE ACTION**
 - (a) Discussion and possible action to provide direction to the City Manager regarding the City of La Porte Fiscal Year 2018-2019 tax rate and Fiscal Year 2018-2019 budget - C. Alexander

City Manager Corby Alexander stated that at the last budget discussion, there were a number of items he wanted to follow-up on with Council for direction. He proposed going through each item to get direction from Council.

Mr. Alexander stated the first item is regarding raising the tax rate by \$.05. There was a concern by staff regarding whether going up five cents would put us above rollback. After doing the calculations, he reported that five cents does not put the City above rollback; so, it is an option that Council could consider without having a rollback election. He stated if that's an option Council would like to pursue, there are public hearings that must happen; so, staff needs direction on this tonight so that publication of the hearings can be made according to law. Councilmember Bentley asked about the proposed schedule. Mr. Alexander stated the proposed schedule would be publication of the public hearings in the 13th edition of the Bay Area Observer, stating there will be a special meeting on the 20th for the first public hearing and the second public hearing at the regular meeting on 24th. The tax rate adoption cannot be sooner than a week after the second public hearing; so, the tax rate could be adopted at a meeting October 1 thru October 8. October 8 is the first regular Council meeting in October.

Councilmember Zemanek spoke and informed Council that it is his idea to increase the tax rate in order to earmark projects for a new fitness center; revamping the Fitness Center for the seniors once there is a new building; a stipend for city employees paid in November 2018; turfing the Pecan

Park baseball fields; drainage improvements; and increase funding for summer youth programs. He stated regarding priority of the items, he wants the stipend for employees this year, do the fitness center, the programs for the youth during the summer, the revamping of the current center for the seniors, and the turfing of the baseball fields will have to come after the other projects are completed and paid for. The increase of the tax rate would be earmarking these specific projects.

Councilmember Zemanek passed out photos of the Fitness Center showing damages which, in his opinion, prove the need for renovation to it and building of a new Recreation and Fitness Center. He stated the current building is past its usefulness.

Mayor Rigby asked how old is the building? Councilmember Zemanek said over 50 years old. Mayor Rigby disagreed and stated it isn't that old. There were comments from the audience that the building was built around 1987-1988.

Councilmember J. Martin commented he is not opposed to a new fitness center, but it is hard for him to vote to raise taxes. He asked about other financing options besides raising taxes. City Manager Alexander stated staff has not explored in depth other financing options. He stated it is probably permissible to use Hotel Motel funds to turf the ballfields because that is a permitted use.

Councilmember J. Martin stated if we already authorized a 10,000-square-foot expansion of the Fitness Center in this year's budget, there is no reason to spend this money if we plan to build a new fitness center. He would like to explore the idea of having a bond election and let the citizens vote it up or down.

Councilmember Zemanek stated that it took 11 years from the bond election to opening day of the baseball complex. He stated he doesn't want to wait 11 years; and stated the Fitness Center cannot stand waiting another 11 years.

Mayor Rigby asked why is the maintenance of this building not being kept up? Mr. Alexander said he and staff will be discussing this.

Councilmember Ojeda commented she is not opposed to a new fitness center but agrees with Councilmember J. Martin that citizens should have an input on a tax rate increase.

Councilmember Earp commented he is opposed to raising taxes. He stated that going through the budget, he believes we will find others ways to fund a new fitness center.

Mayor Rigby stated that if it is the decision of the council to build one and figure out how to pay for it later, we still need to maintain all facilities.

Councilmember Engelken commented he does not want to see taxes increased and more can be done if we get out of status quo and try to change status quo. He said maintenance for City facilities is pathetic and he holds City administration accountable for all City facilities and that staff should do a better job on maintenance.

City Manager Corby Alexander continued with potential budget decreases.

Council agreed to cut Automated Server Monitoring by \$35,000 and Consulting Fees by \$5,000.

Mr. Alexander recommended not to eliminate the Director of Planning position budgeted at \$137,000. Councilmember Zemanek asked if the Director of Planning will have an engineering background. Mr. Alexander responded there are quite a few attractive resumes coming in but none have an engineering background. Council agreed to keep the position and an engineering background is not required.

Council agreed to cut the Liability Insurance Fund by \$30,000.

Council agreed to cut the Legal/Prosecutor proposed budget of \$285,000 by \$101,000, leaving \$184,000 in funds to pay for the City Attorney and also to hire a prosecutor as a full-time employee, but not to also hire a paralegal.

Council agreed they do want to hire a full time prosecutor. How it will be structured will be discussed in the future, stating City staff may want to consult with the Olson & Olson Law Firm about the City's Charter provisions.

City Manager Corby Alexander passed out a revision of what was in the packet regarding fees for the golf course. He stated he felt tasked with reducing the deficit in terms of the difference between what the golf course brings in in revenue vs. what it costs to operate the golf course. And to attempt to do that he recommended two things: one, to adjust the fees; and two, the City will aggressively market the golf course. He went on to say the City will do that no matter what.

As it relates to fees on the handout Mr. Alexander passed out at the meeting, if Council makes all the changes shown, revenue would increase \$86,000 if our number of rounds holds the same. He asked for direction from Council as to whether they wish to make the fee adjustments all at once or phase them in.

Mayor Rigby asked if there is anyone who wants to reduce the current golf course subsidy from the general fund.

Councilmember Engelken stated he agrees to reduce the deficit.

Councilmember J. Martin commented he does not support this reduction in subsidy and, indeed, believes City spending needs to increase. He stated the golf course generates twice as much revenue as the rest of the Parks Department, including the fitness center and the Wave Pool. He stated they are talking about spending millions for parks amenities and cutting back on spending for the golf course. He stated if the City is going to talk about spending on amenities, the City needs to step up for the golf course and applaud the hard work that goes on out there and raise it to the next level. "If we were going to raise taxes, I would add that golf course improvements need to be added."

Councilmember Zemanek provided comments about the number of rounds and fees. Alex Osmond stated he and staff discussed it, and they would like to increase cart fees immediately and next year increase the charge for membership green fees since those were just increased last year.

Councilmember Earp stated his original thought was a reduction of \$200,000 of subsidy for the golf course from the general fund, but he came away with recommending a \$70,000 reduction in subsidy so that it keeps everyone whole and moving forward.

Councilmember Ojeda made a motion to approve new rates for golf carts and green fees for residents and non-residents and leave memberships at the status quo. Councilmember J. Martin seconded. **MOTION FAILED.**

Ayes:	Mayor Rigby, Councilmembers J. Martin and Ojeda
Nays:	Councilmembers Kaminski, Zemanek, Bentley, Engelken and Earp
Absent:	Councilmember K. Martin

Councilmember Zemanek made a motion to approve the rate fee structure as presented tonight by the City Manager which is the \$2.00 cart fee; \$2.00 non-resident; \$1.00 resident; and the membership increases. Councilmember Earp seconded. **MOTION PASSED.**

Ayes: Councilmembers Earp, Engelken, Bentley, Zemanek and Kaminski
Nays: Mayor Rigby, Councilmembers J. Martin and Ojeda
Absent: Councilmember K. Martin

City Manager Corby Alexander stated that is \$86,000.

Regarding merit pay for non-civil service employees, City Manager Corby Alexander recommended not reducing the \$486,000 proposed funding by \$186,000. Mr. Alexander pointed out that while budget is always in Council's purview, he has outlined some reasons he would like Council to consider not reducing this item. One is because reduced merit increases would be given to non-civil service employees, and civil service employees would not be given reduced increases, which could impact morale. He also stated that in the past, the City's merit increases have been good recruitment and retention tools, and any change in that would have a negative impact on those two fronts.

Mr. Alexander stated that if Council does choose to move forward with a stipend, every non-civil service employee could be given \$1,000; and that would cost \$300,000. If non-civil service employees received \$1,500, that would cost \$450,000.

Councilmembers Zemanek and Earp stated they are in favor of a \$1,000 stipend for non-civil service city employees. Councilmember Earp said if Council was willing to do the \$186,000 reduction, we could still give employees a \$1,000 stipend, which would be for this budget year only.

Council discussed merit increases and the past market study. Councilmember J. Martin provided comments regarding the recent market study. He stated, "If we don't give increases, we will be getting back in the same boat we just tried to get out of." He also commented he would like to continue with merit increases.

Councilmember Zemanek made a motion to give all non-civil service employees a \$1,000 stipend payable in their November paycheck in lieu of merit increases. Councilmember Earp seconded. **MOTION FAILED.**

Ayes: Councilmembers Earp, Zemanek and Kaminski
Nays: Mayor Rigby, Councilmembers Ojeda, J. Martin, Engelken and Bentley
Absent: Councilmember K. Martin

Councilmember Engelken made a point to reiterate what merit stands for, which is performance, not under-performance; and what he saw in those maintenance pictures of the fitness center was of under-performance, and he expects management to hold their department heads accountable for that.

Councilmember Bentley commented his nay vote was not that he does not want to compensate employees but because a one-time stipend does not go as far as a merit increase on a paycheck; he would like the City to do better than mid-range on the pay scale.

Councilmember Earp made a motion to reduce the merit fund by \$186,000 and stick to the merit-based system, but allocate \$300,000 for merit raises instead of \$486,000. Councilmember Ojeda seconded. **MOTION PASSED.**

Councilmember J. Martin asked are merit raises separate from cost of living raises. Mayor Rigby said yes. City Manager Alexander reiterated there is no cost of living adjustment included in the proposed budget.

Mayor Rigby restated the motion, which is to keep merit increases for a total of \$300,000.

Councilmember Bentley stated he looked at the figures, and \$486,000 is pretty reasonable and gets us in the right direction to get wages up where they can be more competitive.

Councilmember J. Martin asked for the motion, again. Mayor Rigby restated the motion is to keep the merit increases in the budget for a total of \$300,000.

City Manager Alexander asked for clarification, and Councilmember Zemanek said, "You've only got a \$300,000 fund for merit." City Manager Alexander restated he'd was just looking to clarify that Council is not mandating any changes in zero to five, but.... Councilmember Zemanek stated you've got to split \$300. Councilmember Ojeda stated instead of \$486.

Mayor Rigby asked for the vote. **MOTION PASSED.**

Ayes:	Councilmembers Ojeda, Kaminski, Zemanek, Engelken, and Earp
Nays:	Mayor Rigby, Bentley and J. Martin
Absent:	Councilmember K. Martin

Councilmember Zemanek made a comment in response to Councilmember Engelken's earlier comment, stating he does not think it is fair to blame department heads for conditions of their buildings if we only give them X number of dollars for building maintenance; that they can't blame "someone" but blame the process. He said he doesn't know what the building maintenance budget is for the Rec Center but they're probably spending every dime they've got and it is still not enough.

Councilmember Engelken stated that every employee in the City has an obligation to bring up to their supervisor, and their supervisor should bring it up to their manager when they see problems. The Rec Center is not the only building he has seen that is in disarray. The culture needs to change to become more proactive to the betterment of the City as a whole.

Regarding pharmacy changes, City Manager Corby Alexander recommended going with a formulary change and cutting \$250,000; and Council agreed to the cut.

Regarding stop loss coverage, Council agreed to leave the \$480,000 in the budget, wait for the bids for coverage of premiums, and also check to be sure it is legal to discontinue Stop Loss coverage.

Council recessed for a break at 7:36 p.m. and returned at 7:47 p.m. Councilmember Kaminski returned to the table at 7:48 p.m.

City Manager Corby Alexander recommended to remove the Drainage Interconnect project for \$250,000 due to the developer taking on the expense of the project. Council agreed to remove the project.

City Manager Corby Alexander recommended removing a portion of the funding of the Spencer Masonry Fence project for the south side in an amount of \$380,400.

Councilmember Ojeda informed she is not in favor of removing the project because the south side looks the worst.

Councilmember Earp made a motion to remove \$380,400 from the project budget and proceed with the north side fence and sidewalk, and reserve the south side for a later date. Councilmember Engelken seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers Earp, Kaminski, Zemanek, J. J. Martin, Earp and Engelken
Nays: Councilmember Ojeda
Absent: Councilmember K. Martin

City Manager Corby Alexander recommended not reducing Motor Pool Lease Fees of \$236,000, and Council agreed.

City Manager Alexander recommended no Public Works Reduction of Force of \$974,000. Councilmember Earp withdrew his request, and Council agreed to no Public Works Reduction of Force.

City Manager Alexander recommended to not reduce Fleet Maintenance by \$159,000. Councilmember Earp withdrew his request, and Council agreed to leave it in there.

City Manager Alexander recommended to reduce contingency by \$100,000 to \$250,000 instead of \$350,000. Council agreed.

City Manager Alexander advised a new position request of \$102,000 was miscoded on the large spreadsheet of the budget, and there is not a request for a new position. He clarified this is not a savings because the money is still in the budget, but this item was simply miscoded on the large spreadsheet provided to Council.

Regarding the next item, City Manager Corby Alexander brought up the position of tax assessor/collector. There is \$100,000 in the budget to fund this position. He stated it is his understanding that Council still wants this position, and staff will continue efforts to bring this position back in-house.

Councilmember Zemanek asked if staff is pleased with the work performed by Goose Creek Consolidated School District. Mr. Alexander responded yes. Councilmember Ojeda stated it would reduce La Porte citizens' confusion if the bill did not say Goose Creek because our citizens think they're paying Goose Creek taxes. City Manager Alexander stated they will work on that. Mayor Rigby asked Council whether there is an objection to removing this position from the budget. There was no Council objection to removing the position from the budget.

City Manager Corby Alexander informed Council that there has been an increase of \$600,000 over the past three years for Electric Franchise Fees. No further franchise fee increases are anticipated.

City Manager Corby Alexander recommended eliminating funding of \$430,000.00 for Phase 1 of a Private Fiber Network. Staff will come back to Council next April regarding this issue. Council agreed with the \$430,000 reduction

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(b) Discussion and possible action to propose a Fiscal Year 2018-2019 tax rate for the City of La Porte and establish public hearing dates (if applicable) as required by State law - J. Weeks

Assistant City Manager Jason Weeks presented a summary. He stated that this item is being discussed because if Council decides to consider a rate other than the \$.71 which the proposed budget was based on, if it goes higher than the effective tax rate, then the Mayor will need to announce the public hearings and the date to adopt, which is in the agenda item background.

Mayor Rigby stated the tax rate as proposed by staff at \$.71 per hundred. City Manager Alexander replied yes, sir. Mayor Rigby stated that he knows at least two councilmembers have differing opinions, and asked for discussion.

Councilmember Earp commented after reviewing the proposed budget with staff, he is not asking for a reduction in the tax rate.

Councilmember J. Martin made a motion to keep the tax rate at \$0.71 per \$100 of property valuation, and incorporate the budget changes discussed tonight. Councilmember Bentley seconded.

Mayor Rigby reminded Council that the budget is not being approved tonight; that will be on September 10th agenda with a public hearing. There must be a public hearing before Council can pass the budget.

Councilmember Zemanek commented he has some rough numbers from what Council did tonight; we saved \$1.95 million out of the budget and asked is this Council willing to earmark some of this savings to moving forward with the project of the new fitness center?

Councilmember Earp commented he is in favor of it and was originally going to propose to allocate about \$2 million to start the funding, but to keep the budget fairly flat and not impact it from where we're at as far as the total dollars we were at, we would have to reduce it to start with to about \$1.5 million, which would get us to where we are kind of budget neutral from what we cut vs. to be able to start our fund towards our rec center, if that's something everybody wants to entertain.

Councilmember Ojeda commented, "Personally I am hesitant to earmark money for something that we have no idea what it's going to cost."

Mayor Rigby stated the first thing Council needs to do is determine if it is something this Council wants to do – repair, upgrade, add on to the current one, or build a new one at another location.

Councilmember J. Martin asked what kind of account would we set up if we were to earmark funds? City Manager Alexander stated we would have to set up a project, which is how we carry money over year to year, like we would for any other CIP project; and we would allocate the dollars as you see fit to do that project, knowing full well you couldn't pull the trigger on construction until your funding allocation met your construction cost.

Councilmember J. Martin ask if Council did that, would the \$1 million allocated out of the EDC be taken out and put it into this fund? If we are not going to do an expansion, and we are going to look at moving forward with new construction, would the EDC money be available for this fund? City Manager Alexander stated that while he's not looked at that question from a legal standpoint, he believes the answer would be yes, because he does not think there is a legal difference between expanding a fitness center and building a new one.

Councilmember Earp asked if Council approves the budget without earmarking money for certain things, is Council free to come back two months from now if staff does due diligence and the Council has time to look at something and figure it out, are we free to come back at that time and move that money, because right now it would be just going into excess funds now, right? City Manager Alexander stated that what would necessarily need to happen...so, you're saying get the benefits of these cuts and allocate them for something else? Is that what I'm hearing? Councilmember Earp stated get the benefits of the cuts and possibly earmark those for the projects that were put forth.

Mayor Rigby stated what I heard you say is put the money that we reduce the budget by tonight into a reserve fund and then two months, three months, whatever, from now, we come back and say we want to allocate X amount to this project. City Manager Alexander said he just wants to make sure we include whatever, if it's \$1 million or \$1.5 million, that allocation needs to be included in the

budget that's adopted, and what we would have to do, what I would suggest we do, is go ahead and decrease the budget those line items as we've discussed tonight, total that up and have a separate line item that's special projects non-departmental, that Council... Mayor Rigby asked, "Adopt on Monday?" City Manager Alexander stated, "You could."

Assistant City Manager Jason Weeks informed Council they can come back later and consider an item to take from an unassigned fund balance so that you just move it into reserved. So the cash is already going into an unassigned fund balance so all you'd be doing is reserving it, just moving it from the one line item to another; and once it goes in there, the only way it can be moved out is if you release it. City Manager Alexander stated either scenario gets you to where you want to be.

Councilmember Zemanek stated he still wants to ask his question, does this Council have a problem with earmarking funds for a new rec center. Several Councilmembers stated they didn't have a problem with it.

Mayor Rigby said, "So, the motion we have by Mr. Martin seconded by Mr. Bentley is to establish, not adopt, establish a 71-cent-per-\$100 valuation." He went on to say, "But that says nothing about earmarking funds or..." Councilmember J. Martin asked, "Shall I amend my motion?" Mayor Rigby stated, "You can."

Councilmember J. Martin stated, "I move that we adopt a \$.71 per \$100 valuation tax rate and earmark any savings that we may have..." Mayor Rigby interjected, "Establish, not adopt." Councilmember J. Martin continued, "...establish...tonight be earmarked towards a fund to look at building a new fitness center and other amenities." Mayor Rigby asked Councilmember Bentley if he was still okay with the second on that, and he agreed. Mayor Rigby asked if everyone understands the motion; hearing no response, he then asked for the vote. **MOTION PASSED.**

Ayes:	Mayor Rigby, Councilmembers Earp, Ojeda, Kaminski, Zemanek, J. Martin, Earp and Engelken
Nays:	None
Absent:	Councilmember K. Martin

6. ADMINISTRATIVE REPORTS

There were no additional comments.

7. 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 Earp, Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Bentley, Engelken, and Mayor Rigby

Councilmember Earp thanked Staff for their work during the budget process and answering his questions and commented he is not pleased with a campaign by the Economic Development Coordinator to Bring Beer to the Bay because it sends a negative message from the City and informed he is not against any craft brewery but just believes it sends the wrong message; Councilmember Ojeda concurred with Councilmember Earp's comments regarding the beer campaign; she thanked department directors for working with Council during the budget process; Councilmember J. Martin commented the budget discussions were good and thanked Councilmember Earp for bringing the issues to City Council for consideration and commented it is a good idea to get started on the north side fence and then later work on the south side; Councilmember Kaminski thanked Staff for their hard work during the budget process; Councilmember Zemanek recognized Councilmember Kristin Martin on the birth of her son; and wished Chad Kaminski, Councilmember Dottie Kaminski's son, a speedy recovery; and thanked everyone for attending the meeting; Councilmember Bentley thanked Staff for their work during the budget process and commented the City needs to get employee salaries to market compensation; Councilmember Engelken thanked Staff for their work during the budget process; and Mayor Rigby commented he appreciates all of the departments along with City Manager Corby Alexander.

8. **ADJOURN** – There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:31 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

Patrice Fogarty, City Secretary

Passed and approved on September 24, 2018.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>October 8, 2018</u>
Requested By: <u>Patrice Fogarty, City Secretary</u>
Department: <u>City Secretary</u>
Report: <u> </u> Resolution: <u> </u> Ordinance: <u> X </u>

Exhibits: Ordinance

<u>Budget</u>
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: YES NO

SUMMARY & RECOMMENDATION

The City is ordering a special election on December 8, 2018, for the purpose of electing a city official to the vacant position of Councilperson-at-large—Position B for the remainder of the unexpired term of office, which expires May 2, 2020.

Filing begins on Tuesday, October 9, 2018
Filing deadline is Monday, October 29, 2018
Early voting begins Wednesday, November 21, 2018
Early voting two 12-hour days: Wednesday, November 28, and Tuesday, December 4, 2018
Early voting ends Tuesday, December 4, 2018
Election date is Saturday, December 8, 2018

Action Required by Council:

Consider approval or other action to adopt an ordinance ordering a special election for Saturday, December 8, 2018, for the purpose of electing a city official to the vacant position of Councilperson-at-large—Position B for the remainder of the unexpired term of office, which expires May 2, 2020.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2018-_____

AN ORDINANCE ORDERING A SPECIAL ELECTION OF THE CITY OF LA PORTE TO FILL THE UNEXPIRED TERM OF COUNCILPERSON-AT-LARGE—POSITION B; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR FILING DEADLINE FOR CANDIDATES; PROVIDING FOR METHOD AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR NOTICE; PROVIDING A SAVINGS CLAUSE; 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. A special election shall be held within the corporate limits of the City of La Porte, Texas, on the 8th day of December, 2018, such day being the second Saturday in December, 2018, between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., for the purpose of electing a city official to the position of Councilperson-at-large—Position B, for the remainder of the unexpired term of such office which expires on May 2, 2020.

