

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Mayor Pro-Tem
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
MAY 23, 2016**

The City Council of the City of La Porte met in a regular meeting on **Monday, May 23, 2016**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, Earp, Zemanek, Clausen, K. Martin, Leonard, Kaminski and J. Martin. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Brian Christen, La Porte Community Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.

4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**

- (a) Proclamation – National Bike Month in the City of La Porte – Mayor Rigby

Mayor Rigby presented a proclamation to Planning and Development Director Tim Tietjens in honor of National Bike Month in the City of La Porte.

- (b) Recognition – Employee of the First Quarter 2016 – Christopher Sandoval – City of La Porte Police Department – Mayor Rigby

Mayor Rigby recognized Officer Christopher Sandoval as Employee of the First Quarter 2016.

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

Chuck Rosa, 812 S. Virginia, addressed Council regarding the attendance records of Board members of the Planning and Zoning Commission and La Porte Development Corporation Board.

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

- (a) Consider approval or other action regarding minutes of the meeting held on May 9, 2016 – P. Fogarty
- (b) Consider approval or other action awarding Bid No. 16014 for La Porte FY 2016 Street Overlay – S. Valiante
- (c) Consider approval or other action awarding Bid No. 16012 for D Street and 4th Street Paving and Drainage Improvements – S. Valiante

- (d) Consider approval or other action regarding a three (3) year lease agreement with Dell Financial Services for computer equipment – R. Valdez
- (e) Consider approval or other action regarding an Ordinance vacating, abandoning, and closing the entire east/west and north/south alleys in Block 1112, Town of La Porte, and a portion of the east/west alley in Block 1113, Town of la Porte; and abandoning in place an existing 8” sanitary sewer main located in the north/south alley of Block 1112, Town of La Porte – T. Tietjens
- (f) Consider approval or other action regarding an Ordinance vacating, abandoning, and closing a portion of the East A Street right-of-way – B. Sterling
- (g) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Carson Bayport 3, LLC., for its facility located at 4111 Malone Dr., in the Bayport Industrial District – S. Sterling
- (h) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Carson Bayport 3, LLC., for its facility located at 4033 Malone Dr., in the Bayport Industrial District – S. Sterling
- (i) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Carson Bayport 3, LLC., for its facility located at 10322 New Decade Dr., in the Bayport Industrial District – S. Sterling
- (j) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Carson Bayport 3, LLC., for its facility located at 10344 New Decade Dr., in the Bayport Industrial District – S. Sterling

City Manager Corby Alexander requested Item D be removed from the agenda.

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3629**: AN ORDINANCE VACATING, ABANDONING AND CLOSING THE ENTIRE EAST/WEST AND NORTH/SOUTH ALLEYS IN BLOCK 1112, TOWN OF LA PORTE, AND A PORTION OF THE EAST/WEST ALLEY IN BLOCK 1113, TOWN OF LA PORTE, ABANDONING IN PLACE AN EXISTING 8” SANITARY SEWER MAIN LOCATED IN THE NORTH/SOUTH ALLEY OF BLOACK 1112, TOWN OF LA PORTE; AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3630**: AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE EAST “A” STREET RIGHT-OF-WAY AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW, AND PROVIDING AN EFFECTIVE DATE HEREOF.

7. PUBLIC HEARING AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to amend Chapter 106, “Zoning” of the Code of Ordinances of the City of La Porte, Texas by amending provisions related to zoning permits; amendments procedures; special exceptions; notification of confirming status; official zoning map; commercial and industrial uses; location of heavy truck uses; interpretation of zoning district boundaries; yard requirements; parking design standards; development of towers; and building exterior design standards; and consider approval or other action regarding an Ordinance amending Chapter 106, “Zoning” of the Code of Ordinances of the City of La Porte, Texas by amending provisions related to zoning permits; amendments procedures; special exceptions; notification of confirming status; official zoning map; commercial and industrial uses; location of heavy truck uses; interpretation of zoning district boundaries;

yard requirements parking design standards; development of towers; and building exterior design standards – E. Ensey

The public hearing opened at 6:18 p.m.

City Planner Eric Ensey presented a summary and recommendation by the Planning and Zoning Commission.

Councilmember Zemanek questioned who is the City Enforcement Officer per Section 106-145. Planning and Development Director Tim Tietjens responded, the Deputy Building Official.

Councilmember Earp asked if there were changes to the livestock provisions. City Planner Eric Ensey responded no.

There being no public comments the public hearing closed at 6:21 p.m.

