

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



BILL BENTLEY
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6
Mayor Pro-Tem

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
OCTOBER 22, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, October 22, 2018**, 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. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. All members of Council were present: Councilmembers Ojeda, Zemanek, J. Martin, K. Martin, Bentley, Engelken, and Earp. Staff present: City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and Assistant City Attorney Clark Askins.

2. **INVOCATION** –The invocation was given by Assistant City Attorney, Clark Askins.

3. **PLEDGE OF ALLEGIANCE** – The pledge of allegiance was led by Councilmember John Zemanek.

4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**

(a) Recognition – Employees of the 3rd Quarter 2018 – Officers Joshua Willhoite, Barrence Rodgers and Sergio Torre – City of La Porte Police Department – Mayor Rigby

Mayor Rigby recognized Officers Joshua Willhoite, Barrence Rodgers, and Sergio Torre as Employees of the 3rd Quarter 2018.

5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Chuck Rosa, 812 S. Virginia St., addressed Council regarding merit raises and stating the City needs a pay scale for each job.

Jo Ann Pitzer, 10011 Carlow Lane, addressed Council regarding the fence on the south side of Spencer. She is hoping Council will consider putting the south side fence on Myrtle Creek to Valley Brook because there is no opposition by property owners in this section.

6. **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 minutes of the meeting held on October 8, 2018 – P. Fogarty

(b) Consider approval or other action regarding a Resolution confirming the appointment of Ron Parker as the department head and chief of police of the La Porte Police Department commencing October 8, 2018– P. Fogarty

- (c) Consider approval or other action to purchase Neptune meters and parts from Core and Main of Houston, as sole source provider – M. Dolby
- (d) Consider approval or other action authorizing the purchase of Fiscal Year 2018-2019 Vehicle Replacements under HGAC contract number AM10-18 and Texas BuyBoard contract numbers 515-16 and 529-17 – R. Mayo
- (e) Consider approval or other action authorizing the purchase in the amount of \$73,725.00 for three (3) uSmart 3200T NexGen Ultrasound Tablet System devices from Terason, Division of Teratech Corporation, as sole source provider, in the amount of \$73,725.00 – R. Nolen
- (f) Consider approval or other action authorizing the City Manager to execute a contract with Public Management, Inc., for Grant Administration Services and overall management of CDBG and HMGP funding, with a total authorization of \$245,030.00 – L. Wingate
- (g) Consider approval or other action regarding a Resolution approving a local commitment of \$125,000.00 to supplement the City's allocation of \$325,775.30 provided by the Texas General Land Office for the 2015 Floods and Storms (DR-4223 and DR-4245) Community Development Block Grant Disaster Recovery Program for the Northside Neighborhood Drainage Improvement Project – L. Wingate
- (h) Consider approval or other action regarding a Resolution adopting updated City of La Porte, Texas Investment Policy – S. Wolny

Councilmember Earp had questions on consent Items F, G, and H. City Engineer Lorenzo Wingate and Finance Director Dolby answered the questions.

Councilmember Bentley had question on consent Item E. EMS Chief Ray Nolen responded.

Councilmember Engelken made a motion to approve Consent Agenda items pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

7. PUBLIC HEARING AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny an amendment to the City's Future Land Use Map Component of the Comprehensive Plan for a 1.0 acre tract of land located at 10410 N. L St., and legally described as Tract 441C, La Porte Outlots Subdivision, by changing from "Large Lot Residential" to "Low Density Residential"; consider approval or other action regarding an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 1.0 acre tract of land located at 10410 N. L St., and legally described as Tract 441C, La Porte Outlots Subdivision, by changing from "Large Lot Residential" to "Low Density Residential" – I. Clowes

The public hearing opened at 6:19 p.m. City Planner Ian Clowes presented a combined summary for Items A&B.

Jeff Feller, spoke in favor of an amendment to the City's Future Land Use Map Component of the Comprehensive Plan for a 1.0 acre tract of land located at 10410 N. L St.

