

LOUIS R. RIGBY
Mayor
BRANDON LUNSFORD
Councilmember At Large A
STEVE GILLETT
Councilmember At Large B
DANNY EARP
Councilmember District 1



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

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held April 13, 2020 , beginning at 6:00 PM in the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas

, for the purpose of considering the following agenda items. All agenda items are subject to action.

To attend the meeting remotely, via the Zoom meeting app, use the link <https://zoom.us/j/542772053>, with Meeting ID 542 772 053. To attend by phone only, dial 888-475-4499 or 877-853-5257, both are toll-free in the U.S.

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Philip Dunn of Lighthouse Baptist Church.
PLEDGES – Will be led by Councilperson Nancy Ojeda.
U.S. Flag
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.
3. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
 - (a) Proclamation in recognition of National Public Safety Telecommunicators Week. [Mayor Rigby]
 - (b) Proclamation in recognition of National Volunteer Week. [Mayor Rigby]
 - (c) Proclamation in recognition of National Animal Control Officers Appreciation Week. [Mayor Rigby]
4. **CITIZEN COMMENT** *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*
5. **CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
 - (a) Approve the minutes of the special meetings on March 20, 2020 and March 30, 2020 and the regular meeting on March 23, 2020. [Mayor Rigby]
 - (b) Approve Ordinance 2020-3788 to adopt proposed updates to the City of La Porte Water Conservation Plan. [Ray Mayo, Director of Public Works]
 - (c) Adopt Resolution 2020-07 authorizing the resale of tax delinquent property described at Tract 1, Lot 38, Block 10 of Battleground Estates, Section 2, a Subdivision of Harris County, Texas. [Shelley Wolny, Treasurer]
 - (d) Adopt Resolution 2020-08 authorizing the resale of tax delinquent property described as Tract 1, Lots 20 & 21, Block 1 of Pinegrove Valley, a Subdivision of Harris County, Texas. [Shelley Wolny, Treasurer]
 - (e) Adopt Resolution 2020-09 authorizing the resale of tax delinquent property described as Tract 1, Lots 24, 25 & 26, Block 88 of Bay Front Addition to the Town of La Porte. [Shelley Wolny, Treasurer]

- (f) Approve the issuance of a pipeline permit to Baymark Pipeline LLC for the construction of a 12" ethylene pipeline within the City of La Porte. [Lorenzo Wingate, Assistant Director of Public Works]

6. STATUTORY AGENDA

- (a) Presentation, discussion, and possible action to approve a temporary water service agreement with Enterprise Products, LLC. [Ray Mayo, Director of Public Works]
- (b) Presentation, discussion, and possible action to provide direction concerning the recently passed Families First Coronavirus Response Act (FFCRA). [Matt Hartleib, HR Manager]
- (c) Presentation, discussion, and possible action to adopt Ordinance 2020-3783, for the purpose of vacating, abandoning, and closing a portion of the N. 8th Street right-of-way situated in Block 12, Nebraska Syndicate, and reserving an easement for City utilities. [Corby Alexander, City Manager]

7. ADMINISTRATIVE REPORTS

- City Council meeting, April 27
- City Council meeting, May 11
- City Council meeting, May 25

8. COUNCIL COMMENT *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

9. EXECUTIVE SESSION

- (a). City Council will meet in closed session pursuant to Texas Government Code Section 551.074 - personnel matters - for deliberation related to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - regarding Municipal Judge Denise Mitrano.

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

11. ADJOURN

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

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

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the April 13, 2020, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

Lee Woodward

Lee Woodward, City Secretary



Proclamation

Office of the Mayor

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services, and when an emergency occurs, the prompt response of the police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers, firefighters, and paramedics is dependent upon the quality and accuracy of information obtained from citizens who telephone the La Porte Police and Fire Communications Center; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services and are the single most vital link for our police officers, firefighters, and paramedics by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, Public Safety Dispatchers of the La Porte Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim April 12 through 18, 2020, as

National Public Safety-Telecommunicators Week

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 13th day of April, 2020.

City of La Porte

Louis R. Rigby, Mayor



Proclamation

Office of the Mayor

WHEREAS, the entire community can inspire, equip, and mobilize people to take action that changes the world, as volunteers connect with local community service opportunities through hundreds of community service organizations; and

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference and find that the giving of oneself in service to another empowers both the giver and the recipient; and

WHEREAS, during this week all over the nation volunteers will be recognized for their commitment to service; and

WHEREAS, our La Porte Citizen Police Academy Alumni Association provided 6,612 hours of volunteer service to the City of La Porte last year, making possible countless meaningful community initiatives; and

WHEREAS, these volunteers are recognized as a great treasure to our community and an essential part of our future as a caring and productive city; and

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim April 19 through 25, 2020, as

National Volunteer Week

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 13th day of April, 2020.

City of La Porte

Louis R. Rigby, Mayor



Proclamation

Office of the Mayor

WHEREAS, the National Animal Control Association has designated the second week of April each year as Animal Control Officer Appreciation Week; and

WHEREAS, various federal, state, and local government officials throughout the country take this time to recognize, thank and commend all Animal Control officers and staff for the dedicated service they provide to various public safety and public service agencies and departments across the country, and

WHEREAS, the City of La Porte Animal Control officers and staff provide outstanding service on a daily basis to the residents of the City; and

WHEREAS, Animal Control officers and staff dedicate many long hours of service to this community and fulfill the Animal Control Department's commitment to providing the highest and most efficient level of customer service; and

WHEREAS, the service provided by the Animal Control officers and their staff is in keeping with the long and distinguished tradition of the animal control profession.

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim April 12 through 18, 2020, as

National Animal Control Officers Appreciation Week

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 13th day of April, 2020.

City of La Porte

Louis R. Rigby, Mayor

LOUIS RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
STEVE GILLETT
Councilperson At Large B
DANNY EARP
Councilperson District 1
CHUCK ENGELKEN
Councilperson District 2



BILL BENTLEY
Councilperson District 3
Mayor Pro-Tem
THOMAS GARZA
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NANCY OJEDA
Councilperson District 6

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 20, 2020

The City Council of the City of La Porte met in a special meeting on Friday, March 20, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 3:00 p.m., with the following in attendance:

Councilpersons present: Brandon Lunsford, Steve Gillett, Danny Earp, Bill Bentley, Thomas Garza, Jay Martin

Councilpersons absent: Louis Rigby, Nancy Ojeda, Chuck Engelken

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

1. CALL TO ORDER – Mayor Pro-Tem Bentley called the meeting to order at 3:00 p.m.

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

Chuck Rosa spoke in opposition to the extension of the disaster declaration and any postponement of the May 2, 2020, election.

3. STATUTORY AGENDA

(a) Presentation, discussion, and possible action to approve the extension of the March 13, 2020 Disaster Declaration for the City of La Porte, Texas, resulting from COVID-19 (novel coronavirus). [Corby Alexander, City Manager]

Councilperson Gillett moved to approve the Extension of Disaster Declaration [extending the disaster declaration] issued by the Mayor on March 13, 2020, amended to continue until April 3, 2020, at midnight, unless renewed by the City Council, the motion was adopted, 6-0.

4. 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.

There was no comment.

ADJOURN – Without objection, Mayor Pro-Tem Bentley adjourned the meeting at 3:41 p.m.

Lee Woodward, City Secretary

LOUIS RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
STEVE GILLETT
Councilperson At Large B
DANNY EARP
Councilperson District 1
CHUCK ENGELKEN
Councilperson District 2



BILL BENTLEY
Councilperson District 3
Mayor Pro-Tem
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NANCY OJEDA
Councilperson District 6

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 30, 2020

The City Council of the City of La Porte met in a special meeting on Monday, March 30, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Councilpersons present: Louis Rigby, Brandon Lunsford, Steve Gillett, Thomas Garza
Councilperson attending remotely: Danny Earp, Chuck Engelken, Bill Bentley, Jay Martin, Nancy Ojeda
Councilpersons absent: None
Council-appointed officers present: Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m.
2. **INVOCATION AND PLEDGES** – The invocation was given by Clark Askins, Assistant City Attorney, and the pledges of allegiance to the U.S. and Texas flags were led by Councilperson Danny Earp.
3. **CITIZEN COMMENT** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

Chuck Rosa spoke in opposition to the extension of the disaster declaration and some provisions of the juvenile curfew and in support of a May election date. Ti O'Daniel thanked the Council for their service and inquired if the City had implemented its emergency pay plan.

4. **STATUTORY AGENDA**

- (a) **Presentation, discussion, and possible action to approve an extension of the disaster of declaration issued by the Mayor on March 13, 2020, in connection with COVID-19. [Corby Alexander, City Manager]**

Councilperson Ojeda moved to approve an extension of Disaster Declaration issued by the Mayor on March 13, 2020, and any orders, rules, and regulations issued by the Mayor pursuant thereto [to continue in effect until such time as the COVID-19 Disaster Declaration issued by Texas Governor Greg Abbott on March 13, 2020, expires or is withdrawn, unless sooner terminated by executive order of the Mayor or by the City Council]. Councilperson Garza moved to amend to require that the Bay Forest Golf Course be closed while the City's Disaster Declaration is in effect. The motion to amend was not seconded and was not considered. The main motion was adopted, 8-1, Councilperson Garza voting against.

- (b) **Presentation, discussion, and possible action to adopt Ordinance 2020-3785, extending the City's Juvenile Curfew Ordinance, as amended, for an additional three-year term. [Steve Deardorff, Chief of Police]**

Councilperson Garza moved to adopt Ordinance 2020-3785 for a Juvenile Curfew as amended, with an amendment to insert [in Section 42-74 (13)] a defense to prosecution to be that a business must receive a warning letter before being ticketed for an offense, for an additional three-year term,

Councilperson Gillett moved to amend by striking Section 3 of the ordinance. The motion to amend was not adopted, 3-6, Councilpersons Lunsford, Gillett, and Garza voting in support.

The main motion with amendment [by Councilperson Garza] was not adopted, 3-6. Councilpersons Lunsford, Gillett, and Garza voting in support.

Councilperson Engelken moved to adopt Ordinance 2020-3785 for a Juvenile Curfew as amended, for an additional three-year term; the motion was adopted, 7-2, Councilpersons Lunsford and Garza voting against.

5. ELECTION MATTERS

- (a) Presentation, discussion, and possible action to adopt Ordinance 2020-3787, revising the order of election for the May 2, 2020, general election, to consolidate polling locations or to move the election date. [Mayor Rigby]**

Councilperson Bentley moved to maintain the polling locations as they exist [two for early voting, three on election day]. The motion was ruled out of order in that it was not a change to the order of election ordinance as it exists now.

Councilperson Ojeda moved to adopt Ordinance 2020-3787 amending the order of election for the May 2, 2020, General Election in order to postpone to November 3, 2020, or a date made available by the state before that date; the motion was adopted, 8-1, Councilperson Martin voting against.

6. 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.

Councilpersons thanked the Council for their work tonight; supported protecting the citizens of La Porte; encouraged the protection of the City's employees with necessary precautions and personal protective equipment; shared the sentiment behind *#StayStrongLaPorte*; reminded all that the difficult decisions made tonight were health decisions; offered encouragement to the Council candidates and commended them for their behavior thus far; and wished for safety for all.

ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 7:52 p.m.

Lee Woodward, City Secretary

LOUIS RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
STEVE GILLETT
Councilperson At Large B
DANNY EARP
Councilperson District 1
CHUCK ENGELKEN
Councilperson District 2



BILL BENTLEY
Councilperson District 3
Mayor Pro-Tem
THOMAS GARZA
Councilperson District 4
JAY MARTIN
Councilperson District 5
NANCY OJEDA
Councilperson District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 23, 2020

The City Council of the City of La Porte met in a regular meeting on Monday, March 23, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Councilpersons present: Louis Rigby, Brandon Lunsford, Steve Gillett, Thomas Garza, Jay Martin

Councilpersons attending remotely: Danny Earp, Chuck Engelken, Bill Bentley, Nancy Ojeda

Councilpersons absent: None

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

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:06 p.m.
2. **INVOCATION AND PLEDGES** – The invocation was given remotely by Minister Alicia Green, Pleasant Hill Church of Deliverance, and the pledges of allegiance to the U.S. and Texas flags were led by Councilperson Danny Earp.
3. **CITIZEN COMMENT** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

David Janda spoke in concern of a November election date and offered suggestions to mitigate public health concerns. Chuck Rosa said La Porte was experiencing communism, in opposition to moving the May election date.

Mayor Rigby reminded the Council that the adopted parliamentary authority was *Robert's Rules of Order*, which provides for each member to be recognized twice for no more than ten minutes each time, on each question.

4. **CONSENT AGENDA** (*Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.*)
 - a. **Approve the minutes of the regular session held on March 9, 2020. [Mayor Rigby]**
 - b. **Approve the continuance of utilizing Gall's for the purchase of La Porte Police Department uniform items under Buy Board Contract #587-19. [Steve Deardorff, Chief of Police]**

Councilperson Engelken moved to approve the consent agenda; the motion was adopted, 9-0.

5. **PUBLIC HEARINGS**
 - a. **The City Council will hold a public hearing to receive comments regarding adoption of Ordinance 2020-3785, extending the Juvenile Curfew Ordinance as written for an additional three- (3-) year term. [Steve Deardorff, Chief of Police]**

Mayor Rigby opened the public hearing at 6:22 p.m. Police Chief Steve Deardorff gave a brief presentation. Kyle Roebuck spoke in support of the ordinance and supported sending it to local businesses. Mayor Rigby closed the public hearing at 6:44 p.m. The item was not posted for action and will come back at a future meeting.

6. STATUTORY AGENDA

a. Presentation, discussion, and possible action to award RFP #20503 for Delinquent Ad Valorem Tax Collection Services. [Michael Dolby, Finance Director]

Councilperson Earp moved to cancel this RFP and go out again without including information from other cities; the motion was adopted, 6-3, Councilpersons Gillett and Martin and Mayor Rigby voting against,

b. Presentation, discussion, and possible action on the 2020 annual evaluation process for City Council appointed employees of the City of La Porte. [Mayor Rigby]

Councilperson Garza moved to suspend the rules and take up 6b after item 7a; the motion was adopted, 9-0.

Councilperson Garza moved to direct the Human Resource Manager to revise the process for the 2020 evaluations for the City Manager, City Secretary, and Municipal Judge to hold the evaluations before the May 2 election and annually thereafter [later clarifying that the employees' anniversary dates would not change]. Councilperson Gillett moved to amend the motion so that outgoing Councilpersons would provide evaluations and the employees' review and anniversary dates would not be changed. The amendment was adopted, 9-0. The main motion, as amended, was adopted, 9-0.

c. Presentation, discussion, and possible action to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting an item 6.06 (F) relating to the limits of debate. [Mayor Rigby]

Councilperson Garza moved to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting new language as 6.06 (F) to eliminate the general limits of debate; the motion was not seconded. Councilmember Garza moved to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting new language as 6.06 (F) to allow a total of twenty minutes per member per question. The motion did not receive a second and was not considered.

7. ELECTION MATTERS

a. Presentation, discussion, and possible action to postpone the May 2, 2020, General Election to November 3, 2020, as per the provisions to Governor Abbott's March 18, 2020, proclamation and the direction of the Texas Secretary of State. [Mayor Rigby]

Councilperson Garza moved that the City Council direct staff to keep the May uniform election date and consolidate election precincts to City Hall, and have the staff bring forward for consideration an ordinance to amend the order of election. Councilperson Ojeda moved to amend by striking *to keep the May uniform election date and consolidate election precincts to City Hall* and insert *Option 5* [to move to November and contract with Harris County, while keeping open the option of other election dates, if offered and palatable].

Councilperson Garza appealed from the decision of the chair that the amendment was germane; the decision was sustained, 5-4, Councilpersons Garza, Gillett, Lunsford, and Bentley voting against. The amendment did not receive a second and was not considered. The main motion was adopted, 7-2, Councilpersons Gillett and Ojeda voting against. Without objection, the Council agreed to meet for a special session on March 30 to amend the order of election.

8. ADMINISTRATIVE REPORTS

- Zoning Board of Adjustment meeting, March 27
- Drainage and Flooding Committee meeting, April 13
- City Council meeting, April 13

- City Council meeting, April 27

Mr. Alexander thanked the IT Department for their diligence in providing the remote access options. He proposed that the budget retreat be rescheduled for May 9. Mr. Alexander noted the staff was keeping abreast of the COVID-19 recommendations and that staffing changes may be enacted.

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

Councilpersons thanked the members and City staff for the remote meeting participation and social distancing precautions; encouraged adherence to the hygiene recommendations; asked that updates to the City website and social media platforms continue to be kept current; wished good health to all; thanked the Mayor and City leadership for their work during these trying times; noted that it's respectful to maintain efficient meeting practices; urged candidates to work in the confines of the current conditions; felt it was responsible to push back the budget retreat; asked the Council to consider including the successful candidates from the election in the budget retreat; expressed concern for the employees and citizens; urged all to use good judgement in preparing for COVID-19; asked for reconsideration of the number of times members were able to speak on an item; noted the meeting was somewhat unprecedented; confirmed that the disaster declaration would be on the special meeting agenda for March 30; recognized how the community was turning out to support local restaurants and businesses; announced the Harris County Judge would be providing an additional order in the morning; the Mayor let the public know the ways in which he has been in touch throughout the current disaster and offered words of optimism and resilience.

ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 9:25 p.m.

Lee Woodward, City Secretary



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u>
Requested By: <u>Ray Mayo, Director</u>
Department: <u>Public Works</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

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

Exhibits: 2015 Water Conservation Plan, Proposed 2020 Conservation Plan with markups, Final 2020 Version with attachments and Draft Ordinance

Water

SUMMARY

Texas Administrative Code, Title 30, Part 1, Chapter 288.2 requires a review and update every five (5) years to La Porte's Water Conservation Plan. City Council last adopted this plan on March 9, 2015. The five year update is used to measure the effectiveness of the current plan and develop future 5-year and 10-year goals. The intent of a water conservation plan is to achieve an overall reduction in per-capita use and a reduction in waste of water resources.

All water providers throughout Texas that have more than 3,300 retail connections are required to develop a Water Conservation Plan, submit annual reports and submit five-year updates to the plan. Five-year updates are required to be adopted by the governing body as an ordinance or resolution.

Highlights of the changes were administrative in nature, such as new language requirements for water conservation plans or numerical changes from usage patterns, as noted in future 5 and 10 year goals (goals are non-enforceable). Minor changes were made in the Education section to demonstrate more reliance on website or electronic media usage. The remainder of the changes were for grammar or clarity. Staff has included a "marked up" copy as reference to these changes.

RECOMMENDED MOTION

I move to adopt Ordinance 2020-3788 updating the 2020 La Porte Water Conservation Plan.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

ORDINANCE 2020-3788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, APPROVING AND AUTHORIZING AMENDMENTS TO THE CITY OF LA PORTE WATER CONSERVATION PLAN; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, The City of La Porte is required by Texas Administrative Code, Title 30, Part1, Chapter 288, to develop and maintain a Water Conservation Plan; and

WHEREAS, The City of La Porte has maintained a Water Conservation Plan since 1987; and

WHEREAS, The Texas Water Development Board requires five-year updates to said plan;

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

Section 1. The City Council of La Porte hereby approves and authorizes amendments to the City of La Porte Water Conservation Plan, and a copy of which amended plan is on file in the office of the City Secretary.

Section 2. All ordinances or parts of ordinances of the City of La Porte, Texas, in conflict with any provision contained herein is hereby repealed to the extent of any conflict.

Section 3. If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance; and it is hereby declared to be the intention of this City Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

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 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 APPROVED this, the 13th day of April, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

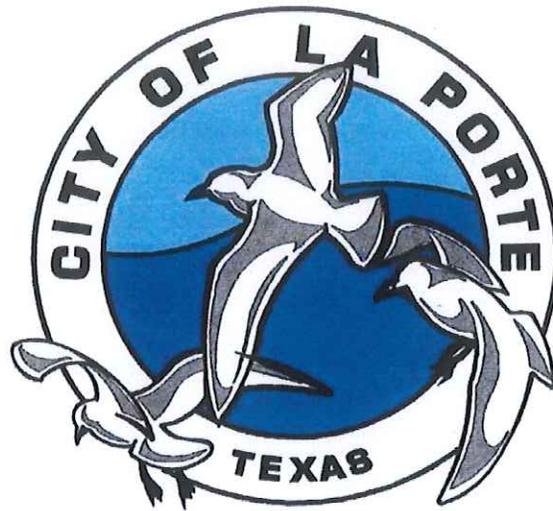
ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Clark T. Askins, Assistant City Attorney

City of La Porte



Water Conservation Plan

CITY OF LA PORTE WATER CONSERVATION PLAN

A. PURPOSE AND INTENT

The purpose of a Water Conservation Plan is to reduce the quantity required for each water using activity, insofar as is practical, through the implementation of efficient water use practices. The plan defines objectives and specific targets to reduce the loss and waste of water resources and improve efficiency in the use of water. Many communities throughout the United States have used conservation measures to successfully cope with various water and wastewater problems. Reduction in water use as much as 25% or more have been achieved, but the normal range is from 5 to 15%. As a result of reduced water use, wastewater flows have also been reduced by 5 to 10%.

Nine (9) principal water conservation methods to be considered in preparing a water conservation plan are as follows:

1. Education and Information
2. Plumbing codes for new construction
3. Retrofit programs
4. Conservation oriented water rate structures
5. Universal metering and meter repair and replacement
6. Water conserving landscaping
7. Leak detection and repair
8. Recycling and reuse
9. Means of implementation and enforcement

B. PUBLIC PARTICIPATION:

The City of La Porte holds regular City Council meetings on the second and fourth Monday of each month. The meetings are open to the public, and citizens are free to speak on any subject during the portion of the meeting designated for this purpose.

C. SPECIAL INTEREST GROUPS

1. La Porte-Bayshore Chamber of Commerce
2. Homeowner's Associations
3. Various civic and religious organizations

D. SYSTEM AUDIT / PROBLEMS

1. System Audit:

- a. Average, seasonal, peak use patterns. Figure 1 illustrates average, seasonal and peak use patterns. Historical use data indicates that the City of La Porte follows most cities in having higher average water use in the summer months from lawn watering. The peak to average use ratio (average daily summer use divided by average annual daily use) is ~~4.19~~ 1.09. This ratio is relatively low because of the very humid climate and high average rainfall the area receives.
- b. Unaccounted water volumes and likely causes. Figure 1 also illustrates the relationship between water production and sales. The difference between production and sales can typically be attributed to all or some of the following:
 1. Flushing of water mains
 2. Fire fighting
 3. Inaccurate metering
 4. System leaks
 5. Unauthorized water use
 6. Unmetered water use
- c. Adequacy of treatment, storage, and distribution system.

The surface water is purchased by the City from the La Porte Area Water Authority. The remaining 10% of their water needs are supplied from groundwater wells. The water is tested on a regular basis in accordance with all state and federal regulations. The City of La Porte currently has adequate storage facilities required to meet TCEQ requirements and currently is classified as a "Superior Public Water System". The City of La Porte does not operate a surface water reservoir therefore an operations plan is not a component of this water conservation plan.
- d. Limit of existing supply/potential new sources.

It is apparent from the systems audit that the City of La Porte is very capable of providing water to its customers from groundwater sources. In addition, the distribution and transmission systems are adequate to supply its needs for several years.

With the conversion to surface water, the adequacy of groundwater supplies to meet peak load demands in any drought contingencies that might occur are apparent. However, due to the constraints imposed by the Harris-Galveston Subsidence District on groundwater withdrawal, these sources will only be used to supply peak demand in possible drought contingencies.
- e. Wastewater collection and treatment system.

Currently, the City of La Porte treats the bulk of its own wastewater. The remainder of the La Porte wastewater flows is pumped to a regional wastewater facility owned by the Gulf Coast Waste Disposal Authority.

2. System Problems:

The City of La Porte currently has no serious water supply problems. The storage and distribution systems are adequate to supply surface water to its customers through the La Porte Area Water Authority from the City of Houston Southeast Water Purification Plant.

E. **ALTERNATIVES:**

Water conservation methods are typically divided into two (2) categories, Demand Management Methods and Supply Management Methods. Demand Management Methods deal with water use on the downstream side of a customer meter. Demand management provides for education or incentives to reduce the water use by the consumer. This method of conservation generally results in a decrease in water revenues because less water is purchased from the City.

Supply Management Methods deals with the utility's water system upstream of the customer's meter. The goal of supply management is to improve efficiency and reduce waste within the production, treatment, and distribution system. Supply management usually results in decreased costs to the utility as water losses in the system are reduced.

1. DEMAND MANAGEMENT ALTERNATIVES

a. Education and Information:

The most readily available and lowest cost method of promoting water conservation is to inform water users about ways to save water inside homes and other buildings, in landscaping and lawn uses, and in recreational uses. An effective education and information program can be easily and inexpensively administered by the City of La Porte. Materials available from the American Water Works Association, Texas Water Development Board, and other like associations are made available to its customers, ~~through hand-outs mail-outs, and other sources.~~ The City of La Porte can utilize its website and quarterly newsletters to provide links and informative information concerning water conservation.

~~The City of La Porte currently participates in the Harris-Galveston Coastal Subsidence District's program for education of elementary school students in the importance and methods of water conservation. The City sponsors the program by funding the program for the La Porte students in the school district.~~

b. Plumbing Codes:

Water saving plumbing codes for new construction and for replacement of plumbing in existing structures may be adopted. The standards recommended by the Texas Water Development Board represent readily available technologies and do not involve additional costs when compared with "standard" fixtures. Water conserving plumbing codes are adopted for this cause. The City of La Porte utilizes standard codes whenever possible.

c. Retrofit Programs:

The City makes information available through its education program for plumbers and customers to use when purchasing and installing plumbing fixtures, lawn watering equipment, or water using appliances. Information regarding retrofit devices such as low-flow shower heads or toilet dams that reduce water use by replacing or modifying existing fixtures or appliances should also be provided.

d. Water Rate Structures:

A water conservation oriented rate structure usually takes the form of an increasing block rate, although continuously increasing rate structures, peak or seasonal load rates, excess use fees, and other rate forms can be used. The increasing block rate structure is the most commonly used water conservation rate structure. Separate rate structures are usually used for commercial, institutional, and industrial customers. The City of La Porte uses a form of increasing block rate structure.

e. Water Conserving Landscaping:

In order to reduce the demands placed on a water system by landscape watering, the city or utility should consider methods that either encourage, by education and information, or require, by code or ordinance, water conserving landscaping by residential customers and commercial establishments engaged in the sale or installation of landscape plants or watering equipment. Because the City of La Porte is located on the Gulf Coast, it has a very high annual average rainfall. The need for outdoor watering is not as high as for arid climates. Agricultural land in the area is not irrigated. Although not made a specific section of the Conservation Plan, water conserving landscaping information will be made available through the Information/Education Section.

2. SUPPLY MANAGEMENT ALTERNATIVES

a. Universal Metering:

All public water supply utilities should master meter their water sources. In addition, all users, including the utility itself, should be metered. A regularly scheduled maintenance program of meter repair and replacement also needs to be established to ensure that proper metering is taking place. Metering and meter repair and replacement, can be used in conjunction with other programs such as leak detection and repair and, thereby, save significant quantities of water. All sales in the City of La Porte are metered. Currently, the City of La Porte has a regular meter repair and replacement program with production meters being tested yearly.

b. Leak Detection and Repair:

A continuous leak detection, location, and repair program can be an important part of a water conservation plan. Utility employees for the City of La Porte periodically check for leaks when reading meters and while performing regular maintenance. Major leaks are usually quickly detected by either city employees or customers and are repaired immediately. Soil in the area is generally clay and, therefore, leaks show up at the ground surface quite readily. Leak detection technology is also available in the form of electronic sonic devices.

c. Recycling and Reuse:

A city or utility should evaluate the potential of recycling and reuse because these methods may be used to increase water supplies in the utility's service area. Reuse can be especially important where the use of treated effluent from an industry or a municipal system or agricultural return flows replace an existing use that currently requires fresh water from a city's or utility's supply. Recycling of in-plant process or cooling water can reduce the amount of fresh water required by many industrial operations. Currently, the City of La Porte has a water reuse program (Reclaimed Water Authorization #R10206001). Because of its size and daily flows, the reuse of treated effluent for treatment plant process and washdown water has proven quite economical for the City of La Porte. The City of La Porte's municipal golf course along with one of the City parks, are irrigated with plant effluent. This reuse program results in a savings of approximately 100,000,000 gallons of potable water per year.

F. PLAN OBJECTIVES

- ❖ To reduce water consumption from levels that would prevail without conservation efforts
- ❖ To reduce the loss and waste of water
- ❖ To improve efficiency in the use of water
- ❖ To implement a system to quantify the effects of the plan

In accordance with 30 TAC Chapter 288.2, the following five and ten year targets have been established:

See Attached Table

WATER CONSERVATION PLAN 5- AND 10-YR GOALS FOR WATER SAVINGS

Facility Name: City of La Porte

Water Conservation Plan Year: 2020

	Historic 5yr Average	Baseline	5-yr Goal for year <u>2025</u>	10-yr Goal for year <u>2030</u>
Total GPCD ¹	108	122	107	106
Residential GPCD ²	66	78	65	64
Water Loss (GPCD) ³	14	16	13	12
Water Loss (Percentage) ⁴	13 %	13 %	12 %	11 %

1. Total GPCD = (Total Gallons in System + Permanent Population) ÷ 365

2. Residential GPCD = (Gallons Used for Residential Use + Residential Population) ÷ 365

3. Water Loss GPCD = (Total Water Loss + Permanent Population) ÷ 365

4. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

G. PLAN DESCRIPTION

Based on the evaluation of alternatives available to the City of La Porte for conserving water, the following elements have been selected as those best suited to the needs of the City for water conservation:

- Continuing Public Education and Information
- Water conserving plumbing code for new construction
- Retrofit programs
- Water rate structures
- Supply Management
- Universal metering
- Meter repair and replacement
- Leak detection and repair
- Recycling/reuse

1. CONTINUING PUBLIC EDUCATION AND INFORMATION

A program of public education and information to promote water conservation by the public has been instituted. The program includes the following:

- ❖ Conservation messages printed on customers monthly water bills.
- ❖ The City provides support to the Harris-Galveston Coastal Subsidence District's "Water Conservation Education Program" that provides water conservation information to the residents through their elementary school children water conservation messages in quarterly newsletters to citizens. There are links on the City website to information provided by Texas Commission on Environmental Quality and Texas Water Development Board.
- ❖ New customers are provided water conservation literature at the time they initially sign up for service.

The public education program utilizes pamphlets such as those exhibited in Appendix A . The City places special emphasis on the need to insulate pipes to prevent freezing in cold weather, repairing household leaks, retrofitting of plumbing fixtures and devices, and landscaping conservation methods. The energy savings associated with a water conservation program are also be emphasized. Publications and materials for the program are obtained from: Texas Water Development Board, Texas Commission on Environmental Quality, American Water Works Association; Texas Water Utilities Association, American Public Works Association, and the Environmental Protection Agency.

2. WATER CONSERVING PLUMBING CODE

The City of La Porte has adopted the Uniform Plumbing Code (2012 version).

3. RETROFIT PROGRAMS

The City of La Porte makes information available through its education program for plumbers and customers to use when purchasing and installing plumbing fixtures, lawn watering equipment, or water using appliances. Information regarding retrofitting devices such as low-flow shower heads or toilet dams that reduce water use by replacing or modifying existing fixtures or appliances will also be provided.

4. UNIVERSAL METERING

The City of La Porte currently meters all water sales from its system, with the exception of a few public uses. All wells are currently metered at the well head. Well production meters and surface water meters are tested on an annual basis. The source water meters are maintained within an accuracy of plus or minus 5%. Based on the results of the accuracy tests, the meters are calibrated, repaired or replaced as needed. Universal metering is a standard of this utility will be an element of this plan.

~~The program of universal metering will continue and is made a part of the Water Conservation Plan.~~

5. WATER RATE STRUCTURES

The City of La Porte has adopted an Increasing Block Rate structure. A copy of the current water rate structure is attached in Appendix B and is made part of the Water Conservation Plan.