Councilmember Earp moved to approve an Ordinance amending Chapter 106, "Zoning" of the Code of Ordinances of the City of La Porte, Texas by amending provisions related to zoning permits; amendments procedures; special exceptions; notification of confirming status; official zoning map; commercial and industrial uses; location of heavy truck uses; interpretation of zoning district boundaries; yard requirements parking design standards; development of towers; and building exterior design standards. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3631** AN ORDINANCE AMENDING CHAPTER 106, "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY AMENDING PROVISIONS RELATED TO ZONING PERMITS; AMENDMENTS PROCEDURES; SPECIAL EXCEPTIONS; NOTIFICATION OF CONFIRMING STATUS; OFFICIAL ZONING MAP; COMMERCIAL AND INDUSTRIAL USES; LOCATION OF HEAVY TRUCK USES; INTERPRETATION OF ZONING DISTRICT BOUNDARIES; YARD REQUIREMENTS PARKING DESIGN STANDARDS; DEVELOPMENT OF TOWERS; AND BUILDING EXTERIOR DESIGN STANDARDS; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINDED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding an Ordinance appointing a member of the City Council to serve as Mayor Pro-Tem of the City of La Porte, Texas, for the period of June 1, 2016 through May 31, 2017 – P. Fogarty

Councilmember Martin moved to approve an Ordinance appointing Councilmember Danny Earp to serve as Mayor Pro-Tem of the City of La Porte, Texas, for the period of June 1, 2016, through May 31, 2017. Councilmember Engelken seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3632**: AN ORDINANCE PROVIDING FOR THE ELECTION OF A MEMBER OF THE CITY COUNCIL TO SERVE AS MAYOR PRO-TEM OF THE CITY OF LA PORTE, TEXAS, FOR THE PERIOD JUNE 1, 2016, THROUGH MAY 31, 2017, OR UNTIL A SUCESSOR HAS BEEN APPOINTED AND HAS QUALIFIED, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW, AND PROVIDING AN EFFECTIVE DATE HEREOF.

- (b) Discussion and possible action regarding proposed concept design for the Wharton Weems Blvd., entryway monument – T. Leach

Assistant City Manager Traci Leach presented a summary.

Councilmember Martin moved to approve concept design No. 3 for the Wharton Weems Blvd. entryway monument. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

9. REPORTS

- (a) Receive report of the La Porte Development Corporation Board – Councilmember Engelken

Councilmember Engelken provided a report of the meeting of the La Porte Development Corporation Board held immediately prior to the City Council meeting.

10. ADMINISTRATIVE REPORTS - There were no additional reports.

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

Councilmembers Engelken, Clausen, K. Martin, Zemanek and Leonard congratulated Councilmember Earp for being appointed as Mayor Pro-Tem and Officer Sandoval as the Employee of the First Quarter 2016; Councilmember Earp congratulated Officer Sandoval as the Employee of the First Quarter 2016 and thanked Public Works Director Sharon Valiante for the tour of the Waste Water Treatment Plant; Councilmember J. Martin congratulated Councilmember Earp for being appointed as Mayor Pro-Tem; Officer Sandoval as the Employee of the First Quarter 2016 and commented he appreciates Mr. Rosa’s comments; Councilmember Kaminski congratulated Officer Sandoval as the Employee of the First Quarter 2016; commented she will be looking for everyone riding bikes to work on Friday and how much she enjoyed the Public Works event and congratulated Councilmember Earp for being appointed as Mayor Pro-Tem; and Mayor Rigby congratulated Officer Sandoval as the Employee of the First Quarter 2016, commented he appreciates all City employees; thanked Public Works Director Sharon Valiante for a great job during the Public Works Week; congratulated Councilmember Earp for being appointed as Mayor Pro-Tem and thanked Councilmember J. Martin for his service as Mayor Pro-Tem for the past year.

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

Texas Government Code, Section 551.071 (2) – Consultations with Attorney: Meet with City Attorney to discuss legal issues presented by use of Harris County issued overweight/oversize permits by commercial motor vehicles operating in La Porte corporate limits.

City Council recessed the regular Council meeting to convene an executive session at 6:39 p.m. regarding the item listed above.

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

City Council reconvened into the regular Council meeting at 8:01 p.m.

Regarding the legal issues presented by use of Harris County issued overweight/oversize permits by commercial motor vehicles operating in La Porte corporate limits, Councilmember Earp moved to direct the City Attorney to continue the prosecution of the tickets as written. Councilmember Leonard seconded. **MOTION PASSED 8/1.**

- Ayes: Councilmembers K. Martin, J. Martin, Clausen, Kaminski, Zemanek, Leonard, Earp and Engelken
- Nays: Mayor Rigby
- Absent: None

14. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:02 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on June 13, 2016.

Mayor Louis R. Rigby