After no further public comments, the public hearing was closed at 6:36 p.m.

Councilmember Earp made a motion to uphold the recommendation by the Planning and Zoning Commission and deny an amendment to the City's Future Land Use Map Component of the Comprehensive Plan and to reimburse the applicants for expenses not to exceed \$8,500. Councilmember K. Martin seconded. **MOTION PASSED 5/3.**

Ayes: Councilmembers K. Martin, Zemanek, Earp, Ojeda and Engelken
Nays: Mayor Rigby, Councilmembers Bentley and J. Martin
Absent: None

(b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny zone change request #18-92000009, for a change from Large Lot Residential (LLD) to Low Density Residential (R-1) for a 1.0 acre tract of land located at 10410 N. L St., legally described as Tract 441C, La Porte Outlots Subdivision ; consider approval or other action regarding an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances by changing the zoning classification of a 1.0 acre tract of land located at 10410 N. L. St., legally described as Tract 441C, La Porte Outlots Subdivision, from Large Lot Residential (LLD) to Low Density Residential (R-1) – I. Clowes

The public hearing opened at 6:39 p.m.

There being no public comments, the public hearing was closed at 6:39 p.m.

Councilmember Earp made a motion to uphold the recommendation by the Planning and Zoning Commission and deny zone change request #18-92000009. Councilmember K. Martin seconded.
MOTION PASSED 5/3.

Ayes: Councilmembers K. Martin, Zemanek, Earp, Ojeda and Engelken
Nays: Mayor Rigby, Councilmembers Bentley and J. Martin
Absent: None

(c) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-9191000012 to allow for a commercial and industrial machinery and equipment rental and leasing use in the Planned Unit Development (PUD) Zoning District, on a 7.0 acre tract of land located on the south side of Spencer Hwy., east of S. 25th St., and legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-265; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning,” by granting Special Conditional Use Permit #18-91000012 to allow for a commercial and industrial machinery and equipment rental and leasing use in the Planned Unit Development (PUD) Zoning District, on a 7.0 acre tract of land located on the south side of Spencer Hwy., east of S. 25th St., and legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-265, in the Planned Unit Development (PUD) Zoning District – I. Clowes

The public hearing opened at 6:40 p.m. City Planner Ian Clowes presented a summary.

Larry Wiedemann, Vice President of Human Resources Manager for Atlas Copco Rental, provided background information of Atlas Copco Rental. The applicant is seeking approval of City Council to build a new North American Headquarters in the City of La Porte.

Rick Kight, representing PPG site property owner ODIA Fairmont LLC., where Atlas Copco Rentals hopes to build, spoke in favor of the SCUP.

There being no further public comments, the public hearing was closed at 6:56 p.m.

Councilmember Ojeda made a motion to uphold the Planning & Zoning Commissions' denial of the SCUP. Councilmember K. Martin seconded. **MOTION FAILED 3/5.**

Ayes: Councilmembers Ojeda, K. Martin and J. Martin
Nays: Mayor Rigby, Councilmembers Zemanek, Earp, Bentley, and Engelken
Absent: None

Councilmember Earp made a motion to approve Special Conditional Use Permit Request #18-91000012. Councilmember Bentley seconded. **MOTION FAILED 5/3.**

Ayes: Mayor Rigby, Councilmembers Zemanek, Earp, Bentley, and Engelken
Nays: Councilmembers Ojeda, K. Martin and J. Martin
Absent: None

(For Council to overturn the Planning & Zoning Commission's negative recommendation to deny the SCUP, it required a super majority vote, which, in this case, was 6 votes. At this time La Porte City Council is a body of eight members due to the vacancy on the council. And because there were only 5 votes in favor of overturning the P&Z's negative recommendation, the motion failed.)

