

**LOUIS R. RIGBY**  
Mayor  
**BRANDON LUNSFORD**  
Councilmember At Large A  
**STEVE GILLETT**  
Councilmember At Large B  
**DANNY EARP**  
Councilmember District 1



**CHUCK ENGELKEN**  
Councilmember District 2  
**BILL BENTLEY**  
Mayor Pro-Tem  
Councilmember District 3  
**THOMAS GARZA**  
Councilmember District 4  
**JAY MARTIN**  
Councilmember District 5  
**NANCY OJEDA**  
Councilmember District 6

## **CITY COUNCIL MEETING AGENDA**

**Notice is hereby given of a Regular Meeting of the La Porte City Council to be held September 23, 2019, beginning at 6:00 pm in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.**

- 1. CALL TO ORDER**
- 2. INVOCATION** – The invocation will be given by Reverend Alan Neel, Life Community Church.  
**PLEDGES** – Will be led by Councilperson Steve Gillett.  
U.S. Flag  
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.
- 3. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
  - (a)** Recognition - Retirement of Curtis Herrod (City of La Porte Public Works) [Louis R. Rigby, Mayor]
- 4. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 5. CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
  - (a)** Approve the minutes of the City Council meetings held on September 9. [Louis R. Rigby, Mayor]
  - (b)** Approve the Mayor's nomination of Doug Martin to continue serving as the Chair of the Tax Increment Reinvestment Zone Number One (TIRZ) Board of Directors and of the La Porte Redevelopment Authority through May 2020. [Louis R. Rigby, Mayor]
  - (c)** Award Bid #19016 for mowing of various City properties. [Corby Alexander, City Manager]
  - (d)** Approve the nominations of Councilperson Engelken as the City's representative and of Councilperson Bentley as the City's alternate to the Houston Galveston Area Council (H-GAC) 2020 General Assembly and Board of Directors. [Louis R. Rigby, Mayor]
- 6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**
  - (a)** The City Council will hold a second public hearing to accept comments on their consideration to accept a maximum property tax rate of \$0.71 per \$100 valuation for the City's 2019-2020 fiscal year. [Corby Alexander, City Manager; Michael Dolby, Finance Director]

- (b) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3759 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road, legally described as Tracts 710A and 711, La Porte Outlots, by changing the land use designation from "Commercial" to "Mid-High Density Residential"; followed by discussion and possible action to adopt Ordinance 2019-3759 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road, legally described as Tracts 710A and 711, La Porte Outlots, by changing the land use designation from "Commercial" to "Mid-High Density Residential". [Ian Clowes, City Planner]
- (c) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3760 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000004, a change from General Commercial (GC) to Planned Unit Development (PUD) for a 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road, legally described as Tracts 710 A and 711, La Porte Outlots; followed by discussion and possible action to adopt Ordinance 2019-3760 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000004, a change from General Commercial (GC) to Planned Unit Development (PUD) for a 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road, legally described as Tracts 710 A and 711, La Porte Outlots. [Ian Clowes, City Planner]
- (d) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3761 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000006 to allow for a multi-family use on a 12.608-acre tract of land, legally described as Tracts 710A and 711, La Porte Outlots in the Planned Unit Development (PUD) zoning district; followed by discussion and possible action to adopt Ordinance 2019-3761 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000006 to allow for multi-family on a 12.608-acre tract of land, legally described as Tracts 710A and 711, La Porte Outlots in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]
- (e) The City Council will hold a public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to adopting Ordinance 2019-3762 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by amending regulations related to the reconsideration of previously denied zone change and special conditional use permit requests; followed by discussion and possible action to adopt Ordinance 2019-3762 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by amending regulations related to the reconsideration of previously denied zone change and special conditional use permit requests. [Ian Clowes, City Planner]

## 7. **STATUTORY AGENDA**

- (a) Presentation and discussion on Ordinance 2019-3758, to amend the Council Rules of Procedure and Ethics Policy. [Louis R. Rigby, Mayor]

## 8. **REPORTS**

- (a) Receive report of the La Porte Development Corporation Board meeting. [Councilperson Nancy Ojeda]

## 9. **ADMINISTRATIVE REPORTS**

- City Council Special Meeting, Monday, September 30, 2019
- Drainage and Flooding Committee Meeting, Monday, October 14, 2019
- City Council Meeting, Monday, October 14, 2019
- Planning and Zoning Commission Meeting, Thursday, October 17, 2019
- Zonina Board of Adjustment Meeting. Thursday. October 24. 2019

- City Council Meeting, Monday, October 28, 2019

**10. COUNCIL COMMENTS** *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

**11. ADJOURNMENT**

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5019), two working days prior to the meeting for appropriate arrangements.

**CERTIFICATE**

I, Lee Woodward, City Secretary, do hereby certify that a copy of the September 23, 2019, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.LaPorteTX.gov](http://www.LaPorteTX.gov), in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING \_\_\_\_\_  
TIME OF POSTING \_\_\_\_\_  
TAKEN DOWN \_\_\_\_\_  
\_\_\_\_\_

Lee Woodward, City Secretary



## **Council Agenda Item September 23, 2019**

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Reverend Alan Neel, Life Community Church.  
**PLEDGES** – Will be led by Councilperson Steve Gillett.  
U.S. Flag  
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.
3. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
  - (a) Recognition - Retirement of Curtis Herrod (City of La Porte Public Works) [Louis R. Rigby, Mayor]
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

\*\*\*\*\*



## **Recognition of Service- Curtis Herrod**

Devoted to Public Service. That simple statement sums up the career of Curtis Herrod with the City of La Porte. Curtis began his 36 year career with the City in September of 1983 as a Utility Crew Leader. He was promoted in 1986 to Superintendent of Utilities. His commitment to improve operations in the divisions of Wastewater Treatment, Wastewater Collection, Water Distribution and Water Production is evident today.

Curtis was his own worst critic... Never completely satisfied with the way things were. He was always striving for improvements. Curtis was involved in drafting multiple policies and development of operational procedures. He served for many years on the Site Plan review committee, assisting hundreds of local developments in planning for water and sewer service. He instituted many programs to keep up with regulatory requirements at the state and Federal level. He was instrumental in developing La Porte's Industrial Waste Program. He spent many hours away from home managing our utility recovery efforts following Hurricanes Alicia and Ike. His customer service skills were apparent. He always answered his phone with "How can I help you?"

Curtis' management style was down to earth. He was always there to offer his advice. During his tenure at the City he has been a mentor for many employees. Some of which did not wish to hear what he had to say, but he mentored them just the same. Curtis was well-known throughout Public Works for being a great story-teller and having an amazing sense of humor.

Curtis was a consummate Public Works professional, teaching us all that patience and dedication was very important with every challenge we encountered. Curtis Herrod has earned the respect of all of his co-workers and is recognized today for all he has given for the growth of the City, Public Works and the Utility Department. We wish him all the best in his retirement.



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## Council Agenda Item September 23, 2019

5. **CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
- (a) Approve the minutes of the City Council meetings held on September 9. [Louis R. Rigby, Mayor]
  - (b) Approve the Mayor's nomination of Doug Martin to continue serving as the Chair of the Tax Increment Reinvestment Zone Number One(TIRZ) Board of Directors and of the La Porte Redevelopment Authority through May 2020. [Louis R. Rigby, Mayor]
  - (c) Award Bid #19016 for mowing of various City properties. [Corby Alexander, City Manager]
  - (d) Approve the nominations of Councilperson Engelken as the City's representative and of Councilperson Bentley as the City's alternate to the Houston Galveston Area Council (H-GAC) 2020 General Assembly and Board of Directors. [Louis R. Rigby, Mayor]

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**NANCY OJEDA**  
Councilperson District 6

## MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE SEPTEMBER 9, 2019

The City Council of the City of La Porte met in a regular meeting on Monday, September 9, 2019, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

**Councilpersons present:** Louis Rigby, Thomas Garza, Steve Gillett, Chuck Engelken, Bill Bentley, Brandon Lunsford, Jay Martin, Nancy Ojeda

**Councilpersons absent:** Danny Earp

**Council-appointed officers present:** Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m.
2. **INVOCATION** – The invocation was given by Councilperson Nancy Ojeda.  
  
**PLEDGES** – The pledges of allegiance to the U.S. and Texas flags were led by Kaleb Little of Boy Scout Troop 930.
3. **PUBLIC COMMENTS** (Limited to five minutes per person.) Donna O'Conner thanked the Council for supporting Kaleb Little's flag depository boxes, noting that his family was not able to cover all the costs of this Eagle Scout project and would accept donations.
4. **CONSENT AGENDA** (*Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting*)
  - (a) **Approve the minutes of the City Council meeting held on August 26, 2019. [Louis R. Rigby, Mayor]**
  - (b) **Accept the Tax Assessor's certified 2019 ad valorem anticipated collection rate for the City of La Porte. [Michael Dolby, Finance Director]**
  - (c) **Ratify the City Manager's appointment of Victor Peres to the Civil Service Commission for a three-year term expiring August 31, 2022. [Corby Alexander, City Manager]**
  - (d) **Adopt Resolution 2019-13, authorizing the resale of tax delinquent property located at Lots 11 and 12, Block 988, Town of La Porte. [Shelley Wolny, Treasurer]**
  - (e) **Adopt Resolution 2019-14, authorizing the City Manager to sign a grant award and other documents for the Traffic Control STEP Grant. [Ron Parker, Chief of Police]**
  - (f) **Adopt Resolution 2019-15, authorizing the City Manager to sign a grant award and other documents for the Commercial Motor Vehicle (CMV) STEP grant. [Ron Parker, Chief of Police]**
  - (g) **Adopt Ordinance 2019-3755, amending Chapter 86 of the City of La Porte Development Code. [Clark T. Askins, Assistant City Attorney]**
  - (h) **Adopt Resolution 2019-17, approving a nomination for the Harris County Appraisal District (HCAD) board member representing cities other than the City of Houston. [Louis R. Rigby, Mayor]**

Councilperson Garza asked to pull item (h). Councilperson Engelken moved to approve the consent agenda; the motion was adopted, 8-0.

Councilperson Engelken moved to adopt item (h). Councilmember Garza moved to postpone the item until September 23; the motion was not adopted, 2-6, Councilpersons Garza and Gillett voting in support. The original motion was adopted 7-1, Councilperson Garza voting against.

## 5. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) **The City Council will hold a public hearing to receive comments regarding their consideration of the proposed budget for the City's FY 2019-20; followed by discussion and possible action to adopt Ordinance 2019-3756, approving the City's Fiscal Year 2019-20 Proposed Budget. [Michael Dolby, Finance Director and Matt Hartleib, HR Manager]**

Mayor Rigby opened the public hearing at 6:19 p.m. Michael Dolby, Finance Director, provided a presentation on changes to the published proposed budget. Matt Hartleib presented compensation and classification study recommendations. Councilpersons Engelken and Bentley volunteered for the proposed work group. Councilperson Engelken suggested the Council follow the staff recommendation to form a compensation and classification work group, with the hope it can report at the first meeting in October. Bill Scott asked for more information on total compensation packages. The Mayor closed the public hearing at 6:56 p.m.

Councilperson Engelken moved to adopt Ordinance 2019-3756 approving the City's Fiscal Year 2019-20 Proposed Budget and to form a work group for the salary and classification review.

Councilperson Bentley moved to amend the budget by including a line item for recommendations potentially coming from the Parks Master Plan survey. Following discussion, without objection, the motion was withdrawn.

The main motion was adopted, 6-2, Councilpersons Garza and Gillett voting against. The Mayor appointed Councilpersons Engelken, Bentley, and Lunsford as Council representatives to the compensation and classification work group with staff.

## 6. STATUTORY AGENDA

- (a) **Presentation, discussion, and possible action to adopt a City sponsorship policy. [Corby Alexander, City Manager]**

Councilperson Garza moved to set aside (blank) for sponsorships and direct the City Manager to develop policies and procedures to approve sponsorships up to (blank). The motion was not seconded and was not considered.

Councilperson Ojeda moved to adopt a policy for City sponsorships as presented, providing that the City pay no more than half an applicant's budget, and considering that hotel/motel funds be subject to an application process, before and after reporting, submission of an advertising budget, and proof of hotel stays. The motion was not seconded and was not considered.

Councilperson Garza moved to strike the second, eleventh, and fifteenth bullet points in Section II. Policy of the proposed policy. Councilperson Engelken moved to postpone the item and allow staff to bring back a revised policy at the second meeting in October; the motion was adopted, 8-0.

- (b) **Presentation, discussion, and possible action regarding the City's participation as a sponsor for regatta events during 2019-2020 at the Houston Yacht Club. [Jason Weeks, Assistant City Manager]**

Councilperson Engelken moved that the City participate as a sponsor for regatta events during 2019-2020 at the Houston Yacht Club, the motion was adopted, 7-1, Councilperson Ojeda voting against. (The Council took a ten-minute recess at 8:01 p.m.)

- (c) **Presentation, discussion, and possible action to adopt Resolution 2019-16, accepting the 2019 HCAD certified appraisal roll. [Michael Dolby, Finance Director]**

Councilperson Bentley moved to adopt Resolution 2019-16, accepting the 2019 HCAD certified appraisal roll, the motion was adopted, 8-0.

- (d) Presentation, discussion, and possible action on a proposed tax rate of \$0.71, and approval of the recommended dates of September 19 and September 23, 2019, for public hearings on the City's tax rate. [Michael Dolby, Finance Director]**

Councilperson Engelken moved that the City hold public hearings for the proposed tax rate of \$0.71 for fiscal year 2019-2020 on September 19 at 5:30 p.m. and September 23 at 6:00 p.m.

Councilperson Garza moved to amend the tax rate to lower the rate to the effective rate of \$0.685. The motion was not seconded and was not considered. The main motion was adopted, 8-0.

- (e) Presentation, discussion, and possible action to adopt Ordinance 2019-3747, amending Chapter 82, "Buildings and Building Regulations" - Appendix A 'Fees' of the Code of Ordinances of the City of La Porte, for the purpose of changing fees for city residential building permits and residential mechanical permits. [Corby Alexander, City Manager]**

Councilperson Engelken moved to adopt Ordinance 2019-3747, amending Chapter 82, "Buildings and Building Regulations" - Appendix A 'Fees' of the Code of Ordinances of the City of La Porte, for the purpose of changing fees for city residential building permits and residential mechanical permits; the motion was adopted 8-0.

- (f) Presentation and discussion on Ordinance 2019-3758, to amend the Council Rules of Procedure and Ethics Policy. [Louis R. Rigby, Mayor]**

Without objection, the proposed amendment was designated as a standing agenda item until the Council had an opportunity to work its way through it.

- (g) Presentation, discussion and possible action regarding the City's approach to locations for warehouse/wholesaler/distribution operations in La Porte. [Louis R. Rigby, Mayor]**

The Mayor to direct staff to place an administrative hold on any new or pending zoning change and/or SCUP application for warehouse/wholesale/distribution proposed for the City of La Porte and to appoint a special committee of Councilpersons Ojeda (as the chair), Martin, and Earp to work closely with Planning to determine the philosophy for accepting development applications. (The Mayor added that he would not require a schedule or a reporting time for the committee.)

Councilperson Garza moved to amend the motion to allow that the administrative hold only be in effect until the first meeting in October. The motion was not seconded and was not considered. The main motion was adopted, 7-1, Councilperson Garza voting against.

## **7. REPORTS**

- (a) Receive a report of the Drainage and Flooding Committee Meeting. [Councilperson Jay Martin]**

Councilperson Martin reported on the Drainage and Flooding Committee meeting, relaying that the Harris County Flood District Representative was not in attendance and that Lorenzo Wingate, City Engineer, had provided an update on projects and funding to be allocated by the General Land Office (GLO).

## **8. ADMINISTRATIVE REPORTS**

- City Council Special Session, Thursday, September 19, 2019
- Planning and Zoning Commission Meeting, Thursday, September 19, 2019
- City Council Meeting, Monday, September 23, 2019
- Zoning Board of Adjustment Meeting, Thursday, September 26, 2019
- City Council Special Session, Monday, September 30, 2019

City Manager Corby Alexander said there was no report.

**9. 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 thanked staff for remaining through the meeting; expressed appreciation to Kaleb Little for the flag depository boxes; offered regrets for having to vote against the budget since it was part of a combined motion; fondly remembered former Councilperson Charlie Young, who passed away last week at 100; recognized City Secretary Lee Woodward for accomplishments at last week's National Association of Parliamentarians conference; thanked Ray Mayo and his staff for recent sidewalk repairs; thanked City Manager Corby Alexander and staff and the Finance Department for their work on the budget.

**ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 9:27 p.m.**

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Lee Woodward, City Secretary



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Mayor Rigby</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** None

### SUMMARY

Per their formative ordinances, the Chair of the TIRZ #1 Board of Directors and of the La Porte Redevelopment Authority is nominated by the Mayor, subject to Council approval, each May (by Ordinance 2000-2457, adopting the Articles of Incorporation for the Authority, the Board of the TIRZ also serves as the Directors of the Authority). The CSO has not been able to ascertain that this has been conducted regularly and would like to rectify that situation. Therefore, this item has been brought forward for appointment of the Chair until May 2020, and will be placed on agendas annual in April or May. Excerpts from the establishing ordinances below (underline added).

Doug Martin has been serving as the Chair and the board liaison, David Hawes, has indicated the Board is pleased with this service. Mr. Martin was re-appointed for another term at the Council's August 12 meeting. The Mayor has indicated he would like to nominate Mr. Martin to continue as Chair.

*Ordinance 99-2325, establishing TIRZ #1 and its board of directors, adopted May 24, 1999:  
Section 3. Board of Directors*

*That there is hereby created a Board of Directors for the Zone, which shall consist of nine (9) members. Positions One through Six on the Board of Directors shall be reserved for the City. Positions Seven, Eight and Nine shall be reserved for other taxing units levying taxes within the Zone, each of whom may appoint one director. Any taxing unit that appoints a director shall be assigned a Board position number in the order the City receives the appointment. Failure of a taxing unit to appoint a director by January 1, 2000, shall be deemed a waiver of the right to appoint a director, and the City shall be entitled to appoint persons to these positions.*

*The City Council is hereby authorized to immediately nominate and appoint the directors to Positions One through Five of the Board of Directors, and is further authorized to appoint City's Position Six at any time they deem necessary. City Council may nominate and appoint the directors to any position unfilled on January 1, 2000.*

*The directors appointed to odd-numbered positions shall be appointed for two year terms, beginning on the effective date of this Ordinance, while the directors appointed to even-numbered positions shall be appointed to a one year term, beginning on the effective date of this Ordinance. All subsequent*

*appointments shall be for two-year terms. The member of the Board of Directors appointed to Position Three is hereby designated to serve as the chair of the Board of Directors for a one-year term beginning on the effective date of this Ordinance. Thereafter the Mayor shall annually nominate and appoint, subject to City Council approval, a member to serve as chair for a term of one year beginning on the anniversary of the effective date of this Ordinance. The City Council authorizes the Board of Directors to elect from its members a vice-chairman and such other officers as the Board of Directors sees fit.*

*Ordinance 2000-2457, adopting the La Porte Redevelopment Authority's Articles of Incorporation, adopted November 29, 2000:*

*Article VI*

*All powers of the Authority shall be vested in a Board composed of the same persons as those appointed to the Board of Directors of the La Porte Reinvestment Zone. An appointment of a director to the La Porte Reinvestment Zone shall constitute an appointment to serve as Director of the Authority. The Authority in accordance with the provisions of the Bylaws may add additional persons to the Board. The Board shall initially consist of nine (9) directors, and the initial directors of the Authority (" Director" or " Directors") shall be those persons named in Article VIII. Each initial Director named in Article VIII hereof shall serve for the term prescribed in the Bylaws. Subsequent Directors shall be appointed by position to the Board as prescribed in the Bylaws. Except as provided in the Articles of Incorporation, each Director shall serve for the term provided in the Bylaws. Any Director may be removed from office at any time, with or without cause, by the City Council.*

*The initial Chairperson shall be Alton Porter, and the Mayor of the City shall designate each subsequent Chairperson of the Board.*

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## RECOMMENDED MOTION

**Mayor Rigby** – I nominate Doug Martin to continue serving as the Chair of the TIRZ #1 Board of Directors and of the La Porte Redevelopment Authority through May 2020.

*(Nominations do not require a second.)*

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## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>		
Requested By: <u>Corby Alexander, City Manager</u>		
Department: <u>Parks &amp; Recreation</u>		
<input type="radio"/> Report	<input type="radio"/> Resolution	<input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>General Fund</u>
Account Number:	<u>001-6146-515.50-07</u>
Amount Budgeted:	<u>\$349,200</u>
Amount Requested:	<u>\$290,602</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Bid tabulation  
Notification and Access Report

### SUMMARY & RECOMMENDATION

Sealed Bid #19016, for mowing various City properties, was advertised on June 17 and July 4, 2019, in the Bay Area Observer and posted to the Public Purchase website. The bids were opened and publicly read on July 18, 2019. Forty-two (42) vendors were notified of the bid, with twenty-nine (29) accessing the solicitation documents and ten (10) downloading the documents. Three (3) vendors responded to the invitation for bid.

The low bidder for Sealed Bid #19016 was LongClaw Contractors, LLC. Below is the "Mowing Bid Information" that compares all equipment of all bidders. Additionally, LongClaw indicated they were in the process of purchasing a tractor and brush hog, 36" finishing mower, and a 54" zero turn mower, but did not indicate when they would have the equipment. Staff was in contact with a current client of LongClaw and they indicated they've had trouble with this vendor. The issues they've had stemmed from providing lower than expected service levels and not being able to handle the current needs of the client.

<b>Mowing Bid Information</b>			
	<b>LongClaw</b>	<b>Horticare</b>	<b>Cornerstone</b>
Zero Turn Mower	3	10	20
Push Mower	2		1
Weed Eater	5	12	25
Backpack Blower	3	6	20
Edger	2	8	
Generator	1		
Trucks	3		10
Air Compressor	1		

Batwing Tractor		1	
Dump Truck		5	
Trailer			7
Pressure Washer			2
Trimmer			6
Mule UTV			1
Sprayer with Broom			1
<b>Total Pieces</b>	<b>20</b>	<b>42</b>	<b>93</b>
<b>Bid (\$)</b>	<b>\$282,090.00</b>	<b>\$290,602.00</b>	<b>\$298,406.62</b>

Although LongClaw is the lowest bidder, staff does have some concerns due to the fact that their current contracts do not match up to the size and scope of the work specified in this bid. Also, their current lack of equipment is another concern with regard to completing the scope of work as required. Therefore, staff is recommending that City Council award the contract to the second bidder, Horticare based upon the above mentioned concerns.

This contract would begin December 1, 2019. The contract will be for one (1) year, with the option to renew for two (2) additional one- (1-) year terms.

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**ACTION REQUIRED BY COUNCIL**

I move that the Council award bid #19016, for mowing of various City properties, to Horticare, in the amount of \$290,602.

