

HAL LAWLER
Chairman
DONNA O'CONNER
Commissioner At Large A
NICK BARRERA
Commissioner At Large B
TREY KENDRICK
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
LOU ANN MARTIN
Commissioner District 5
CHRISTINA TSCHAPPAT
Commissioner District 6

LA PORTE PLANNING AND ZONING COMMISSION AGENDA
THURSDAY, JULY 16, 2020
REGULAR SESSION 6 P.M.

CITY COUNCIL CHAMBER
LA PORTE CITY HALL, 604 WEST FAIRMONT PARKWAY, LA PORTE, TEXAS, 77571

Social Distancing protocols will be in effect in the Council Chambers. To attend remotely, join the Zoom meeting online at <https://us02web.zoom.us/j/82610431291?pwd=Z1hMRkVxbFB2bmFLVjJmeDM0cWI2Zz09> and use password 031815. To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 826 1043 1291 and password 031815.

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- 1. CALL TO ORDER**
 - 2. ROLL CALL OF MEMBERS**
 - 3. PUBLIC COMMENT** (Generally limited to five (5) minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)
 - 4. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on June 18, 2020.
 - 5. CONSIDERATION AND POSSIBLE ACTION:**
 - a. Consider adoption of proposed amendments to the Planning and Zoning Commission Rules and Bylaws.
 - 6. ADMINISTRATIVE REPORTS**
 - 7. COMMISSION COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
 - 8. ADJOURN**

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

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 (281-470-5021) two (2) working days prior to the meeting for appropriate arrangements.

CERTIFICATION

I do hereby certify that a copy of the **July 16, 2020** Planning and Zoning Commission 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, LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.



Title: City Planner

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

**City of La Porte, Texas
Planning and Zoning Commission**



July 16, 2020

AGENDA ITEM 4

Consider approval of the Meeting Minutes:

- a. June 18, 2020

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte Texas*

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Commissioner District 5
CHRISTINA TSCHAPPAT
Commissioner District

**MINUTES OF THE REGULAR MEETING OF THE
LA PORTE PLANNING AND ZONING COMMISSION
June 18, 2020**

The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, February 20, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Commissioners present: Hal Lawler, Nick Barrera, Donna O'Conner, Richard Warren, Mark Follis, James Walter, Christina Tschappat, Trey Kendrick and Lou Ann Martin

Councilpersons absent: None

City Staff present: Teresa Evans, Planning and Development Director; Ian Clowes, City Planner; Chase Stewart, Planning Technician

- 1. CALL TO ORDER** – Secretary Kendrick called the meeting to order at 6:01 p.m.
- 2. ROLL CALL OF MEMBERS:** – All Commissioners were present for the meeting.
- 3. 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.*)

No Comment.

4. CONSIDER APPROVAL OF THE MEETING MINUTES:

- Approve the minutes of the meeting held on May 21, 2020.

Commissioner Barrera moved to approve the meeting minutes; the motion was adopted, 9-0.

5. MAJOR DEVELOPMENT SITE PLAN:

- Consider approval of the major development site plan #20-83000001, Contech Control Services, a 12.8 acre commercial development located at 2700 Sens Rd.

Commissioner Warren moved to approve major development site plan #20-83000001; the motion was adopted, 9-0.

6. FINAL PLAT:

- Consider approval of a final plat for the Morgan's Landing Section 9, a single-family residential development consisting of 95 lots on 23.6 acres located off of Bay Area Blvd.
- Consider approval of a final plat for the Morgan's Landing Section 10, a single-family residential development consisting of 13 lots on 2.7 acres located off of Bay Area Blvd.
- Consider approval of a final plat for the Morgan's Landing Section 11, a single-family residential development consisting of 46 lots on 12.2 acres located off of Bay Area Blvd.
- Consider approval of a final plat for the Morgan's Landing Section 14, a single-family residential development consisting of 29 lots on 6.2 acres located off of Bay Area Blvd.
- Consider approval of a final plat for the Morgan's Landing Section 15, a single-family residential development consisting of 43 lots on 26.1 acres located off of Bay Area Blvd.