(d) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000013 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, on a 3.77 acre tract of land located at 1328 SH 146 South, and legally described as Reserve B, Block 1, M&K Development Amend; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning," by granting Special Conditional Use Permit #18-91000013, to allow for the development of a Hotel/Motel use in the General Commercial (GC) Zoning District, on a 3.77 acre tract of land located at 1328 SH 146 South, and legally described as Reserve B, Block 1, M&K Development Amend – I. Clowes

The public hearing opened at 7:01 p.m. City Planner Ian Clowes presented a summary. Councilmember Bentley left the table at 7:02 p.m. and returned at 7:04 p.m.

Zohreh Manesia, the applicant, spoke seeking Council's approval of building a Staybridge Hotel.

There being no further public comments the public hearing was closed at 7:14 p.m.

Councilmember Ojeda made a motion to accept the recommendation by the Planning and Zoning Commission and approve Special Conditional Use Permit #18-91000013. Councilmember Bentley seconded. **MOTION PASSED 7/1.**

Ayes: Councilmembers J. Martin, K. Martin, Bentley, Zemanek, Earp, Ojeda and Engelken
Nays: Mayor Rigby
Absent: None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3727 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 18-91000013, TO ALLOW FOR A HOTEL (EXCEPT CASINO HOTELS) AND MOTEL UE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT, ON A 3.77 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS RESERVE B, BLOCK 1 M&K DEVELOPMENT AMEND, 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.**

(e) Public hearing to receive comments regarding a request by Burger Libre, LLC, for a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, to allow the sale of alcoholic beverages for on-premise consumption at Burger Libre, located at 9709 Spencer Hwy., within 300 feet of a public school; consider approval or other action regarding an Ordinance authorizing a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, by allowing the sale of alcoholic beverages for on-premise consumption at Burger Libre, located at 9709 Spencer Hwy., within 300 feet of a public school – I. Clowes

The public hearing opened at 7:16 p.m. City Planner Ian Clowes presented a summary.

There being no public comments the public hearing was closed at 7:20 p.m.

Councilmember Engelken made a motion to approve an Ordinance authorizing a variance to Section 6-2 of the Code of Ordinances of the City of La Porte by allowing the sale of alcoholic beverages for on-premise consumption at Burger Libre, located at 9709 Spencer Hwy. Councilmember Zemanek seconded. **MOTION PASSED 6/2.**

Ayes:	Mayor Rigby, Councilmembers K. Martin, Bentley, Zemanek, Ojeda and Engelken
Nays:	Councilmembers Earp and J. Martin
Absent:	None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3728 AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 6-2 OF THE LA PORTE CODE OF ORDINANCES AND AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR BURGER LIBRE, LLC D/B/A BURGER LIBRE, LOCATED AT 9709 SPENCER HWY., FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THREE-HUNDRED FEET OF JAMES H. BAKER 6TH GRADE CAMPUS, A PUBLIC SCHOOL; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

8. DISCUSSION AND POSSIBLE ACTION

(a) Discussion and possible action regarding appointment of two Councilmembers to a Fitness Center Committee to study and make recommendations regarding renovations of the current fitness center and/or a new fitness center – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Ojeda made a motion to nominate Councilmembers Zemanek and J. Martin for the committee. Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 8/0.**

(b) Discussion and possible action regarding City permitting process – Councilmember Ojeda, Councilmember J. Martin, Councilmember Bentley

Councilmember Ojeda presented a summary and discussion followed regarding the City's permitting process and keeping up with violators who are building without a permit. Staff needs to be more proactive rather than reactive. Councilmember Ojeda cited a location in particular that continues to work without a permit, and that the amount of work is appalling as to what's been done without a permit.

There was no action taken on this item. Staff will begin working immediately on these issues.

(c) Discussion and possible action regarding City sponsorships – Councilmember Ojeda, Councilmember Zemanek, Councilmember K. Martin

Councilmember Ojeda presented a summary. She stated that she is not clear on where funds come from when the City is sponsoring an event, and feels that an application process would serve

the City well from now on. Several other councilmembers agreed that an application process would be a good idea.