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**Approved for the City Council meeting agenda**

\_\_\_\_\_  
**Corby D. Alexander, City Manager**

\_\_\_\_\_  
**Date**

# Notifications & Access Report to Sealed Bid #19016

## Notifications Report

Vendor Name	Documents
Advanced Starlight International	Bid Notification
All Pro General Construction, Inc.	Bid Notification
BIO Landscape & Maintenance, Inc.	Bid Notification
BrainSurface LLC	Bid Notification
Britney Scott	Bid Notification
Brookway Horticultural Services, Inc.	Bid Notification
Camp Landscaping Services	Bid Notification
CDC News	Bid Notification
Construction Journal	Bid Notification
Cornerstone Maintenance and Landscaping	Bid Notification
D Davila	Bid Notification
Dodge Data & Analytics	Bid Notification
Durba Construction	Bid Notification
Goins GoGetters	Bid Notification
Greenscapes Six, LLC	Bid Notification
Hydrozone Landscape Corporation	Bid Notification
Longclaw Contractors, LLC	Bid Notification
Mesa Verde Landscape Management	Bid Notification
NCC Services, Inc.	Bid Notification
Neo Global Enterprises, LLC	Bid Notification
North America Procurement Council	Bid Notification
Onvia	Bid Notification
Perkens WS Corporation	Bid Notification
Resource Service Solutions, LLC	Bid Notification
Royal Media Network Inc.	Bid Notification
School Wholesale Supplies LLC	Bid Notification
SmartProcure	Bid Notification
Southern Concrete Raising	Bid Notification
T & A Turf and Irrigation, LLC.	Bid Notification
The Blue Book Building & Construction Network	Bid Notification
T Smith's Lawn Service	Bid Notification
WCD Enterprises LLC	Bid Notification
Westco Grounds Maintenance Co., Inc.	Bid Notification

## Access Report Vendor Name

Vendor Name	Accessed Documents
Acme Inc	
Advanced Starlight International	
BidClerk	
BIO Landscape & Maintenance, Inc.	#19016 PARD Annual Mowing.pdf <input type="checkbox"/>
BrainSurface LLC	#19016 PARD Annual Mowing.pdf <input type="checkbox"/>
Britney Scott	
Brookway Horticultural Services, Inc.	#19016 PARD Annual Mowing.pdf <input type="checkbox"/>
Camp Landscaping Services	#19016 PARD Annual Mowing.pdf <input type="checkbox"/>
CMS	
Construction Journal	
Construction Software Technologies	
Cornerstone Maintenance & Landscaping	#19016 PARD Annual Mowing.pdf <input type="checkbox"/>

Dodge Data & Analytics	
Durba Construction	#19016 PARD Annual Mowing.pdf□
Greenscapes 6	
Hydrozone Landscape Corporation	#19016 PARD Annual Mowing.pdf□
Longclaw Contractors, LLC	
Mesa Verde Landscape Management	
Neo Global Enterprises, LLC	
North America Procurement Council	
Onvia	
Perkens WS Corporation	
School Wholesale Supplies LLC	#19016 PARD Annual Mowing.pdf□
SmartProcure	
SO	
The Blue Book Building & Construction Network	#19016 PARD Annual Mowing.pdf□
Tukmol General Contractor	
Wayne Enterprises	
WCD Enterprises LLC	#19016 PARD Annual Mowing.pdf□

	QTY	Cornerstone		Horticare		LongClaw	
		Unit Cost	Annual Cost	Unit Cost	Annual Cost	Unit Cost	Annual Cost
<b>Section 1</b>							
Fairmont Park, 3540 Farrington	38	389.25	14791.5	395	15010	385	14630
Heritage Park	38	173	6574	220	8360	80	3040
Northwest Park	38	389.25	14791.5	295	11210	290	11020
Seabreeze Park	38	173	6574	195	7410	190	7220
La Porte Trail System	24	389.25	9342	400	9600	575	13800
Pecan Crossing Trails	24	64.88	1557.12	48	1152	50	1200
Pecan Park	38	648.75	24652.5	500	19000	485	18430
Woodfalls Park	38	216.25	8217.5	200	7600	195	7410
LPPD & MC	38	216.25	8217.5	250	9500	245	9310
LPPD Detention Pond	12	151.38	1816.56	140	1680	97.5	1170
City Hall	38	194.63	7395.94	250	9500	245	9310
Records Storage Building	38	86.5	3287	35	1330	30	1140
Community Library	38	108.13	4108.94	125	4750	95	3610
Water Plant #7	38	108.13	4108.94	100	3800	110	4180
Original City Hall	38	75.69	2876.22	60	2280	55	2090
Mc Cabe Road	24	108.13	2595.12	75	1800	55	1320
Stonemont & Underwood	38	32.44	1232.72	21	798	20	760
ROW	38	32.44	1232.72	21	798	20	760
ValleyBrook & Spencer	38	32.44	1232.72	20	760	20	760
Esplanades	38	32.44	1232.72	35	1330	45	1710
Myrtle Creek & Spencer	38	21.63	821.94	20	760	20	760
Esplanades	38	64.88	2465.44	45	1710	50	1900
Fairmont Parkway Esplanades	38	194.63	7395.94	225	8550	195	7410
Bay Area Blve EAST ROW	38	173	6574	125	4750	215	8170
Bay Area Blve WEST ROW	38	86.5	3287	110	4180	95	3610
Bay Area Blvd Esplanades	38	86.5	3287	150	5700	105	3990
Canada Road EAST ROW	38	86.5	3287	115	4370	115	4370
Canada Road WEST ROW	38	129.75	4930.5	120	4560	150	5700
Canada Road Esplanades	38	86.5	3287	125	4750	100	3800
Farrington Blvd Esplanades	38	151.38	5752.44	195	7410	190	7220
Farrington & Spencer Hwy	38	43.25	1643.5	20	760	25	950
North Farrington	38	86.5	3287	75	2850	75	2850
Luella Road Esplanades	38	108.13	4108.94	135	5130	135	5130
Luella Trail	38	43.25	1643.50	32	1216	30	1140
Linear Park	20	183.81	3676.20	80	1600	75	1500
Entrance sign @ Hwy 225 and S146	20	65	1300	20	400	20	400
Hwy 146 & Shoreacres Blvd, Hwy 146N	20	43	860	20	400	20	400
Fairmont Parkway	20	43	860	20	400	20	400
16th St Esplanades	38	78	2964	30	1140	60	2280
<b>Section 1 TOTAL</b>			<b>\$187,268.62</b>	<b>\$178,304.00</b>		<b>\$174,850.00</b>	
<b>Section 2</b>							
Hwy 225 & Sens Rd	10	476	4760	600	6000	495	4950
EMS W. Main	38	87	3306	55	2090	50	1900
Animal Shelter Spencer	38	130	4940	80	3040	85	3230
Hwy 146 Barbour's Cut to Shoreacres	10	2811	28110	3600	36000	3350	33500
Little Cedar Bayou Park	38	779	29602	785	29830	800	30400
Gladwyne Trailhead Property	38	87	3306	85	3230	75	2850
Garfield Median	38	32	1216	20	760	20	760
San Jacinto Trail	24	173	4152	62	1488	55	1320
S Broadway Trail	24	195	4680	125	3000	115	2760
Fire Sta #2	38	87	3306	85	3230	85	3230
Fire Sta #3	38	97	3686	85	3230	85	3230
Fire Sta #4	38	119	4522	85	3230	85	3230
F216 detention basin	12	433	5196	590	7080	580	6960
Klein Retreat/Happy Harbor/NCI	24	216	5184	200	4800	195	4680
Bay Forese N. entrance	38	54	2052	95	3610	50	1900
Wharton Weems ROW	12	260	3120	140	1680	195	2340
<b>Section 2 TOTAL</b>			<b>\$111,138.00</b>	<b>\$112,298.00</b>		<b>\$107,240.00</b>	
<b>GRAND TOTAL</b>		<b>\$298,406.62</b>		<b>\$290,602.00</b>		<b>\$282,090.00</b>	



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Mayor Rigby</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Letter from H-GAC concerning appointments

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### SUMMARY

According to Houston-Galveston Area Council's (H-GAC) bylaws, the City is authorized to select one Councilperson as a representative and one as an alternate to the H-GAC General Assembly and Board of Directors. H-GAC's bylaws stipulate that the representative is also the General Assembly delegate and, as such, is also designated to serve on H-GAC's Board of Directors.

The 2019 representative is Councilperson Engelken, and the alternate is Councilperson Bentley. They have agreed to serve again in the same roles for 2020. The 2020 designated representatives begin their term of office the first of January.

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### RECOMMENDED MOTION

I move to nominate Councilperson Engelken as the City's representative and Councilperson Bentley as the City's alternate to the H-GAC 2020 General Assembly and Board of Directors.

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September 5, 2019

The Honorable Louis Rigby  
Mayor  
City of La Porte  
604 W Fairmont Pkwy  
La Porte, TX 77571

Dear Mayor Rigby:

I am writing regarding the appointment of City of La Porte's representative to H-GAC's 2020 General Assembly and Board of Directors.

H-GAC's Bylaws authorize each member city with a population of at least 25,000 but not in excess of 99,999 according to the last preceding Federal Census (2010) to select one member of its governing body as its representative and one member of its governing body as an alternate to the H-GAC General Assembly.

H-GAC's Bylaws also stipulate that your Board of Directors representative shall be the General Assembly delegate. Therefore, the official chosen to serve as the General Assembly representative will also be designated to serve on H-GAC's Board of Directors.

I have enclosed the appropriate form for your convenience. Please return the completed form by fax to 713-993-2414 or email [cynthia.jones@h-gac.com](mailto:cynthia.jones@h-gac.com).

The 2020 designated representatives begin their terms of office on the first of January 2020.

If more information concerning General Assembly and Board of Directors membership would be useful, please contact me at 714-993-4514 or Rick Guerrero at 713-993-4598. Thank you for your help in selecting H-GAC's 2020 General Assembly and Board of Directors.

Sincerely,

A handwritten signature in black ink, appearing to read 'CW', written over a horizontal line.

Chuck Wemple

CW/cj

Enclosure  
cc: City Secretary



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Corby Alexander/Michael Dolby</u>
Department: <u>Finance</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Notice of public hearings  
Effective Tax Rate Calculation

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### SUMMARY

The City of La Porte's property tax assessor/collector calculated the City's effective tax rate at \$0.685, which is below the proposed property tax rate of \$0.710. The fiscal year 2019-2020 budget was based on a \$0.710 cent tax rate. At the September 9, 2019, City Council meeting, City Council voted to hold the first public hearing on September 19 at 5:30 p.m. and the second public hearing for the proposed tax rate on September 23 at 6:00 p.m., in the City Council Chamber at City Hall.

In accordance with Section 26.06 of the Property Tax Code, the first public hearing may not be held before the seventh day after the date the notice was given. Notice of the hearing was given to the public on September 12, 2019. The second public hearing may not be held earlier than the third day after the date of the first hearing.

At the hearings, the governing body must afford adequate opportunity for proponents and opponents of the tax increase to present their views.

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### RECOMMENDED MOTION

Conduct the second public hearing on proposed tax rate of \$0.710 cent and announce that the date of adoption of this tax rate will be September 30 at 6:00 p.m. in the City Council Chamber at City Hall.

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**

# NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF LA PORTE

A tax rate of \$0.7100 per \$100 valuation has been proposed for adoption by the governing body of City of La Porte. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of City of La Porte proposes to use revenue attributable to the tax rate increase for the purpose of To maintain the services and maintenance for the City taxpayers..

PROPOSED TAX RATE	\$0.710 per \$100
PRECEDING YEAR'S TAX RATE	\$0.710 per \$100
EFFECTIVE TAX RATE	\$0.685 per \$100
ROLLBACK TAX RATE	\$0.728 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of La Porte from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that City of La Porte may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS  
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Charlene Piggott, RTA, CSTA  
City of La Porte Tax Assessor-Collector  
4544 I-10 East Frwy., Baytown, Texas 77521  
281-707-3701  
scpiggot@gccisd.net  
www.ci.la-porte.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: September 19, 2019 at 5:30 pm at 604 W. Fairmont Parkway, City Hall Council

Chambers, La Porte, Texas 77571.

Second Hearing: September 23, 2019 at 6:00 pm at 604 W. Fairmont Parkway, City Hall Council  
Chambers, La Porte, Texas 77571.

# 2019 Tax Rate Calculation Worksheet

Date: 09/09/2019 10:32 AM

## Taxing Units Other Than School Districts or Water Districts

### City of La Porte

**281-471-5020**

Taxing Unit Name

Phone (area code and number)

**604 W. Fairmont Pkwy., La Porte, Texas 77571**

**ci.la-porte.tx.us**

Taxing Unit's Address, City, State, ZIP Code

Taxing Unit's Website Address

**GENERAL INFORMATION:** Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the effective tax rate and rollback tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest.

School districts do not use this form, but instead use Comptroller Form 50-859 Tax Rate Calculation Worksheet for School Districts.

Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 Water District Rollback Tax Rate Worksheet.

This worksheet is provided to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

<b>SECTION 1: Effective Tax Rate (No New Taxes)</b>	
The effective tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the effective tax rate should decrease.	
The effective tax rate for a county is the sum of the effective tax rates calculated for each type of tax the county levies.	
<b>Effective Tax Rate Activity</b>	<b>Amount/Rate</b>
<b>1. 2018 total taxable value.</b> Enter the amount of 2018 taxable value on the 2018 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14). <sup>1</sup>	\$3,430,773,776
<b>2. 2018 tax ceilings.</b> Counties, cities and junior college districts. Enter 2018 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2018 or a prior year for homeowners age 65 or older or disabled, use this step. <sup>2</sup>	\$280,609,401
<b>3. Preliminary 2018 adjusted taxable value.</b> Subtract Line 2 from Line 1.	\$3,150,164,375
<b>4. 2018 total adopted tax rate.</b>	\$0.7100/\$100
<b>5. 2018 taxable value lost because court appeals of ARB decisions reduced 2018 appraised value.</b>	
A. Original 2018 ARB Values.	\$195,994,008
B. 2018 values resulting from final court decisions.	\$170,865,240
C. 2018 value loss. Subtract B from A. <sup>3</sup>	\$25,128,768
<b>6. 2018 taxable value, adjusted for court-ordered reductions.</b> Add Line 3 and Line 5C.	\$3,175,293,143
<b>7. 2018 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2018.</b> Enter the 2018 value of property in deannexed territory. <sup>4</sup>	\$0
<b>8. 2018 taxable value lost because property first qualified for an exemption in 2019.</b>	

Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost to freeport or goods-in-transit exemptions.	
A. <b>Absolute exemptions.</b> Use 2018 market value:	\$387,376
B. <b>Partial exemptions.</b> 2019 exemption amount or 2019 percentage exemption times 2018 value:	\$12,333,615
C. <b>Value loss.</b> Add A and B. <sup>5</sup>	\$12,720,991
<b>9. 2018 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2019.</b> Use only properties that qualified in 2019 for the first time; do not use properties that qualified in 2018.	
A. <b>2018 market value:</b>	\$0
B. <b>2019 productivity or special appraised value:</b>	\$0
C. <b>Value loss.</b> Subtract B from A. <sup>6</sup>	\$0
<b>10. Total adjustments for lost value.</b> Add lines 7, 8C and 9C.	\$12,720,991
<b>11. 2018 adjusted taxable value.</b> Subtract Line 10 from Line 6.	\$3,162,572,152
<b>12. Adjusted 2018 taxes.</b> Multiply Line 4 by Line 11 and divide by \$100.	\$22,454,262
<b>13. Taxes refunded for years preceding tax year 2018.</b> Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2018. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2018. This line applies only to tax years preceding tax year 2018. <sup>7</sup>	\$299,329
<b>14. Taxes in tax increment financing (TIF) for tax year 2018.</b> Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2019 captured appraised value in Line 16D, enter 0. <sup>8</sup>	\$1,417,801
<b>15. Adjusted 2018 taxes with refunds and TIF adjustment.</b> Add Lines 12 and 13, subtract Line 14. <sup>9</sup>	\$21,335,790
<b>16. Total 2019 taxable value on the 2019 certified appraisal roll today.</b> This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 18). These homesteads include homeowners age 65 or older or disabled. <sup>10</sup>	
A. <b>Certified values:</b>	\$3,150,924,309
B. <b>Counties:</b> Include railroad rolling stock values certified by the Comptroller's office:	\$0
C. <b>Pollution control and energy storage system exemption :</b> Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property:	\$0
D. <b>Tax increment financing:</b> Deduct the 2019 captured appraised value of property taxable	\$318,843,760

by a taxing unit in a tax increment financing zone for which the 2019 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below. <sup>11</sup>	
E. <b>Total 2019 value.</b> Add A and B, then subtract C and D.	\$2,832,080,549
<b>17. Total value of properties under protest or not included on certified appraisal roll.</b> <sup>12</sup>	
A. <b>2019 taxable value of properties under protest.</b> The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. <sup>13</sup>	\$348,575,346
B. <b>2019 value of properties not under protest or included on certified appraisal roll.</b> The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about, but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value. <sup>14</sup>	\$359,167,445
C. <b>Total value under protest or not certified:</b> Add A and B.	\$707,742,791
<b>18. 2019 tax ceilings.</b> Counties, cities and junior colleges enter 2019 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2018 or a prior year for homeowners age 65 or older or disabled, use this step. <sup>15</sup>	\$310,496,942
<b>19. 2019 total taxable value.</b> Add Lines 16E and 17C. Subtract Line 18.	\$3,229,326,398
<b>20. Total 2019 taxable value of properties in territory annexed after Jan. 1, 2018.</b> Include both real and personal property. Enter the 2019 value of property in territory annexed. <sup>16</sup>	\$9,590,863
<b>21. Total 2019 taxable value of new improvements and new personal property located in new improvements.</b> New means the item was not on the appraisal roll in 2018. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2018, and be located in a new improvement. New improvements <b>do</b> include property on which a tax abatement agreement has expired for 2019. <sup>17</sup>	\$105,733,178
<b>22. Total adjustments to the 2019 taxable value.</b> Add Lines 20 and 21.	\$115,324,041
<b>23. 2019 adjusted taxable value.</b> Subtract Line 22 from Line 19.	\$3,114,002,357
<b>24. 2019 effective tax rate.</b> Divide Line 15 by Line 23 and multiply by \$100. <sup>18</sup>	\$0.6851/\$100
<b>25. COUNTIES ONLY.</b> Add together the effective tax rates for each type of tax the county levies. The total is the 2019 county effective tax rate. <sup>19</sup>	

<sup>1</sup>Tex. Tax Code Section 26.012(14)

<sup>2</sup>Tex. Tax Code Section 26.012(14)

<sup>3</sup>Tex. Tax Code Section 26.012(13)

<sup>4</sup>Tex. Tax Code Section 26.012(15)

<sup>9</sup>Tex. Tax Code Section 26.012(13)

<sup>10</sup>Tex. Tax Code Section 26.012

<sup>11</sup>Tex. Tax Code Section 26.03(c)

<sup>12</sup>Tex. Tax Code Section 26.01(c) and (d)

## SECTION 2: Rollback Tax Rate

The rollback tax rate is split into two separate rates:

1. **Maintenance and Operations (M&O):** The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus eight percent. This rate accounts for such things as salaries, utilities and day-to-day operations.
2. **Debt:** The debt tax rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The rollback tax rate for a county is the sum of the rollback tax rates calculated for each type of tax the county levies. In most cases the rollback tax rate exceeds the effective tax rate, but occasionally decreases in a taxing unit's debt service will cause the effective tax rate to be higher than the rollback tax rate.

Rollback Tax Rate Activity	Amount/Rate
<b>26. 2018 maintenance and operations (M&amp;O) tax rate.</b>	\$0.6050/\$100
<b>27. 2018 adjusted taxable value.</b> Enter the amount from Line 11.	\$3,162,572,152
<b>28. 2018 M&amp;O taxes.</b>	
A. Multiply Line 26 by Line 27 and divide by \$100.	\$19,133,561
B. <b>Cities, counties and hospital districts with additional sales tax:</b> Amount of additional sales tax collected and spent on M&O expenses in 2018. Enter amount from full year's sales tax revenue spent for M&O in 2018 fiscal year, if any. Other taxing units enter 0. Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent.	\$0
C. <b>Counties:</b> Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other taxing units enter 0.	\$0
D. <b>Transferring function:</b> If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in H below. The taxing unit receiving the function will add this amount in H below. Other taxing units enter 0.	\$0
E. <b>Taxes refunded for years preceding tax year 2018:</b> Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2018. This line applies only to tax years preceding tax year 2018.	\$255,063
F. <b>Enhanced indigent health care expenditures:</b> Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance.	\$0
G. <b>Taxes in TIF:</b> Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2019 captured appraised value in Line 16D, enter 0.	\$1,417,801
<b>H. Adjusted M&amp;O Taxes.</b> Add A, B, C, E and F. For taxing unit with D, subtract if discontinuing function and add if receiving function. Subtract G.	\$17,970,823

<b>29. 2019 adjusted taxable value.</b> Enter Line 23 from the Effective Tax Rate Worksheet.	\$3,114,002,357
<b>30. 2019 effective maintenance and operations rate.</b> Divide Line 28H by Line 29 and multiply by \$100.	\$0.5771/\$100
<b>31. 2019 rollback maintenance and operation rate.</b> Multiply Line 30 by 1.08.	\$0.6232/\$100
<p><b>32. Total 2019 debt to be paid with property taxes and additional sales tax revenue.</b> Debt means the interest and principal that will be paid on debts that:</p> <p>(1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year and (4) are not classified in the taxing unit's budget as M&amp;O expenses.</p> <p>A. <b>Debt</b> also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. Enter debt amount.</p> <p>B. Subtract <b>unencumbered fund amount</b> used to reduce total debt.</p> <p>C. Subtract <b>amount paid</b> from other resources.</p> <p>D. <b>Adjusted debt.</b> Subtract B and C from A.</p>	<p>\$4,657,119</p> <p>\$0</p> <p>\$1,266,326</p> <p>\$3,390,793</p>
<b>33. Certified 2018 excess debt collections.</b> Enter the amount certified by the collector.	\$0
<b>34. Adjusted 2019 debt.</b> Subtract Line 33 from Line 32D.	\$3,390,793
<b>35. Certified 2019 anticipated collection rate.</b> Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.	100.00%
<b>36. 2019 debt adjusted for collections.</b> Divide Line 34 by Line 35	\$3,390,793
<b>37. 2019 total taxable value.</b> Enter the amount on Line 19.	\$3,229,326,398
<b>38. 2019 debt tax rate.</b> Divide Line 36 by Line 37 and multiply by \$100.	\$0.1050/\$100
<b>39. 2019 rollback tax rate.</b> Add Lines 31 and 38.	\$0.7282/\$100
<b>40. COUNTIES ONLY.</b> Add together the rollback tax rates for each type of tax the county levies. The total is the 2019 county rollback tax rate.	

### SECTION 3: Additional Sales Tax to Reduce Property Taxes

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its effective and rollback tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its effective tax rate and/or rollback tax rate because it adopted the additional sales tax.