6. METER REPAIR AND REPLACEMENT

~~The City of La Porte currently owns and operates equipment for small meter testing. The testing of large meters~~ Meter testing is conducted by contract forces. The meter repair and testing program is structured per AWWA recommendations as follows:

1. Major Production meters - test once per year
2. Meters larger than four inch – random testing every 5 years
3. Meters larger than one inch - random testing every 7 years
4. Meters smaller than one inch - random testing every 10 years

In addition, the City will verify that each meter in the system is properly sized for the average volume of water being used in accordance with the manufacturers' specification for the meter. Based on testing and field evaluation, meters are repaired or replaced as needed. Large meter (1 inch and larger) replacement is prioritized based on usage volume, functionality and age. Residential meter replacement is prioritized based on functionality and age.

7. LEAK DETECTION AND REPAIR

The City of La Porte currently has leak detection programs which will be maintained. The program includes:

- a. Monthly water use accounting by the Billing Department which identifies high water usage after the service meters which may indicate leaks.
- b. Visual inspections by utility employees who keep a constant watch out for abnormal conditions indicating leaks or illegal connections.
- c. Visual inspections of storm water outfalls are conducted during periods of dry weather to locate leaks that may be entering storm drain systems.
- d. System pressures in the system are monitored continuously with a SCADA system.
- e. Maintaining an adequate maintenance staff, inventory of repair parts and equipment necessary to repair any leaks.
- f. An annual water accounting or audit is considered be part of the program. Sources of water loss, once located, are immediately corrected. Data from the audit is used to monitor and evaluate system conditions.

8. RECYCLING/REUSE

As previously noted, the City of La Porte has the capability of reuse and recycling of treated effluent. Current use includes the recycling of approximate one million gallons per month at the La Porte Wastewater Treatment Plant used in process water, belt press operation and wash down. Additionally, as indicated above, re-use water is made available and used by the La Porte Municipal Bay Forest Golf Course and the Little Cedar Bayou Park for irrigation purposes. The amount will vary during the year according to the season.

H. RECORDS MANAGEMENT SYSTEM

The City of La Porte maintains a records management system to monitor and track customer account information and usage. The Billing Department has the ability to segregate usage groups such as residential, multi-family, commercial, institutional and industrial users. The data for water produced is monitored and recorded to enable accurate tracking of monthly water usage.

I. IMPLEMENTATION/ENFORCEMENT

The City of La Porte Public Works Director acts as the Administrator of the Water Conservation Program. The Administrator oversees the execution and implementation of all elements of the program. He is also responsible to oversee the keeping of adequate records for program verification. The program will be enforced through adoption of the Water Conservation Plan by Ordinance or Resolution. A copy of this instrument is attached in Appendix B.

J. COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City of La Porte is located within Region H of the regional water planning area. The City of La Porte has provided a copy of this Water Conservation Plan to the Texas Water Development Board and Region H. A copy of this notification is found in Appendix D.

K. PLAN REVIEW AND UPDATE

The effectiveness and efficiency of this program will be monitored annually by annual report to the TWDB. This water conservation plan will be reviewed and updated, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. A utility profile is provided with this plan as Appendix E. The City will review and update its Water Conservation Plan every five years to coincide with the regional water planning group. Future amendments or updates will be evaluated by the Administrator to determine if a substantial modification exists that would warrant additional review by City Council.

2025
2030
2035



City of La Porte

Established 1892

Office of the City Secretary

Patrice Fogarty, City Secretary

THE STATE OF TEXAS

COUNTY OF HARRIS

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§

CERTIFICATE TO COPY OF PUBLIC RECORDS

I hereby certify in the performance of the functions of my office that the attached City of La Porte Water Conservation Plan was approved and adopted by the City Council of the City of La Porte, Texas, at its regular City Council meeting held on Monday, March 9, 2015, are true and correct copies as same appears of record in my office, and that said document is an official record from the office of the City Secretary, City of La Porte, Harris County, State of Texas, and kept in said office.

I further certify that I, Patrice Fogarty, am the City Secretary of the City of La Porte, have legal custody of said records, and that I am the lawful possessor and keeper of the records for the City of La Porte.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 10th day of March, 2015.

Patrice Fogarty
Patrice Fogarty, City Secretary
City of La Porte, Texas



City of La Porte



Water Conservation Plan

CITY OF LA PORTE WATER CONSERVATION PLAN

A. PURPOSE AND INTENT

The purpose of a Water Conservation Plan is to reduce the quantity required for each water using activity, insofar as is practical, through the implementation of efficient water use practices. The plan defines objectives and specific targets to reduce the loss and waste of water resources and improve efficiency in the use of water. Many communities throughout the United States have used conservation measures to successfully cope with various water and wastewater problems. Reduction in water use as much as 25% or more have been achieved, but the normal range is from 5 to 15%. As a result of reduced water use, wastewater flows have also been reduced by 5 to 10%.

Nine (9) principal water conservation methods to be considered in preparing a water conservation plan are as follows:

1. Education and Information
2. Plumbing codes for new construction
3. Retrofit programs
4. Conservation oriented water rate structures
5. Universal metering and meter repair and replacement
6. Water conserving landscaping
7. Leak detection and repair
8. Recycling and reuse
9. Means of implementation and enforcement

B. PUBLIC PARTICIPATION:

The City of La Porte holds regular City Council meetings on the second and fourth Monday of each month. The meetings are open to the public, and citizens are free to speak on any subject during the portion of the meeting designated for this purpose.

C. SPECIAL INTEREST GROUPS

1. La Porte-Bayshore Chamber of Commerce
2. Homeowner's Associations
3. Various civic and religious organizations

D. SYSTEM AUDIT / PROBLEMS

1. System Audit:

- a. Average, seasonal, peak use patterns. Figure 1 illustrates average, seasonal and peak use patterns. Historical use data indicates that the City of La Porte follows most cities in having higher average water use in the summer months from lawn watering. The peak to average use ratio (average daily summer use divided by average annual daily use) is 1.19. This ratio is relatively low because of the very humid climate and high average rainfall the area receives.
- b. Unaccounted water volumes and likely causes. Figure 1 also illustrates the relationship between water production and sales. The difference between production and sales can typically be attributed to all or some of the following:
 1. Flushing of water mains
 2. Fire fighting
 3. Inaccurate metering
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 5. Unauthorized water use
 6. Unmetered water use
- c. Adequacy of treatment, storage, and distribution system.

The surface water is purchased by the City from the La Porte Area Water Authority. The remaining 10% of their water needs are supplied from groundwater wells. The water is tested on a regular basis in accordance with all state and federal regulations. The City of La Porte currently has adequate storage facilities required to meet TCEQ requirements and currently is classified as a "Superior Public Water System". The City of La Porte does not operate a surface water reservoir therefore an operations plan is not a component of this water conservation plan.

- d. Limit of existing supply/potential new sources.

It is apparent from the systems audit that the City of La Porte is very capable of providing water to its customers from groundwater sources. In addition, the distribution and transmission systems are adequate to supply its needs for several years.

With the conversion to surface water, the adequacy of groundwater supplies to meet peak load demands in any drought contingencies that might occur are apparent. However, due to the constraints imposed by the Harris-Galveston Subsidence District on groundwater withdrawal, these sources will only be used to supply peak demand in possible drought contingencies.

- e. Wastewater collection and treatment system.

Currently, the City of La Porte treats the bulk of its own wastewater. The remainder of the La Porte wastewater flows is pumped to a regional wastewater facility owned by the Gulf Coast Waste Disposal Authority.

2. System Problems:

The City of La Porte currently has no serious water supply problems. The storage and distribution systems are adequate to supply surface water to its customers through the La Porte Area Water Authority from the City of Houston Southeast Water Purification Plant.

E. **ALTERNATIVES:**

Water conservation methods are typically divided into two (2) categories, Demand Management Methods and Supply Management Methods. Demand Management Methods deal with water use on the downstream side of a customer meter. Demand management provides for education or incentives to reduce the water use by the consumer. This method of conservation generally results in a decrease in water revenues because less water is purchased from the City.

Supply Management Methods deals with the utility's water system upstream of the customer's meter. The goal of supply management is to improve efficiency and reduce waste within the production, treatment, and distribution system. Supply management usually results in decreased costs to the utility as water losses in the system are reduced.

1. DEMAND MANAGEMENT ALTERNATIVES

a. Education and Information:

The most readily available and lowest cost method of promoting water conservation is to inform water users about ways to save water inside homes and other buildings, in landscaping and lawn uses, and in recreational uses. An effective education and information program can be easily and inexpensively administered by the City of La Porte. Materials available from the American Water Works Association, Texas Water Development Board, and other like associations are made available to its customers, through hand outs, mail outs, and other sources. The City of La Porte can utilize its website to provide links to informative sources concerning water conservation.

The City of La Porte currently participates in the Harris-Galveston Coastal Subsidence District's program for education of elementary school students in the importance and methods of water conservation. The City sponsors the program by funding the program for the La Porte students in the school district.

b. Plumbing Codes:

Water saving plumbing codes for new construction and for replacement of plumbing in existing structures may be adopted. The standards recommended by the Texas Water Development Board represent readily available technologies and do not involve additional costs when compared with "standard" fixtures. Water conserving plumbing codes are adopted for this cause. The City of La Porte utilizes standard codes whenever possible.

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d. Water Rate Structures:

A water conservation oriented rate structure usually takes the form of an increasing block rate, although continuously increasing rate structures, peak or seasonal load rates, excess use fees, and other rate forms can be used. The increasing block rate structure is the most commonly used water conservation rate structure. Separate rate structures are usually used for commercial, institutional, and industrial customers. The City of La Porte uses a form of increasing block rate structure.

e. Water Conserving Landscaping:

In order to reduce the demands placed on a water system by landscape watering, the city or utility should consider methods that either encourage, by education and information, or require, by code or ordinance, water conserving landscaping by residential customers and commercial establishments engaged in the sale or installation of landscape plants or watering equipment. Because the City of La Porte is located on the Gulf Coast, it has a very high annual average rainfall. The need for outdoor watering is not as high as for arid climates. Agricultural land in the area is not irrigated. Although not made a specific section of the Conservation Plan, water conserving landscaping information will be made available through the Information/Education Section.

2. SUPPLY MANAGEMENT ALTERNATIVES

a. Universal Metering:

All public water supply utilities should master meter their water sources. In addition, all users, including the utility itself, should be metered. A regularly scheduled maintenance program of meter repair and replacement also needs to be established to ensure that proper metering is taking place. Metering and meter repair and replacement, can be used in conjunction with other programs such as leak detection and repair and, thereby, save significant quantities of water. All sales in the City of La Porte are metered. Currently, the City of La Porte has a regular meter repair and replacement program with production meters being tested yearly.

b. Leak Detection and Repair:

A continuous leak detection, location, and repair program can be an important part of a water conservation plan. Utility employees for the City of La Porte periodically check for leaks when reading meters and while performing regular maintenance. Major leaks are usually quickly detected by either city employees or customers and are repaired immediately. Soil in the area is generally clay and, therefore, leaks show up at the ground surface quite readily. Leak detection technology is also available in the form of electronic sonic devices.

c. Recycling and Reuse:

A city or utility should evaluate the potential of recycling and reuse because these methods may be used to increase water supplies in the utility's service area. Reuse can be especially important where the use of treated effluent from an industry or a municipal system or agricultural return flows replace an existing use that currently requires fresh water from a city's or utility's supply. Recycling of in-plant process or cooling water can reduce the amount of fresh water required by many industrial operations. Currently, the City of La Porte has a water reuse program. Because of its size and daily flows, the reuse of treated effluent for processed water has proven quite economical for the City of La Porte. The City of La Porte's Municipal Golf Course along with one of the City parks, Little Cedar Bayou, are irrigated with plant effluent. This reuse program results in a savings of approximately 100,000,000 gallons of potable water per year.

F. **PLAN OBJECTIVES**

- ❖ To reduce water consumption from levels that would prevail without conservation efforts
- ❖ To reduce the loss and waste of water
- ❖ To improve efficiency in the use of water
- ❖ To implement a system to quantify the effects of the plan

In accordance with 30 TAC Chapter 288.2, the following five and ten year targets have been established:

See Attached Table

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WATER CONSERVATION PLAN 5- AND 10-YR GOALS FOR WATER SAVINGS

Facility Name: City of La Porte

Water Conservation Plan Year: 2014

	Historic 5yr Average	Baseline	5-yr Goal for year <u>2019</u>	10-yr Goal for year <u>2024</u>
Total GPCD ¹	123	122	120	118
Residential GPCD ²	76	78	72	69
Water Loss (GPCD) ³	17	16	14	13
Water Loss (Percentage) ⁴	14 %	13 %	12 %	11 %

1. Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

2. Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

3. Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

4. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

G. PLAN DESCRIPTION

Based on the evaluation of alternatives available to the City of La Porte for conserving water, the following elements have been selected as those best suited to the needs of the City for water conservation:

- Continuing Public Education and Information
- Water conserving plumbing code for new construction
- Retrofit programs
- Water rate structures
- Supply Management
- Universal metering
- Meter repair and replacement
- Leak detection and repair
- Recycling/reuse

1. CONTINUING PUBLIC EDUCATION AND INFORMATION

A program of public education and information to promote water conservation by the public has been instituted. The program includes the following:

- ❖ Conservation messages printed on customers monthly water bills.
- ❖ The City provides support to the Harris-Galveston Coastal Subsidence District's "Water Conservation Education Program" that provides water conservation information to the residents through their elementary school children.
- ❖ New customers are provided water conservation literature at the time they initially sign up for service.

The public education program utilizes pamphlets such as those exhibited in Appendix A . The City places special emphasis on the need to insulate pipes to prevent freezing in cold weather, repairing household leaks, retrofitting of plumbing fixtures and devices, and landscaping conservation methods. The energy savings associated with a water conservation program are also be emphasized. Publications and materials for the program are obtained from: Texas Water Development Board, Texas Commission on Environmental Quality, American Water Works Association; Texas Water Utilities Association, American Public Works Association, and the Environmental Protection Agency.

2. WATER CONSERVING PLUMBING CODE

The City of La Porte has adopted the Uniform Plumbing Code (2012 version).

3. RETROFIT PROGRAMS

The City of La Porte makes information available through its education program for plumbers and customers to use when purchasing and installing plumbing fixtures, lawn watering equipment, or water using appliances. Information regarding retrofitting devices such as low-flow shower heads or toilet dams that reduce water use by replacing or modifying existing fixtures or appliances will also be provided.

4. UNIVERSAL METERING

The City of La Porte currently meters all water sales from its system, with the exception of a few public uses. All wells are currently metered at the well head. Well production meters and surface water meters are tested on an annual basis. The source water meters are maintained within an accuracy of plus or minus 5%. Based on the results of the accuracy tests, the meters are calibrated, repaired or replaced as needed.

The program of universal metering will continue and is made a part of the Water Conservation Plan.

5. WATER RATE STRUCTURES

The City of La Porte has adopted an Increasing Block Rate structure. A copy of the current water rate structure is attached in Appendix B and is made part of the Water Conservation Plan.

6. METER REPAIR AND REPLACEMENT

The City of La Porte currently owns and operates equipment for small meter testing. The testing of large meters is conducted by contract forces. The meter repair and testing program is structured per AWWA recommendations as follows:

1. Major Production meters - test once per year
2. Meters larger than four inch – random testing every 5 years
3. Meters larger than one inch - random testing every 7 years
4. Meters smaller than one inch - random testing every 10 years

In addition, the City will verify that each meter in the system is properly sized for the average volume of water being used in accordance with the manufacturers' specification for the meter. Based on testing and field evaluation, meters are repaired or replaced as needed.

7. LEAK DETECTION AND REPAIR

The City of La Porte currently has leak detection programs which will be maintained. The program includes:

- a. Monthly water use accounting by the Billing Department which identifies high water usage after the service meters which may indicate leaks.
- b. Visual inspections by utility employees who keep a constant watch out for abnormal conditions indicating leaks or illegal connections.
- c. Visual inspections of storm water outfalls are conducted during periods of dry weather to locate leaks that may be entering storm drain systems.
- d. Maintaining an adequate maintenance staff, inventory of repair parts and equipment necessary to repair any leaks.
- e. An annual water accounting or audit is considered be part of the program. Sources of water loss, once located, are immediately corrected. Data from the audit is used to monitor and evaluate system conditions.

8. RECYCLING/REUSE

As previously noted the City of La Porte has the capability of reuse and recycling of treated effluent. Current use includes the recycling of approximate one million gallons per month at the La Porte Wastewater Treatment Plant used in process water, belt press operation and wash down. Additionally, as indicated above, recycled water is made available and used by the La Porte Municipal Golf Course and the Little Cedar Bayou Park for irrigation purposes. The amount will vary during the year according to the season.

H. RECORDS MANAGEMENT SYSTEM

The City of La Porte maintains a records management system to monitor and track customer account information and usage. The Billing Department has the ability to segregate usage groups such as residential, multi-family, commercial, institutional and industrial users. The data for water produced is monitored and recorded to enable accurate tracking of monthly water usage.

I. IMPLEMENTATION/ENFORCEMENT

The City of La Porte Public Works Director acts as the Administrator of the Water Conservation Program. The Administrator oversees the execution and implementation of all elements of the program. He is also responsible to oversee the keeping of adequate records for program verification. The program will be enforced through adoption of the Water Conservation Plan by Ordinance or Resolution. A copy of this instrument is attached in Appendix B.

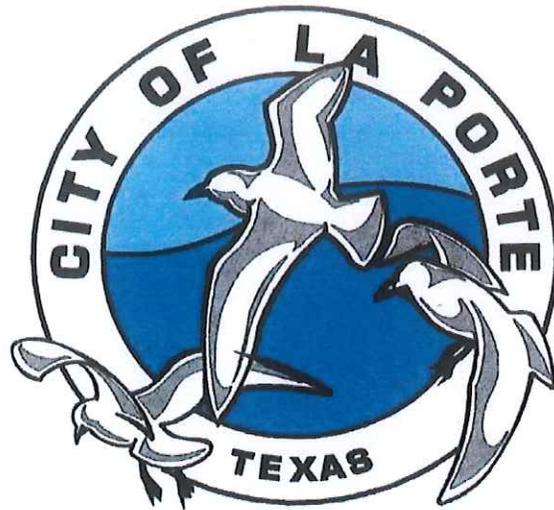
J. COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City of La Porte is located within Region H of the regional water planning area. The City of La Porte has provided a copy of this Water Conservation Plan to the Texas Water Development Board.

K. PLAN REVIEW AND UPDATE

This water conservation plan will be reviewed and updated, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The City will review and update its Water Conservation Plan every five years to coincide with the regional water planning group. Future amendments or updates will be evaluated by the Administrator to determine if a substantial modification exists that would warrant additional review by City Council.

City of La Porte



Water Conservation Plan

CITY OF LA PORTE WATER CONSERVATION PLAN

A. PURPOSE AND INTENT

The purpose of a Water Conservation Plan is to reduce the quantity required for each water using activity, insofar as is practical, through the implementation of efficient water use practices. The plan defines objectives and specific targets to reduce the loss and waste of water resources and improve efficiency in the use of water. Many communities throughout the United States have used conservation measures to successfully cope with various water and wastewater problems. Reduction in water use as much as 25% or more have been achieved, but the normal range is from 5 to 15%. As a result of reduced water use, wastewater flows have also been reduced by 5 to 10%.

Nine (9) principal water conservation methods to be considered in preparing a water conservation plan are as follows:

1. Education and Information
2. Plumbing codes for new construction
3. Retrofit programs
4. Conservation oriented water rate structures
5. Universal metering and meter repair and replacement
6. Water conserving landscaping
7. Leak detection and repair
8. Recycling and reuse
9. Means of implementation and enforcement

B. PUBLIC PARTICIPATION:

The City of La Porte holds regular City Council meetings on the second and fourth Monday of each month. The meetings are open to the public, and citizens are free to speak on any subject during the portion of the meeting designated for this purpose.

C. SPECIAL INTEREST GROUPS

1. La Porte-Bayshore Chamber of Commerce
2. Homeowner's Associations
3. Various civic and religious organizations

D. SYSTEM AUDIT / PROBLEMS

1. System Audit:

- a. Average, seasonal, peak use patterns. Figure 1 illustrates average, seasonal and peak use patterns. Historical use data indicates that the City of La Porte follows most cities in having higher average water use in the summer months from lawn watering. The peak to average use ratio (average daily summer use divided by average annual daily use) is 1.09. This ratio is relatively low because of the very humid climate and high average rainfall the area receives.
- b. Unaccounted water volumes and likely causes. Figure 1 also illustrates the relationship between water production and sales. The difference between production and sales can typically be attributed to all or some of the following:
 1. Flushing of water mains
 2. Fire fighting
 3. Inaccurate metering
 4. System leaks
 5. Unauthorized water use
 6. Unmetered water use
- c. Adequacy of treatment, storage, and distribution system.

The surface water is purchased by the City from the La Porte Area Water Authority. The remaining 10% of their water needs are supplied from groundwater wells. The water is tested on a regular basis in accordance with all state and federal regulations. The City of La Porte currently has adequate storage facilities required to meet TCEQ requirements and currently is classified as a "Superior Public Water System". The City of La Porte does not operate a surface water reservoir therefore an operations plan is not a component of this water conservation plan.

- d. Limit of existing supply/potential new sources.

It is apparent from the systems audit that the City of La Porte is very capable of providing water to its customers from groundwater sources. In addition, the distribution and transmission systems are adequate to supply its needs for several years.

With the conversion to surface water, the adequacy of groundwater supplies to meet peak load demands in any drought contingencies that might occur are apparent. However, due to the constraints imposed by the Harris-Galveston Subsidence District on groundwater withdrawal, these sources will only be used to supply peak demand in possible drought contingencies.

- e. Wastewater collection and treatment system.

Currently, the City of La Porte treats the bulk of its own wastewater. The remainder of the La Porte wastewater flows is pumped to a regional wastewater facility owned by the Gulf Coast Waste Disposal Authority.

2. System Problems:

The City of La Porte currently has no serious water supply problems. The storage and distribution systems are adequate to supply surface water to its customers through the La Porte Area Water Authority from the City of Houston Southeast Water Purification Plant.

E. ALTERNATIVES:

Water conservation methods are typically divided into two (2) categories, Demand Management Methods and Supply Management Methods. Demand Management Methods deal with water use on the downstream side of a customer meter. Demand management provides for education or incentives to reduce the water use by the consumer. This method of conservation generally results in a decrease in water revenues because less water is purchased from the City.

Supply Management Methods deals with the utility's water system upstream of the customer's meter. The goal of supply management is to improve efficiency and reduce waste within the production, treatment, and distribution system. Supply management usually results in decreased costs to the utility as water losses in the system are reduced.

1. DEMAND MANAGEMENT ALTERNATIVES

a. Education and Information:

The most readily available and lowest cost method of promoting water conservation is to inform water users about ways to save water inside homes and other buildings, in landscaping and lawn uses, and in recreational uses. An effective education and information program can be easily and inexpensively administered by the City of La Porte. Materials available from the American Water Works Association, Texas Water Development Board, and other like associations are made available to its customers. The City of La Porte can utilize its website and quarterly newsletters to provide links and informative information concerning water conservation.

b. Plumbing Codes:

Water saving plumbing codes for new construction and for replacement of plumbing in existing structures may be adopted. The standards recommended by the Texas Water Development Board represent readily available technologies and do not involve additional costs when compared with "standard" fixtures. Water conserving plumbing codes are adopted for this cause. The City of La Porte utilizes standard codes whenever possible.

c. Retrofit Programs:

The City makes information available through its education program for plumbers and customers to use when purchasing and installing plumbing fixtures, lawn watering equipment, or water using appliances. Information regarding retrofit devices such as low-flow shower heads or toilet dams that reduce water use by replacing or modifying existing fixtures or appliances should also be provided.

d. Water Rate Structures:

A water conservation oriented rate structure usually takes the form of an increasing block rate, although continuously increasing rate structures, peak or seasonal load rates, excess use fees, and other rate forms can be used. The increasing block rate structure is the most commonly used water conservation rate structure. Separate rate structures are usually used for commercial, institutional, and industrial customers. The City of La Porte uses a form of increasing block rate structure.

e. Water Conserving Landscaping:

In order to reduce the demands placed on a water system by landscape watering, the city or utility should consider methods that either encourage, by education and information, or require, by code or ordinance, water conserving landscaping by residential customers and commercial establishments engaged in the sale or installation of landscape plants or watering equipment. Because the City of La Porte is located on the Gulf Coast, it has a very high annual average rainfall. The need for outdoor watering is not as high as for arid climates. Agricultural land in the area is not irrigated. Although not made a specific section of the Conservation Plan, water conserving landscaping information will be made available through the Information/Education Section.

2. SUPPLY MANAGEMENT ALTERNATIVES

a. Universal Metering:

All public water supply utilities should master meter their water sources. In addition, all users, including the utility itself, should be metered. A regularly scheduled maintenance program of meter repair and replacement also needs to be established to ensure that proper metering is taking place. Metering and meter repair and replacement, can be used in conjunction with other programs such as leak detection and repair and, thereby, save significant quantities of water. All sales in the City of La Porte are metered. Currently, the City of La Porte has a regular meter repair and replacement program with production meters being tested yearly.

b. Leak Detection and Repair:

A continuous leak detection, location, and repair program can be an important part of a water conservation plan. Utility employees for the City of La Porte periodically check for leaks when reading meters and while performing regular maintenance. Major leaks are usually quickly detected by either city employees or customers and are repaired immediately. Soil in the area is generally clay and, therefore, leaks show up at the ground surface quite readily. Leak detection technology is also available in the form of electronic sonic devices.

c. Recycling and Reuse:

A city or utility should evaluate the potential of recycling and reuse because these methods may be used to increase water supplies in the utility's service area. Reuse can be especially important where the use of treated effluent from an industry or a municipal system or agricultural return flows replace an existing use that currently requires fresh water from a city's or utility's supply. Recycling of in-plant process or cooling water can reduce the amount of fresh water required by many industrial operations. Currently, the City of La Porte has a water reuse program (Reclaimed Water Authorization #R10206001). Because of its size and daily flows, the reuse of treated effluent for treatment plant process and wash-down water has proven quite economical for the City of La Porte. The City of La Porte's municipal golf course along with one of the City parks, are irrigated with plant effluent. This reuse program results in a savings of approximately 100,000,000 gallons of potable water per year.

F. PLAN OBJECTIVES

- ❖ To reduce water consumption from levels that would prevail without conservation efforts
- ❖ To reduce the loss and waste of water
- ❖ To improve efficiency in the use of water
- ❖ To implement a system to quantify the effects of the plan

In accordance with 30 TAC Chapter 288.2, the following five and ten year targets have been established:

See Attached Table

WATER CONSERVATION PLAN 5- AND 10-YR GOALS FOR WATER SAVINGS

Facility Name: City of La Porte

Water Conservation Plan Year: 2020

	Historic 5yr Average	Baseline	5-yr Goal for year <u>2025</u>	10-yr Goal for year <u>2030</u>
Total GPCD ¹	108	122	107	106
Residential GPCD ²	66	78	65	64
Water Loss (GPCD) ³	14	16	13	12
Water Loss (Percentage) ⁴	13 %	13 %	12 %	11 %

1. Total GPCD = (Total Gallons in System + Permanent Population) ÷ 365

2. Residential GPCD = (Gallons Used for Residential Use + Residential Population) ÷ 365

3. Water Loss GPCD = (Total Water Loss + Permanent Population) ÷ 365

4. Water Loss Percentage = (Total Water Loss + Total Gallons in System) x 100; or (Water Loss GPCD + Total GPCD) x 100

G. PLAN DESCRIPTION

Based on the evaluation of alternatives available to the City of La Porte for conserving water, the following elements have been selected as those best suited to the needs of the City for water conservation:

- Continuing Public Education and Information
- Water conserving plumbing code for new construction
- Retrofit programs
- Water rate structures
- Supply Management
- Universal metering
- Meter repair and replacement
- Leak detection and repair
- Recycling/reuse

1. CONTINUING PUBLIC EDUCATION AND INFORMATION

A program of public education and information to promote water conservation by the public has been instituted. The program includes the following:

- ❖ Conservation messages printed on customers monthly water bills.
- ❖ The City provides water conservation messages in quarterly newsletters to citizens. There are links on the City website to information provided by Texas Commission on Environmental Quality and Texas Water Development Board.
- ❖ New customers are provided water conservation literature at the time they initially sign up for service.

The public education program utilizes information such as those exhibited in Appendix A . The City places special emphasis on the need to insulate pipes to prevent freezing in cold weather, repairing household leaks, retrofitting of plumbing fixtures and devices, and landscaping conservation methods. The energy savings associated with a water conservation program are also be emphasized. Publications and materials for the program are obtained from: Texas Water Development Board, Texas Commission on Environmental Quality, American Water Works Association; Texas Water Utilities Association, American Public Works Association, and the Environmental Protection Agency.

2. WATER CONSERVING PLUMBING CODE

The City of La Porte has adopted the Uniform Plumbing Code (2012 version).

3. RETROFIT PROGRAMS

The City of La Porte makes information available through its education program for plumbers and customers to use when purchasing and installing plumbing fixtures, lawn watering equipment, or water using appliances. Information regarding retrofitting devices such as low-flow shower heads or toilet dams that reduce water use by replacing or modifying existing fixtures or appliances will also be provided.

4. UNIVERSAL METERING

The City of La Porte currently meters all water sales from its system, with the exception of a few public uses. All wells are currently metered at the well head. Well production meters and surface water meters are tested on an annual basis. The source water meters are maintained within an accuracy of plus or minus 5%. Based on the results of the accuracy tests, the meters are calibrated, repaired or replaced as needed. Universal metering is a standard of this utility will be an element of this plan.

5. WATER RATE STRUCTURES

The City of La Porte has adopted an Increasing Block Rate structure. A copy of the current water rate structure is attached in Appendix B and is made part of the Water Conservation Plan.

6. METER REPAIR AND REPLACEMENT

Meter testing is conducted by contract forces. The meter repair and testing program is structured per AWWA recommendations as follows:

1. Major Production meters - test once per year
2. Meters larger than four inch – random testing every 5 years
3. Meters larger than one inch - random testing every 7 years
4. Meters smaller than one inch - random testing every 10 years

In addition, the City will verify that each meter in the system is properly sized for the average volume of water being used in accordance with the manufacturers' specification for the meter. Based on testing and field evaluation, meters are repaired or replaced as needed. Large meter (1 inch and larger) replacement is prioritized based on usage volume, functionality and age. Residential meter replacement is prioritized based on functionality and age.

7. LEAK DETECTION AND REPAIR

The City of La Porte currently has leak detection programs which will be maintained. The program includes:

- a. Monthly water use accounting by the Billing Department which identifies high water usage after the service meters which may indicate leaks.
- b. Visual inspections by utility employees who keep a constant watch out for abnormal conditions indicating leaks or illegal connections.
- c. Visual inspections of storm water outfalls are conducted during periods of dry weather to locate leaks that may be entering storm drain systems.
- d. Distribution system pressures are monitored continuously with a SCADA system.
- e. Maintaining an adequate maintenance staff, inventory of repair parts and equipment necessary to repair any leaks.
- f. An annual water accounting or audit is considered be part of the program. Sources of water loss, once located, are immediately corrected. Data from the audit is used to monitor and evaluate system conditions.

8. RECYCLING/REUSE

As previously noted, the City of La Porte has the capability of reuse and recycling of treated effluent. Current use includes the recycling of approximate one million gallons per month at the La Porte Wastewater Treatment Plant used in process water, belt press operation and wash down. Additionally, as indicated above, re-use water is made available and used by the La Porte Bay Forest Golf Course and the Little Cedar Bayou Park for irrigation purposes. The amount will vary during the year according to the season.

H. WHOLESALE WATER CONTRACTS

Wholesale water contracts entered into or renewed, after the official adoption of this plan, and including any contract extension, shall include that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using applicable elements in accordance with T.A.C.30,Part1,Chapter 288, Subchapter A.

I. RECORDS MANAGEMENT SYSTEM

The City of La Porte maintains a records management system to monitor and track customer account information and usage. The Billing Department has the ability to segregate usage groups such as residential, multi-family, commercial, institutional and industrial users. The data for water produced is monitored and recorded to enable accurate tracking of monthly water usage.