Commissioner O'Conner moved to approve all 5 final plats (Sections 9, 10, 11, 14, & 15) in a single motion; the motion was approved 9-0

7. **CONSIDERATION:** Consider a request for approval of Zone Change request #20-92000001 by Charles Anders of Bayway Homes Inc., applicant; on behalf of Jack McCoy, Noah M. Jones, and Bayway Homes Inc., owners; for approval of a zone change from High Density Residential (R-3) to Planned Unit Development (PUD), on a 5.798 acre tract of land legally described as E 115' of Lots 1-16, Lots 17-32, & abandoned alley, Block 1159, Lot 4-29 & Tracts 3A & 30A, Block and Texas Ave. right-of-way, Harris County, La Porte, TX.

Commissioner Follis moved to deny the Zone Change request; the motion was adopted 5-3 (Chairman Lawler recused himself)

8. **SCUP REQUEST #20-91000001:** Open a public hearing on a request for approval of Special Conditional Use Permit (SCUP) #20-91000001 by Charles Anders of Bayway Homes Inc., applicant; on behalf of Jack McCoy, Noah M. Jones, and Bayway Homes Inc., owners; for approval of a SCUP to allow for a zero lot line single family development, on a 5.798 acre tract of land legally described as E 115' of Lots 1-16, Lots 17-32, & abandoned alley, Block 1159, Lot 4-29 & Tracts 3A & 30A, Block and Texas Ave. right-of-way, Harris County, La Porte, TX.

9. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 7:37 PM

10. **CONSIDERATION:** Commissioner Follis moved to deny SCUP request #20-91000001; the motion was adopted 5-3 (Chairman Lawler recused himself).

11. **ADMINISTRATIVE REPORTS:** City Planner Ian Clowes informed the Commission there were no submitted public hearing items for a July 16th Planning and Zoning Commission meeting.

12. **BOARD 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:** Commissioner Tschappat informed the Commission that this may be her last meeting. Additionally, she expressed gratitude to other members of the Commission for their cooperative efforts during her time on the Commission.

ADJOURN – Without objection. Meeting adjourned at 7:40 PM

Trey Kendrick, Planning and Zoning Commission Secretary

Hal Lawler, Planning and Zoning Commission Chairman

Chase Stewart, Planning Technician

**City of La Porte, Texas
Planning and Zoning Commission**



July 16, 2020

AGENDA ITEM 5

Consideration and Possible Action:

- a. Consider adoption of proposed amendments to the Planning and Zoning Commission Rules and Bylaws

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte Texas*

RULES, REGULATIONS AND BYLAWS OF THE CITY OF LA PORTE, TEXAS, PLANNING AND ZONING COMMISSION

ARTICLE 1: AUTHORITY

The Rules, Regulations and Bylaws established hereby are adopted by the City of La Porte, Texas [hereinafter referred to as the “City”] Planning and Zoning Commission [hereinafter referred to as the “Commission”] pursuant to Sections 106-61 through 106-67 of the City of La Porte, Texas Code of Ordinances. In addition, these Rules, Regulations and Bylaws were approved by the City Council on August 22, 2016 in accordance with the provisions of Section 106-64 of the City of La Porte, Texas Code of Ordinances.

ARTICLE 2: PURPOSE

The Commission is established to exercise the powers and duties of a zoning commission as permitted by law, including Chapter 211 of the Texas Local Government Code. The general purpose of the Commission shall be to guide and promote the efficient, coordinated development of the City in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the City and its natural resources; and to address the goals and recommendations of the City’s Comprehensive Plan.

ARTICLE 3: POWERS AND DUTIES

Section 3.1. Powers and duties assigned by ordinance. The general powers and duties of the Commission are outlined in Section 106-64 of the City of La Porte, Texas Code of Ordinances.

