

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 SEPTEMBER 24, 2018

The City Council of the City of La Porte met in a regular meeting on **Monday, September 24, 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. All members of Council were present: Councilmembers Ojeda, Zemanek, J. Martin, K. Martin, Bentley, Kaminski, Engelken, and Earp. Staff present: 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 Assistant City Attorney Clark Askins.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Jay Martin.

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

Steve Gillett, 2601 S. Broadway, addressed Council regarding the Special City Council meeting held on September 6, 2018, with a concern over a possible Charter violation.

Chuck Rosa, 812 S. Virginia, addressed Council regarding bond elections.

Joey Hulsey, 10844 Spruce Dr. N, declined to speak.

Guadalupe Recendez, 630 N. 13th, addressed Council regarding her home flooding and sewer issues and asked for help.

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 minutes of the Special City Council Meeting held on September 6, 2018 and minutes of the Regular City Council Meeting held on September 10, 2018 – P. Fogarty

(b) Consider approval or other action amending dates of regular City Council meetings in November and December 2018 – P. Fogarty

(c) Consider approval or other action regarding the Tax Assessor's certified 2018 ad valorem anticipated collection rate for the City of La Porte – M. Dolby

- (d) Consider approval or other action regarding an Ordinance amending Chapter 70 “Traffic and Vehicles” of the Code of Ordinances by revising certain regulations related to establishment of school zones within the corporate limits of the City of La Porte – R. Parker
- (e) Consider approval or other action regarding an Ordinance vacating, abandoning and closing a portion of the West Madison Street right-of-way, located in Blocks 643 and 654, Town of La Porte – I. Clowes

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3720** AN ORDINANCE AMENDING CHAPTER 70 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES BY REVISING CERTAIN REGULATIONS RELATED TO ESTABLISHMENT OF SCHOOL ZONES WITHIN THE CORPORATE LIMITS OF THE CITY OF LA PORTE; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3721** AN ORDINANCE VACTING, ABANDONING AND CLOSING A PORTION OF THE WEST MADISON STREET RIGHT-OF-WAY LOCATED IN BLOCKS 643 AND 654 OF THE TOWN OF LA PORTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny an amendment to the City’s Future Land Use Map Component of the Comprehensive Plan for a 6.93 acre tract of land located in the 3400 Block of Canada Rd., and legally described as Reserve A, Block 1 Dawson Subdivision, by changing from “Mid-High Density Residential” to “Commercial”; consider approval or other action regarding an Ordinance amending the City’s Future Land Use Map Component of the Comprehensive Plan for a 6.93 acre tract of land located in the 3400 Block of Canada Rd., and legally described as Reserve A, Block 1 Dawson Subdivision, by changing from “Mid-High Density Residential” to “Commercial”– I. Clowes

The public hearing opened at 6:13 p.m. City Planner Ian Clowes presented a combined summary for Items A and B.

Bill Ginder, 20322 Stone Moss, Spring TX., addressed Council and provided a map. Mr. Ginder advised the property cannot sell as it is currently configured.

There being no additional public comments, the public hearing was closed at 6:19 p.m.

Councilmember Engelken made a motion to accept the recommendation of the Planning and Zoning Commission and deny amendment to the City’s Future Land Use Map Component of the Comprehensive Plan. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

(b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny zone change request #18-92000008, for a change from Mid Density Residential (R-2) to General Commercial (GC) for a 6.92 acre tract of land located in the 3400 Block of Canada Rd., legally described as Reserve A, Block 1 Dawson 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 6.92 acre tract of land located in the 3400

Block of Canada Rd., legally described as Reserve A, Block 1 Dawson Subdivision, from Mid Density Residential (R-2) to General Commercial (GC) – I. Clowes

The public hearing opened at 6:20 p.m. There being no public comments, the public hearing was closed at 6:20 p.m.

Councilmember Engelken made a motion to accept the recommendation of the Planning and Zoning Commission and deny zone change request #18-92000008. Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

(c) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-910000010 to allow for a Hotel/Motel Use in the General Commercial (GC) Zoning District, located on a 2.28 acre tract of land located at 711 W. Fairmont Pkwy., and legally described as Lots 1-16 and 19-32, Block 1103 and East 30 feet of 7th Street right-of-way and adjacent 16-foot alley, La Porte Subdivision; 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 #18-910000010 to allow for a Hotel/Motel Use in the General Commercial (GC) Zoning District, located on a 2.28 acre tract of land located at 711 W. Fairmont Pkwy., and legally described as Lots 1-16 and 19-32, Block 1103 and East 30 feet of 7th Street right-of-way and adjacent 16-foot alley, La Porte Subdivision, in the General Commercial (GC) Zoning District – I. Clowes

The public hearing opened at 6:21 p.m. City Planner Ian Clowes presented a summary.

Martha Gillett, 2601 S. Broadway, addressed Council in opposition to a Holiday Inn Express at the proposed location.

John Faught, Austin, TX employee of Holiday Inn Express, addressed Council in favor of the proposed Holiday Inn Express.

Theresa Garcia, 1125 Willow Creek Dr., addressed Council in favor of the proposed Holiday Inn Express.

