

LOUIS RIGBY  
Mayor  
BRANDON LUNSFORD  
Councilperson At Large A  
STEVE GILLETT  
Councilperson At Large B  
DANNY EARP  
Councilperson District 1  
CHUCK ENGELKEN  
Councilperson District 2



BILL BENTLEY  
Councilperson District 3  
Mayor Pro-Tem  
THOMAS GARZA  
Councilperson District 4  
JAY MARTIN  
Councilperson District 5  
NANCY OJEDA  
Councilperson District 6

## MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE FEBRUARY 24, 2020

The City Council of the City of La Porte met in a regular meeting on Monday, February 24, 2020, 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, Danny Earp, Chuck Engelken, Bill Bentley, Thomas Garza, Jay Martin, Steve Gillett, Nancy Ojeda, Brandon Lunsford

**Councilpersons absent:** None

**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 AND PLEDGES** – The invocation was given by Rachel Cotton, Pleasant Hill Church of Deliverance, and the pledges of allegiance to the U.S. and Texas flags were led by Councilperson Brandon Lunsford.
3. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
  - a. Proclamation in recognition of Texas Independence Day, in collaboration with The Sons of the Republic of Texas. [Mayor Rigby].
  - b. Recognition of the retirement of Ron Parker, Chief of Police. [Mayor Rigby]
4. **CITIZEN COMMENT** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

Rick Helton and Lisa Morfin spoke on behalf of Spencer Landing HOA in support of the Bonner Carrington project, as did Ben Rosenberger of Bayshore Baptist Church. Brittany Jones and Manuel Hernandez of the CARES Team at Bonner Carrington's Mariposa property also offered support. Chuck Rosa spoke in opposition to the use of tax funds for the project. Jana Pellusch of Deer Park offered comments of concern over the Texas Commission on Environmental Quality's (TCEQ) recommendation to the Environmental Protection Agency (EPA) to raise the standards of release on ethylene oxide.

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 special session held on February 8 and the regular session held on February 10, 2020.** [Mayor Rigby]
  - b. **Approve the appointment of Janet Fitzke to an open position on the City of La Porte Airport Advisory Board.** [Mayor Rigby]
  - c. **Approve Resolution 2020-03 confirming the appointment of Steve Deardorff as the department head and chief of police of the La Porte Police Department, commencing March 1, 2020.** [Corby Alexander, City Manager]
  - d. **Approve purchase agreement with Software House International (SHI) for unified backup and disaster recovery system, under Texas Department of Information Resources (DIR) cooperative contract DIR-TSO-3984.** [Grady Parker, IT Manager]
  - e. **Authorize the City Manager to execute a professional services agreement with Halff Associates, Inc. to provide preliminary engineering, final design, bidding, and construction phase services for the Bayside Terrace Subdivision Improvements Project.** [Ray Mayo, Director of Public Works]

- f. **Approve the issuance of a pipeline permit to Mobil Pipeline Company for the construction of a 36" crude pipeline within the city of La Porte. [Lorenzo Wingate, Assistant Director of Public Works]**

Councilperson Gillett moved to approve Resolution 2020-03 confirming the appointment of Steve Deardorff as the department head and chief of police of the La Porte Police Department, commencing March 1, 2020; the motion was adopted, 8-1, Councilperson Garza voting against.

Councilperson Engelken moved to approve the consent agenda items a, b, and d-f; the motion was adopted, 9-0.

## 6. PUBLIC HEARINGS

- (a) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3777 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 6.921-acre tract of land located at the 3400 Block of Canada Road, legally described as Reserve A, Block 1, Dawson Subdivision, by changing the land use designation from "Mid-High Density Residential" to "Commercial"; followed by discussion and possible action to consider adopting Ordinance 2020-3777 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 6.921-acre tract of land located at the 3400 Block of Canada Road, legally described as Reserve A, Block 1, Dawson Subdivision, by changing the land use designation from "Mid-High Density Residential" to "Commercial". [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 6:47 p.m. City Planner Ian Clowes gave a brief presentation on items 6a-c together. Victor Perez and Chuck Rosa spoke in support of the project, noting they had attended the Planning and Zoning discussions. Mayor Rigby closed the public hearing at 7:28 p.m.

