

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
STEVE GILLETT
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
JANUARY 14, 2019**

The City Council of the City of La Porte met in a regular meeting on **Monday, January 14, 2019**, 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. Staff present: City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and City Attorney Knox Askins.
2. **INVOCATION** –The invocation was given by Councilmember Nancy Ojeda.
3. **PLEDGE OF ALLEGIANCE** – The pledge of allegiance was led by Councilmember Danny Earp.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**

- (a) Presentation – Administer Oath of Office to newly elected Councilmember Steve Gillett – Judge Mitrano

Municipal Judge Denise Mitrano administered the oath of office to newly elected Councilmember Steve Gillett.

- (b) Proclamation – J.J. Meza Day – Mayor Rigby

Mayor Rigby presented a proclamation to former Mayor J.J. Meza in recognition of J.J. Meza Day and his 90th birthday.

- (c) Recognition – La Porte Texans Pee Wee Football Team – Mayor Rigby

Mayor Rigby recognized the La Porte Texans Football Team on their successful football season.

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

Jian Zhang, 2433 Regatta Lane, Texas City, addressed Council regarding denial of a license for a foot massage business.

Kevin Manning, 210 S. Nugent, thanked Council for the accomplishments for Dottie Kaminski Day and the support of youth sports.

Chuck Rosa, 812 S. Virginia St., addressed Council in favor of the hotel item and stated not allowing it is an imminent domain issue.

Norma Elliott, 11621 11621 N. D St., addressed Council against the hotel item.

Joe Bertuglia, 101 E. Main St., addressed Council in favor of the hotel item and development of the east side.

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 Regular meeting held on December 10, 2018 and Special meeting held on December 17, 2018 – P. Fogarty
- (b) Consider approval or other action regarding an Ordinance ordering a general election of the City of La Porte to be held on May 4, 2019, for the election of officials to offices of Councilperson-at-large Position A; Councilperson-District 4 and Councilperson-District 5 – P. Fogarty
- (c) Consider approval or other action regarding payment in the amount of \$19,645.90 to Oakland Land and Development Inc., for development of Sector 23, in accordance with Chapter 380 Agreement dated March 27, 2017 – R. Cramer
- (d) Consider approval or other action authorizing the City Manager to execute a 3-year agreement with the Bay Area Houston Economic Partnership – R. Cramer
- (e) Consider approval or other action awarding Bid # 19003 for annual Water and Sewer Supplies – D. Pennell

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

Prior to council action, City Attorney Knox Askins read the caption of **Ordinance 2018-3733 AN ORDINANCE ORDERING THE REGULAR ANNUAL ELECTION OF THE CITY OF LA PORTE, TEXAS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR A JOINT ELECTION WITH THE LA PORTE INDEPENDENT SCHOOL DISTRICT AND THE SAN JACINTO COLLEGE DISTRICT; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR METHOD, LOCATIONS AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR A RUN-OFF ELECTION, IF NECESSARY, ON THE SECOND SATURDAY IN JUNE; PROVIDING FOR NOTICE; PROVIDING A SAVINGS CLAUSE; 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 deny Special Conditional Use Permit # 18-91000014 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.28-acres 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 # 18-91000014 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.28-acres 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 **(Item continued from the December 10, 2018 regular meeting.)**

The public hearing opened at 6:34 p.m.

City Planner Ian Clowes presented a summary.

Councilmember Jay Martin asked what the main reason is for Planning and Zoning Commission turning down the permit. Mr. Clowes responded that it the location.

Philip Dunn, 701 San Jacinto St., spoke in favor of the hotel and commented he does not believe traffic will be an issue.

Maggie Anderson, 909 Garden Walk, spoke against the location of the hotel.

Mary Dio, 1205 S. 7th Street, spoke against the hotel.

Donna O'Conner, 217 Sylvan, spoke against the hotel.

Amanda Loreda, 212 N. 5th Street, spoke in favor of the hotel.

General Manager of Holiday Inn Express, Prinish Bhatt, 908 W. G Street, spoke in favor of the hotel and job opportunities in the community.

Jackie Ramirez, 113 Sylvia, Deer Park, spoke in favor of the hotel.

Applicant Dimple Patel spoke and presented a PowerPoint presentation and gave a plea for development of this project.

Councilmember Bentley asked Mr. Patel if anyone approached him to purchase this land in the 10 years since he's owned it. Mr. Patel advised one individual was interested in a corner of the land for a repair shop.

Wesley Neill, 308 S. 11th Street, spoke in favor of the hotel.

Kathleen Duncan, 10010 Dover Hill, spoke in favor of the hotel.

Mark Follis, 111 N. Broadway, spoke in favor of the hotel.

Dana Byrd, 10435 Rustic Rock, spoke against the hotel.

Thomas Garza, 623 S. 6th Street, commented decisions should not be delegated; traffic issues should be resolved; Main Street needs improvements and rules changing 10 years after purchasing property is outrageous.

Chuck Rosa, 812 S. Virginia, spoke again and commented the constitution protects property rights.

There being no additional comments, the public hearing closed at 7:47 p.m.

Councilmember Bentley moved to approve the hotel. Mayor Rigby seconded.

Councilmember Jay Martin commented he would like to be advised of legal concerns. City Attorney Knox Askins advised he would like to discuss legal issues in an executive session.