Activity	Amount/Rate
<p><b>41. Taxable Sales.</b> For taxing units that adopted the sales tax in November 2018 or May 2019, enter the Comptroller's estimate of taxable sales for the previous four quarters.<sup>20</sup> Estimates of taxable sales may be obtained through the Comptroller's <b>Allocation Historical Summary</b> webpage. Taxing units that adopted the sales tax before November 2018, skip this line.</p>	\$0
<p><b>42. Estimated sales tax revenue.</b> Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue.<sup>21</sup></p> <p><b>Taxing units that adopted the sales tax in November 2018 or in May 2019.</b> Multiply the amount on Line 41 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95.<sup>22</sup></p> <p style="text-align: center;">- or -</p> <p><b>Taxing units that adopted the sales tax before November 2018.</b> Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.</p>	\$0
<p><b>43. 2019 total taxable value.</b> Enter the amount from Line 37 of the Rollback Tax Rate Worksheet.</p>	\$3,229,326,398
<p><b>44. Sales tax adjustment rate.</b> Divide Line 42 by Line 43 and multiply by \$100.</p>	\$0.0000/\$100
<p><b>45. 2019 effective tax rate, unadjusted for sales tax.</b><sup>23</sup> Enter the rate from Line 24 or 25, as applicable, on the Effective Tax Rate Worksheet.</p>	\$0.6851/\$100
<p><b>46. 2019 effective tax rate, adjusted for sales tax.</b> <b>Taxing units that adopted the sales tax in November 2018 or in May 2019.</b> Subtract Line 44 from Line 45. Skip to Line 47 if you adopted the additional sales tax before November 2018.</p>	\$0.6851/\$100
<p><b>47. 2019 rollback tax rate, unadjusted for sales tax.</b><sup>24</sup> Enter the rate from Line 39 or 40, as applicable, of the Rollback Tax Rate Worksheet.</p>	\$0.7282/\$100
<p><b>48. 2019 rollback tax rate, adjusted for sales tax.</b> Subtract Line 44 from Line 47.</p>	\$0.7282/\$100

<sup>17</sup>Tex. Tax Code Section 26.012(17)

<sup>18</sup>Tex. Tax Code Section 26.04(c)

<sup>19</sup>Tex. Tax Code Section 26.04(d)

<sup>20</sup>Tex. Tax Code Section 26.041(d)

<sup>21</sup>Tex. Tax Code Section 26.041(i)

<sup>22</sup>Tex. Tax Code Section 26.041(d)

<sup>23</sup>Tex. Tax Code Section 26.04(c)

<sup>24</sup>Tex. Tax Code Section 26.04(c)

**SECTION 4: Additional Rollback Protection for Pollution Control**

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Additional Rollback Protection for Pollution Control Activity	Amount/Rate
<b>49. Certified expenses from the Texas Commission on Environmental Quality (TCEQ).</b> Enter the amount certified in the determination letter from TCEQ. <sup>25</sup> The taxing unit shall provide its tax assessor-collector with a copy of the letter. <sup>26</sup>	\$0
<b>50. 2019 total taxable value.</b> Enter the amount from Line 37 of the Rollback Tax Rate Worksheet.	\$3,229,326,398
<b>51. Additional rate for pollution control.</b> Divide Line 49 by Line 50 and multiply by \$100.	\$0.0000/\$100
<b>52. 2019 rollback tax rate, adjusted for pollution control.</b> Add Line 51 to one of the following lines (as applicable): Line 39, Line 40 (counties) or Line 48 (taxing units with the additional sales tax).	\$0.7282/\$100

**SECTION 5: Total Tax Rate**

Indicate the applicable total tax rates as calculated above.

Effective tax rate (Line 24; line 25 for counties; or line 46 if adjusted for sales tax)	\$0.6851
Rollback tax rate (Line 39; line 40 for counties; or line 48 if adjusted for sales tax)	\$0.7282
Rollback tax rate adjusted for pollution control (Line 52)	\$0.7282

**SECTION 6: Taxing Unit Representative Name and Signature**

Enter the name of the person preparing the tax rate as authorized by the taxing unit.

**print here** Charlene Piggott

Printed Name of Taxing Unit Representative

**sign here** \_\_\_\_\_

Taxing Unit Representative

\_\_\_\_\_

Date

<sup>25</sup>Tex. Tax Code Section 26.045(d)

<sup>26</sup>Tex. Tax Code Section 26.045(i)



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning &amp; Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

**Exhibits:** Ordinance 2019-3759  
P & Z letter of recommendation  
Existing Land Use Map  
Proposed Land Use Map

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### SUMMARY

This item is a request for consideration to amend the City's Future Land Use Plan (FLUP) in conjunction with a request by Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owners, who is seeking approval of a Zone Change from the General Commercial (GC) zoning district to the Planned Unit Development (PUD) zoning district. The proposed zone change would allow for the development of a multi-family development on the site. The property in question is located at the northwest corner of Fairmont Parkway and Canada Road, and is legally described as Tracts 710A and 711, La Porte Outlots.

The City's Future Land Use Plan identifies this property as "Commercial" land use. In order to accommodate the proposed development, the FLUP would need to be amended to allow for "Mid-High Density Residential" use.

The Planning and Zoning Commission, at their August 15, 2019, regular meeting, voted 8-0 to recommend approval of the proposed Future Land Use Amendment.

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### RECOMMENDED MOTION

I move that the Council adopt Ordinance 2019-3759, amending the City's Future Land Use Plan for a 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road, legally described as Tracts 710A and 711, La Porte Outlots.

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**Approved for City Council Agenda**

\_\_\_\_\_  
**Corby D. Alexander, City Manager**

\_\_\_\_\_  
**Date**

## **ORDINANCE NO. 2019-3759**

### **AN ORDINANCE ADOPTING AN UPDATE TO THE FUTURE LAND USE MAP 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**

WHEREAS, Section 211.004 of the Texas Local Government Code provides that zoning regulations must be adopted in accordance with a Comprehensive Plan;

WHEREAS, Section 213.003 of the Texas Local Government Code provides that a municipality may amend a Comprehensive Plan by ordinance, after public hearing and review by the municipality's planning commission or department; and

WHEREAS, Section 213.003 of the Texas Local Government Code also provides that a municipality may establish, in its charter or by ordinance, procedures for adopting and amending a Comprehensive Plan; and

WHEREAS, Chapter 106, "Zoning" Article I, Section 106-3, and Article II, Section 106-65 of the Code of Ordinances of the City of La Porte, delegates to the Planning and Zoning Commission the duty to review and make recommendations relevant to modifications of the Comprehensive Plan and Zoning Ordinance; and

WHEREAS, the City of La Porte has a Comprehensive Plan, which Plan was adopted by the City Council of the City of La Porte, Texas in 1986, and which Plan has been the subject of multiple amendments since its adoption;

WHEREAS, pursuant to mandate of Chapter 106, "Zoning" of the Code of Ordinances of the City of La Porte, the Planning and Zoning Commission of the City of La Porte has reviewed all elements of the Comprehensive Plan, and as duly approved by the City Council of the City of La Porte, to consider possible amendments thereto; and

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on August 15, 2019, the La Porte Planning and Zoning Commission reviewed the Future Land Use Map component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for that 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy. and Canada Rd., and legally described as follows: Tracts 710A and 711, La Porte Outlots, City of La Porte, Harris County, Texas, from its present designation of "Commercial", to "Mid-High Density Residential", and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend the adoption of said proposed amendments to the Future Land Use Plan component of the Comprehensive Plan, to the La Porte City Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, THAT:**

Section 1 That an amendment to the Future Land Use Map component of the Comprehensive Plan of the City

of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its September 23, 2019 meeting, and receipt of the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

Section 2 The City Secretary of the City of La Porte or her designated representative shall be required to make this amendment to the Comprehensive Plan available to the public and duly mark and note the updated reference on the Future Land Use Plan component of the Comprehensive Plan of the City of La Porte, Texas.

Section 3 The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject to this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon.

The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4 This ordinance shall be in effect from and after its passage and approval.

**Passed and approved this, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

CITY OF LA PORTE, TEXAS

\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Woodward, City Secretary

\_\_\_\_\_  
Clark T. Askins, Assistant City Attorney



August 16, 2019

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Request #19-92000004 to Amend the Future Land Use Map

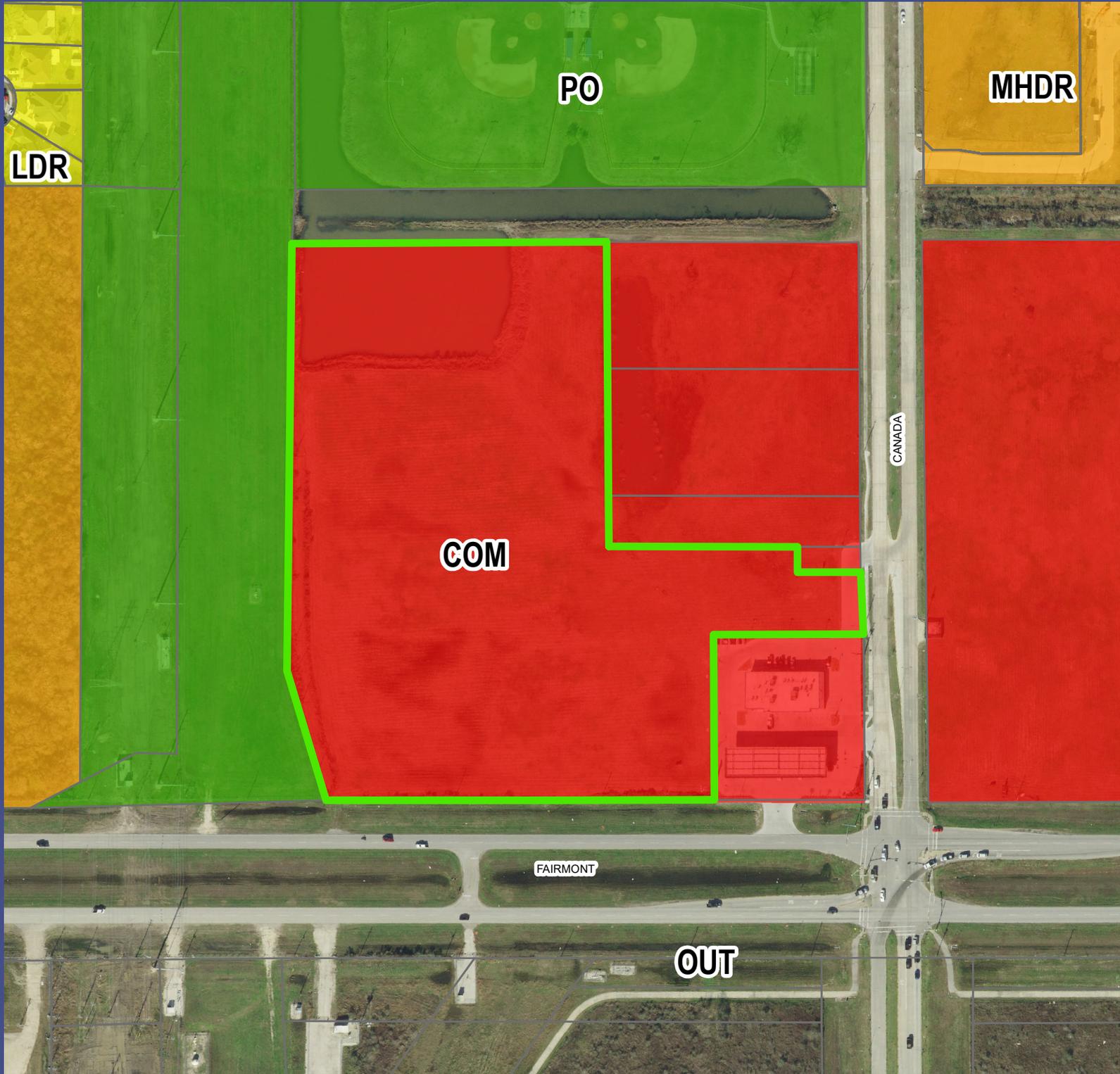
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on August 15, 2019 for a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy. and Canada Rd., and is legally described as Tracts 710A and 711, La Porte Outlots. The request was for approval of a change of the future land use designation from "Commercial" use to "Mid-High Density Residential" use

The Commission voted 8-0 to recommend approval of the proposed amendments to the City's Future Land Use Map.

Respectfully submitted,

Ian Clowes, City Planner  
On Behalf of the Planning and Zoning Commission



# CURRENT LAND USE MAP

**Zone Change  
#19-9200004**

**NW Corner of  
Canada & Fairmont**

## Legend

 Subject Parcel

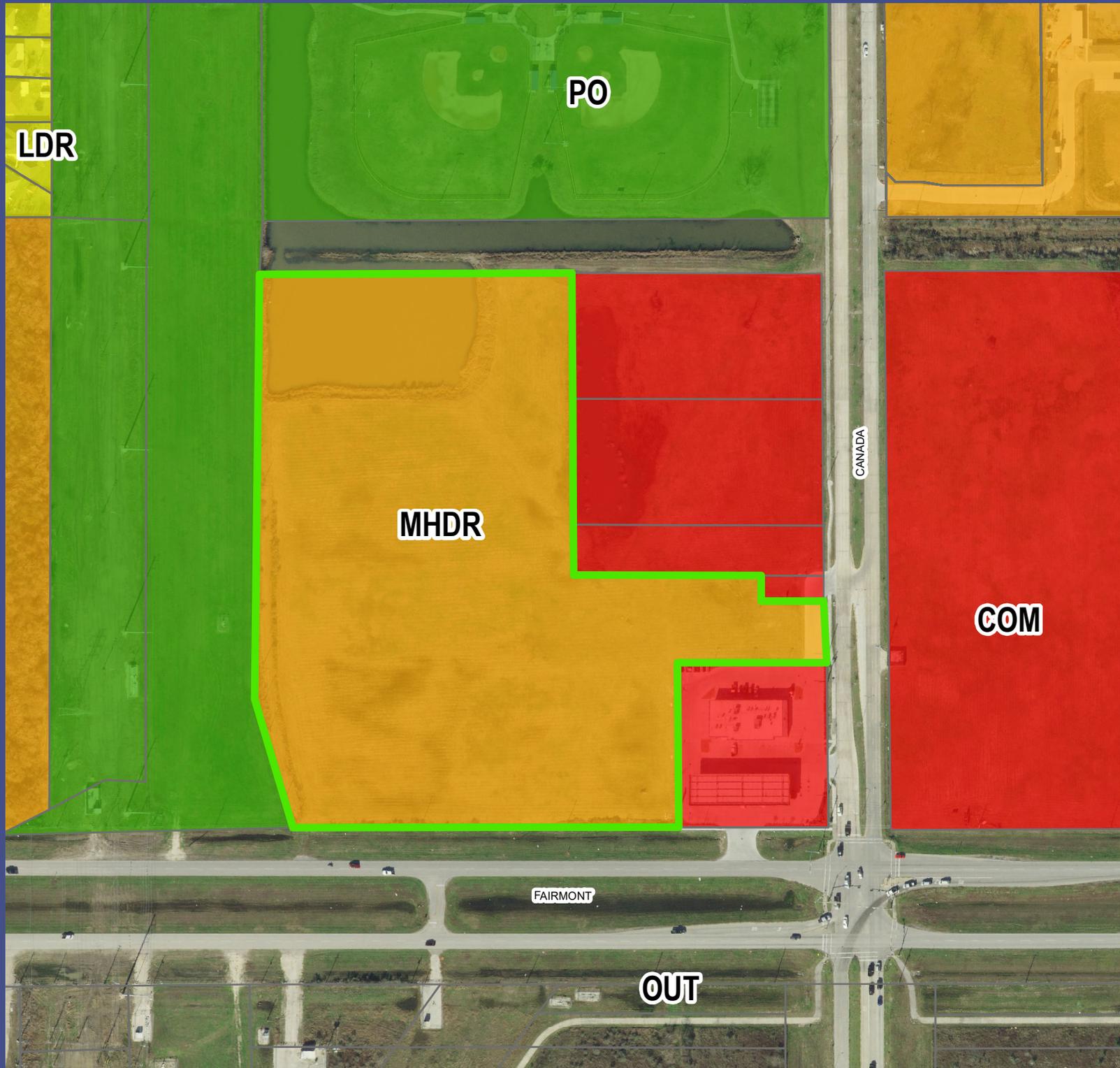


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 214 feet



**AUGUST 2019  
PLANNING DEPARTMENT**



# PROPOSED LAND USE MAP

**Zone Change  
#19-9200004**

**NW Corner of  
Canada & Fairmont**

### Legend

 Subject Parcel



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1 inch = 214 feet

**AUGUST 2019  
PLANNING DEPARTMENT**





## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning &amp; Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

**Exhibits:**      **Ordinance 2019-3760**  
                     **P & Z letter of recommendation**  
                     **Aerial map**  
                     **Zoning map**  
                     **Future Land Use Map**  
                     **Applicant information**

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### SUMMARY

Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Jack Howard, Floyd Howard, and Larry Allen, owners, seeks approval of a Zone Change from the General Commercial (GC) zoning district to the Planned Unit Development (PUD) zoning district. The subject property is located at the northwest corner of Fairmont Parkway and Canada Road, and is legally described as Tracts 710A and 711, La Porte Outlots.

The property is currently undeveloped. The applicant, along with the owner of the property, would like to change the zoning to PUD with a Special Conditional Use Permit (SCUP), to allow for the construction of a 294-unit multi-family development on the 12.608-acre tract of land. The proposed development will consist of one main residential structure along with an attached two-story parking garage and additional surface parking and garage structures.

Staff mailed public notice to all property owners located within 200 feet of the subject property and did not receive any returned comment sheets for the proposed zone change.

The Planning and Zoning Commission, at their August 15, 2019, regular meeting, voted 8-0 to recommend approval of the proposed Zone Change.

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### RECOMMENDED MOTION

I move that the Council adopt Ordinance 2019-3760 for zone change request #19-92000004, for a 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road, and is legally described as Tracts 710A and 711, La Porte Outlots.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

---

**Date**

## **ORDINANCE NO. 2019-3760**

**AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 12.608-ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF FAIRMONT PARKWAY AND CANADA ROAD AND LEGALLY DESCRIBED AS TRACTS 710A AND 711, LA PORTE OUTLOTS, 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**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:**

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road and legally described as Tracts 710A and 711, La Porte Outlots, Harris County, Texas, from General Commercial (GC) to Planned Unit Development (PUD).

**Section 2.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 3.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 4.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, TX. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 5.** The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200’) of the properties under consideration in compliance with code provisions.

**Section 6.** It is directed that the Official Zoning Map of the City of La Porte, Texas, be changed to reflect the zoning classification established by this ordinance.

**Section 7.** The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning

Map and Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

**Section 8.** This ordinance shall be effective after its passage and approval.

**Passed and approved this, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

CITY OF LA PORTE, TEXAS

\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Woodward, City Secretary

\_\_\_\_\_  
Clark T. Askins, Assistant City Attorney



August 16, 2019

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Zone Change Request #19-92000004

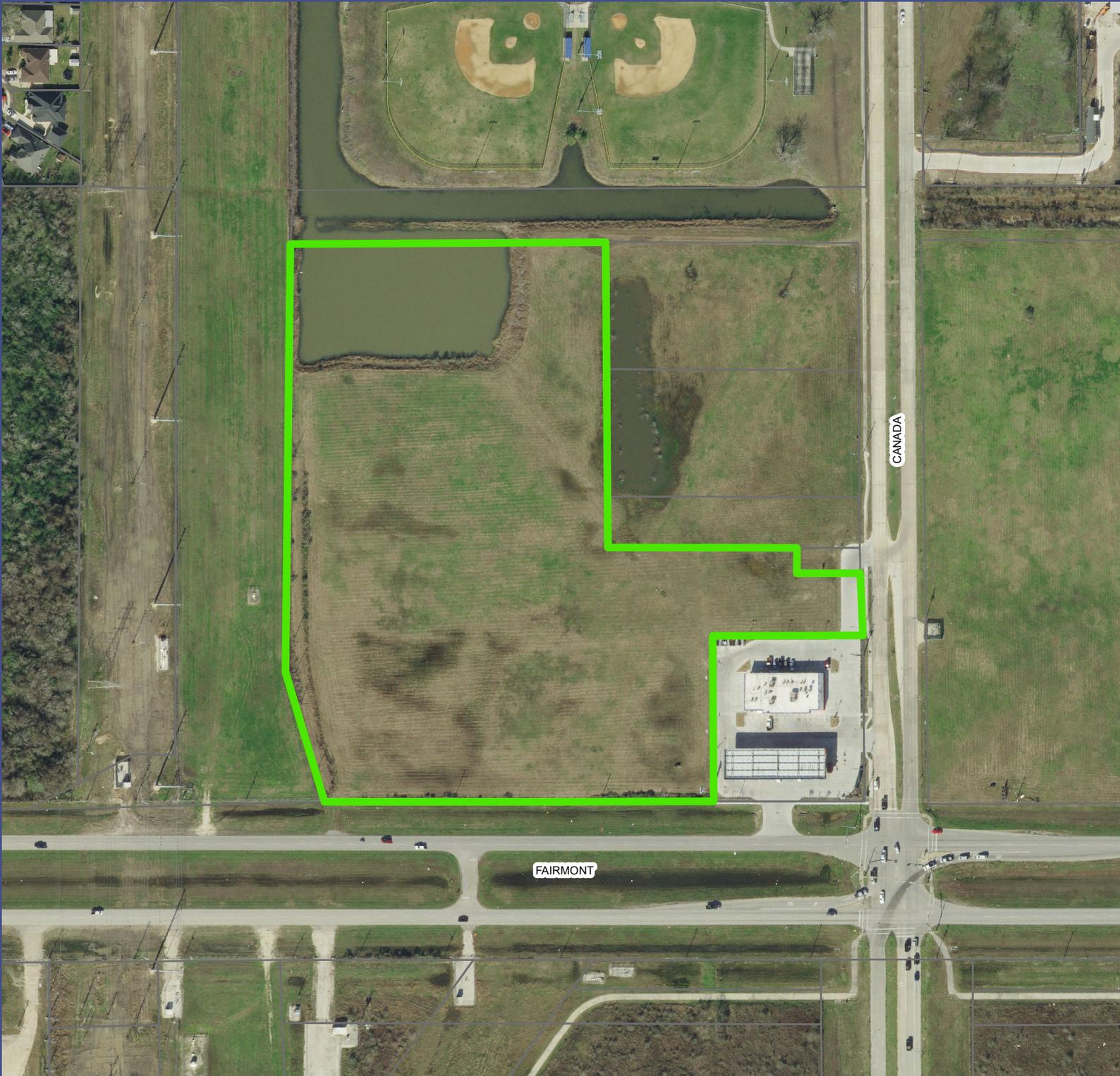
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the August 15, 2019 meeting on a zone change request by Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owner; for a zone change of property legally described as Tracts 710A and 711, La Porte Outlots, from General Commercial (GC) to Planned Unit Development (PUD). The site is a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy. and Canada Rd.

The Commission voted 8-0 to recommend approval of the proposed zone change.

