

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Mayor Pro-Tem
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JULY 25, 2016

The City Council of the City of La Porte met in a regular meeting on **Monday, July 25, 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, Zemanek, Clausen, Leonard, and Kaminski. Absent: Councilmembers Earp, K. Martin 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 Assistant City Attorney Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Dottie Kaminski.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition – Float Entry Winners for the 4th of July Parade – Mayor Rigby

Mayor Rigby recognized Float Entry Winners from the 4th of July Parade. George Watkins thanked the Rotary Club, as well as those who created the floats.

- 1st Place – La Porte Families – “The Miss Allison 4th of July Boat-float”
- 2nd Place – Ken Pridgeon and Cliff Willson – “Portrait of a Warrior”
- 3rd Place – First Assembly of God/White Team – U.S.A.”

Most Original Float went to the First Assembly of God/Red Team – “Celebrating Freedom.”

- (b) Recognition – Retirement of K-9 Lodka, City of La Porte Police Department – Mayor Rigby

Mayor Rigby recognized the retirement of K-9 Lodka from the City of La Porte Police Department, her accomplishments over the years were recognized, as well.

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

D’Ann Valverde, 1713 N. Yellowstone, Deer Park, addressed Council in reference to Board members of the La Porte Boys Baseball Association being capable of addressing issues that are brought to their attention.

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 meeting held on July 11, 2016 – P. Fogarty
- (b) Consider approval or other action regarding recommended date of September 12, 2016 for the Public Hearing on the City's Fiscal Year 2016-2017 Proposed Budget – M. Dolby
- (c) Consider approval or other action authorizing expenditure by the La Porte Development Corporation Board in an amount not to exceed \$230,000.00 in connection with project for economic incentive to Northern Safety Company Inc., for development of new business site in La Porte – T. Leach
- (d) Consider approval or other action awarding Bid # 16011 for Scotch Moss Lane Rehabilitation Project – S. Valiante
- (e) Consider approval or other action authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineering to design Phase II of the Hillridge Water Plant Improvements including new booster pumps and building – S. Valiante

Councilmember Engelken made a motion to approve the Consent Agenda items pursuant to staff recommendations. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 6/0. Councilmembers Earp, J. Martin and K. Martin were absent.**

7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an amendment to the Future Land Use Map Component of the La Porte Comprehensive Plan to change the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from "Commercial" Use and "Mid-to High-Density Residential" Use to "Low Density Residential" Use; consider approval or other action regarding an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Plan to change the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from "Commercial" Use and "Mid-to High-Density Residential" Use to "Low Density Residential" Use – E. Ensey

The public hearing opened at 6:17 p.m.

City Planner Eric Ensey presented a summary and recommendation by the Planning and Zoning Commission and stated Commissioner Mark Follis removed himself from the dais and did not vote or take part during the P&Z meeting since he was bringing forth this request.

There being no comments, the public hearing closed at 6:22 p.m.

Councilmember Zemanek made a motion to approve an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Plan to change the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from "Commercial" Use and "Mid- to High-Density Residential" Use to "Low Density Residential" Use. Councilmember Engelken seconded. **MOTION PASSED 6/0. Councilmembers Earp, J. Martin and K. Martin were absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3635: AN ORDINANCE ADOPTING AN UPDATE TO THE FUTURE LAND USE PLAN COMPONENT OF THE COMPREHENSIVE PLAN OF THE CITY OF LA PORTE, TEXAS UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF LA PORTE, TEXAS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

- (b) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to rezone a tract of land legally described as Lots 11-24, Town of La Porte Subdivision, from General Commercial (GC) and High Density Residential (R-3) to approve zone change request #16-92000003, for a tract of land legally described as Lots 11-24, Block 114, Town of La Porte Subdivision, from General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1); consider approval or other action regarding an Ordinance to approve zone change request #16-92000003, for a tract of land legally described as Lots 11-24, Block 114, Town of La Porte Subdivision, from General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1) – E. Ensey

The public hearing opened at 6:23 p.m.

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

There being no comments, the public hearing closed at 6:23 p.m.

Councilmember Zemanek made a motion to approve an Ordinance to approve zone change request #16-92000003, for a tract of land legally described as Lots 11-24, Block 114, Town of La Porte Subdivision, from General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1). Councilmember Leonard seconded. **MOTION PASSED 6/0. Councilmembers Earp, J. Martin and K. Martin were absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3636: AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION OF LOTS 11-23, BLOCK 1114, TOWN OF LA PORTE SUBDIVISION FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (R-1), AND BY CHANGING THE ZONING CLASSIFICATION OF LOT 24, BLOCK 1114, TOWN OF LA PORTE SUBDIVISION FROM SPLIT-ZONE GENERAL COMMERCIAL (GC) AND HIGH DENSITY RESIDENTIAL (R-3) TO LOW DENSITY RESIDENTIAL (R-1) MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

- (c) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve a Special Conditional Use Permit (SCUP) for the development of nine single family attached duplexed on Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision; consider approval or other action regarding an Ordinance to approve SCUP #16-91000001, to allow for the development of nine single family attached duplexes on Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision

The public hearing opened at 6:24 p.m.

