

**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  
**THOMAS GARZA**  
Councilperson District 4  
**JAY MARTIN**  
Councilperson District 5  
**NANCY OJEDA**  
Councilperson District 6  
Mayor Pro-Tem

## MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MAY 13, 2019

The City Council of the City of La Porte met in a regular meeting on Monday, May 13, 2019, 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, Thomas Garza, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Brandon Lunsford, Jay Martin, Nancy Ojeda

**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** – The invocation was given by Mayor Pro Tem Nancy Ojeda.

**PLEDGES** – The pledges of allegiance to the U.S. and Texas flags were led by Mayor Pro Tem Nancy Ojeda.

### 3. ELECTION MATTERS

(a) **Presentation, discussion, and possible action to adopt Ordinance 2019-3744 to canvass the returns of the general election held on May 4, 2019, for the purpose of electing a Councilperson-District 5. [Lee Woodward, City Secretary]**

Councilperson Engelken moved to adopt Ordinance 2019-3744; the motion was adopted, 7-0

### 4. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

(a) Presentation of Oaths of Office and Certificates of Election to newly elected officials Brandon Lunsford and Thomas Garza. [Mayor Rigby]

(b) Proclamation in recognition of National Police Week. [Mayor Rigby]

(c) Proclamation in recognition of Emergency Medical Services Week. [Mayor Rigby]

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

Chuck Rosa gave public comment on his dissatisfaction with the results of his race in the May 4 election. Sarah Medearis spoke in support of the Fire Department raise approved at the last meeting and John Dunham encouraged the Council to postpone a vote on item 8c. Jana Pellusch, Colin Cline, Jack Hughes, and Cleveland Griffin asked for help with the lockout at the DOW Deer Park plant of union employees.

### 6. 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 meeting held on April 22, 2019. [Lee Woodward, City Secretary]**

(b) **Adopt Resolution 2019-07 joining the Houston Coalition of Cities for intervening into the CenterPoint Energy new rate case. [Corby Alexander, City Manager]**

(c) **Approve award of Bid #19012 for the Spencer Highway Fence and Sidewalk Project. [Don Pennell, Public Works Director]**

(d) **Approve award of Bid #19013 for the FY 2019 Asphalt Reconstruction and Overlay Project. [Don Pennell, Public Works Director]**

- (e) **Adopt Resolution 2019-08 designating authorized signatories for contractual documents and documents requesting funds pertaining to the Texas General land Office 2015 Floods and Storms (DR-4223 and DR-4245) Community Development Block Grant Disaster Recovery Program. [Lorenzo Wingate, P.E., City Engineer]**

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

*(Councilperson Engelken signed a conflict of interest affidavit for item b and did not vote on the item.)*  
Councilperson Gillett moved to approve consent agenda item b; the motion was adopted, 8-0.

Councilperson Earp moved to approve consent agenda item c; the motion was adopted, 8-1, Councilperson Garza voting against.

## **7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**

- (a) **The City will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3740 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial"; Discussion, and possible action regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3740 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial." [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 6:54 p.m. The applicant/developer Justin Bennet, provided a presentation on behalf of owner Carrington F. Weems. Teresa Nowetner offered comments of concern over more truck traffic and supervision of what is stored in local warehouses. The Mayor closed the public hearing at 7:10 p.m.

Councilperson Engelken moved to adopt Ordinance 2019-3740 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 5.051 acre tract of land located at the NE corner of South 16th Street and the West M Street ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial." The motion failed, 4-5, Mayor Pro Tem Ojeda, and Councilpersons Bentley, Lunsford, Gillett, and Garza voting against.

- (b) **The City will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3741 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000001, a change from General Commercial (GC) to Planned Unit Development (PUD) for 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision; Discussion, and possible action to consider adopting Ordinance 2019-3741 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000001, a change from General Commercial (GC) to Planned Unit Development (PUD) for 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision. [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 7:22 p.m. The applicant/developer Justin Bennet, provided in support of the use. Chuck Rosa asked a question about parliamentary procedure. Colin Cline spoke in opposition to the ordinance. The Mayor closed the public hearing at 7:42 p.m.

Mayor Pro Tem Ojeda moved to deny the recommendation of the Planning and Zoning Commission to adopt Ordinance 2019-3741 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000001, a change from General Commercial (GC) to Planned Unit Development (PUD) for 5.051 acre tract of land located at the NE corner of South 16th Street and the West M Street ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision; the motion to deny the Planning and Zoning Commission's recommendation was adopted, 6-3, Mayor Rigby and Councilpersons Engelken and Earp voting against.

