

LOUIS 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
Councilmember District 3
Mayor Pro-Tem
THOMAS GARZA
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE, JULY 13, 2020

The City Council of the City of La Porte met in a regular meeting on Monday, July 13, 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, Steve Gillett, Danny Earp, Bill Bentley, Thomas Garza (*until 6:24 p.m.*), Jay Martin

Councilpersons attending remotely: Chuck Engelken, Nancy Ojeda

Councilpersons absent: Brandon Lunsford

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

CALL TO ORDER – Mayor Rigby called the meeting to order at 6:00 p.m.

2. INVOCATION AND PLEDGES - The invocation was given by Pastor Walter Brumley, La Porte River of God Church, and the pledges were led by Mayor Pro Tem Bill Bentley.

Mayor Rigby moved that everyone at the dais and in the audience be required to wear a mask; the motion was adopted, 7-1, Councilperson Garza voting against. The Mayor asked the Sergeant-at-Arms to escort Councilperson Garza from the room. Councilperson Garza moved that the Sergeant-at-Arms be directed otherwise by the Council. The motion was not seconded and was not considered by the Council.

3. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

a. Proclamation in recognition of Parks and Recreation Month. [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.*)

Mark Follis spoke about items 6 a and b, suggesting an amendment be made to the development. William Conroy said he was the closest resident and supported the project. Scott A. Boyle asked how the Council could vote on item 6 without the Planning and Zoning Commission minutes. Steve Surofchek also offered the same concerns about the Council considering the items after denial from the Planning and Zoning Commission.

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 June 22, 2020, City Council meeting. [Mayor Louis R. Rigby]
- b. Award Bid #20017 to Android Construction, LLC, authorize the City Manager to execute a contract in the amount of \$59,286.00, and approve a project contingency of \$5,928.00, for a total authorization of \$65,214.00. [Ray Mayo, Public Works Director]

- c. Award Bid #20015 to Android Construction, LLC, authorize the City Manager to execute a contract in the amount of \$84,500.00, and approve a project contingency of \$8,450.00, for a total authorization of \$92,950.00. [Ray Mayo, Public Works Director]
- d. Adopt Ordinances 2020-IDA-139 through 2020-IDA-142, authorizing the execution of Industrial District Agreements with companies in the Battleground and Bayport Industrial Districts, for a twelve- (12-) year term beginning January 1, 2020. [Corby Alexander, City Manager]
- e. Adopt Resolution 2020-16 authorizing the resale of tax delinquent property described as Lots 25 and 26, Block 252 of the Town of La Porte. [Shelley Wolny, Treasurer]
- f. Adopt Resolution 2020-17 authorizing the resale of tax delinquent property described as Lots 21 and 22, Block 73, Bay Front Addition to the City of La Porte. [Shelley Wolny, Treasurer]
- g. Adopt Resolution 2020-18 authorizing the resale of tax delinquent property described as Lot 1, 2, & 3, Block 1045, of the Town of La Porte. [Shelley Wolny, Treasurer]
- h. Adopt Resolution 2020-19 authorizing the resale of tax delinquent property described as Lots 3 and 4, Block 67, Bay Front Addition to the Town of La Porte. [Shelley Wolny, Treasurer]
- i. Adopt Resolution 2020-20 authorizing the resale of tax delinquent property described as Lots 17 and 18, Block 73, Bay Front Addition to the Town of La Porte. [Shelley Wolny, Treasurer]

Councilperson Ojeda asked that the minutes be amended to note that she said she “did not feel like the taxpayers of La Porte should have to pay for an HOA pool.” The addition was accepted without objection. Councilperson Engelken moved to approve the consent agenda, including the amended minutes, less item d (to be voted on separately); the motion was adopted, 7-0. Councilperson Engelken moved to approve item d; the motion was adopted 6-0 (Councilperson Earp had previously signed a Conflict of Interest affidavit and did not participate in the discussion or vote on the item).

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- a. The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3793 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Zone Change #20-92000001, a change from High Density Residential (R-3) to Planned Unit Development (PUD) for a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as the E 115’ of Lots 1-16, Lots 17-32, and abandoned alley, Block 1159, Lots 4-29 and Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way; followed by discussion and possible action to consider adopting Ordinance 2020-3793 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Zone Change #20-92000001, a change from High Density Residential (R-3) to Planned Unit Development (PUD) for a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as R the E 115’ of Lots 1-16, Lots 17-32, and abandoned alley, Block 1159, Lots 4-29 and Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way [Ian Clowes, City Planner]

Mayor Rigby opened the public hearing at 6:45 p.m. Ian Clowes, City Planner gave a presentation. Scott A. Boyle and Steve Surofchek asked the Council postpone consideration of the item. Charles Anders and Jon Skeelee, of Bayway Homes, offered clarification on the project and their process. Chuck Rosa spoke in favor of the project. Mayor Rigby closed the public hearing at 7:15 p.m. Councilperson Martin moved to uphold the Planning and Zoning Commission’s denial of the application for Zone Change request #20-92000001, for a 5.498-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets, and legally described as the E 115’ of Lots 1-16, Lots 17-32, and an abandoned alley, Block 1159, Lots 4-29 and Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L Street and Texas Avenue rights-of-way; the motion was adopted; the motion was adopted, 7-0.