Section 2. Said election shall be held at the following voting places within said City, and the following named persons are hereby appointed as officers of said election, to-wit:

Election Precinct #1

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Precinct Boundaries:

BEGINNING at a point on the east right-of-way line of Underwood Road, said point being the southwest corner of Tract 490B-1, La Porte Outlots, and the northwest corner of Reserve A1, Block 14, Creekmont, Section 2;

THENCE in a westerly direction a point for corner on the west right-of-way line of Underwood Road;

THENCE in a northerly direction along the west right-of-way line of Underwood Road to its projected intersection with the north right-of-line of State Highway 225;

THENCE in a southeasterly direction along the north right-of-way line of State Highway 225 to the southwest corner of Tracts 30A & 30A-1, Strang Subdivision;

THENCE in a northerly direction along the west line of Tracts 30A & 30A-1, Tracts 17A & 18, and Tracts 17A-1 & 18A, Strang Subdivision, to a point for corner at the northwest corner of Tracts 17A-1 & 18, Strang Subdivision;

THENCE in an easterly direction along the north line of Tracts 17A-1 & 18, Strang Subdivision to a point for corner at the northeast corner of Tracts 17A-1 & 18, Strang Subdivision;

THENCE in a southerly direction along the east line of Tracts 17A-1 & 18, Tracts 17A & 18, and Tracts 30A & 30A-1, Strang Subdivision to a point for corner at the southeast of Tracts 30A & 30A-1, said point being located on the north right-of-way line of State Highway 225;

THENCE in a southeasterly direction along the north right-of-way line of State Highway 225 to its intersection with the centerline of Sens Road;

THENCE in a southerly direction along the centerline of Sens Road to its intersection with the centerline of Old La Porte Road;

THENCE in a westerly direction along the centerline of Old La Porte Road to the west right-of-way line of Sens Road;

THENCE in a southerly direction along the west right-of-way of Sens Road to the centerline of Sens Road;

THENCE in a southerly direction along the centerline of Sens Road to the projected northeast corner of Tracts 1A & 1B, La Porte Outlots;

THENCE in a westerly direction along the north line of Tracts 1A & 1B, Lot 2, Lot 3, Lot 4, Lots 5 & 6, Lot 7, Lots 8, 13 & 28, and Lots 9, 10, 10-1/2, 11, 11-1/2, 30 & 30-1/2 to the southwest corner of Lots 231 & 232, La Porte Outlots;

THENCE in a southerly direction along the east line of Tract 471, La Porte Outlots to a point at the southeast corner of Tract 471, La Porte Outlots;

THENCE in a westerly direction along the south line of Tracts 471, Tracts 471D & 471D-1 and Tract 471D-2, to the east line of the City of La Porte Municipal Airport;

THENCE in a southerly direction along the east line of the City of La Porte Municipal Airport to the centerline of Spencer Highway (West Main Street);

THENCE in a westerly direction along the centerline of Spencer Highway (West Main Street) to the centerline of Farrington Boulevard;

THENCE in a northerly direction along the centerline of Farrington Boulevard to the centerline of Meadow Place Drive;

THENCE in a westerly direction along the centerline of Meadow Place Drive to its projected intersection with the centerline of Harris County Flood Control District Unit No. B106-00-00, commonly known as Big Island Slough;

THENCE in a northerly direction along the centerline of Big Island Slough to the projected north line of the Creekmont Subdivision;

THENCE in a westerly direction along the north line of the Creekmont Subdivision to POINT OF BEGINNING of the herein-described District 1 boundary.

Election Officials:

Isabelle Salas, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

Election Precinct #2

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Precinct Boundaries:

BEGINNING at the intersection of the south right-of-way line of Fairmont Parkway and a line projected south from the southwest corner of Tract 17K, W.M. Jones Survey, A-482;

THENCE in a northerly direction along the west line of Tracts 17K, 17K-1, 17-D, 17E & 17R, and 17M, W.M. Jones Survey, A-482, to its projected intersection with the north right-of-way line of Spencer Highway (West Main Street);

THENCE in an easterly direction along the north right-of-way line of Spencer Highway (West Main Street) to its intersection with the projected centerline of Clarksville Road;

THENCE in a southerly direction along the centerline of Clarksville Road to its intersection with the centerline of Carlow Lane;

THENCE in an easterly direction along the centerline of Carlow Lane to its intersection with the centerline of Underwood Road;

THENCE in a southerly direction along the centerline of Underwood Road to its intersection with the south right-of-way line of Fairmont Parkway;

THENCE in a westerly direction along the south right-of-way line of Fairmont Parkway to the POINT OF BEGINNING of the herein-described District 2 boundary.

Election Officials:

Isabelle Salas, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

Election Precinct #3

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Precinct Boundaries:

BEGINNING at the intersection of the south right-of-way line of Fairmont Parkway and the centerline of Underwood Road;

THENCE in a northerly direction along the centerline of Underwood Road to its intersection with the centerline of Carlow Lane;

THENCE in a westerly direction along the centerline of Carlow Lane to its intersection with the centerline of Clarksville Road;

THENCE in a northerly direction along the centerline of Clarksville Road to its intersection with the north right-of-way line of Spencer Highway;

THENCE in an easterly direction along the north right-of-way of Spencer Highway (West Main Street) to its intersection with the west right-of-way line of Underwood Road;

THENCE in a northerly direction along the west line of Underwood Road to its intersection with the projected northernmost boundary of the Creekmont Subdivision;

THENCE in an easterly direction along the north line of the Creekmont Subdivision to its intersection with the centerline of Harris County Flood Control District Unit No. B106-00-00, commonly known as Big Island Slough;

THENCE in a southerly direction along the centerline of Big Island Slough to its intersection with the centerline of Hillridge Road;

THENCE in a westerly direction along the centerline of Hillridge Road to its intersection with the centerline of Roseberry Drive;

THENCE in a southerly direction along the centerline of Roseberry Drive to its intersection with the centerline of Rocky Hollow Road;

THENCE in a westerly direction along the centerline of Rocky Hollow Road to its intersection with the centerline of Willmont Road;

THENCE in a southerly direction along the centerline of Willmont Road to its intersection with the centerline of Clairmont Drive;

THENCE in a westerly direction along the centerline of Clairmont Drive to its intersection with the centerline of Rosemont Drive;

THENCE in a southerly direction along the centerline of Rosemont Drive to its intersection with the centerline of Parkway Drive;

THENCE in an easterly direction along the centerline of Parkway Drive to its intersection with the centerline of Willmont Road;

THENCE in a southerly direction along the centerline of Willmont Road to its projected intersection with the south right-of-way line of Fairmont Parkway;

THENCE in a westerly direction along the south right-of-way line of Fairmont Parkway to its intersection with the centerline of Underwood Road being POINT OF BEGINNING of the herein-described District 3 Boundary.

Election Officials:

Isabelle Salas, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

Election Precinct #4

Polling Place: La Porte City Hall (Council Chambers)
604 West Fairmont Parkway
La Porte, Texas 77571

Precinct Boundaries:

BEGINNING at point at the intersection of the centerline of Spencer Highway (West Main Street) and the projected east line of the City of La Porte Municipal Airport;

THENCE in a northerly direction along the east line of the City of La Porte Municipal Airport to the westernmost northwest corner of Lots 9, 10, 10-1/2, 11, 11-1/2, 30 and 30-1/2, La Porte Outlots;

THENCE in an easterly direction along the south line of Tracts 471D-2, 471D & 471D-1, and 471, La Porte Outlots, to the southeast corner of Tract 471, La Porte Outlots;

THENCE in a northerly direction along the east line of Tract 471, La Porte Outlots, to the southwest corner of Lots 231 & 232, La Porte Outlots;

THENCE in an easterly direction along the north line of Tracts 9, 10, 10-1/2, 11, 11-1/2, 30 and 30-1/2, Lots 8, 13, & 28, Lot 7, Lots 5 & 6, Lot 4, Lot 3, Lot 2, and Tracts 1A & 1B, La Porte Outlots, to the centerline of Sens Road;

THENCE in a northerly direction along the centerline of Sens Road to a point 350' north of the intersection of the centerline of North "P" Street and Sens Road;

THENCE in a westerly direction along the west right-of-way of Sens Road to its intersection with the centerline of Old La Porte Road;

THENCE in an easterly direction along the centerline of Old La Porte Road to its intersection with the centerline of Sens Road;

THENCE in a northerly direction along the centerline of Sens Road to its intersection with the north right-of-way line of State Highway 225;

THENCE in an easterly direction along the north right-of-way line of State Highway 225 to the northeast corner of Tract 12A, Enoch Brinson Survey, A-5;

THENCE in a westerly direction along the north line of Tract 12A and Tract 12B, Enoch Brinson Survey, A-5, to the east right-of-way line of Strang Road;

THENCE in a northerly direction along the east right-of-way of Strang Road to the northwest corner of Tract 13D-3, Staashen Subdivision;

THENCE in an easterly direction along the north line of Tracts 13D-3 and Tract 13D, Staashen Subdivision, to the west right-of-way of State Highway 146;

THENCE in a northeasterly direction along the west right-of-way of State Highway 146 to its intersection with the shoreline of San Jacinto Bay;

THENCE in a westerly direction along the meanders of the shoreline of San Jacinto Bay to a point for corner at its intersection with the north boundary line of the La Porte Independent School District;

THENCE in an easterly direction along the north line of La Porte Independent School District to its intersection with an imaginary line 2,500 feet distant from, parallel to, and southwest of the centerline of the Houston Ship Channel;

THENCE in a southeasterly direction along said imaginary line situated 2,500 feet distant from, parallel to, and southwest of the centerline of the Houston Ship Channel to its intersection with the north line of the City of Morgan's Point;

THENCE in a westerly direction along the north line of the City of Morgan's Point to its intersection with the west line of the City of Morgan's Point, said point being a line projected northward from the east right-of-line of North Broadway;

THENCE in a southerly direction along the east line of North Broadway to its intersection with the north line of Barbour's Cut Boulevard;

THENCE along the north line of Barbour's Cut Boulevard to its intersection with the projected east line of Donaldson Avenue;

THENCE in a southeasterly direction along the east line of Donaldson Avenue to its intersection with the centerline of East "E" Street;

THENCE in a southwesterly direction along the centerline of East "E" Street to its intersection with the centerline of South Nugent Avenue;

THENCE in a southeasterly direction along the centerline of South Nugent Avenue to its intersection with the centerline of Park Street;

THENCE in a southwesterly direction along the centerline of Park Street to its intersection with the centerline of South Ohio Avenue;

THENCE in a northwesterly direction along the centerline of South Ohio Avenue to its intersection with the centerline of East "G" Street;

THENCE in a southwesterly direction along the centerline of East "G" Street to its intersection with the centerline of South Broadway;

THENCE in a southerly direction along the centerline of South Broadway to its intersection with the centerline of Fairmont Parkway;

THENCE in a westerly direction along the centerline of Fairmont Parkway to its intersection with the centerline of South 16th Street;

THENCE in a northerly direction along the centerline of South 16th Street to its intersection with the centerline of West "B" Street;

THENCE in a westerly direction along the centerline of West "B" Street to its intersection with the centerline of South 17th Street;

THENCE in a northerly direction along the centerline of South 17th Street to its intersection with the centerline of Spencer Highway (West Main Street);

THENCE in a westerly direction along the centerline of Spencer Highway (West Main Street) to its intersection with the projected east line of the City of La Porte Municipal Airport and the POINT OF BEGINNING of the herein-described District 4 boundary.

Election Officials:

Mary Ann Trainer, Presiding Judge
Debbie Yancy, Alternate Presiding Judge

Election Precinct #5

Polling Place: La Porte City Hall (Council Chambers)
604 West Fairmont Parkway
La Porte, Texas 77571

Precinct Boundaries:

TRACT 1:

BEGINNING at the intersection of the centerline of Spencer Highway (West Main Street) and the centerline of Fleetwood Drive;

THENCE in an easterly direction along the centerline of Spencer Highway (West Main Street) to its intersection with the centerline of South 17th Street;

THENCE in a southerly direction along the centerline of South 17th Street to its intersection with the centerline of West "B" Street;

THENCE in an easterly direction along the centerline of West "B" Street to its intersection with the centerline of South 16th Street;

THENCE in a southerly direction along the centerline of South 16th Street to its intersection with the centerline of Fairmont Parkway;

THENCE in an easterly direction along the centerline of Fairmont Parkway to its intersection with the centerline of South Broadway;

THENCE in a northerly direction along the centerline of South Broadway to its intersection with the centerline of East "G" Street;

THENCE in a northeasterly direction along the centerline of East "G" Street to its intersection with the centerline of South Ohio Avenue;

THENCE in a southeasterly direction along the centerline of South Ohio Avenue to its intersection with the centerline of Park Street;

THENCE in a northeasterly direction along the centerline of Park Street to its intersection with the centerline of South Nugent Avenue;

THENCE in a northwesterly direction along the centerline of South Nugent Avenue to its intersection with the centerline of East "E" Street;

THENCE in a northeasterly direction along the centerline of East "E" Street to its intersection with the west line of the City of Morgan's Point;

THENCE in a southeasterly along the west line of the City of Morgan's Point to its intersection with the shoreline of Galveston Bay;

THENCE in a southerly direction along the shoreline of Galveston Bay to its intersection with the north line of the City of Shoreacres;

THENCE in a westerly direction along the north line of the City of Shoreacres to its intersection with the west line of State Highway 146;

THENCE in northeasterly direction along the west line of the State Highway 146 to the south line of McCabe Road;

THENCE in a westerly direction along the south line of McCabe Road to its projected intersection with the west line of the Union Pacific Railroad right-of-way;

THENCE in a northerly direction along the west line of the Union Pacific Railroad right-of-way to its intersection with the south line of Fairmont Parkway;

THENCE in a westerly direction along the south line of Fairmont Parkway to its intersection with the centerline of Driftwood Drive;

THENCE in a northerly direction along the centerline of Driftwood Drive to its intersection with the centerline of Spruce Drive North;

THENCE in a westerly direction along the centerline of Spruce Drive North to its intersection with the centerline of Fleetwood Drive;

THENCE in a northerly direction along the centerline of Fleetwood Drive to the POINT OF BEGINNING of the herein-described Tract 1 of District 5 boundary.

TRACT 2:

BEGINNING at the intersection of the east line of South Broadway and the south line of the City of Shoreacres;

THENCE in an easterly direction along the south line of the City of Shoreacres to its intersection with the northeast corner of the Bay Colony Subdivision and the shoreline of Galveston Bay;

THENCE in a southeasterly direction along the east line of the Bay Colony Subdivision and the shoreline of Galveston Bay to the southeast corner of the Bay Colony Subdivision, said corner also being the city limit line of the City of Pasadena;

THENCE in a westerly direction along the south line of the Bay Colony Subdivision and the city limit line of the City of Pasadena to its intersection with the east right-of-way of South Broadway;

THENCE in a northerly direction along the east line of South Broadway to the POINT OF BEGINNING for the herein-described Tract 2 of District 5 boundary.

Election Officials:

Mary Ann Trainer, Presiding Judge
Debbie Yancy, Alternate Presiding Judge

Election Precinct #6

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Precinct Boundaries:

BEGINNING at the intersection of the south right-of-way line of Fairmont Parkway and the projected centerline of Willmont Road;

THENCE in a northerly direction along the centerline of Willmont Road to its intersection with the centerline of Parkway Drive;

THENCE in a westerly direction along the centerline of Parkway Drive to its intersection with the centerline of Rosemont Drive;

THENCE in a northerly direction along the centerline of Rosemont Drive to its intersection with the centerline of Clairmont Drive;

THENCE in an easterly direction along the centerline of Clairmont Drive to its intersection with the centerline of Willmont Road;

THENCE in a northerly direction along the centerline of Willmont Road to its intersection with the centerline of Rocky Hollow Road;

THENCE in an easterly direction along the centerline of Rocky Hollow Road to its intersection with the centerline of Roseberry Drive;

THENCE in a northerly direction along the centerline of Roseberry Drive to its intersection with the centerline of Hillridge Road;

THENCE in an easterly direction along the centerline of Hillridge Road to its intersection with Harris County Flood Control District Unit No. B106-00-00, commonly known as Big Island Slough;

THENCE in a northerly direction along the centerline of Big Island Slough to its intersection with the projected centerline of Meadow Place Drive;

THENCE in an easterly direction along the centerline of Meadow Place Drive to its intersection with the centerline of Farrington Boulevard;

THENCE in a southerly direction along the centerline of Farrington Boulevard to its intersection with the centerline of Spencer Highway (West Main Street);

THENCE in an easterly direction along the centerline of Spencer Highway (West Main Street) to its intersection with the centerline of Fleetwood Drive;

THENCE in a southerly direction along the centerline of Fleetwood Drive to its intersection with the centerline of Spruce Drive North;

THENCE in an easterly direction along the centerline of Spruce Drive North to its intersection with the centerline of Driftwood Drive;

THENCE in a southerly direction along the centerline of Driftwood Drive to its intersection with the south right-of-way line of Fairmont Parkway;

THENCE in a westerly direction along the south right-of-way line of Fairmont Parkway to the POINT OF BEGINNING of the herein-described District 6 boundary.

Election Officials:

Isabelle Salas, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

EARLY VOTING

Early Voting Polling Place: La Porte City Hall (Council Chambers)
604 West Fairmont Parkway
La Porte, Texas 77571

Section 3. Voting at said election, including early voting, shall be by the use of voting machines, and the ballots of said election shall conform to the Texas Election Code, as amended.

Section 4. An Early Voting Ballot Board is hereby created to process Early Voting results for the election and the runoff election, if necessary. Peggy Holland is appointed Presiding Judge

of the Early Voting Ballot Board. At least two (2) other members of the Early Voting Ballot Board shall be appointed by the Presiding Judge, in the same manner as the precinct election clerks.

Early Voting by mail shall begin on the 45th day preceding the date of the election, or as soon thereafter as ballots are available, and shall continue until seven o'clock (7:00) P.M. on election day.

Early Voting shall be conducted by a clerk for Early Voting, namely, Patrice Fogarty, and the place at which the Early Voting shall be conducted is designated as the La Porte City Hall, 604 West Fairmont Parkway, La Porte, Texas, to which address ballot applications and ballots voted by mail may be mailed. Early Voting by personal appearance shall begin on Wednesday, November 21, 2018, which is the 17th day preceding the day of election and shall continue through Tuesday, December 4, 2018, which is the 4th day preceding the day of election. Early voting by personal appearance shall be conducted on the weekdays of the early voting period, from 8:00 a.m. to 5:00 p.m.; except for Wednesday, November 28, 2018, and Tuesday, December 4, 2018, early voting by personal appearance will be from 7:00 a.m. to 7:00 p.m. There will be no early voting by personal appearance on Thursday, November 22, 2018, and Friday, November 23, 2018, due to City offices being closed in observance of the Thanksgiving Holidays.

Section 5. The City Secretary's election office in the La Porte City Hall is hereby designated as the Central Counting Station to receive all ballots cast at said election, and Patrice Fogarty is hereby appointed the Presiding Manager for said Central Counting Station, and Sharon Harris is hereby appointed the Alternate Presiding Manager for said Central Counting Station. Said Manager shall appoint any clerks necessary to assist in receiving ballots and other records and in performing the other duties of said Manager in this regard. Isabelle Salas is hereby appointed as the Presiding Judge of the Central Counting Station, and Sharon Harris is hereby appointed as Alternate Presiding Judge for said Central Counting Station. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station. Sharon Harris is hereby appointed the tabulation supervisor, and Gladis Sanchez is hereby appointed the assistant tabulation supervisor.

In compliance with Chapter 127 of the Texas Election Code, the tabulation supervisor, assistant tabulation supervisor, presiding judge of the counting station, alternate presiding judge of the counting station and any appointed clerks are entitled to compensation at the same rate as a precinct presiding judge except that the counting station judge is entitled to a minimum

compensation of five hours' pay regardless of the amount of time worked; and a clerk who serves for the entire time a counting station is in operation is entitled to a minimum compensation of three hours' pay regardless of the amount of time worked.

Section 6. That all election materials including notice of the election, ballots, instruction cards, affidavits and other forms which voters may be required to sign and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof shall be made available in the circumstances permitted and in the manner required by law.

Section 7. The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the BAY AREA OBSERVER, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election.

Section 8. Upon a candidate tendering his application on the form prescribed, the City Secretary shall furnish to such candidate all information relative to the qualifications for the office of Councilperson-at-large—Position B; the method of placing the candidate's name on the ballot; and any other pertinent information concerning said election.

Section 9. Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for 12 months immediately preceding election day.

Section 10. The deadline for a candidate to make application to have his or her name appear upon the ballot for such election, is hereby designated and established as 5:00 o'clock P.M., Monday, October 29, 2018. No application shall be accepted for filing prior to the ordering of this special election, which date is October 8, 2018.

Section 11. Said election shall be held in accordance with the provisions of the Texas Constitution, City Charter of the City of La Porte, and the general election laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto.

Section 12. Immediately after said election, the officers holding same shall make and deliver the returns of the results thereof and the accompanying records for use in the official canvass to the City Council of the City of La Porte; and the City Council shall canvass said returns at a Special Meeting set by the City Council; and shall, immediately after canvassing the returns, declare the results of the election.

Section 13. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it

had been passed alone.

Section 14. This Ordinance shall be in effect immediately upon its passage and approval.

Section 15. 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.

PASSED AND ADOPTED this 8th day of October, 2018.

CITY OF LA PORTE

By: _____
Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

Patrice Fogarty, City Secretary

Clark T. Askins, Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: October 8, 2018

Appropriation

Requested By: Alex Osmond

Source of Funds: _____

Department: Administration

Account Number: _____

Report: Resolution: Ordinance:

Amount Budgeted: _____

Other: _____

Amount Requested: _____

Budgeted Item: YES NO

Attachments :

- 1. Ordinance - Marked Version**
- 2. Ordinance - Clean Version**

SUMMARY & RECOMMENDATIONS

During the fiscal year 2018-19 budget review on August 13, 2018, the City Council asked staff to present some rate increases for the golf course to increase revenue to offset the net loss. On September 6, 2018, staff presented increases for the golf cart rates, non-resident green fees and tournament fees for the fiscal year 2018-19 budget. During this meeting, the City Council requested fee changes for resident green fees including week days and weekends, as well as membership fees. At the September 10, 2018 City Council meeting, the Council voted to increase green fees for non-residents, residents and memberships (excluding senior rates). Also, the City Council voted to increase all golf cart rates.

In 2016, Friday green fees before 11:00 a.m. were introduced. After reviewing the fee changes staff determined it would be best to eliminate the Friday fees before 11:00 a.m. due to experiencing less rounds in this time frame.

The attachment describes all the fee increase changes listed under Chapter 50, Appendix A - Fees.