Respectfully submitted,

Ian Clowes, City Planner  
On Behalf of the Planning and Zoning Commission



## AERIAL MAP

**Zone Change  
#19-9200004**

**NW Corner of  
Canada & Fairmont**

### Legend

 Subject Parcel

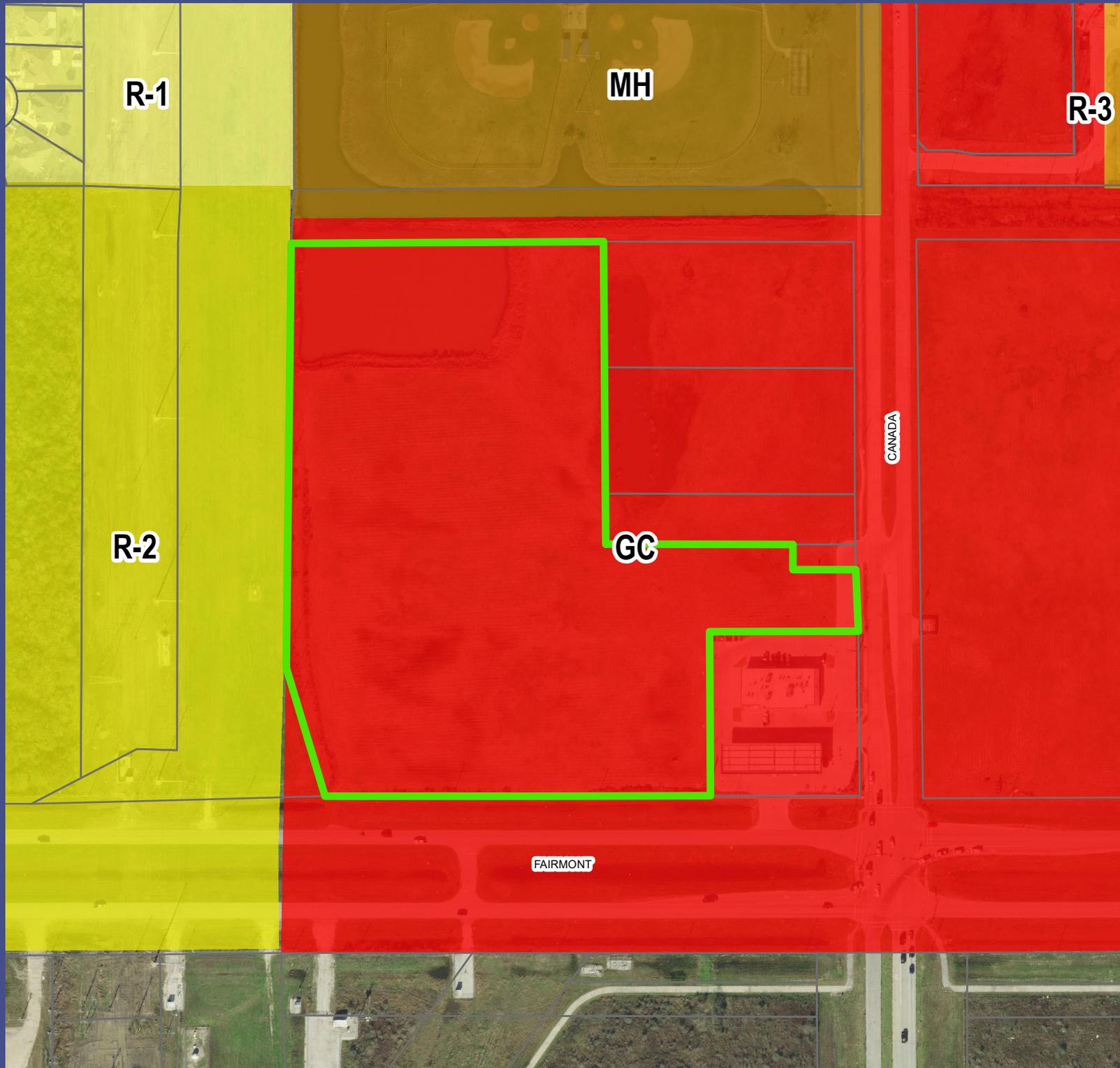


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**AUGUST 2019  
PLANNING DEPARTMENT**



# ZONING MAP

**Zone Change  
#19-9200004**

**NW Corner of  
Canada & Fairmont**

### Legend

 Subject Parcel

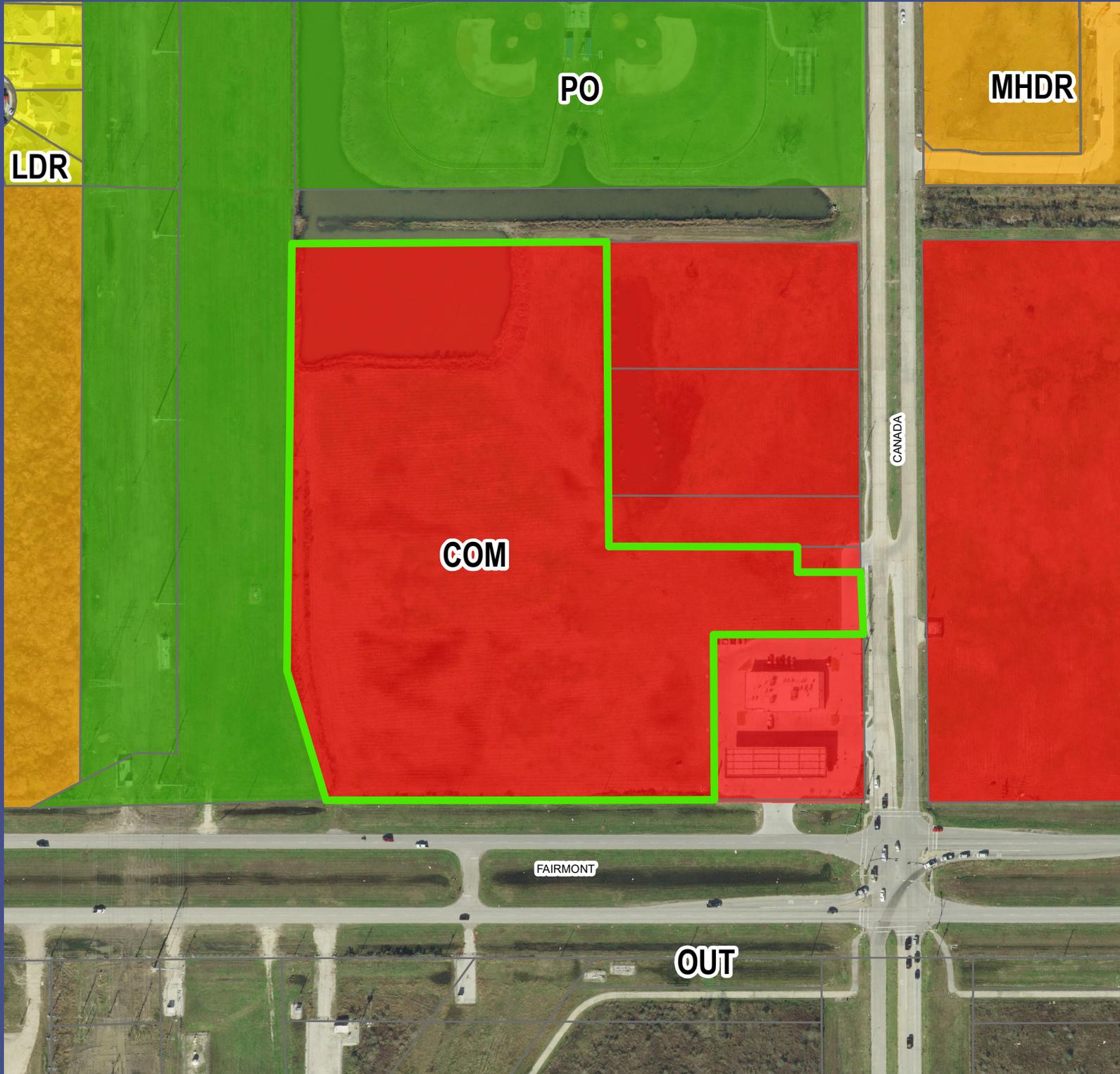


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**AUGUST 2019  
PLANNING DEPARTMENT**





# LAND USE MAP

**Zone Change  
#19-9200004**

**NW Corner of  
Canada & Fairmont**

## Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 214 feet

**AUGUST 2019  
PLANNING DEPARTMENT**





# Special Conditional Use Permit Application

Planning and Development Department

## PROJECT INFORMATION

Address where SCUP is being requested: Vacant 12.608 acre parcel located at NW corner of Fairmont Pkwy and Canada

Legal description where SCUP is being requested: TRS 710A and 711, La Porte Outlots

HCAD Parcel Number where SCUP is being requested: 0231460000710

Zoning District: General Commercial Lot area: 12.608 acres

*A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.*

Description of Request: Approval of a zone change to PUD and approval of the proposed conceptual site plan

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

## PROPERTY OWNER(S) INFORMATION

Name: Jack Howard, Floyd Howard and Larry Allen

Company (if applicable): Attn: Nolan Allen

Address: 4212 Red Bluff Rd.

City: Pasadena State: Texas Zip: 77503

Phone: 281-703-2618 Email: nolanallen@comcast.net

## AUTHORIZED AGENT (if other than owner)

Name: Brownstone Ventures, LLC

Company (if applicable): Attn: Doak Brown

Address: 6517 Mapleridge

City: Houston State: Texas Zip: 77081

Phone: 713-705-3507 Email: doak@thebrownstonegroup.net

## OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

### STAFF USE ONLY:

Case Number:

\_\_\_\_\_

Date Application Received:

\_\_\_\_\_



# Special Conditional Use Permit Application

Planning and Development Department

## PROJECT INFORMATION

Address where SCUP is being requested: Vacant 12.608 acre parcel located at NW corner of Fairmont Pkwy and Canada

Legal description where SCUP is being requested: TRS 710A and 711, La Porte Outlots

HCAD Parcel Number where SCUP is being requested: 0231460000710

Zoning District: General Commercial

Lot area: 12.608 acres

*A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.*

Description of Request: Approval of a zone change to PUD and approval of the proposed conceptual site plan

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

## PROPERTY OWNER(S) INFORMATION

Name: Jack Howard, Floyd Howard and Larry Allen

Company (if applicable): Attn: Nolan Allen

Address: 4212 Red Bluff Rd.

City: Pasadena

State: Texas

Zip: 77503

Phone: 281-703-2618

Email: nolanallen@comcast.net

## AUTHORIZED AGENT (if other than owner)

Name: Brownstone Ventures, LLC

Company (if applicable): Attn: Doak Brown

Address: 6517 Mupleridge

City: Houston

State: Texas

Zip: 77081

Phone: 713-705-3507

Email: doak@thebrownstonegroup.net

## OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and current and the application is complete to the best of my knowledge and belief.

Agent's Signature: *Doak Brown*

Date: 7/10/19

Owner(s)' Signature(s): *Jack Howard, Floyd Howard, Larry Allen*

Date: 7-10-19

### STAFF USE ONLY:

Case Number:

Date Application Received:



# Special Conditional Use Permit Application

Planning and Development Department

## AFFIDAVIT OF POSTING

PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS  
COUNTY OF HARRIS  
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

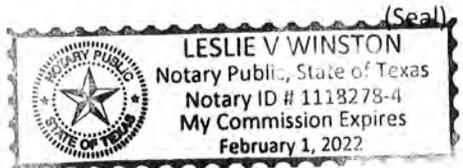
1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:  
ADDRESS: Vacant 12.608 acre parcel located at NW corner of Fairmont Pkwy and Canada  
LEGAL DESCRIPTION: TRS 710 A and 711, La Porte Outlots
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: \_\_\_\_\_.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

[Signature]  
Applicant's Signature  
Doak Brown  
Applicant's Printed Name

Subscribed and sworn before me this 11<sup>th</sup> day of July, 2019, by  
Doak Brown (Print Applicant's Name).

[Signature]  
Notary Public

My commission expires: 2/1/22





## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning &amp; Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Ordinance 2019-3761  
Proposed SCUP  
P & Z letter of recommendation  
Applicant information  
Aerial map  
Zoning map

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### SUMMARY & RECOMMENDATION

Applicant, Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owners, is seeking approval of a Special Conditional Use Permit (SCUP) to allow for a multi-family apartment complex, to locate on a 12.608-acre tract of land legally described as Tracts 710A and 711, La Porte Outlots. The subject site is located at the northwest corner of Fairmont Parkway and Canada Road.

The property is currently undeveloped and zoned General Commercial (GC). The applicant is currently in the process of requesting a zone change to Planned Unit Development (PUD). The applicant is interested in developing a multi-family apartment complex that will consist of a singular residential structure which will include a 2 story parking garage, club house/fitness facility and dual pool areas. The total number of units will not exceed 294 allowing for a proposed density of 24.4 units per acre.

Staff did not receive any returned comment sheets for the proposed SCUP.

The Planning and Zoning Commission, at their August 15, 2019 regular meeting, voted 8-0 to recommend approval of the proposed SCUP, as presented with conditions. Below is a list of all proposed conditions.

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and

the State of Texas, subject to the following conditions.

2. Permitted use on site will be described as Multi-family.
3. The underlying zoning will be R-3. All Multi-family development requirements will need to be met.
4. Permitted density will not exceed 24 units/acre. This is in contrast to section 106-33 (a) of the City of La Porte Zoning Ordinance.
5. Total number of dwelling units may not exceed 300 units on site.
6. Maximum building height for any on site structure may not exceed 60 feet.
7. The 1000 foot minimum distance requirement between separate multi-family developments shall be applied as measured from building to building not property line to property line.
8. A Traffic Impact Analysis will be performed and submitted to the city for review prior to approval of the required site plan.
9. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
10. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

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#### **ACTION REQUIRED BY COUNCIL**

I move that the Council adopt Ordinance 2019-3761 for Special Conditional Use Permit (SCUP) #19-91000006, for a 12.608-acre tract of land located at the northwest corner of Fairmont Parkway and Canada Road, legally described as Tracts 710A and 711, La Porte Outlots.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

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**Date**

## **ORDINANCE NO. 2019-3761**

**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. 19-91000006, TO ALLOW FOR A MULTI-FAMILY USE IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON A 12.608 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS TRACTS 710A AND 711, 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;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:**

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #19-91000006 attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a multi-family use on a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy. and Canada Rd. and legally described as Tracts 710A and 711, La Porte Outlots, La Porte, Harris County, Texas, and situated within a Planned Unit Development (PUD) zoning district.

**Section 2.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 3.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 4.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, TX. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 5.** The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200’) of the properties under consideration.

**Section 6.** The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte’s Comprehensive Plan.

**Section 7.** This ordinance shall be effective after its passage and approval.

Passed and approved this, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF LA PORTE, TEXAS

\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Woodward, City Secretary

\_\_\_\_\_  
Clark T. Askins, Assistant City Attorney

# EXHIBIT A

**City of La Porte**  
**Special Conditional Use Permit #19-9100006**

**This permit is issued to:** Doak Brown  
**Owner or Agent**

N/A  
**Address**

**For Development of:** Multi-family  
**Development Name**

NW Corner of Fairmont Pkwy. and Canada Rd.  
**Address**

**Legal Description:** A 12.608 acre tract of land legally described as Tracts 710A and 711, La Porte Outlots, Harris County, La Porte, TX

**Zoning:** PUD, Planned Unit Development

**Use:** Multi-family

**Permit Conditions:**

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas, subject to the following conditions.
2. Permitted use on site will be described as Multi-family.
3. The underlying zoning will be R-3. All Multi-family development requirements will need to be met.
4. Permitted density will not exceed 24 units/acre. This is in contrast to section 106-33 (a) of the City of La Porte Zoning Ordinance.
5. Total number of dwelling units may not exceed 300 units on site.
6. Maximum building height for any on site structure may not exceed 60 feet.
7. The 1000 foot minimum distance requirement between separate multi-family developments shall be applied as measured from building to building not property line to property line.
8. A Traffic Impact Analysis will be performed and submitted to the city for review prior to approval of the required site plan.

9. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
10. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: \_\_\_\_\_

---

Director of Planning and Development

---

City Secretary



August 16, 2019

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Special Conditional Use Permit Request #19-91000006

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on August 15, 2019 to hear a Special Conditional Use Permit request by, Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owners; for a Special Conditional Use Permit to allow for a multi-family use. The subject site is located at the northwest corner of Fairmont Pkwy. and Canada Rd., and is legally described as tracts 710A and 711, La Porte Outlots. The subject site is zoned Planned Unit Development (PUD) and Section 106-659 of the Code of Ordinances requires a Special Conditional Use Permit in order for the above referenced use to be permitted within the PUD zoning district.

The Commission voted 8-0 to recommend approval of the proposed SCUP with a total of ten conditions. These conditions are part of the final SCUP document.

Respectfully submitted

Ian Clowes, City Planner  
On behalf of the Planning and Zoning Commission



# Special Conditional Use Permit Application

Planning and Development Department

## PROJECT INFORMATION

Address where SCUP is being requested: Vacant 12.608 acre parcel located at NW corner of Fairmont Pkwy and Canada

Legal description where SCUP is being requested: TRS 710A and 711, La Porte Outlots

HCAD Parcel Number where SCUP is being requested: 0231460000710

Zoning District: General Commercial Lot area: 12.608 acres

*A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.*

Description of Request: Approval of a zone change to PUD and approval of the proposed conceptual site plan

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

## PROPERTY OWNER(S) INFORMATION

Name: Jack Howard, Floyd Howard and Larry Allen

Company (if applicable): Attn: Nolan Allen

Address: 4212 Red Bluff Rd.

City: Pasadena State: Texas Zip: 77503

Phone: 281-703-2618 Email: nolanallen@comcast.net

## AUTHORIZED AGENT (if other than owner)

Name: Brownstone Ventures, LLC

Company (if applicable): Attn: Doak Brown

Address: 6517 Mapleridge

City: Houston State: Texas Zip: 77081

Phone: 713-705-3507 Email: doak@thebrownstonegroup.net

## OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

### STAFF USE ONLY:

Case Number:  
\_\_\_\_\_

Date Application Received:



# Special Conditional Use Permit Application

Planning and Development Department

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Email: nolanallen@comcast.net

## AUTHORIZED AGENT (if other than owner)

Name: Brownstone Ventures, LLC

Company (if applicable): Attr: Doak Brown

Address: 6517 Mupleridge

City: Houston

State: Texas

Zip: 77081

Phone: 713-705-3507

Email: doak@thebrownstonegroup.net

## OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and current and the application is complete to the best of my knowledge and belief.

Agent's Signature: *Doak*

Date: 7/10/19

Owner(s)' Signature(s): *Jack Howard, Floyd Howard, Larry Allen*

Date: 7-10-19

### STAFF USE ONLY:

Case Number:

Date Application Received:



# Special Conditional Use Permit Application

Planning and Development Department

## AFFIDAVIT OF POSTING

PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS  
COUNTY OF HARRIS  
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

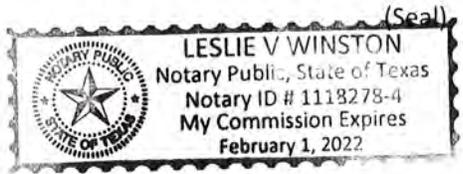
1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:  
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LEGAL DESCRIPTION: TRS 710 A and 711, La Porte Outlots
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: \_\_\_\_\_.
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[Signature]  
Applicant's Signature  
Doak Brown  
Applicant's Printed Name

Subscribed and sworn before me this 11<sup>th</sup> day of July, 2019, by  
Doak Brown (Print Applicant's Name).

[Signature]  
Notary Public

My commission expires: 2/1/22





*Hawthorne  
at  
Fairmont*



[www.thebrownstonegroup.net](http://www.thebrownstonegroup.net)

*Proposed Development Site :*

*Northwest Corner of Intersection  
at Fairmont Parkway and Canada  
Road*





LA PORTE - FAIRMONT SITE UNIT MATRIX						
	UNIT TYPE	QUANTITY	NET AREA		GROSS AREA	
A	1-BED / 1-BATH	72	772 sf	55,584 sf	851 sf	61,272 sf
B	1-BED / 1-BATH	64	797 sf	51,008 sf	892 sf	57,088 sf
C	1-BED / 1-BATH + DEN	32	936 sf	29,952 sf	1,024 sf	32,768 sf
D	1-BED / 1-BATH	5	873 sf	4,365 sf	954 sf	4,770 sf
E	2-BED / 2-BATH	32	1,110 sf	35,520 sf	1,187 sf	37,984 sf
F	2-BED / 2-BATH	60	1,157 sf	69,420 sf	1,236 sf	74,160 sf
G	2-BED / 2-BATH	6	1,211 sf	7,266 sf	1,290 sf	7,740 sf
H	2-BED / 2-BATH	8	1,388 sf	11,104 sf	1,606 sf	12,848 sf
J	3-BED / 2-BATH	16	1,571 sf	25,136 sf	1,649 sf	26,384 sf
	LEASING	1	1,100 sf	1,100 sf	1,100 sf	1,100 sf
	CYBER CAFÉ	1	1,100 sf	1,100 sf	1,100 sf	1,100 sf
	CLUBHOUSE	1	1,500 sf	1,500 sf	1,500 sf	1,500 sf
	EXERCISE	1	2,500 sf	2,500 sf	2,500 sf	2,500 sf
	MAINTENANCE	1	1,400 sf	1,400 sf	1,400 sf	1,400 sf
	DETACHED GARAGE	24				7,632 sf
	TOTAL			296,955 sf		330,246 sf









## DEVELOPMENT SUMMARY

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*Hawthorne at Fairmont* will be a Class A residential apartment community that provides 294 new luxury units to the City of La Porte. While offering a wide range of residential options – including one, two, and three bedroom floor plans, the interior features and exterior amenities will remain top-notch and exceed similar existing Class A apartment communities in the surrounding cities.

Hawthorne at Fairmont has been designed in an urban architectural style, to accommodate the increasing multi-family market demand in La Porte. Situated on 12.608 acres of land located at the northwest intersection of Fairmont Parkway and Canada, Hawthorne at Fairmont development will serve residents from the increasing petrochemical job growth and economic expansion that is impacting the nearby ship channel. Moreover, this new community will provide luxury apartment options for nearby businesses and working residents in the La Porte vicinity.

Rental rates at Hawthorne at Fairmont are projected to range from approximately \$1,225 for the smallest one-bedroom units up to \$1,995 for the three bedroom units. Residents will be responsible for paying all their utilities and will have the option to rent garages. Additionally, all residents will need to pass criminal background checks and credit checks.

At *Hawthorne at Fairmont*, the interiors will feature luxury kitchens with designer cabinets, stainless steel appliances, luxury plank style flooring, crown molding, granite countertops, full size washers and dryers, and open living areas. Other distinctive features will include pantries, large walk in closets, garden size tubs with enclosed shower areas, and spacious balconies and patios with convenient outside storage.

The exterior of *Hawthorne at Fairmont* will include a pleasurable design of stone, brick, stucco, and cementitious siding construction on the four-story building. This attractive Class-A building will provide a comfortable residential feel situated around an internal courtyards with a heavy use of pleasing landscaping and fencing around the perimeter. The clubhouse will feature a furnished community room with custom home finishes. The building will be elevator served and the development will include a fitness center, outdoor grilling areas, along with a resort style swimming pool in the interior courtyard. Additionally, Hawthorne at Fairmont will be a gated access community and have detached garages and covered parking options for most units.

Hawthorne at Fairmont complies with La Porte's zoning ordinance except that the development will need to obtain a variance for four items. First, the zoning ordinance only allows 14 units per acre. Hawthorne at Fairmont's proposed density is 23.4 units per acre. Second, the zoning ordinance limits multifamily developments to 180 units. Hawthorne at Fairmont is proposing 295 units. Third, the zoning ordinance states that buildings cannot exceed 45 feet in height. With the proposed building being a four story, elevator served building, the height of the building would be 60 feet. Fourth, the zoning ordinance prevents multifamily residential developments within 1,000 feet of each other if they are larger multifamily developments. If this distance is measured from building to building, then our proposed development would be more than 1,000 feet from the closest other multifamily development; however if this distance is measured from property line to property line, we would be within 1,000 feet of another senior multifamily development on the other side of Canada.

We believe that Hawthorne at Fairmont is worthy of a variance for density, height and spacing because La Porte needs this type of housing to be competitive with surrounding communities. There is currently no Class A apartment community like the proposed development in the City of La Porte with this being a four-story elevator served community. The City of La Porte is most likely losing residents who choose to live in surrounding communities despite working in or near the City of La Porte because of the lack of new multifamily developments. The proposed density and number of units of this development allows for nicer amenities than the 14 units per acre and 180 units limitations would allow. With regard to spacing, the other development that is potentially within 1,000 feet depending upon how the distance is measured is serving a senior population which our proposed development would not be competing with from a leasing perspective. Additionally, strict compliance with the zoning ordinance is economically infeasible these days because of the cost of construction associated with Class A multifamily developments.

Expected to exceed \$40 million dollars in development costs at approximately \$135,000 per unit, *Hawthorne at Fairmont* will benefit from the Brownstone Companies' experience and expertise in developing and constructing quality residential apartment communities. With successful existing developments in Pasadena, Pearland, and multiple other areas throughout Texas and the neighboring Gulf Coast States, the Brownstone Companies will deliver a quality product to the City of La Porte.