Councilperson Engelken moved to uphold the Planning and Zoning Commission's denial of the proposed Future Land Use Amendment for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision; the motion was lost, 4-5, Councilpersons Earp, Engelken, Bentley, and Ojeda voting in support.

Councilperson Gillett moved to adopt Ordinance 2020-3777, amending the City's Future Land Use Plan for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision; the motion was adopted, 7-2, Councilpersons Engelken and Earp voting against.

- (b) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3778 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000010, a change from Mid Density Residential (R-2) to Planned Unit Development (PUD) for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision; followed by discussion and possible action to consider adopting Ordinance 2020-3778 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000010, a change from Mid Density Residential (R-2) to Planned Unit Development (PUD) for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision. [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 7:36 p.m. Mayor Rigby closed the public hearing at 7:37 p.m. Councilperson Garza moved to adopt Ordinance 2020-3778, for zone change request #19-92000010, for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision; the motion was adopted, 8-1, Councilperson Engelken voting against.

- (c) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3779 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000009, to allow for a Boat and RV storage facility on a 6.921-acre tract of land, located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1, Dawson Subdivision in the Planned Unit Development (PUD) zoning district; followed by discussion and possible action to consider adopting Ordinance 2020-3779 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000009 to allow for a Boat and RV storage facility on a 6.921-acre tract of land, located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1, Dawson Subdivision in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 7:39 p.m. Owner Ryan Sweezy and resident Brad Carpenter answered questions concerning the additional conditions from the Planning and Zoning Commission. Stuart Shaw of Mariposa asked that trees being used as screening be considered. Mayor Rigby closed the public hearing at 7:52 p.m.

Councilperson Gillett moved to uphold the Planning and Zoning Commission's approval of the application for Special Conditional Use Permit (SCUP) # 19-91000009, for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision and to amend the SCUP by striking the prohibition on chain link fencing and inserting a chain link opaque fence with barbed wire at the top as an alternative screening option for the perimeter.

Councilperson Earp moved to amend that the front/west site include a decorative frontage; the motion was adopted, 8-1, Councilperson Engelken voting against. The original motion, as amended, was adopted, 9-0.

## **7. STATUTORY AGENDA**

- (a) Presentation, discussion, and possible action to approve Resolution 2020-04 in support of an application and development of Cypress Creek Apartment Homes (tax credit multi-family Bonner Carrington development) to be located on the north side of Spencer Highway between the airport/pipeline to the west, Bayshore Baptist Church to the east, and Spencer Landing subdivision to the north. [Corby Alexander, City Manager]**

Stuart Shaw and Emily Protine of Bonner Carrington answered questions on the project. Councilperson Earp moved to approve Resolution 2020-04 in support of Cypress Creek's effort to receive tax credits for a multi-family development in La Porte and contribute fee reductions in value of at least \$500. Councilperson Garza moved to strike *will provide reduced fees* and insert a *loan* in the first *Further Resolved* item and the same change in the letter from the Mayor. There was not a second and the amendment was not considered.

Councilperson Gillett moved the previous question. Councilperson Garza moved several parliamentary inquiries and questions of privilege. The previous question was adopted, 8-1, Councilperson Garza voting against. The main motion was adopted, 8-1, Councilperson Garza voting against.

- (b) Presentation, discussion, and possible action to approve an agreement between the City of La Porte and the City of Shoreacres for Fire Services. [Jason Weeks, Assistant City Manager; David Gifford, Assistant Fire Chief]**

Councilperson Garza moved multiple parliamentary inquiries and questions of privilege and was warned by Mayor Rigby. Assistant City Manager Jason Weeks and David Gifford, Assistant Fire Chief, offered a brief overview. Councilperson Engelken moved to authorize the City Manager to enter into a five-year agreement with the City of Shoreacres to provide fire suppression services within their corporate city limit boundaries at a monthly amount of \$13,818.72 beginning March 1, 2020 and ending on February 28, 2025; the motion was adopted, 9-0.