Jackie Ramirez, 113 Sylvia, addressed Council in favor of the proposed Holiday Inn Express.

Prinisha Bhatt, 908 W. G St., addressed Council in favor of the proposed Holiday Inn Express.

Alma Pizana, 3629 Choctaw, addressed Council in favor of the proposed Holiday Inn Express.

Shamin Baigh, 217 S. 7th Street, addressed Council in favor of the proposed Holiday Inn Express.

Matthew Autin declined to speak.

Randy Rabe, 8811 Strang Rd., addressed Council in favor of the proposed Holiday Inn Express.

Omar Izfar addressed Council in favor the proposed Holiday Inn Express. Mr. Izfar commented the City of La Porte is well deserving of a high quality hotel at this location and informed there was no one he spoke to who was not in favor of the hotel.

Owner Operator of Holiday Inn Express Dimple Patel, 908 W. G St., addressed Council in favor of the proposed Holiday Inn Express and advised of over 100 businesses and residences submitted letters of approval. Mr. Patel also informed council that guests residing at a hotel over 30 days are not required to pay 17% in hotel occupancy taxes.

Philip Dunn, 701 San Jacinto, addressed Council in favor of the proposed Holiday Inn Express and advised he does business with the hotel.

Chuck Rosa, 812 S. Virginia, addressed Council in favor of the proposed Holiday Inn Express.

Councilmember Bentley asked Mr. Patel how many hotels he and his family own and operate. Mr. Patel responded six.

Leslie Guzman, 3102 Woodland Court, addressed Council and informed she knows of residents who are opposed to the hotel.

Veronica Minor, 428 S. Nugent, addressed Council in favor of the hotel.

Councilmember Kaminski asked Mr. Patel if he conducted a traffic study before purchasing the property. Mr. Patel responded no.

With no additional public comments, the public hearing was closed at 7:21 p.m.

Councilmember Engelken made a motion to accept the recommendation by the Planning and Zoning Commission and deny zone change request #18-91000010. Councilmember Kaminski seconded. **MOTION PASSED 7/2.**

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

(d) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000011 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.39 acre tract of land located at the southeast corner of the K and 15th Street right-of-way, and legally described as Reserve A, Block 1 Home Porte; 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 #18-91000011, to allow for the development of a Hotel/Motel use in the General Commercial (GC) Zoning District to be located on a 2.39 acre tract of land located at the southeast corner of the K and 15th Street right-of-way, and legally described as Reserve A, Block 1 Home Porte – I. Clowes

The public hearing opened at 7:22 p.m. City Planner Ian Clowes presented a summary.

Michael Gaertner provided a presentation and information on how to utilize hotel occupancy taxes for specific projects and the management of hotels in the community.

Councilmember Ojeda left the table at 7:26 p.m. and returned at 7:28 p.m.

With no additional public comments, the public hearing was closed at 7:45 p.m.

Councilmember Bentley made a motion to accept the recommendation by the Planning and Zoning Commission and approve Special Conditional Use Permit #18-91000011 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.39 acre tract of land located at the southeast corner of the K and 15th Street right-of-way, and legally described as Reserve A, Block 1 Home Porte. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3722 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 CONDITTIONAL USE PERMIT NO. 18-91000011, TO ALLOW FOR A HOTEL (EXCEPT CASINO HOTELS) AND MOTEL USE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT, ON A 2.39 ACRE TRACT OF LAND BEING LEGALLY DESCRIBED AS RESERVE A, BLOCK 1, HOME**

PORTE, 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.

(e) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an Ordinance amending Chapter 106 “Zoning” of the City of La Porte Code of Ordinances in connection with a comprehensive review and update to Chapter 106, “Zoning”; consider approval or other action regarding an Ordinance amending Chapter 106, “Zoning” of the City of La Porte Code of Ordinances in connection with a comprehensive new and update to Chapter 106, “Zoning” – I. Clowes

The public hearing opened at 7:46 p.m. City Planner Ian Clowes presented a summary.

There were no public comments, and the public hearing was closed at 7:57 p.m.

Councilmember Earp made a motion to accept the recommendation by the Planning and Zoning Commission and approve an Ordinance amending Chapter 106 “Zoning” of the City of La Porte Code of Ordinances in connection with a comprehensive review and update to Chapter 106, “Zoning,” but with a couple of changed, to remove distribution centers and warehouses to be sent back to the Planning and Zoning Commission for a definition and remove NAICS Code 532490 with footnote 18 in the Main Street District. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3723 AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE IN CONNECTION WITH THE ANNUAL COMPREHENSIVE REVIEW AND UPDATE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED 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.**

(f) Public hearing to receive comments regarding Harris County’s Method of Distribution (MOD) for the Community Development Block Grant-Disaster Recovery (CDBG-DR) Round 1 Funds for the Hurricane Harvey – L. Wingate

The public hearing opened at 8:00 p.m. City Engineer Lorenzo Wingate presented a summary.

Councilmember Bentley left the table at 8:02 p.m. and returned at 8:02 p.m.