## PROPERTY DESCRIPTION & LOCATION

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<b>Location:</b>	The site is located at the northwest corner of the intersection of Fairmont Parkway and Canada.	
<b>Units:</b>	295 Total Units	
<b>Parcel Size:</b>	12.608 Acres	
<b>Density:</b>	23.4 Units per Acre	
<b>Stories:</b>	Four-Story wood frame construction	
<b>Parking:</b>	515 surface spaces (1.75 per unit)	
<b>Unit Mix:</b>	173 one bedroom / one bath units	(58.6%)
	106 two bedroom / two bath units	(36.0%)
	16 three bedroom / two bath units	(5.4%)
<b>Average Unit Size:</b>	980 square feet	

### Unit Amenities

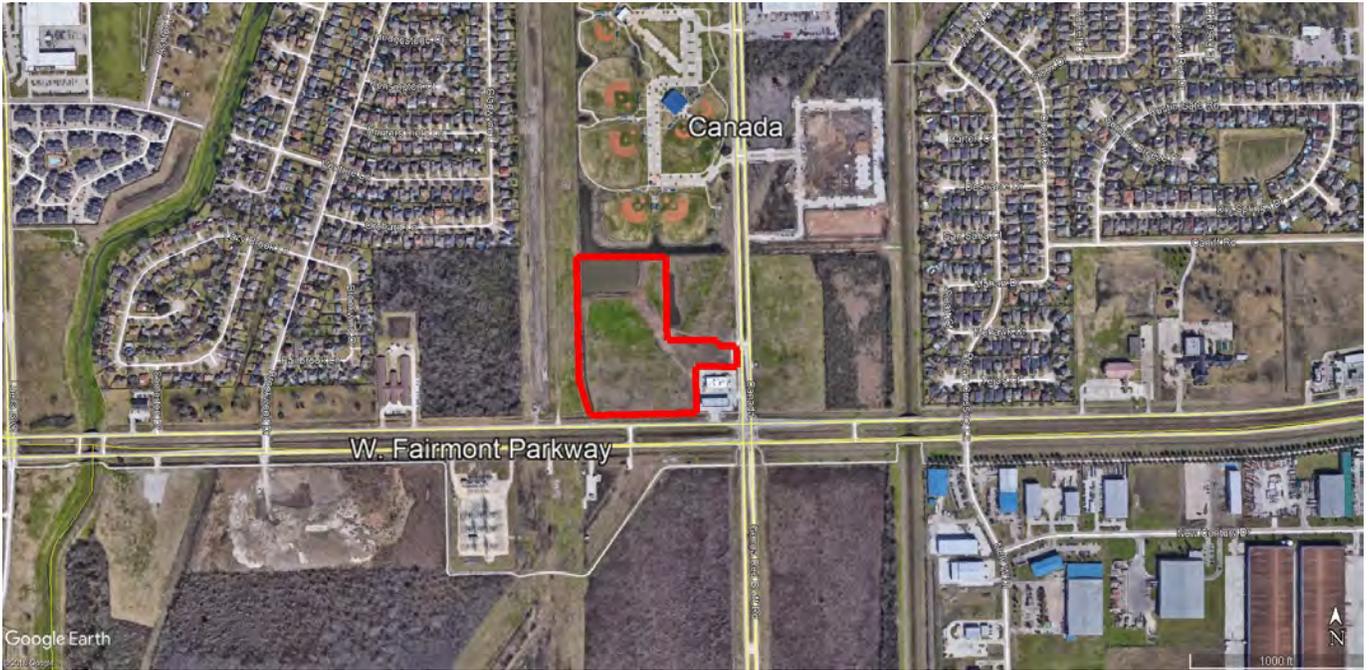
- Central Heating and Air Conditioning
- 2 Inch Wooden Mini Blinds
- Personal Balcony/Patio with Storage
- High-end Plumbing Fixtures
- Luxury Plank Style Flooring
- Designer Ceiling Fans
- Deep Kitchen Sinks
- Designer Paint and Finish
- Modern Kitchens with Large Islands
- Large Soaking Tubs (available in some units)
- Upgraded Shower Heads
- Open Concept Floor Plans
- Tile Backsplash in Kitchens
- Granite Countertops Throughout
- Built-In Microwave
- USB Charging Ports
- Energy Efficient Stainless Steel Appliances
- Walk-In Closets
- Attached and Detached Garages and Carports Available

- Two-Tone Paint
- Full Size Washer and Dryer
- Two Custom Finish Packages Available

**Community Amenities:**

- 24-Hour Emergency Maintenance Available
- Clubhouse with Resident Lounge
- Billiard Room
- 24 Hour Cyber Café
- Complimentary Coffee Bar
- Outdoor Lounge/Grilling Areas With Fireplace and Flat Screen TVs
- Resort Style Pool with Wifi
- Professional On-Site Management
- Pet Friendly
- Leash-Free Bark Park with Agility Equipment and Hydration Station
- Pet Washing Station
- Playground
- Resident Social Events
- Valet Waste
- Huge 24 Hour Fitness Center with State-of-the-Art Fitness Equipment
- Free Weights in Fitness Center
- Resident Package Receiving
- BBQ/Picnic Areas
- Business Center
- High Speed Internet

AERIAL MAPS



Hawthorne at Fairmont, La Porte - Texas





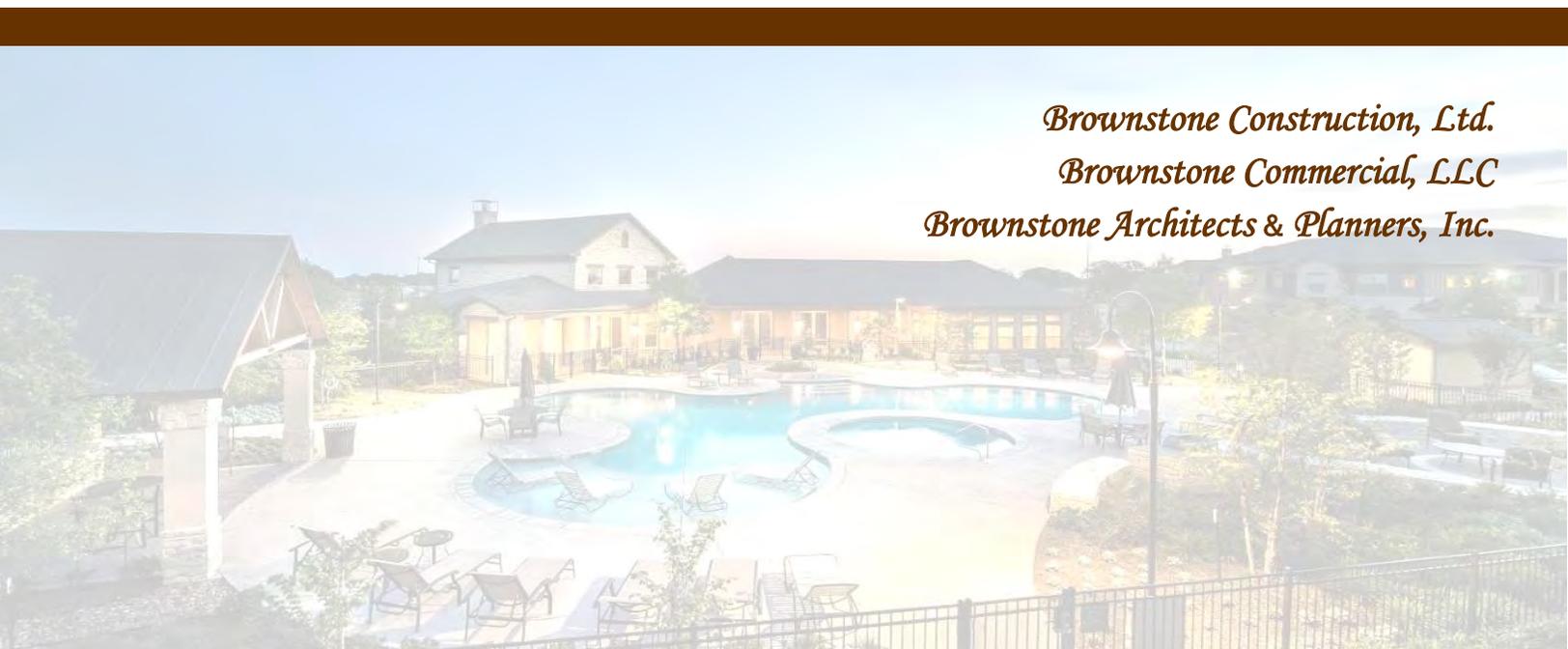
*Since 2005, the Brownstone Companies have contracted for more than \$784 million dollars' worth of residential developments throughout Texas and the Southeast, consisting of 67 developments surpassing 8,600 units.*



OUR COMPANIES



Sample Architecture



*Brownstone Construction, Ltd.  
Brownstone Commercial, LLC  
Brownstone Architects & Planners, Inc.*

## RESIDENTIAL COMMUNITIES

*The following is a list of developments that Brownstone has been a part of since 2005. The below list of developments are either completed, or under construction.*



### Completed

Name	City	Units
San Diego Creek Apts	Alice, TX	72
San Gabriel Senior Village	Georgetown, TX	100
Easterling Village	Alice, TX	48
Thomas Ninke Senior Village	Victoria, TX	80
Retama Village	McAllen, TX	128
Gulfbreeze Plaza II	Port Arthur, TX	148
Bluebonnet Senior Village	Alamo, TX	36
Retama Village Phase II	McAllen, TX	74
Sunset Terrace	Pharr, TX	100
Bluffs Landing Senior Village	Round Rock, TX	144
Gulfbreeze Plaza I	Port Arthur, TX	86
Creekside Villas	Buda, TX	144
Villas at Beaumont	McAllen, TX	36
Pearland Senior Village	Pearland, TX	126
Parkview Terrace	Pharr, TX	100
Heights at Corral	Kingsville, TX	80
Belmont Senior Village	Leander, TX	192
Citrus Gardens	Brownsville, TX	148
Casa Ricardo	Kingsville, TX	60
Merrit Lakeside	Schertz, TX	176
Shiloh Crossing	Laredo, TX	156
Braeburn Village	Houston, TX	140
Gary Street Village	Winnsboro, LA	35
Aeolian	Vicksburg, MS	60
Blooms	Tallulah, LA	30
The Reserve at Traditions	Bryan, TX	240
Merritt Legacy	Leander, TX	208
Carr Central Apartments (Village Oaks I &	Vicksburg, MS	72
Gulf Coast Arms	Houston, TX	160
Elm Street Village	Tallulah, LA	34
River Bank Village	Laredo, TX	152
Canton	Canton, TX	80
Austin Village	Bastrop, LA	30
La Esperanza del Rio	Rio Grande City, TX	60
Preston Apartments	Magnolia, AR	40
Cibolo Crossing	Laredo, TX	236
La Esperanza del Alton	Alton, TX	80

## RESIDENTIAL COMMUNITIES

*The following is a list of developments that Brownstone has been a part of since 2005. The below list of developments are either completed, or under construction.*



### Completed Cont.

Name	City	Units
Sunset Terrace Senior Village	Pharr, TX	80
Madison Oaks	Winnsboro, TX	60
Hawthorne at Traditions II	Bryan, TX	156
Hawthorne at Pasadena	Pasadena, TX	294
Henderson Village	Henderson, TX	80
Merritt Hill Country (major subcontractor	Dripping Springs, TX	80
Casa Verde	Laredo, TX	152
Legacy at Lake Charles	Lake Charles, LA	268
Taylor Senior Village	Mission, TX	112
Canton High Apartments I & II	Canton, MS	80
Liberty Village	Edinburg, TX	124
Nash Senior Village	Nash, TX	100
Whitehouse Senior Village	Whitehouse, TX	72
Ariza Apartments	College Station, TX	266
Lake Park Townhomes	Pearland, TX	247
Merritt Heritage	Georgetown, TX	244
Lumberton Senior Village	Lumberton, TX	56
Merritt Monument	Odessa, TX	104

### Under Construction

Name	City	Units
Reserve at Pinewood	Port Arthur, TX	190
Legacy South	Gonzales, LA	212
Garden Valley	Waxahachie, TX	213
Somerset Lofts	Houston, TX	120
Las Palomas	McAllen, TX	122
Lancaster Senior Village	Houston, TX	144
Blanco Riverwalk	San Marcos, TX	252
Ariza Corpus Christi	Corpus Christi, TX	286
Willow Creek Manor	Alvin, TX	128
Livingston Village	Livingston, TX	80
Clift Farms	Huntsville, AL	273
Hawthorne at Bay Forest	La Porte, TX	294



REPRESENTATIVE ARCHITECTURE / EXTERIOR AND INTERIOR PHOTOS

---



# *Exteriors*





# *Exteriors*





# *Exteriors*





# *Exteriors*



Sample Architecture



# *Interiors*





# *Interiors*





# *Interiors*





# *Interiors*





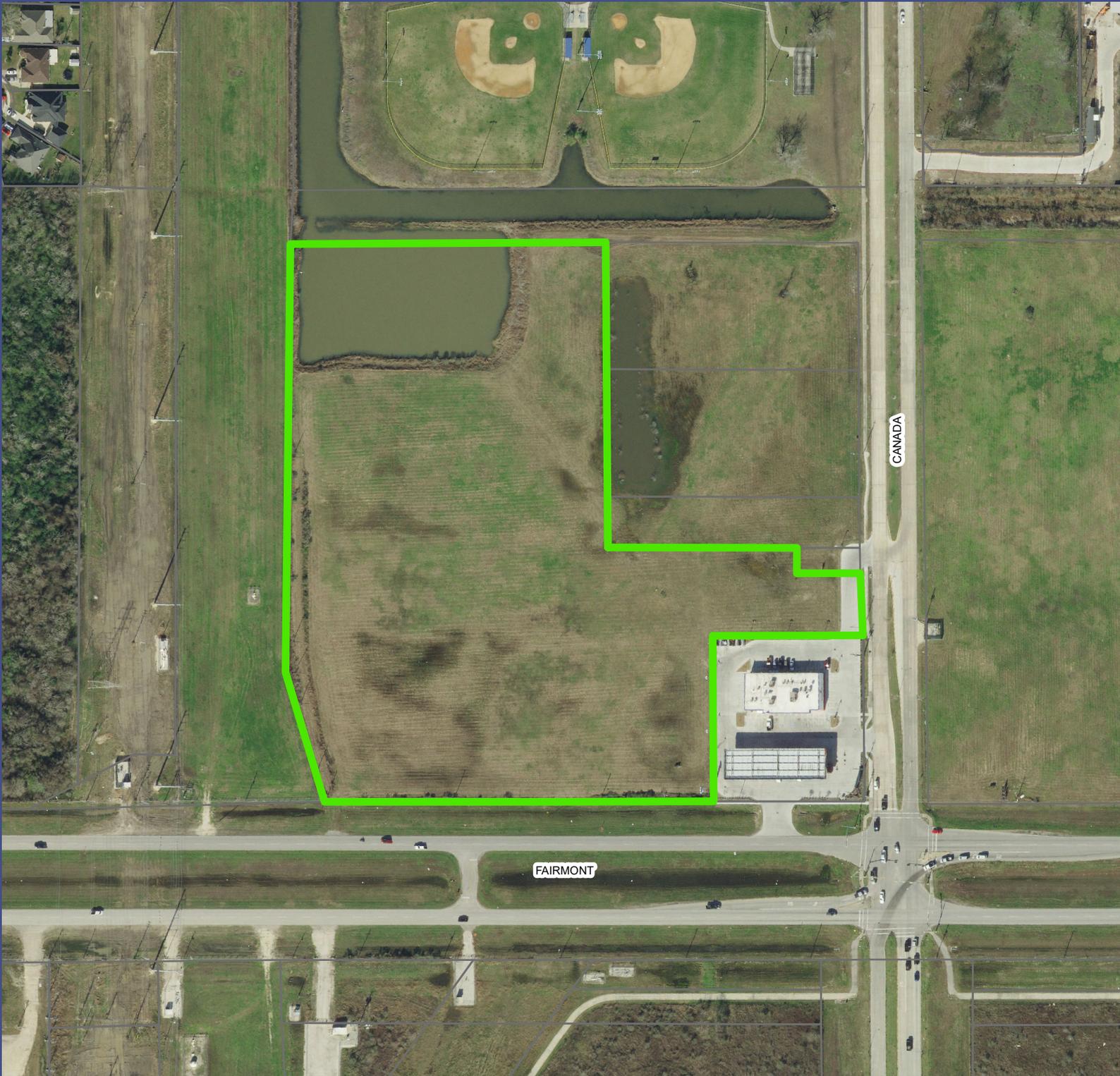
# *Interiors*





# *Interiors*





## AERIAL MAP

SCUP  
#19-91000006

NW Corner of  
Canada & Fairmont

### Legend

 Subject Parcel

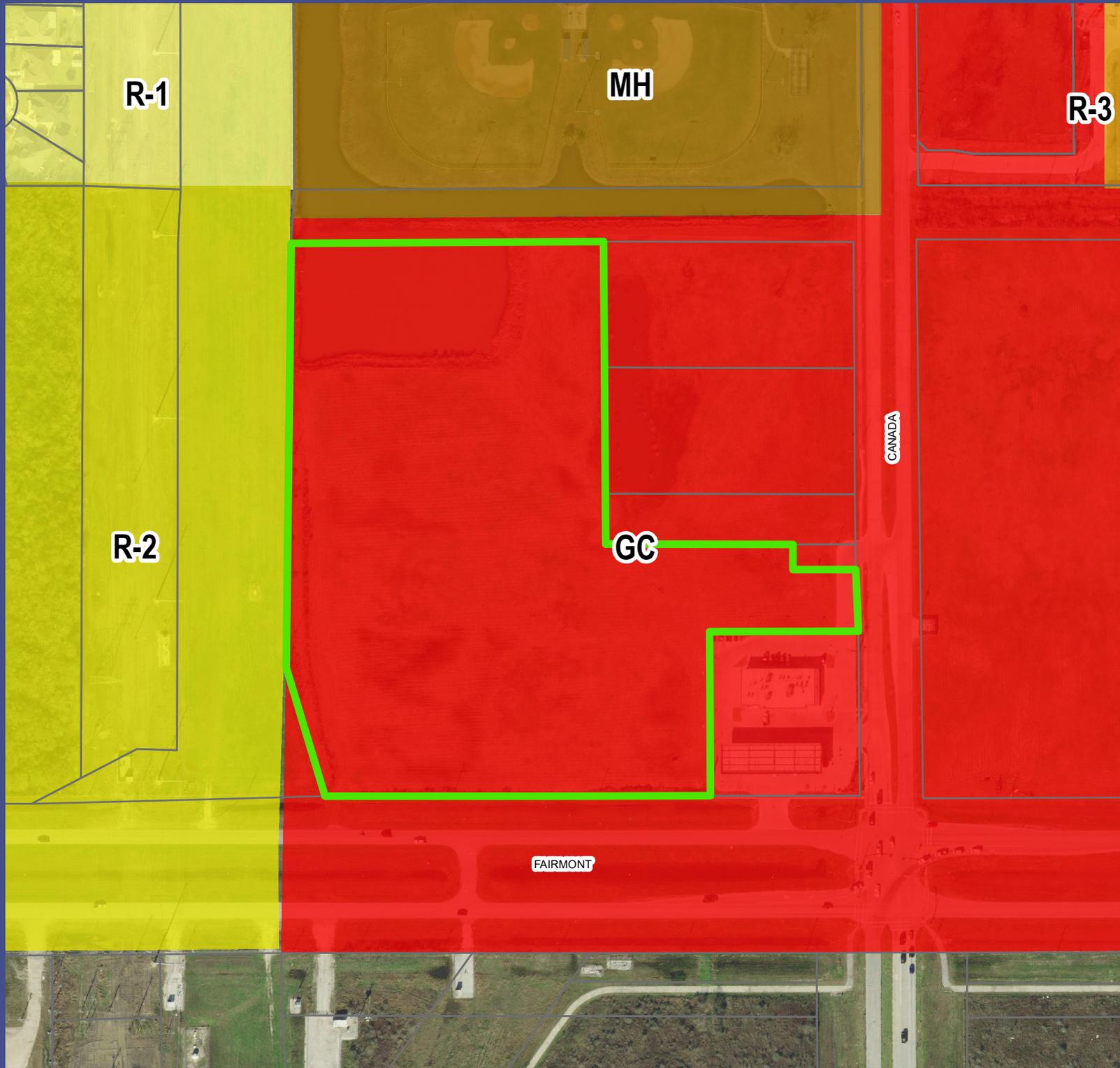


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 214 feet

AUGUST 2019  
PLANNING DEPARTMENT





# ZONING MAP

SCUP  
#19-91000006

NW Corner of  
Canada & Fairmont

### Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 214 feet



AUGUST 2019  
PLANNING DEPARTMENT



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning and Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

**Exhibits:** Ord. 2019-3762 – clean version  
Ord. 2019-3762 – changes indicated  
P & Z letter or recommendation

---

### SUMMARY

At the August 15, 2019, Planning and Zoning Commission meeting, the Commission held a public hearing regarding amendments to Chapter 106 of the City Code of Ordinances concerning the reconsideration of zone change and SCUP requests that had been denied by the City Council.

Staff was asked to look into possible amendments to Chapter 106 that would address applicants for zone changes or Special Conditional Use Permit (SCUP) applications who had previously been denied. Staff has seen a growing number of applicants who had had their request denied but then continued to reapply for the same request hoping for different results.

The recommendation was to add language to Chapter 106, requiring that any request for either a zone change or SCUP that has been formally denied by City Council or withdrawn after the Planning and Zoning Commission has submitted their recommendation is not eligible for resubmittal for six months from the date of filing (based on request content, not on applicant).

Attached is the draft version of the proposed modifications to the Zoning Ordinance. Those in **red** indicate changed language as part of the proposed modification to Chapter 106.

The following is a summary of the proposed modifications:

## Sec. 106-171. - Amendment Procedures

The city council may from time to time, on its own motion, the motion of the planning and zoning commission, or on petition, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries herein established.

- (1) *Public hearing before the city planning and zoning commission.* Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the city planning and zoning commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the city council.
- (2) *Notice of public hearing before city planning and zoning commission.*
  - a. Written notice of all public hearings before the city planning and zoning commission on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed as well as the La Porte Independent School District, such notice to be given not less than ten days before the date set for hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. At least 15 days' notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the city.
  - b. Requirements for public notice by sign posting:
    1. Public notice for procedures requiring public notice by sign posting shall be provided by the city at least 15 days before the public hearing.
    2. The applicant shall place public notice sign on the property within 20 feet of the abutting street.
    3. The sign shall be clearly visible, readable, and not to create hazard to traffic on the public right-of-way abutting the property.
    4. Public notice sign shall include the date, time, place, and purpose of public hearing.
    5. The applicant must return the sign to the city within ten days after the appeal period for the public hearing has ended.
    6. The erection of this sign shall not require a permit from the city.
- (3) *Publication of notice.* In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (4) *Submission of findings and recommendations to city council.* The city planning and zoning commission shall forward its final report consisting of written findings of fact and recommendations to city council within 30 days of the close of the public hearing held in accordance with this section.
- (5) *Public hearing before city council.*

- a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.
  - b. Notice of such hearing shall be given by publication once in a newspaper of general circulation on the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (6) *Council actions.* The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council.
- (7) *Protests.*
- a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:
    - 1. The area of lots or land covered by the proposed change; or
    - 2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
  - 3. Streets and alleys shall be included when computing the area of land from which a protest may be filed.
- (8) *Vote to overrule.* The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.
- (9) *Reconsideration.* A request for an amendment to the zoning classification of property that is denied by the city council, or which is withdrawn by an applicant after the planning and zoning commission makes a report recommending denial of such amendment, may not be resubmitted for filing with the city within six (6) months of the date of filing of the first application.

### **Sec. 106-219, Reconsideration**

An application for an amendment to the zoning classification of property that is denied by the city council, or which is withdrawn by an applicant after the planning and zoning commission makes a report recommending denial of such amendment, may not be resubmitted for filing with the city within six (6) months of the date of filing of the first application.

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**RECOMMENDED MOTION**

I move that the Council adopt Ordinance 2019-3762 amending 106 "Zoning" of the Code of Ordinances of the City of La Porte.

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**

## ORDINANCE NO. 2019-3762

**AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO RESUBMISSION OF APPLICATIONS FOR CHANGES TO ZONING CLASSIFICATION OF PROPERTY; 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; AND PROVIDING AN EFFECTIVE DATE HEREOF**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

**Section 1:** That Chapter 106, “Zoning,” Article II. “Administration”, Division 5 “Amendments”, Section 106-171 “Amendment Procedures”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to add new subparagraph “9” and shall hereinafter read as follows:

**“Sec. 106-171. –Amendment procedures.**

The city council may from time to time, on its own motion, the motion of the planning and zoning commission, or on petition, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries herein established.

