

**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**  
Mayor Pro-Tem  
Councilmember District 4  
**JAY MARTIN**  
Councilmember District 5  
**NANCY OJEDA**  
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
MARCH 12, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, March 12, 2018**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Gig Rohmfield, First Baptist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Carolyn Fincher, 1307 Bluebonnet, Taylor Lake Village, TX, addressed Council with concerns of the City's development fees and the impact as a real estate broker.

5. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
  - (a) Consider approval or other action regarding the minutes of the meeting held on February 26, 2018 – P. Fogarty
  - (b) Consider approval or other action regarding an Ordinance authorizing the execution of an Industrial District Agreement with North Horizon Ventures, LLC., for 3.761-acre tract of property located in the Bayport Industrial District, east of Bay Park Road on Fairmont Parkway – S. Wolny
  - (c) Receive 2017 Comprehensive Annual Financial (CAFR) Report – M. Dolby
  - (d) Consider approval or other action awarding Bid # 18007 for Temporary Labor Services Re-Bid – D. Pennell

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3697: AN ORDINANCE AUTHORIZING THE EXECUTION BY THE CITY OF LA PORTE OF AN INDUSTRIAL DISTRICT AGREEMENT WITH NORTH HORIZON VENTURES, LLC., FOR THE TERM COMMENCING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2019, MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF**

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

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

**6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**

- (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances of the City of La Porte by amending regulations related to the placement of Hotels and Motels in certain zoning districts; consider approval or other action regarding an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances of the City of La Porte, by amending regulations related to the placement of Hotels and Motels in certain zoning districts – I. Clowes

The public hearing opened at 6:06 p.m.

City Planner Ian Clowes presented a summary.

There being no public comments, the hearing closed at 6:11 p.m.

Councilmember Earp made a motion to accept the Planning and Zoning Commission’s recommendation to approve an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances by amending regulations related to the placement of Hotels and Motels in certain zoning districts. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3698: AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO THE PLACEMENT OF HOTELS AND MOTELS IN CERTAIN ZONING DISTRICTS; 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; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**7. DISCUSSION AND POSSIBLE ACTION**

- (a) Discussion and possible action regarding City of La Porte development utility fees – C. Alexander

City Manager Corby Alexander presented a summary.

Councilmember Earp informed council that the requirement for utilities is to be put “to and thru” property when it is being developed, and the fee charged by the City is on top of the tap fees. In addition, Councilmember Earp commented he would like to see the impact fee go away.

Councilmember Zemanek asked if the fees being charged by the City is for work the City did not perform. Public Works Director Don Pennell advised the exception is the Dollar General Store being built on S. Broadway where the waterline was installed in about 1965, when it was still a MUD; and the City will recoup the cost of the line being installed. In addition, Mr. Pennell advised any development along Underwood Road, Fairmont Parkway, and Spencer Highway where water lines have been for years, the fee would pay for the line that was installed 20 years ago.

Councilmember Earp made a motion to do away with development utility fee. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

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

## 8. REPORTS

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

Councilmember Engelken provided a report of the Fiscal Affairs Committee meeting held prior to the City Council meeting.

- (b) Receive report from Council Subcommittee on Evaluation Forms – Councilmember Engelken

Councilmember Engelken provided an update from the meeting of the Council Subcommittee on Evaluation Forms held on March 5, 2018, and reported the form will be used as a pilot on the performance review of the City Secretary.

Mayor Rigby advised Council the evaluation form for the City Secretary's review is due to Human Resources by March 19, 2018.

## 9. ADMINISTRATIVE REPORTS

There were no additional reports.

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

Councilmember Ojeda thanked the Parks and Recreation Department for hosting the Galveston Bay Foundation's Rain Barrel Workshop; commented the Juan Sequin Park has the potential for bringing visitors to the City; thanked the La Porte Police Department for the Active Shooter training; shared that she and Chief Adcox served on an initial committee meeting for Bay Area Council and, they are working on a five-year grant on drug abuse to serve the city of La Porte; Councilmember K. Martin advised she attended the La Porte Girls Softball Association's opening day, and it was a great turn out considering the weather; and Mayor Rigby reminded everyone Lyondell Basell and the Astros Foundation partnered with the City of La Porte to rebuild the baseball fields that are looking nice and there are two more years pending completion. Mayor Rigby also brought baseball caps for Council members which were provided by the Astros Foundation.

11. **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(1)(A)** – Pending or Contemplated Litigation: Meet with City Attorney to discuss CMV enforcement issue raised by Perez Logistics.

City Council recessed the regular Council meeting to convene an executive session at 6:28 p.m. regarding the item listed above.

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

Council reconvened the regular Council meeting at 7:07 p.m. Regarding the discussion of CMV enforcement issues raised by Perez Logistics, Councilmember Zemanek made a motion to enforce the City's truck route Ordinance as written. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:08 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

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Patrice Fogarty, City Secretary

Passed and approved on March 26, 2018.

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Mayor Louis R. Rigby