Mayor Rigby gave an example how sponsoring the Houston Yacht Club sailing event benefits the City because competitors from all over the world stay in La Porte hotels putting “heads in beds.” He stated Council has given the City Manager the approval for spending up to \$50,000 without Council approval; however, if a process needs to be put in place, an application process would be okay for Council’s approval.

9. ADMINISTRATIVE REPORTS

City Manager Corby Alexander thanked Council for confirming the appointment of new Police Chief Ron Parker, and he also introduced new Planning Director Teresa Evans.

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 – Councilmembers Engelken, Earp, Ojeda, J. Martin, K. Martin, Zemanek, Bentley and Mayor Rigby.

Councilmember Zemanek recognized all three officers, Joshua Willhoite, Barrence Rodgers and Sergio Torre, and stated he felt proud of folks who jumped in to take care of business; he attended the presentation of the Dottie Bowl on Saturday, and is very proud of the Texans and Cowboys organizations for recognizing Dottie Kaminski.

Councilmember Bentley congratulated newly appointed Police Chief Parker for his dedication to the city; attended Wednesday’s Habitat for Humanity house project. He complimented staff for their dedication on working together to get things done and is very proud of staff.

Councilmember Engelken welcomed Teresa Evans to the City; and congratulated Chief Ron Parker and the three officers who received the Employee of the Quarter awards; he mentioned the thank you note council received from the family who tragically lost a family member; they reached out to the city thanking our first responders’ for their hard efforts; and the technology EMS received tonight will put us on a higher level than everyone else.

Councilmember Earp congratulated Chief Ron Parker and welcomed new Planning Director Teresa Evans; also congratulated all three officers. As far as Habitat for Humanity, he was sorry he was unable to attend.

Councilmember Ojeda mentioned how she loves how they are naming the football game between the Texans and the Cowboys the Dottie Bowl, but was saddened all weren’t invited to attend. Congratulated Parks and Rec’s Halloween Campout event, stating it was phenomenal. After walking from tent to tent talking to families, she enjoyed hearing how visitors from surrounding cities like to attend La Porte Parks and Rec events because their cities don’t offer these types of events. Also, she stated she enjoyed looking at pictures of staff helping out for Habitat for Humanity work day; and welcomed Teresa Evans. Lastly, she thanked PD for working on the hot spot.

Councilmember J. Martin congratulated Ron Parker and welcomed Teresa Evans and looks forward to working with them. He thanked all three officers for their sacrifice and willingness to put someone else in front of their own needs and safety. He also has family who attends the Halloween campout, and he thought it was fantastic; he attended the grand opening of MRC Global, who donated \$75,000 to the Education Foundation, which was incredible; and wants to thank staff and the Economic Development Corporation for making that happen.

Councilmember K. Martin congratulated all three officers for getting Employee of the Third Quarter and congratulated Ron Parker stated it is well deserved. She also welcomed Teresa Evans. She mentioned the Dottie Bowl was amazing; Dottie would have been proud looking forward to seeing how this develops in years to come.

Mayor Rigby congratulated all three officers for getting Employee of the Third Quarter and congratulated Chief Parker; he also welcomed Teresa Evans and is looking forward to working with her. He mentioned that this past Monday, he met with an Eagle Scout Candidate who is working on a project and wants to be involved with the City of La Porte. He sent the Mayor his proposal which will be forwarded to City Manager to be placed on the next Council agenda. He said it is regarding a place where people can drop off torn/tattered United States flags. Mayor Rigby also attended the MRC Global grand opening; it is an impressive facility; it was mentioned that they have \$137 million worth of inventory. He welcomed them to the city and is looking forward to a long lasting relationship.

11. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:13 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

Patrice Fogarty, City Secretary

Passed and approved on November 12, 2018.

Mayor Louis R. Rigby