

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



BILL BENTLEY
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6
Mayor Pro-Tem

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
AUGUST 27, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, August 27, 2018**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Ojeda, Zemanek, J. Martin, Bentley, Kaminski, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, Assistant City Manager Jason Weeks and Assistant City Attorney Clark Askins. Councilmember Kristin Martin was absent.

2. **INVOCATION** – The invocation was given by Shane Klinkerman, La Porte First Assembly of God.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.

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

(a) Recognition – Employee of the 2nd Quarter 2018 – Bianca Cuccerre (Recreation Center Specialist) – City of La Porte Parks and Recreation Department – Mayor Rigby

Mayor Rigby recognized Bianca Cuccerre as Employee of the 2nd Quarter 2018.

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

Jay Gipson, 901 S. Iowa, addressed Council with concerns of high school students parking on both sides of the street in the neighborhood and requested the City put up “No School Parking” signs.

Chuck Rosa, 812 S. Virginia, addressed Council and commented on property tax rates.

Bob Wagstaff, 9614 Rustic Gate, informed he will speak during the public hearing portion of the meeting.

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 August 13-14, 2018 – P. Fogarty

(b) Consider approval or other action regarding a Resolution authorizing the resale of tax delinquent property located at Lot 24, Block 70, Town of La Porte – S. Wolny

- (c) Consider approval or other action awarding Bid #18020 for Northwest Park Pool Building- R. Epting
- (d) Consider approval or other action awarding Bid #18016 for Carpet and Vinyl Installation – C. Alexander
- (e) Consider approval or other action regarding a Resolution authorizing the City Manager to execute documents in relation to the 2018-2019 STEP Comprehensive Grant through the Texas Department of Transportation – R. Parker
- (f) Consider approval or other action regarding a Resolution authorizing the City Manager to execute documents in relation to the 2018-2019 STEP CMV (Commercial Motor Vehicle) Grant through the Texas Department of Transportation – R. Parker
- (g) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and Sanitary Sewer Service Agreement with Triten Real Estate Partners for its facility at 4100 Malone Drive, in the Bayport Industrial District – D. Pennell
- (h) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and Sanitary Sewer Service Agreement with Triten Real Estate Partners for its facility at 9701 New Decade Drive, in the Bayport Industrial District – D. Pennell
- (i) Consider approval or other action authorizing the purchase of non-residential size water meters from Core and Main – D. Pennell

Regarding Items E and F, Councilmember Zemanek requested a statistical analysis be placed in the Friday memo.

Councilmember Engelken made a motion to approve all Consent Agenda items pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve zone change request #18-92000007, for a change from General Commercial (GC) to Planned Unit Development (PUD) on a 4.22 acre tract of land located on the east side of S. 16th St., and north of the W. M St. right-of-way and legally described as Lots 1-32, Block 1144 and Lots 17-32 & Tracts 1-16, Block 1143, La Porte Subdivision; consider approval or other action regarding an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances by changing the zoning classification of a 4.22 acre tract of land located on the east side of S. 16th St., and north of the W. M St. right-of-way and legally described as Lots 1-32, Block 1144 and Lots 17-32 & Tracts 1-16, Block 1143, La Porte Subdivision, from General Commercial (GC) to Planned Unit Development (PUD) – I. Clowes

The public hearing opened at 6:14 p.m. City Planner Ian Clowes presented a summary.

There being no public comments, the public hearing closed at 6:15 p.m.

Councilmember Bentley made a motion to accept the recommendation by the Planning and Zoning Commission and to adopt an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances by changing the zoning classification of a 4.22 acre tract of land located on the east side of S. 16th St., and north of the W. M St. right-of-way and legally described as Lots 1-32, Block 1144 and Lots 17-32 & Tracts 1-16, Block 1143, La Porte Subdivision, from General Commercial (GC) to Planned Unit Development (PUD). Mayor Rigby seconded the motion.