Action Required of Council:

Consider approval or other action of an Ordinance amending Chapter 50 Appendix A "Fees" of the Code of Ordinances of the City of La Porte, by adjusting various Golf Course User Fees for the golf course.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 “PARKS AND RECREATION” – APPENDIX – A “FEES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ADJUSTING VARIOUS GREEN USER FEES; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; 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: That Appendix – A “Fees”, Chapter 50, “Parks and Recreation,” Article II “Golf Course”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

<i>Article II. Golf Course</i>				
(a)	User fees for golf carts (regular rate)			<u>50-31(a)</u>
(1)	<u>18</u> holes, double	26.00 30.00		
(2)	Nine holes, double	16.00 18.00		
(3)	Nine holes, single	11.00 12.00		
(4)	<u>18</u> holes, single	16.00 17.00		
(b)	User fees for golf carts (senior rate)			<u>50-31(a)</u>
(1)	<u>18</u> holes, single or double	20.00 24.00		
(2)	Nine holes, single or double	14.00 16.00		
(c)	Green user fees			<u>50-31(b)</u>

(1)	Weekday fees (Monday through Thursday, excluding holiday and before 11:00AM Friday)			
	a.	Resident	17.00 18.00	
	b.	Nonresident	20.00 22.00	
	c.	Twilight	14.50	
(2)	Weekend fees (in effect 11:00AM Friday through Sunday, and holidays)			
	a.	Resident	25.00 26.00	
	b.	Nonresident	32.00 34.00	
	c.	Twilight	17.00	
(3)	Senior fees 60 years of age or older (Monday through Thursday and before 11:00AM Friday, excluding holidays)			
	a.	Resident senior citizens	11.50	
	b.	Nonresident senior citizens	14.50	
(4)	Junior fees, 17 years of age or younger			
	a.	Monday through Friday	13.00	
	b.	Saturday, Sunday, and holidays	18.00	
(5)	Friday fees before 11:00AM			
	a.	Resident	17.00	
	b.	Resident Senior	11.50	
	c.	Non-Resident	27.00	

	d.	Non-Resident Senior	21.00	
(d)		User fees for annual membership holders		50-32
(1)		Residents		
	a.	Cash	1,150.00 1,250.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$62.09 71.59 each, including interest at the rate of ten percent per annum, for a total of \$1,182.99 1,287.49 for the year		
(2)		Resident senior citizens		
	a.	Cash	950.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$42.98 each, including interest at the rate of ten percent per annum, for a total of \$972.78 for the year.		
(3)		Nonresidents		
	a.	Cash	1400.00 1,600.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$90.00 105.00 each, including interest at the rate of ten percent per annum, for a total of \$1490.00 1,655.00 for the year.		
(4)		City of La Porte employees (full time and part time)		
	a.	Cash	950.00	
	b.	Payment plan, the sum of \$37.00 will be deducted from each employee paycheck, based on 26 paychecks per year.		
(5)		Family membership (resident):		
	a.	Cash-lump sum	800.00	
	b.	User fee per player (each time they play)	5.00	

(6)	Family membership (nonresident):			
	a.	Cash-lump sum	1,000.00	
	b.	User fee per player (each time they play)	5.00	
(7)	The golf course manager shall have the authority to market the golf course by using various promotions, such as daily, hourly, and/or price specials, and other promotions which he may deem desirable to enhance revenue at the Bay Forest Golf Course.			

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. This Ordinance shall be effective immediately upon passage its passage and approval.

PASSED AND APPROVED this the 8th day of OCTOBER 2018.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 “PARKS AND RECREATION” – APPENDIX – A “FEES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ADJUSTING VARIOUS GREEN USER FEES; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; 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: That Appendix – A “Fees”, Chapter 50, “Parks and Recreation,” Article II “Golf Course”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

<i>Article II. Golf Course</i>				
(a)	User fees for golf carts (regular rate)			<u>50-31(a)</u>
(1)	<u>18</u> holes, double		30.00	
(2)	Nine holes, double		18.00	
(3)	Nine holes, single		12.00	
(4)	<u>18</u> holes, single		17.00	
(b)	User fees for golf carts (senior rate)			<u>50-31(a)</u>
(1)	<u>18</u> holes, single or double		24.00	
(2)	Nine holes, single or double		16.00	
(c)	Green user fees			<u>50-31(b)</u>
(1)	Weekday fees (Monday through Thursday, and before 11:00AM Friday)			
	a.	Resident	18.00	
	b.	Nonresident	22.00	

	c.	Twilight	14.50	
(2)		Weekend fees (in effect 11:00AM Friday through Sunday, and holidays)		
	a.	Resident	26.00	
	b.	Nonresident	34.00	
	c.	Twilight	17.00	
(3)		Senior fees 60 years of age or older (Monday through Thursday and before 11:00AM Friday, excluding holidays)		
	a.	Resident senior citizens	11.50	
	b.	Nonresident senior citizens	14.50	
(4)		Junior fees, 17 years of age or younger		
	a.	Monday through Friday	13.00	
	b.	Saturday, Sunday, and holidays	18.00	
(d)		User fees for annual membership holders		<u>50-32</u>
(1)		Residents		
	a.	Cash	1,250.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$71.59 each, including interest at the rate of ten percent per annum, for a total of \$1,287.49 for the year		
(2)		Resident senior citizens		
	a.	Cash	950.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$42.98 each, including interest at the rate of ten percent per annum, for a total of \$972.78 for the year.		

(3)	Nonresidents			
	a.	Cash	1,600.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$105.00 each, including interest at the rate of ten percent per annum, for a total of \$1,655.00 for the year.		
(4)	City of La Porte employees (full time and part time)			
	a.	Cash	950.00	
	b.	Payment plan, the sum of \$37.00 will be deducted from each employee paycheck, based on 26 paychecks per year.		
(5)	Family membership (resident):			
	a.	Cash-lump sum	800.00	
	b.	User fee per player (each time they play)	5.00	
(6)	Family membership (nonresident):			
	a.	Cash-lump sum	1,000.00	
	b.	User fee per player (each time they play)	5.00	
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PASSED AND APPROVED this the 8th day of OCTOBER 2018.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: October 8, 2018

Requested By: Lorenzo Wingate, City Engineer

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 (18-1283)
2. Construction Plans
3. Harris County Approval
4. Material Safety data sheet (MSDS)

SUMMARY & RECOMMENDATION

ExxonMobil Pipeline Company, has made application with the City to replace a section of its 16” pipeline within the City of La Porte. The subject pipeline will transport Crude Oil from Webster to Baytown crossing spencer highway.

Staff has reviewed construction plans for the 16” Crude Oil 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 under Spencer Hwy. at Airport Blvd..

Upon approval of Council, staff will execute a construction permit to ExxonMobil Pipeline Company, 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 authorizing the Staff to execute a Pipeline Permit to ExxonMobil Pipeline Company, for replacing approximately 750 feet of existing 16” Crude Oil Pipeline within the City of La Porte.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



7032965-60 CRUDE OIL
MATERIAL SAFETY DATA BULLETIN

1. PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME: CRUDE OIL
SUPPLIER: EXXONMOBIL OIL CORPORATION
3225 GALLOWS RD.
FAIRFAX, VA 22037

24 - Hour Health and Safety Emergency (call collect): 609-737-4411

24 - Hour Transportation Emergency:
CHEMTREC: 800-424-9300 202-483-7616
LUBES AND FUELS: 281-834-3296

Product and Technical Information:
Lubricants and Specialties: 800-662-4525 800-443-9966
Fuels Products: 800-947-9147
MSDS Fax on Demand: 713-613-3661
MSDS Internet Website: <http://www.exxon.com>, <http://www.mobil.com>

2. COMPOSITION/INFORMATION ON INGREDIENTS

CHEMICAL NAMES AND SYNONYMS: PETROLEUM CRUDE OIL

GLOBALLY REPORTABLE MSDS INGREDIENTS:

Substance Name	Approx. Wt%
PETROLEUM CRUDE OIL (8002-05-9)	100

NOTE: Crude oils may contain varying concentrations of hydrogen sulfide depending on gas stripping operations. The concentration of the components shown above are representative of the maximum concentrations expected, and can vary substantially.

See Section 8 for exposure limits (if applicable).

3. HAZARDS IDENTIFICATION

This product is considered hazardous according to regulatory guidelines
(See Section 15).

EMERGENCY OVERVIEW: Brown or Black Liquid. Extremely flammable. Vapor
accumulation could flash and/or explode if in contact with open
flame. Exposure to fire can generate highly toxic fumes. DOT ERG
No. : 128

POTENTIAL HEALTH EFFECTS: **** Warning: H2S a highly toxic gas may be
present, see MSDS toxicology section. Respiratory irritation,
headache, dizziness, nausea, loss of consciousness, and in cases of
extreme exposure, possibly death. Overexposure to benzene may
result in cancer, blood disorders and damage to the bone marrow.
Low viscosity material-if swallowed may enter the lungs and cause
lung damage. Exposure to normal hexane may result in nerve damage.

POTENTIAL ENVIRONMENTAL EFFECTS: Harmful to aquatic organisms, may cause
long-term adverse effects in the aquatic environment.

For further health effects/toxicological data, see Section 11.

4. FIRST AID MEASURES

EYE CONTACT: Flush thoroughly with water. If irritation occurs, call a
physician.

SKIN CONTACT: Dry-wipe the skin. Cleanse the area with waterless hand
cleaner, and follow by washing thoroughly with soap and water.
Remove contaminated clothing. Launder clothing before reuse.
Discard shoes if material has penetrated to inside surface. In case
of contact with hot product, flush skin with cold water to dissipate
heat. Get medical advice immediately. (See Section 16 - Injection
Injury)

INHALATION: Immediately remove from further exposure. Get immediate
medical assistance. For those providing assistance, avoid exposure
to yourself and others. Use adequate respiratory protection. Give
supplemental oxygen, if available. If breathing has stopped, assist
ventilation with a mechanical device.

INGESTION: Seek immediate medical attention. Do not induce vomiting.

NOTE TO PHYSICIANS: Material if aspirated into the lungs may cause
chemical pneumonitis. PRE-EXISTING MEDICAL CONDITIONS WHICH MAY BE
AGGRAVATED BY EXPOSURE: Benzene- Individuals with liver disease may
be more susceptible to toxic effects. Hexane- Individuals with
neurological disease should avoid exposure.

5. FIRE-FIGHTING MEASURES

EXTINGUISHING MEDIA: Carbon dioxide, foam, dry chemical and water fog.

SPECIAL FIRE FIGHTING PROCEDURES: Use water to keep fire exposed
containers cool. If a leak or spill has not ignited, use water
spray to disperse the vapors and to protect personnel attempting to
stop leak. Water spray may be used to flush spills away from
exposures. Prevent runoff from fire control or dilution from
entering streams, sewers, or drinking water supply.

SPECIAL PROTECTIVE EQUIPMENT: For fires in enclosed areas, fire fighters

must use self-contained breathing apparatus.
UNUSUAL FIRE AND EXPLOSION HAZARDS: Extremely flammable. Vapor accumulation could flash and/or explode if in contact with open flame. Exposure to fire can generate highly toxic fumes.
Flash Point C(F): < 35(95) (ASTM D-93).
Flammable Limits (approx.% vol.in air) - LEL: NE, UEL: NE
NFPA HAZARD ID: Health: 2, Flammability: 3, Reactivity: 0

6. ACCIDENTAL RELEASE MEASURES

NOTIFICATION PROCEDURES: Report spills/releases as required to appropriate authorities. U.S. Coast Guard and EPA regulations require immediate reporting of spills/releases that could reach any waterway including intermittent dry creeks. Report spill/release to Coast Guard National Response Center toll free number (800)424-8802. In case of accident or road spill notify CHEMTREC (800) 424-9300.

PROCEDURES IF MATERIAL IS RELEASED OR SPILLED:

LAND SPILL: Shut off source taking normal safety precautions. Take measures to minimize the effects on ground water. Recover by pumping using explosion-proof equipment or contain spilled liquid with sand or other suitable absorbent and remove mechanically into containers. If necessary, dispose of adsorbed residues as directed in Section 13.

WATER SPILL: Confine the spill immediately with booms. Warn other ships in the vicinity. Notify port and other relevant authorities. Remove from the surface by skimming or with suitable absorbents. If permitted by regulatory authorities the use of suitable dispersants should be considered where recommended in local oil spill procedures.

ENVIRONMENTAL PRECAUTIONS: Prevent material from entering sewers, water sources or low lying areas; advise the relevant authorities if it has, or if it contaminates soil/vegetation.

PERSONAL PRECAUTIONS: See Section 8

7. HANDLING AND STORAGE

HANDLING: Avoid contact with skin. Avoid inhalation of vapors or mists. Use in well ventilated area away from all ignition sources. Trace amounts of H₂S may be present. Keep face clear of tank and/or tank car openings. Avoid all personal contact and breathing gas. Avoid sparking conditions. Ground and bond all transfer equipment. See Section 8 for additional personal protection advice when handling this product.

STORAGE: ***Inhalation hazard: Contains trace amounts of H₂S. Environment should be tested for contaminant before entering area. Drums must be grounded and bonded and equipped with self-closing valves, pressure vacuum bungs and flame arresters. Outside or detached storage preferred. Storage containers should be grounded and bonded. Store in a cool area away from all ignition sources.

EMPTY CONTAINER WARNING: Empty containers retain residue (liquid and/or vapor) and can be dangerous. DO NOT PRESSURIZE, CUT, WELD, BRAZE, SOLDER, DRILL, GRIND OR EXPOSE SUCH CONTAINERS TO HEAT, FLAME, SPARKS, STATIC ELECTRICITY, OR OTHER SOURCES OF IGNITION; THEY MAY EXPLODE AND CAUSE INJURY OR DEATH. Do not attempt to refill or clean container since residue is difficult to remove. Empty drums should

be completely drained, properly bunged and promptly returned to a drum reconditioner. All containers should be disposed of in an environmentally safe manner and in accordance with governmental regulations.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

OCCUPATIONAL EXPOSURE LIMITS:

This product does not contain any components which have recognized exposure limits.

VENTILATION: Ventilation required and equipment must be explosion proof.

Use away from all heat and ignition sources.

RESPIRATORY PROTECTION: Use supplied-air respiratory protection in confined or enclosed spaces, if needed.

EYE PROTECTION: Chemical type goggles should be worn.

SKIN PROTECTION: Impervious gloves must be worn. If contact is likely oil impervious clothing must be worn. Good personal hygiene practices should always be followed.

9. PHYSICAL AND CHEMICAL PROPERTIES

Typical physical properties are given below. Consult Product Data Sheet for specific details.

APPEARANCE: Liquid

COLOR: Brown or Black

ODOR: Sulfur

ODOR THRESHOLD-ppm: NE

pH: NA

BOILING POINT C(F): NE

MELTING POINT C(F): NA

FLASH POINT C(F): < 35(95) (ASTM D-93)

FLAMMABILITY (solids): NE

AUTO FLAMMABILITY C(F): NE

EXPLOSIVE PROPERTIES: NA

OXIDIZING PROPERTIES: NA

VAPOR PRESSURE-mmHg 20 C: NE

VAPOR DENSITY: NE

EVAPORATION RATE: NE

RELATIVE DENSITY, 15/4 C: 0.8

SOLUBILITY IN WATER: Negligible

PARTITION COEFFICIENT: NE

VISCOSITY AT 40 C, cSt: < 7.0

VISCOSITY AT 100 C, cSt: NE

POUR POINT C(F): NE

FREEZING POINT C(F): NE

VOLATILE ORGANIC COMPOUND: NE

NA=NOT APPLICABLE NE=NOT ESTABLISHED D=DECOMPOSES

FOR FURTHER TECHNICAL INFORMATION, CONTACT YOUR MARKETING REPRESENTATIVE

10. STABILITY AND REACTIVITY

STABILITY (THERMAL, LIGHT, ETC.): Stable.
CONDITIONS TO AVOID: Heat, sparks, flame and build up of static
electricity.
INCOMPATIBILITY (MATERIALS TO AVOID): Strong oxidizers.
HAZARDOUS DECOMPOSITION PRODUCTS: Product does not decompose at ambient
temperatures.
HAZARDOUS POLYMERIZATION: Will not occur.

11. TOXICOLOGICAL DATA

---ACUTE TOXICOLOGY---

ORAL TOXICITY (RATS): Practically non-toxic (LD50: greater than 2000
mg/kg). ---Based on testing of similar products and/or the
components.
DERMAL TOXICITY (RABBITS): Practically non-toxic (LD50: greater than
2000 mg/kg). ---Based on testing of similar products and/or the
components.
INHALATION TOXICITY (RATS): Harmful (LC50: greater than 2 but 5 mg/l or
less). ---Based on testing of similar products and/or the
components.
EYE IRRITATION (RABBITS): Practically non-irritating. (Draize score: 0
or greater but 6 or less). ---Based on testing of similar products
and/or the components.
SKIN IRRITATION (RABBITS): Practically non-irritating. (Primary
Irritation Index: greater than 0.5 but less than 3). ---Based on
testing of similar products and/or the components.
OTHER ACUTE TOXICITY DATA: H2S acts as a chemical asphyxiant, preventing
the body from utilizing oxygen in the tissue. It can be irritating
to the eyes at 10 ppm and to the respiratory tract at 50-100 ppm
after 1-hour exposure. Sufficiently high concentrations can result
in immediate collapse and death.

---CHRONIC TOXICOLOGY (SUMMARY)---

***Skin tumorigenicity: Positive in mice. Experiments to assess the
skin cancer potential of crude oil produced mixed results. Some
crudes produced skin tumors in mice, following long term, repeated
exposures, while other crudes produced no tumors. IARC has examined
the full body of data and concluded that crude oil is not
classifiable as to its carcinogenicity (Cat.3), based on the limited
evidence in animals. Prolonged repeated skin contact with low
viscosity materials may defeat the skin resulting in possible
irritation and dermatitis.

---OTHER TOXICOLOGY DATA---

Repeated exposures to low levels of benzene (50-500 ppm) have been
reported to result in blood abnormalities including anemia and, in
rare cases, leukemia in both animals and humans. Benzene has also
caused damage to the fetus of test animals in developmental studies.
Benzene has tested positive (mutagenic) in a number of short-term
cancer/mutation predicative tests. Prolonged exposure to n-hexane
may result in a condition known as peripheral neuropathy. This is
nervous system damage and is characterized by numbness of the
extremities and, in extreme cases, paralysis. Crude oils may
contain low levels of polycyclic aromatic compounds (PACs), some of
which, when made available by dilution with solvents or oils, and

under conditions of poor personal hygiene and prolonged repeated contact, are suspected as a cause of skin cancer in humans. H₂S is a colorless, toxic and extremely flammable gas with an odor at low concentrations characteristic of rotten eggs and a sweetish odor at high concentrations. Odor cannot be relied upon as a means of detection because the sense of smell rapidly becomes insensitive to H₂S, and the H₂S odor may be masked by the general odor of this product.

12. ECOLOGICAL INFORMATION

ENVIRONMENTAL FATE AND EFFECTS:

In the absence of specific environmental data for this crude oil product, this assessment is based on information developed with various other crude oils.

ECOTOXICITY: Generally, crude oil is harmful to aquatic organisms. Indirect toxicity to aquatic wildlife may result from physical fouling. Shoreline habitats can be significantly impacted by crude oil.

MOBILITY: Overall, crude oil will float on the water surface if released in an aquatic environment; if released on land, crude will absorb to sediment and soil. Because of the range of components which comprise crude oil, individual hydrocarbon components will begin to partition to specific environmental media (air, water, soil, and sediment) immediately following a release.

PERSISTENCE AND DEGRADABILITY: Volatile components will be degraded in the atmosphere via hydroxyl oxidation. Overall, crude oil is inherently biodegradable in aquatic and terrestrial environments, since most fractions of crude oil are known to degrade at moderate to rapid rates, while some of the heaviest components are expected to persist.

BIOACCUMULATIVE POTENTIAL: Not established.

13. DISPOSAL CONSIDERATIONS

WASTE DISPOSAL: Product is suitable for burning in an enclosed, controlled burner for fuel value. Such burning may be limited pursuant to the Resource Conservation and Recovery Act. In addition, the product is suitable for processing by an approved recycling facility or can be disposed of at an appropriate government waste disposal facility. Use of these methods is subject to user compliance with applicable laws and regulations and consideration of product characteristics at time of disposal.

RCRA INFORMATION: Disposal of unused product may be subject to RCRA regulations (40 CFR 261). Disposal of the used product may also be regulated due to ignitability, corrosivity, reactivity, or toxicity as determined by the Toxicity Characteristic Leaching

Procedure (TCLP).

FLASH: < 35(95) C(F)

14. TRANSPORT INFORMATION

USA DOT:

SHIPPING NAME: Petroleum Crude Oil
HAZARD CLASS & DIV: 3
ID NUMBER: UN1267
ERG NUMBER: 128
PACKING GROUP: PG I
STCC: 4910165
DANGEROUS WHEN WET: No
POISON: No
LABEL(s): Flammable Liquid
PLACARD(s): Flammable
PRODUCT RQ: 555 lbs (based on RQ for BENZENE)
MARPOL III STATUS: NA

RID/ADR:

HAZARD CLASS: 3
PACKING GROUP: I
LABEL: 3
DANGER NUMBER: 33
UN NUMBER: 1267
SHIPPING NAME: Petroleum Crude Oil (contains PETROLEUM
CRUDE OIL)
REMARKS: NA

IMO:

HAZARD CLASS & DIV: 3
UN NUMBER: 1267
PACKING GROUP: PG I
SHIPPING NAME: Petroleum Crude Oil
LABEL(s): Flammable Liquid
MARPOL III STATUS: NA

ICAO/IATA:

HAZARD CLASS & DIV: 3
ID/UN Number: 1267
PACKING GROUP: PG I
SHIPPING NAME: Petroleum Crude Oil
SUBSIDIARY RISK: NA
LABEL(s): Flammable Liquid

15. REGULATORY INFORMATION

US OSHA HAZARD COMMUNICATION STANDARD: Product assessed in accordance with OSHA 29 CFR 1910.1200 and determined to be hazardous.

EU Labeling: Product is dangerous as defined by the European Union Dangerous Substances/Preparations Directives.

Symbol: F+ T Extremely flammable, Toxic.

Risk Phrase(s): R12-45-65-66-67-52/53.