Section 3.2. Other powers and duties. The following are other duties of the Commission not expressly outlined in Section 106-64, but are duties established in state statute or by City ordinances:

- a) Conduct zoning-related hearings.
- b) Consider and provide recommendations to the City Council on provisions of Chapter 106 (Zoning) of the City’s Code of Ordinances.
- c) Recommend to the City Council periodic updates to the City’s Comprehensive Plan.
- d) Prepare special studies and plans, as requested by the City Council and for which appropriations of funds have been approved by the City Council.
- e) Attend training sessions, conferences, or meetings as necessary to properly fulfill the duties of a commissioner, and for which appropriations of funds have been approved by the City Council.
- f) Perform other duties and responsibilities as may be requested by the City Council.

- g) Conduct site visits as deemed necessary to evaluate an application and supporting material. Such site visits shall be conducted individually unless otherwise scheduled by the Commission, obeying all requirements of the Open Meetings Act.

Section 3.3. Subcommittees. When deemed necessary by a majority of the Commission membership, subcommittees may be formed for specific projects related to Commission duties, tasks, and business. Subcommittee members shall be comprised only of Commission members.

ARTICLE 4: MEMBERSHIP

Section 4.1. Membership requirements. The Commission shall consist of nine (9) members, to be appointed as follows: a member from each of the six council districts, a member for each of the two at-large positions (At-Large A and At-Large B), and a member for the mayoral seat, who shall be the chairman.

All members are required to be resident citizens and qualified voters of the city. Each district member who is appointed shall be a resident of the district for which he or she is appointed at the time of appointment and continuously throughout his/her tenure in office.

Section 4.2. Terms. The term of the six members from the six council districts shall coincide with the term of office of the Councilperson for said district. The term of office for each at-large member shall coincide with the term of the Councilperson At-Large A and Councilperson At-Large B, respectively. The term of office of the chairman shall coincide with the term of the Mayor.

The term of each member shall terminate on August 30 of the year in which the term expires, or when his/her successor has been appointed and qualified.

Section 4.3. Vacancies. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause in the same manner as the original appointment was made.

Section 4.4. Compensation. Commission members shall receive such compensation as the City Council may deem appropriate. Such compensation shall be due to each member by September 30 of the calendar year.

ARTICLE 5: OFFICERS

Section 5.1. Officers. The officers of the Commission include the following: Chairman, Vice Chairman, and Secretary. The Chairman shall be the Commission member appointed by the Mayor. The Commission shall elect a Vice Chairman and Secretary from its membership.

Section 5.2. Duties of the Chairman. The Chairman shall preside at all meetings, appoint committees, and perform such duties as may be delegated by the Commission or City Council. The Chairman shall have the right to appoint new committee members at any time to fill a vacancy.

Section 5.3. Duties of the Vice Chairman. The Vice Chairman shall act in the capacity of the Chairman in his/her absence.

Section 5.4. Duties of the Secretary. The Secretary shall serve as the liaison between the Commission and the designated City staff member who is responsible for the execution of documents in the name of the Commission, performing the duties hereinafter listed below, and performing such other duties as the Commission may determine.

- a) *Minutes.* City staff shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records.
- b) *Correspondence.* City staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All Commission-related communications, petitions, reports, or other written materials received by City staff shall be brought to the attention of the Commission.
- c) *Attendance.* City staff shall be responsible for maintaining an attendance record for each Commission member. The Secretary shall present those records to the Commission as a whole at the first meeting of the Commission in each calendar year.

Section 5.5. Duties of City Staff. City staff shall be responsible for providing necessary support to the Commission, including presentation of all development applications and any update on actions by the City Council that relate to the functions of the Commission. Additionally, City staff shall report the actions of the Commission to the City Council. For this purpose, City staff shall include employees of the City of La Porte's Planning and Development Department.

Section 5.6. Elections. The Commission shall elect from its membership a Vice Chairman and Secretary.

- a) The Commission shall, at the first meeting following August 30 of each calendar year, select by majority vote of the membership present a Vice Chairman and Secretary.
- b) Commission members shall nominate a candidate or candidates for the position.
- c) In only one candidate is nominated, then that candidate, if approved by majority vote of the membership present, is declared elected to the position. If there is more than one candidate nominated for each position, the Commission members shall vote on the candidates so nominated. The candidate receiving a majority vote of the membership present shall be declared elected.
- d) Newly elected officers will assume their office immediately after the election.