Prior to council action, Assistant City Attorney Clark Askins read the caption of the Ordinance AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF

LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 4.22 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF S. 16TH ST. AND NORTH OF THE W. M STREET R.O.W. AND LEGALLY DESCRIBED AS LOTS 1-32, BLOCK 1144 AND LOTS 17-32 & TRACTS 1-16, BLOCK 1143, LA PORTE SUBDIVISION, FROM GENERAL COMMERCIAL (GC) TO PLANNED UNIT DEVELOPMENT (PUD); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Mayor Rigby asked for the vote on the pending motion. **MOTION FAILED 1/7.**

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

(b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Condition Use Permit #18-91000008 to allow for a Skilled Nursing Facility, to locate on a 6.95-acre tract of land within a PUD zoning district, located on the west side of Underwood Rd., north of Fairmont Pkwy., and south of Caniff Rd. and legally described as Tracts 718B, 719, and 719A, La Porte Outlots; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning”, by granting Special Conditional Use Permit #18-91000008, to allow for a Skilled Nursing Facility to be located on a 6.95-acre tract of land within a PUD zoning district and legally described as Tracts 718B, 719, and 719A, La Porte Outlots – I. Clowes

The public hearing opened at 6:18 p.m. City Planner Ian Clowes presented a summary.

Councilmember Earp asked if there will be enough parking at the proposed facility. Mr. Clowes responded yes, there will be plenty of parking.

Councilmember Martin asked if there were any plans for drainage. Mr. Clowes advised there is an approved general plan approved by the Planning and Zoning Commission but there are no details of a drainage plan that has to be approved by the City Engineer and Public Works. Councilmember Martin also stated he would have liked to have seen more information on the developer’s other previously sites and developments.

President of Summer Winds Homeowners’ Association Bob Wagstaff, 9614 Rustic Gate, spoke in favor of the facility.

The public hearing closed at 6:21 p.m.

Councilmember Engelken made a motion to accept the recommendation by the Planning and Zoning Commission. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3718 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 USE PERMIT NO. 18-91000008, TO ALLOW FOR A NURSING CARE FACILITY (SKILLED NURSING FACILITY) USE IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON A 6.95 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS TRACTS 718B, 719, AND 719A, LA PORTE OUTLOTS, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

8. AUTHORIZATIONS

- (a) Consider approval or other action regarding appointment of members to various City boards, committees, and commissions – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Council directed City Secretary Patrice Fogarty to bring back attendance of all boards; meetings that were cancelled due to a lack of a quorum; and the attendance requirements of each board.

Councilmember Zemanek made a motion to postpone appointments to the next meeting after providing information. Councilmember Bentley seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

9. REPORTS

- (a) Receive report of the La Porte Development Corporation Board Meeting – Councilmember Nancy Ojeda

Councilmember Nancy Ojeda provided an update of the La Porte Development Corporation Board Meeting held prior to the City Council Meeting.

10. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised Council the City is required to publish a notice for the public hearing for the adoption of the City's budget and a notice has been posted for the tax rate presented during the budget meetings and the posting of that rate does not hold Council to the tax rate that was presented at those budget meetings.

- 11. COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Councilmembers Engelken, Earp, Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Bentley and Mayor Rigby

Councilmember Engelken congratulated Bianca Cuccerre as Employee of the 2nd Quarter 2018 and the Summer Winds Homeowners Association for getting a good neighbor; Councilmember congratulated Bianca Cuccerre as Employee of the 2nd Quarter 2018; recognized the Police Department for being active in the community; Councilmember Ojeda congratulated Bianca Cuccerre as Employee of the 2nd Quarter 2018; commented she is exciting for the Skilled Nursing Facility and encouraged members in the audience to participate in the City University program; Councilmember J. Martin commented he voted in support of the Skilled Nursing Facility but is disappointed in the lack of background information of the owner and requested an audit of hotel taxes paid in La Porte; Councilmember Kaminski congratulated Bianca Cuccerre as Employee of the 2nd Quarter 2018 and wished Councilmember K. Martin the best on the upcoming birth of her baby; Councilmember Zemanek congratulated Bianca Cuccerre as Employee of the 2nd Quarter 2018; commented an individual of quality was lost due to the passing of Senator John McCain; and congratulated the Little League team in Hawaii; Councilmember Bentley congratulated Bianca Cuccerre as Employee of the 2nd Quarter 2018; commented he enjoyed the La Porte Fire Department Banquet and continues to be impressed with the professionalism and esprit de corps of City employees; and Mayor Rigby congratulated Bianca Cuccerre as Employee of the 2nd Quarter 2018; and presented a trophy from the Houston Yacht Club that was awarded to the City.

- 12. ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 6:30 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

Patrice Fogarty, City Secretary

Passed and approved on September 10, 2018.

Mayor Louis R. Rigby