Extremely flammable. May cause cancer. Harmful: may cause lung damage if swallowed. Repeated exposure may cause skin dryness or cracking. Vapors may cause drowsiness and dizziness. Harmful to aquatic organisms, may cause long-term adverse effects in the aquatic environment.

Safety Phrase(s): S23-36-28-53-62.

Do not breathe vapor. Wear suitable protective clothing. After contact with skin, wash immediately. Avoid exposure - obtain special instructions before use. If swallowed, do not induce vomiting: seek medical advice immediately and show this container or label.

Contains: Benzene.

Governmental Inventory Status: All components comply with EINECS/ELINCS.

U.S. Superfund Amendments and Reauthorization Act (SARA) Title III:

This product contains no "EXTREMELY HAZARDOUS SUBSTANCES".

SARA (311/312) REPORTABLE HAZARD CATEGORIES:

FIRE CHRONIC ACUTE

This product contains no chemicals subject to the supplier notification requirements of SARA (313) toxic release program.

The following product ingredients are cited on the lists below:

CHEMICAL NAME	CAS NUMBER	LIST CITATIONS *
PETROLEUM CRUDE OIL	8002-05-9	16, 19, 20, 21, 25, 26

--- REGULATORY LISTS SEARCHED ---

1=ACGIH ALL	6=IARC 1	11=TSCA 4	16=CA P65 CARC	21=LA RTK
2=ACGIH A1	7=IARC 2A	12=TSCA 5a2	17=CA P65 REPRO	22=MI 293
3=ACGIH A2	8=IARC 2B	13=TSCA 5e	18=CA RTK	23=MN RTK
4=NTP CARC	9=OSHA CARC	14=TSCA 6	19=FL RTK	24=NJ RTK
5=NTP SUS	10=OSHA Z	15=TSCA 12b	20=IL RTK	25=PA RTK
				26=RI RTK

* EPA recently added new chemical substances to its TSCA Section 4 test rules. Please contact the supplier to confirm whether the ingredients in this product currently appear on a TSCA 4 or TSCA 12b list.

Code key:CARC=Carcinogen; SUS=Suspected Carcinogen; REPRO=Reproductive

16. OTHER INFORMATION

USE: FEED STOCK

NOTE: PRODUCTS OF EXXON MOBIL CORPORATION AND ITS AFFILIATED COMPANIES ARE NOT FORMULATED TO CONTAIN PCBS.

Health studies have shown that many hydrocarbons pose potential human health risks which may vary from person to person. Information provided on this MSDS reflects intended use. This product should not be used for other applications. In any case, the following advice should be considered:

INJECTION INJURY WARNING: If product is injected into or under the skin, or into any part of the body, regardless of the appearance of the wound or its size, the individual should be evaluated immediately by a physician as a surgical emergency. Even though initial symptoms from high pressure injection may be minimal or absent, early surgical treatment within the first few hours may significantly reduce the ultimate extent of injury.

Precautionary Label Text:

CONTAINS PETROLEUM CRUDE OIL, N-HEXANE, BENZENE

DANGER!

EXTREMELY FLAMMABLE LIQUID AND VAPOR. LOW VISCOSITY MATERIAL-IF SWALLOWED, MAY BE ASPIRATED AND CAN CAUSE SERIOUS OR FATAL LUNG DAMAGE. HARMFUL TO AQUATIC ORGANISMS, MAY CAUSE LONG-TERM ADVERSE EFFECTS IN THE AQUATIC ENVIRONMENT.

OVEREXPOSURE TO BENZENE MAY RESULT IN CANCER, BLOOD DISORDERS, AND DAMAGE TO THE BONE MARROW. EXPOSURE TO NORMAL HEXANE MAY RESULT IN NERVE DAMAGE.

Keep away from heat, sparks, and flame. Avoid breathing mist or vapor. Do not get on skin or clothing. Wear oil impervious gloves and clothing. Use with adequate ventilation.

FIRST AID: In case of skin contact, promptly dry-wipe the skin. Cleanse the area with waterless hand cleaner and follow by washing thoroughly with soap and water. If swallowed, call a physician immediately. Do not induce vomiting or give anything by mouth to an unconscious person. Ordinary clothing wet with this material must be removed. Launder contaminated clothing before reuse. Discard shoes if material has penetrated to inside surface.

For industrial use only. Not intended or suitable for use in or around a household or dwelling.

This warning is given to comply with California Health and Safety Code 25249.6 and does not constitute an admission or a waiver of rights. This product contains a chemical known to the State of California to cause cancer, birth defects, or other reproductive harm. Chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm are created by the combustion of this product.

Refer to product Material Safety Data Sheet for further safety and health information.

For Internal Use Only: MHC: 1* 1* 2* 0* 1*, MPPEC: DVF, TRN:
7032965-60, ELIS: 032965, CMCS97: EMGC44, REQ: PHSDB TRANSFER TO
MACSIN, SAFE USE: P
EHS Approval Date: 06JUN2003

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Prepared by: ExxonMobil Oil Corporation
Environmental Health and Safety Department, Clinton, USA



Harris County Engineering Department

10555 NORTHWEST FREEWAY, SUITE 120, HOUSTON, TX 77092 - OFFICE 713-274-3900

ROW NOTIFICATION FOR SOIL BORINGS

Date Issued: 07/30/2018	Construction Started By: 1/26/2019
Issued To: Exxon Mobil Pipeline CO.	Project Name: Webster - Baytown TX-63E
Owner: Exxon Mobil Pipeline CO.	Notification No: 1807260120-SB-001
Applicant: EXXONMOBIL PIPELINE COMPANY	
Contact: Daniel Wisner	
Contact Email: DANIEL.J.WISNER@EXXONMOBIL.COM	
Contact Phone: (832) 624-8815	

Property Information					
Address: 0 W Main Street	Bldg:	Suite:	Trailer:		
City: LA PORTE	State: TX	Zip: 77571			
Subdivision: ROW Notification	Section: 0	Lot:	Block:	Reserve:	
Abstract No.:	Survey Name:				

REQUIRED INSPECTION(S)

IT IS YOUR RESPONSIBILITY TO CALL FOR ALL REQUIRED INSPECTIONS

(*) All Inspections designated with an asterisk must be passed before permanent power will be released.

- 1 Construction Start-Utility
- 2 Construction Complete-Utility

PRE-INSPECTION DOCUMENT(S)

ALL PRE-INSPECTION DOCUMENTS MUST BE RECEIVED AND APPROVED BEFORE INSPECTIONS CAN BE REQUESTED

SPECIAL REQUIREMENT(S)

- 1 Schedule Inspection(s) By Logging Into Your Online Account (e-Permits), Selecting Inspections - Inspection Request, And Select The Inspection You Would Like To Request; You may also fill out the online request form at <http://www.eng.hctx.net/permits/Development/Development/Inspection-Request>; Or By Calling 713-274-3800. All Site, Storm Water Quality, On-site Sewerage Facility and Right of Way Inspections must be PASSED and Permanent Power Released before requesting your Fire Marshal Inspection.
- 2 All Construction Shall Be In Accordance With The Approved And Permitted Documents, Any Special Details Will Be Noted On Approved Plans

Permit Manager

Main Line HCPID 713-274-3900

Schedule Inspections 713-274-3800

Fire Code Inspections 281-436-8000

This certification is not transferable, and is effective immediately. The document certifies that notification has been given to Harris County that User will construct, install, modify, or repair a facility as defined by the notification and plans submitted to County Engineer in support of this certification. If construction does not begin within (six (6) months) or is not completed within (nine (9) months) from the date of this certification, a new notification and certification shall be required. Authority for issuance of this of this certification is derived from the Harris County Road law (Section 2 of Acts 1913, 33rd Leg., Ch. 17 Tex. Gen. Laws p. 64), as amended, the Rules of Harris County and the Harris County Flood Control District for the Construction of Facilities within Harris County and Harris County Flood, Control District Rights-of-Way (the Rules), and other rights given to property owners in this state. This certification is issued for the installation, construction, modification, or repair at the location(s) shown below by User in strict conformity with the plans and information filed with the County Engineer as part of the notification. This certification should be posted at the worksite in accordance with section 9 (VI) of the Rules. Failure to comply with this certification or the Rules may result in enforcement proceedings before Commissioners Court, job shutdown, or a Class C misdemeanor charge. If User wishes to deviate from the information on file with the County Engineer, supplemental plans must be filed with the County Engineer and the County Engineer's certification of the change must be secured prior to beginning work. User is responsible for notifying the County Engineer and appropriate Commissioner's Precinct by calling the telephone numbers listed below forty-eight (48) hours before work is to progress. A copy of this certification and the approved drawings must be kept onsite at all



Harris County Engineering Department

10555 NORTHWEST FREEWAY, SUITE 120, HOUSTON, TX 77092 - OFFICE 713-274-3900

INSPECTION RECORD - POST THIS CARD ON SITE

Property Information			Project Detail	
<u>Commercial Property</u>				
Project Name:	Webster - Baytown TX-63E		Project No:	1807260120
Property Owner:	Exxon Mobil Pipeline CO.	Suite:		
Address:	0 W Main ST	Zip:	77571	
City:	LA PORTE	State:	TX	Email:
Applicant/DBA:	EXXONMOBIL PIPELINE COMPANY		Contact No:	(832) 624-4540

REQUIRED INSPECTION(S)

IT IS YOUR RESPONSIBILITY TO CALL FOR REQUIRED INSPECTIONS

(* All Inspections below designated with an Asterisk must be passed before permanent power will be released

Permit Number	Inspection Description	Inspector Name & Signature	Pass/Fail	Date
1807260120-SB-001	Construction Start-Utility			
1807260120-SB-001	Construction Complete-Utility			

CERTIFICATE OF COMPLIANCE

Date	Inspection Category	Inspector	Signature	Pass/Fail

Main Line HCPID 713-274-3900

Schedule Inspections 713-274-3800

Fire Code Inspections 281-436-8000

Fax 713-437-5764

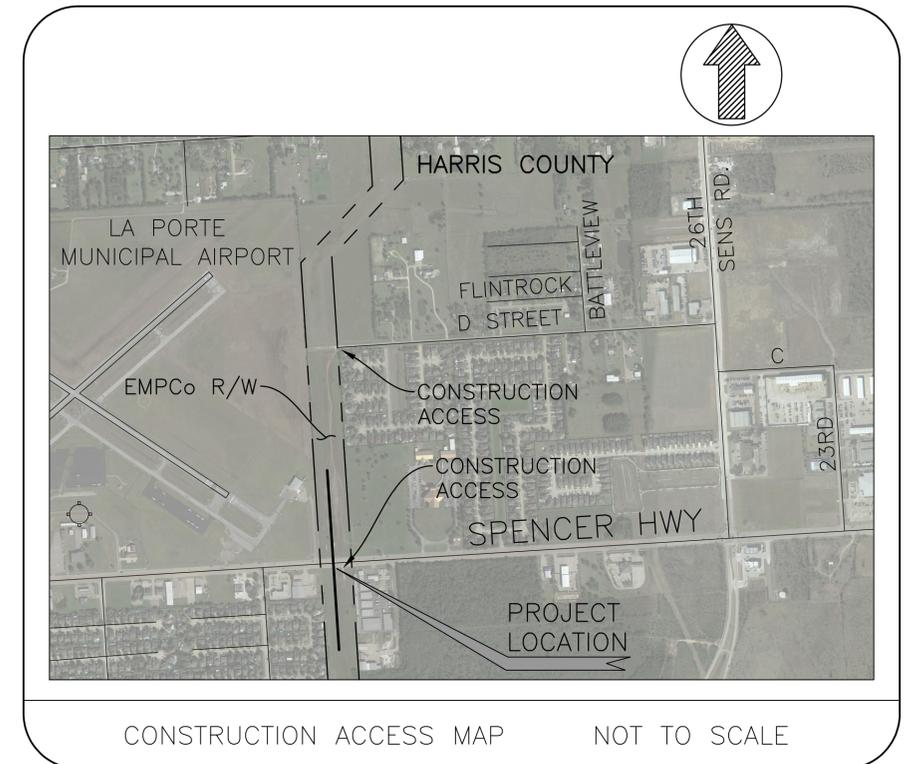
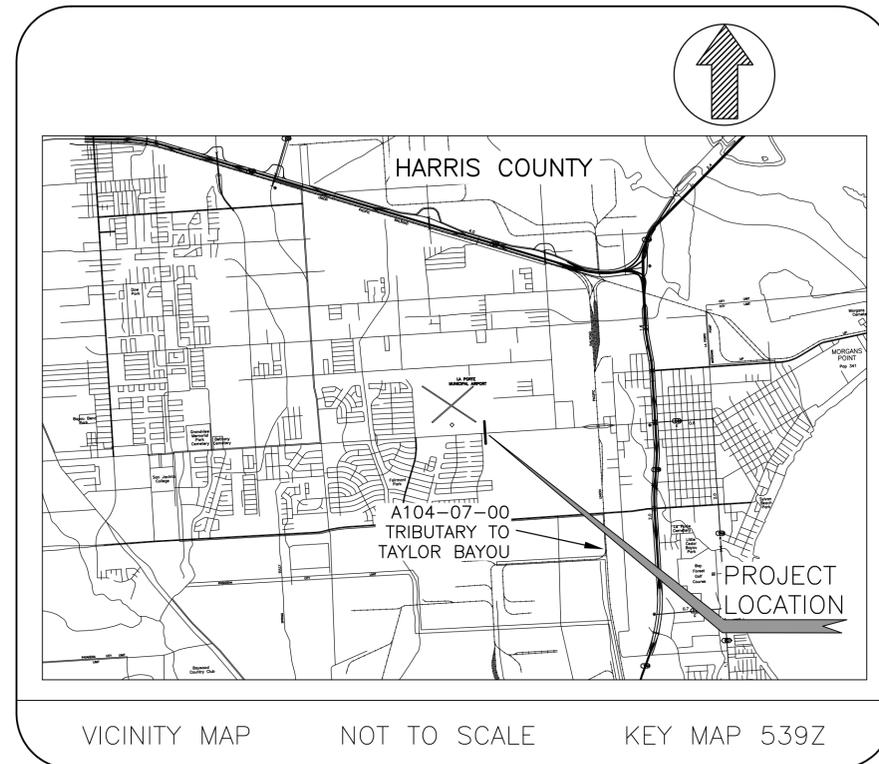
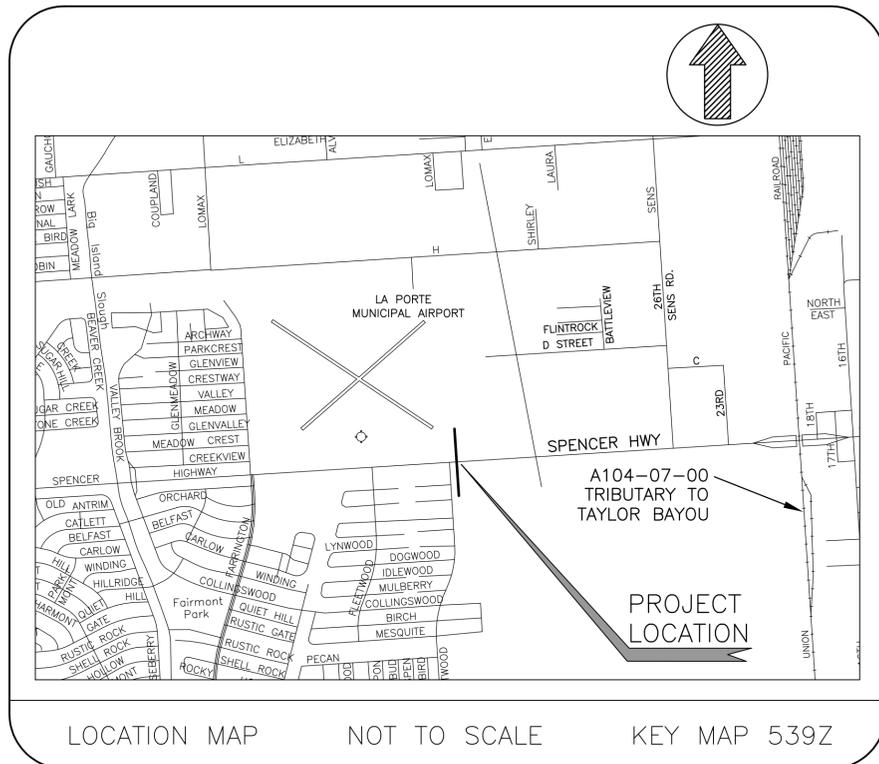
This Card is your record of inspections and must be signed off by all required departments to receive your Fire Marshal's final inspection and Certificate of Compliance. This card must be kept onsite and available to the inspector at all times and during inspections. Protect this card from weather. The approved plans must be available during inspections. Inspections must be completed in the listed order and the Certificate of Compliance will not be issued until all other required inspections are completed and approved.

www.hcpid.org/permits

7/31/2018 7:55:26 AM

HARRIS COUNTY, TEXAS
 RICHARD PEARSALL SURVEY, A-625
 REPLACEMENT OF EXISTING 16" PIPELINE
 VIA HDD CROSSING UNDER SPENCER HIGHWAY
 EXXONMOBIL PIPELINE COMPANY

CONSTRUCTION PLANS



DRAWINGS INDEX

DRAWING/SHEET No.	REVISION	DESCRIPTION
17-034-511 / SHEET 1	2	COVER SHEET
17-034-512 / SHEET 2	2	PLAN AND PROFILE
17-034-513 / SHEET 3	0	TEMPORARY TRAFFIC CONTROL PLAN

Z:\Drawing\Drawings\2017\17-034-511\17-034-511.dwg 17-034-511 - SHEET 1 - 09/20/2018 - 11:53am

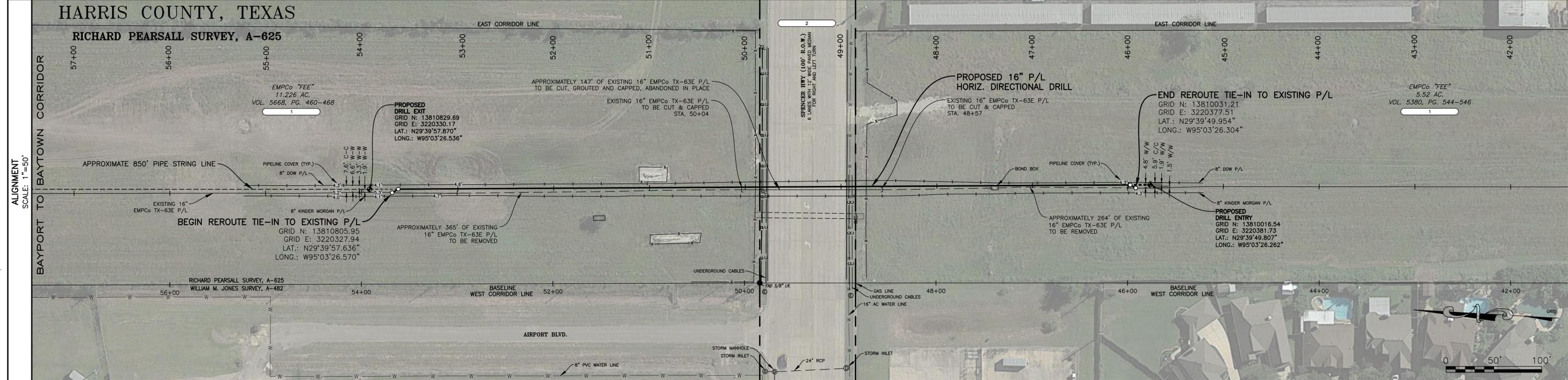
S. Oliver & Associates, L.P.
 Surveying • Engineering • Mapping
 TSPS FIRM No. 10061800 TSPS FIRM No. F-18239
 28406 FM 2100 WWW.SOLIVERSURVEYING.COM TEL. (281)324-1701
 HOUSTON, TEXAS 77036 HOFFMAN, TEXAS 77336 FAX (281)324-1707



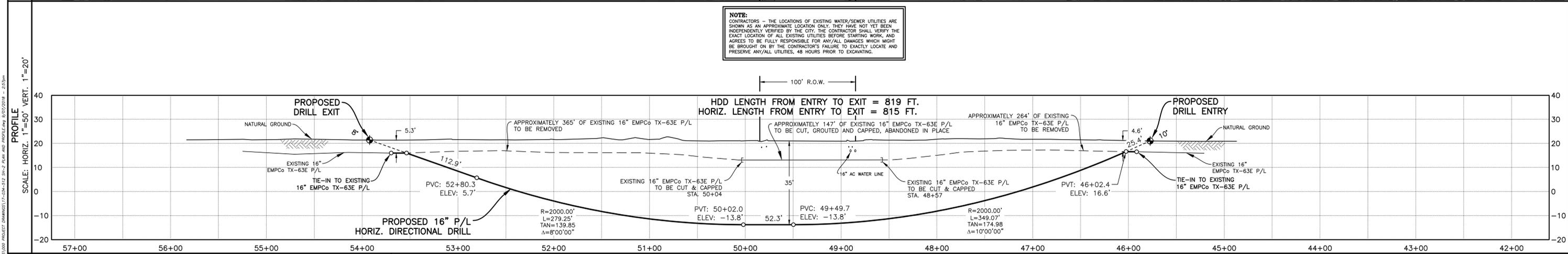
Date 9/10/18

REV.	DATE	DESCRIPTION	DWN.	CHKD.	APPD.	ExxonMobil Pipeline Company
0	07-20-18	ISSUED FOR PERMIT	VS	GW		ENGINEERING SPECIALISTS HOUSTON, TEXAS
1	08-16-18	REVISED PER CITY OF LA PORTE COMMENTS	VS	GW		PROPOSED REROUTE EXXONMOBIL 16" PIPELINE (TX-63E) BAYPORT TO BAYTOWN CORRIDOR CROSSING SPENCER HWY (WEST MAIN ST.) HARRIS COUNTY, TEXAS
2	09-10-18	REVISED HDD DESIGN	VS	GW		SCALE: AS NOTED DATE: 07-20-2018 DWG. NO.: 17-034-511 SHEET 1 OF 3