- (c) The City will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3742 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-92000002, to allow for an industrial office/warehouse facility on a 5.051 acre tract of land legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision in the Planned Unit Development (PUD) zoning district; Discussion, and possible action to consider adopting Ordinance 2019-3742 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-92000002, to allow for an industrial office/warehouse facility on a 5.051 acre tract of land legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]

*This item was declared moot due to the denial in item 7b and was not considered by the Council.*

## 8. STATUTORY AGENDA

- (a) Presentation, discussion, and possible action rejecting or approving Bid #19501 to CMC Development & Construction Corporation, LLC for the Five Points Plaza Improvements in the amount of \$350,000.00 [Lorenzo Wingate, P.E., City Engineer]

Councilperson Gillett moved to reject Bid #19501 and direct staff to bring a new proposal for design; the motion was adopted, 9-0.

- (b) Presentation, discussion and possible action regarding Ordinance 2019-3743, for authorization to enter into an agreement with Fairmont Park West HOA for the lease of swimming pool and park space at Fairmont Park West, from June 1, 2019 to December 31, 2019. [Corby Alexander, City Manager]

Councilperson Garza moved to reject the proposal, stop negotiations with the HOA, and continue the discussion when the Parks Master Plan is complete; the motion failed, 2-7, Councilpersons Bentley and Garza voting in support.

Councilperson Earp moved to adopt Ordinance 2019-3743, for authorization to enter into an agreement with Fairmont Park West HOA for the lease of swimming pool and park space at Fairmont Park West, from June 1, 2019 to December 31, 2019. Councilperson Garza moved to amend the lease to require that the HOA repay the City for the funds spent to date. The amendment was lost for lack of a second. The motion for the ordinance and lease was adopted, 7-2, Councilpersons Bentley and Garza voting against.

- (c) Presentation, discussion and possible action implementing the salary increase for the City of La Porte Emergency Medical Services and the City of La Porte Fire Department. [Mayor Rigby]

Councilperson Bentley moved to implement the salary increases [adopted in April to begin June 1] for the City of La Porte Emergency Medical Services and the La Porte Fire Department for the positions listed in the agenda request (i.e. EMS Paramedics I and II, Captain and Lieutenant, and Fire Engineers); the motion was adopted, 9-0.

## 9. REPORTS

- (a) Receive a report on the Fiscal Affairs Committee Meeting. [Councilperson Engelken]

Councilperson Engelken reported on the Fiscal Affairs Committee meeting held at 4:30 p.m., relaying that the purchasing and investment reports were received.

- (b) Receive report of the Drainage and Flooding Committee Meeting. [Councilperson J. Martin]

Councilperson J. Martin reported on the Drainage and Flooding Committee meeting held at 4:30 p.m., saying the Harris County Flood Control District was in attendance and updates were provided from its representative and City Engineer Lorenzo Wingate.

## 10. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, May 16, 2019
- City Council Meeting, Monday, June 10, 2019
- City Council Meeting, Monday, June 14, 2019

City Manager Corby Alexander offered no report.

**11. 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 recognized the new members on the dais; lauded the Public Employee Appreciation Luncheon, Sylvan Beach Day, and Special Olympics events; expressed sympathy for DOW employees who were attending; thanked the Fire and EMS staff for their work; noted the celebrations of Police Week and EMS Week; requested review of the construction on Somerton; gave appreciation to the City Manager and Public Works Director Don Pennell for cleanup in the Lomax area ditches ahead of the recent rains; offered sincere gratitude to Councilpersons Kristin Martin and John Zemanek for their many years of service; and the new Councilpersons thanked the public and their fellow Councilpersons.

**12. EXECUTIVE SESSION – The City Council reserves the right to meet in closed session on any agenda item, should the need arise, and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, in accordance with the authority contained in:**

**Texas Government Code – Section 551.072 – Deliberation regarding purchase, exchange, lease, or value of real property: Meet with City Manager and City Attorney to discuss value of real property in industrial districts, concerning negotiations with industry representatives for terms of new Industrial District Agreements.**

**Texas Government Code – Section 551.074 – Personnel Matter: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer requests a public hearing: Denise Mitrano, Municipal Court Judge.**

*(Councilperson Earp has a conflict of interest affidavit on file for the IDA item, did not participate in the deliberation for it, and left the meeting after the Council handled Judge Mitrano's item first in executive session.)*  
The Council adjourned into executive session at 9:09 p.m.

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

The Council reconvened into open session at 9:53 p.m. Councilperson Martin moved to approve a 5% increase for Judge Mitrano. The motion was adopted, 8-0, Councilperson Garza abstaining.

The Council re-adjourned into executive session at 9:54 p.m. and reconvened at 10:29 p.m.

**ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 10:31 p.m.**

---

Lee Woodward, City Secretary