

**AFFIDAVIT PROVIDING NOTICE OF POTENTIAL CONFLICT OF INTEREST**

THE STATE OF TEXAS §  
COUNTY OF HARRIS §  
CITY OF LA PORTE §

I, DANNY EARP, a local public official of the City of La Porte, Texas (the City), make this affidavit and hereby on oath state the following:

Action being contemplated by the City may have an effect on a business entity or real property in which I have an interest. Such interest may be a "substantial interest" as that term is defined in Chapter 171 of the Texas Local Government Code. The action being contemplated may have a special economic effect on the business entity or real property distinguishable from the effect on the public.

The business entity or real property in which I have an interest is described as follows (name; address; or lot description):

The nature and extent of my interest in the business entity or real property is herein described by stating that either I or a person related to me in the first degree of consanguinity (blood) or affinity (marriage), as determined by Chapter 573 of the Texas Government Code (check all that apply):

- Own 10 percent or more of the voting stock or shares of the business entity;
- Own 10 percent or more of the fair market value of the business entity;
- Own \$15,000 or more of the fair market value of the business entity; and/or
- Received funds that exceed 10 percent of gross income for the previous year;
- Have an equitable or legal ownership in real property with a fair market value of at least \$2,500 or more;

Alternatively, even if I do not have a "substantial interest" as defined by Chapter 171 of the Texas Local Government Code, I am filing this affidavit so as to avoid the appearance of impropriety. My interest may be described as follows: \_\_\_\_\_

Upon filing of this affidavit with the City Secretary, I affirm that I will abstain from any discussion, vote or decision involving this business entity or real property unless a majority of the members of the governmental entity of which I am a member is likewise required to file and has filed affidavits declaring similar interests on the same official action.

Signed this the 23<sup>rd</sup> day of July, 2018.

[Signature]  
Signature of Affiant  
Councilmember  
Title of Affiant

BEFORE ME, the undersigned authority, on this day personally appeared Danny Earp and by oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN to and subscribed before me on this the 23<sup>rd</sup> day of July, 2018.

[Signature]  
Notary Public in and for the State of Texas



LOUIS R. RIGBY  
Mayor  
JOHN ZEMANEK  
Councilmember At Large A  
DOTTIE KAMINSKI  
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  
Mayor Pro-Tem  
Councilmember District 6

## CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held July 23, 2018, beginning at 6:00 PM in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Katie Gould, St. John's Episcopal Church.
3. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance will be led by Councilmember John Zemanek.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)
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 minutes of the Regular City Council Meeting held on July 9, 2018 - P. Fogarty
  - (b) Consider approval or other action filling the vacancy in the alternate position on the Drainage and Flooding Committee by appointing Councilmember John Zemanek - P. Fogarty
  - (c) Consider approval or other action regarding recommended date of September 10, 2018, for the Public Hearing on the City's Fiscal Year 2018-2019 Proposed Budget - S. Wolny
  - (d) Consider approval or other action regarding an Ordinance authorizing an agreement between the City of La Porte and Whitley Penn, for auditing services for a three-year period, September 30, 2018 to September 30, 2020 - M. Dolby
  - (e) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Emerson Automation Solutions for its facility located at 4607 New West Drive, in the Bayport Industrial District - D. Pennell
  - (f) Consider approval or other action regarding the issuance of two pipeline permits to Cowboy Pipeline Service Co., on behalf of Kuraray America ('KA'), for the construction of two 6-5/8" stainless steel pipelines within the City of La Porte - D. Pennell
6. **PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**
  - (a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny passage of an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 6.43 acre tract of land located south of 11100 SH 225, and legally described as Tracts 351 & 352, La Porte Outlots, by changing from "Large Lot Residential" to "Light Industrial"; consider approval or other action regarding an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 6.43 acre tract of land located south of 11100 SH 225, legally described as Tracts 351 & 352, La Porte Outlots, from "Large Lot Residential" to "Light Industrial." - I. Clowes

0-2018-3715 ✓  
~~0-2018-3716~~ X

- X (b) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny zone change request #18-92000004, for a change from Large Lot Residential (LLD) to Light Industrial (LI) for a 6.43 acre tract of land located south of 11100 SH 225., legally described as Tracts 351 & 352, La Porte Outlots; consider approval or other action regarding an Ordinance amending Chapter 106 'Zoning' of the Code of Ordinances by changing the zoning classification of a 6.43 acre tract of land located south of 11100 SH 225, legally described as Tracts 351 & 352, La Porte Outlots , from Large Lot Residential (LLD) to Light Industrial (LI) - I. Clowes  
0-2018-~~3717~~
- Y (c) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-91000005 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 0.85-acre tract of land located at 800 W. Fairmont Pkwy. and legally described as Lots 1-32, Block 173, Town of La Porte Subdivision; 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 #18-91000005, to allow for the development of a Hotel/Motel use to be located on a 0.85-acre tract of land described as Lots 1-32, Block 173, Town of La Porte Subdivision, in the General Commercial (GC) Zoning District - I. Clowes  
0-2018-~~3718~~
- X (d) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-91000006 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 0.87-acre tract of land located at 928 SH 146 South and legally described as Reserve A, Denny's Classic Diner La Porte Subdivision; 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 #18-91000006, to allow for the development of a Hotel/Motel use to be located on a 0.87-acre tract of land described as Reserve A, Denny's Classic Diner La Porte Subdivision, in the General Commercial (GC) Zoning District - I. Clowes  
0-2018-~~3719~~
- (e) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000009 to allow for a Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720) use to locate on a 34.69-acre tract of land within the Planned Unit Development (PUD) zoning district, located at 1302 Wharton Weems Blvd. and legally described as Reserve "I" Port Crossing Commerce Center Subdivision; 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 #18-91000009, to allow for Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720) use to be located on a 34.69-acre tract of land within the Planned Unit Development (PUD) zoning district and legally described as Reserve "I" Port Crossing Commerce Center Subdivision - I. Clowes  
0-2018-~~3720~~ 3716
- (f) Public hearing to receive comments regarding the La Porte Fire Control, Prevention, and Emergency Medical Services District's proposed budget for the fiscal year which begins October 1, 2018, as approved by the Board of Directors of the District at its meeting held on June 21, 2018; consider approval of proposed budget of La Porte Fire Control, Prevention and Emergency Medical Services District - D. Ladd
- (g) Public hearing to receive comments regarding request by property owner to authorize 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 Aroma's Italian Grill located at 1023 S. Broadway, 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 Aroma's Italian Grill located at 1023 S. Broadway, within 300 feet of a public school - R. Mancilla  
0-2018-~~3721~~ 3717

7. **REPORTS**

- (a) Receive report of the La Porte Development Corporation Board Meeting - Councilmember Nancy Ojeda

8. **ADMINISTRATIVE REPORTS**

- Zoning Board of Adjustment Meeting, Thursday, July 26, 2018
- City Council Meeting, Monday, August 13, 2018
- Budget Workshop Meetings, week of August 13th, 2018
- Planning and Zoning Commission Meeting, Thursday, August 16, 2018
- City Council Meeting, Monday, August 27, 2018
- Zoning Board of Adjustment Meeting, Thursday, August 30, 2018

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 or existing policies. Councilmembers Zemanek, Bentley, Ojeda, Engelken, Earp, J. Martin, K. Martin, Kaminski and Mayor Rigby

10. **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.

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

12. **ADJOURN**

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 (the Texas open meetings laws).

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

**CERTIFICATION**

I certify that a copy of the July 23, 2018 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on July 17, 2018.

*Patrice Fogarty*