J. IMPLEMENTATION/ENFORCEMENT

The City of La Porte Public Works Director acts as the Administrator of the Water Conservation Program. The Administrator oversees the execution and implementation of all elements of the program. He is also responsible to oversee the keeping of adequate records for program verification. The program will be enforced through adoption of the Water Conservation Plan by Ordinance or Resolution. A copy of this instrument is attached in Appendix C.

K. COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City of La Porte is located within Region H of the regional water planning area. The City of La Porte has provided a copy of this Water Conservation Plan to the Texas Water Development Board and Region H. Confirmation of this notification is found in Appendix D.

L. PLAN REVIEW AND UPDATE

The effectiveness and efficiency of this program will be monitored annually by annual reporting to the TWDB. This water conservation plan will be reviewed and updated, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. A utility profile is provided with this plan as Appendix E. The City will review and update its Water Conservation Plan every five years to coincide with the regional water planning group. Future amendments or updates will be evaluated by the Administrator to determine if a substantial modification exists that would warrant additional review by City Council.

2025
2030
2035

FIGURE 1

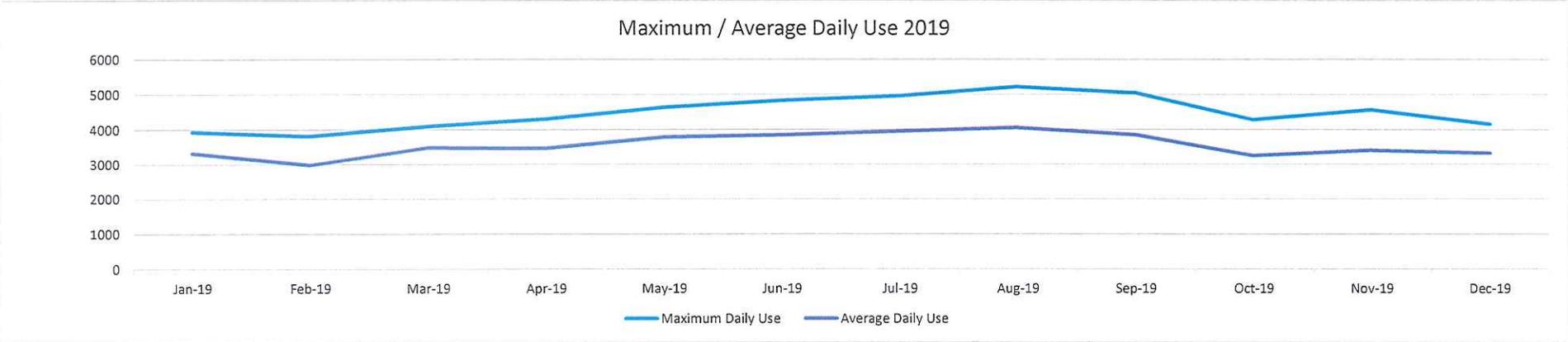
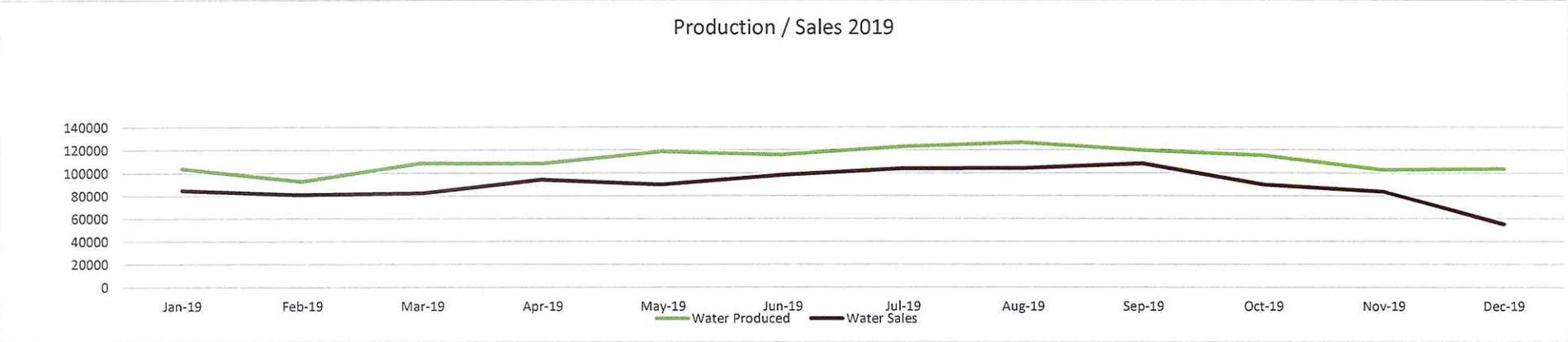


FIGURE 1

APPENDIX A

**Water is
limited.**



**Save some
today!**

Texas Water 
Development Board

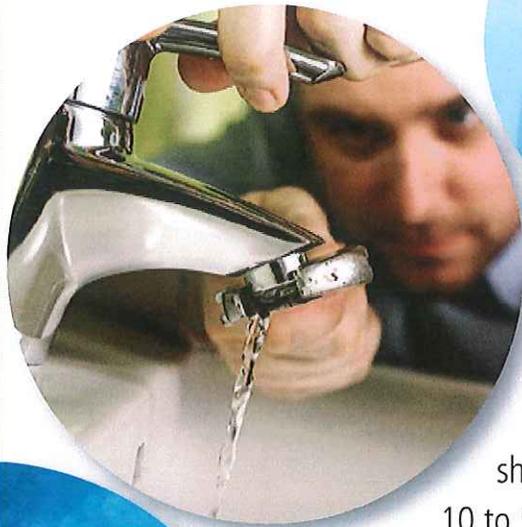
www.twdb.texas.gov

HELP CONSERVE TODAY

Inside your home, toilets consume the most water, followed by washing machines and showers. Outdoor use can account for more than 30 percent of total home water use.

Here are a few easy things you can start doing today to save water.*

◆ **Fix leaks** – Leaks waste both water and energy and can account for 10 percent or more of your water bill. Frequently check for leaks in your toilets, washing machines, and sinks. A slow drip adds up.



◆ **Shorten shower time** –

Reducing your shower time from 10 to 5 minutes could save at least 12.5 gallons per shower with efficient showerheads. That's over 4,500 gallons a year.

◆ **Turn off the faucet** – Don't let water run when you wash your hands, brush your teeth, and shave. Turn it off until you need it again.



◆ **Lower washing machine water level –**

Use the lowest water level setting on your washing machine whenever possible.

◆ **Water more efficiently –**

Limit your yard watering to no more than once a week, and prevent water evaporation by watering early in the morning—and never on windy days. Also, adjust sprinklers so they don't water the pavement or other unnecessary areas.

Take water conservation one step further.

Replace some of your household appliances with more energy-efficient models, and add rain sensors to your irrigation system.

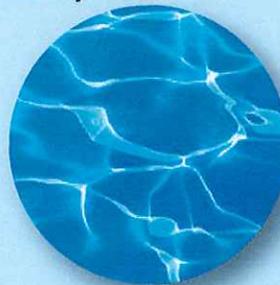
◆ **Washing machines –** High-efficiency washing machines can save almost 25 gallons of water per load, and they save energy.



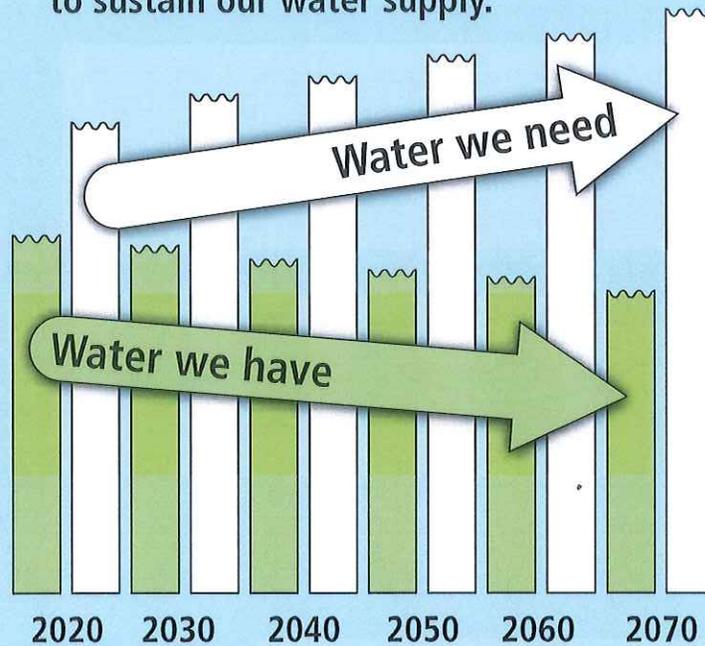
◆ **Toilets –** The average flush of an older toilet uses about 3.6 gallons of water, compared to newer, high efficiency toilets that use just 1.3 gallons per flush.

◆ **Sprinklers –** Install rain shut-off devices so you don't water the yard unnecessarily during or after a rain.

** Indoor water use numbers are from the Alliance for Water Efficiency:
www.allianceforwaterefficiency.org*



Our need for water is growing, but our current water supply will decline over time. More and more water conservation efforts will be necessary to sustain our water supply.



Conservation efforts are estimated to make up approximately 27 percent of the water generated through recommended water supply strategies in 2030.



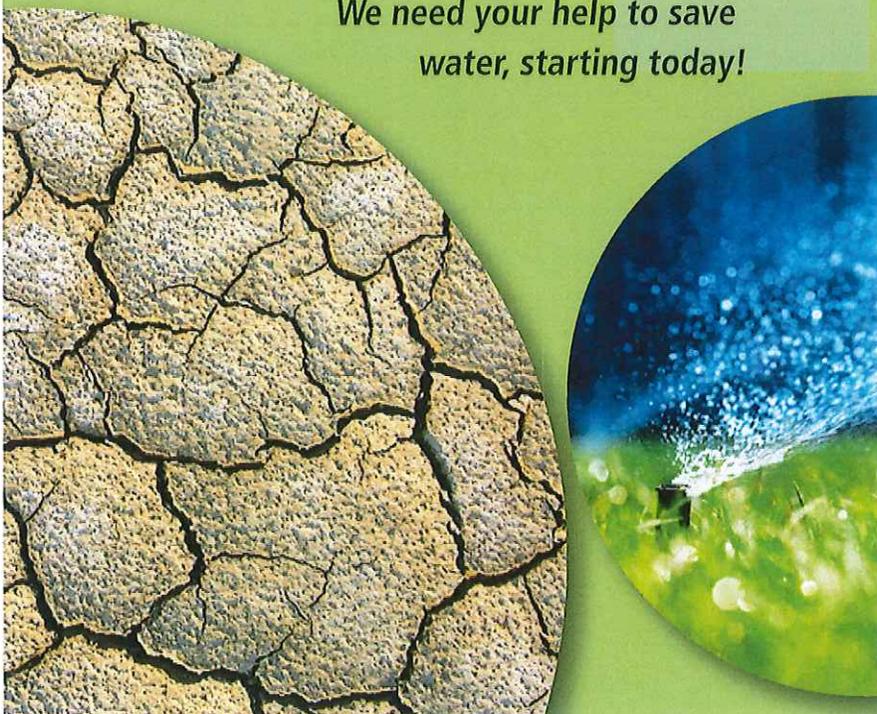
THE FUTURE OF TEXAS WATER

Water is our state's most precious and limited resource. With a growing population and an increasing need for water, we must be especially vigilant about how we use the water we already have. For years, Texas has experienced regularly recurring droughts, and more are inevitable in the future.

If Texans don't take steps to reduce water use, we could face serious water shortages over the next 50 years. If a drought of record occurs in the immediate future, it has been estimated that Texas could lose more than 400,000 jobs and over \$70 billion in annual economic activity. And those impacts increase each decade if the state water plan is not implemented.

Water conservation is often the least expensive and most cost-effective way to ensure adequate water supplies. Individual conservation practices can make a big difference in our overall water use.

***We need your help to save
water, starting today!***





Texas Water 
Development Board

www.twdb.texas.gov

1700 North Congress Avenue
Austin, TX 78701

Tel: 512-463-7847 ♦ Fax: 512-475-2053

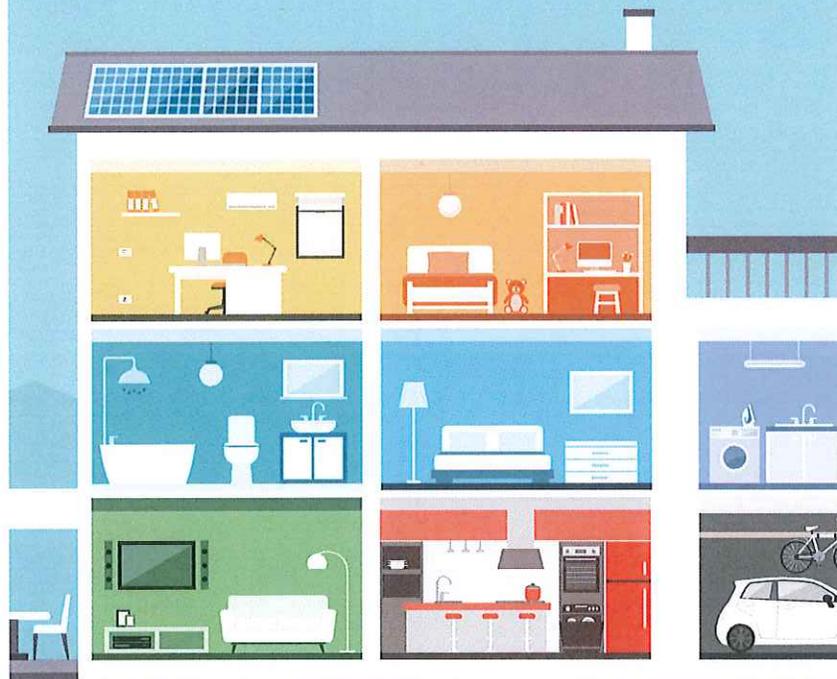
Stay connected:



Know your water.SM

www.WaterIQ.org

Household Water Use and Ways to Save



Install Water-Efficient Appliances and Fixtures

Toilets

- ◆ Toilets account for approximately 24 percent of indoor water use. They also happen to be a major source of leaks and/or inefficiency.
- ◆ Over the course of your lifetime, you will likely flush the toilet nearly 140,000 times. A high-efficiency toilet can save you 4,000 gallons per year.
- ◆ A leaky toilet can waste 200 gallons of water per day.



- ◆ Test toilets for leaks. Add a few drops of food coloring or a dye tablet to the water in the tank, but do not flush the toilet. If the coloring appears in the bowl within a few minutes, the toilet has a leak that needs to be repaired (usually the flapper or rubber washer).

Showers

- ◆ A water-efficient showerhead is one of the single most effective water-saving steps you can take inside your home.
- ◆ Take shorter showers. A full bathtub can use up to 70 gallons of water versus a 5-minute shower that uses as little as 10 gallons.

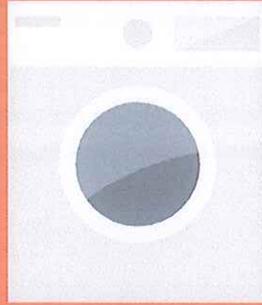


Sinks

- ◆ Install faucet aerators on sinks for a simple, cost-effective way to save water. The faucet's efficiency can double without sacrificing performance.

Washing Machines

- ◆ High-efficiency washers use 35 to 55 percent less water and 50 percent less energy.
- ◆ They also require less detergent, rinse more thoroughly, are less abrasive on clothes, and can fit larger capacity loads in the same size drum.



Dishwashers

- ◆ High-efficiency dishwashers use 2.1 to 7 gallons of water per load.
- ◆ Replacing older, inefficient models can cut dishwasher water use in half.

Don't Wait to Fix Leaks!

Leaks waste both water and energy and can account for 14 percent or more of your water bill.

Use your water meter to check for invisible leaks.

- ◆ Turn off all faucets and any water-using appliances.
- ◆ Read the dial on the water meter and record the numbers. (It is often located along the property line near the street.)
- ◆ Recheck the meter after 15 to 20 minutes.

If the numbers on the meter changed while no water was used, you have a leak!

If your utility offers customer dashboards, regularly check your usage throughout the month and watch for abnormally high readings, which may indicate a leak.

How much water do you use?

Alliance for Water Efficiency's Water Calculator
www.home-water-works.org/calculator

How is water used in your home?

24%
flushing the
toilet

19%
showering

3%
bathing

4%
miscellaneous
needs

16%
washing
machine

19%
from the faucet

1%
dishwasher

14%
leaks

Be Water Wise at Home



Turn off the water while you brush your teeth and save up to 2 gallons a minute. That's up to 220 gallons a week for a family of four.

Plug the sink instead of running the water to rinse your razor and save up to 200 gallons a month.



A faucet leaking at a rate of one drop per second can waste up to 3,000 gallons of water a year.



Reducing a 10-minute shower using a standard showerhead to 5 minutes will save 12.5 gallons of water in each occasion.



Install more efficient fixtures. A water-efficient showerhead can save the average family 2,900 gallons of water and \$70 in energy and water costs a year.



13,000 gallons

Water-efficient toilets can save up to 13,000 gallons of water a year.

If your toilet flapper doesn't close properly after flushing, replace it.



3,400 gallons

Save up to 3,400 gallons of water a year by washing laundry only when the machine is full.



Using an ENERGY STAR certified dishwasher will save about 3,870 gallons of water over its lifetime.



Water wisely

Avoid watering your lawn or garden in the middle of the day. Watering before dawn and after dusk allows for water to be absorbed instead of evaporating in midday heat.



10%
=31
billion

Collect and use rainwater. By collecting rainwater from just 10 percent of the residential roof area in Texas, we could conserve more than 31 billion gallons of water annually.



TakeCareOfTexas.org/
publications



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

How is our customer service?

www.tceq.texas.gov/customersurvey

The TCEQ is an equal opportunity employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation or veteran status.

GI-370 (revised 5/18)

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Sea Prudente con el Agua en Casa



Cierre la llave mientras se cepille los dientes y ahorre hasta 2 galones de agua por minuto. Esto sería hasta 220 galones por semana para una familia de cuatro.

Tape el lavabo en lugar de dejar que corra el agua para enjuagar su rastrillo de afeitar y ahorre hasta 200 galones al mes.



13,000 galones
Inodoros eficientes en agua pueden ahorrar hasta 13,000 galones de agua al año. Si el sello, o sapo, de su inodoro no cierra bien después de la descarga, cámbielo.



3,400 galones
Ahorre hasta 3,400 galones de agua al año lavando ropa sólo cuando la maquina esté llena.



Riegue prudentemente
Evite regar su césped o jardín en pleno día. Regar antes del amanecer o después del atardecer permite que el agua se absorba en lugar de evaporarse en el calor del mediodía.



10% = 31 mil millones
Capte y use agua de lluvia. Captando agua de lluvia de sólo el 10 por ciento de los techos residenciales en Texas, podríamos conservar más de 31 mil millones de galones de agua anualmente.



Instale dispositivos de plomería más eficientes. Un cabezal de regadera eficiente en agua puede ahorrarle 2,900 galones de agua y \$70 en costos de energía y agua al año a la familia promedio.



Reducir una ducha de 10 minutos usando un cabezal de regadera estándar a 5 minutos ahorrará 12.5 galones de agua en cada ocasión.



Una llave que gotea una gota por segundo puede desperdiciar hasta 3,000 galones de agua al año.



Usar un lavaplatos con la certificación ENERGY STAR ahorrará alrededor de 3,870 galones de agua durante su vida útil.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

¿Cómo le parece nuestro servicio al cliente?

www.tceq.texas.gov/encuesta

La Comisión de Calidad Ambiental de Texas (TCEQ, por el nombre en inglés) es un empleador con igualdad de oportunidades. La agencia tiene prohibido la discriminación por motivos de raza, color de piel, religión, origen nacional, sexo, discapacidad, edad, orientación sexual o condición de veterano.

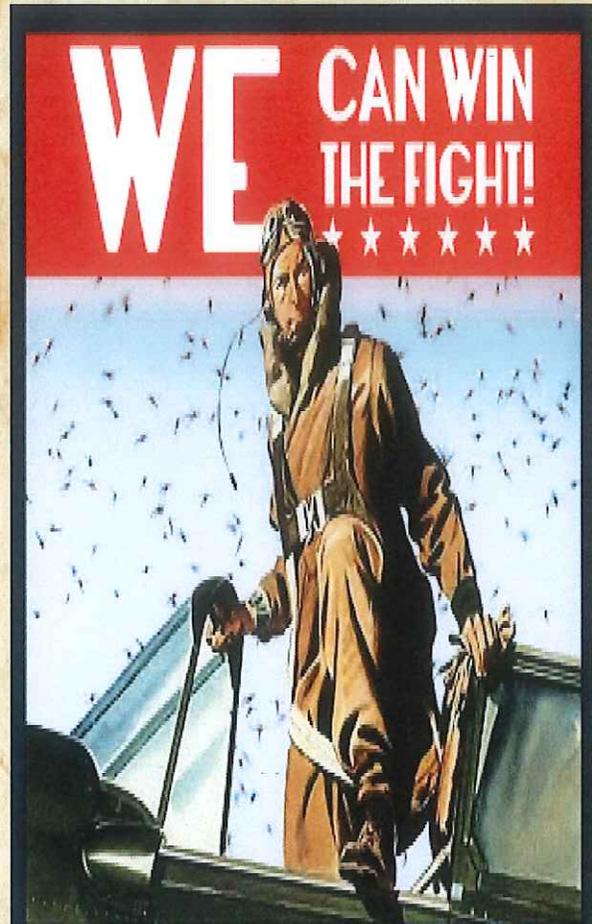
Impreso en papel reciclado usando tinta vegetal



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instructions.

Visit
SmarterAboutWater.org
Harris-Galveston Subsidence District in collaboration with the North Fort Bend Water Authority

Larry the Talking Sprinkler®



The Mosquito Battle Rages On

The mosquito battle typically runs from April to October depending on the severity of the winter. After mild winters, the season may last all year, but fear not! The City of La Porte has a battle plan. City workers are engaged in a three pronged attack: (1) right logging, (2) leveling of ditches, and (3) briquettes in ditches and diversion ponds.

You can join the fight! Each citizen can help in the control of mosquitoes by taking the following measures: get rid of standing water on your property where mosquitos might breed; properly dispose of tires, cans, flower pots, etc.; keep gutters clean and freely flowing. Standing water in gutters can breed mosquitoes; keep swimming pools, spas, and fountains properly treated.

The City of La Porte uses only mosquito control chemicals that have been tested and approved by the Environmental Protection Agency. No chemicals are used that have proven to be damaging to either public health or the environment. The City of La Porte mosquito control operators are licensed Pest Control Applicators through the Texas Department of Agriculture and must annually update their training in order to retain their licenses.

For questions or comments about the mosquito program, please call 281-471-9650.

PAGE 2

BILLIONS



OF GALLONS OF WATER ARE WASTED EVERY DAY FROM INEFFICIENT LANDSCAPE WATERING. THE KEY TO WATERING LAWNS IS TO APPLY WATER INEFFICIENTLY, YET THOROUGHLY. WATERING TOO FREQUENTLY OR TOO OFTEN CAN WEAKEN YOUR LAWN, WASTE WATER, AND CAUSE SOIL, FERTILIZERS, AND PESTICIDES INTO STREAMS. WATERING TOO LITTLE CAN ALSO WASTE WATER BECAUSE IT DOES LITTLE TO ALLEVIATE STRESS ON GRASS FROM DROUGHT.

TIPS FOR EFFICIENT WATERING:

1. WATER BEFORE 10 A.M. TO SAVE WATER AND MAINTAIN PLANT HEALTH. WATERING IN THE AFTERNOON INCREASES WATER LOSS DUE TO EVAPORATION. WATERING IN THE EVENING CAN MAKE YOUR LAWN AND PLANTS MORE PRONE TO FUNGI.
2. A GENERAL RULE IS TO WATER UP TO 1 INCH ONCE A WEEK. AS ALWAYS, OBSERVE THE GRASS TO KNOW WHEN TO WATER. AT THE FIRST SIGN OF BULGING, YOU HAVE 24 TO 48 HOURS TO WATER BEFORE DAMAGE OCCURS.
3. TO DETERMINE WHEN YOU HAVE APPLIED ENOUGH WATER, PUT A G-OUNCE PANDA CAN ON YOUR LAWN AND STOP WATERING WHEN IT IS FULL. IF YOU NOTICE HANDS BEFORE THE CAN IS FULL, TURN OFF THE WATER AND WAIT ONE HOUR BEFORE TURNING IT ON AGAIN.
4. SOME PLANTS MAY HAVE LOWER WATER REQUIREMENTS. YOU MAY BE ABLE TO REDUCE THE SPRAWLER RUN TIME FOR AREAS OF YOUR YARD WITH THESE PLANTS.
5. REPLACE YOUR STANDARD IRRIGATION CLOCK TIMER WITH A NEWER, MORE WATER-EFFICIENT CONTROLLER AND SAVE NEARLY 2,000 GALLONS OF WATER ANNUALLY. NEW TECHNOLOGY USES LOCAL WEATHER AND LANDSCAPE CONDITIONS TO DETERMINE YOUR PLANT'S WATER NEEDS.
6. ENSURE SPRINKLERS ARE NOT WATERING SIDEWALKS OR DRIVEWAYS. ALSO, SPRINKLERS SHOULD SPRAY LARGE DROPS CLOSE TO THE GROUND, RATHER THAN A FOG OR MIST, WHICH CAN BE BLOWN AWAY BY WIND.
7. REGULARLY MAINTAIN YOUR PERMANENT SPRINKLER SYSTEM TO MAKE SURE WATER IS BEING PROPERLY APPLIED. SPRINKLER HEADS ARE FREE FROM DEBRIS, WATER IS FLOWING AT THE PROPER PRESSURE, AND THE SYSTEM DOES NOT HAVE LEAKS.
8. CONSIDER ALTERNATIVES TO SPRAY IRRIGATION WHEN POSSIBLE. DRIP IRRIGATION CAN MINIMIZE EVAPORATION AND REDUCE BY 60% OR MORE. THIS SYSTEM WORKS BEST WITH PLANTS SUCH AS PERENNIALS, VINES, OR VEGETABLES.

LA PORTERECYCLES

YEP

- PAPER
- CLEAN PLASTIC CONTAINERS
- TIN AND STEEL PRODUCTS/CANS
- ALUMINUM PRODUCTS/CANS
- CARDBOARD
- CLEAN GLASS CONTAINERS
- BATTERIES & CELLS
- PAINT CANS

NOPE

- PLASTIC BAGS
- HAZARDOUS CHEMICALS OR MATERIALS
- COMMERCIAL OPERATORS WASTE
- OTHER METALS
- LIQUID ITEMS

IN RECYCLING CENTER

12201 NORTH C STREET BEHIND PUBLIC WORKS

MON - SUN 7AM - 7PM

DOING THE WORK WITH PUBLIC WORKS

FREE MULCH

FREE MULCH IS NOW AVAILABLE FOR PICKUP THROUGH PUBLIC WORKS FROM 8AM TO 2:30PM, AND ON SATURDAYS FROM 12:00PM TO 4:00PM. AT PUBLIC WORKS, 2903 N. 29TH STREET, AND WORKERS WILL ASSIST IN LOADING THE MULCH. THE FREE MULCH OFFERED IS THE RESULT OF GROUND AND COMPOSTING THE BRUSH THAT CITIZENS PUT ON THE CURB. RESIDENTS SHOULD BRING A PICKUP TRUCK OR TRAILER TO BE LOADED. ON THEIR OWN BAGS AND SHOVELS FOR SELF-SERVICE. ALTHOUGH MULCH CANNOT BE DELIVERED, THERE ARE 7 SATELLITE LOCATIONS AROUND THE CITY WHERE MULCH CAN BE PICKED UP FREE OF CHARGE. FIND OUT MORE AT LAPORTE.ORG

EVERY CUBIC YARD OF WASTE RECYCLED IS A CUBIC YARD OF LANDFILL AND CITIZEN DOLLARS SAVED. RECYCLING OF YARD WASTES ALLOWS THE CITY TO PRODUCE MULCH AND COMPOST WHICH IS USED IN CITY PARKS, NATURE TRAILS AND IS MADE AVAILABLE TO OUR CITIZENS AT NO COST.

THE RECYCLING CENTER

12201 NORTH C STREET BEHIND PUBLIC WORKS

MON - SUN 7AM - 7PM

PAGE 3

APPENDIX B

Description	Amount	Section this Code
Chapter 62. Streets, Sidewalks and Other Public Places		
<i>Article II. Vacating, Abandoning and Closing Streets and Alleys</i>		
(a)	Application fee to vacate, abandon or close (minimum)	300.00
62-32(a)		
Chapter 74. Utilities		
<i>Article II. Industrial Waste</i>		
Division 3. Public Sewer Use		
Subdivision I. In General		
(a)	Application fee for wet industry classification permit	25.00
<i>Article III. Water and Sewer Service Charges</i>		
Division 1. Generally		
(a)	Collection cost of lien for delinquent utility bill	50.00
74-224(c)		
Division 2. Water Service Rates and Charges		
(a)	Water service rates:	74-246

Description		Amount	Section this Code
(1)	Residential use: A minimum charge, per month	7.95	
(2)	Apartment units, duplex units, individual mobile homes in mobile home parks, with units not individually metered for water: A minimum charge per month, per living unit	5.35	
(3)	Commercial and industrial use: A minimum charge per month shall be made in accordance with the size of the meter utilized to measure service to the customer in accordance with the following schedules		
a.	¾-inch meter, or smaller meter	9.35	
b.	1-inch meter	12.85	
c.	1½-inch meter	22.75	
d.	2-inch meter	36.65	
e.	3-inch meter, (including fire hydrant meters leased from city)	76.35	
f.	4-inch meter	131.85	
g.	6-inch meter	290.60	

Description			Amount	Section this Code	
		h.	8-inch meter or larger	512.80	
	(4)	Volume charges:			
		a.	Each minimum bill of residential, commercial and industrial shall include 2,000 gallons of water per month.		
		b.	Each minimum bill of apartment units, duplex units, individual mobile homes in mobile home parks, with units not individually metered for water, shall include 2,000 gallons of water per unit per month.		
		c.	Each additional 1,000 gallons used by a customer each month shall be charged in accordance with the following schedule		
			1. For the next additional 8,000 gallons exceeding 2,000 gallons (per 1,000 gallons)	2.98	
			2. For the next additional 15,000 gallons exceeding 10,000 gallons (per 1,000 gallons)	3.28	

Description			Amount	Section this Code
		3. Each additional 1,000 gallons consumed exceeding 25,000 gallons (per 1,000 gallons)	3.77	
		d. The volume charge to commercial and industrial shall be in accordance with the schedule in volume charges, (4)c.		
		e. The volume charge to apartment units, duplex units, individual mobile homes in mobile home parks, with units not individually metered for water, shall be in accordance with the schedule in volume charges, (4)c after the usage of the amount of water exceeds the number of units billed, times 2,000 gallons each month.		
(b)	Certain water services:			74-249
	(1)	New service fee	10.00	
	(2)	Transfer of service fee	15.00	
	(3)	Meter replacement fee	25.00	
	(4)	Pressure testing of service lines	25.00	
	(5)	Rereading of meter	5.00	

Description		Amount	Section this Code
(6)	Fire hydrant meter:		74-249
	a. Rental deposit fee	1,500.00	
	b. Daily rental usage fee	15.00	
	c. Initial attachment fee	25.00	
	d. Relocation fee	25.00	
(c)	Service restoration fee:		74-251(c)
(1)	Regular hours	25.00	
(2)	After regular hours	35.00	
(d)	Discontinuance of service:		74-251(e)
(1)	With locking mechanism	25.00	
(2)	Additional fee for removal of or tampering with locking mechanism	25.00	
(e)	Administrative penalty for unauthorized tap or hookup	200.00	74-251(f)
(f)	Deposits for service:		74-252(c)
(1)	Owner-occupied, single-family residence consumers	90.00	

Description		Amount	Section this Code
	(2) Other single-family residence consumers	125.00	
Division 3. Sewer Service Rates and Charges			
(a)	Rates for sewer service		74-276
The following rates shall be applicable for sewage treatment by the city computed on a monthly basis:			
	(1) Residential use: A minimum charge (per month)	9.75	
	(2) Apartment units, duplex units, individual mobile homes in mobile home parks, with units not individually metered for water: A minimum charge per month, per living unit	5.75	
	(3) Commercial and industrial use: A minimum charge per month shall be made in accordance with the size of the meter utilized to measure service to the customer in accordance with the following schedules		
	a. ¾-inch meter or smaller meter	16.95	
	b. 1-inch meter	25.95	
	c. 1½-inch meter	50.95	

Description			Amount	Section this Code
	d.	2-inch meter	85.95	
	e.	3-inch meter	186.95	
	f.	4-inch meter or larger	326.95	
	(4)	Volume charges:		
	a.	Since sewer discharge is not metered, all volume charges shall be based on the total water volume charged to the customer.		
	b.	Each minimum bill of residential, commercial and industrial shall include 2,000 gallons of sewage discharge treated each month.		
	c.	Each minimum bill of apartment units, duplex units, individual mobile homes in mobile home parks, with units not individually metered for water, shall include 2,000 gallons of sewage discharge treated per unit, each month per unit.		
	d.	Each additional 1,000 gallons treated for a customer each month shall be charged in accordance with the following schedule:		

Description				Amount	Section this Code
			1. Residential, per 1,000 gallons	3.00	
			2. Commercial and industrial, per 1,000 gallons	3.00	
			3. Apartment units, duplex units, individual mobile homes in mobile home parks, with units not individually metered for water, per 1,000 gallons	3.00	
		e.	Computation of volume based on water purchased		

Description				Amount	Section this Code	
			1.	Residential: The volume of sewage treated shall be based on 85 percent of the resident's water volume billed each month. However, the maximum residential charge will be limited to	35.00	
			2.	Commercial and industrial: The volume of sewage treated will be based upon 85 percent of the monthly water consumption.		