Section 5.7. Officer Terms. All officers shall serve a term of one (1) year, or until their successors are selected and assume office. In the event that a vacant officer position is filled, said officer shall complete the remainder of the term of the vacant position. All officers shall be eligible for re-election.

Section 5.8. Officer Vacancies. Any officer vacancy shall be filled at the next meeting of the Commission following said vacancy by regular election procedure outlined in Section 5.6, above.

ARTICLE 6: MEETINGS

Section 6.1. Regular Meetings. Regular meetings of the Commission shall be held on the third Thursday of each month at 6:00 p.m. in the City Council Chambers at La Porte City Hall (604 W. Fairmont Parkway, La Porte, Texas, 77571). The dates and times of Commission meetings shall be determined by December 31 of each calendar year and shall be noticed in accordance with the Texas Open Meetings Act. When a regular meeting falls on or near a legal holiday, the Commission shall select a suitable alternate date within the same month. The Commission may cancel a meeting if there is no business to be conducted.

Section 6.2. Meeting Notices. All meeting notices shall be posted at City Hall through the posting of the agenda in accordance with the Texas Open Meetings Act and shall be posted in a public place at City Hall in a location readily accessible to the general public and on the city's website at least 72 hours before the meeting date.

Section 6.3. Special Called Meetings. There may be instances where a special called meeting of the Commission may be necessary to conduct business. A special called meeting may be called by the Chairman or two members of the Commission upon written request. Written notice of the special called meeting shall be sent to Commission members not less than 72 hours in advance of the meeting. Notice of the special called meeting shall be posted in accordance with Section 6.2, above.

Section 6.4. Cancellation of Meetings. A meeting of the Commission may be cancelled if there are no items of business. If a meeting is cancelled, notice of the cancellation shall be posted in a public place at City Hall in a location readily accessible to the general public and on the city's website.

Section 6.5. Open Meetings. All Commission meetings and deliberations shall be open to the public and shall be properly noticed in accordance with the Texas Open Meetings Act and Section 6.2, above. The Commission may conduct closed sessions but only as specifically allowed under the Texas Open Meetings Act for meetings in executive session.

Section 6.6. Public Records. All meeting recordings, minutes, records, documents, correspondence, and other information of the Commission shall be open to public inspection and copying in accordance with the Texas Public Information Act. Requests for records shall be made through the Office of the City Secretary.

Section 6.7. Minutes. Minutes of each meeting of the Commission shall be prepared by City Staff. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action, and a recording of attendance. The Commission shall be required to approve all minutes. The Chairman and Secretary are required to sign all minutes once approved by the Commission. The official signed minutes shall be recorded with the La Porte City Secretary.

Section 6.8. Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of at least five (5) members of the Commission shall be present. When a quorum is not present, no official action may be made.

Section 6.9. Rules of Order. Meetings should be conducted under standard parliamentary rules as outlined in the latest edition of Robert’s Rules of Order, and in accordance with these Rules, Regulations and Bylaws.

Section 6.10. Voting. Except as elsewhere provided in these Rules, Regulations and Bylaws, an affirmative vote of the majority of the Commission members present and voting shall be required for the approval of any action item related to an item of business or motion placed before the Commission. Voting shall generally be by voice vote, however the Chairman or any Commission member may call for a roll call vote. Each Commission ~~members~~ member shall vote (unless abstaining) on every motion placed on the floor unless there is a conflict of interest as defined in Section 171 of the Texas Local Government Code. Commission members must vote in “Favor of” or in “Opposition to” the motion on the floor, or alternatively “Abstain” from the vote. If a member abstains from voting, their vote shall not be counted in the determination of a motion, but it shall be recorded in the minutes as an abstaining vote.

Section 6.11. Agenda. An agenda outlining all items of business to be considered by the Commission at a meeting shall be prepared by City staff and shall be distributed electronically to all members of the Commission the Friday before the scheduled meeting. The agenda for all regular meetings shall generally include the following: call to order, roll call of members, approval of minutes, items of business, reports from City staff or Commission members, and adjournment. The agenda shall be posted in accordance with the provisions of Section 6.2, above. Additionally, copies of the agenda shall be made available to the public at the meeting.