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

John Skeelee, with Bayway Townhomes, asked if Council had questions regarding the project. Council did not have any questions.

The public hearing closed at 6:28 p.m.

Councilmember Engelken made a motion to approve an Ordinance to approve SCUP #16-91000000, to allow for the development of nine single family attached duplexes on Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision. Councilmember Zemanek seconded. **MOTION PASSED 6/0. Councilmembers Earp, J. Martin and K. Martin were absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3637: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106,**

MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL PERMIT NO. 16-9100001 FOR THOSE CERTAIN TRACTS OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF ALLOWING DEVELOPMENT OF NINE (9) SINGLE FAMILY ATTACHED DUPLEX HOMES; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

8. AUTHORIZATIONS

- (a) Consider approval or other action regarding installation of Traffic Control Devices to establish 1st Street as a One-Way thoroughfare between H Street and Fairmont Parkway and authorizing the Mayor to execute an Interlocal Agreement for the construction of additional parking spaces on 1st Street and the public right-of-way between 1st and 2nd Streets – S. Valiante

City Manager Corby Alexander and Public Works Director Sharon Valiante presented a summary.

Councilmember Clausen made a motion to approve installation of traffic control devices to establish 1st Street as a one-way thoroughfare between H Street and Fairmont Parkway and authorizing the Mayor to execute an Interlocal Agreement for the construction of additional parking spaces on 1st Street and the public right-of-way between 1st and 2nd Streets. Councilmember Engelken seconded. **MOTION PASSED 6/0. Councilmembers Earp, J. Martin and K. Martin were absent.**

9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding the future operation of the La Porte Boys Baseball Association – Councilmembers Zemanek; Kaminski and Engelken

Councilmembers Engelken and Zemanek presented a summary regarding financials; maintenance of fields and marketing activity for future operations. Councilmember Zemanek commented he does not see anywhere in the contract where the Association can sub lease the fields to outside entities, and he would like to see the issue addressed.

Councilmember Kaminski requested a list of names of the Board of Directors for the La Porte Boys Baseball Association.

City Manager Corby Alexander advised it will take about \$35,000.00 to get the fields back in condition, and the City can come up with financial oversight that will make everyone happy.

Councilmember Engelken made a motion to direct Staff to work with the La Porte Boys Baseball Association on the concessions/financial issues, ongoing maintenance plan for fields with funding information, and marketing suggestions; and to bring this issue back to Council on September 12, 2016. Councilmember Zemanek seconded. **MOTION PASSED 6/0. Councilmembers Earp, J. Martin and K. Martin were absent.**

10. REPORTS

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

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

11. ADMINISTRATIVE REPORTS

City Manager Corby Alexander thanked the Harris County Department of Education for their assistance on a resolution to a problem that has existed for a while.

COUNCIL COMMENTS were taken at this time regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information. This item was taken out of order after Administrative Reports. See council comments below Item No. 14.

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 associated with adoption of fueling regulations under City truck route ordinance.

City Council recessed the regular Council meeting to convene an executive session at 7:10 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 8:08 p.m.

Regarding the legal issues associated with adoption of fueling regulations under City truck route ordinance. Councilmember Leonard motioned to work toward Option 2. Councilmember Clausen seconded. **MOTION PASSED 5/0. Councilmembers Earp, J. Martin and K. Martin were absent and Councilmember Zemanek was away from the table.**

14. **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 Kaminski, Clausen and Leonard congratulated George Watkins and winners of the floats for the 4th of July Parade; and congratulated the retirement of K-9 Lodka from the City of La Porte Police Department; Councilmember Zemanek commented he is thankful for the rain and is looking forward to more; Councilmember Engelken congratulated George Watkins and winners of the floats for the 4th of July Parade; and congratulated the retirement of K-9 Lodka from the City of La Porte Police Department; commented he appreciates the La Porte Boys Baseball Association and all that they do and encouraged everyone to get yard signs and business owners to possibly display blue lights to support Police Officers; and Mayor Rigby congratulated George Watkins and winners of the floats in the 4th of July Parade; and congratulated the retirement of K-9 Lodka from the City of La Porte Police Department.

15. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:09 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 6/0. Councilmembers Earp, J. Martin and K. Martin were absent.**

Patrice Fogarty, City Secretary

Passed and approved on August 8, 2016.

Mayor Louis R. Rigby