Description				Amount	Section this Code
		3.	Multiunits: The volume charge to apartment units, duplex units, individual mobile homes in mobile home parks, with units not individually metered for water, shall be based on 85 percent of the amount of water billed each month.		
		f.	Senior citizen discount: Residential customers 60 years of age or older shall be entitled to a \$2.00 monthly discount on their primary account.		
Division 4. Utility Development Fees					
(a)	Water Development fee (equal to or under 2.5 acres):				
	Rates per 100 square feet of the lot, tract or parcel of land to which water connections may be made, plus a water tapping fee listed below:				
	(1)	Residential		None	
	(2)	Commercial/Industrial		None	

APPENDIX C

ORDINANCE 2020-3788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, APPROVING AND AUTHORIZING AMENDMENTS TO THE CITY OF LA PORTE WATER CONSERVATION PLAN; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, The City of La Porte is required by Texas Administrative Code, Title 30, Part1, Chapter 288, to develop and maintain a Water Conservation Plan; and

WHEREAS, The City of La Porte has maintained a Water Conservation Plan since 1987; and

WHEREAS, The Texas Water Development Board requires five-year updates to said plan;

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

Section 1. The City Council of La Porte hereby approves and authorizes amendments to the City of La Porte Water Conservation Plan, and a copy of which amended plan is on file in the office of the City Secretary.

Section 2. All ordinances or parts of ordinances of the City of La Porte, Texas, in conflict with any provision contained herein is hereby repealed to the extent of any conflict.

Section 3. If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance; and it is hereby declared to be the intention of this City Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

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 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 APPROVED this, the 13th day of April, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Clark T. Askins, Assistant City Attorney

APPENDIX D



City of La Porte

Established 1892

Public Works Department

Providing essential public services to the citizens of La Porte in the most efficient and cost effective manner possible.

April 17, 2020

Texas Water Development Board
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

Reference: **Submittal of Water Conservation Plan**
City of La Porte
PWS 1010018

In order to comply with Title 30, Texas Administrative Code, Chapter 288, Subchapter B, Rule 288, The City of La Porte submits its current Water Conservation Plan.

Should any further action be necessary please contact me at (281) 471-9650, or at mayo@laportetx.gov.

Respectfully,

Ray Mayo
Director of Public Works
City of La Porte

Attachments:

One (1) Copy of Water Conservation Plan with Appendices
and Utility Profile



City of La Porte

Established 1892

Public Works Department

Providing essential public services to the citizens of La Porte in the most efficient and cost effective manner possible.

April 20, 2020

Sonia Zamudio
1577 Dam Site Road
Water Conservation Group Region H
Conroe, Texas 77304

Reference: **Submittal of Water Conservation Plan**
City of La Porte
PWS 1010018

In order to comply with Title 30, Texas Administrative Code, Chapter 288, Subchapter B, Rule 288, The City of La Porte submits its current Water Conservation Plan.

Should any further action be necessary please contact me at (281) 471-9650, or at mayo@laportetx.gov.

Respectfully,

Ray Mayo
Director of Public Works
City of La Porte

Attachments:

One (1) Copy of Water Conservation Plan with Appendices
and Utility Profile

APPENDIX E

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: City of La Porte

Public Water Supply Identification Number (PWS ID): TX1010018

Certificate of Convenience and Necessity (CCN) Number: _____

Surface Water Right ID Number: _____

Wastewater ID Number: _____

Contact: First Name: Robert Last Name: Banks

Title: Utility Superintendent

Address: 2963 N. 23rd St. City: La Porte State: TX

Zip Code: 77571 Zip+4: _____ Email: banksr@laportetx.gov

Telephone Number: 2814705108 Date: _____

Is this person the designated Conservation Coordinator? Yes No

Regional Water Planning Group: H

Groundwater Conservation District: _____

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 32

Attached file(s):

File Name	File Description
Capture.PNG	

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2019	34,733	1,476	34,733
2018	34,733	0	34,733
2017	34,733	0	34,733
2016	34,733	0	34,733
2015	34,733	0	34,733

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2020	33,703	441	33,703
2030	34,449	479	34,449
2040	34,963	509	34,963
2050	35,785	541	35,785
2060	36,729	570	36,729

4. Described source(s)/method(s) for estimating current and projected populations.

TWDB WEBSITE- 2021 REGIONAL PLAN; 2019 LAPORTE ANNUAL WATER CONSERVATION PLAN/REPORT; NOTE- ON #2 ABOVE, PLEASE CHANGE WHOLESALE POP FROM 1446 TO 441

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2019	117,559,237	1,207,318,452	79,321	1,324,798,368	104
2018	85,463,783	1,324,640,281	0	1,410,104,064	111
2017	120,209,419	1,215,740,891	0	1,335,950,310	105
2016	114,368,787	1,254,080,000	0	1,368,448,787	108
2015	122,251,246	1,290,972,084	0	1,413,223,330	111
Historic Average	111,970,494	1,258,550,342	15,864	1,370,504,972	108

C. Water Supply System

Attached file(s):

File Name	File Description
WATER.pdf	

- 1. Designed daily capacity of system in gallons 3,695,000
- 2. Storage Capacity
 - 2a. Elevated storage in gallons: 1,850,000
 - 2b. Ground storage in gallons: 1,845,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2021	33,778	1,331,528,760
2022	33,853	1,334,485,260
2023	33,928	1,337,441,760
2024	34,003	1,340,398,260
2025	34,078	1,343,354,760
2026	34,153	1,346,311,260
2027	34,228	1,349,267,760
2028	34,303	1,352,224,260
2029	34,378	1,355,180,760
2030	34,449	1,357,979,580

2. Description of source data and how projected water demands were determined.

TWDB REGIONAL WATER PLAN & LAPORTE UTILITY PROFILE REPORT

E. High Volume Customers

1. The annual water use for the five highest volume **RETAIL** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
CHEMICAL LIME CORP.	Commercial	44,534,700	Treated
FOREST VISTA MOBILE HOME PARK	Residential	21,156,000	Treated
PECAN MHP INVESTORS, LLC.	Residential	12,334,300	Treated
Albemarle Corporation	Industrial	10,945,200	Treated
Harbour Bay Office	Residential	8,401,900	Treated

2. The annual water use for the five highest volume **WHOLESALE** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
City of Morgan's Point	Municipal	79,400	Treated

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

F. Utility Data Comment Section

Additional comments about utility data.

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	11,555	72.49 %
Residential - Multi-Family	3,111	19.52 %
Industrial	71	0.45 %
Commercial	1,102	6.91 %
Institutional	101	0.63 %
Agricultural	0	0.00 %
Total	15,940	100.00 %

2. Net number of new retail connections by water use category for the previous five years.

Year	Net Number of New Retail Connections						Total
	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	
2019	183	0	2	12	0	0	197
2018	73	0	6	10	0	0	89
2017	33	2	0	21	0	0	56
2016	74	0	1	27	4	0	106
2015	79	3	1	34	7	0	124

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2019	621,401,940	184,431,300	29,030,900	283,614,400	39,159,293	0	1,157,637,833
2018	674,586,600	135,879,300	34,222,400	274,050,757	35,281,843	0	1,154,020,900
2017	662,882,800	134,136,000	24,574,200	260,684,300	34,863,370	0	1,117,140,670
2016	645,329,800	134,287,300	25,833,500	256,074,320	35,663,500	0	1,097,188,420
2015	693,990,600	168,055,700	16,228,100	228,591,700	28,179,100	0	1,135,045,200

C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2019	65
2018	66
2017	65
2016	64
2015	70
Historic Average	66

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2019	2018	2017	2016	2015
January	103,337,000	121,193,000	105,257,000	109,459,000	109,773,000
February	92,542,000	99,031,000	96,541,000	102,915,000	99,811,000
March	108,351,000	113,277,000	105,713,000	112,605,000	107,410,000
April	107,823,000	109,516,000	108,726,000	103,634,000	110,367,000
May	118,173,000	139,963,000	120,828,000	112,109,000	115,433,000
June	115,421,000	128,619,000	110,392,000	113,260,000	119,554,000
July	122,441,000	136,310,000	113,884,000	140,005,000	139,914,000
August	125,929,000	134,693,000	114,576,000	131,194,000	153,935,000
September	119,480,000	110,206,000	112,027,000	118,245,000	116,804,000
October	114,933,000	113,909,000	120,123,000	125,560,000	124,316,000
November	102,371,000	95,792,000	108,326,000	118,802,000	109,794,000
December	103,265,000	104,433,000	104,128,000	112,699,000	110,349,000
Total	1,334,066,000	1,406,942,000	1,320,521,000	1,400,487,000	1,417,460,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2019	2018	2017	2016	2015
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0
December	0	0	0	0	0
Total	0	0	0	0	0

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2019	363,791,000	1,334,066,000
2018	399,622,000	1,406,942,000
2017	338,852,000	1,320,521,000
2016	384,459,000	1,400,487,000
2015	413,403,000	1,417,460,000
Average in Gallons	380,025,400.00	1,375,895,200.00

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2019	111,707,515	9	8.43 %
2018	196,601,182	16	13.94 %
2017	161,763,705	13	12.11 %
2016	214,582,085	17	15.68 %
2015	219,077,148	17	15.50 %
Average	180,746,327	14	13.13 %

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2019	3,654,975	3954250	1.0819
2018	3,854,635	4343717	1.1269
2017	3,617,865	3683173	1.0181
2016	3,836,950	4178902	1.0891
2015	3,883,452	4493510	1.1571

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	659,638,348	72.49 %	58.26 %
Residential - Multi-Family	151,357,920	19.52 %	13.37 %
Industrial	25,977,820	0.45 %	2.29 %
Commercial	260,603,095	6.91 %	23.02 %
Institutional	34,629,421	0.63 %	3.06 %
Agricultural	0	0.00 %	0.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Section III: Wastewater System Data

A. Wastewater System Data

Attached file(s):

File Name	File Description
WASTEWATER.pdf	

1. Design capacity of wastewater treatment plant(s) in gallons per day: 7,560,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	14,666	0	14,666	95.38 %
Industrial	57	0	57	0.37 %
Commercial	553	0	553	3.60 %
Institutional	101	0	101	0.66 %
Agricultural	0	0	0	0.00 %
Total	15,377	0	15,377	100.00 %

3. Percentage of water serviced by the wastewater system: 96.40 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2019	2018	2017	2016	2015
January	178,624,000	143,180,000	124,518,000	115,117,000	143,029,000
February	155,109,000	139,684,000	79,940,000	77,921,000	69,631,000
March	95,090,000	96,470,000	117,614,000	110,386,000	163,703,000
April	90,120,000	97,386,000	103,988,000	118,024,000	129,891,000
May	162,611,000	86,225,000	81,187,000	117,733,000	185,358,000
June	123,892,000	96,393,000	121,136,000	162,301,000	152,628,000
July	106,452,000	121,712,000	111,711,000	83,326,000	68,520,000
August	102,926,000	102,183,000	176,391,000	148,315,000	85,068,000
September	160,526,000	236,091,000	112,951,000	95,984,000	106,423,000
October	134,137,000	150,735,000	94,806,000	72,887,000	113,205,000
November	114,602,000	130,921,000	76,580,000	72,258,000	147,987,000
December	89,155,000	148,332,000	112,985,000	108,329,000	110,802,000
Total	1,513,244,000	1,549,312,000	1,313,807,000	1,282,581,000	1,476,245,000

5. Could treated wastewater be substituted for potable water?

Yes
 No

B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	53,341,000
Plant wash down	19,415,430
Chlorination/de-chlorination	1,941,570
Industrial	
Landscape irrigation (park,golf courses)	0
Agricultural	
Discharge to surface water	1,456,159,000
Evaporation Pond	0
Other	
Total	1,530,857,000

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

On the previous page, the amount listed for onsite irrigation is actually the amount for the landscape irrigation at the nearby Golf Course. The City of La Porte has a Type 2 Reclaimed Water Permit, Authorization #R10206001. Also, not included in A. 4. (amount of wastewater treated), there was an additional 474,000,780 gallons of wastewater (total for the last 5 years) pumped to another wastewater treatment facility. This wastewater system belongs to LaPorte, but is not piped to our city wastewater treatment plant. But this area is part of the water service area.



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u>
Requested By: <u>Shelley Wolny</u>
Department: <u>Finance</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

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

Exhibits: Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

SUMMARY

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on 0 Easy Street, La Porte on the public resale list since 2014 and has received a minimum bid from Blacksmith Holdings, LLC in the amount of \$6,989.38, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

1999-18236 – 0 Easy Street, La Porte, Texas 77571 – Offer \$6,989.38 (cost + taxes)

RECOMMENDED MOTION

I move to approve of a bid by Blacksmith Holdings, LLC to acquire a tax resale property described as: Tract 1, Lot 383, Block 10 of Battleground Estates, Section 2, a Subdivision of Harris County, Texas according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 080-026-000-0383.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
4828 Loop Central Drive
Suite 600
Houston, TX 77081

Main: 713.844.3400

February 20, 2020

*Email: Chips@lgbs.com
Direct: 713.576.7264*

Shelley Wolny, City Treasurer
City of La Porte Finance Department
604 W. Fairmont Parkway
La Porte, Texas 77571

HAND DELIVERED

RE: Tax Resale Bid in Lawsuit No. 1999-18236; City of La Porte, Et Al vs. Rafael Reyes;
Account # 0800260000383

Dear Ms. Wolny:

A private tax resale bid in the amount of \$6,989.38 has been received from Blacksmith Holdings LLC for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

Consider approval of a bid by Blacksmith Holdings LLC to acquire a tax resale property described as: Lot 383, Block 10 of Battleground Estates, Section 2, a Subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 42, Page 23 of the Map Records of Harris County, Texas. Account No. 0800260000383.

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the printed name.

Charles Austin "Chip" Sutton
Capital Partner

Enclosures

cc: Corby Alexander, City Manager
City of La Porte City Manager's Office
604 W. Fairmont Parkway
La Porte, Texas 77571

City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing
Title Policy

Abstract of Title
Survey

Appraisal
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: \$ 6989.38

Tax Lawsuit: 1999-18236; CITY OF LA PORTE, ET AL VS. RAFAEL REYES, ET AL

Tax Account No. 0800260000383

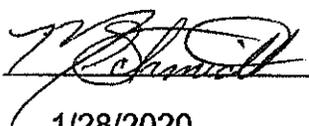
Legal Description: TRACT 1: LOT 383, BLOCK 10 OF BATTLEGROUND ESTATES, SECTION 2, CITY OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s): BLACKSMITH HOLDINGS LLC

Address: 4312 PINE HARVEST LN

MANVEL, TX, 77578

Telephone Numbers: 856-217-5430

Signed:  (MICHAEL SCHMIDT, RESIDENT AGENT)

Dated: 1/28/2020

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY

Suit No. 1999-18236; City of La Porte, Et Al vs. Rafael Reyes, Et Al

Legal Description: Lot 383, Block 10 of Battleground Estates, Section 2, City of La Porte, Harris County, Texas; Account # 0800260000383

Situs Address: 0 Easy Street, La Porte, Texas 77571

Bidder: Blacksmith Holdings, LLC, 4312 Pine Harvest Ln, Manvel, Texas 77578

Date of Sale: October 5, 1999

Amount of Bid: \$6,989.38

Judgment Amount: \$5,722.68

Cost of Sale: \$541.00

Adjudged Value: \$7,800.00

**% of Total Due: 100% (Of
Judgment Amount, Costs and
Post-Judgment Taxes)**

% of Adjudged Value: 90%

JUDGMENT TAX YEARS:

Entity	Amount Due	Amount You
Name	Each Entity	Will Receive
City of La Porte(1984-1998)	\$2,192.24	\$2,192.24
La Porte ISD(1984-1998)	\$3,115.67	\$3,115.67
Harris County(1994-1998)	\$354.84	\$354.84
San Jacinto CCD(1994-1998)	\$59.93	\$59.93
Totals	\$5,722.68	\$5,722.68

POST-JUDGMENT TAX YEARS:

Entity Name	Amount Due Each Entity	Amount You Will Receive
City of La Porte(1999)	\$170.42	\$170.42
La Porte ISD(1999)	\$396.09	\$396.09
Harris County(1999)	\$136.10	\$136.10
San Jacinto CCD(1999)	\$23.09	\$23.09
Totals	\$725.70	\$725.70

RESOLUTION 2020-07

THE STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

RESOLUTION AND ORDER

WHEREAS, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

Lot 383, Block 10 of Battleground Estates, Section 2, a Subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 42, Page 23 of the Map Records of Harris County, Texas. Account No. 0800260000383.

WHEREAS, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

WHEREAS, being no bids for the property at the tax sale on October 5, 1999, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

WHEREAS, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

WHEREAS, the City of La Porte has received an offer of \$6,989.38 to purchase the property from the Blacksmith Holdings LLC.

NOW, THEREFORE, IT IS ORDERED by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by Blacksmith Holdings LLC and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the person submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the _____ day of _____, 2020.

LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

ATTEST: _____
LEE WOODWARD, CITY SECRETARY
CITY OF LA PORTE

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)

STATE OF TEXAS

X

X

TAX RESALE DEED

COUNTY OF HARRIS

X

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by BLACKSMITH HOLDINGS LLC (hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 1999-18236, City of La Porte, Et Al vs. Rafael Reyes, in the 157th District Court of Harris County, said property described as follows:

Lot 383, Block 10 of Battleground Estates, Section 2, a Subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 42, Page 23 of the Map Records of Harris County, Texas. Account No. 0800260000383.

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

GRANTEE accepts the property in "AS IS, WHERE IS" condition and subject to any environmental conditions that might have or still exist on said property, and subject to any title defects and deficiencies, and also subject to the right of redemption, if any, provided under the Texas Property Tax Code. GRANTEE acknowledges and agrees that this conveyance is expressly made without warranty.

Taxes for the 1999 tax years and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this _____ day of _____, 2020.

CITY OF LA PORTE, TRUSTEE

By: _____
LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

STATE OF TEXAS X

COUNTY OF HARRIS X

This instrument was acknowledged before me on this _____ day of _____, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____

After recording return to:

Blacksmith Holdings LLC
4312 Pine Harvest Ln.
Manvel, Texas 77578

Harris County Appraisal District



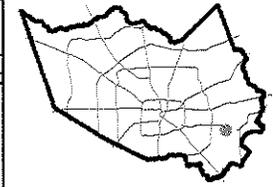
0 50 100 200 Feet

PUBLICATION DATE: 5/2/2019

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.



MAP LOCATION



FACET 6155C

5	6	7	8	5
9	10		12	9
1	2	3	4	1

6155C10

5

1243

STAASHEN
064-222

FERRY BOAT ROAD

EASY STREET

BATTLEGROUND S
080-019
SEC. 2

DEAF S





REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u>
Requested By: <u>Shelley Wolny</u>
Department: <u>Finance</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

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

Exhibits: Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

SUMMARY

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on North L Street, La Porte on the public resale list since 2014 and has received a minimum bid from Jose Angel Garcia in the amount of \$26,600.00, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2010-78247 – North L Street, La Porte, Texas 77571 – Offer \$26,600.00 (cost + taxes)

RECOMMENDED MOTION

I move to approve of a bid by Jose Angel Garcia to acquire a tax resale property described as: Tract 1, Lots 20 & 21, Block 1, of Pinegrove Valley, a Subdivision in Harris County, Texas according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 099-419-000-0020.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

February 20, 2020

Email: Chips@lgbs.com

Direct: 713.576.7264

Shelley Wolny, City Treasurer
City of La Porte Finance Department
604 W. Fairmont Parkway
La Porte, Texas 77571

HAND DELIVERED

RE: Tax Resale Bid in Lawsuit No. 2010-78247; La Porte ISD, Et Al vs. Leana Manderscheid, Individually and as sole heir of Robert Manderscheid; Account # 0994190000020

Dear Ms. Wolny:

A private tax resale bid in the amount of \$26,600.00 has been received from Jose Angel Garcia for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

Consider approval of a bid by Jose Angel Garcia to acquire a tax resale property described as: Lots 20 & 21, Block 1, of Pinegrove Valley, a Subdivision in Harris County, Texas as shown on the on the map or plat thereof recorded in Volume 152, Page 34 of the Map Records of Harris County, Texas. Account No. 0994190000020.

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Charles Austin "Chip" Sutton
Capital Partner

Enclosures

cc: Corby Alexander, City Manager
City of La Porte City Manager's Office
604 W. Fairmont Parkway
La Porte, Texas 77571

City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing
Title Policy

Abstract of Title
Survey

Appraisal
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: \$ 26,600⁰⁰

Tax Lawsuit: 2010-78247; LA PORTE ISD, ET AL, VS. LEANA MANDERSCHIED, INDIVIDUALLY AND AS SOLE HEIR TO ROBERT MANDERSCHIED, ET AL

Tax Account No. 0994190000020

Legal Description: TRACT 1: LOTS 20 & 21, BLOCK 1, OF PINEGROVE VALLEY SUBDIVISION, CITY OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s): JOSE ANGEL GARCIA

Address: 2002 LAURA LN

LA PORTE, TEXAS . 77571

Telephone Numbers: 832-347-6033

Signed: Jose Angel Garcia

Dated: 1-24-20

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY

Suit No. 2010-78247; La Porte ISD, Et Al vs. Leana Manderscheid, Individually and as sole heir of Robert Manderscheid

Legal Description: Lots 20 & 21, Block 1, of Pinegrove Valley, City of La Porte, Harris County, Texas; Account # 0994190000020

Situs Address: North L Street, La Porte, Texas, 77571

Bidder: Jose Angel Garcia, 2002 Laura Lane, La Porte, Texas 77571

Date of Sale: December 3, 2013

Amount of Bid: \$26,600

Judgment Amount: \$25,193.38

Cost of Sale: \$2,493.55

Adjudged Value: \$25,000.00

**% of Total Due: 91% (Of
Judgment Amount, Costs and
Post-Judgment Taxes)**

% of Adjudged Value: 106%

JUDGMENT TAX YEARS:

Entity Name	Amount Due Each Entity	Amount You Will Receive
City of La Porte(1986-2012)	\$6,489.69 (26%)	\$5,851.70
La Porte ISD(1986-2012)	\$13,370.03 (53%)	\$11,928.47
Harris County(1990-2012)	\$4,408.84 (18%)	\$4,051.18
San Jacinto CCD(1990-2012)	\$924.82 (3%)	\$675.20
Totals	\$25,193.38	\$22,506.55

POST-JUDGMENT TAX YEARS:

Entity Name	Amount Due Each Entity	Amount You Will Receive
City of La Porte(2013-2014)	\$396.94	\$396.94
La Porte ISD(2013-2014)	\$744.41	\$744.41
Harris County(2013-2014)	\$355.01	\$355.01
San Jacinto CCD(2013-2014)	\$103.54	\$103.54
Totals	\$1,599.90	\$1,599.90

RESOLUTION 2020-08

THE STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

RESOLUTION AND ORDER

WHEREAS, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

Lots 20 & 21, Block 1, of Pinegrove Valley, a Subdivision in Harris County, Texas as shown on the on the map or plat thereof recorded in Volume 152, Page 34 of the Map Records of Harris County, Texas. Account No. 0994190000020.

WHEREAS, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

WHEREAS, being no bids for the property at the tax sale on December 3, 2013, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

WHEREAS, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

WHEREAS, the City of La Porte has received an offer of \$26,600.00 to purchase the property from the Jose Angel Garcia.

NOW, THEREFORE, IT IS ORDERED by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by Jose Angel Garcia and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the person submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the _____ day of _____, 2020.

LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

ATTEST: _____
LEE WOODWARD, CITY SECRETARY
CITY OF LA PORTE

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)

STATE OF TEXAS

X

X

TAX RESALE DEED

COUNTY OF HARRIS

X

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by JOSE ANGEL GARCIA (hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2010-78247, La Porte Independent School District, Et Al vs. Leana Manderscheid, Individually and as sole heir to Robert Manderscheid, Et Al, in the 269th District Court of Harris County, said property described as follows:

Lots 20 & 21, Block 1, of Pinegrove Valley, a Subdivision in Harris County, Texas as shown on the on the map or plat thereof recorded in Volume 152, Page 34 of the Map Records of Harris County, Texas. Account No. 099419000020.

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

GRANTEE accepts the property in "AS IS, WHERE IS" condition and subject to any environmental conditions that might have or still exist on said property, and subject to any title defects and deficiencies, and also subject to the right of redemption, if any, provided under the Texas Property

Tax Code. GRANTEE acknowledges and agrees that this conveyance is expressly made without warranty.

Taxes for the 2013 and 2014 tax years and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 2020.

CITY OF LA PORTE, TRUSTEE

By: _____

LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

STATE OF TEXAS X

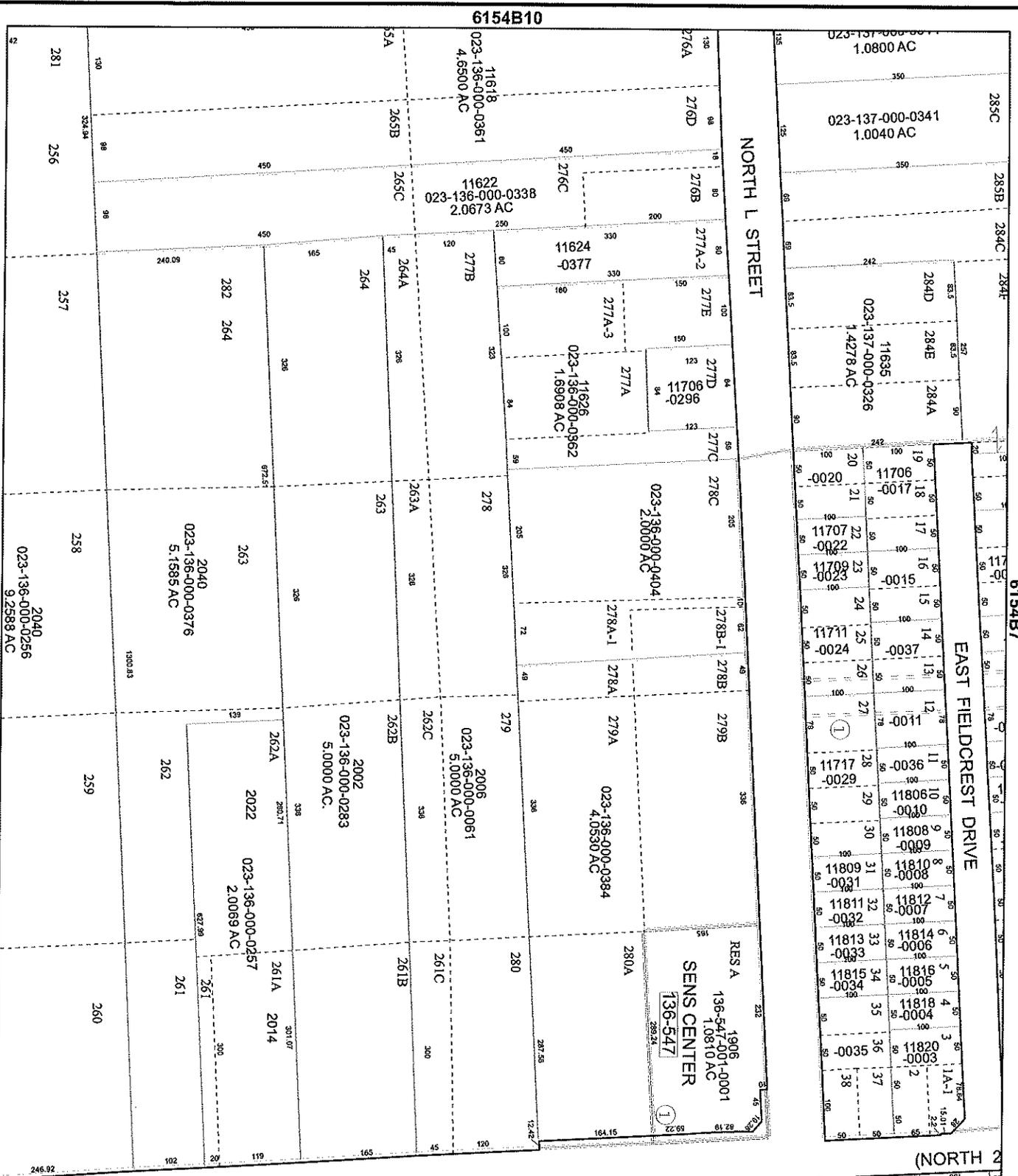
COUNTY OF HARRIS X

This instrument was acknowledged before me on this _____ day of _____, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____

After recording return to:

Jose Angel Garcia
2002 Laura Ln.
La Porte, Texas 77571





Harris County Appraisal District

6154B12

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



0 50 100 200 Feet

PUBLICATION DATE:
4/30/2019

FACET 6154B

5	6	7	8	5
9	10	11	12	9
1	2	3	4	1



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u>
Requested By: <u>Shelley Wolny</u>
Department: <u>Finance</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

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

Exhibits: Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

SUMMARY

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on 0 East Main Street, La Porte on the public resale list since 2000 and has received a minimum bid from Matthew A. Martinez in the amount of \$17,000.00, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2013-22072 – 0 East Main Street, La Porte, Texas 77571 – Offer \$17,000.00 (cost + taxes)

RECOMMENDED MOTION

I move to approve of a bid by Matthew A. Martinez to acquire a tax resale property described as Tract 1, Lots 24, 25 & 26, Block 88, of Bay Front Addition to the Town of La Porte according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 006-178-088-0022.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

February 20, 2020

Email: Chips@lgbs.com

Direct: 713.576.7264

Shelley Wolny, City Treasurer
City of La Porte Finance Department
604 W. Fairmont Parkway
La Porte, Texas 77571

HAND DELIVERED

RE: Tax Resale Bid in Lawsuit No. 2013-22072; La Porte ISD, Et Al vs. Jno S. Stewart, aka John Stewart, Et Al; Account # 0061780880022

Dear Ms. Wolny:

A private tax resale bid in the amount of \$17,000.00 has been received from Matthew A. Martinez for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

Consider approval of a bid by Matthew A. Martinez to acquire a tax resale property described as: Lots 24, 25 & 26 in Block 88, of Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1, Page 53, Map Records of Harris County, Texas. Account No. 0061780880022.

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above the printed name.