- (1) *Public hearing before the city planning and zoning commission.* Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the city planning and zoning commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the city council.
- (2) *Notice of public hearing before city planning and zoning commission.*
  - a. Written notice of all public hearings before the city planning and zoning commission on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed as well as the La Porte Independent School District, such notice to be given not less than ten days before the date set for hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. At least 15 days’ notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the city.
  - b. Requirements for public notice by sign posting:
    1. Public notice for procedures requiring public notice by sign posting shall be provided by the city at least 15 days before the public hearing.
    2. The applicant shall place public notice sign on the property within 20 feet of the abutting street.
    3. The sign shall be clearly visible, readable, and not to create hazard to traffic on the public right-of-way abutting the property.
    4. Public notice sign shall include the date, time, place, and purpose of public hearing.

5. The applicant must return the sign to the city within ten days after the appeal period for the public hearing has ended.
  6. The erection of this sign shall not require a permit from the city.
- (3) *Publication of notice.* In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (4) *Submission of findings and recommendations to city council.* The city planning and zoning commission shall forward its final report consisting of written findings of fact and recommendations to city council within 30 days of the close of the public hearing held in accordance with this section.
- (5) *Public hearing before city council.*
- a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.
  - b. Notice of such hearing shall be given by publication once in a newspaper of general circulation on the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (6) *Council actions.* The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council.
- (7) *Protests.*
- a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:
    1. The area of lots or land covered by the proposed change; or
    2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
  3. Streets and alleys shall be included when computing the area of land from which a protest may be filed.
- (8) *Vote to overrule.* The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.
- (9) *Reconsideration.* A request for an amendment to the zoning classification of property that is denied by the city council, or which is withdrawn by an applicant after the planning and zoning commission makes a report recommending denial of such amendment, may not be resubmitted for filing with the city within six (6) months of the date of filing of the first application.”

**Section 2:** That Chapter 106, “Zoning,” Article II. “Administration”, Division 7 “Conditional Use Permits” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Section 106- 219 “Reconsideration”, and which section shall hereinafter read as follows:

**“Sec. 106-219. – Reconsideration**

A request for a special conditional use permit that is denied by the city council, or which is withdrawn by an applicant after the planning and zoning commission makes a report recommending denial of the special conditional use permit, may not be resubmitted for filing with the city within six (6) months of the date of filing of the first application.”

**Section 3.** Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

**Section 4.** Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**Section 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

**Section 6.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 7.** This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

**Passed and approved this, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

CITY OF LA PORTE, TEXAS

\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lee Woodward, City Secretary

---

Clark T. Askins, Assistant City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO RESUBMISSION OF APPLICATIONS FOR CHANGES TO ZONING CLASSIFICATION OF PROPERTY; 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; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

**Section 1:** That Chapter 106, “Zoning,” Article II. “Administration”, Division 5 “Amendments”, Section 106-171 “Amendment Procedures”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to add new subparagraph “9” and shall hereinafter read as follows:

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  6. The erection of this sign shall not require a permit from the city.
- (3) *Publication of notice.* In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
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- (5) *Public hearing before city council.*
- a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.
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- (7) *Protests.*
- a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:
    1. The area of lots or land covered by the proposed change; or
    2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
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- (8) *Vote to overrule.* The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.
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**Section 2:** That Chapter 106, “Zoning,” Article II. “Administration”, Division 7 “Conditional Use Permits” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Section 106- 219 “Reconsideration”, and which section shall hereinafter read as follows:

**“Sec. 106-219. – Reconsideration**

A request for a special conditional use permit that is denied by the city council, or which is withdrawn by an applicant after the planning and zoning commission makes a report recommending denial of the special conditional use permit, may not be resubmitted for filing with the city within six (6) months of the date of filing of the first application.”

**Section 3.** Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

**Section 4.** Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**Section 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

**Section 6.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 7.** This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the 23<sup>rd</sup> day of SEPTEMBER, 2019.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Woodward, City Secretary

Lee

APPROVED AS TO FORM:

\_\_\_\_\_  
Askins, City Attorney

Clark



August 16, 2019

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Proposed Ordinance Amending Chapter 106 "Zoning"

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the August 15, 2019 meeting to consider approval of an ordinance amending certain provisions of Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances. The subject matter of the proposed modifications to Chapter 106 (Zoning) include:

- 1) Proposed changes to 106-171 and the addition of 106-219, regarding the reconsideration of proposed zoning amendments.

The Commission voted 8-0 to recommend approval of the provisions as included in the drafted ordinance presented in the Request for City Council Agenda Item.

Respectfully submitted,

Ian Clowes, City Planner  
On behalf of the Planning and Zoning Commission



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 23, 2019</u>
Requested By: <u>Louis R. Rigby, Mayor</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Ordinance 2019-3758  
Current, proposed redline, and proposed clean versions of the Council Rules of Procedure

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### SUMMARY

This item was discussed at the September 9 City Council meeting, and is requested as an ongoing item, for discussion.

The City Council adopted the current *Organization and Procedures for City Council Meetings* with Ordinance 2003-2646A in May 2008 (first established by Ordinance 2003-2646 in July 2003). Changes in custom, procedure, and law over the last decade make it appropriate for review and potential amendment.

Additionally, it is proposed that the current City Council Ethics Policy (adopted in 2013) be made a part of the Rules of Procedure, so it has been reviewed and several items near the end have been recommended for deletion.

---

### RECOMMENDED MOTION

*No motion necessary for the September 23 reading, it has been brought for discussion at this meeting.*

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**ORDINANCE NO. 2019-3758**

**AN ORDINANCE AMENDING THE CITY COUNCIL’S ADOPTED RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS; AMENDING AN ETHICS AND CONFLICT OF INTEREST POLICY FOR CITY OFFICIALS AND EMPLOYEES; FINDING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, Section 2.07. Meetings. b. *Rules*. provides that “City council shall determine its own rules and order of business.”; and

**WHEREAS**, the City Council adopted Ordinance 2003-2646-A on May 19, 2008, updating the organization and procedures for City Council meetings and thereby repealing Ordinances 1435 and 1435-A; and

**WHEREAS**, the City Council adopted Ordinance 2013-3489 on July 22, 2013, establishing an ethics and conflict of interest policy applicable to City officials and employees; and

**WHEREAS**, the passage of time has allowed for additional review of legislation and consideration of suitable rules and guidelines for the procedures of City Council meetings and the conduct of members of Council at all times.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:**

**Section 1.** The Rules of Procedure for the City Council of the City of La Porte are hereby amended as attached.

**Section 2. Open Meetings Law Notice.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 1-226. Repeal.** Ordinance 2003-2646-A and Ordinance 2013-3489 are repealed as of the effective date hereof. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

**Section 1-227. Effective Date.** This ordinance shall take effect immediately upon its passage and approval.

**PASSED AND APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**CITY OF LA PORTE, TEXAS**

\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

---

Lee Woodward, City Secretary

APPROVED AS TO FORM:

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Clark T. Askins, Assistant City Attorney



# **CITY COUNCIL RULES OF PROCEDURE**

**Amended September XX, 2019, by Ord. 2019-3758  
First Adopted July 28, 2003**

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## **Section 1 – GENERAL**

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so that they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the organization while at the same time protecting the rights of both the group and each member. Accordingly, these rules of procedure establish guidelines to be followed by all persons attending City Council meetings, including members of the City Council, administrative staff, news media, citizens, and visitors.

## **Section 2 – AUTHORITY**

The City Charter of La Porte, Texas, provides in Article II. City Council, Section 2.07 that the Council “shall meet regularly as such times as may be prescribed by its rules but not less frequently than once each month.” and that the Council “shall determine its own rules and order of business.” Thus, these rules of procedure are established. In the event of any conflict between the City Charter and these rules of procedure, the City Charter shall prevail.

The parliamentary reference for the City Council is the most recent edition of *Robert’s Rules of Order Newly Revised* (RONR). When any issue concerning procedure arises that is not covered by the Rules of Procedure, the City Charter, or state law, the Council will refer to RONR, which shall determine such procedural issue.

## **Section 3 – MEETINGS**

The City Council shall follow both the letter and the spirit of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

### **3.01. Regular Meetings.**

- (A) Time. The City Council will generally hold regular meetings on the second and fourth Monday of each month, at 6:00 p.m.
- (B) Place. All regular, special, and workshop meetings of the City Council shall be held in the Council Chambers, City Hall, 604 West Fairmont Parkway, in the City of La Porte, Texas, unless otherwise directed by City Council, or required by law.

**3.02. Special Meetings.** The Mayor on his own motion or at the request of the City Manager shall call special meetings of the City Council whenever in their opinion the public business may require it, or at the express written request of any three (3) members of the City Council. Such written request shall be filed with the City Secretary, and shall contain the agenda item requested for the special meeting. Whenever a special meeting shall be called, notice shall be given,

**3.03. Agenda.** The Mayor, the City Manager, the City Secretary, or the City Attorney, or any three (3) members of the City Council by written request, may place an item on a City Council agenda. The written request by three (3) members of City Council shall include a clear description of the proposed action by the Council (in the form of a proposed motion), or shall clearly state the item is for discussion purposes only, shall be of sufficient detail to allow staff to contribute background information on the topic, and shall be filed with the City Secretary by 5:00 p.m., Thursday, two weeks prior to the Monday night City Council meeting (and a commensurate period for special

meetings) Any deviations from or amendments to an agenda, either past the established deadlines or once posted, should be exceedingly rare and of a clearly significant nature. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall also be delivered to the City Secretary on the same schedule.

The City Secretary will coordinate the placement and content of items on the agenda with the City Manager, who will resolve any conflicts with Mayor and Councilpersons. Agenda items may be removed only by the person who initially placed that item on the agenda

Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to the City Attorney in a manner timely enough to allow for their review prior to this submittal deadline above. None of the foregoing matters shall be presented to the Council by the administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation.

## **Section 4 - STANDARDS OF CONDUCT**

### **4.01. City Councilpersons.**

It is important that Councilpersons demonstrate civility to one another as individuals, for the validity of different opinions, for the democratic process, and for the community and citizens being served. Elected officials should exhibit appropriate behavior. All members of the City Council have equal votes and all Councilpersons speak only for themselves.

### **4.02. Council Relations with the Media.**

All City press releases, media advisories, story suggestions, or similar items should go through the City Secretary's office for distribution, with exception of factual police department bulletins which designated officers may send directly, with copy to the City Secretary.

### **4.03. Citizens and Visitors.**

- (A) Reactions from the audience following the recognition and rewarding of citizens and special guests is considered appropriate and encouraged. Reactions from the audience during staff presentations to the Council and during debate between Councilpersons are not appropriate and not permitted. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.
- (B) No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

With the exception of those locations designated as free speech venues, City Hall may not be used for political campaign-related functions or events. City resources or equipment may not be used for election campaigning which includes, but is not limited to, the passing out of campaign flyers, signs, buttons, or other campaign materials for any candidate or officeholder. No one may make a contribution to a candidate or officeholder in City Hall. No one may solicit support for a candidate or officeholder or accept a contribution for such in City Hall. Campaign flyers, signs, buttons, or other campaign materials for any candidate or officeholder are prohibited in City Hall or on City property except as allowed by state law. ***(This paragraph also addresses the political signs***

***on City property discussion, which the Council may instead choose to address via a separate document.)***

## **Section 5 – DUTIES AND PRIVILEGES OF COUNCILPERSONS**

### **5.01. Seating Arrangement.**

The Mayor shall determine seating of the Council and Charter Officers.

### **5.02. Conflict of Interest.**

A City Councilperson prevented from voting by a conflict of interest, shall step down from the dais and leave the room (per Sec. 3(c)(4) of the City's adopted Ethics Policy, attached as Appendix A), shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest including Chapter 171 of the Local Government Code.

### **5.03. Voting.**

(A) When a vote is called, every member present shall vote either "Aye" or "No" except on matters involving a conflict of interest that compels a Councilperson to abstain.

(B) Any vote to which there is an objection shall be taken by counted vote; except that, on the demand of a single Councilperson, a roll call vote shall be taken. After the result of a vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by a majority vote of the members present.

## **Section 6 - CHAIR AND DUTIES**

**6.01. The Presiding Officer-Duties.** The presiding officer of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall be entitled to vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence of the Mayor, the Mayor Pro Tem shall sign ordinances or resolutions as then adopted.

**6.02. Call to Order-Presiding Officer.** The Mayor, or in his absence, the Mayor Pro Tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or the Mayor Pro Tem, the City Secretary, or his or her Assistant, shall call the Council to order, whereupon a temporary chairman shall be elected by members of the Council present. Upon arrival of the Mayor or the Mayor Pro Tem, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

**6.03. Roll Call.** Before proceeding with the business of the Council, the City Secretary, or his or her deputy shall note in the minutes the names of those present. Late arrivals or departures of

Council members shall be noted by the Presiding Officer, and recorded by the City Secretary in the minutes.

**6.04. Quorum.** A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. In the absence of a quorum, the Presiding Officer shall, at the request of any three (3) members present, compel the attendance of absent members.

**6.05. Order of Business.** All meetings of the Council shall be open to the public, in accordance with the Texas Open Meetings Act. Promptly at the hour set on the day of each regular meeting as posted as required by law, the members of the Council, the City Secretary, the City Attorney, the Mayor, and the City Manager, shall take their regular stations in the Council Chambers, and the business of the Council shall generally be taken up for consideration and disposition in the following order:

1. Call to Order
2. Invocation and Pledges of Allegiance
3. Proclamations and Presentations
4. Public Comments
5. Consent Agenda. (Any member of the Council may remove any item from the Consent Agenda for discussion.) These items are typically routine in nature.
6. Statutory Agenda
7. Reports of City Officers and Staff
8. Administrative Reports.
9. Items of Community Interest (in accordance with state law)
10. Executive and/or workshop sessions (as appropriate)
11. Reconvene in public session (as needed following executive sessions)
12. Adjournment

**6.06. Rules of Debate.**

- (A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilperson by reason of his acting as the Presiding Officer.
- (B) Getting the Floor-Improper References to be Avoided. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- (C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.
- (D) Remarks of Councilperson--When Entered in Minutes. A Councilperson may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

- (E) Synopsis of Debate--When Entered in Minutes. The City Secretary may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.
- (F) Relevance of Debate. In the interest of being respectful of the time commitment of City Councilpersons, the Council expects that issues adequately addressed prior to the meeting not be reprised during the meeting.

**6.07. Addressing the Council.** Before each meeting of City Council the City Secretary shall make public comment forms available, on which any taxpayer or resident, or his authorized representative, or any member of the public, may sign his name and address, and indicate the subject matter on which he wishes to speak.

- (A) Individuals may address the Council by oral communication by completing all requested information on the public comment form, and placing it at the City Secretary's desk on the dais, not later than five (5) minutes before commencement of the meeting. Oral communication to Council shall be in the manner provided in Section 1.212 hereof.
- (A) Time Limit. Each person addressing the Council shall step up to the podium, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Council, shall limit his address to five (5) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked to a Councilperson except through the Presiding Officer. Any such question shall be referred by City Council to the City Manager, for further handling.
- (B) Limits on Repetitive or Redundant Presentations. The City Council shall have the right to place reasonable limits on the length of presentations made during the comment period, in accordance with law. For such purposes the City Council may limit the length of the individual presentations made. Subject to the foregoing, the City Council shall not place limits on discussion of specific subject matter as it relates to any constitutionally guaranteed right of freedom of speech, or otherwise discriminate against a particular point of view. **7/19 addition in light of HB 2840 changes made above –** Persons wishing to address the Council on more than one agenda item in a single meeting must speak on them all the first time they are called upon (additional time is not given for additional items – emailing, writing, calling, or visiting with Councilpersons outside of meetings is, of course, unlimited).

**6.09. Silence Constitutes Affirmative Vote.** Unless a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote.

**6.10. Decorum.**

- (A) By Councilpersons. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

- (B) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

**6.11. Enforcement of Decorum.** The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or any of them present, to remove any person who violates the order and decorum of the meeting.

**6.12. Special Committees.** The establishment and members of all special committees shall be decided by a majority vote of the Council, unless prescribed by the City Charter or other action of the Council.

### **Section 6.13. Ordinances, Resolutions, and Contracts.**

- (A) I. All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the City Manager or his authorized representative, where there are substantive matters of administration involved.
- (1) Ordinances, resolutions, and other matters or subjects requiring action by the Council must initially be produced/written, introduced, and sponsored per the guidelines of 3.03 Agenda, above.
  - (2) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practical all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

**6.14. Reports and Resolutions to be Filed with the City Secretary.** All reports and resolutions shall be filed with the City Secretary and entered on the minutes.

## **Section 7 – CITY COUNCIL COMMITTEES**

### **7.01. Council Committees Established.**

- (A) The following standing committees of the City Council are established:
- (1) Fiscal Affairs Committee
  - (2) Drainage and Flooding Committee
- (B) Each standing committee shall review matters in its area of responsibility that are referred to it by the City Council or the City Manager. A standing committee may, by majority vote, recommend action to the City Council, but committee recommendation is not necessary for a matter to be placed on the City Council

agenda. The committee chair may make a statement on behalf of the committee on an item in a meeting of the Council.

**7.02. Appointment.** Appointment to and composition of the committees has been established through prior Council action and may be amended by such.

**7.03. Council Committee Meetings.**

- (A) Council standing committees shall meet as necessary.
- (B) The committee chair shall develop committee meeting agendas through coordination with fellow committee members and appropriate supporting staff members. The committee chair will coordinate with the City Secretary to ensure that the committee meeting agenda is posted as appropriate.

**7.04. Council Ad Hoc Committees.**

The Mayor may appoint ad hoc committees from time to time to study and review specific issues. The Mayor shall determine the number of members and appoint a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of time, which may be extended by the Mayor and shall meet as needed. The Mayor shall formally announce the establishment of any ad hoc committee along with his appointments to that committee in a session of Council prior to the committee convening to conduct business.

**Section 8 – RULES SUSPENSION**

Any provision of these rules not governed by the City Charter, City Code, or state law may be temporarily suspended by a two-thirds vote of the members of the City Council present.

## APPENDIX A

### ETHICS POLICY

#### Section 1. Policy and purposes.

- (A) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality, or devotion to the best interest of the city and the public trust which the city holds.
- (B) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.
- (C) This code of ethics has three purposes:
- (1) To encourage ethical conduct on the part of city officials and employees;
  - (2) To encourage public service with the city;
  - (3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
- (D) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

#### Section 2. Definitions.

In this policy:

*Benefit* means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. *Benefit* includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

*Business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, including a nonprofit organization or governmental entity.

*Economic interest* includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right, including but not limited to receipt of compensation and/or benefits. Service by a city official or employee as an officer, director, advisor, or other active participant in a nonprofit educational, religious,

charitable, fraternal, or civic organization does not create for that city official or employee an *economic interest* in the property of the organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an *economic interest* in the securities or other assets unless the person in question participates in the management of the fund.

*Employee* means any person employed by the city, whether under civil service regulations or not, including those individuals on a part-time basis, but not including any independent contractor.

*Immediate family* means the spouse, children, brothers, sisters and parents of an officer or employee.

*Officer or official* means the mayor or any member of the city council and any appointive member of a city board, commission or committee established by ordinance, charter or state law.

### **Section 3. Prohibition against involvement in actions affecting economic interests.**

- (A) *General rule.* It shall be a violation of this policy for a city official or employee to participate in any proceedings or take any official action that he or she knows is likely to:
- (1) Affect an economic interest of:
    - (a) The official or employee;
    - (b) His or her immediate family member;
    - (c) A member of his or her household;
    - (d) An outside employer of the official or employee or of his or her immediate family member;
    - (e) A business entity in which the official or employee or his or her immediate family member holds an economic interest;
    - (f) A business entity for which the city official or employee serves as an employee, officer or director, or otherwise functions in any policy making position; or
    - (g) A person or business entity from whom the official or employee, or his or her immediate family member, has solicited, received and not rejected, or accepted an offer of employment within the past twelve months; or
  - (2) Confer a benefit on the official or employee, or deprive the official or employee of a benefit, where the effect of the action on the official or employee is distinguishable from the effect of the action on other employees or officials, members of the public in general or a substantial segment of the public.
- (B) *Meaning of "affect".*
- (1) In subsection (a)(1) above, an action is likely to affect an official's or employee's economic interest if it meets all of the following:
    - (a) The action is likely to have an effect on that interest, either positive or negative, that is distinguishable from its effect on other employees or officials, members of the public in general or a substantial segment of the public.
    - (b) The effect of the action on that interest is direct, and not secondary or indirect.

However, the action need not be the only producing cause of the effect in order for the effect to be direct.

- (c) The effect on the interest must be more than insignificant or de minimis in nature or value.
  - (2) In determining whether a person, entity or property is or was affected by an official's or employee's participation in proceedings, vote or decision, it will not be necessary to prove the actual existence or occurrence of an economic effect or consequence if the effect or consequence would be reasonably expected to exist or occur.
- (C) *Recusal and disclosure.* A city official or employee whose conduct would otherwise violate subsection (a), or a state conflict of interest law if he or she participated in proceedings or took an action, must abstain from participation in the action in accordance with the following:
- (1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter, from the time he or she discovers or reasonably should have discovered the matter triggering the recusal;
  - (2) Promptly file necessary documentation disclosing the nature and extent of the interest triggering the recusal with the city clerk, if the person is an official, or with the person's supervisor, if the person is an employee;
  - (3) Promptly notify the person's supervisor of the nature and extent of the interest triggering the recusal, if the person is a city employee, so that the supervisor can reassign responsibility for handling the matter to another person; and
  - (4) Promptly disclose the interest triggering the recusal, if the person is a member of the city council, a city board or commission, to other members of the city council, board or commission, and leave the room in which the city council, board or commission is meeting during the board or commission's discussion of or voting on, the matter.
- (D) No prohibition established in this section shall be construed to prevent members of city council, or the appointees to any board or commission of the city, or a city employee, from voting on or participating in a matter relating to the adoption of laws, rules and/or policies that apply generally to all employees, officials and/or members of the public and the effect of which does not confer a benefit on the official or employee that is distinguishable from the effect on other employees, officials or members of the public or a substantial segment of the public.

#### **Section 4. Standards of conduct.**

- (A) *Standards for immediate family members.* A city official or employee commits a violation of this policy if an immediate family member, with the official's or employee's knowledge, intentionally or knowingly:
- (1) Solicits, accepts or agrees to accept from another person any benefit that the member's relative, who is a city officer or employee, is prohibited from soliciting, accepting or agreeing to accept under state law;
  - (2) Misuses any official information obtained from the member's relative, who is a city officer or employee, to which the relative has access by virtue of the relative's office or employment and that has not been made public, in a manner prohibited as to the relative under state law; or

- (3) Misuse, as defined in V.T.C.A., Penal Code §39.01, any city property, services, personnel or any other thing of value belonging to the city that has come into the member's custody or possession by virtue of the office or employment of the member's relative who is a city officer or employee.
- (B) *Representation and appearance at meetings.* No city official or employee shall knowingly:
- (1) Appear before the body of which the officer or employee is a member, or otherwise participate in any proceedings, as a representative for any private person, including the officer or employee or any immediate family member, except that an official or employee may represent their interests in their own property before a board, agency, commission or department of the city.
  - (2) Participate in any proceedings, directly or indirectly, wherein the official or employee represents the interests of any outside employer, business entity, group or interest in any matter, action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party;
  - (3) Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties or that might impair independent judgment in the performance of city duties; or
  - (4) Make a false statement of material fact at a public meeting. This subsection shall not be construed to deprive an officer or employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.
- (C) *Representation by council members.* No city council member shall knowingly represent any private person, including the city council member or any immediate family member, or any outside employer, business entity, group or interest in any matter before any department, agency, commission or board of the city, except that city council members may represent their interests in their own property before a board, agency, commission or department of the city.
- (D) *Representation in municipal court.* In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties:
- (1) No city council member shall knowingly represent any private person other than himself or herself. If a city council member elects to have a trial in municipal court, the city council, without the participation of the affected city council member, will appoint a special judge to preside over the trial.
  - (2) No city officer or employee shall knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.
- (E) *Representation in land use and development matters.* A member of the planning and zoning commission shall not knowingly represent the member or any other person, group or interest in any matter before the zoning board of adjustments involving land use or development, and a member of the zoning board of adjustments shall not knowingly represent the member or any other person, group or interest in any matter before the planning and zoning commission involving land use or development. This subsection

does not apply to members representing their interests in their own property.

