

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Mayor Pro-Tem
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JANUARY 11, 2016

The City Council of the City of La Porte met in a regular meeting on **Monday January 11, 2016**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, Earp, Zemanek, Kaminski, K. Martin, J. Martin, and Clausen. Absent: Councilmember Leonard. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Don Hill, La Porte InterChurch Council.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Mayor Rigby.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Bill Scott, 1722 Lomax School Rd., addressed Council with concerns regarding notices to abate he received from Code Enforcement.

5. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding the minutes of the Regular City Council Meeting held on December 14, 2015 and Special Called Meeting held on December 21, 2015 – P. Fogarty
 - (b) Consider approval or other action regarding an Ordinance ordering the May 7, 2016, General Election of the City of La Porte – P. Fogarty
 - (c) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte; La Porte Independent School District and La Porte Fire Control, Prevention and Emergency Medical Services District for Joint Elections – P. Fogarty
 - (d) Consider approval or other action ratifying the appointment of Lawrence Stockham to the Planning and Zoning Commission – P. Fogarty
 - (e) Consider approval or other action regarding Vehicle Replacements for Fiscal Year 2015-2016 – D. Pennell
 - (f) Consider approval or other action regarding a Resolution of the City of La Porte, Texas seeking designation as a Management Agency for Wastewater Collection and Treatment – D. Pennell

- (g) Consider approval or other action regarding a Resolution adopting a revised Official Zoning Map for the City of La Porte – E. Ensey
- (h) Consider approval or other action awarding Bid No. 16007 for Demolition of Property located at 330 Bayside Dr. – R. Davidson
- (i) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Air Liquide Large Industries U.S., LP located at 11426 Fairmont Parkway in the Bayport industrial District – T. Tietjens
- (j) Consider approval or other action authorizing the Planning and Development Director to execute a Pipeline Permit to Down Hydrocarbons and Resources, LLC for the final phase of construction of a 12” Ethan pipeline within in the City of La Porte – T. Tietjens
- (k) Consider approval or other action regarding an Ordinance vacating, abandoning, and closing a portion of the West Madison Street Right-of-Way - T. Tietjens

City Manager Corby Alexander requested Item F be removed from consideration.

Regarding Item J, Councilmember Zemanek asked the timeline for construction of the project. Planning and Development Director Tim Tietjens responded the permit issued is for 6 months.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3616: AN ORDINANCE ORDERING THE REGULAR ANNUAL ELECTION OF THE CITY OF LA PORTE; PROVIDING FOR A RUN-OFF ELECTION, IF NECESSARY; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR A JOINT ELECTION WITH THE LA PORTE INDEPENDENT SCHOOL DISTRICT AND THE LA PORTE FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL DISTRICT; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR METHOD AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR NOTICE; PROVIDING A SAVINGS CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3617: AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE WEST MADISON STREET RIGHT-OF-WAY; RETAINING EASEMENTS FOR EXISTING UTILITIES; AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.** Unanimously

Councilmember Engelken moved to approve the Consent Agenda items pursuant to staff recommendations. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Leonard was absent.**

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearings to receive comments regarding the recommendation by the Planning and Zoning Commission to approve an amendment to the Future Land Use Map component of the La Porte Comprehensive Plan for a 20-acre tract of land located on State Highway 146, a quarter of a mile north of Wharton Weems Blvd., to change use designation from “Low Density Residential;” to 1) “Commercial,” 2) “Mixed Use,” and 3) “Mid to High-Density Residential;” consider approval or other action regarding an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Plan for a 20-acre tract of land located on State Highway 146, a quarter of a mile north of Wharton Weems Blvd., to change use designation from “Low Density Residential;” to 1) “Commercial,” 2) “Mixed Use,” and 3) “Mid to High-Density Residential;” – E. Ensey

The public hearing opened at 6:15 p.m.

City Planner Eric Ensey presented a summary and recommendation.

David Janda, 3601 E. Desert Run, addressed Council and spoke in favor of the proposed La Porte Town Center.

Billy Hardcastle, 1504 Cedar Cove, addressed Council and spoke in favor of the proposed La Porte Town Center.

Paula Wohnoutke, 9919 Rocky Hollow Rd., addressed Council and spoke in favor of the proposed La Porte Town Center.

Maggie Anderson, 909 Garden Walk, addressed Council and spoke in favor of the proposed La Porte Town Center.

Joan Geigel, 906 Garden Walk, addressed Council and spoke in opposition of the proposed La Porte Town Center.

Douglas Anderson, 821 S. Virginia St., addressed Council and spoke in favor of the proposed La Porte Town Center.

Janie Quarles, 911 Garden Walk, addressed Council and spoke in favor of the proposed La Porte Town Center.

Aubry Sartori, 215 S. Broadway, addressed Council and spoke in favor of the proposed La Porte Town Center.

George Sanders, 1311 Nantucket Dr., Houston addressed Council in favor of the proposed La Porte Town Center project.

David Klingman, 3810 Pecan Circle, addressed Council and spoke in favor of the proposed La Porte Town Center.

Rene Garrett, 1001 Garden Walk, addressed Council and spoke in favor of the proposed La Porte Town Center.