Charles Austin "Chip" Sutton
Capital Partner

Enclosures

cc: Corby Alexander, City Manager
City of La Porte City Manager's Office
604 W. Fairmont Parkway
La Porte, Texas 77571

City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing
Title Policy

Abstract of Title
Survey

Appraisal
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: \$ 17,000

Tax Lawsuit: 2013-22072; LA PORTE I.S.D., ET AL VS. JNO S. STEWART, AKA JOHN STEWART, ET AL

Tax Account No. 0061780880022

Legal Description: LOTS 24, 25 & 26, BLOCK 88, OF BAYFRONT ADDITION TO THE TOWN OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s): Matthew A. Martinez

Address: 728 S. UTAH ST.
Laporte Tx 77571

Telephone Numbers: 713-517-8945 ; 832-593-1526

Signed: 

Dated: 1-13-20

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY

Suit No. 2013-22072; La Porte ISD, Et Al vs. JNO S. Stewart, aka John Stewart, Et Al

Legal Description: Lots 24, 25 & 26, Block 88, Of the Bayfront Addition to the Town of La Porte, Harris County, Texas; Account # 0061780880022

Situs Address: 0 East Main Street, La Porte, Texas 77571

Bidder: Matthew A. Martinez, 728 S. Utah Street, La Porte, Texas 77571

Date of Sale: September 2, 2014

Amount of Bid: \$17,000.00

Judgment Amount: \$ 14,696.79

Cost of Sale: \$2,570.00

Adjudged Value: \$13,200

**% of Total Due: 95% (Of
Judgment Amount, Costs and
Post-Judgment Taxes)**

% of Adjudged Value: 129%

JUDGMENT TAX YEARS:

Entity Name	Amount Due Each Entity	Amount You Will Receive
City of La Porte(1990-2013)	\$3,644.30 (25%)	\$3,471.75
La Porte ISD(1990-2013)	\$7,803.65 (53%)	\$7,360.11
Harris County(1993-2013)	\$2,698.79 (18%)	\$2,499.66
San Jacinto CCD(1993-2013)	\$550.05 (4%)	\$555.48
Totals	\$14,696.79	\$13,887.00

POST-JUDGMENT TAX YEARS:

Entity Name	Amount Due Each Entity	Amount You Will Receive
City of La Porte(2014)	\$129.31	\$129.31
La Porte ISD(2014)	\$264.08	\$264.08
Harris County(2014)	\$115.81	\$115.81
San Jacinto CCD(2014)	\$33.80	\$33.80
Totals	\$543.00	\$543.00

RESOLUTION 2020-09

THE STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

RESOLUTION AND ORDER

WHEREAS, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

Lots 24, 25 & 26 in Block 88, of Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1, Page 53, Map Records of Harris County, Texas. Account No. 0061780880022.

WHEREAS, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

WHEREAS, being no bids for the property at the tax sale on September 2, 2014, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

WHEREAS, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

WHEREAS, the City of La Porte has received an offer of \$17,000.00 to purchase the property from the Matthew A. Martinez.

NOW, THEREFORE, IT IS ORDERED by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by Matthew A. Martinez and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the person submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the _____ day of _____, 2020.

LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

ATTEST: _____
LEE WOODWARD, CITY SECRETARY
CITY OF LA PORTE

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)

STATE OF TEXAS

X

X

TAX RESALE DEED

COUNTY OF HARRIS

X

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by MATTHEW A. MARTINEZ (hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2013-22072, La Porte Independent School District, Et Al vs. Jno S. Stewart, aka John Stewart, Et Al, in the 157th District Court of Harris County, said property described as follows:

Lots 24, 25 & 26 in Block 88, of Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1, Page 53, Map Records of Harris County, Texas. Account No. 0061780880022.

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

GRANTEE accepts the property in "AS IS, WHERE IS" condition and subject to any environmental conditions that might have or still exist on said property, and subject to any title defects and deficiencies, and also subject to the right of redemption, if any, provided under the Texas Property

Tax Code. GRANTEE acknowledges and agrees that this conveyance is expressly made without warranty.

Taxes for the 2014 tax years and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this _____ day of _____, 2020.

CITY OF LA PORTE, TRUSTEE

By: _____
LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

STATE OF TEXAS X

COUNTY OF HARRIS X

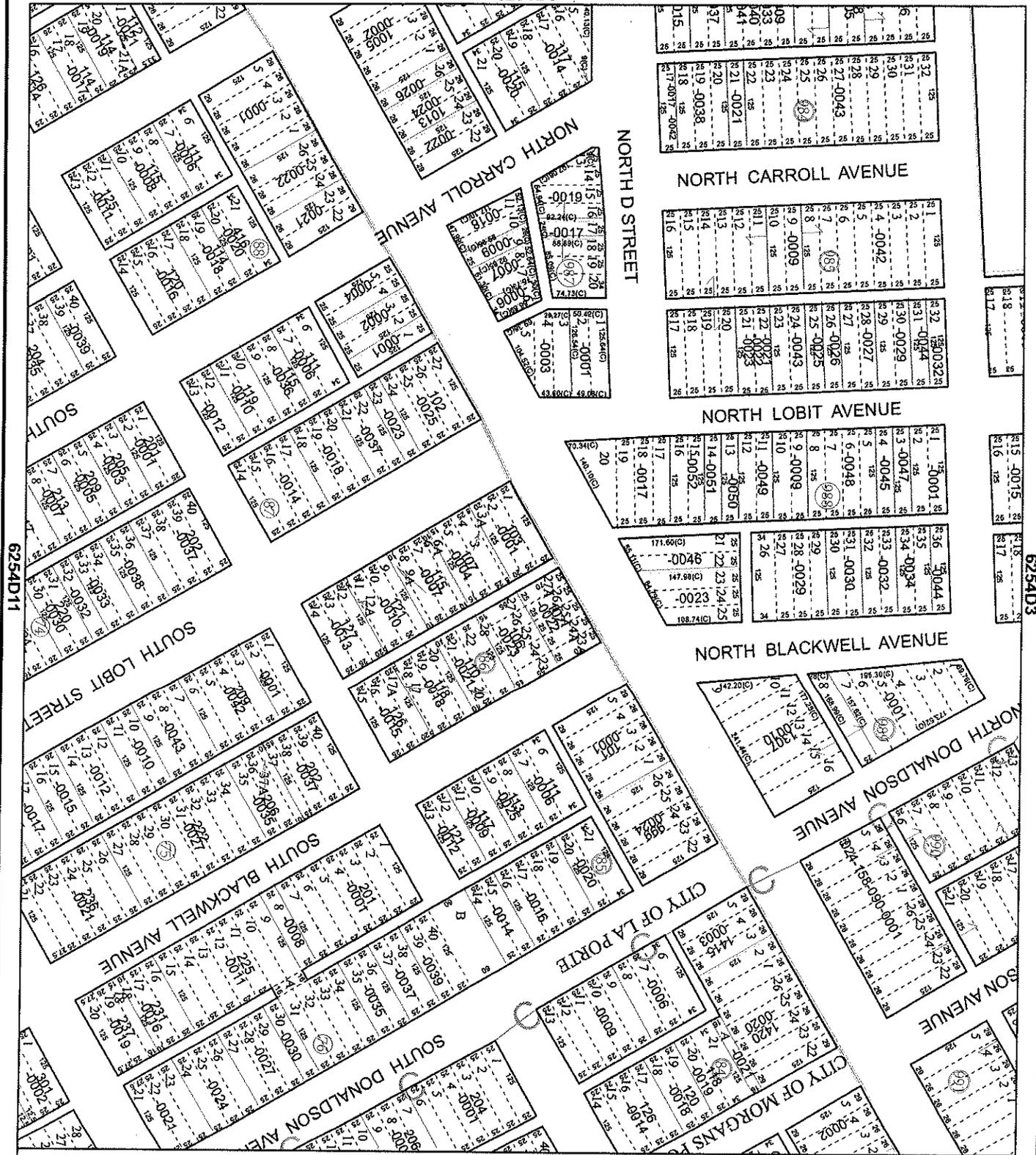
This instrument was acknowledged before me on this _____ day of _____, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____

After recording return to:

Matthew A. Martinez
728 S. Utah St.
La Porte, Texas 77571

6254D6



6254D11

6254D3

6254D8

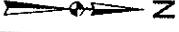
Harris County Appraisal District



0 50 100 200 Feet

PUBLICATION DATE: 7/19/2019

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.



MAP LOCATION



FACET 6254D

1	2	3	4	1
5	6	8	5	
9	10	11	12	9



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u>
Requested By: <u>Lorenzo Wingate, Asst. Dir.</u>
Department: <u>Public Works</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

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

Exhibits: Cover letter, Pipeline Permit application, MSDS Sheets, Vicinity Map, Construction Drawings, and Safety Monitoring Letter

SUMMARY

Baymark Pipeline LLC (Baymark) has made application with the City of La Porte to construct a 12" ethylene pipeline project through the City. The project will provide a discharge line from a soon to be constructed surface site, located approximately 400 feet north of the eastbound u-turn where Fairmont Parkway crosses the railroad tracks. The discharge line will extend ninety-two (92) miles across Harris, Galveston, Brazoria, and Matagorda Counties, Texas to a facility site near Markham, TX. The pipeline will be monitored at all times by trained and qualified personnel via a Supervisory Control and Data Acquisition (SCADA) system which monitors conditional changes in pressure and flow. The SCADA system allows for remote operation of valves upon identification of any problem along the pipeline.

Staff has reviewed Baymark's plans for the 12" 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. Baymark has provided the attached

Upon approval by the City Council, staff will execute a construction permit to Baymark Pipeline LLC, in duplicate originals, one which shall be delivered to the permittee and one which shall be retained by the City, as required by ordinance.

RECOMMENDED MOTION

I move that the Council authorize the City Manager to execute a Pipeline Permit with Baymark Pipeline LLC for the construction of a 12" crude pipeline within the City of La Porte.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date



February 26, 2020

City of La Porte
Attention: Lorenzo Wingate, P.E., C.F.M. / City Engineer
2963 N. 23rd. Street
La Porte, TX. 77571

RE: Pipeline Permit Application: City of La Porte, Texas Sec. 102-235
Baymark Pipeline LLC
Proposed 12-inch pipeline
La Porte, Harris County, TX

Mr. Lorenzo:

Baymark Pipeline LLC (Baymark) is requesting approval to install approximately 747.6 feet of 12 inch carbon steel pipeline within the City of La Porte, TX. The project will commence from an existing site within the City of La Porte and continue to a facility site near Markham, TX.

Baymark Pipeline LLC (Baymark) proposes to construct, operate and maintain a new 92-mile long, 12 inch diameter Ethylene pipeline in Harris, Galveston, Brazoria and Matagorda Counties, Texas, referred to as the Bayport to Markham Pipeline (Project). The proposed pipeline has been designed and will be constructed in accordance with the requirements of applicable federal, state and local rules and regulations. Design and construction shall be performed in accordance with US Code of Federal Regulations, Title 49 Part 195.

The pipeline will be of Carbon Steel with 12.750" O.D. x 0.472" W.T. Pipe specification is API 5L, X-60, 15-22 MILS Fusion Bonded Epoxy (FBE) and 30 to 40 MILS Abrasion Resistant Overlay (ARO). Pipe will be cathodic protected of Impressed Current. Design pressure of 2160 PSIG and a Design Factor 0.72.

During typical pipeline construction, the construction spread (crew and equipment) will proceed along the temporary construction ROW in one continuous operation. Construction will employ a combination of methods including the open-cut, horizontal directional drill (HDD), and conventional bore techniques using bulldozers, track-hoes, conventional bore, and HDD equipment.

The pipeline crossing under W. Fairmont Pkwy. Road is planned for a Horizontal Directional Drill (HDD) installation.

Baymark Pipeline LLC's Contractor will use its vehicles in such a manner as to not block or unreasonably interfere with other traffic. Contractor will implement reasonable safety measures necessary for the transportation of materials and equipment during construction which would incorporate appropriate Texas Department of Transportation Traffic Control Plans as need be.

Baymark Pipeline LLC plans to go to construction for the entire pipeline starting May 15, 2020. Baymark Pipeline LLC will be in continuous contact and notify the City of La Porte officials 48 hours prior to construction of the timing of the exact start date of construction and the time to complete work.

In response to the questions per The City of La Porte Code of Ordinances, Chapter 102, Article IV - Pipeline Transportation, Section 102-235 - Application for Permit, the applicant responds as follows:

(1) The name, business address and telephone number of the pipeline owner and operator;

Response: Baymark Pipeline LLC - 1100 Louisiana St., Attn: Capital Products, Land, Jeffrey L. Waldo, Houston, TX. 77002 - 713-381-6500

(2) The names, titles and telephone numbers of the following persons:

a. The person submitting the information;

Response: Patty Riddels, Permit Agent - 903-814-1671

b. The principal contact for submittal of information;

Response: Jeffrey L. Waldo, Agent & Attorney-in-Fact - 713-381-6500

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.

Response: Gail Wyatt-Chief Inspector-601-382-1717-hgwyatt@aol.com during construction. After construction, J.R. Logan, Regional Manager - East Texas Region, 281-756-4201 or 713-542-2328, JLogan@eprod.com



(3) The origin point and destination of the pipeline being constructed, adjusted, relocated, replaced, repositioned or repaired.

Response: Baymark Pipeline's origin is approximately .24 miles west of the intersection of S. 16th. Street and W. Fairmont Pkwy and continues through Harris, Galveston, Brazoria and Matagorda counties ending near Markham, Texas.

(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;

Response: Baymark Pipeline LLC is an Ethylene product

(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;

Response: 2160 PSIG

(6) The normal operating pressure range of the pipeline;

Response: 1500 PSIG

(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;

Response: 100F

(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;

Response: See attached drawing

(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.

Response: Construction is scheduled to begin May 15, 2020 - See attached drawings

(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

Response: The pipeline will comply with applicable standards required by this article as well as all applicable federal, state and local laws and regulations.

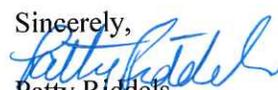
(11) A statement that the permittee shall, at any time in the future, where such pipeline or portion thereof crosses or is laid within, under or across any street, road or utility right-of-way, drainage way or public way existing or projected at the time the permit is issued, reposition such pipeline (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 and certified mail, return receipt requested, to the permittee as designated in the application. The permittee shall have six months to complete such repositioning.

Response: 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 and 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.

Response: 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.

If any additional information is required, please do not hesitate to contact me at 903-814-1671 or patty.riddels@percheronllc.com. Please send any correspondence to my attention at Patty Riddels - 3121 Nichols Ave, Bay City, TX 77414.

Sincerely,

Patty Riddels
Permit Agent - Field Services



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By Vickie Tschappatt at 11:01 am, Feb 28, 2020

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

Planning & Development Department

PIPELINE PERMIT APPLICATION

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Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PIPELINE PROJECT DATA:

Project Name: Bayport to Markham
Project Origin: LaPorte, Texas Project Destination: Markham, Texas
Pipeline Diameter: 12" Pipeline Commodity: Ethylene
Normal Operating Pressure: 1500 PSI; Max. Operation Pressure 2160 PSI; Max. Allowable Temp. 100°F

2. PIPELINE OWNER:

Owner Name: Baymark Pipeline LLC
Owner Address: P.O. Box 4324 Houston, TX 77210-4324 Attention: Jeffrey L. Waldo
Owner Phone: 713-381-6500 Owner Fax: N/A
Owner Email: jwaldo@eprod.com

3. PERMIT APPLICANT (Owner's Agent):

Company Name: Percheron
Company Address: 3121 Nichols Ave. Bay City Tx. 77414
Agent Name: Patty Riddels Agent Title: Permit Agent
Agent Phone: 903-814-1671 Agent Fax: N/A
Agent Email: patty.riddels@percheronllc.com

4. PIPELINE CONTRACTOR: TBD

Company Name: TBD
Company Address: TBD
Primary Contact Name: TBD Primary Contact Title: _____
Primary Contact Phone 1: TBD Primary Contact Phone 2: _____
Primary Contact E-Mail: TBD

5. 24-HOUR EMERGENCY CONTACTS:

Primary Contact Name: 24-Hour Emergency Contact Primary Contact Title: Emergency Hotline
Primary Contact Phone 1: 800-895-2396 Primary Contact Phone 2: _____
Primary Contact E-Mail: _____
Secondary Contact Name: J.R. Logan Secondary Contact Title: Regional Manager - East Texas Region
Secondary Contact Phone 1: 281-756-4201 Secondary Contact Phone 2: 713-542-2328
Secondary Contact E-Mail: JLogan@eprod.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: _____
ESTIMATE DURATION OF CONSTRUCTION: 1 year

APPLICANT'S PRINTED NAME: Jeffrey L. Waldo, Agent and Attorney-in-Fact APPLICANT'S SIGNATURE: Jeffrey L. Waldo

(STAFF USE ONLY): PERMIT NO: 20-354

PERMIT APPROVED BY: _____ DATE OF APPROVAL: _____

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**CHAPTER 102, ARTICLE IV, LA PORTE CODE OF ORDINANCES
"PIPELINE TRANSPORTATION"**

***Editor's note:** Ordinance No. 2004-2755, § 1, adopted July 12, 2004, repealed the former Art. IV, §§ 102-231--102-237, 102-261--102-265, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from Ord. No. 915, § 1(18-A-1)--(18-A-12), 3-6-72.

Cross references: Businesses, ch. 22.

State law references: Transportation of gas and gas pipeline facilities, safety standards, preemption, Vernon's Ann. Civ. St. art. 6053-1.

Sec. 102-231. Declaration of policy.

The city council declares that the policy of the city in the manner of granting to any person the privilege to construct, operate and maintain any pipe or pipeline within the jurisdiction of the city for the purpose of thereby transporting oil, gas, brine or any other liquid or gaseous substance whatsoever shall be stated in this article. The provision of this article shall be administered by the director of planning or his designee.
(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-232. Definition of terms.

All terms used herein shall be taken in their ordinary signification except the following:

City shall mean the City of La Porte now incorporated and as hereafter expanded by annexation or consolidation.

Commodity shall mean any liquid or gaseous substance or other product capable of being transported through a pipeline and which is, or may become, flammable, toxic or otherwise hazardous to human, animal or plant health and/or life.

Director shall mean the director of planning or his designee.

Operational boundary shall mean the prime property and location of the offices and operational facilities of a person within the city. The term is not intended to extend to rights-of-way, easements, licenses or privileges owned or utilized by a person incidental to a pipeline and which radiate or depart from such primary property, offices and operational facilities.

Permittee shall mean the person to whom a permit is issued under the provisions of this ordinance.

Person shall mean an individual, corporation, partnership, association or any other entity, however organized.

Pipeline shall mean any pipeline or part thereof, including pipe, valves and any appurtenances thereto, which is used for the transportation of a commodity into, across, under or over the city. "Pipeline" shall include any pipe, valve, appurtenance or portion of any pipeline

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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)

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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)

SAFETY DATA SHEET

Ethylene

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Section 1. Identification

GHS product identifier : Ethylene
Chemical name : ethylene
Other means of identification : Ethene; Ethene (ethylene); impure; ethylene, pure
Product type : Liquefied gas
Product use : Synthetic/Analytical chemistry.
Synonym : Ethene; Ethene (ethylene); impure; ethylene, pure
SDS # : 001022
Supplier's details : Airgas USA, LLC and its affiliates
259 North Radnor-Chester Road
Suite 100
Radnor, PA 19087-5283
1-610-687-5253
24-hour telephone : 1-866-734-3438

Section 2. Hazards identification

OSHA/HCS status : This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).
Classification of the substance or mixture : FLAMMABLE GASES - Category 1
GASES UNDER PRESSURE - Liquefied gas
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Narcotic effects) - Category 3

GHS label elements

Hazard pictograms



Signal word

: Danger

Hazard statements

: Extremely flammable gas.
May form explosive mixtures with air.
Contains gas under pressure; may explode if heated.
May cause frostbite.
May displace oxygen and cause rapid suffocation.
May cause drowsiness or dizziness.

Precautionary statements

General

: Read and follow all Safety Data Sheets (SDS'S) before use. Read label before use. Keep out of reach of children. If medical advice is needed, have product container or label at hand. Close valve after each use and when empty. Use equipment rated for cylinder pressure. Do not open valve until connected to equipment prepared for use. Use a back flow preventative device in the piping. Use only equipment of compatible materials of construction. Always keep container in upright position. Approach suspected leak area with caution.

Prevention

: Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking. Use only outdoors or in a well-ventilated area. Avoid breathing gas.

Response

: IF INHALED: Remove person to fresh air and keep comfortable for breathing. Call a POISON CENTER or physician if you feel unwell. Leaking gas fire: Do not extinguish, unless leak can be stopped safely. Eliminate all ignition sources if safe to do so.

Storage

: Store locked up. Protect from sunlight. Store in a well-ventilated place.

Ethylene

Section 2. Hazards identification

- Disposal** : Dispose of contents and container in accordance with all local, regional, national and international regulations.
- Hazards not otherwise classified** : Liquid can cause burns similar to frostbite.

Section 3. Composition/information on ingredients

- Substance/mixture** : Substance
- Chemical name** : ethylene
- Other means of identification** : Ethene; Ethene (ethylene); impure; ethylene, pure
- Product code** : 001022



CAS number/other identifiers

- CAS number** : 74-85-1

Ingredient name	%	CAS number
ethylene	100	74-85-1

Any concentration shown as a range is to protect confidentiality or is due to batch variation.

There are no additional ingredients present which, within the current knowledge of the supplier and in the concentrations applicable, are classified as hazardous to health or the environment and hence require reporting in this section.

Occupational exposure limits, if available, are listed in Section 8.

Section 4. First aid measures

Description of necessary first aid measures

- Eye contact** : Immediately flush eyes with plenty of water, occasionally lifting the upper and lower eyelids. Check for and remove any contact lenses. Continue to rinse for at least 10 minutes. Get medical attention if irritation occurs.
- Inhalation** : Remove victim to fresh air and keep at rest in a position comfortable for breathing. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. If not breathing, if breathing is irregular or if respiratory arrest occurs, provide artificial respiration or oxygen by trained personnel. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Get medical attention. If necessary, call a poison center or physician. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.
- Skin contact** : Flush contaminated skin with plenty of water. Remove contaminated clothing and shoes. To avoid the risk of static discharges and gas ignition, soak contaminated clothing thoroughly with water before removing it. Get medical attention if symptoms occur. In case of contact with liquid, warm frozen tissues slowly with lukewarm water and get medical attention. Do not rub affected area. Wash clothing before reuse. Clean shoes thoroughly before reuse.
- Ingestion** : Remove victim to fresh air and keep at rest in a position comfortable for breathing. Get medical attention. If necessary, call a poison center or physician. Ingestion of liquid can cause burns similar to frostbite. If frostbite occurs, get medical attention. Never give anything by mouth to an unconscious person. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband. As this product rapidly becomes a gas when released, refer to the inhalation section.

Most important symptoms/effects, acute and delayed

Potential acute health effects

- Eye contact** : Liquid can cause burns similar to frostbite.
- Inhalation** : Can cause central nervous system (CNS) depression. May cause drowsiness or dizziness.

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Ethylene

Section 4. First aid measures

- Skin contact** : Dermal contact with rapidly evaporating liquid could result in freezing of the tissues or frostbite.
 - Frostbite** : Try to warm up the frozen tissues and seek medical attention.
 - Ingestion** : Can cause central nervous system (CNS) depression. Ingestion of liquid can cause burns similar to frostbite.
- Over-exposure signs/symptoms
- Eye contact** : Adverse symptoms may include the following: , frostbite
 - Inhalation** : Adverse symptoms may include the following: , nausea or vomiting, headache, drowsiness/fatigue, dizziness/vertigo, unconsciousness
 - Skin contact** : Adverse symptoms may include the following: , frostbite
 - Ingestion** : Adverse symptoms may include the following: , frostbite

Indication of immediate medical attention and special treatment needed, if necessary

- Notes to physician** : Treat symptomatically. Contact poison treatment specialist immediately if large quantities have been ingested or inhaled.
- Specific treatments** : No specific treatment.
- Protection of first-aiders** : No action shall be taken involving any personal risk or without suitable training. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation.

See toxicological information (Section 11)

Section 5. Fire-fighting measures

Extinguishing media

- Suitable extinguishing media** : Use an extinguishing agent suitable for the surrounding fire.
- Unsuitable extinguishing media** : None known.

Specific hazards arising from the chemical

: Contains gas under pressure. Extremely flammable gas. In a fire or if heated, a pressure increase will occur and the container may burst, with the risk of a subsequent explosion.

Hazardous thermal decomposition products

: Decomposition products may include the following materials:
carbon dioxide
carbon monoxide

Special protective actions for fire-fighters

: Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. No action shall be taken involving any personal risk or without suitable training. Contact supplier immediately for specialist advice. Move containers from fire area if this can be done without risk. Use water spray to keep fire-exposed containers cool. If involved in fire, shut off flow immediately if it can be done without risk. If this is impossible, withdraw from area and allow fire to burn. Fight fire from protected location or maximum possible distance. Eliminate all ignition sources if safe to do so.

Special protective equipment for fire-fighters

: Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode. For incidents involving large quantities, thermally insulated undergarments and thick textile or leather gloves should be worn.

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Section 6. Accidental release measures

Personal precautions, protective equipment and emergency procedures

For non-emergency personnel : Accidental releases pose a serious fire or explosion hazard. No action shall be taken involving any personal risk or without suitable training. Evacuate surrounding areas. Keep unnecessary and unprotected personnel from entering. Do not touch or walk through spilled material. Shut off all ignition sources. No flares, smoking or flames in hazard area. Avoid breathing gas. Provide adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Put on appropriate personal protective equipment.

For emergency responders : If specialized clothing is required to deal with the spillage, take note of any information in Section 8 on suitable and unsuitable materials. See also the information in "For non-emergency personnel".

Environmental precautions : Ensure emergency procedures to deal with accidental gas releases are in place to avoid contamination of the environment. Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air).

Methods and materials for containment and cleaning up

Small spill : Immediately contact emergency personnel. Stop leak if without risk. Use spark-proof tools and explosion-proof equipment.

Large spill : Immediately contact emergency personnel. Stop leak if without risk. Use spark-proof tools and explosion-proof equipment. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

Section 7. Handling and storage

Precautions for safe handling

Protective measures : Put on appropriate personal protective equipment (see Section 8). Contains gas under pressure. Do not get in eyes or on skin or clothing. Avoid breathing gas. Use only with adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Do not enter storage areas and confined spaces unless adequately ventilated. Do not puncture or incinerate container. Use equipment rated for cylinder pressure. Close valve after each use and when empty. Protect cylinders from physical damage; do not drag, roll, slide, or drop. Use a suitable hand truck for cylinder movement.
Use only non-sparking tools. Empty containers retain product residue and can be hazardous. Store and use away from heat, sparks, open flame or any other ignition source. Use explosion-proof electrical (ventilating, lighting and material handling) equipment.

Advice on general occupational hygiene : Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Conditions for safe storage, including any incompatibilities : Store in accordance with local regulations. Store in a segregated and approved area. Store away from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10). Eliminate all ignition sources. Cylinders should be stored upright, with valve protection cap in place, and firmly secured to prevent falling or being knocked over. Cylinder temperatures should not exceed 52 °C (125 °F). Store locked up. Keep container tightly closed and sealed until ready for use. See Section 10 for incompatible materials before handling or use.

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Section 8. Exposure controls/personal protection

Control parameters

Occupational exposure limits

Ingredient name	Exposure limits
ethylene	ACGIH TLV (United States, 3/2017). TWA: 200 ppm 8 hours.

Appropriate engineering controls : Use only with adequate ventilation. Use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits. The engineering controls also need to keep gas, vapor or dust concentrations below any lower explosive limits. Use explosion-proof ventilation equipment.

Environmental exposure controls : Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, fume scrubbers, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.

Individual protection measures

Hygiene measures : Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.

Eye/face protection : Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: safety glasses with side-shields.

Skin protection

Hand protection : Chemical-resistant, impervious gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is necessary. If contact with the liquid is possible, insulated gloves suitable for low temperatures should be worn. Considering the parameters specified by the glove manufacturer, check during use that the gloves are still retaining their protective properties. It should be noted that the time to breakthrough for any glove material may be different for different glove manufacturers. In the case of mixtures, consisting of several substances, the protection time of the gloves cannot be accurately estimated.

Body protection : Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product. When there is a risk of ignition from static electricity, wear anti-static protective clothing. For the greatest protection from static discharges, clothing should include anti-static overalls, boots and gloves.

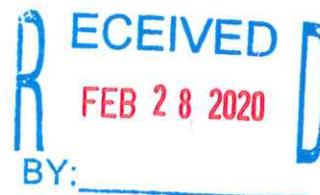
Other skin protection : Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.

Respiratory protection : Based on the hazard and potential for exposure, select a respirator that meets the appropriate standard or certification. Respirators must be used according to a respiratory protection program to ensure proper fitting, training, and other important aspects of use.

Thermal hazards : If there is a risk of contact with the liquid, all protective equipment worn should be suitable for use with extremely low temperature materials.

Ethylene

Section 9. Physical and chemical properties



Appearance

Physical state	: Gas.
Color	: Colorless.
Odor	: Characteristic.
Odor threshold	: Not available.
pH	: Not available.
Melting point	: -169.15°C (-272.5°F)
Boiling point	: -103.77°C (-154.8°F)
Critical temperature	: 9.95°C (49.9°F)
Flash point	: Closed cup: -135.85°C (-212.5°F)
Evaporation rate	: Not available.
Flammability (solid, gas)	: Extremely flammable in the presence of the following materials or conditions: oxidizing materials.
Lower and upper explosive (flammable) limits	: Lower: 2.7% Upper: 36%
Vapor pressure	: @ 70°F (21.1°C) = Above critical temperature
Vapor density	: 1 (Air = 1) Liquid Density@BP: 35.3 lb/ft ³ (566 kg/m ³)
Specific Volume (ft ³ /lb)	: 13.8007
Gas Density (lb/ft ³)	: 0.07246
Relative density	: Not applicable.
Solubility	: Not available.
Solubility in water	: 0.13 g/l
Partition coefficient: n-octanol/water	: 1.13
Auto-ignition temperature	: 450°C (842°F)
Decomposition temperature	: Not available.
Viscosity	: Not applicable.
Flow time (ISO 2431)	: Not available.
Molecular weight	: 28.06 g/mole
<u>Aerosol product</u>	
Heat of combustion	: -47194540 J/kg

Section 10. Stability and reactivity

Reactivity	: No specific test data related to reactivity available for this product or its ingredients.
Chemical stability	: The product is stable.
Possibility of hazardous reactions	: Under normal conditions of storage and use, hazardous reactions will not occur.
Conditions to avoid	: Avoid all possible sources of ignition (spark or flame). Do not pressurize, cut, weld, braze, solder, drill, grind or expose containers to heat or sources of ignition.
Incompatible materials	: Oxidizers
Hazardous decomposition products	: Under normal conditions of storage and use, hazardous decomposition products should not be produced.
Hazardous polymerization	: Under normal conditions of storage and use, hazardous polymerization will not occur.

Ethylene

Section 11. Toxicological information

Information on toxicological effects

Acute toxicity

Not available.

Irritation/Corrosion

Not available.

Sensitization

Not available.

Mutagenicity

Not available.

Carcinogenicity

Not available.

Classification

Product/ingredient name	OSHA	IARC	NTP
ethylene	-	3	-

Reproductive toxicity

Not available.

Teratogenicity

Not available.

Specific target organ toxicity (single exposure)

Name	Category	Route of exposure	Target organs
ethylene	Category 3	Not applicable.	Narcotic effects

Specific target organ toxicity (repeated exposure)

Not available.

Aspiration hazard

Not available.

Information on the likely routes of exposure : Not available.

Potential acute health effects

- Eye contact** : Liquid can cause burns similar to frostbite.
- Inhalation** : Can cause central nervous system (CNS) depression. May cause drowsiness or dizziness.
- Skin contact** : Dermal contact with rapidly evaporating liquid could result in freezing of the tissues or frostbite.
- Ingestion** : Can cause central nervous system (CNS) depression. Ingestion of liquid can cause burns similar to frostbite.