- (F) *Prohibited use of city position.* A city official or employee shall not use his or her position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official or employee who represents to a person that the official or employee may provide an advantage or impediment to the person based on the official's or employee's office or position violates this rule.

**Section 5. Contracts with city; eligibility for appointment or election to office.**

- (A) No member of the city council and no city employee shall have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having an interest shall be ineligible for election as a city council member or appointment as a city employee, and any city council member or city employee who acquires an interest shall forfeit the office or employment. Any violation of this subsection with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council.
- (B) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city" includes a sale to city-sponsored entities and organizations subject to substantial control by the city in one or more of the following respects:
- (1) All or a majority of the governing body of the entity or organization is appointed by the city council;
  - (2) The city provides more than one-half of the operating funds of the entity or organization;
  - (3) The city has approval authority over purchasing decisions made by the entity or organization;
  - (4) The city has approval authority over bonds or other indebtedness issued by the entity or organization; or
  - (5) The city has approval authority over the budget of the organization.
- (C) This section does not apply to acquisition of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.



**ORGANIZATION AND**  
**CITY COUNCIL RULES**  
**OF PROCEDURES**  
**FOR CITY COUNCIL**  
**MEETINGS**

**Amended September XX, 2019, by Ord. 2019-3758**

**First Adopted May 19, 2008 July 28, 2003**

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**ORDINANCE NO. 2003-2646-A**

**~~AN ORDINANCE ESTABLISHING ORGANIZATION AND PROCEDURES FOR CITY COUNCIL MEETINGS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING AN EFFECTIVE DATE HEREOF.~~**

~~BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:~~

**Section 1 – GENERAL**

~~Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so that they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the organization while at the same time protecting the rights of both the group and each member. Accordingly, these rules of procedure establish guidelines to be followed by all persons attending City Council meetings, including members of the City Council, administrative staff, news media, citizens, and visitors.~~

**Section 2 – AUTHORITY**

~~The City Charter of La Porte, Texas, provides in Article II, City Council, Section 2.07 that the Council “shall meet regularly as such times as may be prescribed by its rules but not less frequently than once each month.” and that the Council “shall determine its own rules and order of business.” Thus, these rules of procedure are established. In the event of any conflict between the City Charter and these rules of procedure, the City Charter shall prevail.~~

~~The parliamentary reference for the City Council is the most recent edition of *Robert’s Rules of Order Newly Revised* (RONR). When any issue concerning procedure arises that is not covered by the Rules of Procedure, the City Charter, or state law, the Council will refer to RONR, which shall determine such procedural issue.~~

**Section 3 – MEETINGS**

~~The City Council shall follow both the letter and the spirit of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).~~

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**Section 1-23.01. Regular Meetings.**

- ~~(A) Time. The City Council will generally shall hold regular meetings on the second and fourth Monday of each month, at 6:00 o'clock p.m.; provided, however, that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held on such other date as determined by City Council.~~
- ~~(B) Time. The City Council shall hold special or workshop meetings, if necessary, on the third Monday of each month, at 6:00 o'clock p.m.; or at such other date and time as may be determined under Section 1-202 Special Meetings, hereof; provided, however, that when the day fixed for any special or workshop meeting of the Council falls upon a day~~

~~designated by law as a legal or national holiday, such meetings shall be held on such other date as determined by City Council.~~

~~(C)~~(B) Place. All regular, special, and workshop meetings of the City Council shall be held in the Council Chambers, City Hall, 604 West Fairmont Parkway, in the City of La Porte, ~~Harris County~~, Texas, unless otherwise directed by City Council, or required by law.

~~**Section 1-23.02. Special Meetings.** The Mayor on his own motion or at the request of the City Manager shall call special meetings of the City Council whenever in their opinion the public business may require it, or at the express written request of any three (3) members of the City Council. Such written request shall be filed with the City Secretary, and shall contain the agenda item requested for the special meeting. Whenever a special meeting shall be called, written notice thereof shall be delivered to each member of the Council, or, if written notice cannot be timely delivered, telephone notice shall be given, stating the date and hour of the meeting and the purpose for which such meeting is called.~~

~~**Section 1-23.03. Agenda.** The Mayor, the City Manager, the City Secretary, or the City Attorney, or any three (3) members of the City Council by written request, may place an item on a City Council agenda. The written request by three (3) members of City Council shall include a clear description of the proposed action by the Council (in the form of a proposed motion), or shall clearly state the item is for discussion purposes only, shall be of sufficient detail to allow staff to contribute background information on the topic, and shall be filed with the City Secretary by 5:00 p.m., Thursday, two weeks prior to the Monday night City Council meeting (and a commensurate period for special meetings) be filed with the City Secretary, and shall contain the agenda item requested. Any deviations from or amendments to an agenda, either past the established deadlines or once posted, should be exceedingly rare and of a clearly significant nature. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least seven (7) days prior to each Council meeting, also be delivered to the City Secretary on the same schedule.~~

~~The City Secretary will coordinate the placement and content of items on the agenda with the City Manager, who will resolve any conflicts with Mayor and Councilpersons. Agenda items may be removed only by the person who initially placed that item on the agenda, whereupon the City Secretary shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the Mayor, the City Manager, and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.~~

~~Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to the City Attorney in a manner timely enough to allow for their review prior to this submittal deadline above. None of the foregoing matters shall be presented to the Council by the administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation.~~

## **Section 4 - STANDARDS OF CONDUCT**

### **4.01. City Councilpersons.**

~~It is important that Councilpersons demonstrate civility to one another as individuals, for the validity of different opinions, for the democratic process, and for the community and citizens being served.~~

Elected officials should exhibit appropriate behavior. All members of the City Council have equal votes and all Councilpersons speak only for themselves.

#### **4.02. Council Relations with the Media.**

All City press releases, media advisories, story suggestions, or similar items should go through the City Secretary's office for distribution, with exception of factual police department bulletins which designated officers may send directly, with copy to the City Secretary.

#### **4.03. Citizens and Visitors.**

- (A) Reactions from the audience following the recognition and rewarding of citizens and special guests is considered appropriate and encouraged. Reactions from the audience during staff presentations to the Council and during debate between Councilpersons are not appropriate and not permitted. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.
- (B) No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

With the exception of those locations designated as free speech venues, City Hall may not be used for political campaign-related functions or events. City resources or equipment may not be used for election campaigning which includes, but is not limited to, the passing out of campaign flyers, signs, buttons, or other campaign materials for any candidate or officeholder. No one may make a contribution to a candidate or officeholder in City Hall. No one may solicit support for a candidate or officeholder or accept a contribution for such in City Hall. Campaign flyers, signs, buttons, or other campaign materials for any candidate or officeholder are prohibited in City Hall or on City property except as allowed by state law. *This paragraph also addresses the political signs on City property discussion, which the Council may instead choose to address via a separate document.*

### **Section 5 – DUTIES AND PRIVILEGES OF COUNCILPERSONS**

#### **5.01. Seating Arrangement.**

The Mayor shall determine seating of the Council and Charter Officers.

#### **5.02. Conflict of Interest.**

A City Councilperson prevented from voting by a conflict of interest, shall step down from the dais and leave the room (per Sec. 3(c)(4) of the City's adopted Ethics & Conflict of Interest Policy, attached as Appendix A), shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest including Chapter 171 of the Local Government Code.

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**5.03. Voting.**

(A) When a vote is called, every member present shall vote either "Aye" or "No" except on matters involving a conflict of interest that compels a Councilperson to abstain.

(B) Any vote to which there is an objection shall be taken by counted vote; except that, on the demand of a single Councilperson, a roll call vote shall be taken. After the result of a vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by a majority vote of the members present.

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**Section 6 - CHAIR AND DUTIES**

**Section 1-2046.01. The Presiding Officer-Duties.** The presiding officer of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall be entitled to vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence of the Mayor, the Mayor Pro Tem shall sign ordinances or resolutions as then adopted.

**Section 1-2056.02. Call to Order-Presiding Officer.** The Mayor, or in his absence, the Mayor Pro Tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or the Mayor Pro Tem, the City Secretary, or his or her Assistant, shall call the Council to order, whereupon a temporary chairman shall be elected by members of the Council present. Upon arrival of the Mayor or the Mayor Pro Tem, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

**Section 1-2066.03. Roll Call.** Before proceeding with the business of the Council, the City Secretary, or his or her deputy shall note in the minutes, the names of those present. Late arrivals or departures of Council members shall be noted by the Presiding Officer, and recorded by the City Secretary in the minutes.

**Section 1-2076.04. Quorum.** A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. In the absence of a quorum, the Presiding Officer shall, at the request of any three (3) members present, compel the attendance of absent members.

**Section 1-2086.05. Order of Business.** All meetings of the Council shall be open to the public, in accordance with the Texas Open Meetings Law Act. Promptly at the hour set by-law on the day of each regular meeting as posted as required by law, the members of the Council, the City Secretary, the City Attorney, the Mayor, and the City Manager, shall take their regular stations in the Council Chambers, and the business of the Council shall generally be taken up for consideration and disposition in the following order:

1. Call to Order
- ~~2.~~ Invocation and Pledges of Allegiance.

~~3. Proclamations and Presentations.~~

~~2.4. Public Comments~~

~~3.5. Consent Agenda. (Any member of the Council may remove any item from the Consent Agenda for discussion.) These items are typically routine in nature.~~

~~a. Approval of minutes of previous meeting.~~

~~b. Purchases, Contracts, or Transactions.~~

~~4. Petitions, remonstrances, communications, and citizens and taxpayers wishing to address the Council.~~

~~5. Public Hearings.~~

~~6. New Business:~~

~~a. Introduction and adoption of resolutions and ordinances.~~

~~b. Receive reports and recommendations from City staff.~~

~~a. 6. Statutory Agenda~~

~~b.~~

~~e. 7. Reports of City Officers and Staff, Boards, Committees.~~

~~7. Previously tabled items.~~

~~8. Executive Session.~~

~~9. Workshop Items.~~

11. 8. Administrative Reports.

~~12. Council Comments; 9. Items of Community Interest (in accordance with state law)~~

~~12. 10. Executive and/or workshop sessions (as appropriate)~~

~~13. 11. Reconvene in public session (as needed following executive sessions)~~

~~13-14. 12. Adjournment.~~

~~Section 1-209. Reading of Minutes. Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Secretary has previously furnished each member with a copy thereof.~~

**Section 1-2106.06. Rules of Debate.**

(A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilperson by reason of his acting as the Presiding Officer.

(B) Getting the Floor-Improper References to be Avoided. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

~~(D) Did something get omitted Privilege of Closing Debate. The Councilperson moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.~~

(E) Motion to Reconsider. A motion to reconsider any action taken by the Council may

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~~be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.~~

~~(D)~~ Remarks of Councilperson--When Entered in Minutes. A Councilperson may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(E) Synopsis of Debate--When Entered in Minutes. The City Secretary may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

~~(F)~~ (F) <sup>A</sup>Relevance of Debate. In the interest of being respectful of the time commitment of City Councilpersons, the Council expects that issues adequately addressed prior to the meeting not be reprised during the meeting.

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**Section 1-2116.07. Addressing the Council.** Before each meeting of City Council the City Secretary shall ~~place~~make public comment ~~cards forms available on the table in the rear of the Council Chambers,~~ on which any taxpayer or resident, or his authorized representative, or any member of the public, may sign his name and address, and indicate the subject matter on which he wishes to speak ~~or submit a written communication.~~

(A) ~~Oral Communications.~~ Individuals may address the Council by oral communication ~~in regard to matters appearing on the City Council agenda, or any other subject matter,~~ by completing all requested information on the public comment ~~card form,~~ and placing ~~it at the City Secretary's desk on the dais, said public comment card in the box located on the table in the rear of the Council Chambers,~~ not later than five (5) minutes before commencement of the meeting. Oral communication to Council shall be in the manner provided in Section 1.212 hereof.

~~(B) Written Communications.~~ Individuals may address the Council by written communication ~~in regard to matters appearing on the City Council agenda, or any other subject matter,~~ by completing all requested information on the public comment card, and placing said public comment card, along with the proposed written communication, ~~in the box located on the table in the rear of the Council Chambers, not later than five (5) minutes before commencement of the meeting.~~

### **Section 1-212. Manner of Addressing Council**

(A) Time Limit. Each person addressing the Council shall step up to the podium, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Council, shall limit his address to five (5) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion,

either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked to a Councilperson except through the Presiding Officer. Any such question shall be referred by City Council to the City ~~manager~~ Manager, for further handling.

~~(B) Limits on Repetitive or Redundant Presentations. The City Council shall have the right to place reasonable limits on the number, frequency, and length of presentations made during the comment period, in accordance with law. For such purposes the City Council may limit the number of persons who speak on a particular subject at a meeting, and the length of the individual presentations made, on such topic; accordingly, the City Council may place reasonable limits on the number of occasions that a person or persons speak on a particular subject, at successive Council meetings. Subject to the foregoing, the City Council shall not place limits on discussion of specific subject matter as it relates to any constitutionally guaranteed right of freedom of speech, or otherwise discriminate against a particular point of view. 7/19 addition in light of HB 2840 changes made above – Persons wishing to address the Council on more than one agenda item in a single meeting must speak on them all the first time they are called upon (additional time is not given for additional items – emailing, writing, calling, or visiting with Councilpersons outside of meetings is, of course, unlimited).~~

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~~**Section 1-213. Addressing the Council After Motion Made.** After a motion is made by the Council, no person shall address the Council without first securing the permission of the Council so to do.~~

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**Section 1-2146.09. Silence Constitutes Affirmative Vote.** Unless a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote.

**Section 1-2156.10. Decorum.**

- (A) ~~By Council~~ persons-Members. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
- (B) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

**Section 1-2166.11. Enforcement of Decorum.** The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or any of them present, to ~~place- remove~~ any person who violates the order and decorum of the meeting ~~under arrest, and cause him to be prosecuted under the provisions of this Code, the complaint to be signed by the Presiding Officer.~~

~~Section 1-217. Persons Authorized to be at Tables. No person shall be permitted to be at the two tables in front of the Council table, without the express consent of the Council.~~

~~Section 1-2186.12. Special Committees. The establishment and members of a~~All special committees shall be ~~appointed~~decided by a majority vote of the Council, ~~unless prescribed by the City Charter or other action of the Council.~~

~~Section 1-219. Members May File Protests Against Council Action. Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered on the minutes.~~

~~Section 1-220. Claims Against City. No account or other demand against the City shall be allowed until the same has been considered and reported upon by the City Manager and the City Attorney.~~

~~Section 1-2216.13. Ordinances, Resolutions, **Motions** and Contracts.~~

~~(A) Preparation of Ordinances. All ordinances shall be approved by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by three (3) members of the Council, or requested by the City Manager, or prepared by the City Attorney on his own initiative, in consultation with the City Manager.~~

~~(B)(A) Prior Approval by Administrative Staff. All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the City Manager or his authorized representative, where there are substantive matters of administration involved.~~

~~(C) Introducing for Passage or Approval.~~

~~(1) Ordinances, resolutions, and other matters or subjects requiring action by the Council must initially be produced/written, introduced, and sponsored by a member of the Council, except that the City Manager or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Councilperson may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered, per the guidelines of 3.03 Agenda, above.~~

~~(2) An ordinance may have final passage on the same day on which it was introduced.~~

~~(3)(2) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practical all ordinances shall be introduced as amendments to existing ordinances or sections thereof.~~

~~(4) Any resolution providing for the appropriation of money shall designate the particular fund from which the appropriation is to be made.~~

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**Section 1-2226.14. Reports and Resolutions to be Filed with the City Secretary.** All reports and resolutions shall be filed with the City Secretary and entered on the minutes.

**Section 7 – CITY COUNCIL COMMITTEES**

**7.01. Council Committees Established.**

(A) The following standing committees of the City Council are established:

- (1) Fiscal Affairs Committee
- (2) Drainage and Flooding Committee

(B) Each standing committee shall review matters in its area of responsibility that are referred to it by the City Council or the City Manager. A standing committee may, by majority vote, recommend action to the City Council, but committee recommendation is not necessary for a matter to be placed on the City Council agenda. The committee chair may make a statement on behalf of the committee on an item in a meeting of the Council.

**7.02. Appointment.** Appointment to and composition of the committees has been established through prior Council action and may be amended by such.

**7.03. Council Committee Meetings.**

(A) Council standing committees shall meet as necessary.

(B) The committee chair shall develop committee meeting agendas through coordination with fellow committee members and appropriate supporting staff members. The committee chair will coordinate with the City Secretary to ensure that the committee meeting agenda is posted as appropriate.

**7.04. Council Ad Hoc Committees.**

The Mayor may appoint ad hoc committees from time to time to study and review specific issues. The Mayor shall determine the number of members and appoint a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of time, which may be extended by the Mayor and shall meet as needed. The Mayor shall formally announce the establishment of any ad hoc committee along with his appointments to that committee in a session of Council prior to the committee convening to conduct business.

**Section 8 – RULES SUSPENSION**

Any provision of these rules not governed by the City Charter, City Code, or state law may be temporarily suspended by a two-thirds vote of the members of the City Council present.

~~**Section 1-223. Adjournment.** A motion to adjourn shall always be in order and decided without debate.~~

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~~**Section 1-224. Executive Sessions.**—Every regular, special or called meeting or session of City Council shall be open to the public. No closed or executive meeting or session of City Council for any of the purposes for which closed or executive meetings or sessions are authorized by the Open Meetings Law, Chapter 551, Texas Government Code, shall be held unless City Council has first been convened in open meeting or session for which lawful notice has been given and during which meeting or session the Presiding Officer has publicly announced that a closed or executive meeting or session will be held and identified the section or sections of said Act authorizing the holding of such closed or executive session. No final action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public and in compliance with the notice provisions of the Act.~~

~~**Section 1-225. Open Meetings Law Notice.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.~~

~~**Section 1-226. Repeal.** Ordinance No. 1435 and Ordinance No. 1435-A are repealed as of the effective date hereof.~~

~~**Section 1-227. Effective Date.** This ordinance shall be effective from and after its passage and approval.~~

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**APPENDIX A**

**ETHICS POLICY**

**Adopted July 22, 2013, by Ordinance 2013-3489**

**Section 1. Policy and purposes.**

(A) General policy statement. It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality, or devotion to the best interest of the city and the public trust which the city holds.

(B) Appearance of impropriety. Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.

(C) This code of ethics has three purposes:

- (1) To encourage ethical conduct on the part of city officials and employees;
- (2) To encourage public service with the city;
- (3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;

(D) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

**Section 2. Definitions.**

In this policy:

Benefit means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. Benefit includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, including a nonprofit organization or governmental entity.

Economic interest includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right, including but not limited to receipt of compensation and/or benefits. Service by a city official or employee as an officer,

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director, advisor, or other active participant in a nonprofit educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee an economic interest in the property of the organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in the securities or other assets unless the person in question participates in the management of the fund.

Employee means any person employed by the city, whether under civil service regulations or not, including those individuals on a part-time basis, but not including any independent contractor.

Immediate family means the spouse, children, brothers, sisters and parents of an officer or employee.

Officer or official means the mayor or any member of the city council and any appointive member of a city board, commission or committee established by ordinance, charter or state law.

### **Section 3. Prohibition against involvement in actions affecting economic interests.**

(A) General rule. It shall be a violation of this policy for a city official or employee to participate in any proceedings or take any official action that he or she knows is likely to:

(1) Affect an economic interest of:

(a) The official or employee;

(b) His or her immediate family member;

(c) A member of his or her household;

(d) An outside employer of the official or employee or of his or her immediate family member;

(e) A business entity in which the official or employee or his or her immediate family member holds an economic interest;

(f) A business entity for which the city official or employee serves as an employee, officer or director, or otherwise functions in any policy making position; or

(g) A person or business entity from whom the official or employee, or his or her immediate family member, has solicited, received and not rejected, or accepted an offer of employment within the past twelve months; or

(2) Confer a benefit on the official or employee, or deprive the official or employee of a benefit, where the effect of the action on the official or employee is distinguishable from the effect of the action on other employees or officials, members of the public in general or a substantial segment of the public.

(B) Meaning of "affect".

(1) In subsection (a)(1) above, an action is likely to affect an official's or employee's economic interest if it meets all of the following:

(a) The action is likely to have an effect on that interest, either positive or negative, that is distinguishable from its effect on other employees or officials, members

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- of the public in general or a substantial segment of the public.
- (b) The effect of the action on that interest is direct, and not secondary or indirect. However, the action need not be the only producing cause of the effect in order for the effect to be direct.
- (c) The effect on the interest must be more than insignificant or de minimis in nature or value.
- (2) In determining whether a person, entity or property is or was affected by an official's or employee's participation in proceedings, vote or decision, it will not be necessary to prove the actual existence or occurrence of an economic effect or consequence if the effect or consequence would be reasonably expected to exist or occur.
- (C) *Recusal and disclosure.* A city official or employee whose conduct would otherwise violate subsection (a), or a state conflict of interest law if he or she participated in proceedings or took an action, must abstain from participation in the action in accordance with the following:
- (1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter, from the time he or she discovers or reasonably should have discovered the matter triggering the recusal;
- (2) Promptly file necessary documentation disclosing the nature and extent of the interest triggering the recusal with the city clerk, if the person is an official, or with the person's supervisor, if the person is an employee;
- (3) Promptly notify the person's supervisor of the nature and extent of the interest triggering the recusal, if the person is a city employee, so that the supervisor can reassign responsibility for handling the matter to another person; and
- (4) Promptly disclose the interest triggering the recusal, if the person is a member of the city council, a city board or commission, to other members of the city council, board or commission, and leave the room in which the city council, board or commission is meeting during the board or commission's discussion of or voting on, the matter.
- (D) No prohibition established in this section shall be construed to prevent members of city council, or the appointees to any board or commission of the city, or a city employee, from voting on or participating in a matter relating to the adoption of laws, rules and/or policies that apply generally to all employees, officials and/or members of the public and the effect of which does not confer a benefit on the official or employee that is distinguishable from the effect on other employees, officials or members of the public or a substantial segment of the public.

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#### **Section 4. Standards of conduct.**

- (A) *Standards for immediate family members.* A city official or employee commits a violation of this policy if an immediate family member, with the official's or employee's knowledge, intentionally or knowingly:
- (1) Solicits, accepts or agrees to accept from another person any benefit that the member's relative, who is a city officer or employee, is prohibited from soliciting, accepting or agreeing to accept under state law;
- (2) Misuses any official information obtained from the member's relative, who is a city

officer or employee, to which the relative has access by virtue of the relative's office or employment and that has not been made public, in a manner prohibited as to the relative under state law; or

(3) Misuse, as defined in V.T.C.A., Penal Code §39.01, any city property, services, personnel or any other thing of value belonging to the city that has come into the member's custody or possession by virtue of the office or employment of the member's relative who is a city officer or employee.