TR. NO.		1	2	1
OWNER		EXXONMOBIL	SPENCER HWY	EXXONMOBIL
FEET/RODS		384.8'/23.32	100.0'/6.06	293.4'/17.78
TERRAIN		TERRAIN	ROAD	TERRAIN
STATIONING		BEGIN SURVEY 53+69.7 54+14.4 16" EMPCo TX-63E (5.2' COV.) NG ELEV: 21.5' 53+62.2 PROPOSED DRILL EXIT ELEV: 21.5' 30.0' OFFSET FROM 30' P.I. TRUE STATION 53+93.2 3.2' RT. 53+69.7 BEGIN REROUTE ST. EQ. 53+67.8 AH = 53+69.7 BK 53+69.7 P.I. < 31'39.55" RT. 53+62.2 P.I. < 30'00.00" LT. 53+68.1 16" EMPCo TX-63E (5.4' COV.) NG ELEV: 21.3' 53+68.2 16" EMPCo TX-63E (5.3' COV.) NG ELEV: 22.0' 52+63.7 16" EMPCo TX-63E (4.6' COV.) NG ELEV: 21.6' 52+63.9 16" EMPCo TX-63E (5.6' COV.) NG ELEV: 21.8' 51+68.4 16" EMPCo TX-63E (6.2' COV.) NG ELEV: 22.4' 50+63.3 16" EMPCo TX-63E (6.0' COV.) NG ELEV: 21.6' 50+63.7 16" EMPCo TX-63E (6.0' COV.) NG ELEV: 21.3' 50+63.8 16" EMPCo TX-63E (6.8' COV.) NG ELEV: 21.0' 50+61.0 16" EMPCo TX-63E (7.5' COV.) NG ELEV: 21.1' 50+65.4 16" EMPCo TX-63E (8.0' COV.) NG ELEV: 21.1' 49+84.9 PROPERTY LINE 49+83.3 FENCE LINE NG ELEV: 21.2' 49+83.0 U/G CABLE XING UNK. COV. NG ELEV: 20.8' 49+77.9 U/G CABLE XING UNK. COV. NG ELEV: 21.4' 49+77.0 BACK OF CURB NG ELEV: 21.5' 48+63.8 BACK OF CURB NG ELEV: 21.4' 48+62.1 U/G CABLE XING UNK. COV. NG ELEV: 21.1' 48+61.1 16" WIRE LINE XING (3.7' COV.) NG ELEV: 21.0' 48+54.9 APPROX. GAS LINE XING UNK. COV. NG ELEV: 21.0' 48+84.9 PROPERTY LINE 48+73.7 FENCE LINE NG ELEV: 21.5' 48+69.9 16" EMPCo TX-63E (6.2' COV.) NG ELEV: 21.4' 48+65.2 16" EMPCo TX-63E (8.0' COV.) NG ELEV: 21.2' 48+66.6 16" EMPCo TX-63E (7.6' COV.) NG ELEV: 21.3' 48+11.6 16" EMPCo TX-63E (6.9' COV.) NG ELEV: 21.4' 47+62.5 16" EMPCo TX-63E (6.5' COV.) NG ELEV: 21.8' 47+74.1 16" EMPCo TX-63E (5.7' COV.) NG ELEV: 22.1' 47+69.5 16" EMPCo TX-63E (5.1' COV.) NG ELEV: 21.9' 47+68.9 16" EMPCo TX-63E (5.0' COV.) NG ELEV: 22.1' 47+11.2 16" EMPCo TX-63E (4.5' COV.) NG ELEV: 21.7' 46+62.0 16" EMPCo TX-63E (4.4' COV.) NG ELEV: 21.7' 46+28.8 16" EMPCo TX-63E (4.7' COV.) NG ELEV: 21.5' 45+98.0 P.I. < 30'00.00" LT. 45+91.5 P.I. < 29'04.46" RT. 45+91.5 END REROUTE 45+62.2 16" EMPCo TX-63E (4.6' COV.) NG ELEV: 21.0' 45+98.0 PROPOSED DRILL ENTRY ELEV: 21.0' 20.6' OFFSET FROM 30' P.I. TRUE STATION 45+76.6 3.5' RT. END SURVEY 45+91.5		



NOTE:
CONTRACTORS - THE LOCATIONS OF EXISTING WATER/SEWER UTILITIES ARE SHOWN AS AN APPROXIMATE LOCATION ONLY. THEY HAVE NOT YET BEEN INDEPENDENTLY VERIFIED BY THE CITY. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE STARTING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY/DAMAGES WHICH MIGHT BE BROUGHT ON BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY/ALL UTILITIES, 48 HOURS PRIOR TO EXCAVATING.



PIPE DATA	QUANTITY	DESCRIPTION
16" EMPCo TX-63E P/L	4	16.000" OD x 0.500" WT, API 5LX52x 30' SIDE BEND
16" EMPCo TX-63E P/L	1	16.000" OD x 0.500" WT, API 5LX52x 8' OVER BEND
16" EMPCo TX-63E P/L	1	16.000" OD x 0.500" WT, API 5LX52x 10' OVER BEND
16" EMPCo TX-63E P/L	783 FEET	16.000" OD x 0.500" WT, API 5LX52x, 14-16 mil 3MG233, 20 mil 3MG352

REV.	DATE	DESCRIPTION	DWN.	CHKD.	APPD.
0	07-20-18	ISSUED FOR PERMIT	VS	GW	
1	08-16-18	REVISED PER CITY OF LA PORTE COMMENTS	VS	GW	
2	09-10-18	REVISED HDD DESIGN	VS	GW	

LEGEND

NOTES:
1. ALL COORDINATES SHOWN HEREON ARE REFERENCED TO NAD 83, TEXAS SOUTH CENTRAL ZONE.
2. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD 88, AND BASED ON THE WESTERN DATA SYSTEM COOPERATIVE RTX-IRS NETWORK FROM WHICH GSD06 129 WAS USED TO COMPUTE ELEVATIONS.
3. S OLIVER AND ASSOCIATES SURVEY WAS TIED TO HARRIS COUNTY FLOODPLAIN REFERENCE MARK NO. 010310 WITH A PUBLISHED ELEVATION OF 20.84'. S OLIVER AND ASSOCIATES SURVEYED THE MONUMENT ON JULY 9TH, 2018 AND FOUND THE ELEVATION OF 010310 TO BE 20.91', A DIFFERENCE OF 0.07'.
4. SOA# JOB NO. 17-034-000.
5. SOME OF THE UTILITIES AND PIPELINES SHOWN HEREON ARE APPROXIMATE AND BASED ON MULTIPLE REFERENCES.
6. THERE MAY EXIST UNKNOWN UTILITIES WITHIN THE PROJECT AREA. A ONE-CALL NOTIFICATION MUST BE MADE PRIOR TO EXCAVATION TO VERIFY THE LOCATION OF ANY POSSIBLE UNKNOWN UNDERGROUND UTILITIES.
7. ALL PROPERTY LINES SHOWN HEREON ARE APPROXIMATE AND FOR VISUAL PURPOSES ONLY.
8. TIMBER MATS SHALL BE INSTALLED TO PROVIDE ACCESS AND SUPPORT OF HDD RIG AND SUPPORT VEHICLES.
9. VACUUM TRUCKS SHALL BE ON SITE DURING DRILLING AND PULLING OPERATIONS TO REMOVE INADVERTENT DRILLING FLUIDS COMING TO THE SURFACE.
10. ALL USED WATER WILL BE HAULED AWAY FROM THE SITE.
11. ADDITIONAL PARALLEL PIPELINES WITHIN THE CORRIDOR HAVE NOT BEEN SHOWN FOR DRAWING CLARITY.

REFERENCES:
1. EXXONMOBIL PIPELINE COMPANY BAYPORT TO BAYTOWN CORRIDOR, DRAWING NO. 0601005, REV. 26, DATED 7-14.

S Oliver & Associates, L.P.
Surveying • Engineering • Mapping
TBP#S FIRM NO. 10081850 TSE FIRM NO. F-8239
26406 FM 2100 WWW.SOLIVERSURVEYING.COM TEL. (281)324-1701
HUFFMAN, TEXAS 77336 FAX (281)324-1707

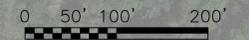
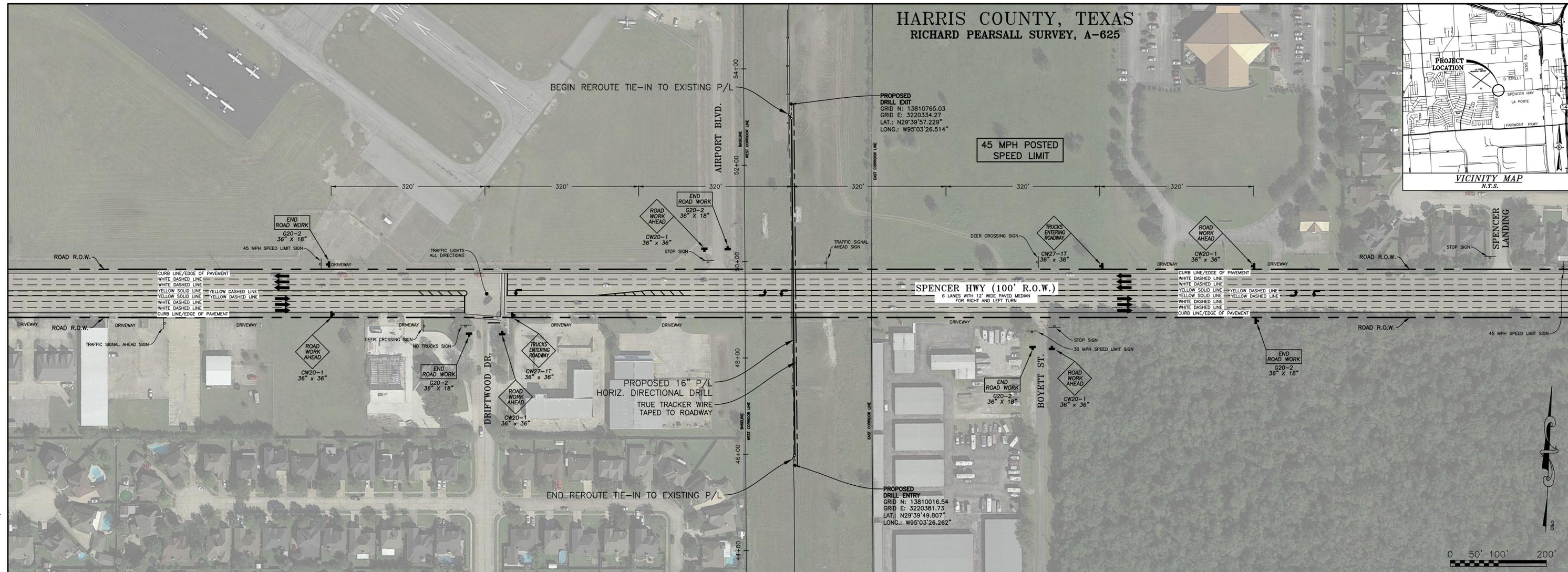
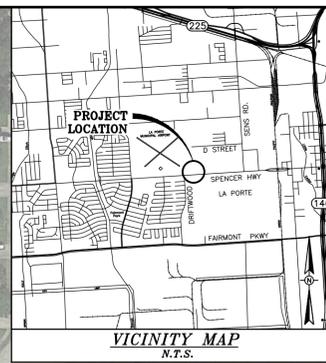
Date: 9/10/18

ExxonMobil Pipeline Company
ENGINEERING SPECIALISTS HOUSTON, TEXAS

PROPOSED REROUTE
EXXONMOBIL 16" PIPELINE (TX-63E)
BAYPORT TO BAYTOWN CORRIDOR
CROSSING SPENCER HWY (WEST MAIN ST.)
HARRIS COUNTY, TEXAS

SCALE: AS SHOWN DATE: 07-20-2018
DWG. NO.: 17-034-512 SHEET 2 OF 3

HARRIS COUNTY, TEXAS
RICHARD PEARSALL SURVEY, A-625



TRAFFIC CONTROL PLAN GENERAL NOTES

- CONTRACTOR SHALL PROVIDE AND INSTALL TRAFFIC CONTROL DEVICES IN CONFORMANCE WITH PART VI OF TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD - LATEST EDITION WITH REVISIONS) DURING CONSTRUCTION.
- NO LANES SHALL BE BLOCKED FROM 7 A.M. TO 9 A.M. AND 4 P.M. TO 6:30 P.M. MONDAY THROUGH FRIDAY.
- OFF DUTY POLICE OFFICERS/FLAGGERS ARE REQUIRED TO DIRECT TRAFFIC WHEN LANES ARE BLOCKED.
- APPROVED COPIES OF "TRAFFIC CONTROL PLAN" SHALL BE AVAILABLE FOR INSPECTION AT ALL TIMES.
- IF THE CONTRACTOR CHOOSES TO USE A DIFFERENT METHOD OF TRAFFIC CONTROL PLAN DURING CONSTRUCTION THAN WHAT IS OUTLINED IN THE CONTRACT DRAWINGS, (S)HE SHALL BE RESPONSIBLE TO PREPARE AND SUBMIT ALTERNATE PLANS* TO TxDOT HOUSTON AREA OFFICE FOR APPROVAL TEN WORKING DAYS PRIOR TO IMPLEMENTATION.
- VEHICLE-MOUNTED SIGNS SHALL BE MOUNTED IN A MANNER SUCH THAT THEY ARE NOT OBSCURED BY EQUIPMENT OR SUPPLIES. SIGN LEGEND ON VEHICLE-MOUNTED SIGNS SHALL BE COVERED OR TURNED FROM VIEW WHEN WORK IS NOT IN PROGRESS.
- SHADOW AND WORK VEHICLES SHALL DISPLAY HIGH-INTENSITY ROTATING, FLASHING, OSCILLATING, OR STROBE LIGHTS.
- VEHICLE HAZARD WARNING SIGNALS SHALL NOT BE USED INSTEAD OF THE VEHICLE'S HIGH-INTENSITY ROTATING, FLASHING, OSCILLATING, OR STROBE LIGHTS.
- NO TRENCH SHALL BE LEFT OPEN DURING NON WORKING HOURS.

*THESE PLANS SHALL BE DRAWN TO SCALE ON REPRODUCIBLE MYLARS AND SEALED BE A LICENSED ENGINEER IN THE STATE OF TEXAS. PLANS WILL BECOME A PART OF THE CONTRACT DRAWINGS.

Road Classification	Posted Speed (MPH)	Sign Spacing "X" (Feet)
Road Classification	25	100'
	30	120'
	35	160'
	40	240'
	45	320'
	50	400'
	55*	500'
	60*	600'
	65*	700'
	70*	800'
75*	900'	
80*	1000'	
Expressway or Freeway	All Speeds	See Typical Application**

Posted Speed *	Formula	Minimum Desirable Taper Length		Suggested Maximum Spacing of Channelizing Devices on a or a		Minimum Sign Spacing "x" Distance	Suggested Longitudinal Buffer Space "b"	
		offset	offset/offset	Taper	Tangent			
30	L = WS/60	150'	165'	180'	30	60	120'	90'
35		205'	225'	245'	35	70	160'	120'
40	L = WS	265'	295'	320'	40	80	240'	155'
45		450'	495'	540'	45	90	320'	195'
50	L = WS	500'	550'	600'	50	100	400'	240'
55		550'	605'	660'	55	110	500'	295'
60	L = WS	600'	660'	720'	60	120	600'	350'
65		650'	715'	780'	65	130	700'	410'
70	L = WS	700'	770'	840'	70	140	800'	475'
75		750'	825'	900'	75	150	900'	540'

* Conventional Roads Only
** Taper Lengths have been rounded off
L = Length of Taper (FT), W = Width of Offset, (FT), S = Posted Speed Limit (MPH)
■ Channel Device
◀ Flashing Arrow Board
■ Sign (shown facing left)
☒ Truck-mounted attenuator
All traffic control devices shall be constructed and set in accordance with the current version of the Texas Manual of Uniform Traffic Devices Part VI.



LEGEND

○	LIGHT POLE	—	PROPERTY LINE
○	TRAFFIC SIGN	—	ADJACENT PROPERTY LINE
○	UTILITY POLE	—	EXISTING PRELINE
○	VALVE	—	TOP BANK
○	POWER POLE	—	TIE BANK
○	GUY ANCHOR	—	DITCH FLOW LINE
○	FOUND IRON ROD	—	OVERHEAD POWER LINE
○	WATER METER	—	FENCE LINE
○	WATER VALVE	—	UNDERGROUND CABLE
○	GAS METER	—	TREE LINE
○	ELECTRIC MANHOLE	—	
○	SEWER MANHOLE	—	
○	TELEPHONE MANHOLE	—	
○	TRAFFIC CONTROL BOX	—	
○	MONITORING WELL	—	

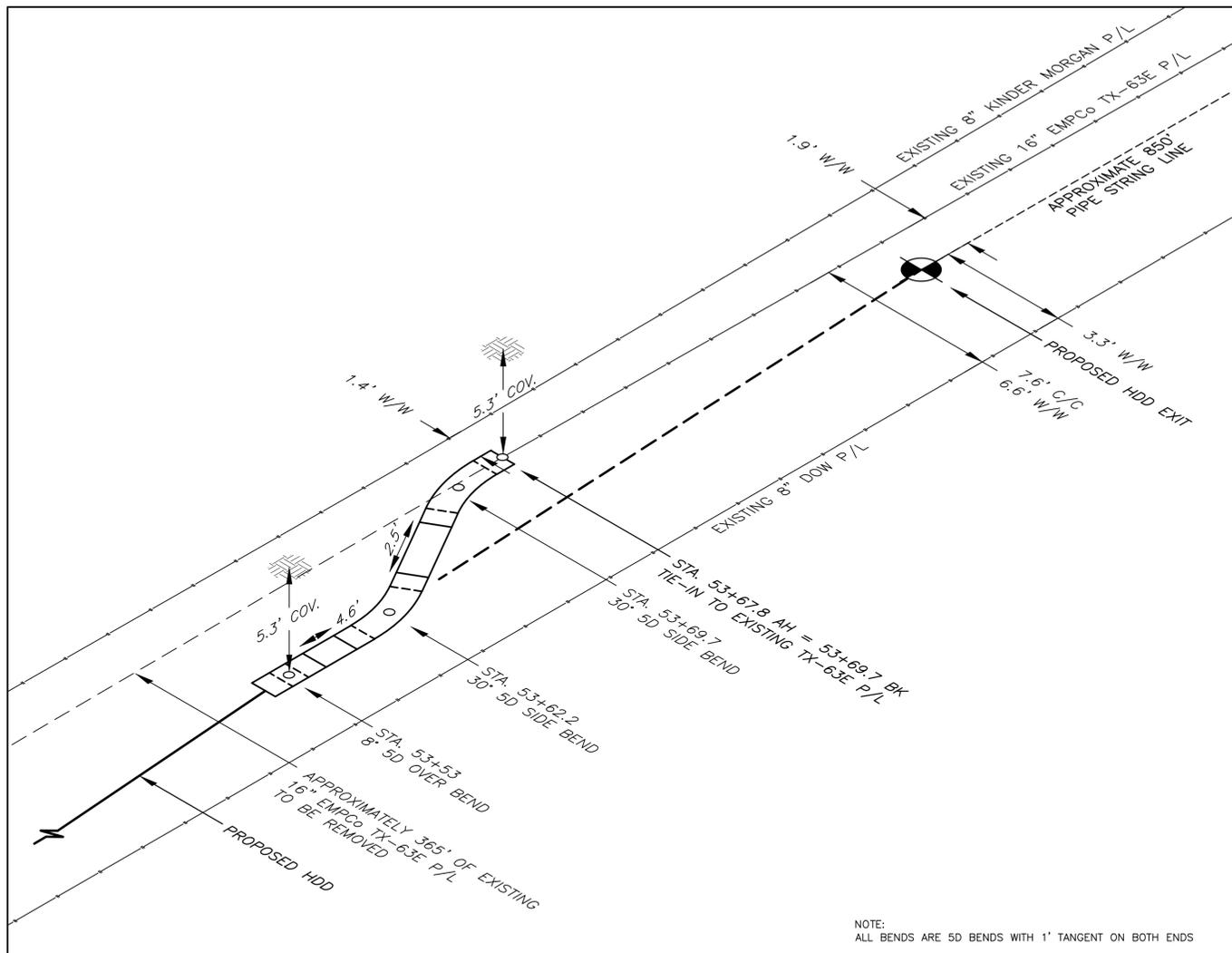
S Oliver & Associates, L.P.
Surveying • Engineering • Mapping
1876 FIRM No. F-8239
26406 FM 2100 WWW.SOLIVERSURVEYING.COM TEL. (281)324-1701
HUFFMAN, TEXAS 77336 FAX. (281)324-1707

REV.	DATE	DESCRIPTION	DWN.	CHKD.	APPD.
0	08-16-18	ISSUED FOR PERMIT	VS	GW	

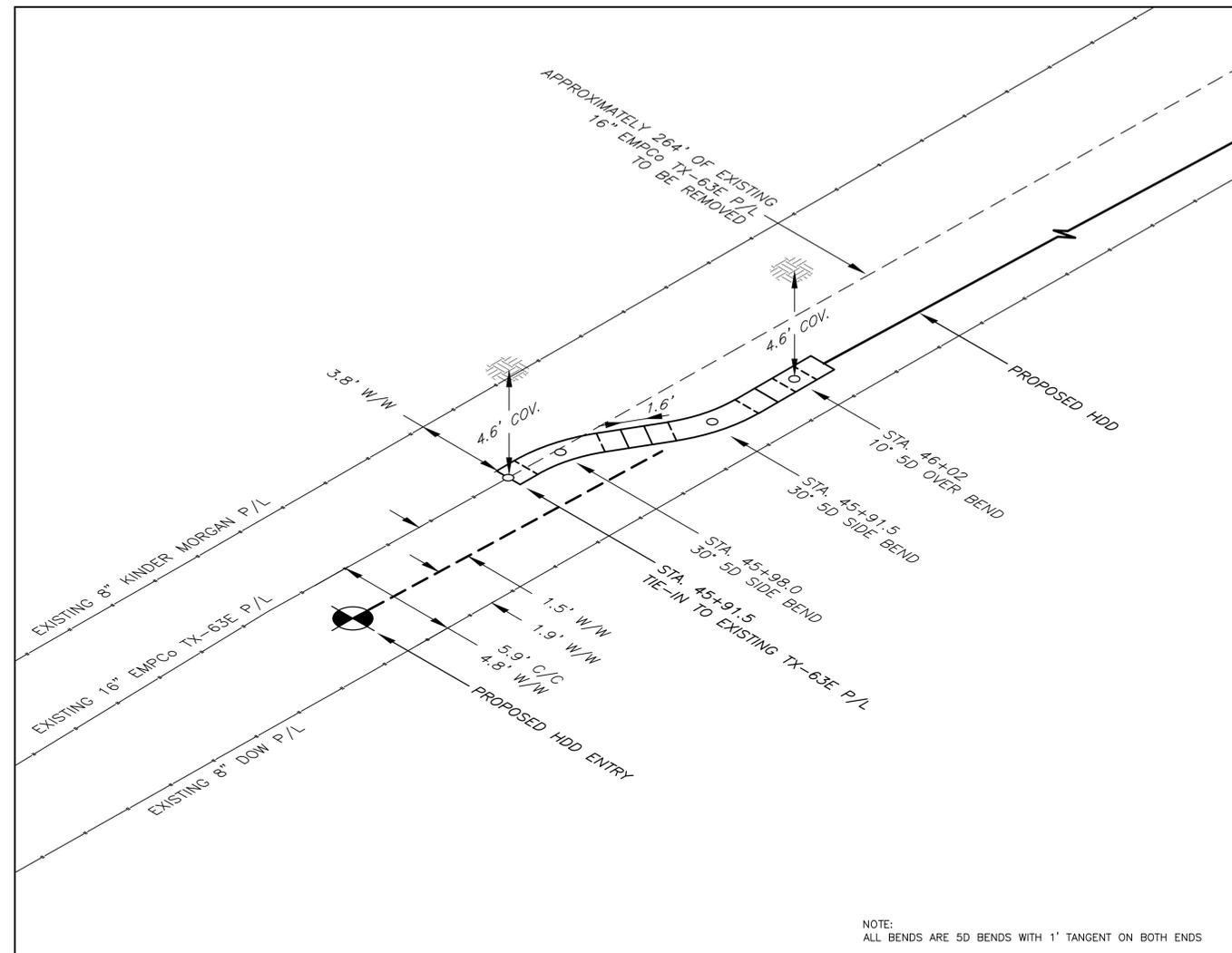
ExxonMobil Pipeline Company
ENGINEERING SPECIALISTS HOUSTON, TEXAS
PROPOSED REROUTE
EXXONMOBIL 16" PIPELINE (TX-63E)
BAYPORT TO BAYTOWN CORRIDOR
CROSSING SPENCER HWY (WEST MAIN ST.)
HARRIS COUNTY, TEXAS
SCALE: AS SHOWN DATE: 08-16-2018
DWG. NO.: 17-034-513 SHEET 3 OF 3

HARRIS COUNTY, TEXAS

RICHARD PEARSALL SURVEY, A-625



HDD EXIT SIDE TIE-IN ISO DETAIL "A"
N.T.S.