Mayor Rigby commented it was mentioned that someone wanted the property for retail, and it was pointed out earlier that retail will create more or as much traffic as a hotel. Mayor Rigby commented he does not understand how we can approve many hotels on the west side and not on this side of 146. Mayor Rigby also commented he questions if the Planning and Zoning Commission and Staff are setting policy because he keeps hearing comments that the City prefers hotels to be in clusters and he does not recall City Council being presented with a policy to approve that hotels can only be built in one location as a group. In

addition, Mayor Rigby commented Mr. Follis made a valid comment about the condition of the hotel 20-30 years down the road. Mayor advised if Council has an issue with hotels, Council needs to pass a moratorium until Council decides what they are going to do.

City Council recessed the regular Council meeting to convene an executive session at 7:57 p.m.

Council returned to the regular meeting at 8:08 p.m.

Councilmember Bentley made a motion to overturn the recommendation of the Planning and Zoning Commission and to allow the hotel development. Mayor Rigby seconded. **MOTION FAILED 3/6.**

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

Prior to council action, City Attorney Knox Askins read the caption of **Ordinance 2018-3734** 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. 18-91000014, TO ALLOW FOR A HOTEL (EXCEPT CASINO HOTELS) AND MOTEL USE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT, ON A 2.28 ACRE TRACT OF LAND BEING LEGALLY DESCRIBED AS LOTS 1-16 AND 19-32, BLOCK 1103 AND EAST 30 FEET OF 7TH ST. ROW AND ADJACENT 16 FOOT ALLEY, LA PORTE SUBDIVISION, 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.

Councilmember Earp made a motion to uphold the Planning and Zoning Commission recommendation for denial of the development of the hotel. Councilmember Zemanek seconded. **MOTION PASSED 6/3.**

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

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding appointment to the vacant position on the Board of Directors of the La Porte Fire Control, Prevention and Emergency Medical Services District – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Zemanek made a motion to appoint Patrick McElroy to the vacant position on the Board of Directors of the La Porte Fire Control, Prevention and Emergency Medical Services District. Councilmember Ojeda seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

- (b) Discussion and possible action regarding hiring process for city prosecutor – J. Weeks

Assistant City Manager Jason Weeks presented a summary.

City Council recessed the regular Council meeting to convene an executive session at 8:22 p.m.

City Council reconvened the regular meeting at 8:41 p.m.

Council requested additional information, and they will discuss this item at the next meeting in an executive session.

9. REPORTS

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

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

- (b) Receive report of the Drainage and Flooding Committee – Councilmember Jay Martin

Councilmember Jay Martin provided a report of the Drainage and Flooding Committee Meeting held prior to the City Council Meeting.

10. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised that Council will be receiving a report on the reason the license for a foot massage business was denied as mentioned by Mr. Zhang during the public comments section of the meeting.

- 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 – Those present: Councilmembers Engelken, Earp, Ojeda, J. Martin, K. Martin, Zemanek, Bentley and Mayor Rigby.

Councilmember Earp congratulated Councilmember Steve Gillett on being sworn into office; former Mayor J.J. Meza on his proclamation; La Porte Texans Pee Wee Football Team; and requested City Manager Corby Alexander confirm if there are changes being made after decisions are made by the Planning and Zoning Commission.

Councilmember Ojeda congratulated Councilmember Steve Gillett; advised Mr. Patel he did a great job on his presentation and wished him the best.

Councilmember J. Martin congratulated Councilmember Steve Gillett; J.J. Meza on his proclamation; wished City Secretary Patrice Fogarty well in her retirement; commented the hotel item is one of the hardest items he has had to vote on and wished Mr. Patel the best.

Councilmember K. Martin congratulated Councilmember Steve Gillett; J.J. Meza on his proclamation; and thanked the City for recognizing the La Porte Texans Pee Wee Football Team.

Councilmember Gillett thanked Council for the welcoming and congratulatory comments; commented he is pleased to see J.J. Meza recognized; complimented the La Porte Texans Pee Wee Football Team for being respectful; and wished City Secretary Patrice Fogarty the best in her retirement.

Councilmember Zemanek thanked City Secretary Patrice Fogarty for her years of services; welcomed Councilmember Steve Gillett; expressed appreciation for the City recognizing J.J. Meza; congratulated the La Porte Texans Pee Wee Football Team; and provided an update on the Fitness Center Subcommittee.

Councilmember Bentley congratulated Councilmember Steve Gillett; J.J. Meza on his proclamation; and thanked the City for recognizing the La Porte Texans Pee Wee Football Team.

Councilmember Engelken congratulated Councilmember Steve Gillett; J.J. Meza on his proclamation; wished City Secretary Patrice Fogarty well in her retirement; commented the Legislature is in session and would like to have the Legislative Update provided by the City.

Mayor Rigby congratulated Councilmember Steve Gillett; J.J. Meza on his proclamation; wished City Secretary Patrice Fogarty well in her retirement and that he appreciates her and her staff.

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 551.072 – Deliberation regarding purchase, exchange, lease or vault of Real Property: Meet with City Manager and City Attorney to discuss value of real property in industrial districts, concerning negotiations with industry representatives for terms of new Industrial District Agreements.

City Council recessed the regular Council meeting to convene an executive session at 8:58 p.m. regarding the item listed above.

Councilmember Earp left the regular meeting at 9:02 p.m. and did not attend the Executive Session.

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

Council reconvened the regular Council meeting at 9:40 p.m.

Council met with the City Manager, City Attorney, City Appraiser and Finance Staff and directed the City Manager to draft an Industrial District Agreement.

14. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 9:42 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

Patrice Fogarty, City Secretary

Passed and approved on January 28, 2019.

Mayor Louis R. Rigby