6.12. Citizen Comment. Before each meeting of Commission there shall be made available, on which any taxpayer or resident, or his/her authorized representative, or any member of the public, may sign his/her name and address, and indicate the subject matter on which he wishes to speak. Individuals may address the Commission by oral communication by completing all requested information on the Citizen Comment form and placing it at the desk on the dais, not later than five (5) minutes before commencement of the meeting. Each person addressing the Commission shall step up to the podium, shall give his/her name and address for the record, and, unless further time is granted by the Council, shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No question shall be asked to a Commission member except through the Presiding Officer. Any such question shall be referred by the Commission to the Director of Planning and Development, for further handling.

Persons wishing to address the Commission on more than one agenda item or topic in a single meeting must speak on all such agenda items or topics during their presentation. Additional time is not given for additional items (however, emailing, writing, calling, or visiting with Commission members outside of meetings is, of course, unlimited). This requirement does not restrict anyone from also speaking at any public hearing (see additional information below). Subject to the foregoing, the Commission 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 6.13. Public Hearings. Public Hearings shall be scheduled and due notice provided in accordance with the provisions of Chapter 106 (Zoning) of the City of La Porte Code of Ordinances and Chapter 211 of the Texas Local Government Code. Public Hearings are open forums conducted during meetings of the Commission that allow the public an opportunity to express their opinion on specific issues or matters before the Commission. Public Hearings are generally conducted in the following manner:

- a) The Chairman formally opens the Public Hearing.
- b) Staff presents the item of business.
- c) If there is an applicant for the item of business, then he/she is invited to speak.
- d) Proponents (those in favor) are invited to speak first. Such comments are limited to five (5) minutes per person.
- e) Opponents (those in opposition) are invited to speak second. Such comments are limited to five (5) minutes per person.
- f) The applicant is allowed an opportunity for rebuttal and to summarize their position.
- g) The Chairman formally closes the Public Hearing.
- h) Commission members may ask questions of any witness at any time, but may not take a substantive vote during the Public Hearing. After the Public Hearing is closed, members of the public may speak only to answer a question of a Commission member.

There is not a form or sign up requirement for public hearings. Each person addressing the Commission shall step up to the podium and shall give his or her name and address for the record. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No question shall be asked to a Commission member except through the Presiding Officer.

6.14. Decorum.

(A) By Commission Members. While the Commission 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 Commission nor disturb any member while speaking or refuse to obey the orders of the Commission 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 Commission shall be forthwith, by the Presiding Officer, subject to loss of speaking privileges unless permission to continue be granted by a majority vote of the Commission.

Disruptive or abusive behavior towards members of the Commission as well as verbal and/or non-verbal reactions from the audience during staff presentations to the Commission and during debate between Commission members are inappropriate and are not permitted. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.

No offensive, vulgar, or distracting placards, banners, signs, or apparel shall be permitted to be erected or displayed by persons in attendance in the City Council chamber or in any other room in which the Commission is holding a meeting. Exhibits, displays, and visual aids used in connection with presentations to the Commission are permitted.

6.15. 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 Commission 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 Commission meeting. Upon instructions of the Presiding Officer unless otherwise directed by a majority vote of the Commission, it shall be the duty of the designated Sergeant(s)-at-Arms to remove any person who violates the order and decorum of the meeting.

Section 6.16 Communication. Commission members shall be allowed to discuss items scheduled for a public hearing with other persons, including proponents, opponents, witnesses and city staff, outside of the public hearing, subject to the requirements of the Texas Open Meeting Law. However, Commission members shall not announce or discuss a decision on those items outside of the public hearing.

Section 6.17 Notice of Decision. A written notice containing the decision of the Commission on items of business shall be forwarded to the City Council for all items that require City Council consideration. For those items where Council consideration is not required, written notice containing the decision of the Commission shall be forwarded to the originators of the request. City Staff shall provide the City Council with a summary report on the action taken by the Commission following each meeting.