HDD ENTRY SIDE TIE-IN ISO DETAIL "B"
N.T.S.

NOTE:
ALL BENDS ARE 5D BENDS WITH 1' TANGENT ON BOTH ENDS

NOTE:
ALL BENDS ARE 5D BENDS WITH 1' TANGENT ON BOTH ENDS

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT
DATE 09/07/2018

- NOTES:**
- ALL COORDINATES SHOWN HEREON ARE REFERENCED TO NAD 83, TEXAS SOUTH CENTRAL ZONE.
 - ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD 88, AND BASED ON THE WESTERN DATA SYSTEM COOPERATIVE RTK VRS NETWORK FROM WHICH GEOID 128 WAS USED TO COMPUTE ELEVATIONS.
 - S OLIVER AND ASSOCIATES SURVEY WAS TIED TO HARRIS COUNTY FLOODPLAIN REFERENCE MARK No. 010310 WITH A PUBLISHED ELEVATION OF 20.84'. S OLIVER AND ASSOCIATES SURVEYED THE MONUMENT ON JULY 9TH, 2018 AND FOUND THE ELEVATION OF 010310 TO BE 20.91'. A DIFFERENCE OF 0.07'.
 - SOME OF THE UTILITIES AND PIPELINES SHOWN HEREON ARE APPROXIMATE AND BASED ON MULTIPLE REFERENCES.
 - SO&A JOB No. 17-034-000.
 - THERE MAY EXIST UNKNOWN UTILITIES WITHIN THE PROJECT AREA. A ONE-CALL NOTIFICATION MUST BE MADE PRIOR TO EXCAVATION TO VERIFY THE LOCATION OF ANY POSSIBLE UNKNOWN UNDERGROUND UTILITIES.
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 - ALL USED WATER WILL BE HAULED AWAY FROM THE SITE.

- REFERENCES:**
- EXXONMOBIL PIPELINE COMPANY BAYPORT TO BAYTOWN CORRIDOR, DRAWING No. bb#01#05, REV. 26, DATED 7-14.

S Oliver & Associates, L.P.
Surveying • Engineering • Mapping
TBPPLS FIRM No. 10081850 TBE FIRM No. F-8239
26406 FM 2100 WWW.SOLIVERSURVEYING.COM TEL. (281)324-1701
HUFFMAN, TEXAS 77336 FAX (281)324-1707

REV.	DATE	DESCRIPTION	DWN.	CHKD.	APPD.	ExxonMobil Pipeline Company
0	06/27/18	ORIGINAL	VS	SO&A		ENGINEERING SPECIALISTS HOUSTON, TEXAS
1	08/06/18	ADDED TIE-IN DETAILS	VS	SO&A		PROPOSED REROUTE EXXONMOBIL 16" PIPELINE (TX-63E) BAYPORT TO BAYTOWN CORRIDOR
2	09-07-18	REVISED HDD DESIGN	VS	GWH		CROSSING SPENCER HWY (WEST MAIN ST.) HARRIS COUNTY, TEXAS
						SCALE: AS SHOWN DATE: 06-27-2018
						DWG. NO.: 17-034-100 SHEET 2 OF 2

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department
PIPELINE PERMIT APPLICATION

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PIPELINE PROJECT DATA:

Project Name: Webster-Baytown 16-Inch Replacement at Spencer Hwy HDD

Project Origin: Existing 16" Webster to Baytown crude oil pipeline crossing Spencer Hwy, approximately 750' to be replaced. Project Destination: Section to be replaced is approximately 375 feet either side of Spencer Hwy centerline

Pipeline Diameter: 16 inch Pipeline Commodity: Crude Oil

Normal Operating Pressure: 500 PSI PSI; Max. Operation Pressure 542 PSI PSI; Max. Allowable Temp. 90 degrees

2. PIPELINE OWNER:

Owner Name: ExxonMobil Pipeline Company

Owner Address: 22777 Springwoods Village Parkway E3.5A.528 Spring, TX 77389

Owner Phone: 281-922-2024 Owner Fax:

Owner Email: christopher.d.hinson@exxonmobil.com

3. PERMIT APPLICANT (Owner's Agent):

Company Name: ExxonMobil Pipeline Company

Company Address: 22777 Springwoods Village Parkway E3.5A.553 Spring, TX 77389

Agent Name: Judson Wisner Agent Title: Right of Way Agent

Agent Phone: 832-624-8815 Agent Fax:

Agent Email: daniel.j.wisner@exxonmobil.com

4. PIPELINE CONTRACTOR:

Company Name: Contractor not yet selected-To be determined

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: Operations Control Center Primary Contact Title: Manned and Monitored 24/7

Primary Contact Phone 1: 1-800-537-5200 Primary Contact Phone 2:

Primary Contact E-Mail:

Secondary Contact Name: Mark Herbst Secondary Contact Title: Crude Area Supervisor

Secondary Contact Phone 1: 832-624-8526 Secondary Contact Phone 2: 713-204-8914

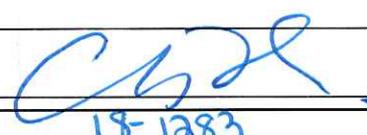
Secondary Contact E-Mail: mark.a.herbst@exxonmobil.com

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:
October 1, 2018

ESTIMATE DURATION OF CONSTRUCTION:
4 weeks

APPLICANT'S PRINTED NAME: Christopher D. Hinson APPLICANT'S SIGNATURE: 

(STAFF USE ONLY): PERMIT NO: 18-1283

PERMIT APPROVED BY: DATE OF APPROVAL:

JUL 26 2018

crossing the operational boundary of any industry operating, in whole or part, in the city. "Pipeline" shall not include any pipeline, pipe, valve or appurtenance when located entirely on, within or under a person's operational boundary.

Relocation shall mean the horizontal or vertical movement of a pipeline.

Reposition shall mean the movement of a pipeline when such movement is necessary for the public construction or public improvement: construction, maintenance and improvement of streets, water lines, sanitary sewer lines, storm sewers, ditches and public utilities. (Ord. No. 2004-2755, § 1, 7-12-04)

Cross references: Definitions generally, § 1-2.

Sec. 102-233. Exemption.

This article shall not extend to:

- (1) Any person now or hereafter providing natural gas service for residential and business use only within the city pursuant to a franchise from the city as a gas distribution utility;
- (2) Raw or potable water pipelines, valves and appurtenances; or
- (3) City, county or state agencies for storm drainage or sanitary sewer service pipelines, valves and appurtenances, except industrial wastes transported by pipeline to treatment facilities outside the corporate city limits.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-234. Permit required.

No person shall commence the construction, relocation or reposition of a pipeline within the city without a permit being obtained from the city for such pipeline under the terms of this chapter.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-235. Application for permit

A person desiring a permit shall submit a written application to the director and concurrently therewith shall pay a non-refundable fee to the city. The application form, which can be obtained from the director, shall be submitted to the director, in duplicate, with the following information contained thereon:

- (1) The name, business address and telephone number of the pipeline owner and operator;
- (2) The names, titles and telephone numbers of the following persons:
 - a. The person submitting the information;
 - b. The principal contact for submittal of information; and



- c. The 24-hour emergency contact (and an alternate 24-hour contact), who
1. Can initiate appropriate actions to respond to a pipeline emergency;
 2. Has access to information on the location of the closest shutoff valve to any specific point in the city or its jurisdiction; and
 3. Can furnish the common name of the material then being carried by the pipeline.
- (3) The origin point and destination of the pipeline being constructed, adjusted, relocated, replaced, repositioned or repaired.
- (4) A description of the commodity(s) to be transported through the pipeline. A copy of the material safety data sheets for the commodity(s) shall be included with the submittal if the owner or operator is required by federal or state law to have material safety data sheets available;
- (5) The maximum allowable operating pressure on the pipeline as determined according to the U.S. Department of Transportation and State Railroad Commission procedures or the maximum design strength for unregulated pipelines, if applicable;
- (6) The normal operating pressure range of the pipeline;
- (7) The maximum allowable temperature under which the substance or product may be pumped or otherwise caused or permitted to flow through any and all of the particular portions of the pipeline, if applicable;
- (8) Engineering plans, drawings, maps with summarized specifications showing the horizontal pipeline location, the pipeline covering depths and location of shutoff valves within the corporate limits and ETJ of the city. The location of shutoff valves must be known in order for emergency responders to clear the area for access to the valves. To the extent that information can be reasonably obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within five feet;
- (9) A summary description of the time, location, manner, means and methods of the proposed construction, including but not limited to the following:
- a. Detailed cross section/profile drawings for all public way crossings if requested by the Director;
 - b. A plan accurately showing the location, course and alignment of the proposed pipeline, including valve locations (existing and proposed), and all public ways in which the proposed pipeline shall be laid, provided that the degree of accuracy shall not be required to exceed the accuracy which can be practicably achieved by using United States Geological Survey (USGS) maps.
- (10) A statement that the pipeline will comply with the applicable standards required by this article as well as all applicable federal, state and local laws and regulations; and
- (11) A statement that the 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.

(12) A statement that the 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.

The director expressly reserves the right to require the submission of additional information if the director reasonably deems the information necessary to meet the requirements of this article. Such supplemental information shall be submitted by the permittee to the director within ten days, excluding weekends and city holidays, of the permittee's receipt of the director's written request. While awaiting the requested information, the period in which the city must process the application shall be suspended.
(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-236. City council consideration.

(a) Within 60 days from the date on which the official application is received at the official address for the director, the director shall advise the applicant whether, based on the director's professional judgment, the contemplated construction, relocation, replacement or reposition is in compliance with this article. If the director does not deem the contemplated construction to be in compliance with this article, the director shall notify the applicant, in writing, of any deficiencies found.

(b) After the notice described in subsection (a) of this section is given to the applicant, the director, based upon the assessment of the director and other city personnel, shall report to the city council upon his examination of such application and plans, including such changes in the plans as the applicant may have made upon his suggestion, with his recommendation as to the granting or denying of the permit application, based upon compliance or noncompliance with this article, at the next regularly scheduled city council meeting for which adequate notice may be given. The director shall in such report and recommendation state whether the proposed course or alignment of the pipeline and depth at which it is proposed to be laid thorough undeveloped or unplatted areas is, to the extent economically feasible, consistent with the probable future development of such areas, location and opening of future streets, and laying of water, sanitary sewer, storm sewer lines, ditches and public utilities incident to such probable future development.

(c) After the report and recommendation is made to the city council, the city council shall consider approval or denial of the permit.
(Ord. No. 2004-2755, § 1, 7-12-04)



Sec. 102-237. Permits.

Upon approval, permits shall be executed in duplicate originals by the director. One duplicate original shall be delivered to the permittee and the other shall be retained by the city. A copy of the permit shall be conspicuously displayed at each point where the pipeline construction, relocation or repositioning intersects any public street, right-of-way, easement or public property within the corporate limits of the city.
(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-238. Permit transference.

Permits may be transferred after prior written notice to the director, on a form provided by the director, which notice shall set forth the full name and address of the transferee, the full name and address of the transferee's registered agent or owner (if an unincorporated entity) and an agreement that the transferee shall be bound by all provisions of the application and permit as originally acted upon and granted by the city. The transfer application shall be signed by an authorized officer, owner or representative of both the transferor and transferee and shall be accompanied by a non-refundable transfer fee.
(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-239. Permit fees.

- (a) Every permit requested under the terms and conditions of this article, with the exception of those permits necessitated due to a repositioning of a pipeline at the request or required by the city or another governmental entity, shall provide for the payment by the applicant to the city of a non-refundable application fee of \$1,000.00 per pipeline.
- (b) Every permit granted under the terms and conditions of this article shall provide for the payment of an annual fee thereafter in the amount of \$800.00 per pipeline per year, payable annually in advance on or before July 1 of each year.
- (c) Every permit transfer shall be accompanied by a non-refundable transfer fee of \$300.00.
(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-240. Permit expiration.

- (a) If construction, relocation or reposition of the pipeline does not commence within one year from the date of the permit, the permit shall be void unless the permittee makes written application for an extension. The city council may grant an extension for one additional year only.
- (b) Pipelines abandoned after the date of this article shall have their permit voided and shall not thereafter be subject to the terms of this article except as follows:
 - (1) The owner or operator shall report to the director, in writing, the abandonment of a pipeline that has been permitted in accordance with this article.



-
- (2) All known abandoned pipelines shall be purged, disconnected from all sources or suppliers of gas, hazardous liquids and chemicals and shall be capped or sealed at each end within the city limits.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-241. Construction requirements.

All pipelines shall be constructed in accordance with the following guidelines:

(1) All pipelines shall be constructed in accordance with the latest applicable minimum standards, if applicable, established by the United States Department of Transportation, Texas Railroad Commission, or any other entity having regulatory authority over pipeline safety and construction matters.

(2) All pipelines shall be buried to specified depths, as follows:

- a. Pipelines which run under or within 20 feet of any street or streets and/or any proposed street which has been designated on the master plan for the city or the official city map of the city, shall be buried to a depth of at least six feet measured between the top of the pipeline and the natural surface of the ground.
- b. Pipelines which run under any ditch and/or drainage area or structure shall be buried to a depth of at least five feet measured between the top of the pipeline and the ultimate channel or structure depth. Permittee is responsible for determining the ultimate depths from the appropriate agency and reporting said information with permit application.
- c. Pipelines for areas not mentioned in a. or b. above shall be buried to a minimum depth of four feet measured between the top of the pipeline and the natural surface of the ground.

Provided further, if at any particular point or points the director determines that a greater or lesser depth be required, such permit shall not be granted except upon agreement by the permittee to comply with such depth requirement.

(3) All pipelines shall cross public streets, public properties and public rights-of-way as closely as possible to a right (90°) angle.

(4) All public streets, roads and ways in existence at the time of construction of a pipeline shall be bored under and shall not be cut for the purpose of constructing, relocating or repositioning a pipeline.

(5) All pipeline related excavations in any public right-of-way shall be backfilled in a manner satisfactory to the city; and if after once refilling such excavation the earth within the excavated area settles so as to leave a depression, the permittee shall be required to make further necessary fills as ordered by the city. All areas shall be graded and maintained so as to provide drainage of the area.



(6) The permittee shall be required to repair all portions of any street across or along and under which pipelines are laid and place the same in as good a state of repair and condition as they were at the time the construction, repair or removal was commenced, such repairs to be to the satisfaction of the city.

(7) Upon completion of the pipeline, the permittee shall provide the director with three as-built (or record) drawings of the pipeline, showing the route, distances and shut-off valve locations. These drawings shall be submitted in digital format acceptable to the city.
(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-242. Pipeline location.

(a) Where feasible, a new pipeline shall be located within existing pipeline corridors. The feasibility of locating new pipelines in established corridors in the city shall be considered from the perspective of the pipeline owner or operator, taking into consideration the following:

- (1) The availability and cost of corridor space;
- (2) The availability and cost of right-of-way to and from the corridor;
- (3) Technical, environmental, safety, efficiency and cost issues related to building, operating and maintaining both the portion of the pipeline that would be located in the corridor and the lengths of pipeline required to gain access to and from routing through a corridor;
- (4) Any delays in right-of-way acquisition or pipeline construction that may result from routing through a corridor;
- (5) The availability of an alternative right-of-way to the owner or operator; and
- (6) All other matters that a prudent pipeline owner or operator would consider in selecting the route for a new pipeline.

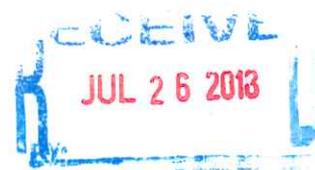
Provided that the owner or operator has considered in good faith the use of existing corridors within the city, the determination of the owner or operator as to the feasibility shall be determinative, unless there is clear and convincing evidence that contradicts the conclusion of the owner or operator.

(b) When it is not feasible for a new pipeline to be located within an existing corridor, the pipeline should, to the extent practical:

(1) Follow property boundaries of fee parcels or existing easements to avoid unnecessary fragmentation of land and avoid diagonal routes that would create slivers of land between public ways, except if following:

- a. Manmade or topographical features is in the public interest;
- b. Boundary lines or existing easements is impractical under the circumstances;
- c. Boundary lines or existing easements poses safety concerns; or
- d. Boundary lines or existing easements would not be feasible.

(2) Avoid areas of unique recreational or aesthetic importance, environmentally sensitive areas and areas of historical or cultural significance, unless appropriate mitigation measures are undertaken to the satisfaction of the director; and



(3) Avoid conflict with existing or planned urban developments as well as the location of planned future streets and laying of planned water, sanitary sewer and storm sewer lines, structures and ditches incident to such future development.
(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-243. Liability.

A condition of granting any permit shall require the permittee to save the city harmless from liability for injury or damage to any person or person's property caused by the construction, relocation, repositioning, maintenance, operation, repair or removal of any part or all of such pipeline within any public right-of-way or easement; and shall require the permittee to pay to the city all damages caused to the city by construction relocation, repositioning, maintenance, operation, repair or removal of such pipeline or any part thereof.

(1) Except in an emergency, the permittee shall notify the director 48 hours before commencing at any time excavation in any portion of any said unpaved or unimproved street, and not wholly close any street, but shall at all times maintain a route of travel along and within such roadway area, to the extent such travel was allowed prior to the excavation.

(2) In the event of an emergency, it being evident that immediate action is necessary for the protection of the public and to minimize property damage and loss of investment, permittee may, at its own responsibility and risk make necessary emergency repairs, notifying the city police dispatch of this action as soon as practical, but not later than one hour after commencing repairs or maintenance.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-244. Insurance and bonding requirements.

(a) Under this article, a permittee must furnish, prior to any construction, repair, adjustment, relocation, reposition or replacement, and shall further maintain at all times during the life of the permit, commercial general liability insurance for bodily injury and property damage, including explosion, collapse and underground hazard, coverage in the minimum combined single limit amount of \$1,000,000.00 as it pertains to all pipelines or other facilities owned by the permittee in the public way in the jurisdiction. Such policy shall name the city, its officers, agents and employees as additional insureds.

(b) A certificate of insurance specifying the coverage required in subsection (b) of this section with an insurance company having acceptable insurance rating shall be furnished to the director prior to the issuance of any permit. Such certificates of insurance shall provide that at least 30 days prior written notice for the termination or modification of the required insurance shall be given to the city.

(c) In lieu of liability insurance, a permit applicant shall furnish evidence of financial responsibility which demonstrates the applicant's qualifications as a self-insurer. Such evidence may take the form of the most recent corporate financial report which is acceptable to the city council as giving assurance of the applicant's financial ability to comply with the requirements of this section.



(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-245. Pipeline permit updates.

It shall be the responsibility of the permittee to provide, in writing, updated information on the following aspects of each permit:

- (1) Name and mailing address of the pipeline owner.
- (2) Name and telephone number of two officers or persons available on a 24-hour basis who can furnish or obtain immediately, information as to the pressure at the point or points of input nearest to the city and the common name of the commodity carried by the pipeline.
- (3) A description of the commodity(s) being transported through the pipeline. A copy of the material safety data sheets for the commodity(s) shall be included with the update if the owner or operator is required by federal or state law to have material safety data sheets available. This information will be provided with the annual update or upon transference or any change in ownership.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-246. Pipeline signs.

Every pipeline, new or existing, within the corporate limits of the city shall bear at all times, in plain, indelible lettering, signs denoting the ownership of said pipeline, permanently affixed in the pipeline right-of-way where said pipeline rights-of-way cross public streets, public properties or public rights-of-way.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-247. Penalties.

Any violation of any section, subsection or part of this article shall be deemed a misdemeanor and such violation thereof during all or any portion of any day shall be a separate offense and misdemeanor; and upon final conviction, every person, firm, association, corporation or partnership guilty of such violation shall be fined in a sum not more than \$2,000.00 per each day of violation.