Symptoms related to the physical, chemical and toxicological characteristics

- Eye contact** : Adverse symptoms may include the following:, frostbite
- Inhalation** : Adverse symptoms may include the following:, nausea or vomiting, headache, drowsiness/fatigue, dizziness/vertigo, unconsciousness
- Skin contact** : Adverse symptoms may include the following:, frostbite
- Ingestion** : Adverse symptoms may include the following:, frostbite

Delayed and immediate effects and also chronic effects from short and long term exposure



Ethylene

Section 11. Toxicological information

Short term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Long term exposure

Potential immediate effects : Not available.

Potential delayed effects : Not available.

Potential chronic health effects

Not available.

General : No known significant effects or critical hazards.

Carcinogenicity : No known significant effects or critical hazards.

Mutagenicity : No known significant effects or critical hazards.

Teratogenicity : No known significant effects or critical hazards.

Developmental effects : No known significant effects or critical hazards.

Fertility effects : No known significant effects or critical hazards.



Numerical measures of toxicity

Acute toxicity estimates

Not available.

Section 12. Ecological information

Toxicity

Not available.

Persistence and degradability

Not available.

Bioaccumulative potential

Product/ingredient name	LogP _{ow}	BCF	Potential
ethylene	1.13	-	low

Mobility in soil

Soil/water partition coefficient (K_{oc}) : Not available.

Other adverse effects : No known significant effects or critical hazards.

Section 13. Disposal considerations

Disposal methods : The generation of waste should be avoided or minimized wherever possible. Disposal of this product, solutions and any by-products should at all times comply with the requirements of environmental protection and waste disposal legislation and any regional local authority requirements. Dispose of surplus and non-recyclable products via a licensed waste disposal contractor. Waste should not be disposed of untreated to the sewer unless fully compliant with the requirements of all authorities with jurisdiction. Empty Airgas-owned pressure vessels should be returned to Airgas. Waste packaging should be recycled. Incineration or landfill should only be considered when recycling is not feasible. This material and its container must be disposed of in a safe way. Empty

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Section 13. Disposal considerations

containers or liners may retain some product residues. Do not puncture or incinerate container.

Section 14. Transport information

	DOT	TDG	Mexico	IMDG	IATA
UN number	UN1962	UN1962	UN1962	UN1962	UN1962
UN proper shipping name	ETHYLENE	ETHYLENE	ETHYLENE	ETHYLENE	ETHYLENE
Transport hazard class(es)	2.1 	2.1 	2.1 	2.1 	2.1 
Packing group	-	-	-	-	-
Environmental hazards	No.	No.	No.	No.	No.

“Refer to CFR 49 (or authority having jurisdiction) to determine the information required for shipment of the product.”

Additional information

DOT Classification

: **Limited quantity** Yes.
Quantity limitation Passenger aircraft/rail: Forbidden. Cargo aircraft: Forbidden.
Special provisions T75, TP5

TDG Classification

: Product classified as per the following sections of the Transportation of Dangerous Goods Regulations: 2.13-2.17 (Class 2).
Explosive Limit and Limited Quantity Index 0.125
ERAP Index 3000
Passenger Carrying Ship Index Forbidden
Passenger Carrying Road or Rail Index Forbidden

IATA

: **Quantity limitation** Passenger and Cargo Aircraft: Forbidden. Cargo Aircraft Only: 150 kg.

Special precautions for user

: **Transport within user's premises:** always transport in closed containers that are upright and secure. Ensure that persons transporting the product know what to do in the event of an accident or spillage.

Transport in bulk according to Annex II of MARPOL and the IBC Code

: Not available.

Section 15. Regulatory information

U.S. Federal regulations

: TSCA 8(a) CDR Exempt/Partial exemption: Not determined
 Clean Air Act (CAA) 112 regulated flammable substances: ethylene

Clean Air Act Section 112 (b) Hazardous Air Pollutants (HAPs)

: Not listed

Clean Air Act Section 602 Class I Substances

: Not listed

Clean Air Act Section 602 Class II Substances

: Not listed

DEA List I Chemicals (Precursor Chemicals)

: Not listed

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Section 15. Regulatory information

DEA List II Chemicals (Essential Chemicals) : Not listed

SARA 302/304

Composition/information on ingredients

No products were found.

SARA 304 RQ : Not applicable.

SARA 311/312

Classification : Refer to Section 2: Hazards Identification of this SDS for classification of substance.

SARA 313

	Product name	CAS number	%
Form R - Reporting requirements	ethylene	74-85-1	100
Supplier notification	ethylene	74-85-1	100

SARA 313 notifications must not be detached from the SDS and any copying and redistribution of the SDS shall include copying and redistribution of the notice attached to copies of the SDS subsequently redistributed.

State regulations

- Massachusetts** : This material is listed.
- New York** : This material is not listed.
- New Jersey** : This material is listed.
- Pennsylvania** : This material is listed.

International regulations

Chemical Weapon Convention List Schedules I, II & III Chemicals

Not listed.

Montreal Protocol (Annexes A, B, C, E)

Not listed.

Stockholm Convention on Persistent Organic Pollutants

Not listed.

Rotterdam Convention on Prior Informed Consent (PIC)

Not listed.

UNECE Aarhus Protocol on POPs and Heavy Metals

Not listed.

Inventory list

- Australia** : This material is listed or exempted.
- Canada** : This material is listed or exempted.
- China** : This material is listed or exempted.
- Europe** : This material is listed or exempted.
- Japan** : **Japan inventory (ENCS)**: This material is listed or exempted.
Japan inventory (ISHL): Not determined.
- Malaysia** : Not determined.
- New Zealand** : This material is listed or exempted.
- Philippines** : This material is listed or exempted.
- Republic of Korea** : This material is listed or exempted.
- Taiwan** : This material is listed or exempted.
- Thailand** : Not determined.
- Turkey** : This material is listed or exempted.
- United States** : This material is listed or exempted.

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Ethylene

Section 15. Regulatory information

Viet Nam : Not determined.

Section 16. Other information

Hazardous Material Information System (U.S.A.)

Health	/	1
Flammability		4
Physical hazards		3

Caution: HMIS® ratings are based on a 0-4 rating scale, with 0 representing minimal hazards or risks, and 4 representing significant hazards or risks. Although HMIS® ratings and the associated label are not required on SDSs or products leaving a facility under 29 CFR 1910.1200, the preparer may choose to provide them. HMIS® ratings are to be used with a fully implemented HMIS® program. HMIS® is a registered trademark and service mark of the American Coatings Association, Inc.

The customer is responsible for determining the PPE code for this material. For more information on HMIS® Personal Protective Equipment (PPE) codes, consult the HMIS® Implementation Manual.

National Fire Protection Association (U.S.A.)



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Copyright ©2001, National Fire Protection Association, Quincy, MA 02269. This warning system is intended to be interpreted and applied only by properly trained individuals to identify fire, health and reactivity hazards of chemicals. The user is referred to certain limited number of chemicals with recommended classifications in NFPA 49 and NFPA 325, which would be used as a guideline only. Whether the chemicals are classified by NFPA or not, anyone using the 704 systems to classify chemicals does so at their own risk.

Procedure used to derive the classification

Classification	Justification
FLAMMABLE GASES - Category 1	Expert judgment
GASES UNDER PRESSURE - Liquefied gas	Expert judgment
SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Narcotic effects) - Category 3	Expert judgment

History

- Date of printing : 2/12/2018
- Date of issue/Date of revision : 2/12/2018
- Date of previous issue : 8/28/2017
- Version : 1

Key to abbreviations

- : ATE = Acute Toxicity Estimate
- : BCF = Bioconcentration Factor
- : GHS = Globally Harmonized System of Classification and Labelling of Chemicals
- : IATA = International Air Transport Association
- : IBC = Intermediate Bulk Container
- : IMDG = International Maritime Dangerous Goods
- : LogPow = logarithm of the octanol/water partition coefficient
- : MARPOL = International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978. ("Marpol" = marine pollution)
- : UN = United Nations

References

: Not available.

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Section 16. Other information

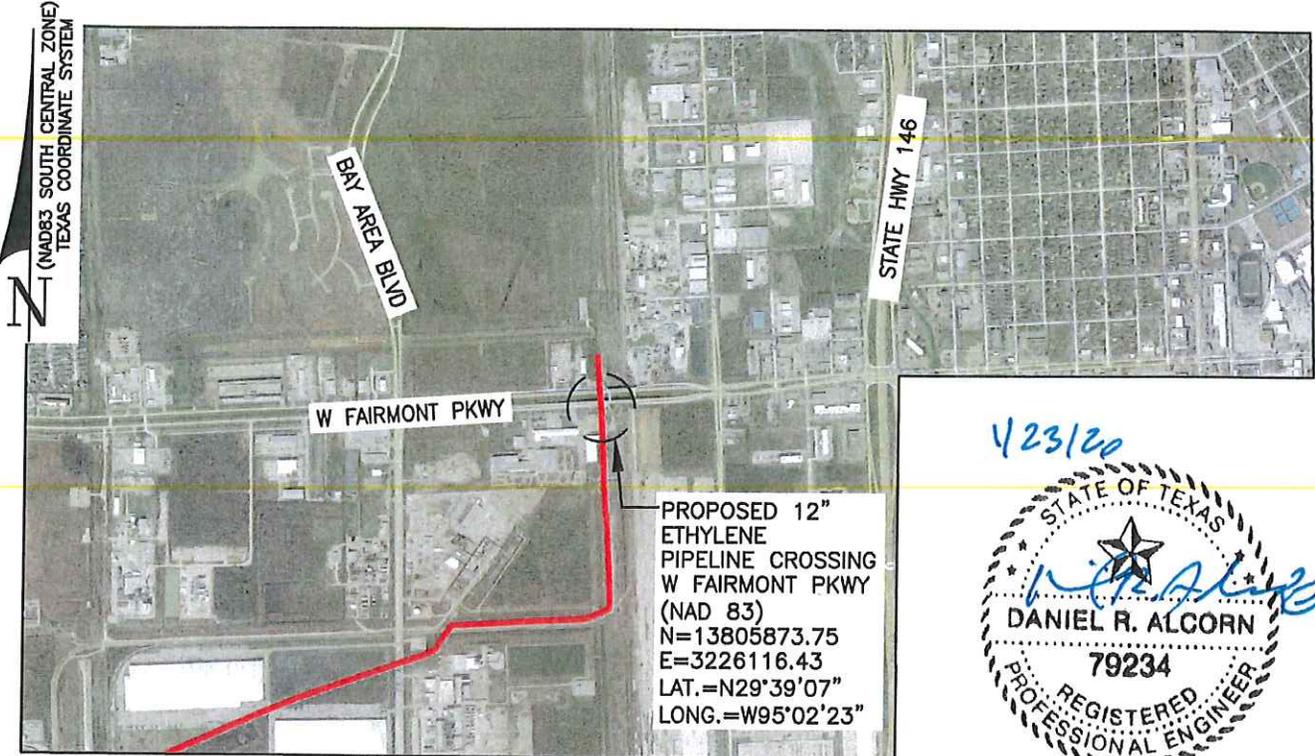
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Final determination of suitability of any material is the sole responsibility of the user. All materials may present unknown hazards and should be used with caution. Although certain hazards are described herein, we cannot guarantee that these are the only hazards that exist.

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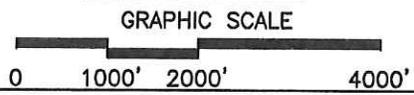
1/23/20

STATE OF TEXAS
 DANIEL R. ALCORN
 79234
 REGISTERED PROFESSIONAL ENGINEER

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VICINITY MAP



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BAYMARK PIPELINE, LLC

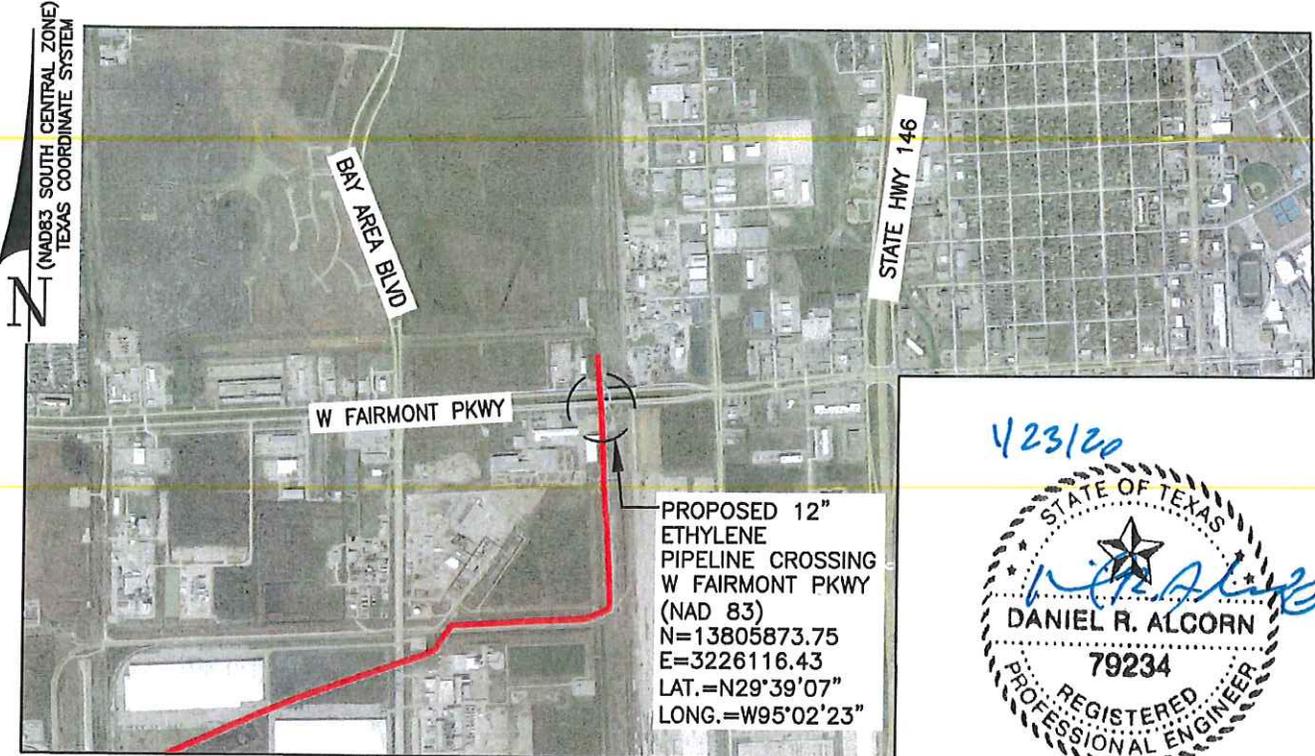
VICINITY MAP
 PROPOSED 12" ETHYLENE PIPELINE
 ACROSS W. FAIRMONT PKWY.
 LOCATED IN RICHARD PEARSALL SURVEY, A-625
 HARRIS COUNTY, TEXAS



DRAWN BY: AB	SHEET: 1 OF 3
CHKD./APPD. BY: BB	SCALE: 1" = 2000'
UPDATED BY:	DATE: 01/15/2020
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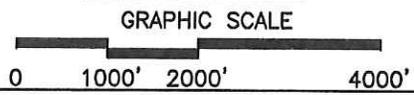
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VICINITY MAP



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VICINITY MAP
 PROPOSED 12" ETHYLENE PIPELINE
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 HARRIS COUNTY, TEXAS

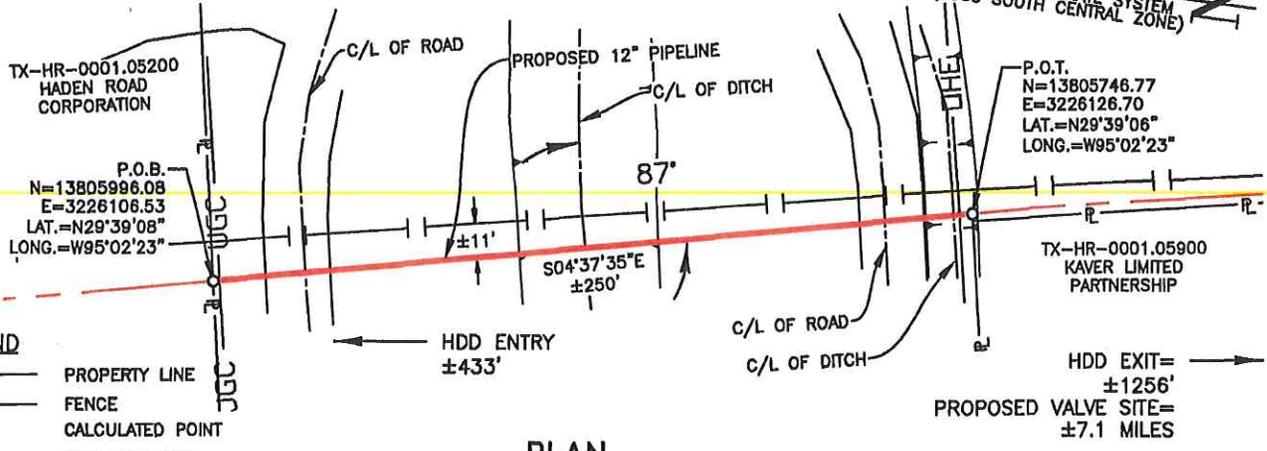


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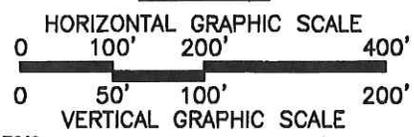
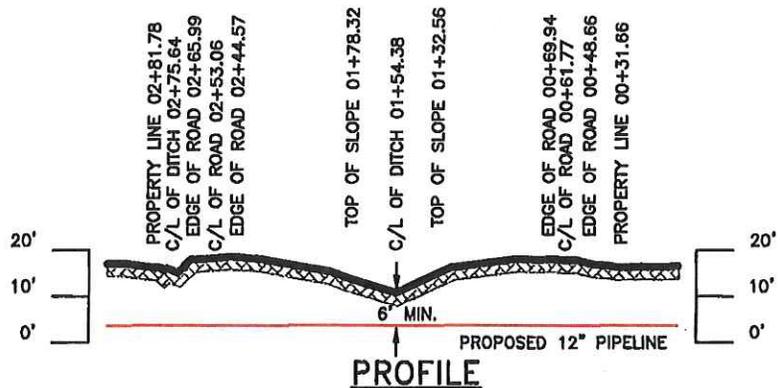
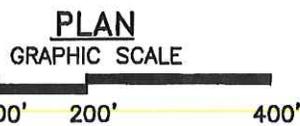
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HARRIS COUNTY, TEXAS
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TEXAS COORDINATE SYSTEM
 (1983 SOUTH CENTRAL ZONE)



- LEGEND**
- P— PROPERTY LINE
 - F— FENCE
 - CALCULATED POINT
 - T— TOP OF SLOPE
 - E— EXISTING PIPELINE
 - UGC— UNDERGROUND COMMUNICATION
 - DHE— OVERHEAD ELECTRIC



I, DANIEL ALCORN, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, P.E. NO. 79234, AN EMPLOYEE OF MC NORTH STAR ENERGY SERVICES, INC. TX FIRM NO. F-14830, HAVE REVIEWED THE PIPELINE DESIGN AND PIPE TESTING SPECIFICATIONS OF THIS EXHIBIT AND HAVE FOUND THEM ACCURATE AND SUITABLE FOR THE PROPOSED PROJECT. I DO NOT ATTEST TO THE ACCURACY, COMPLETENESS, OR CORRECTNESS OF OTHER ASPECTS OF THE EXHIBIT, INCLUDING BUT NOT LIMITED TO, SURVEY, RIGHT-OF-WAY, PROPERTY OWNERSHIP DETERMINATION, AND LOCATION OF EXISTING FACILITIES THAT ARE THE RESPONSIBILITY OF OTHER PARTIES.

TRACT NO: TX-HR-000105210

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BAYMARK PIPELINE, LLC

PLAN & PROFILE
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 ACROSS W. FAIRMONT PKWY.
 LOCATED IN RICHARD PEARSALL SURVEY, A-625
 HARRIS COUNTY, TEXAS



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PROPOSED 12" ETHYLENE PIPELINE DESIGN DATA

BY: _____

1.0 GENERAL INFORMATION

- 1.1 APPLICANT/OWNER: BAYMARK PIPELINE, LLC
- 1.2 PIPELINE NAME: PROPOSED BAYPORT TO MARKHAM PIPELINE
- 1.3 PRODUCT: ETHYLENE
- 2.0 PIPELINE DESIGNED DATA

- 2.1 DESIGN CODES: THE DEPARTMENT OF TRANSPORTATION ("DOT") STANDARD CFR TITLE 49, PART 195, "TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE" AND THE RAILROAD COMMISSION PIPELINE SAFETY RULES AND ASME B31.4
- 2.2 BORED SECTIONS WILL EXTEND MINIMUM 5- FEET BEYOND EDGE OF CONCRETE PAVEMENT OR 10- FEET BEYOND EDGE OF ASPHALT PAVEMENT (INCLUDING ALL PUBLIC CROSS STREETS) PLUS ANY ADDITIONAL WIDTH NECESSARY TO CLEAR AN EXISTING SIDEWALK.
- 2.3 DESIGN PRESSURE: 2160 PSIG
- 2.4 HYDROSTATIC TEST PRESSURE: 3240 PSIG MAX 2700 PSIG MIN.
- 2.5 DESIGN FACTOR: 0.72

3.0 CATHODIC PROTECTION

- 3.1 RECTIFIER IMPRESSED CURRENT

4.0 CONSTRUCTION METHOD

- 4.1 PIPELINE WILL BE INSTALLED BY HORIZONTAL DIRECTIONAL DRILL (HDD)
- 5.0 HDD LINE PIPE

- 5.1 OUTSIDE DIAMETER: 12.750"
- 5.2 WALL THICKNESS" 0.472"
- 5.3 MATERIAL: CARBON STEEL
- 5.4 PIPE SPECIFICATION: API 5L
- 5.5 SPECIFIED MINIMUM YIELD STRENGTH: X60 (60,000 PSI)
- 5.6 EXTERIOR COATING: 15 TO 22 MILS FUSION BONDED EPOXY (FBE) & 30 TO 40 MILS ABRASION RESISTANT OVERLAY (ARO)



I DANIEL ALCORN, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, P.E. NO. 79234, AN EMPLOYEE OF NC NORTH STAR ENERGY SERVICES, INC. TX FIRM NO. F-14939, HAVE REVIEWED THE PIPELINE DESIGN AND PIPE TESTING SPECIFICATIONS OF THIS EXHIBIT AND HAVE FOUND THEM ACCURATE AND SUITABLE FOR THE PROPOSED PROJECT. I DO NOT ATTEST TO THE ACCURACY, COMPLETENESS, OR CORRECTNESS OF OTHER ASPECTS OF THE EXHIBIT, INCLUDING BUT NOT LIMITED TO, SURVEY, RIGHT-OF-WAY, PROPERTY OWNERSHIP DETERMINATION, AND LOCATION OF EXISTING FACILITIES THAT ARE THE RESPONSIBILITY OF OTHER PARTIES.

NO.	DATE	REV. BY:	REVISION

BAYMARK PIPELINE, LLC

PIPELINE DESIGN DATA
 PROPOSED 12" ETHYLENE PIPELINE
 ACROSS W. FAIRMONT PKWY.
 LOCATED IN RICHARD PEARSALL SURVEY, A-625
 HARRIS COUNTY, TEXAS



DRAWN BY: AB	SHEET: 3 OF 3
CHKD./APPD. BY: BB	SCALE: AS SHOWN
UPDATED BY:	DATE: 01/15/2020
DATA BASE: 13714	JOB NO. 13714
MPH CAD FILE: TX-HR-0001.05210.DWG	



March 30, 2020

City of La Porte
Attn: Lorenzo Wingate, P.E., C.F.M.
Assistant Director of Public Works
2963 N. 23rd. Street
La Porte, Tx. 77571
281-470-5058

RE: Baymark Pipeline Safety Monitoring

Dear Mr. Wingate,
Per our phone conversation this morning see below the requested information pertaining to the Baymark Pipeline LLC safety monitoring.

PIPELINE MONITORING

The pipeline will be monitored via a Supervisory Control and Data Acquisition (SCADA) system which is monitored 24/7/365 by trained and qualified personnel in a pipeline control center. Continuous pressure and flow data will be transmitted to the control center where electronic algorithms are employed to alert the operator upon certain conditional changes of pressure and flow. The pipeline controller will have the ability, via the SCADA system to start and stop pressure sources and close remotely operated valves on the pipeline upon the notification or suspicion of any problem on the pipeline. In addition to the SCADA system and electronic leak detection software, the company regularly performs air, vehicle or foot patrol as a means of detecting signs of an issue. Internal inspections are conducted periodically by passing sophisticated computerized equipment called "smart pigs" through most of the company's pipelines to confirm pipeline integrity. The pipeline will be included in the "call-before-you-dig" program.

Thank you,

Patty Riddels

Patty Riddels
Permit Agent - Field Services
c. 903-814-1671
patty.riddels@percheronllc.com



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u>
Requested By: <u>Ray Mayo, Director</u>
Department: <u>Public Works</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

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

Exhibits: Water Service Agreement and Jones Carter Water Report

Model

SUMMARY

The City has been approached by Enterprise Products for temporary water use in order to perform hydrostatic testing on a large tank that is currently under construction at their Morgan's Point facility. The total capacity required is approximately 12.5 million gallons. Enterprise intends to provide approximately 40% of the needed amount with their process water supply from Coastal Water Authority. The amount needed from La Porte will be approximately 8 million gallons to be delivered over a two-week period at a rate of 400 gallons per minute (gpm). To add perspective, that would be more than the average water system usage for a 2-day period.

This activity is scheduled to take place in July, a month that historically has high water use. The water system has to maintain a pressure of 35 psi during normal operating conditions to meet TCEQ regulations. Normal City of La Porte system pressure is 52 psi for the City of La Porte. Staff approached Jones & Carter to run a water model to determine if this exercise would create pressure or delivery problems downstream to other customers. The water model indicated pressure drops within with system to 44.3 psi, 43.4, psi, 40.9 psi, and 38.5 psi at the respective water demands of 300 gpm, 400 gpm, 500 gpm, and 600 gpm. Also, staff conducted flow/pressure tests in the water system to verify the consultant's report findings.

This water use would be outside the City limits of La Porte. The standard water service agreement form has been modified to provide clear restrictions, conditions and termination criteria. The rate charged for the water will be charged at two times the normal water rate of customers inside the City limits. The estimated revenue from this activity is \$65,630, which includes the \$5,000 administrative fee. Enterprise Products

indicated that the water would be re-used as feasible. The draft agreement allows for the provision of 8 million gallons to complete the initial hydrostatic test and additional 8 million gallons for retesting. Enterprise Products would not be allowed any more than 16 million gallons of water to perform testing. Should Enterprise Products use any more than 16 million gallons of water, the cost of the excess water would be four hundred percent (400%) of the City's water rate, as penalty. Re-use of the water is strongly encouraged and would be more compliant with water conservation efforts.

The negative impacts of this activity will be increased demand on the water system during summer months and reduction of fire protection capabilities to the Enterprise Products Administrative offices located within the City limits of La Porte. This fact is noted in the water model report and the service agreement. There is potential for customers to experience reduced water pressures, due to the proposed added demand. Water system pressure could also further decrease if a water main break occurs during this time. Should water system pressure drop below 20 psi, a boil water notice will be required in accordance with TCEQ requirements. To monitor water system pressures, real-time pressure monitors with immediate alter/alarm capabilities will be required.

MOTION OPTIONS

1. ***I move to deny the execution of a temporary water supply agreement with Enterprise Products.***
- or***
2. ***I move to approve the execution of a temporary water supply agreement with Enterprise Products with the restrictions stipulated at the direction of City Council.***

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

STATE OF TEXAS §

COUNTY OF HARRIS §

**CITY OF LA PORTE, TEXAS
TEMPORARY WATER SERVICE AGREEMENT**

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and ENTERPRISE PRODUCTS OPERATING LLC, hereinafter called "COMPANY".

I.

COMPANY is the owner of certain real property which is situated beyond the corporate limits of the CITY, with an address of 1200 N. Broadway Morgan's Point, Texas 77571.

II.

COMPANY is desirous of purchasing potable water provisions from the CITY, on a temporary basis, to partially fill a 12,600,000 gallon tank for hydrostatic testing purposes. In conducting the required testing, COMPANY will provide approximately 45% of the required water to fill its 12,600,000 gallon tank for hydrostatic testing purposes with process water already available to COMPANY at the site. However, COMPANY has requested that CITY provide the balance of the needed water to complete the hydrostatic testing by provision of potable water.

Previous planning considerations for the long-range potable water supply of CITY did not include the needs of properties located outside the corporate limits of CITY. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited water service. CITY agrees, however, to provide temporary and limited potable water service to COMPANY, but only for the purpose of partially filling a 12,600,000 gallon tank for hydrostatic testing purposes.

For and in consideration of CITY furnishing domestic potable water to COMPANY on a temporary basis for the purpose of partially filling a 12,600,000 gallon tank for hydrostatic testing purposes, the parties hereto agree as follows, to-wit:

III.

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

- (A) CITY shall have the right to terminate, interrupt, or temporarily suspend said water service to COMPANY if: pressure drops below 40 psi within the distribution system; exceedance of maximum allowed flow rate; an emergency arises and there is not an adequate water supply to meet the needs of the citizens of La Porte; increased system demand inside City Limits of La Porte; enactment of any stage of CITY's Drought Contingency Plan; any reason that would cause CITY to become non-compliant with Texas Commission on Environmental Quality (TCEQ) regulations.

- (B) COMPANY agrees purchase, install, and provide CITY with at least one wireless, cellular, battery powered communication pressure monitoring systems that will provide immediate phone and/or e-mail alerts and alarms in response to pressure faults within CITY water distribution system. System shall be tested to ensure proper functionality prior to CITY providing water supply to COMPANY.
- (C) CITY does not guarantee its water system to provide specific water pressure and/or water volume requirements of COMPANY.
- (D) The normal flow rate of potable water approved to COMPANY is established at four-hundred gallons per minute (400 GPM).
- (E) The maximum flow rate of potable water approved to COMPANY is established at four-hundred fifty gallons per minute (450 GPM).
- (F) COMPANY shall pay the standard fees based on CITY'S current tap/meter fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard water deposit fee through CITY'S Utility Billing Division prior to receiving water service from CITY. Additional fees that shall be assessed shall include: deposit for meter rental (\$1500); daily meter rental fee (\$15.00); initial meter attachment fee (\$25.00);
- (G) The cost of water shall be two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits, plus the minimum monthly fee billed for a three-inch (3") meter of seventy-six dollars and thirty-five cents (\$76.35), except as provided in Paragraph IV of this Agreement.
- (H) All plumbing installed by COMPANY connected to the domestic water line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements.
- (I) A Physical air gap will be the only allowed method to protect CITY from any possible cross-connections. Lack of a physical air gap will be cause for termination of service.
- (J) COMPANY'S temporary potable water supply system will be segregated from any existing and future water systems.
- (K) The total cost for the engineering design and construction of any potable water main, service line, back flow preventer, meter or other required appurtenances will be the responsibility of COMPANY.
- (L) COMPANY agrees to be bound by all applicable ordinances of CITY, relative to the furnishing of potable water to customers within the corporate limits of CITY.
- (M) There shall be no resale of water provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (N) CITY'S personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY shall have the right to inspect any and all work related to the furnishing of potable water to COMPANY.

IV.

The term of this Temporary Water Service Agreement shall be six (6) months, beginning on April 1, 2020 and expiring on September 30, 2020. During such term COMPANY shall be entitled to purchase 8,000,000 gallons of potable water from CITY in order to partially fill its 12,600,000 gallon tank in order to complete a hydrostatic test. Furthermore, in the event a retest is required, COMPANY is entitled to purchase another 8,000,000 gallons of potable water from CITY in order to execute the retest. COMPANY agrees to provide CITY with at least 48 hours' notice before either a test or retest is executed. COMPANY also agrees to notify CITY in writing at such time as the testing is complete and the acquisition of potable water from CITY is no longer required.