- (c) Presentation, discussion, and possible action to approve a request for sponsorship by the La Porte Education Foundation for their annual golf tournament. [Jason Weeks, Assistant City Manager]**

Frank Nance and Brock Bihm of the La Porte Education Foundation followed Assistant City Manager Jason Weeks in providing an overview of the request. (Councilperson Lunsford signed a Conflict of Interest affidavit and did not participate in the discussion or vote on the item.) Councilperson Earp moved to approve the City Manager to sponsor the La Porte Education Foundation annual golf tournament via proposed Option 3, as in the past by being the presenting sponsor at a cost of \$2,500 and the City contributing a sleeve of three (3) City logo golf balls to each participant in the golf tournament (which costs the City \$1,705) for a total investment of the budgeted amount of \$4,205; the motion was adopted, 8-0.

- (d) Presentation, discussion, and possible action to approve a \$10,000 sponsorship to the San Jacinto Museum of History for their 9th Annual San Jacinto Texas Independence Fun/Run and San Jacinto Festival & Battle Reenactment. [Rosalyn Epting, Director of Parks & Recreation]**

Roz Epting, Director of Parks and Recreation, provided a brief overview. Councilperson Engelken moved to approve sponsoring \$10,000 to the San Jacinto Museum of History for their 9th Annual San Jacinto Texas Independence Fun/Run and San Jacinto Festival & Battle Reenactment. Councilperson Garza moved to amend by including a prohibition on Councilpersons receiving gifts or other items from the sponsorship; the motion

was not adopted, 2-7, Councilpersons Garza and Gillett voting in favor. The main motion was adopted, 8-1, Councilperson Garza voting against.

- (e) **Presentation, discussion, and possible action to authorize the City Manager to sign an agreement with Huitt-Zollars, Inc. for design services for the EMS facility expansion. [Ray Mayo, Director of Public Works]**

Public Works Director Ray Mayo and Randy Hickey of Huitt-Zollars answered questions. Councilperson Garza moved to authorize the City Manager to sign an agreement with Huitt-Zollars, Inc., to provide survey, geotechnical, architectural, engineering, and design referenced as (step 1), related to the EMS Headquarters Expansion in the amount of \$67,910.00; the motion was adopted, 8-0 (Councilperson Ojeda had stepped out of the room).

## 8. REPORTS

- (a) **Receive fiscal year 2019-2020 first quarter Capital Improvement Plan program report update. [Jason Weeks, Assistant City Manager]**

Mr. Weeks presented the quarterly update.

- (b) **Receive a report on the La Porte Development Corporation Board meeting. [Councilperson Ojeda]**

Councilperson Ojeda reported that the Committee welcomed new member Rachel Cotton and authorized publication of the opening of a 60-day comment period for a project at 100 West Main.

## 9. ADMINISTRATIVE REPORTS

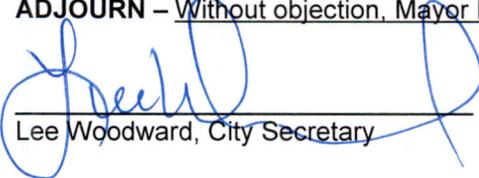
- Zoning Board of Adjustment meeting, February 27
- Fiscal Affairs Committee meeting, March 9
- Drainage and Flooding Committee meeting, March 9
- City Council meeting, March 9
- Planning and Zoning Commission meeting, March 19
- City Council meeting, March 23
- Zoning Board of Adjustment meeting, March 27

Mr. Alexander announced there were no reports.

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

Councilpersons congratulated Chief Parker on his retirement; thanked the Parks Department for the *Mardi Gras on Main* and the *Father-Daughter Dance* events; congratulated and welcomed Chief Deardorff in his new capacity; reminded all to vote in the primaries next week on election day; suggested following up on the public comment on ethylene oxide; commented on the *Council Rules of Procedure* provision to enable a Councilperson to be removed from a meeting; thanked the Sons of the Republic of Texas for coming for their proclamation; expressed appreciation for the Council approving the first part of the Bayside Terrace drainage project; suggested that Councilpersons consider views on meeting length; offered support of the San Jacinto Monument events; relayed a story from citizens about how the City Secretary had assisted them with their primary election mail ballots through Harris County.

**ADJOURN** – Without objection, Mayor Rigby adjourned the meeting at 9:53 p.m.

  
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Lee Woodward, City Secretary