Section 6.15

ARTICLE 7: CONFLICT OF INTEREST

Section 7.1. Declaration of Conflict. Commission members shall declare a conflict of interest when ~~he/she~~ the member or a person related to the member in the first degree of consanguinity (blood) or affinity (marriage) has a “substantial interest” in a business entity or in real property. A “business entity” is defined as a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. A substantial interest in a business entity is established for a Commission member if any one (1) of the following scenarios occur, in accordance with Chapter 171 of the Texas Local Government Code:

- a) Own ten percent (10%) or more of the voting stock or shares of the business entity.
- b) Own ten percent (10%) or more of the fair market value of the business entity.
- c) Own \$15,000 or more of the fair market value of the business entity.
- d) Received funds from the business entity that exceed ten percent (10%) of the Commission member’s gross income for the previous year.

A substantial interest in real property is established for a Commission member if ~~he/she~~ the member has

an equitable or legal ownership in real property with a fair market value of at least \$2,500 or more.

Commission members shall also declare a conflict of interest when the member or a person related to the member in the first degree of consanguinity (blood) or affinity (marriage) has a “substantial interest” in a subdivided tract. A “subdivided tract” is defined as a tract of land, as a whole, that is sub-divided, but does not include an individual lot in a subdivided tract of land. As substantial interest in a subdivided tract is established for a Commission member if any one (1) of the following scenarios occur, in accordance with Section 212.017 of the Texas Local Government Code:

- a) Have an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more.
- b) Act as a developer of the tract
- c) Own 10 percent or more of the voting stock or shares of OR own either 10 percent or more OR \$5,000 or more of the fair market value of a business entity that:
 - i) Has an equitable interest or legal ownership interest in the tract with a fair market value of \$2500 or more, OR
 - ii) Acts as a developer of the tract;
- d) Received in a calendar year funds from the business entity (as the term “business entity” is described immediately above) that exceed 10 percent or more of yearly income for the previous year.

Alternatively Finally, even if a Commission member does not have a “substantial interest” as defined in Chapter 171 or Section 212.017 of the Texas Local Government Code, a Commission member may declare a conflict to avoid an appearance of impropriety.

Section 7.2. Requirements. When declaring a conflict, Commission members shall do all of the following:

- a) Submit to staff the affidavit prepared by the La Porte City Secretary, prior to the meeting where the conflict is to occur.
- b) Announce the conflict of interest and state its general nature at the meeting.
- c) Abstain from any discussion or votes related to the matter which is the subject of conflict.
- d) Step down from the dais before the matter is considered by the remaining Commission members.

Section 7.3. Other Provisions. Commission members are also subject to general provisions applicable to city employees and officers prohibiting personal financial interests in business transactions with the city, as outlined in Section 8.02 of the City Charter, and restrictions on actions or participation in proceedings benefiting the economic interests of the member, the member’s family or employer, as established in the City Ethics and Conflict of Interest Policy.

ARTICLE 8: ABSENCES, REMOVALS, AND RESIGNATIONS

Section 8.1. Absences. Commission members are expected to attend all meetings. If unable to attend a meeting, it is the responsibility of the Commission member to notify City Staff of said absence at his/her

earliest opportunity, and at least twenty-four (24) hours prior to the meeting. If a Commissioner is absent from more than twenty-five percent (25%) of the duly called meetings in any period of twelve consecutive months or is absent from more than two (2) duly called meetings in any period of twelve (12) consecutive months, whichever is greater, for any reason other than a medical reason which prevents the members attendance, such Commission will be subject to removal by the City Council.

Section 8.2. Removal. Commission members may be removed at any time by the City Council for nonperformance of duty, misconduct in office, failure to declare a conflict, or other reason specified by the City Council. Notice of such removal shall terminate the Commission member's duty to the Commission.

Section 8.3. Resignation. Commission members may resign from the Commission by sending a letter of resignation to the City Council and/or Commission Chairman.

ARTICLE 9: AMENDMENTS

These Rules, Regulations and Bylaws may be amended by majority vote of the Commission membership during any regular meeting, provided that all Commission members have received a copy of the proposed amendments at least 72 hours before the meeting at which such amendments are to be considered. City Council must approve any amendment to the bylaws made by the Commission.