COMPANY is authorized to purchase a maximum of 16,000,000 gallons of potable water during the term of this Temporary Water Service Agreement. After acquisition of 16,000,000 gallons of potable water CITY maintains the right to immediately suspend provision of water service and to termination this Agreement. Should COMPANY acquire more than 16,000,000 gallons of potable water, with or without prior authorization from CITY, the cost of supply of the excess water shall be four hundred percent (400%) of the CITY'S rate as established from time to time for commercial customers.

V.

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

VI.

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

VII.

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

VIII.

CITY reserves the right to terminate this agreement immediately 1) without cause; 2) upon

COMPANY’S use and purchase of the maximum allowable allotment of 16,000,000 gallons of potable water as provided in Paragraph IV of this Agreement; or 3) in the event of violation of the terms and provisions hereof by COMPANY. In such case CITY will provide written notice to COMPANY, and such termination will be effective upon receipt of the notice by COMPANY. CITY shall have the right to summarily correct, at COMPANY’S expense, any defect or deficiency, when in its opinion the integrity of the public water supply is threatened.

IX.

Provision of water service by CITY to COMPANY shall terminate immediately upon receipt of written notice of termination.

X.

ENTERED INTO and effective the _____ day of _____, 2020.

ENTERPRISE PRODUCTS OPERATING LLC

Signature of Company’s Authorized Representative

Printed Name: _____

Company Representative’s Title: _____

Company’s Address:

ATTEST:

CITY OF LA PORTE, TEXAS

Lee Woodward
City Secretary

Louis R. Rigby
Mayor

APPROVED AS TO FORM:

Clark T. Askins
Assistant City Attorney

By:

Corby D. Alexander
City Manager

EXHIBIT “A”
Temporary Water Service Agreement

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

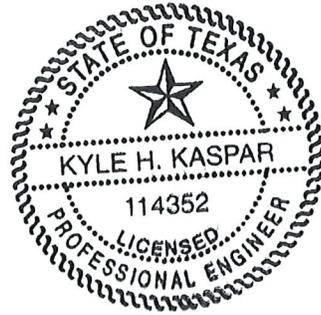
Additional Requirements of COMPANY:

1. Physical Air Gap on piping to break tank. No physical connection of any pump or pumping device upstream of the air gap.
2. Establish a hydrant meter account
3. Notification that available fire flow to the Enterprise Administrative site will be sacrificed during this operation.
4. Follow all TCEQ and EPA requirements for discharge permit (de-chlorination, removal of ammonias).
5. Strict adherence to all regulatory agency requirements.

Initial for Approval:

CITY APPROVAL: _____

COMPANY APPROVAL: _____



Ka Ko 3/4/2020

SUMMARY OF FINDINGS MEMORANDUM

TO: City of La Porte
FROM: Kyle Kaspar, P.E.
DATE: March 4, 2020
RE: City of La Porte Water System Analysis for Temporary Service to Enterprise Products

Introduction

Jones|Carter (JC) was authorized to perform a water system analysis for the City of La Porte (the City) to determine the ability and impact of providing temporary water service to an Enterprise Products site (Enterprise), located at 1200 N Broadway Street, La Porte, Tx 77571 (the Point of Use). Enterprise was recently extended water service for potable use and for use in fire protection of their administration building. The current request is to use a larger than typical flowrate for an extended period of time for onsite purposes in addition to the normal potable and (emergency condition only) fire protection uses.

JC developed a computer model of the City’s water distribution system in conjunction with the 2018 Water Master Plan Update, dated April 17, 2019.

The purpose of this water system analysis was to assess the flow and pressure conditions through existing infrastructure with the additional requested demand conditions and determine compliance of the City’s system with 30 TAC §290.44(d) in Texas Commission on Environmental Quality’s (TCEQ) Rules and Regulations for Public Water Systems. 30 TAC §290.44(d) states that the system must maintain residual pressures above 35 psi during normal operation and above 20 psi during an emergency condition.

Existing Conditions

The City of La Porte serves an Average Daily Flow (ADF) of 3.98 MGD with six (6) water plants, three (3) Elevated Storage Tanks (ESTs) and approximately 213 miles of waterlines. See the 2018 Water Master Plan Update for further details of the overall existing City system.

From the 2018 computer model, the City’s closest water infrastructure to the point of delivery is a 12-inch waterline east of SH 146, south of the SH 225 interchange with SH 146 and north of the railroad tracts. Exhibit A presents the existing infrastructure from the model in this area. Based on the 2018 model, this location had a minimum pressure of 52.5 pounds per square inch (psi) during an ADF condition, 49.1 psi during a Max Daily Flow (MDF) condition, and an available fire flow of approximately 1,400 gpm during an ADF condition, while maintaining 20 psi. The model has an accuracy of ±5 psi for any given location as presented in the 2018 Master Plan Update.

In 2019, approximately 1,000 linear feet (LF) of public 12-inch waterline was extended southeast along Private Enterprise Drive to a hydrant for potable water and fire service to Enterprise (the Take Point).



Proposed Conditions

Based on information provided by the City, Enterprise is requesting water supply in increments of 100 gallons per minute (gpm) from 300 gpm to 600 gpm for 24 hours per day. The City has a maximum desirable delivery flowrate of 450 gpm based on the accuracy of the proposed 3-inch hydrant meter proposed to be utilized. Enterprise has requested delivery during the month of July. July is a summer month that usually includes at least one, if not multiple MDF condition days. Attached Exhibit A presents Water System Layout of the area of proposed service.

Water System Analysis

A computer model of the water system was analyzed utilizing WaterGEMS CONNECT Edition by Bentley Water Systems. The parameters of the computer model followed guidelines outlined in AWWA M32 Computer Modeling of Water Distribution Systems and as outlined in the 2018 Water Master Plan.

The computer model was analyzed based on a constant demand of variations of 300-600 gpm. Pressures were analyzed to maintain above 35 psi during Peak Hour Demand conditions and above 20 psi during fire flow conditions. Scenarios of ADF, MDF, and Fire Flow conditions were evaluated to determine the available pressure at the Take Point as well as impacts to the City’s existing upstream infrastructure and customers. Table No. 1 presents a summary of the results. Exhibits B through F attached present the minimum pressure and maximum velocity during the MDF condition for each set of scenarios.

**Table No. 1
 Model Results**

Scenario No.	Scenario Description	Lowest Pressure of City System (psi)	Lowest Pressure at Take Point (psi)	Fire Flow Available at Take Point (gpm)
1	Exist ADF	50.5	52.3	
2	Exist MDF	47.1	48.9	
3	Exist Fire Flow			1,300
4	Exist ADF + 300 gpm	47.5	49.0	
5	Exist MDF + 300 gpm	44.3	45.9	
6	Exist Fire Flow + 300 gpm			1,000
7	Exist ADF + 400 gpm	45.8	47.1	
8	Exist MDF + 400 gpm	43.3	44.6	
9	Exist Fire Flow + 400 gpm			900
10	Exist ADF + 500 gpm	43.9	45.0	
11	Exist MDF + 500 gpm	40.9	42.0	
12	Exist Fire Flow + 500 gpm			800
13	Exist ADF + 600 gpm	41.5	42.3	
14	Exist MDF + 600 gpm	38.5	39.2	
15	Exist Fire Flow + 600 gpm			700



The following is an analysis of the results presented in Table No. 1.

- All existing and proposed conditions as presented maintained minimum residual pressures during ADF, MDF, and Fire Flow scenarios as required in TAC §290.44(d).
- The addition of the requested demand will have a measurable affect on the existing City customers' water pressure in this area. The pressure reduction will vary from 5 psi to 10 psi, as allowable take flowrate is increased from 300 gpm to 600 gpm. These changes will be more noticeable during the MDF condition, which is anticipated during the requested take timeframe of July 2020.
- Due to the fact that the model has an accuracy of ± 5 psi, it is not recommended that the City allow delivery of more than 500 gpm, as this would result in the potential to drop City pressures below TCEQ requirements under normal conditions. (38.2 psi is the modeled condition of 600 gpm take rate during an MDF condition. This value – 5 psi would be 33.2 psi, which is less than the TCEQ requirement of 35 psi during normal conditions).
- Available fire flow to the Enterprise site will be sacrificed with the increasing take flowrate. If 1,000 gpm of fire flow is desired to be available to the Enterprise site, then 300 gpm is the maximum allowable take flowrate.

This analysis was completed with available provided and collected data for the City of La Porte 2018 Water Master Plan Update. Site specific field flow and pressure tests are recommended to confirm the analysis presented herein prior to providing the maximum take flowrate desired.

EXHIBIT A - EXIST INFRASTRUCTURE



EXHIBIT B - EXIST MDF RESULTS

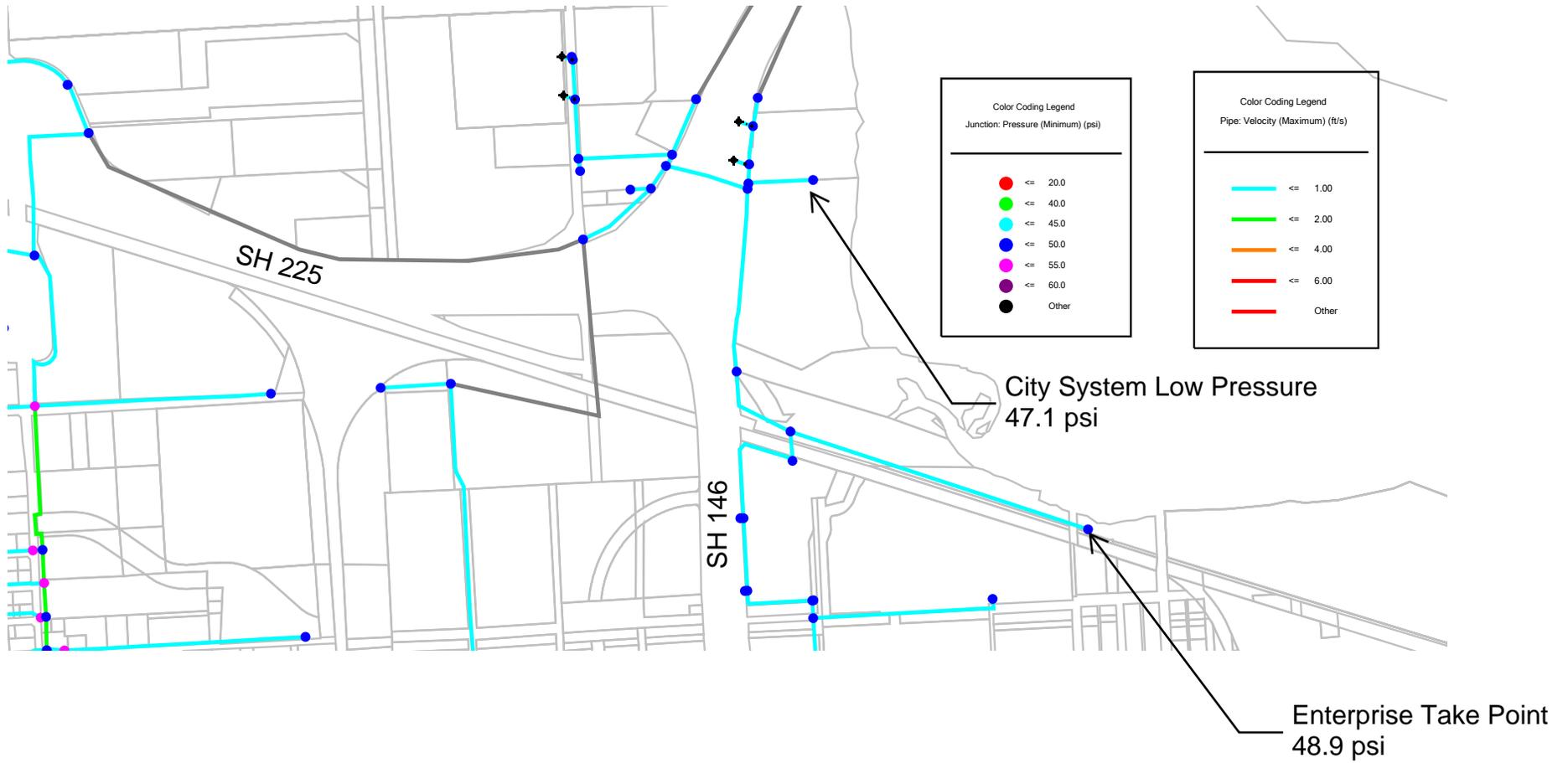


EXHIBIT C - 300 GPM MDF RESULTS

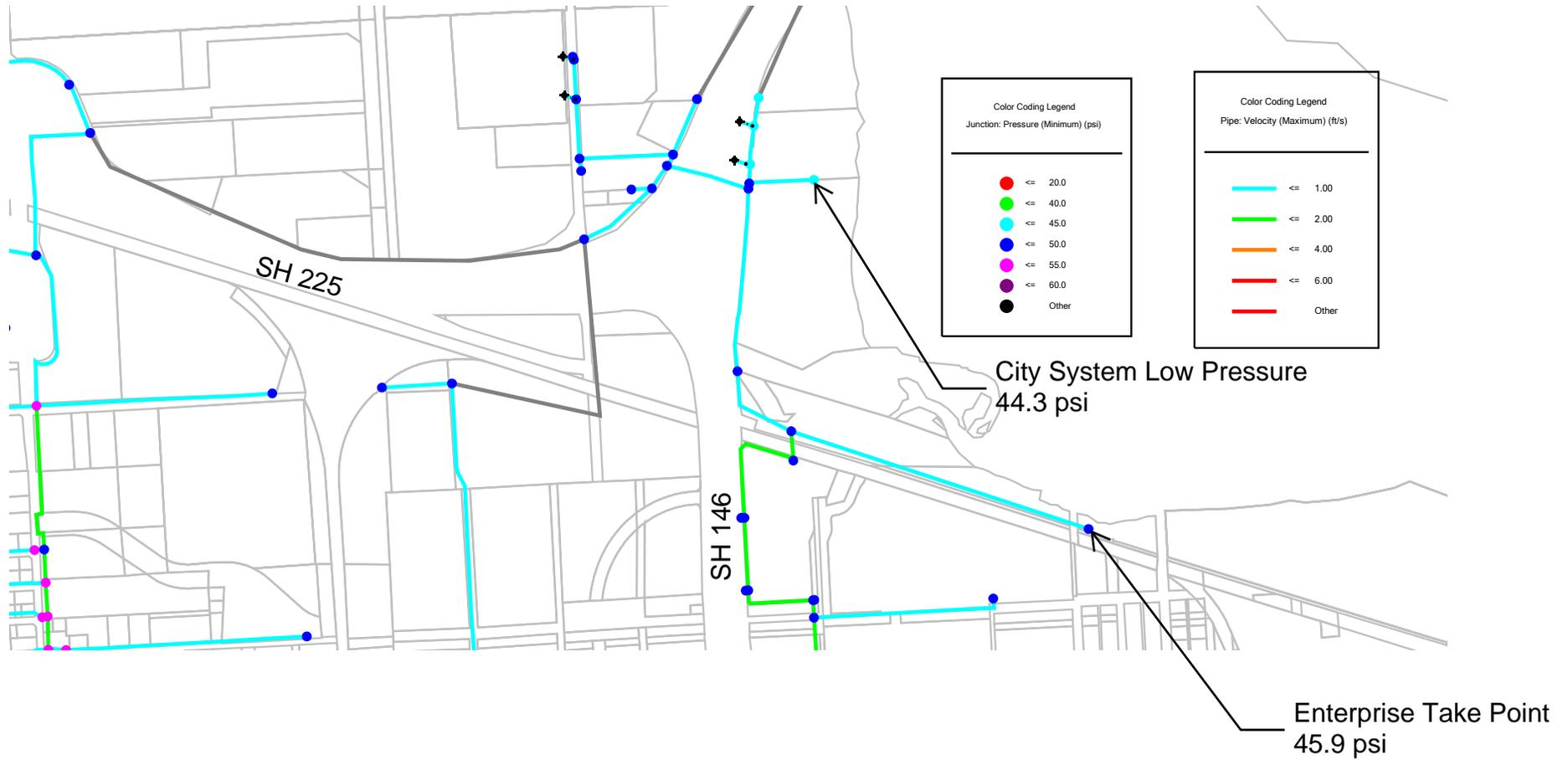


EXHIBIT D - 400 GPM MDF RESULTS

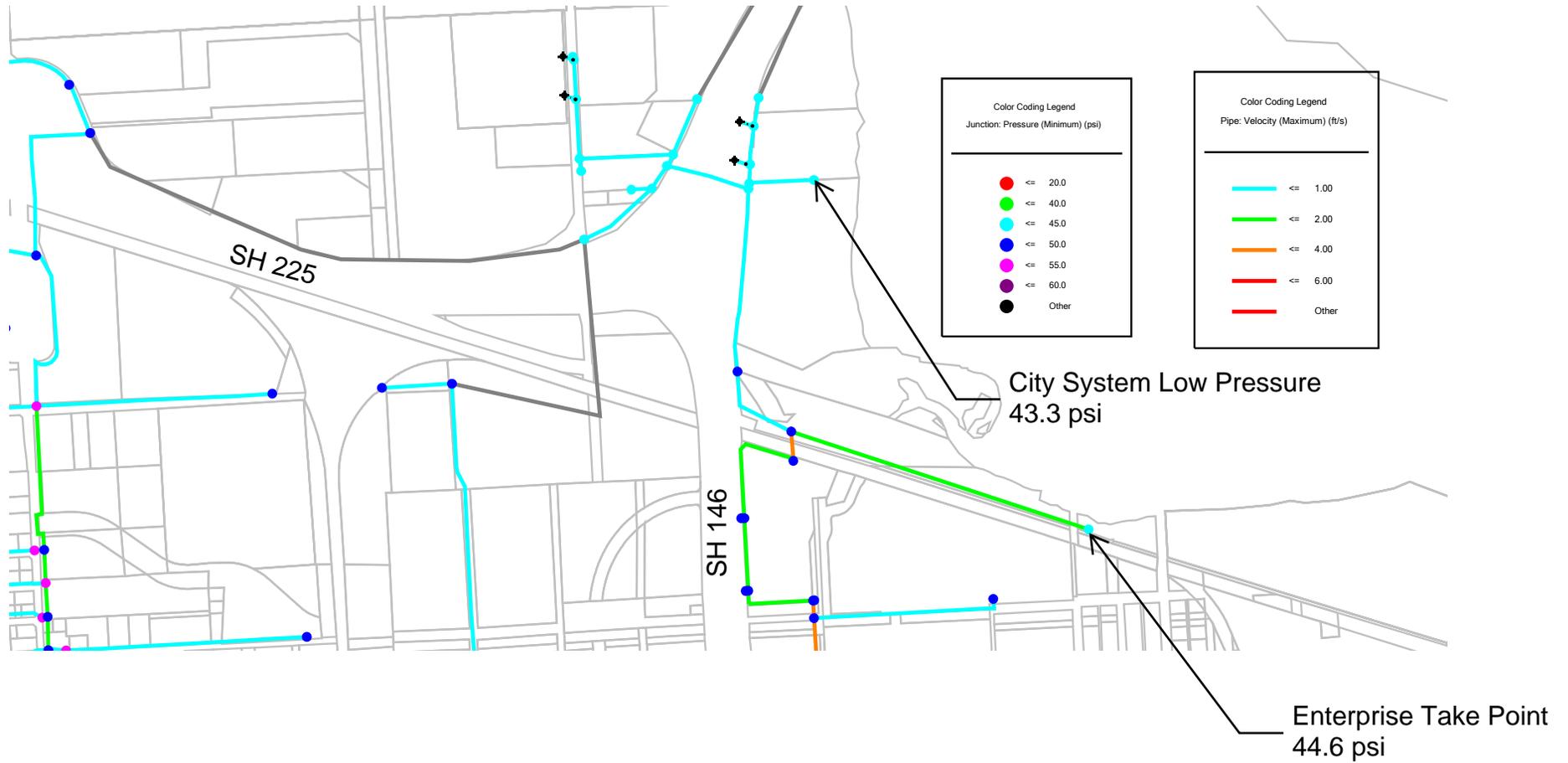


EXHIBIT E - 500 GPM MDF RESULTS

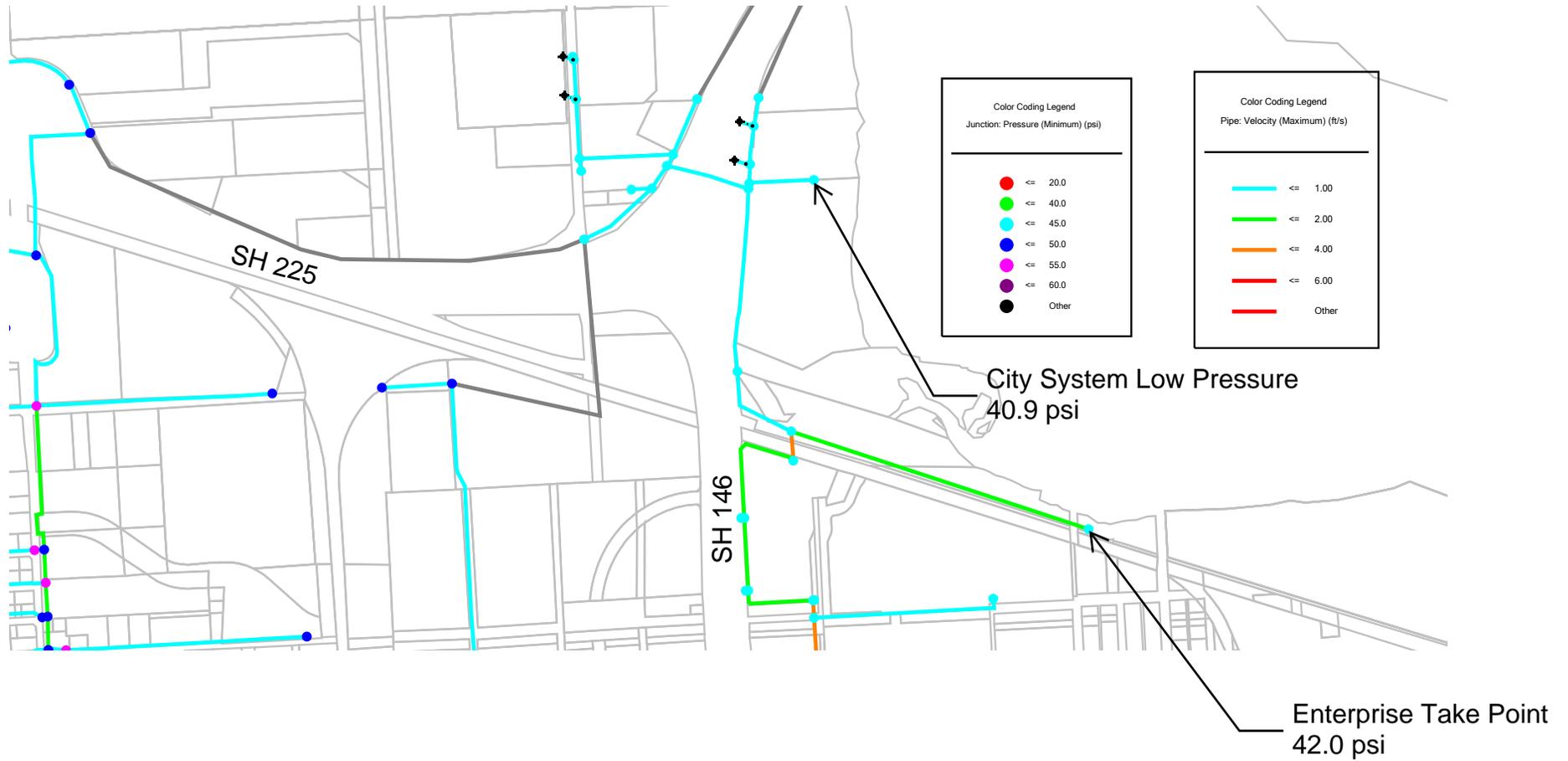
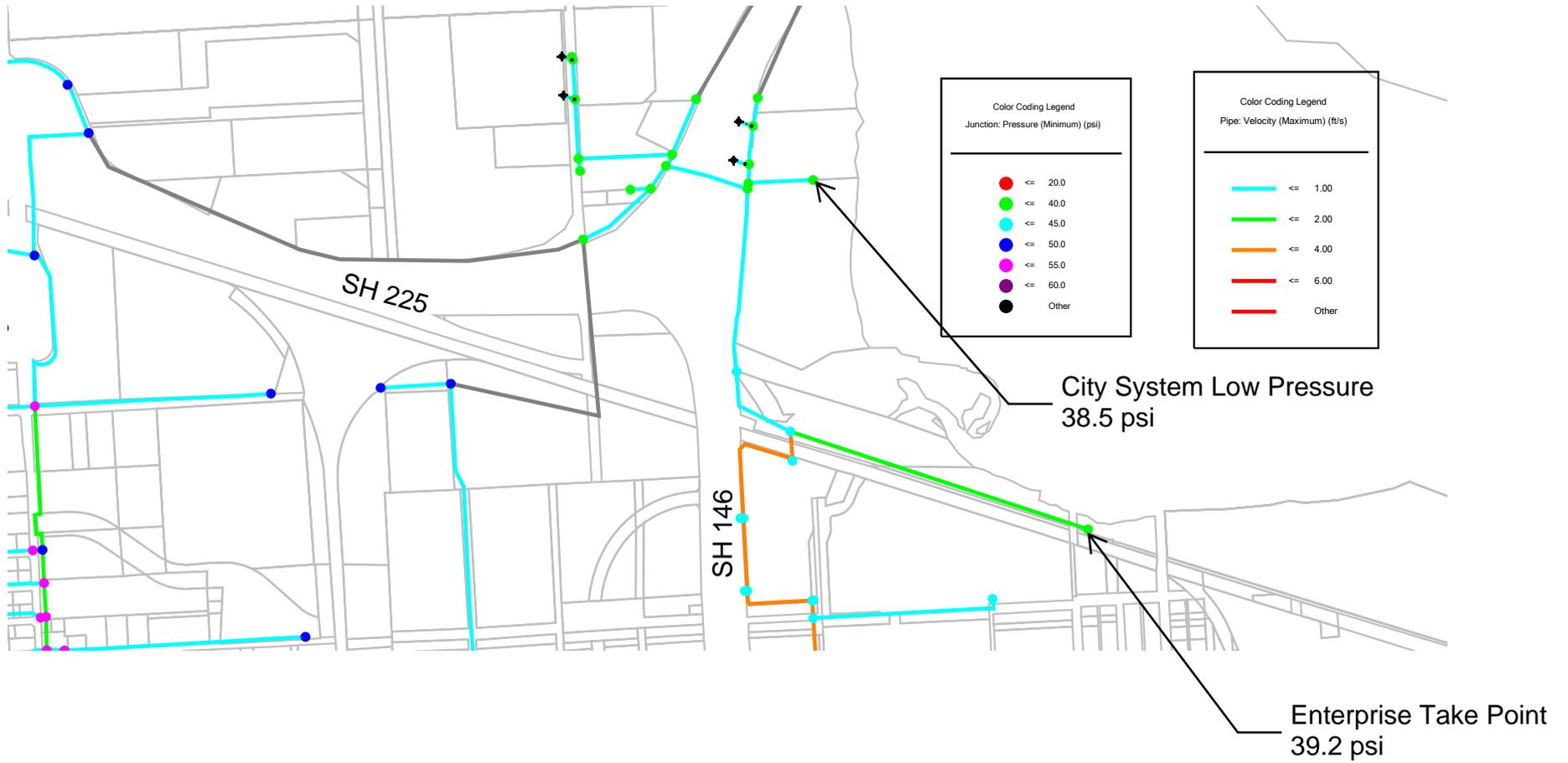


EXHIBIT F - 600 GPM MDF RESULTS





REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u>
Requested By: <u>Matt Hartleib, HR Manager</u>
Department: <u>Administration/HR</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

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

Exhibits: FFCRA Presentation

SUMMARY

The Families First Corona Response Act (FFCRA) came into effect on April 1, 2020. Part of this legislation mandates employers such as the City provide paid leave to employees who meet certain criteria related to COVID-19. There are two main aspects of the leave: Emergency Paid Sick Leave (EPSL) and Emergency Paid FMLA or Expanded FMLA (FMLA+).

The EPSL is capped at 80 hours for each employee ("EE") that meets requirements for one of six criteria:

1. EE subject to federal/state/local quarantine or isolation order
2. EE advised by Health Care Physician to self-quarantine
3. EE is experiencing symptoms and is seeking medical diagnosis
4. EE is caring for an individual subject or advised to quarantine or isolation
5. EE is caring for child whose school or place of care, or childcare provider, is unavailable due to COVID-19 precautions
6. EE is experiencing substantially similar conditions as specified by HHS

Criteria 1-3 are paid at 100% of the employees regular pay, with criteria 4-6 paid at 2/3 regular pay. Employees are able to supplement the 2/3 pay with personal accrued pay.

The FMLA+ is available for only one criteria: employee is unable to work or telework due to a need for leave to care for the son or daughter under the age of 18, if the school or place of care has been closed, or the child care provider is unavailable due to public health emergency. Up to an additional ten (10) weeks of paid leave at the 2/3 rate.

The legislation allows for employers to exclude certain “emergency responders.” This option allows municipalities to maintain staffing and service levels to the community. Employers have the option to define exclusions for both or either one of the leave aspects (EPSL or FMLA+).

The HR Manager will deliver an expanded presentation of the topic including some market data on how other cities are proceeding and answer any questions.

Options include:

1. Exclude no employees from either aspect
2. Exclude emergency responders from both aspects
3. Exclude emergency responders from one of the aspects

Recommendation: Based on guidance from La Porte’s public safety leadership, staff’s recommendation is option 3 – exclusion of emergency responders from the FMLA+ aspect of this legislation. Emergency responders at City of La Porte will include sworn Police, Fire, EMS, and Dispatch positions.

RECOMMENDED MOTION

I move to direct staff to implement the Families First Corona Response Act (FFCRA) according to option _____.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

Families First Corona Response Act (FFCRA)

April 13, 2020





Overview

- The Families First Corona Response Act (FFCRA) came into effect on April 1, 2020 and will sunset on December 31, 2020.
- Among other benefits, the act requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19.
- As a government entity, the City of La Porte is one of those certain employers.



Main Aspects of Paid Leave

- There are two main aspects of the mandated paid leave:
 - Emergency Sick Leave (ESL) and Emergency Paid FMLA (FMLA+)
- Emergency Sick Leave
 - Capped at 80 hours
 - No eligibility requirements
 - Full pay or 2/3 pay depending on which of the six criteria are met
 - Subject to monetary caps that would have no impact to most of our employees



ESL Categories

- There are six reasons where an employee is unable to work that qualifies them for ESL
 1. EE subject to federal/state/local quarantine or isolation order
 2. EE advised by HCP to self-quarantine
 3. EE is experiencing symptoms and is seeking medical diagnosis
 4. EE is caring for an individual subject or advised to quarantine or isolation
 5. EE is caring for child whose school or place of care, or childcare provider, is unavailable due to COVID-19 precautions
 6. EE is experiencing substantially similar conditions as specified by HHS.



FMLA+ leave

- Applies only to category 5 - caring for child whose school or place of care, or childcare provider, is unavailable due to COVID-19 precautions
 - Up to 12 weeks total - Weeks 1 and 2 are unpaid
 - Weeks 3 to 12 are $\frac{2}{3}$ paid
 - Eligibility - Must be employed 30 calendar days.
 - Protects all 12 weeks but only PAYS for weeks 3 to 12.



Exclusion of Emergency Responders

- The law allows for an employer to exclude from either or both aspects (ESL and/or FMLA+) “emergency responders.”
- *The Department of Labor notes that “the authority for employers to exempt emergency responders is reflective of a balance struck by the FFCRA . . . [to] provide for paid sick leave and expanded family and medical leave so employees will not be forced to choose between their paychecks and the individual and public health measures necessary to combat COVID-19 . . . [and that] providing paid sick leave or expanded family and medical leave does not come at the expense of fully staffing the necessary functions of society, including the functions of emergency responders.”*



Emergency Responders

Per DOL guidance:

an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, **law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel**, physicians, nurses, **public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.** This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19.



What are other cities doing?