(Ord. No. 2004-2755, § 1, 7-12-04)



ExxonMobil Pipeline Company
22777 Springwoods Village Parkway E3.5A.553
Spring, Texas 77389
(832) 624-8815 Telephone
(832) 648-6336 Facsimile

D. Judson Wisner
Right of Way & Claims Agent

ExxonMobil

July 25, 2018

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

To Whom It May Concern:

ExxonMobil Pipeline Company (EMPCo) is preparing to replace a 750 foot long section of its existing Webster to Baytown 16-inch crude oil pipeline at the crossing of Spencer Highway. Although this stretch of Spencer Highway is owned and maintained by Harris County, this location is also within the city limits of the City of La Porte. As such, EMPCo is requesting permit authority from the City of La Porte under Ordinance No. 2004-2755.

Following analysis of data collected through in-line inspection of this pipeline, EMPCo has determined that the section of pipe beneath Spencer Highway warrants repair. In an effort to minimize disturbance to the motoring public, EMPCo is planning to install this approximately 750 feet section of 16-inch pipeline via horizontal directional drill. The existing section of pipe will be cut and capped near the edge of the road right of way and the pipe filled with grout so that it may be abandoned in place beneath the roadway. EMPCo owns this pipeline corridor on both sides of the Spencer Highway crossing in fee and all of the work will take place within EMPCo's corridor. There should be no impact to Spencer Highway or any adjacent private properties.

Enclosed for your convenience are the following items:

- A detailed plan and profile of the crossing,
- A completed copy of the Pipeline Permit Application.
- A check in the amount of \$1,000.00 for the permit application fee.
- A letter of self-insurance, evidencing EMPCo's ability to self-insure.

Thank you for your cooperation on this project thus far. Should you have any questions or wish to discuss further, please feel free to contact me at 832-624-8815 or daniel.j.wisner@exxonmobil.com.

Sincerely,



D. Judson Wisner



ExxonMobil Pipeline Company
22777 Springwoods Village Parkway E3.5A.553
Spring, Texas 77389
(832) 624-8815 Telephone
(832) 648-6336 Facsimile

D. Judson Wisner
Right of Way & Claims Agent

ExxonMobil

July 25, 2018

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

To Whom It May Concern:

In commercial arrangements, insurance is often required to evidence a potential source of funds available to meet an entity's contractual and/or legal liabilities in the event of an accidental or unforeseen occurrence. However, given the financial strength of ExxonMobil Pipeline Company (EMPCo) and ability to self-insure substantial risks, where permitted by law, EMPCo considers that contractual insurance requirements serve a practical purpose only when required of companies having limited financial resources. The absence of insurance does not alter or reduce the legal responsibilities of contracting parties to one another or to third parties.

Avoiding the administrative cost of procuring and monitoring Certificates of Insurance for a company of EMPCo's financial strength is beneficial to your company and to EMPCo. Therefore, in lieu of a Certificate of Insurance, please accept this letter as evidence that EMPCo has the financial resources to respond to the potential liability that may arise from its business operations and relationship with your company.

If you require any further information, please contact this office.

Sincerely,



D. Judson Wisner
ROW & Claims Agent



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>October 8, 2018</u>
Requested By: <u>Don Pennell, Public Works Director</u>
Department: <u>Public Works</u>
Report: <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input type="checkbox"/>

Source of Funds: <u>Motor Pool</u>
Account Number: <u>Various 009</u>
Amount Budgeted: \$ <u>472,714.00</u>
Amount Requested: \$ <u>433,879.31</u>
Budgeted Item: YES

Exhibits: Summary of Vehicle Replacement

Exhibits: BuyBoard Price Sheets

SUMMARY & RECOMMENDATION

Competitive quotes were received through the Texas BuyBoard and HGAC Cooperative Purchasing Programs for vehicles and golf course equipment eligible for replacement in the FY2018-19 Vehicle Replacement Program. There are six full-size sedans being replaced with six sport utility vehicles. Replacement with the same type vehicle include one sedan, and one 14-yard dump truck. Also, there are six same-type replacements for golf course equipment.

VENDOR	BUDGET ITEM	BUDGETED	BID	USER
Caldwell Country	6 - SUV's (Replacements) *	\$231,306	\$199,792	PD
Grapevine Dodge	1 - Sedans (Replacement)*	\$23,600	\$23,863	EMS
Freightliner Austin	1 - 14 Yard Dump Truck	\$99,087	\$101,470	PW
Brookside Equipment	JD Field Rake **	\$13,100	\$11,298.05	GC
Brookside Equipment	JD Greens Mower**	\$36,629	\$30,597.29	GC
Brookside Equipment	JD ProGator w/attachment**	\$23,639	\$23,205.50	GC
Brookside Equipment	JD 200 Gallon Sprayer**	\$9,938	\$12,087.75	GC
Brookside Equipment	JD Truckster**	\$10,727	\$11,281.88	GC
Brookside Equipment	JD Pro Gator **	\$24,688	\$20,283.84	GC
TOTAL		\$472,714	\$433,879.31	

* Additional up-fitting equipment funding subsidized through division budget.

**Bid prices include trade-in allowance

Miscellaneous:

- The vehicles to be purchased with this agenda request will replace existing vehicles that are now at the end of their service lives with funding from the Vehicle Replacement Fund.
- The “Budgeted” amount listed in the table for the replacement vehicles represents the total funds deposited by each department through FY 2018 in the form of “lease fees” paid by the department over the lease term designated for each vehicle. Additional funding is provided through the respective Departmental/Divisional budgets.
- The “Budgeted” amount listed in the table for vehicles/equipment are the funding amounts approved by Council for the FY 2018-19 budget for new purchases. The Division will pay lease fees over the life of the units to establish a “Budgeted” amount for future replacements.

- The Purchasing Division of the Finance Department has reviewed the recommendation for vehicle purchases and is in support of this recommendation. Pricing was checked on both BuyBoard Programs.

Action Required by Council:

1. Consider approval or other action to award purchase of six sport utility vehicles to Caldwell Country (\$199,792.00).
2. Consider approval or other action to award purchase of one sedan to Grapevine Dodge (\$23,863.00).
3. Consider approval or other action to award purchase of one – 14 yard dump truck to Freightliner of Austin (\$101,470.00).
4. Consider approval or other action to award purchase of one - Field Rake, one - greens mower, one - ProGator w/attachment, one - 200 gallon sprayer, one - truckster and one -ProGator to Brookside Equipment (\$108,754.31).

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

53-02, 12, 17, 23, 25, 81

HGACBuy	CONTRACT PRICING WORKSHEET	Contract No.:	VE11-15	Date Prepared:	8/21/2018
	For MOTOR VEHICLES Only				

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CITY OF LA PORTE	Contractor:	CALDWELL COUNTRY CHEVROLET
Contact Person:	MICHAEL COLLINS	Prepared By:	AVERYT KNAPP
Phone:	281-470-5114	Phone:	979-567-6116
Fax:		Fax:	979-567-0853
Email:	COLLINSM@LAPORTETX.GOV	Email:	AKNAPP@CALDWELLCOUNTRY.COM

Product Code:	A17	Description:	2019 CHEVROLET TAHOE PPV CC15706
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract: 32560

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
 (Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
KEYED ALIKE 6E2	25		
TRAILER TOW W/WIRING	INCL		
COUTESY DISABLE / GRILLE LAMP & SIREN SPK WIRE	92		
LH SPOTLIGHT 7X6	490		
DUAL BATTERIES	INCL		
HGAC PUBLISHED OPTION DISCOUNT	-30		
CLOTH BUCKETS 9U3	INCL		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	577

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
 (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
		Subtotal From Additional Sheet(s):	
		Subtotal C:	0

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 0%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C):

Quantity Ordered:	6	X Subtotal of A + B + C:	33137	=	Subtotal D:	198822
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E. H-GAC Order Processing Charge (Amount Per Current Policy): Subtotal E: \$600

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
		DELIVERY	370
		EXTERIOR COLOR BLACK	INCL
QUOTE EXPIRATION DECEMBER 1, 2018			
		Subtotal F:	370

Delivery Date: 60-90 DAYS APPX **G. Total Purchase Price (D+E+F): 199792**



FREIGHTLINER OF AUSTIN

1701 Smith Rd. (Hwy. 183 So.)
Austin, Texas 78721

Bus: 512-389-0000
FAX: 512-389-2663
Wats: 1-800-395-2005

INV.

PURCHASING NAME CITY OF LA PORTE		71-78		TELEPHONE 281-471-5020
ADDRESS 604 W. FAIRMONT PARKWAY		CITY LA PORTE	STATE TX	ZIP CODE 77571

I/We Hereby Purchase from You, Under the Terms and Conditions Specified, the Following:

YEAR 2020	MAKE FREIGHTLINER	MODEL/BODY M2106	VIN ORDER	LICENSE PLATE
--------------	----------------------	---------------------	--------------	---------------

A documentary fee is not an official fee, a documentary fee is not required by law but may be charged to buyers for handling documents and performing services relating to the the closing of a sale. Buyers may avoid payment of the fee to the seller by handling the documents and performing the services relating to the closing of the sale. A documentary fee may not exceed \$50.00. This notice is required by law.

El cobro documental no es un cobro oficial. El cobro documental no es un requisito bajo la ley, pero se le puede cobrar. Al comprador por el rendimiento de los servicios relacionados con la completacion de la venta y por completar los documentos. El comprador puede evitar el pago al vendedor de este costo si el comprador mismo se encarga de mandejar los documentos y de los servicios necesarios para la completacion de la venta. El cobro documental no puede sobrepasar los \$50.00 (U.S.) Este aviso es requerido bajo la ley.

Disclaimer of Warranties

Any warranties on the products sold hereby are those made by the factory. The Seller, Freightliner of Austin, hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and Freightliner of Austin, neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this vehicle.

MILEAGE:	
BUY BOARD CONTRACT #521-16	
CHASSIS SELLING PRICE	\$ 85,555.00
WARREN DUMP BODY	\$ 15,515.00
BUY BOARD FEE	\$ 400.00
5 YR./150K MILE CUMMINS PLAN1 W/AFTERTREATMENT	
ALLISON 5 YR./UNLIMITED MILE EXTENDED COVERAGE	
FRONT & REAR TANDEM AXLES 5 YR./200K MILE EXTENDED COVERAGE	
QUOTE GOOD UNTIL 12-31-2018	

CUSTOMER SIGNATURE	
SALESMAN SIGNATURE	KEVIN KRIEG

CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLE ONLY. *The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale.*

MILEAGE:	TRADE-IN
----------	----------

YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
------	------	------------	-----	---------------

MILEAGE:	TRADE-IN
----------	----------

YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
------	------	------------	-----	---------------

		TOTAL	\$ 101,470.00
PAYOFF TO:		Trade Allowance	N/A
ADDRESS:		Trading Difference	N/A
TELEPHONE: / FAX:		Sales Tax	N/A
GOOD UNTIL:		Vehicle Inventory Tax	N/A
QUOTED BY:		License Fee	N/A
SHOW LIEN TO:	Body Type:	Documentary Fee	N/A
ADDRESS:	License Wt.:	Federal Excise Tax	N/A
	State Insp.:	TOTAL SALE PRICE	\$ 101,470.00
DATED:	LIEN AMOUNT \$	License:	Payoff on Trade
DRAFT FOR \$		Title:	Ext. Service Agreement
DRAFT THRU:		Transfer:	Less Deposit
ADDRESS:		Total Balance Due	\$ 101,470.00

Full disclosure required by federal regulation 'Z', The Consumer Protection Act and The Texas Consumer Credit Code, will be made prior to consummation of a credit sale. This written order comprises the entire agreement pertaining to this purchase and no other agreement of any kind, verbal understanding or promise whatsoever, will be recognized. It is expressly agreed that the purchaser acquires no right, title or interest in or to the property which he agrees to purchase hereunder until such property is delivered to him/her and either the full price is paid in cash or satisfactory deferred payment agreement is executed by the parties hereto, the terms of which shall thereafter be controlling, and a clear title is furnished to dealer for the used cars or trucks involved, if any. THIS IS NOT A CONDITIONAL SALES CONTRACT, BUT IS A BUYER'S ORDER. All new vehicles carry the standard factory warranty. It is understood there is no guarantee on the above described new or used vehicle other than appears on this Buyer's Order. Mileage, if used vehicle model is not guaranteed and a verbal agreement by the Salesman will not be considered binding on the Seller. It is agreed that neither Freightliner of Austin nor the manufacturer will be



49.01

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
 Deere & Company
 2000 John Deere Run
 Cary, NC 27513
 FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
 Brookside Equipment Sales
 3715 S Sam Houston Pkwy E
 Houston, TX 77047
 713-943-7100
 houstoncentral@brooksideusa.com

Quote Summary

Prepared For:
 City Of Laporte Parks & Rec
 Mike Caldwell
 2963 N 23rd St
 La Porte, TX 77571

Delivering Dealer:
Brookside Equipment Sales
 Brant North
 3715 S Sam Houston Pkwy E
 Houston, TX 77047
 Phone: 713-943-7100
 bnorth@brooksideusa.com

HGAC CONTRACT GR01-18. MAKE PO OUT TO: JOHN DEERE CO. 2000 JOHN DEERE RUN. CARY, N.C. 27513. SEND CONFIRMING COPY TO BRANT NORTH FOR ORDER ENTRY PROCEDURES. bnorth@brooksideusa.com

Quote ID: 18078570
Created On: 28 August 2018
Last Modified On: 13 September 2018
Expiration Date: 31 October 2018

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE MY17 1200A Bunker and Field Rake Contract: TX HGAC GR01-18 (PG 64 CG 70) Price Effective Date: August 28, 2018	\$ 17,164.03	\$ 13,298.05 X	1 =	\$ 13,298.05
Equipment Total				\$ 13,298.05

Trade In Summary	Qty	Each	Extended
JOHN DEERE 1200 BUNKER AND FIELD RAKE - 1TC1200AJDT200504	1	\$ 2,000.00	\$ 2,000.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 2,000.00
Trade In Total			\$ 2,000.00

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 13,298.05
Trade In	\$ (2,000.00)
SubTotal	\$ 11,298.05

Salesperson : X _____

Accepted By : X _____



JOHN DEERE



49-08

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
 Deere & Company
 2000 John Deere Run
 Cary, NC 27513
 FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
 Brookside Equipment Sales
 3715 S Sam Houston Pkwy E
 Houston, TX 77047
 713-943-7100
 houstoncentral@brooksideusa.com

Quote Summary

Prepared For:
 City Of Laporte Parks & Rec
 Mike Caldwell
 2963 N 23rd St
 La Porte, TX 77571

Delivering Dealer:
Brookside Equipment Sales
 Brant North
 3715 S Sam Houston Pkwy E
 Houston, TX 77047
 Phone: 713-943-7100
 bnorth@brooksideusa.com

HGAC CONTRACT GR01-18. MAKE PO OUT TO: JOHN DEERE CO. 2000 JOHN DEERE RUN. CARY, N.C. 27513. SEND CONFIRMING COPY TO BRANT NORTH FOR ORDER ENTRY PROCEDURES. bnorth@brooksideusa.com

Quote ID: 18077988
Created On: 28 August 2018
Last Modified On: 13 September 2018
Expiration Date: 31 October 2018

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 2500B PrecisionCut Diesel Riding Greens Mower Contract: TX HGAC GR01-18 (PG 64 CG 70) Price Effective Date: August 28, 2018	\$ 43,264.43	\$ 33,097.29 X	1 =	\$ 33,097.29
Equipment Total				\$ 33,097.29

Trade In Summary	Qty	Each	Extended
JOHN DEERE 2500B RGM DIESEL	1	\$ 2,500.00	\$ 2,500.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 2,500.00
Trade In Total			\$ 2,500.00

* Includes Fees and Non-contract items	Quote Summary	
	Equipment Total	\$ 33,097.29
	Trade In	\$ (2,500.00)
	SubTotal	\$ 30,597.29

Salesperson : X _____

Accepted By : X _____



JOHN DEERE

Brookside
Equipment Sales, Inc.

49.31 e 49.38

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Brookside Equipment Sales
3715 S Sam Houston Pkwy E
Houston, TX 77047
713-943-7100
houstoncentral@brooksideusa.com

Quote Summary

Prepared For:

City Of Laporte Parks & Rec
Mike Caldwell
2963 N 23rd St
La Porte, TX 77571

Delivering Dealer:

Brookside Equipment Sales
Brant North
3715 S Sam Houston Pkwy E
Houston, TX 77047
Phone: 713-943-7100
bnorth@brooksideusa.com

HGAC CONTRACT GR01-18. MAKE PO OUT TO: JOHN DEERE CO. 2000 JOHN DEERE RUN. CARY, N.C. 27513. SEND CONFIRMING COPY TO BRANT NORTH FOR ORDER ENTRY PROCEDURES. bnorth@brooksideusa.com

Quote ID: 18078888
Created On: 28 August 2018
Last Modified On: 13 September 2018
Expiration Date: 31 October 2018

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE MY17 ProGator 2030A (Diesel) Contract: TX HGAC GR01-18 (PG 64 CG 70) Price Effective Date: August 28, 2018	\$ 30,334.00	\$ 23,205.50 X	1 =	\$ 23,205.50
JOHN DEERE HD200 SelectSpray (for ProGators 2020A, 2020 and 2030A, 2030) Contract: TX HGAC GR01-18 (PG 64 CG 70) Price Effective Date: August 28, 2018	\$ 15,801.00	\$ 12,087.75 X	1 =	\$ 12,087.75
Equipment Total				\$ 35,293.25

Trade In Summary	Qty	Each	Extended
JOHN DEERE PROGATOR 2030 (DIESEL)with HD200 Spray rig - 1TC203ATTBT050027 PayOff	1	\$ 5,000.00	\$ 5,000.00
Total Trade Allowance			\$ 5,000.00
Trade In Total			\$ 5,000.00

Salesperson : X _____

Accepted By : X _____

Confidential



JOHN DEERE



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Brookside Equipment Sales
3715 S Sam Houston Pkwy E
Houston, TX 77047
713-943-7100
houstoncentral@brooksideusa.com

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 35,293.25
Trade In	\$ (5,000.00)
SubTotal	\$ 30,293.25
Est. Service Agreement Tax	\$ 0.00
Total	\$ 30,293.25
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 30,293.25

Salesperson : X _____

Accepted By : X _____



49-52

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Brookside Equipment Sales
3715 S Sam Houston Pkwy E
Houston, TX 77047
713-943-7100
houstoncentral@brooksideusa.com

Quote Summary

Prepared For:
City Of Laporte Parks & Rec
Mike Caldwell
2963 N 23rd St
La Porte, TX 77571

Delivering Dealer:
Brookside Equipment Sales
Brant North
3715 S Sam Houston Pkwy E
Houston, TX 77047
Phone: 713-943-7100
bnorth@brooksideusa.com

HGAC CONTRACT GR01-18. MAKE PO OUT TO: JOHN DEERE CO. 2000 JOHN DEERE RUN. CARY, N.C. 27513. SEND CONFIRMING COPY TO BRANT NORTH FOR ORDER ENTRY PROCEDURES. bnorth@brooksideusa.com

Quote ID: 18078249
Created On: 28 August 2018
Last Modified On: 13 September 2018
Expiration Date: 31 October 2018

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE TE (Model Year 18)	\$ 13,168.82	\$ 11,281.88 X	1 =	\$ 11,281.88
Contract: TX HGAC GR01-18 (PG 64 CG 70)				
Price Effective Date: August 28, 2018				
Equipment Total				\$ 11,281.88

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 11,281.88
Trade In	
SubTotal	\$ 11,281.88
Est. Service Agreement Tax	\$ 0.00
Total	\$ 11,281.88
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 11,281.88

Salesperson : X _____

Accepted By : X _____



JOHN DEERE



49-53

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Brookside Equipment Sales
3715 S Sam Houston Pkwy E
Houston, TX 77047
713-943-7100
houstoncentral@brooksideusa.com

Quote Summary

Prepared For:

City Of Laporte Parks & Rec
Mike Caldwell
2963 N 23rd St
La Porte, TX 77571

Delivering Dealer:

Brookside Equipment Sales
Brant North
3715 S Sam Houston Pkwy E
Houston, TX 77047
Phone: 713-943-7100
bnorth@brooksideusa.com

HGAC CONTRACT GR01-18. MAKE PO OUT TO: JOHN DEERE CO. 2000 JOHN DEERE RUN. CARY, N.C. 27513. SEND CONFIRMING COPY TO BRANT NORTH FOR ORDER ENTRY PROCEDURES. bnorth@brooksideusa.com

Quote ID: 18078387
Created On: 28 August 2018
Last Modified On: 13 September 2018
Expiration Date: 31 October 2018

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE MY17 ProGator 2030A (Diesel) Contract: TX HGAC GR01-18 (PG 64 CG 70) Price Effective Date: August 28, 2018	\$ 31,090.00	\$ 23,783.84 X	1 =	\$ 23,783.84
Equipment Total				\$ 23,783.84

Trade In Summary	Qty	Each	Extended
JOHN DEERE PROGATOR 2030A DIESEL	1	\$ 3,500.00	\$ 3,500.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 3,500.00
Trade In Total			\$ 3,500.00

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 23,783.84
Trade In	\$ (3,500.00)
SubTotal	\$ 20,283.84

Salesperson : X _____

Accepted By : X _____

FY 18-19 Replacement List

Account #	Unit	Description	Department	Amount Budgeted
009-6049-551-8050	49-01	2013 JOHN DEERE FIELD RAKE	GOLF COURSE	13,100
009-6049-551-8050	49-06	2014 KUBOTA Z-TURN	GOLF COURSE	13,000
009-6049-551-805	49-08	2015 JOHN DEERE GREENS MOWER 2500B	GOLF COURSE	36,629
009-6049-551-8050	49-12	2007 RYAN SOD CUTTER	GOLF COURSE	5,635
009-6049-551-8050	49-24	2006 FIFTH WHEEL TOP DRESSER	GOLF COURSE	15,458
009-6049-551-8050	49-31	2011 JOHN DEERE GATOR	GOLF COURSE	23639
009-6049-551-8050	49-38	JOHN DEERE 200 GALLON SPRAYER	GOLF COURSE	9,938
009-6049-551-8050	49-52	2013 JOHN DEERE ELECTRIC TRUCKSTER	GOLF COURSE	10,727
009-6049-551-8050	49-53	2013 JOHN DEERE TRUCKSTER	GOLF COURSE	24,688
Total:				152,814
009-5253-521-8050	53-07	2010 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-12	2010 FORD POLICE INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-17	2014 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-23	2013 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-25	2013 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-81	2011 FORD POLICE INTERCEPTOR	POLICE PATROL	38,551
Total:				231,306
009-5059-522-8050	59-41	2008 CHEVY IMPALA 4-DR	EMS	23,600
Total:				23,600
009-7071-531-8050	71-05	2013 172 RHINO MOWER DECK	STREETS	2,567
009-7071-531-8050	71-06	2014 172 RHINO MOWER DECK	STREETS	2,567
009-7071-531-8050	71-41	2008 BUSH HOG MOWER DECK	STREETS	3,355
009-7071-531-8050	71-65	2008 F350 W/DUMP BODY	STREETS	39,968
009-7071-531-8050	71-78	2005 FREIGHTLINER FC80	STREETS	99,087
Total:				147,544
009-7074-532-8050	74-21	2008 FORD F150 PICKUP	EQUIPMENT SERVICES	19,790
Total:				19,790
009-8080-551-8050	80-11	2012 KUBOTA ZD-1211-60	PARKS MAINTENANCE	13,000
009-8080-551-8050	80-12	2013 KUBOTA ZD-1211-60	PARKS MAINTENANCE	13,000
Total:				26,000
009-7084-533-8050	84-01	2011 KUBOTA ZD-326S-60	WATER PRODUCTION	13,000
Total:				13,000
009-7085-533-8050	85-39	2008 FORD F150 PICKUP	WATER DISTRIBUTION	19,790
009-7085-533-8050	85-47	2008 FORD F350 W/ UTILITY BODY	WATER DISTRIBUTION	36,727
Total:				56,517
009-7087-532-8050	87-15	2008 FORD F150 PICKUP	WASTEWATER TREATMENT	19,790
Total:				19,790
009-9092-524-8050	92-14	2008 FORD F150 PICKUP	INSPECTIONS	19,790
Total:				19,790
Total Motor Pool				710,151

REQUEST FOR CITY COUNCIL AGENDA ITEM

<p>Agenda Date Requested: <u>October 8, 2018</u></p> <p>Requested By: <u>Rosalyn Epting, Parks Director</u></p> <p>Department: <u>Parks & Recreation</u></p> <p>Report: <u> </u> Resolution: <u> </u> Ordinance: <u> </u></p> <p>Exhibits: <u>Access Report</u></p> <p>Exhibits: <u>Bid Tabulation</u></p>	<p style="text-align: center;"><u>Appropriation</u></p> <p>Source of Funds: <u>015</u></p> <p>Acct Number: <u>8080-552.46-53</u></p> <p>Amount Budgeted: <u>\$797,486 remaining</u></p> <p>Amount Requested: <u>\$777,700</u></p> <p>Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO</p>
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SUMMARY & RECOMMENDATION

Sealed Bid #18022 for pool and deck work at the Wave Pool and Northwest Pool were advertised in the Bay Area Observer on July 26, 2018 and August 2, 2018. Bids were opened and publicly read on Tuesday, August 28, 2018 at 2:00 p.m. Fifty-six (56) vendors were notified of the bid with thirty-nine (39) accessing the documents and thirty (30) vendors downloading the solicitation documents. We received two (2) bids. The Access report and bid tabulation have been attached as exhibits.