There being no public comments, the public hearing was closed at 8:09 p.m.

7. RESOLUTIONS/AUTHORIZATIONS

(a) Consider approval or other action regarding a Resolution adopting the 2018 Appraisal Roll of the Harris County Appraisal District – M. Dolby

Finance Director Michael Dolby presented a summary.

Councilmember Zemanek made a motion to adopt a Resolution adopting the 2018 Appraisal Roll of the Harris County Appraisal District. Councilmember Engelken seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

(b) Consider approval or other action regarding an Ordinance establishing the tax rate for the City of La Porte for the current tax year (2018) for a total tax rate of \$0.71 per hundred dollar valuation - M. Dolby

Finance Director Michael Dolby presented a summary.

Councilmember Engelken made a motion to approve an Ordinance establishing the tax rate for the City of La Porte for the current tax year (2018) for a total tax rate of \$0.71 per hundred dollar valuation. Councilmember J. Martin seconded. **MOTION PASSED 8/1.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3724 AN ORDINANCE LEVYING TAXES UPON TAXABLE PROPERTY LOCATED WITHIN AND SUBJECT TO TAXATION IN THE CITY OF LA PORTE, TEXAS; MAKING APPROPRIATIONS FOR SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE CITY GOVERNMENT OF SAID CITY OF LA PORTE, FINDING THAT ALL REQUIRED NOTICES HAVE BEEN PUBLISHED AND ALL REQUIRED HEARINGS HELD; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

8. **DISCUSSION AND POSSIBLE ACTION**

- (a) Consider approval or other action regarding a Resolution appointing a representative and an alternate to the Houston Galveston Area Council (H-GAC) 2019 General Assembly and Board of Directors – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Ojeda made a motion to approve a Resolution appointing Councilmember Engelken as representative and Councilmember Bentley as alternate to the Houston Galveston Area Council (H-GAC) 2019 General Assembly and Board of Directors. Councilmember Bentley seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

9. **REPORTS**

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

Councilmember Chuck Engelken provided an update of the Fiscal Affairs Committee Meeting held prior to the City Council Meeting.

10. **ADMINISTRATIVE REPORTS**

City Manager Corby Alexander advised Council that Staff will follow up with Ms. Recendez and the issues of flooding at her home and informed Council that Staff has been working diligently to obtain post Harvey funding and will continue the efforts.

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 J. Martin commented the hotel presentations were very informative; he wishes the Holiday Inn Express would stay in La Porte; the Planning Department can be more proactive in addressing issues of why the City is not attracting businesses for economic development in particular zones; welcomed Councilmember Kaminski back and wished her the best; Councilmember K. Martin requested City Manager Corby Alexander keep her in the loop on Ms. Recendez's flooding issue; commented the location of the Holiday Inn Express was going to affect the residents on the side of town and maybe a restaurant is more suitable for the particular side of town; Councilmember Kaminski informed she also had citizens contact her in opposition to the Holiday Inn Express and the potential of traffic, and she is pleased with the new El Toro and Hartz Chicken coming to the City; Councilmember Zemanek wished Councilmember Kaminski the best on her procedure on Wednesday; commented on the condition of the Air National Guard building, and

thanked Council for approving funding for a new Recreation and Fitness Center; Councilmember Bentley commented the meeting was very productive tonight; expressed concerns of the Planning and Zoning Commission not being presented the same presentation presented at tonight's meeting and commented the recommendation may have been different; commented he is impressed with the process of the PAC meetings; advised he visited the Municipal Court and sat with Assistant City Attorney Clark Askins, and commented he is looking forward to National Night Out; Councilmember Engelken commented Holiday Inn Express hotels are good hotels, it just needs a better location; commented the presentations of the hotels were both interesting; commented an audit should be conducted on all hotels to confirm accurate funding of hotel occupancy taxes and encouraged the City to spray for mosquitoes with the recent rain events; Councilmember Earp wished Councilmember Kaminski the best with her upcoming procedure; requested Staff work with the Planning and Zoning Commission on the type and location of hotels; and the City to explore the hotel licensing concept presented tonight; Councilmember Ojeda requested the list of types of hotels be forwarded to the Planning and Zoning Commission for their information; and Mayor Rigby thanked the Chamber of Commerce for hosting the First Responders' Breakfast that was well attended; he commented the only phone call he received in regards to the hotel was from Mr. Patel asking if he could sit down and give that presentation that they gave tonight; he stated he guesses the consensus is that it was the location; so, two blocks this side of 146 is bad and two blocks the other side of 146 is good; he doesn't get it because he said the cars are still going to be on Fairmont Parkway; and they are told you've got a great product, we'd really like to have you, but we don't want you there. Mayor Rigby stated about two years ago he recommended to this Council that Council look at an ordinance similar to the one the City has for apartment complexes that says you can't build an apartment complex within a thousand feet of an existing one. Mayor Rigby continued that at the time, one councilman said, "I think if someone has enough money to build a hotel, they ought to be able to build it." "Well, I guess that changed, because we are not going to allow that person to build this hotel."

12. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:30 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on October 8, 2018.

Mayor Louis R. Rigby