Norma Elliott, 11621 North D Street, addressed Council and spoke in favor of the proposed La Porte Town Center.

Maggie Allen, 2306 Eagle Ln., addressed Council and spoke in favor of the proposed La Porte Town Center.

Kathy Gilley, 4919 Rainwater Dr., Pasadena addressed Council and spoke in favor of the proposed La Porte Town Center.

Chuck Rosa, 812 S. Virginia St., addressed Council and spoke in favor of the proposed La Porte Town Center if there are not any grants to be awarded.

Vincent Worley, addressed Council and spoke in favor of the proposed La Porte Town Center and advised of Doug Sanders' irreplaceable collections.

The public hearing closed at 7:12 p.m.

Councilmember Engelken moved to approve an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Plan for a 20-acre tract of land located on State Highway 146, a quarter of a mile north of Wharton Weems Blvd., to change use designation from "Low Density Residential;" to 1) "Commercial," 2) "Mixed Use," and 3) "Mid to High-Density Residential." Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Leonard was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3618**: 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.

- (b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit # 15-91000007, to allow construction of an entertainment, commercial and residential mixed use development on a 20-acre tract located on the east side of State Highway 146, a quarter of a mile north of Wharton Weems Blvd., in a PUD zone; consider approval or other action regarding an Ordinance approving Special Conditional Use Permit Request # 15-91000007, to allow construction of an entertainment, commercial and residential mixed use development on a 20-acre tract located on the east side of State Highway 146, a quarter of a mile north of Wharton Weems Blvd., in a PUD zone – E. Ensey

The public hearing opened at 7:13 p.m.

There being no additional public comments, the public hearing closed at 7:13 p.m.

Councilmember Earp moved to approve an Ordinance and Special Conditional Use Permit Request #15-91000007, to allow construction of an entertainment, commercial and residential mixed use development on a 20-acre tract located on the east side of State Highway 146, a quarter of a mile north of Wharton Weems Blvd., in a PUD zone. Councilmember Engelken seconded.

Councilmember Martin made an amendment to the main motion to limit the number of extensions of the Special Conditional Use Permit after issuance to only one extension and for additional extension of time granted after application to come back before City Council instead of the Planning and Zoning Commission.

Assistant City Attorney advised the extension will have to go before the Planning and Zoning Commission.

Councilmember Martin amended his amendment to allow the applicant one extension for one year and an additional extension of time granted after application to come back before the Planning and Zoning Commission.

City Engineer Eric Ensey spoke and advised there is not a limit to the length of time of the extension, and it will have to be approved by the Planning and Zoning Commission.

When Mayor Rigby asked if there is a second to the amendatory motion, there was no second forthcoming. Councilmember Martin's amendatory motion died for a lack of a second.

MAIN MOTION PASSED UNANIMOUSLY 8/0. Councilmember Leonard was absent.

Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3619**: 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. 15-91000007 FOR THAT CERTAIN PARCEL OF LAND HEREIN DESCRIBED FOR THE PURPOSE OF CONSTRUCTING AN ENTERTAINMENT, COMMERCIAL AND MIXED USE DEVELOPMENT CENTER ON STATE HIGHWAY 146 NORTH OF WHARTON WEEMS BOULEVARD, IN A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

7. REPORTS

- (a) Receive report of the La Porte Development Corporation Board – Councilmember Engelken.

Councilmember Engelken provided a report of the La Porte Development Corporation Board meeting held prior to the City Council Meeting.

- (b) Receive report on the Carriage House Project – Councilmembers Zemanek, K. Martin and Kaminski

Councilmember Zemanek reported the item has still not be brought to City Council even after funds have been allocated. However, he has spoken to City Staff and the Heritage Society and some wishes may have changed on both sides. A meeting has been scheduled, and this item will come to City Council in the future.

8. ADMINISTRATIVE REPORTS

City Manager Corby Alexander reminded Council of the Martin Luther King Day Celebration on January 17, 2016, at 3:00 p.m. at the Jennie Riley Center hosted by the La Porte Civic Club. Mr. Alexander also reported the focus of the celebration will be on the legacy of the late Councilmember Tommy Moser.

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.

Councilmember Engelken congratulated the La Porte Town Center; thanked everyone that spoke on behalf of the project that shows unified support within the community and wished everyone a Happy New Year; Councilmembers Earp and Clausen thanked the citizens for their input on the La Porte Town Center Project; thanked everyone who came out and showed support for the project; Councilmember J. Martin thanked Mr. Sanders for coming out and attending the meeting and commented he wishes Mr. Sanders' museum will be the centerpiece of the development; he also thanked the citizens for coming out and commented it is up to City Council and City Staff to assure the project is a quality development; Councilmember K. Martin thanked the citizens for their input on the La Porte Town Center Project and commented she cannot wait to take her boys to the center; Councilmember Kaminski thanked the developers and Mr. Sanders and the citizens for their input; Councilmember Zemanek welcomed the La Porte Town Center; thanked everyone for coming out and commented it is a pleasure to serve the community; and Mayor Rigby commented he is looking forward to the La Porte Town Center and thanked everyone for their input.

10. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:25 p.m. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Leonard was absent.**

Patrice Fogarty, City Secretary

Passed and approved on January 25, 2016.

Mayor Louis R. Rigby