The specific work for each pool is as follows:

Wave Pool

- Demolition and disposal of existing concrete, decking, plaster, lighting and tile to include making the pool a zero depth entry.
- Provide and install new concrete and decking.
- Provide and install pool plaster, tile, and grating.
- Provide and install TuffCoat (perimeter above waterline tile and back wall to decking, spheres, and coping).

Northwest Pool

- Demolition and disposal of existing concrete, decking, plaster, coping and tile, mechanical system, and water features.
- Provide and install new concrete, decking, and coping.
- Provide pool plaster installation.
- Provide and install KoolDeck.
- Provide and install filtration and recirculation system.
- Provide and install Pulsar 140 Sanitation system.
- Provide water chemistry controller.
- Provide and install water features.
- Provide and install wall suction for slide pump.

The remaining budget for these projects is \$797,486. The low bid was for \$707,000 from Hancock Pool, Inc. Staff is requesting a 10% contingency added to this bid for any unknown issues that arise, for a total request of

\$777,700. Any remaining funds from this project will be used for shade structures and concrete pads at Northwest Pool.

Hancock Pools is a reputable company that has done a large amount of quality work in the Houston area. Staff recommends awarding the bid to Hancock Pools, Inc.

Action Required by Council:

Award Bid #18022 to Hancock Pools, Inc. in the amount of \$707,000 for pool and deck work at the Wave Pool and Northwest Pool, with an added 10% contingency of \$70,700.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

Sealed Bid #18022

<u>Wave Pool</u>		Progressive Commercial Aquatics, Inc.	Hancock Pool, Inc.
Item	Description	Lump Sum Price	Lump Sum Price
1	Demolition and disposal of existing concrete, decking, plaster, lighting and tile, complete as per specifications	\$78,975.00	\$71,000.00
2	Provide and install new concrete and decking, broom finish, Complete as per specifications	\$131,630.00	\$114,000.00
3	Provide and install pool plaster, tile, grating Complete as per specifications	\$193,030.00	\$176,000.00
4	Provide and install TuffCoat (perimeter above waterline tile and back wall to decking, spheres, coping as specified	\$35,140.00	\$18,000.00
WAVE POOL PROJECT TOTAL		\$438,775.00	\$379,000.00

<u>Northwest Pool</u>		Lump Sum Price	Lump Sum Price
Item	Description	Lump Sum Price	Lump Sum Price
1	Demolition and disposal of existing concrete, decking, plaster, coping and tile mechanical systems, and water features, complete as specified	\$37,800.00	\$29,000.00
2	Provide and install new concrete, decking and coping, complete as specified	\$96,500.00	\$74,000.00
3	Provide pool plaster installation, complete as specified	\$32,400.00	\$43,000.00
4	Provide and Install tuffcoat non-slip coating, complete as specified	\$23,450.00	\$27,000.00
5	Provide and install filtration and recirculation system, complete as specified	\$95,450.00	\$51,000.00
6	Provide and install Pulsar 140 Sanitation system, complete as specified	\$9,050.00	\$6,000.00
7	Provide water chemistry controller, complete as specified	\$4,300.00	\$4,000.00
8	Provide and install water features, complete as specified	\$111,650.00	\$92,000.00
9	Provide and install wall suction for slide pump, new as specified	\$9,625.00	\$2,000.00
NORTHWEST POOL PROJECT TOTAL		\$420,225.00	\$328,000.00

GRAND TOTAL

\$859,000.00

\$707,000.00

Bid tabulation is preliminary only and does not imply award. Other factors may apply

Notifications and Access Report to Sealed Bid #18022 - Pool Renovations

Notifications Report

Vendor Name

Reason

Advanced Facility Maintenance	Bid Notification
Advanced Starlight International	Bid Notification
All Pro General Construction, Inc.	Bid Notification
American Pavement Solutions	Bid Notification
Aquatic Commercial Solutions, Inc.	Bid Notification
Aqueous Engineering	Bid Notification
aztec remodeling & landscaping company	Bid Notification
Baukus Electric	Bid Notification
CDC News	Bid Notification
Commercial Chemical Products, Inc	Bid Notification
ConstructConnect	Bid Notification
Construction Bid Source	Bid Notification
D Davila	Bid Notification
DM Construction LLC	Bid Notification
Dodge Data & Analytics	Bid Notification
Frost Construction Co., Inc.	Bid Notification
Glacier Pool Supplies & Spas	Bid Notification
Hancock Pool Services	Bid Notification
HDR Engineering, Inc.	Bid Notification
Hearn Company	Bid Notification
Innovative Pools	Bid Notification
Kwal - Howells, Inc.	Bid Notification
L&L Supplies	Bid Notification
LEMCO	Bid Notification
Linbeck Group, LLC	Bid Notification
Linbeck Group, LLC	Bid Notification
MHB Construction, Inc.	Bid Notification
Natare Corporation	Bid Notification
North America Procurement Council	Bid Notification
Onvia	Bid Notification
Patak Construction, Inc.	Bid Notification
Perkens WS Corporation	Bid Notification
Pool & Electrical Products, Inc.	Bid Notification
Pritis Enterprises, LLC	Bid Notification
Progressive Commercial Aquatics, Inc.	Bid Notification
Ramuc Pool Paint	Bid Notification
Recreonics, Inc.	Bid Notification
Robeertson Commercial Pools, Inc.	Bid Notification
Royal Media Network Inc.	Bid Notification
RUBRO CONSTRUCTORS	Bid Notification
SmartProcure	Bid Notification
Stone Castle Industries	Bid Notification
Sunbelt Pools	Bid Notification
Sweetwater Pools Inc.	Bid Notification
United Constructors of Texas	Bid Notification
WhiteWater West	Bid Notification

Access Report

Vendor Name

Documents

Construction Bid Source	#18022 - Pool Renovations at COLP
CMC Development & Construction Corporation	
Progressive Commercial Aquatics, Inc.	#18022 - Pool Renovations at COLP
Commercial Chemical Products, Inc	#18022 - Pool Renovations at COLP
Grand Cayon Minority Contractors Associa	#18022 - Pool Renovations at COLP
Hearn Company	#18022 - Pool Renovations at COLP
Construction Software Technologies	

WhiteWater West	#18022 - Pool Renovations at COLP
Superior Grouting	
North America Procurement Council	#18022 - Pool Renovations at COLP
Onvia	#18022 - Pool Renovations at COLP
Linbeck Group, LLC	#18022 - Pool Renovations at COLP
ConstructConnect	#18022 - Pool Renovations at COLP
BidClerk	
SO	
IMS	
ConstructConnect	#18022 - Pool Renovations at COLP
Reed Construction Data	
aztec remodeling & landscaping company	#18022 - Pool Renovations at COLP
Hancock Pool Services, Inc.	#18022 - Pool Renovations at COLP
Perkens WS Corporation	#18022 - Pool Renovations at COLP
Hancock Pool Services	#18022 - Pool Renovations at COLP
ConstructConnect	#18022 - Pool Renovations at COLP
Paragon Aquatics	#18022 - Pool Renovations at COLP
Wayne Enterprises	
Hendee Enterprises	#18022 - Pool Renovations at COLP
Natare Corporation	#18022 - Pool Renovations at COLP
Robeertson Commercial Pools, Inc.	#18022 - Pool Renovations at COLP
Ramuc Pool Paint	#18022 - Pool Renovations at COLP
Dodge Data & Analytics	#18022 - Pool Renovations at COLP
American Pavement Solutions	#18022 - Pool Renovations at COLP
SmartProcure	#18022 - Pool Renovations at COLP
Aqueous Engineering	#18022 - Pool Renovations at COLP
CMS	
Construction Software Technologies	#18022 - Pool Renovations at COLP
Tukmol General Contractor	
L&L Supplies	#18022 Pool Renovations at COLP
Advanced Starlight International	#18022 Pool Renovations at COLP
Recreonics, Inc.	#18022 Pool Renovations at COLP
Sunbelt Pools	#18022 Pool Renovations at COLP

BRIDGE AGREEMENT
(Easement Only)

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

THIS AGREEMENT is made and entered into by and between the **Harris County Flood Control District**, a body corporate and politic under the laws of the State of Texas, hereinafter called the "District" or "HCFCD," and **City of La Porte**, a municipal corporation and home-rule city, located in Harris County, Texas acting by and through its City Council, hereafter referred to as "ENTITY."

RECITALS:

WITNESSETH, that

WHEREAS, The ENTITY has constructed a Bridge across HCFCD Unit B112-00-00 at its intersection with Fairmont Parkway, approximately 240 feet in length, hereinafter called the "Bridge"; and

WHEREAS, ENTITY desires to maintain or cause to be maintained the Bridge with related appurtenances; and

WHEREAS, the District has no objection to ENTITY using the property in which the District owns an easement (hereinafter also the "Property") for the purposes stated herein, subject to the conditions hereinafter provided; and

WHEREAS, the parties recognize that flood control and drainage is the paramount public purpose of the HCFCD Units along which the Bridge is or will be constructed and maintained by ENTITY; and

WHEREAS, HCFCD has prepared a map/layout of the alignment of the Bridge, which has been reviewed and approved by the ENTITY personnel and is shown in Exhibit "A" attached to this Agreement for descriptive purposes only.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and benefits to both parties, it is agreed as follows:

TERMS:

Maintenance and Repair

ENTITY owns and shall maintain Bridge in good repair and in safe condition. ENTITY is responsible for warning of and making safe a dangerous Bridge condition for the protection of the public. ENTITY shall barricade or cause to be secured sites at the Bridge that pose a threat

the public. ENTITY shall barricade or cause to be secured sites at the Bridge that pose a threat to public safety, including but not limited to, sinkholes, failures of retaining walls, slope failures, erosion, and other hazards until ENTITY can correct the dangerous condition.

ENTITY acknowledges that the Bridge or associated appurtenances could adversely affect the condition of the Property's flood control features. Therefore, in the event the District's Executive Director (the "Director"), in his sole and reasonable discretion, determines that the Bridge or one or more of its improvements or appurtenances has damaged or destroyed a flood control feature of the Property, then the damage or destruction to the flood control feature caused by the Bridge or one or more of its improvements or appurtenances, as determined by the Director, in his sole and reasonable discretion, shall be promptly repaired or replaced by ENTITY to the satisfaction of the Director. However, in lieu of said repair or replacement, ENTITY may, if approved by the Director, pay or caused to be paid to the District money in an amount deemed sufficient by the Director, in his sole and reasonable discretion, to compensate for the loss sustained by the District as a result of damages or destruction to said flood control features. ENTITY shall perform its obligations as specified herein regardless of who or what necessitated the repairs or replacement and without the aid or assistance of the District.

In addition, the Director may remove at ENTITY's cost, or demand immediate removal of, the Bridge or appurtenances that the Director, in his sole and reasonable discretion, determines to have damaged a flood control feature or channel integrity or which may block access or make access more difficult to HCFCD's desired use of the Property.

Debris, tree limbs, and silt shall be removed from the Bridge and related amenities and appurtenances within two (2) weeks of water receding from minor and major flood events.

ENTITY will not undertake any repair or alteration to the Bridge, or any existing improvements thereto, or begin any construction anywhere on the Property without first securing the written approval of the Director of the Plans and Specifications for the same. All Plans and Specifications required for any construction, repair or alteration undertaken by ENTITY pursuant to this Agreement must comply with HCFCD's Policy, Criteria and Procedure Manual (PCPM), as updated from time to time. Approval by HCFCD of ENTITY'S Plans and Specifications does not relieve ENTITY of the responsibility to ensure that the Bridge and appurtenances do not adversely affect a flood control feature on the channel or block access or make access more difficult to HCFCD's desired use of the Property.

The District's Rights Paramount

The District has advised ENTITY and ENTITY is aware that the Property was acquired for flood control and drainage purposes. The District presently uses portions of the Property upon which the Bridge is constructed for maintenance of the HCFCD Units and the District contemplates future use of the Property for widening of the drainage facility and for other flood control and drainage improvements as the need for the same may arise and funds may be available. The District hereby expressly reserves to itself, its officers, employees, agents, and contractors, the right to enter upon said Property at any time for any purpose necessary or convenient in connection with drainage and flood control work, to flood said Property, and to make such other use of said Property as may be necessary or desirable in connection with drainage and flood control, and ENTITY shall have no claim for damages of any character on account thereof against the District, or any officer, employee, agent, or contractor thereof. The District shall have no responsibility to replace or repair any portion of the Bridge or its appurtenances that is damaged in the course of such flood control activities. The District further reserves the right to

remove the Bridge from time to time as the Director determines necessary or convenient to accommodate channel improvements or for access purposes without compensation therefor, and further, to not permit ENTITY to rebuild same. The Director may determine, in his sole and reasonable discretion, that closure of the Bridge is necessary to ensure the safety of the public for the duration of District activities.

Notices

All notices shall be given to the District by registered or certified mail, postage prepaid, return receipt requested, addressed to Harris County Flood Control District, Attention: Executive Director, 9900 Northwest Freeway, Houston, Texas 77092, or to such other address as the District may designate in writing from time to time. All notices shall be given to ENTITY by registered or certified mail, postage prepaid, return receipt requested, addressed to City of La Porte, Attention: Scott Bradley, Park Superintendent, 604 W. Fairmont Parkway, La Porte, Texas 77571. Each notice shall be considered exercised and completed upon deposit of the notice in the United States mail as aforesaid.

No Allocation of Funds

It is expressly understood and agreed by the parties, such understanding and agreement being of the essence to this Agreement, that the District has not and shall not be obligated to appropriate funds to fulfill any obligation created by the terms of this Agreement.

Entire Agreement

This instrument merges the prior negotiations and understandings of the parties and contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. No other agreements, assurances, conditions, covenants (express or implied), or other terms of any kind exist between the parties regarding this Agreement. Any modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing, signed by all parties hereto.

In the event that any of the provisions contained in this Agreement shall be held unenforceable in any respect, such unenforceability shall not affect any other provisions of this Agreement and, to that end, all provisions, covenants, agreements or portions of this Agreement are declared to be severable.

Term

This Agreement shall extend for a term of twenty-five (25) years commencing on the date of its execution; however, it shall continue thereafter on a year to year basis, unless earlier terminated as provided hereunder. Any party hereto may terminate this Agreement prior to the expiration of said term(s), without cause, upon thirty (30) days prior written notice to the other parties hereto. If the Agreement is terminated, the Director will remove, at ENTITY'S cost, or demand immediate removal of, the Bridge and appurtenances.

Titles and Provisions

Titles are for convenient reference only and shall not be used to interpret or limit the meaning of any provision of this Agreement. The use of the neuter, male, or female singular pronoun to refer to the District or ENTITY shall be deemed a proper reference, even though the District or ENTITY may be a male individual, a female individual, a partnership, a corporation, a limited liability company, governmental entity, or any other entity or group of two or more individuals or entities.

Third Party Rights, Successors and Assigns

No party hereto shall make, in whole or in part, any assignment of this Agreement without the written consent of the other party. This Agreement shall not bestow any rights upon any third party, but rather shall bind and benefit the District and ENTITY only.

EXECUTED in multiple originals on _____.

APPROVED AS TO FORM:

VINCE RYAN
Harris County Attorney

HARRIS COUNTY FLOOD CONTROL
DISTRICT

By: 
MITZI TURNER
Assistant County Attorney

By: _____
ED EMMETT
County Judge

ATTEST: [or WITNESS]

CITY OF LA PORTE

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on _____, with the following members present, to wit:

Ed Emmett	County Judge
Rodney Ellis	Commissioner, Precinct No. 1
Jack Morman	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to wit: _____, constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING EXECUTION OF AN AGREEMENT BY AND BETWEEN THE HARRIS COUNTY FLOOD CONTROL DISTRICT AND CITY OF LA PORTE (ENTITY) TO MAINTAIN A BRIDGE ON HCFCD UNIT UNIT B112-00-00, KEY MAP 578-G, PRECINCT 2

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

		Yes	No	Abstain
AYES:	Judge Ed Emmett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAYS:	Comm. Jack Morman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABSTENTIONS:	Comm. Steve Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. R. Jack Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and law-fully adopted. The order thus adopted follows:

WHEREAS, The City of La Porte (ENTITY) has constructed a Bridge across HCFCD Unit B112-00-00 at the intersection of Fairmont Parkway, approximately 240 feet in length, hereinafter called the "Bridge"; and

WHEREAS, ENTITY desires to maintain or cause to be maintained the Bridge with related appurtenances; and

WHEREAS, the District has no objection to ENTITY using the property in which the District owns an easement (hereinafter also the "Property") for the purposes stated herein, subject to the conditions hereinafter provided; and

WHEREAS, the parties recognize that flood control and drainage is the paramount public purpose of the HCFCD Units along which the Bridge is or will be constructed and maintained by ENTITY; and

WHEREAS, HCFCD has prepared a map/layout of the alignment of the Bridge, which has been reviewed and approved by the ENTITY personnel and is shown in Exhibit "A" attached to this Agreement for descriptive purposes only.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and benefits to both parties, it is agreed as follows:

NOW, THEREFORE, in consideration of the mutual covenants, agreements and benefits to both parties, it is agreed as follows:

Section 1: The recitals set forth in this order are true and correct.

Section 2: County Judge Ed Emmett is hereby authorized to execute, for and on behalf of the Harris County Flood Control District, an Agreement by and between the Harris County Flood Control District and City of La Porte, for maintenance of a Bridge and related appurtenances, on, over, across, and through certain Property located along HCFCD Unit B112-00-00, said Agreement being incorporated herein by reference for all purposes as though fully set forth verbatim herein.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: October 8, 2018

Appropriation

Requested By: Mayor Rigby

Source of Funds: _____

Department: City Council

Account Number: _____

Report: Resolution: Ordinance:

Amount Budgeted: _____

Other: _____

Amount Requested: _____

Budgeted Item: YES NO

Attachments :

SUMMARY & RECOMMENDATIONS

This item has been added for discussion and possible action to provide direction to the City Manager regarding implementation of the 2018-2019 Fiscal Year employee merit pay increases.

Action Required of Council:

Discuss and possible action regarding implementation of the 2018-2019 Fiscal Year employee merit pay increases.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: October 8, 2018

Requested By: Mayor Rigby

Department: City Council

Report: Resolution: Ordinance:

Other: _____

Appropriation

Source of Funds: _____

Account Number: _____

Amount Budgeted: _____

Amount Requested: _____

Budgeted Item: YES NO

Attachments :

SUMMARY & RECOMMENDATIONS

This item has been added to the agenda for discussion and possible action regarding a new recreation and fitness center.

Action Required of Council:

Discussion and possible action regarding a new recreation and fitness center.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



**Council Agenda Item
October 8, 2018**

8 (a) Receive report of the Drainage and Flooding Committee Meeting – Councilmember Jay Martin

.....



**Council Agenda Item
October 8, 2018**

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, October 11, 2018
- La Porte Development Corporation Board Meeting, Monday, October 22, 2018
- City Council Meeting, Monday, October 22, 2018
- Zoning Board of Adjustment Meeting, Thursday, October 25, 2018

10. 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 K. Martin, Zemanek, Bentley, Engelken, Earp, Ojeda, J. Martin and Mayor Rigby.

11. 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 551.071 (2) -Consultation with Attorney: Meet with City Attorney and City Manager to discuss legal issues related to status of employee benefits of former employee.

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

13. 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).