- b. **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3794 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Special Conditional Use Permit #20-91000001, to allow for a zero lot line single family residential development on a 5.798-acre tract of land, located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as the E 115’ of Lots 1-16, Lots 17-32, and Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way in the Planned Unit Development (PUD) zoning district; followed by discussion and possible action to consider adopting Ordinance 2020-3794 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Special Conditional Use Permit #20-91000001 to allow for a zero lot line single family residential development on a 5.798-acre tract of land, located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as the E 115’ of Lots 1-16, Lots 17-32, and abandoned alley, Block 1159, Lots 4-29 and Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]**

The item was made moot due to the vote on item 6a and was not considered.

7. STATUTORY AGENDA

- a. **Presentation, discussion and possible action to adopt Ordinance 2020-3794~~2~~ electing a Mayor Pro Tem. [Mayor Rigby]**

Councilperson Bentley nominated Councilperson Lunsford. Councilperson Earp nominated Councilperson Engelken. Councilperson Lunsford was voted for by Councilperson Bentley. Councilperson Engelken received a majority vote to be selected as the Mayor Pro Tem. Councilperson Bentley moved to adopt Ordinance 2020-3792 electing Councilperson Engelken as the Mayor Pro Tem.; the motion was adopted, 7-0.

- b. **Presentation, discussion, and possible action to approve Ordinance 2020-3795 to dedicate the City-owned property at 9801 Rustic Gate as a public park and amend Chapter 50 of the City Code of Ordinances to add said property to the City park system and set hours of operation. [Mayor Pro Tem Bentley and Councilpersons Ojeda and Lunsford]**

Councilperson Bentley moved to approve Ordinance 2020-3795 to dedicate the City-owned property at 9801 Rustic Gate as a public park and amend Chapter 50 of the City Code of Ordinances to add said property to the City park system and set hours of operation; the motion was adopted, 7-0.

- c. **Presentation, discussion, and possible action to approve a policy and procedures related to mandatory mask covering requirements for employees, elected officials, board and commission members, and public guests in City-owned buildings and facilities. [Corby Alexander, City Manager]**

Councilperson Earp moved to approve a policy regarding the use of facial coverings for individuals in City buildings and facilities; the motion was adopted, 6-1, Mayor Rigby voting against.

- d. **Presentation, discussion, and possible action regarding a recommended date for holding the public hearing on the City of La Porte's Fiscal Year 2020-2021 Proposed Budget. [Shelley Wolny, Treasurer]**

Mayor Pro Tem Engelken moved to approve September 14, 2020, as the recommended date to hold the public hearing on the City of La Porte's Fiscal Year 2020-2021 Proposed Budget; the motion was adopted, 7-0

8. REPORTS

- (a) **Receive a report on the Drainage and Flooding Committee meeting. [Councilperson Martin]**
Councilperson Martin reported the Committee received updates on projects and potential grant funding and set the date of the next meeting for August 10.

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission meeting, July 16
- La Porte Development Corporation Board meeting, July 27
- City Council meeting, July 27

City Manager Corby Alexander said there was no report.

10. COUNCIL COMMENT 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.

Councilpersons thanked the Council for approving the designation of the public park; congratulated the Parks and Recreation Department for their proclamation and thanked them for all they do; suggested conducting meetings remotely; wished that everyone stay safe; thanked the staff for making changes to ensure board and commission volunteers are treated with respect; expressed hope for resolution for the Bayway Homes project; noted mixed feelings felt over the park designation; apologized for speaking out of turn; Councilperson Gillett said he would not attend another meeting until COVID was over or he was replaced; and expressed concern on the face covering policy.

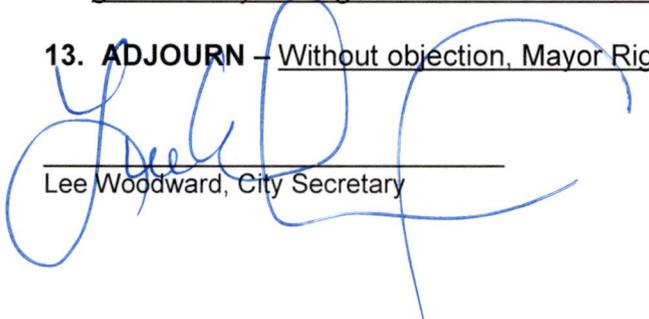
11. EXECUTIVE SESSION – The City Council will meet in closed session pursuant to Texas Government Code Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - regarding City Manager Corby Alexander.

The Council adjourned into executive session at 8:25 p.m.

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

The Council reconvened into open session at 9:45 p.m. Mayor Pro Tem Engelken moved to give the City Manager a 2% raise and a 2% lump sum payment; the motion was adopted, 7-0.

13. ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 9:46 p.m.



Lee Woodward, City Secretary