(B) Representation and appearance at meetings. No city official or employee shall knowingly:

(1) Appear before the body of which the officer or employee is a member, or otherwise participate in any proceedings, as a representative for any private person, including the officer or employee or any immediate family member, except that an official or employee may represent their interests in their own property before a board, agency, commission or department of the city.

(2) Participate in any proceedings, directly or indirectly, wherein the official or employee represents the interests of any outside employer, business entity, group or interest in any matter, action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party;

(3) Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties or that might impair independent judgment in the performance of city duties; or

(4) Make a false statement of material fact at a public meeting. This subsection shall not be construed to deprive an officer or employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

(C) Representation by council members. No city council member shall knowingly represent any private person, including the city council member or any immediate family member, or any outside employer, business entity, group or interest in any matter before any department, agency, commission or board of the city, except that city council members may represent their interests in their own property before a board, agency, commission or department of the city.

(D) Representation in municipal court. In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties:

(1) No city council member shall knowingly represent any private person other than himself or herself. If a city council member elects to have a trial in municipal court, the city council, without the participation of the affected city council member, will appoint a special judge to preside over the trial.

(2) No city officer or employee shall knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.

(E) Representation in land use and development matters. A member of the planning and zoning commission shall not knowingly represent the member or any other person, group

or interest in any matter before the zoning board of adjustments involving land use or development, and a member of the zoning board of adjustments shall not knowingly represent the member or any other person, group or interest in any matter before the planning and zoning commission involving land use or development. This subsection does not apply to members representing their interests in their own property.

(F) Prohibited use of city position. A city official or employee shall not use his or her position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official or employee who represents to a person that the official or employee may provide an advantage or impediment to the person based on the official's or employee's office or position violates this rule.

**Section 5. Contracts with city; eligibility for appointment or election to office.**

(A) No member of the city council and no city employee shall have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having an interest shall be ineligible for election as a city council member or appointment as a city employee, and any city council member or city employee who acquires an interest shall forfeit the office or employment. Any violation of this subsection with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council.

(B) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city" includes a sale to city-sponsored entities and organizations subject to substantial control by the city in one or more of the following respects:

- (1) All or a majority of the governing body of the entity or organization is appointed by the city council;
- (2) The city provides more than one-half of the operating funds of the entity or organization;
- (3) The city has approval authority over purchasing decisions made by the entity or organization;
- (4) The city has approval authority over bonds or other indebtedness issued by the entity or organization; or
- (5) The city has approval authority over the budget of the organization.

(C) This section does not apply to acquisition of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

**Section 6. Restrictions on former employees.**

(a) No former city employee shall, for a period of one year from the date of leaving city employment, knowingly:

- (1) Appear at a meeting of a board or commission staffed by members of the department of which the employee was a member, as a representative for any private person, including the employee or any immediate family member, or any group or interest.

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~~(2) Represent, directly or indirectly, any private person, including the former employee or any immediate family member, or any group or interest in any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party.~~

~~(b) Notwithstanding the foregoing prohibitions, a former employee may represent their interests in their own property before a board, agency, commission or department of the city. Furthermore, this subsection shall not be construed to deprive a former employee of the right to due process under the law, including the right to represent himself in a court proceeding.~~

~~(c) In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties, no former city employee shall, for a period of one year from the date of leaving city employment, knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.~~

~~(d) For a period of one year from the date of leaving employment, a former city employee shall not have any financial interest in the sale to the city of any land, materials, supplies or service. Any violation of this subsection with the actual or constructive knowledge of the former city employee shall render the contract voidable by the city manager or the city council. This subsection shall not apply to a former city employee whose employment was terminated as part of a reduction in force.~~

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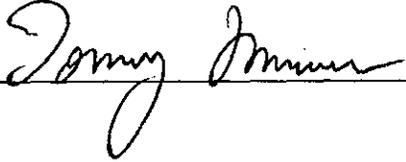
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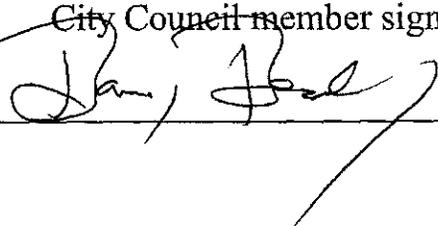
FOR MAY 19th agenda

Please add to City Council Agenda requesting to change Ordinance No. 2646- Establishing City Council Meetings under Section 1-211 "Addressing the Council" (B) Oral Communications (1)... that will allow Citizens, Tax Payers to sign up on Council meeting nights to speak on any subject regardless of whether the item is on the agenda. (limited to five minutes)

1. City Council member signature:

  
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2. City Council member signature:

  
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3. City Council member signature:

  
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ORDINANCE NO. 2003- 2646-A

**AN ORDINANCE ESTABLISHING ORGANIZATION AND PROCEDURES FOR CITY COUNCIL MEETINGS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING AN EFFECTIVE DATE HEREOF.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

**Section 1-201. Regular Meetings.**

- (A) Time. The City Council shall hold regular meetings on the second and fourth Monday of each month, at 6:00 o'clock p.m.; provided, however, that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held on such other date as determined by City Council.
- (B) Time. The City Council shall hold special or workshop meetings, if necessary, on the third Monday of each month, at 6:00 o'clock p.m., or at such other date and time as may be determined under Section 1-202 Special Meetings, hereof; provided, however, that when the day fixed for any special or workshop meeting of the Council falls upon a day designated by law as a legal or national holiday, such meetings shall be held on such other date as determined by City Council.
- (C) Place. All regular, special, and workshop meetings of the City Council shall be held in the Council Chambers, City Hall, 604 West Fairmont Parkway, in the City of La Porte, Harris County, Texas, unless otherwise directed by City Council, or required by law.

**Section 1-202. Special Meetings.** The Mayor on his own motion or at the request of the City Manager shall call special meetings of the City Council whenever in their opinion the public business may require it, or at the express written request of any three (3) members of the City Council. Such written request shall be filed with the City Secretary, and shall contain the agenda item requested for the special meeting. Whenever a special meeting shall be called, written notice thereof shall be delivered to each member of the Council, or, if written notice cannot be timely delivered, telephone notice shall be given, stating the date and hour of the meeting and the purpose for which such meeting is called.

**Section 1-203. Agenda.** The Mayor, the City Manager, or the City Attorney, or any three (3) members of the City Council by written request, may place an item on a City Council agenda. The written request by three (3) members of City Council shall be filed with the City Secretary, and shall contain the agenda item requested. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least seven (7) days prior to each Council meeting, be delivered to the City Secretary, whereupon the City Secretary shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the Mayor, the City Manager, and the City Attorney with a copy of the same

prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Council by the administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation.

**Section 1-204. The Presiding Officer--Duties.** The presiding officer of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall be entitled to vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence of the Mayor, the Mayor Pro Tem shall sign ordinances or resolutions as then adopted.

**Section 1-205.Call to Order--Presiding Officer.** The Mayor, or in his absence, the Mayor Pro Tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or the Mayor Pro Tem, the City Secretary, or his or her Assistant, shall call the Council to order, whereupon a temporary chairman shall be elected by members of the Council present. Upon arrival of the Mayor or the Mayor Pro Tem, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

**Section 1-206. Roll Call.** Before proceeding with the business of the Council, the City Secretary, or his or her deputy shall note in the minutes, the names of those present. Late arrivals or departures of Council members shall be noted by the Presiding Officer, and recorded by the City Secretary in the minutes.

**Section 1-207. Quorum.** A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. In the absence of a quorum, the Presiding Officer shall, at the request of any three (3) members present, compel the attendance of absent members.

**Section 1-208. Order of Business.** All meetings of the Council shall be open to the public, in accordance with the Texas Open Meetings Law. Promptly at the hour set by law on the day of each regular meeting as posted as required by law, the members of the Council, the City Secretary, the City Attorney, the Mayor, and the City Manager, shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

1. Invocation and Pledge of Allegiance.
2. Proclamations and Presentations.
3. Consent Agenda. (Any member of the Council may remove any item from the Consent Agenda for discussion.) These items are typically routine in nature.
  - a. Approval of minutes of previous meeting.

- b. Purchases, Contracts, or Transactions.
- 4. Petitions, remonstrances, communications, and citizens and taxpayers wishing to address the Council.
- 5. Public Hearings.
- 6. New Business:
  - a. Introduction and adoption of resolutions and ordinances.
  - b. Receive reports and recommendations from City staff.
  - c. Report of Officers—Boards—Committees.
- 7. Previously tabled items.
- 8. Executive Session.
- 9. Workshop Items.
- 11. Administrative Reports.
- 12. Council Comments.
- 13. Adjournment.

**Section 1-209. Reading of Minutes.** Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Secretary has previously furnished each member with a copy thereof.

**Section 1-210. Rules of Debate.**

- (A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilperson by reason of his acting as the Presiding Officer.
- (B) Getting the Floor-Improper References to be Avoided. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- (C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.
- (D) Privilege of Closing Debate. The Councilperson moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- (E) Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made

at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

- (F) Remarks of Councilperson--When Entered in Minutes. A Councilperson may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.
- (G) Synopsis of Debate--When Entered in Minutes. The City Secretary may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

**Section 1-211. Addressing the Council.** Before each meeting of City Council the City Secretary shall place public comment cards on the table in the rear of the Council Chambers, on which any taxpayer or resident, or his authorized representative, or any member of the public, may sign his name and address, and indicate the subject matter on which he wishes to speak or submit a written communication.

- (A) Oral Communications. Individuals may address the Council by oral communication in regard to matters appearing on the City Council agenda, or any other subject matter, by completing all requested information on the public comment card, and placing said public comment card in the box located on the table in the rear of the Council Chambers, not later than five (5) minutes before commencement of the meeting. Oral communication to Council shall be in the manner provided in Section 1.212 hereof.
- (B) Written Communications. Individuals may address the Council by written communication in regard to matters appearing on the City Council agenda, or any other subject matter, by completing all requested information on the public comment card, and placing said public comment card, along with the proposed written communication, in the box located on the table in the rear of the Council Chambers, not later than five (5) minutes before commencement of the meeting.

**Section 1-212. Manner of Addressing Council**

- (A) Time Limit. Each person addressing the Council shall step up to the podium, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Council, shall limit his address to five (5) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council,

without the permission of the Presiding Officer. No question shall be asked to a Councilperson except through the Presiding Officer. Any such question shall be referred by City Council to the City manager, for further handling.

- (B) Limits on Repetitive or Redundant Presentations. The City Council shall have the right to place reasonable limits on the number, frequency, and length of presentations made during the comment period, in accordance with law. For such purposes the City Council may limit the number of persons who speak on a particular subject at a meeting, and the length of the individual presentations made, on such topic; accordingly, the City Council may place reasonable limits on the number of occasions that a person or persons speak on a particular subject, at successive Council meetings. Subject to the foregoing, the City Council shall not place limits on discussion of specific subject matter as it relates to any constitutionally guaranteed right of freedom of speech, or otherwise discriminate against a particular point of view.

**Section 1-213. Addressing the Council After Motion Made.** After a motion is made by the Council, no person shall address the Council without first securing the permission of the Council so to do.

**Section 1-214. Silence Constitutes Affirmative Vote.** Unless a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote.

**Section 1-215. Decorum.**

- (A) By Council Members. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
- (B) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

**Section 1-216. Enforcement of Decorum.** The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, the complaint to be signed by the Presiding Officer.

**Section 1-217. Persons Authorized to be at Tables.** No person shall be permitted to be at the two tables in front of the Council table, without the express consent of the Council.

**Section 1-218. Special Committees.** All special committees shall be appointed by majority vote of the Council.

**Section 1-219. Members May File Protests Against Council Action.** Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered on the minutes.

**Section 1-220. Claims Against City.** No account or other demand against the City shall be allowed until the same has been considered and reported upon by the City Manager and the City Attorney.

**Section 1-221. Ordinances, Resolutions, Motions and Contracts.**

(A) Preparation of Ordinances. All ordinances shall be approved by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by three (3) members of the Council, or requested by the City Manager, or prepared by the City Attorney on his own initiative, in consultation with the City Manager.

(B) Prior Approval by Administrative Staff. All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the City Manager or his authorized representative, where there are substantive matters of administration involved.

(C) Introducing for Passage or Approval.

- (1) Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the City Manager or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Councilperson may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.
- (2) An ordinance may have final passage on the same day on which it was introduced.
- (3) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new

ordinance contains the title of the ordinance or section amended or repealed, and when practical all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

- (4) Any resolution providing for the appropriation of money shall designate the particular fund from which the appropriation is to be made.

**Section 1-222. Reports and Resolutions to be Filed with the City Secretary.**

All reports and resolutions shall be filed with the City Secretary and entered on the minutes.

**Section 1-223. Adjournment.** A motion to adjourn shall always be in order and decided without debate.

**Section 1-224. Executive Sessions.** Every regular, special or called meeting or session of City Council shall be open to the public. No closed or executive meeting or session of City Council for any of the purposes for which closed or executive meetings or sessions are authorized by the Open Meetings Law, Chapter 551, Texas Government Code, shall be held unless City Council has first been convened in open meeting or session for which lawful notice has been given and during which meeting or session the Presiding Officer has publicly announced that a closed or executive meeting or session will be held and identified the section or sections of said Act authorizing the holding of such closed or executive session. No final action, decision, or vote with regard to any matter considered in the closed meeting shall be made except in a meeting which is open to the public and in compliance with the notice provisions of the Act.

**Section 1-225. Open Meetings Law Notice.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 1-226. Repeal.** Ordinance No. 1435 and Ordinance No. 1435-A are repealed as of the effective date hereof.

**Section 1-227. Effective Date.** This ordinance shall be effective from and after its passage and approval.

PASSED AND APPROVED, this 10<sup>th</sup> day of May, 2008.

CITY OF LA PORTE

By: Alton E. Porter  
Alton E. Porter, Mayor

ATTEST:

Martha A. Gillett  
Martha A. Gillett, City Secretary

APPROVED:

Clark T. Askins  
Clark T. Askins, City Attorney

ORDINANCE NO. 2013- 3489

**AN ORDINANCE ESTABLISHING AN ETHICS AND CONFLICT OF INTEREST POLICY APPLICABLE TO CITY OFFICIALS AND EMPLOYEES; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

**Section 1. Policy and purposes.**

- (a) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the city and the public trust which the city holds.
- (b) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.
- (c) This code of ethics has three purposes:
  - (1) To encourage ethical conduct on the part of city officials and employees;
  - (2) To encourage public service with the city;
  - (3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
- (d) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

**Section 2. Definitions.**

In this policy:

*Benefit* means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. *Benefit* includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

*Business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, including a nonprofit organization or governmental entity.

*Economic interest* includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right, including but not limited to receipt of compensation and/or benefits. Service by a city official or employee as an officer, director, advisor, or other active participant in a nonprofit educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee an *economic interest* in the property of the organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an *economic interest* in the securities or other assets unless the person in question participates in the management of the fund.

*Employee* means any person employed by the city, whether under civil service regulations or not, including those individuals on a part-time basis, but not including any independent contractor.

*Immediate family* means the spouse, children, brothers, sisters and parents of an officer or employee.

*Officer or official* means the mayor or any member of the city council and any appointive member of a city board, commission or committee established by ordinance, charter or state law.

### **Section 3. Prohibition against involvement in actions affecting economic interests.**

(a) *General rule.* It shall be a violation of this policy for a city official or employee to participate in any proceedings or take any official action that he or she knows is likely to:

(1) Affect an economic interest of:

(A) The official or employee;

(B) His or her immediate family member;

(C) A member of his or her household;

(D) An outside employer of the official or employee or of his or her immediate family member;

(E) A business entity in which the official or employee or his or her immediate family member holds an economic interest;

(F) A business entity for which the city official or employee serves as an employee, officer or director, or otherwise functions in any policy making position; or

(G) A person or business entity from whom the official or employee, or his or her immediate family member, has solicited, received and not rejected, or accepted an offer of employment within the past twelve months; or

(2) Confer a benefit on the official or employee, or deprive the official or employee of a benefit, where the effect of the action on the official or employee is distinguishable from the effect of the action on other employees or officials, members of the public in general or a substantial segment of the public.

(b) *Meaning of "affect"*.

(1) In subsection (a)(1) above, an action is likely to *affect* an official's or employee's economic interest if it meets all of the following:

(A) The action is likely to have an effect on that interest, either positive or negative, that is distinguishable from its effect on other employees or officials, members of the public in general or a substantial segment of the public.

(B) The effect of the action on that interest is direct, and not secondary or indirect. However, the action need not be the only producing cause of the effect in order for the effect to be direct.

C) The effect on the interest must be more than insignificant or de minimis in nature or value.

(2) In determining whether a person, entity or property is or was *affected* by an official's or employee's participation in proceedings, vote or decision, it will not be necessary to prove the actual existence or occurrence of an economic effect or consequence if the effect or consequence would be reasonably expected to exist or occur.

(c) *Recusal and disclosure.* A city official or employee whose conduct would otherwise violate subsection (a), or a state conflict of interest law if he or she participated in proceedings or took an action, must abstain from participation in the action in accordance with the following:

(1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter, from the time he or she discovers or reasonably should have discovered the matter triggering the recusal;

(2) Promptly file necessary documentation disclosing the nature and extent of the interest triggering the recusal with the city clerk, if the person is an official, or with the person's supervisor, if the person is an employee;

(3) Promptly notify the person's supervisor of the nature and extent of the interest triggering the recusal, if the person is a city employee, so that the supervisor can reassign responsibility for handling the matter to another person; and

(4) Promptly disclose the interest triggering the recusal, if the person is a member of the city council, a city board or commission, to other members of the city council, board or commission, and leave the room in which the city council, board or commission is meeting during the board or commission's discussion of, or voting on, the matter.

(d) No prohibition established in this section shall be construed to prevent members of city council, or the appointees to any board or commission of the city, or a city employee, from voting on or participating in a matter relating to the adoption of laws, rules and/or policies that apply generally to all employees, officials and/or members of the public and the effect of which does not confer a benefit on the official or employee that is distinguishable from the effect on other employees, officials or members of the public or a substantial segment of the public.

#### **Section 4. Standards of conduct.**

(a) *Standards for immediate family members.* A city official or employee commits a violation of this policy if an immediate family member, with the official's or employee's knowledge, intentionally or knowingly:

(1) Solicits, accepts or agrees to accept from another person any benefit that the member's relative, who is a city officer or employee, is prohibited from soliciting, accepting or agreeing to accept under state law;

(2) Misuses any official information obtained from the member's relative, who is a city officer or employee, to which the relative has access by virtue of the relative's office or employment and that has not been made public, in a manner prohibited as to the relative under state law; or

(3) Misuse, as defined in V.T.C.A., Penal Code §39.01, any city property, services, personnel or any other thing of value belonging to the city that has come into the member's custody or possession by virtue of the office or employment of the member's relative who is a city officer or employee.

(b) *Representation and appearance at meetings.* No city official or employee shall knowingly:

(1) Appear before the body of which the officer or employee is a member, or otherwise participate in any proceedings, as a representative for any private person, including the officer or employee or any immediate family member, except that an official or employee may represent their interests in their own property before a board, agency, commission or department of the city.

(2) Participate in any proceedings, directly or indirectly, wherein the official or employee represents the interests of any outside employer, business entity, group or interest in any matter, action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party;

(3) Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties or that might impair independent judgment in the performance of city duties; or

(4) Make a false statement of material fact at a public meeting. This subsection shall not be construed to deprive an officer or employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

(c) *Representation by council members.* No city council member shall knowingly represent any private person, including the city council member or any immediate family member, or any outside employer, business entity, group or interest in any matter before any department, agency, commission or board of the city, except that city council members may represent their interests in their own property before a board, agency, commission or department of the city.

(d) *Representation in municipal court.* In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties:

(1) No city council member shall knowingly represent any private person other than himself or herself. If a city council member elects to have a trial in municipal court, the city council, without the participation of the affected city council member, will appoint a special judge to preside over the trial.

(2) No city officer or employee shall knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.

(e) *Representation in land use and development matters.* A member of the planning and zoning commission shall not knowingly represent the member or any other person, group or interest in any matter before the zoning board of adjustments involving land use or development, and a member of the zoning board of adjustments shall not knowingly represent the member or any other person, group or interest in any matter before the planning and zoning commission involving land use or development. This subsection does not apply to members representing their interests in their own property.

(f) *Prohibited use of city position.* A city official or employee shall not use his or her position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official or employee who represents to a person that the official or employee may provide an advantage or impediment to the person based on the official's or employee's office or position violates this rule.

## **Section 5 . Contracts with city; eligibility for appointment or election to office.**

(a) No member of the city council and no city employee shall have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having an interest shall be ineligible for election as a city council member or appointment as a city employee, and any city council member or city employee who acquires an interest shall forfeit the office or employment. Any violation of this subsection with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council.

(b) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city" includes a sale to city-sponsored entities and organizations subject to substantial control by the city in one or more of the following respects:

(1) All or a majority of the governing body of the entity or organization is appointed by the city council;

(2) The city provides more than one-half of the operating funds of the entity or organization;

(3) The city has approval authority over purchasing decisions made by the entity or organization;

(4) The city has approval authority over bonds or other indebtedness issued by the entity or organization; or

(5) The city has approval authority over the budget of the organization.

(c) This section does not apply to acquisition of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

## **Section 6 . Restrictions on former employees.**

(a) No former city employee shall, for a period of one year from the date of leaving city employment, knowingly:

(1) Appear at a meeting of a board or commission staffed by members of the department of which the employee was a member, as a representative for any private person, including the employee or any immediate family member, or any group or interest.

(2) Represent, directly or indirectly, any private person, including the former employee or any immediate family member, or any group or interest in any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party.

(b) Notwithstanding the foregoing prohibitions, a former employee may represent their interests in their own property before a board, agency, commission or department of the city. Furthermore, this subsection shall not be construed to deprive a former employee of the right to due process under the law, including the right to represent himself in a court proceeding.

(c) In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties, no former city employee shall, for a period of one year from the date of leaving city employment, knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.

(d) For a period of one year from the date of leaving employment, a former city employee shall not have any financial interest in the sale to the city of any land, materials, supplies or service. Any violation of this subsection with the actual or constructive knowledge of the former city employee shall render the contract voidable by the city manager or the city council. This subsection shall not apply to a former city employee whose employment was terminated as part of a reduction in force.

**Section 7.** Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**Section 8.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

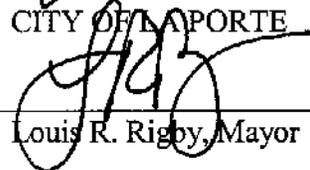
**Section 9.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 10.** This Ordinance shall be in effect immediately upon its passage and approval.

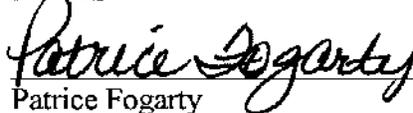
PASSED AND APPROVED, this 22<sup>nd</sup> day of July, 2013.

CITY OF LA PORTE

By: \_\_\_\_\_

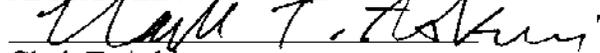
  
Louis R. Rigby, Mayor

ATTEST:



Patrice Fogarty  
City Secretary

APPROVED:



Clark T. Askins  
Assistant City Attorney



**Council Agenda Item  
September 23, 2019**

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

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## Council Agenda Item September 23, 2019

### 9. ADMINISTRATIVE REPORTS

- City Council Special Meeting, Monday, September 30, 2019
- Drainage and Flooding Committee Meeting, Monday, October 14, 2019
- City Council Meeting, Monday, October 14, 2019
- Planning and Zoning Commission Meeting, Thursday, October 17, 2019
- Zoning Board of Adjustment Meeting, Thursday, October 24, 2019
- City Council Meeting, Monday, October 28, 2019

10. **COUNCIL COMMENTS** *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

### 11. ADJOURNMENT

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