No Exempting

- Baytown*
- Bellaire
- League City*
- Pearland

Excepting Both

- Friendswood
- Galveston
- Sugar Land
- Texas City

Exempting Just FMLA+

- Deer Park
- Missouri City
- Pasadena
- Seabrook

**These cities have stated they reserve the right to implement exemptions later.*



Options & recommendation

- Exempt no emergency responders from either ESL or FMLA+
- Exempt emergency responders from both ESL and FMLA+
- Exempt emergency responders from either ESL or FMLA+
- Recommendation – Exempt emergency responders from FMLA+ only. Include sworn Police, Dispatch, Fire, and EMS.



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 13, 2020</u> Requested By: <u>Corby Alexander, City Mgr.</u> Department: <u>Administration/CMO</u> <input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance
--

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

Exhibits: Ordinance 2020-3783, Deed, Current Photos, Map, Survey, and Appraisal Summary

Area

SUMMARY

The City received an application from Jana Gutierrez, on behalf of Crenshaw Real Properties II, LTD to vacate, abandon and close a portion of the N 8th Street right of way, adjacent to the property legally described as Tracts 12, 12B, 12C, and 12D, Block 12, Nebraska Syndicate, located along SH 146 north of the H Street right of way. Staff has included “current photos” to better familiarize the City Council of the location. Based on the provided current photos, the property owner of the laydown yard has enclosed portion of the current right-of-way with a chain-link fence which runs along the eastern side of the City’s right-of-way. Currently, the fencing the property owner has placed in the right-of-way needs significant work due to the fence nearly parallel with the ground in areas. Additionally, the property owner has place entrance/exit gates at both the north and south portions of the fenced in right-of-way area. Based upon the easement map documents provided in the Ordinance and Deed, the City’s waterline runs north & south in the grassed area of the current photos, while the main sewer line also runs north & south, but is within the fenced in area of the laydown yard.

The abandonment process requires that all adjacent property owners either participate in the closure or sign away rights to their portion of the proposed closure. La Porte Real Property, LLC, the only other adjacent property owner, decided not to participate in the request and has authorized conveyance of their portion of the right of way in its entirety to Crenshaw Real Properties II, LTD.

The total area of the requested closure equals 68,800 square feet. Staff has identified the location of existing water and sewer mains that currently exist within the right of way proposed for closure. Comcast, AT&T, and Centerpoint, the three franchise utility companies, have all provided letters of no objection to the proposed right of way closure.

In order to close the requested ROW, City will need an easement requiring unobstructed access. The proposed deed includes language reserving the easement to cover the water and sewer lines. Additionally, staff has proposed to include a deed restriction barring any construction in the easement. The water and sewer lines located in the N 8th Street right-of-way are the only means of service for the industrial areas to the north. The materials for both the water and sewer infrastructure are no longer utilized and they are nearing the end of their useful life. Full replacement of the existing utility lines could be necessary in the near future.

In accordance with Sections 62-32 of the City's Code of Ordinances, the City obtained an appraisal of the subject rights of way to establish fair market value. The appraisal report established a value of \$2.50 per square foot. The applicant has submitted closing fees in the amount of \$172,000 (68,800 sq. ft. x \$2.50) to the City. These funds are being held in escrow subject to final consideration and action by Council.

RECOMMENDED MOTION

I move that the Council adopt Ordinance 2020-3783 for street and alley closure request #19-25000007, vacating and abandoning a portion of then N 8th St. right-of-way, adjacent to the property legally described as Tracts 12, 12B, 12C, and 12D, Block 12, Nebraska Syndicate, and authorize the City Manager to execute a deed to the adjacent property owner for the subject right of way.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3783

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE PORTION OF THE NORTH 8TH STREET RIGHT-OF-WAY SITUATED BETWEEN THE H STREET RIGHT-OF-WAY AND THE J STREET RIGHT-OF-WAY, AND RESERVING PUBLIC UTILITY EASEMENTS TO THE CITY OF LA PORTE FOR WATER AND SANITARY SEWER MAINS; AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNERS WITH RESTRICTIVE COVENANT AS TO ERECTION OF STRUCTURES, FACILITIES OR IMPROVEMENTS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte has been requested by the record owners of the properties abutting the portion of the N. 8th Street right-of-way situated between the H Street right-of-way and J Street right-of-way, to vacate, abandon and close said right-of-way, and;

WHEREAS, the City Council of the City of La Porte has determined and does hereby find, determine, and declare that the portion of the N. 8th Street right-of-way situated between the H Street right-of-way and J Street right-of-way are not suitable, needed, or beneficial to the public as a public road, street, or alley, and the closing of the portion of the N. 8th Street right-of-way situated between the H Street right-of-way and J Street right-of-way is for the protection of the public and for the public interest and benefit, and that the portion of the N. 8th Street right-of-way situated between the H Street right-of-way and J Street right-of-way should be vacated, abandoned, and permanently closed.

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

Section 1. Under and by virtue of the power granted to the City of La Porte under its home rule charter, Chapter 62 of the City of La Porte Code of Ordinances and Chapter 253, Texas Local Government Code, the portion of the N. 8th Street right-of-way situated between the H Street right-of-way and J Street right-of-way is hereby permanently vacated, abandoned, and closed by the City of La Porte, Texas, such right-of-way being generally illustrated on Exhibit "A" incorporated herein, and further described to wit:

Being a tract of land containing 1.506 acres, being a portion of N. 8th Street, Nebraska Syndicate, recorded in Volume 83, Page 34S. Harris County Deed Records and being located in the Johnson Hunter League, Abstract No. 35, Harris County, Texas, and being more fully described as follows:

BEGINNING, at the southerly corner of said street. said COMENCING POINT having a Texas State Plane Coordinate System, South Central Zone (4204) Value of X=3,229,599.17 and Y=13,814,674.1S (GRID);

THENCE, South 86 degrees 55 minutes 55 seconds West over and across said street, a distance of 80 feet to the southwesterly corner of Lessee's Land Space;

THENCE, North 03 degrees 04 minutes 05 seconds West over and across said street, a distance of 860.04 feet to the northwesterly corner of Lessee's Land Space;

THENCE, North 86 degrees 55 minutes 55 seconds West continuing over and across said street, a distance of 80.00 feet to the Northeasterly corner of Lessee's Land Space;

THENCE, North 86 degrees 01 minutes 30 seconds East continuing over and across said Parent Tract a distance of 40.00 feet to the northwesterly corner of Lessee's Land Space;

THENCE, South 03 degrees 04 minutes 05 seconds East continuing over and across said street, a distance of 860.0 feet to the POINT OF BEGINING.

RESERVATION OF EASEMENT AND RESTRICTION ON USE: The City of La Porte hereby retains a ten (10) foot public utility easement, being five (5) feet on each side of the centerline of the existing water main located within the aforementioned portion of the North 8th Street right-of-way, and a twenty (20) foot public utility easement, being ten (10) feet on each side of the centerline of the existing sanitary sewer main located within the aforementioned portion of the North 8th Street right-of-way, with the location of said public utility easements being generally illustrated on Exhibit "B" incorporated herein. Furthermore, the City of La Porte prohibits the erection of any structures, facilities or improvements on or below the surface of the right-of-way and public utility easement areas illustrated on Exhibit A and Exhibit B.

Section 2. That the abandonment, vacation and closure provided for herein is made and accepted subject to all present zoning and deed restrictions if the latter exist, and all easements, whether apparent or non-apparent, aerial, surface or underground, including the public utility easements reserved to the City of La Porte as described herein.

Section 3. That the abandonment, vacation and closure provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to that interest which the governing body for the City of La Porte may legally and lawfully abandon, vacate and close.

Section 4. That the City Manager is hereby authorized to execute and deliver a Deed Without Warranty to the abutting owner upon completion of all conditions and requirements set forth in this Ordinance.

Section 5. That the abutting property owner shall pay all costs associated with procedures necessitated by the request to abandon the portion of the N 8th Street right-of-way situated between the H Street right-of-way and J Street right-of-way, as described in this Ordinance, plus compensation for the market value of such abandoned property in accordance Chapter 62 of the City of La Porte Code of Ordinances.

Section 6. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 8. If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of the ordinance.

Section 9. This ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED THIS 13th day of April 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney

EXHIBIT A ROW CLOSURE

SAC
#19-25000007

N. 8th St.

Legend

-  Proposed ROW Closure
-  Sewer Main
-  Water Main



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 214 feet

MARCH 2020
PLANNING DEPARTMENT

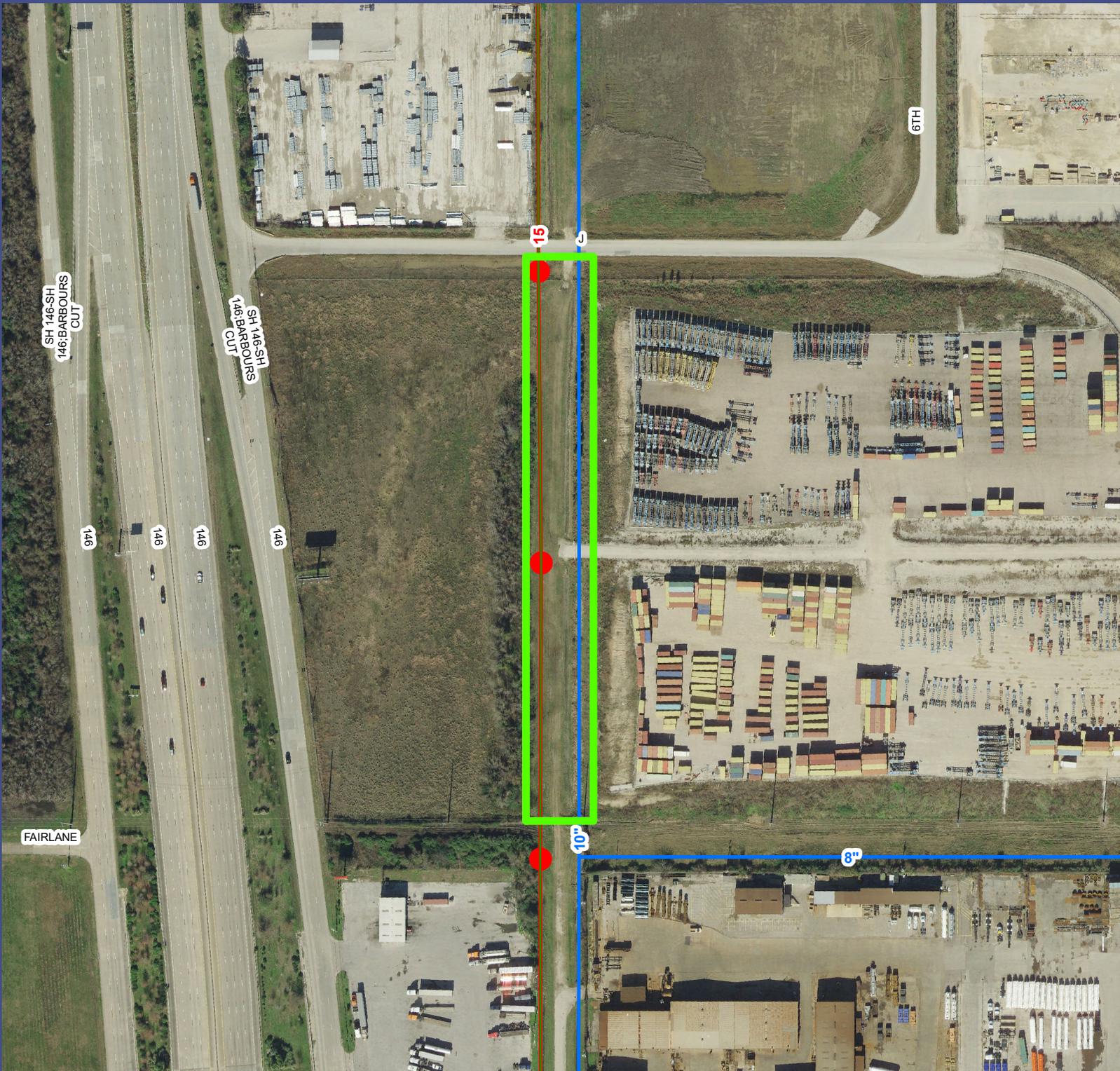
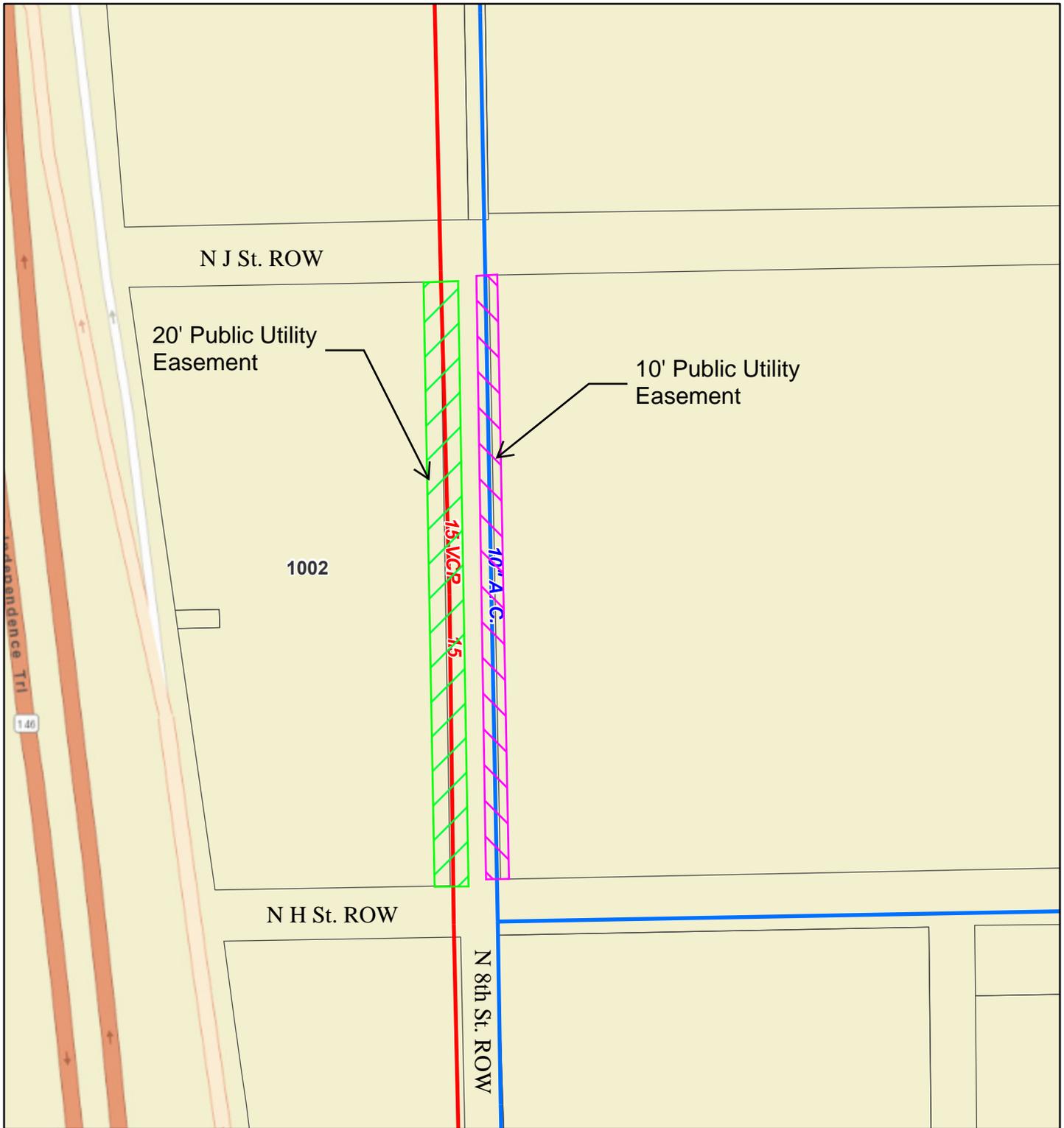


EXHIBIT B - 8TH STREET EASEMENTS



4/1/2020 1:47:10 PM

N.T.S.

-  Base Map Layer - City Limits
-  Water System - Water Mains
-  Sanitary Sewer - Sewer Mains
-  Parcel Layer - Address Parcels

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

DEED WITHOUT WARRANTY

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: April 13, 2020

Grantor: CITY OF LA PORTE, TEXAS, a municipal corporation

Mailing Address: 604 West Fairmont Parkway, La Porte, TX 77571

Grantee: Crenshaw Real Properties II, LTD

Mailing Address: 1655 Louisiana Street, Beaumont, TX 77701-1120

Consideration: Ten and No/100 Dollars (\$10.00) cash
and other good and valuable considerations

Property: (including any improvements):

Being a tract of land containing 1.506 acres, being a portion of N. 8th Street, Nebraska Syndicate, recorded in Volume 83, Page 34S. Harris County Deed Records and being located in the Johnson Hunter League, Abstract No. 35, Harris County, Texas, and be more fully described as follows:

BEGINNING, at the southerly corner of said street. said COMENCING POINT having a Texas State Plane Coordinate System, South Central Zone (4204) Value of X=3,229,599.17 and Y=13,814,674.1S (GRID);

THENCE, South 86 degrees 55 minutes 55 seconds West over and across said street, a distance of 80 feet to the southwesterly comer of Lessee's Land Space;

THENCE, North 03 degrees 04 minutes 05 seconds West over and across said street, a distance of 860.04 feet to the northwesterly corner of Lessee's Land Space;

THENCE, North 86 degrees 55 minutes 55 seconds West continuing over and across said street, a distance of 80.00 feet to the Northeasterly corner of Lessee's Land Space;

THENCE, North 86 degrees 01 minutes 30 seconds East continuing over and across said Parent Tract a distance of 40.00 feet to the northwesterly corner of Lessee's Land Space;

THENCE, South 03 degrees 04 minutes 05 seconds East continuing over and across said street, a distance of 860.0 feet to the POINT OF BEGINING.

SUBJECT TO RESERVATION OF PUBLIC UTILITY EASEMENTS: The City of La Porte hereby retains a ten (10) foot public utility easement, being five (5) feet on each side of the centerline of the existing water main located within the aforementioned portion of the North 8th Street right-of-way, and a twenty (20) foot public utility easement, being ten (10) feet on each side of the centerline of the existing sanitary sewer main located within the aforementioned portion of the North 8th Street right-of-way, with the location of said public utility easements being generally illustrated on Exhibit "A" incorporated herein.

RESTRICTION ON USE: As a condition of the conveyance of the Property the City of La Porte expressly prohibits the erection of any structures, facilities or improvements on or below the surface of the Property and the public utility easements reserved to the City of La Porte herein and illustrated on Exhibit A.

Reservations from and Exception to Conveyance and Warranty: This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the county clerk of the aforesaid county.

Grantor for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the property without express or implied warranty, and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

Attest:

City of La Porte, Texas

Lee Woodward
City Secretary

By: _____
Corby D. Alexander
City Manager

Approved as to form:

Clark T. Askins
Assistant City Attorney

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on _____ day of APRIL, 2020, by Corby D. Alexander, City Manager of the City of La Porte, Texas, a municipal corporation.

Notary Public, State of Texas

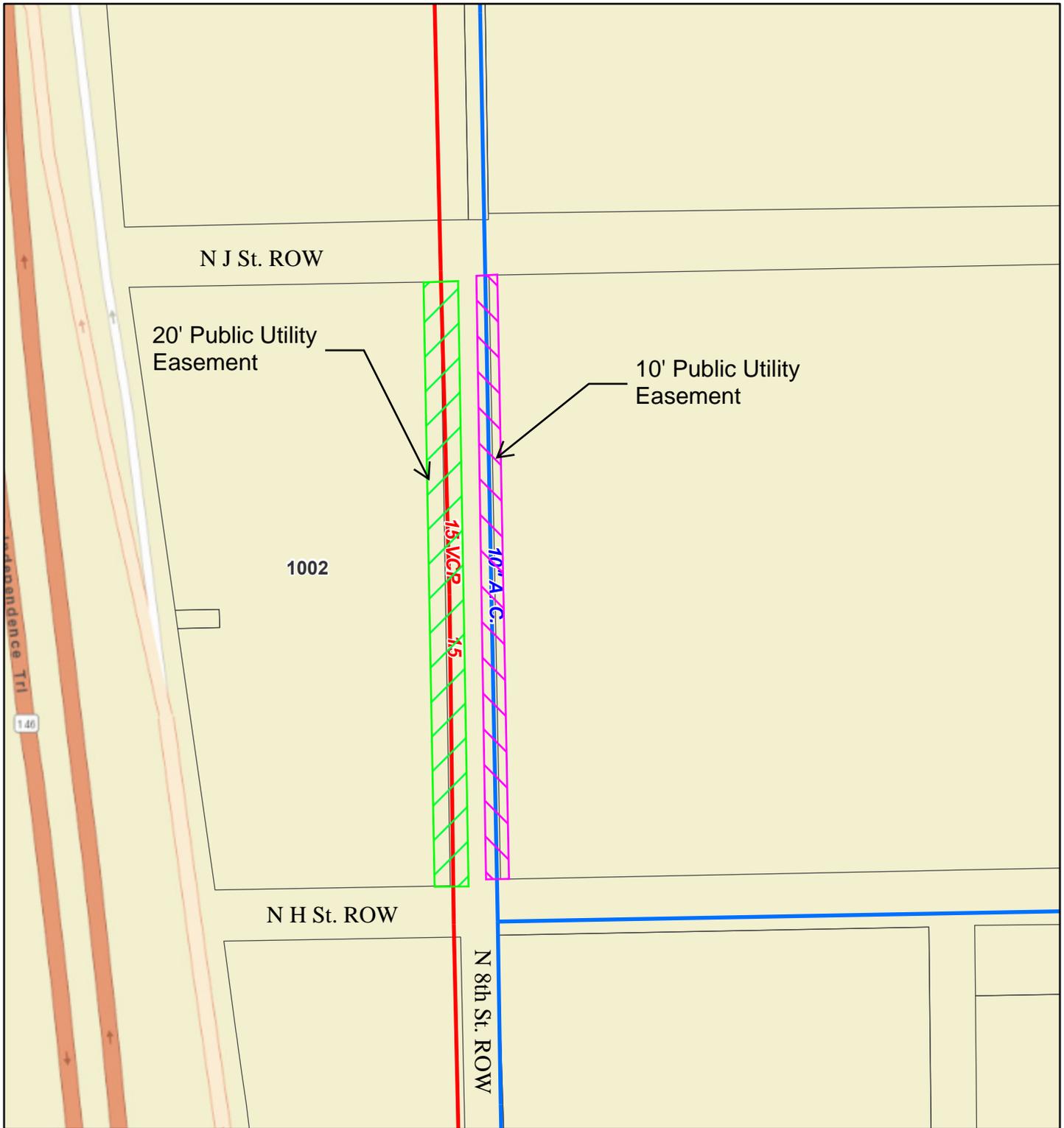
AFTER RECORDING RETURN TO:

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

PREPARED IN THE LAW OFFICE OF:

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

EXHIBIT A - 8TH STREET EASEMENTS



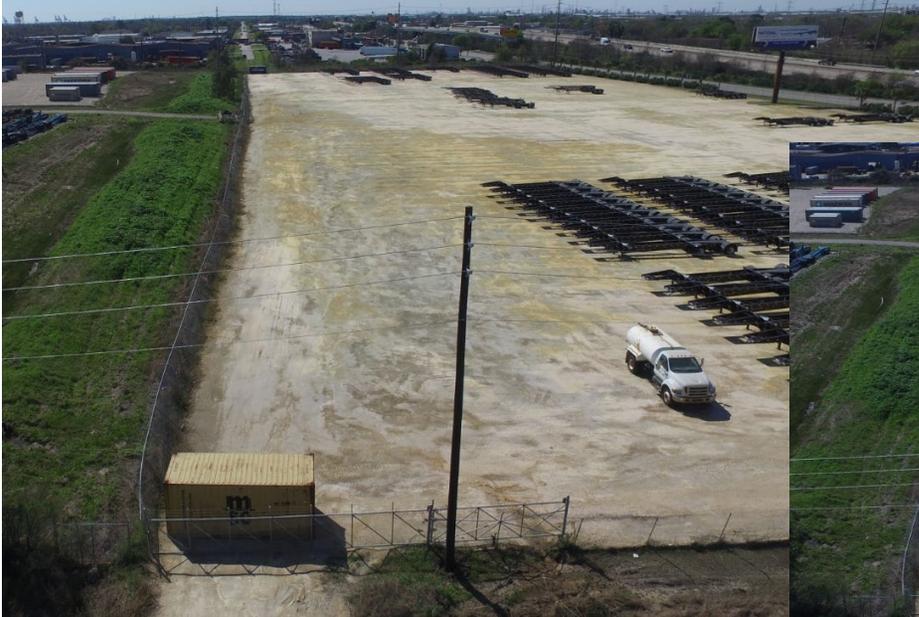
4/1/2020 1:47:10 PM

N.T.S.

-  Base Map Layer - City Limits
-  Water System - Water Mains
-  Sanitary Sewer - Sewer Mains
-  Parcel Layer - Address Parcels

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

8th Street Current Photos



R.C. Chuoke & Associates, Inc.
Appraisers & Consultants

P.O. Box 1447
League City, Texas 77574

Office- 281-338-9633
Fax- 281-338-9533

November 18, 2019

City of La Porte
P.O. Box 1115
La Porte, Texas 77572

RE: Restricted Appraisal regarding the estimated **Market Value** of a portion of North 8th Street unopened right of way between Avenue H and Avenue J, La Porte, Harris County, Texas.

Dear Sirs:

In accordance with your request, I have inspected the following described property for the purpose of estimating the **Market Value** following described property as of the date of this Restricted Appraisal. As per our agreement, the data and analysis is presented in an abbreviated Restricted Appraisal format and is not intended to contain the full analysis.

BRIEF LEGAL DESCRIPTION OF PROPERTY

Known as a total of +-1.506 acres of land situated a portion of North 8th Street unopened right of way between Avenue H and Avenue J, La Porte, Harris County, Texas. (See attached survey know as Exhibit "A" located in the addenda).

I hereby certify that I have personally inspected the property described via a street inspection and that all data gathered by my investigation is from sources believed reliable and true. In preparing this Restricted Appraisal, a study of comparable sales and other related market data was performed. Per instructions from the client the market value indicated reflects the unit value of the subject property before any discounting for use as a public right of way application. This market value indication does not reflect any discounting for use as a public right of way.

It should clearly be understood that this letter only constitutes only a statement of the final value and that does not presume to be the complete analysis of the subject property nor a complete appraisal format and is subject

.....Page 2 Continued.....

to the preparation of a detailed appraisal report. The subject property as described by the survey as provided, contains a total of +-1.506 acres or 65,601 square feet of land area. The subject property consists of a portion of the unopened North 8th Street right of way which is 80' X 860.04'. This right of way is located north of Barbour's Cut Blvd and east of State Highway 146 in north La Porte. The subject site is generally flat and level in terms of topography. It is not located in the 100 year flood plain. Adjacent property uses consist primarily of commercial and light industrial property uses. The adjacent properties area zoned for light industrial and business industrial use by the City of La Porte. The Highest and Best Use of the subject property is determined to be for use either for a street right of way, however it may have an alternative use by adjacent property owners due to its configuration. The client and intended user of this appraisal is the City of La Porte only. The intended use is to estimate the current market value of the subject property of this analysis as described above for use in establishing a market value for the subject property by the client. There has been no transfer of the subject property noted for the past 36 months per appraisal district records. The effective date of the appraisal and inspection is November 6, 2019. The date of the report is November 8, 2019. The estimated exposure time is up to 24 months.

Other sales of generally similar properties in the subject neighborhood were researched that had locations that range from primary to secondary type roadways. A unit value range of between \$2.00 PSF to over \$8.00 PSF was noted. After adjustments, it is my opinion the estimated unit value range for the subject property would be a unit value of **\$2.50 PSF** before any additional discounting by the "City".

Therefore the unit market value of the subject tract is estimated at **\$2.50 PSF which is based on 100% fee simple ownership with no discounting applied for use as a public right of way.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Chris Chuoke', written over a horizontal line.

Chris Chuoke, President
R.C. CHUOKE & ASSOCIATES, INC.

USER: JMA GUTIERREZ
 DATE: 11/13/2018 TIME: 4:04 PM
 S:\PROJECTS\2018-09-18 NEBRASKA SYNDICATE\PLAN\PERMITS\8TH STREET_2018\28-18 8TH STREET 5-24-18.DWG

J. STREET
 80' R.O.W., VOL. 83, PG 345
 H.C.D.R.

80.000
 N86° 55' 55" W

TO BE VACATED BY INSTRUMENT
 SUBJECT TRACT
 1.506 ACRES

860.040
 N03° 04' 05" W
 8TH STREET

N 8TH STREET
 80' R.O.W.
 VOL. 83, PG 346 H.C.D.R.

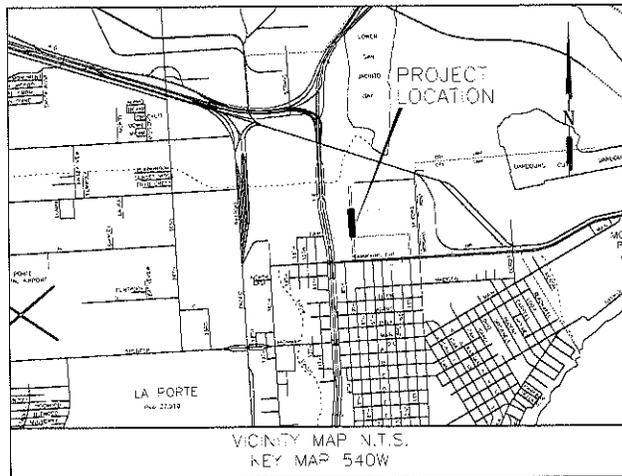
860.040
 S03° 04' 05" E

CALLED 47.709 ACRES
 LA PORTE LANDFILL
 RESTRICTED RESERVE "A"
 FILM CODE NO 664044
 H.C.M.R.

STREET TO BE
 VACATED

P.O.B.

80.000
 S86° 55' 55" W
 H. STREET (UNIMPROVED)
 (80' R.O.W.) VOL. 83, PG 345,
 H.C.D.R.



PARCEL DESCRIPTION

A tract of land containing 1.506 acres, being a portion of the 8th street Nebraska Syndicate, recorded in Volume 83, Page 345, Harris County Deed Records and being located in the Johnson Hunter League, abstract No. 35, Harris County, Texas, And be more fully described as follows:

COMMENCING at the southeasterly corner of said street, said COMMENCING POINT having a Texas State Plane Coordinate System, South Central Zone (4204) Value of X= 3,229,599.17 and Y= 13,814,674.15 (GRID):

THENCE, South 86 degrees 55 minutes 55 seconds West over and across said street, a distance of 80 feet to the southwesterly corner of Lessee's Land Space;

THENCE, North 03 degrees 04 minutes 05 seconds West over and across said street, a distance of 860.04 feet to the northwesterly corner of Lessee's Land Space;

THENCE, North 86 degrees 55 minutes 55 seconds West continuing over and across said street, a distance of 80.00 feet to the Northeasterly corner of Lessee's Land Space;

THENCE, North 86 degrees 01 minutes 30 seconds East continuing over and across said Parent Tract, a distance of 40.00 feet to the northwesterly corner of Lessee's Land Space;

THENCE, South 03 degrees 04 minutes 05 seconds East continuing over and across said street, a distance of 860.0 feet to the POINT OF BEGINNING.

SURVEY

OF
 1.506 ACRE TRACT
 A PORTION OF THE 8TH STREET
 NEBRASKA SYNDICATE
 VOLUME 83, PAGE 345, HARRIS COUNTY DEED RECORDS AND BEING
 LOCATED IN THE JOHNSON HUNTER LEAGUE, ABSTRACT NO. 35,
 HARRIS COUNTY, TEXAS

J. MORALES
 ARCHITECTS • ENGINEERS • SURVEYORS

3425 Federal Street
 Houston, Texas 77504
 (O) 713.947.6606
 jmoralesinc.com

T.B.A.E. FIRM NO. BR2942
 T.B.P.E. FIRM NO. F-004636
 T.B.L.S. FIRM NO. 10039400

PROJECT #: 18661 28-18 8th Street Closure

