

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
Mayor Pro-Tem
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 24, 2017

The City Council of the City of La Porte met in a regular meeting on **Monday, July 24, 2017**, 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. Members of Council present: Councilmembers Ojeda, J. Martin, K. Martin, Engelken, Zemanek, Leonard, and Earp. Absent: Councilmember Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, 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 K. Martin.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition – Employee of the Second Quarter 2017 – Jenny Lynn (Marketing/Public Relations Specialist) City of La Porte Parks and Recreation Department - Mayor Rigby

Mayor Rigby recognized Marketing/Public Relations Specialist Jenny Lynn as Employee of the Second Quarter 2017.

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

Don Belgau, 3342 Miramar, addressed Council in opposition to item 8(a), closing the south half of the S. Holmes St. right of way.

Drue Adams, 200 Crescent View St., addressed Council in opposition to item 8(a), closing the south half of the S. Holmes St. right of way, and requested the fence and gate be removed from the property.

Joe Bertuglia, 2005 Yorktown Ct., Seabrook, addressed Council regarding the purchase of half of the right-of-way of S. Holmes. Mr. Bertuglia expressed his desire to protect the shoreline and is not being requested to interrupt the lifestyle of the La Porte citizens. Mr. Bertuglia also provided photos to Council.

Virginia Pierson-Turner, 231 Bayside Dr., addressed Council in support of redevelopment and preserving the bay front.

Margaret Anderson, 909 Garden Walk, addressed Council in support of renovating the former Port Theater. (This item was discussed at the July 17, 2017 La Porte Development Corporation Meeting.)

Sonja Smith, 8415 Beechhaven, addressed Council in regards to her many concerns regarding health and safety issues of a vacant home located at 8406 Beechaven. In addition, Ms. Smith provided photos to City Manager Corby Alexander.

Amanda Kastl, 219 Crescent View St., addressed Council in opposition to item 8(a), closing the south one-half of S. Holmes St. right of way.

Brian Evjen, 221 Holmes, addressed Council in opposition to item 8(a), closing the south one-half of S. Holmes St. right of way.

Barbara Norwine, 202 S. Lobit, addressed Council in opposition to item 8(a), closing the south one-half of S. Holmes St. right of way.

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 the minutes of the Council Meeting held on July 10, 2017 – P. Fogarty
- (b) Consider approval or other action regarding recommended date of September 11, 2017 for the Public Hearing on the City's Fiscal Year 2017-2018 Proposed Budget – S. Wolny
- (c) Consider approval or other action regarding a Memorandum of Agreement with Bay Point Townhome Association for a community cooperation project providing for camera installation, new entryway sign and lighting for a total City contribution of \$2,492.82 – T. Leach
- (d) Consider approval or other action regarding an Ordinance approving and authorizing the donation of Lots 19, 20, 21 & 22 Block 104 of the Town of La Porte; Lots 29 & 30, Block 105, of the Town of La Porte, and Lots 23 & 24, Block 66, of the Town of La Porte, to Bay Area Habitat for Humanity-Houston, Inc., a Texas non-profit corporation for the construction of affordable housing – R. Mancilla
- (e) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and the City of Morgan's Point for services including Fire Protection & Prevention, Emergency Medical Service Dispatch, Animal Control and Jail – R. Nolen

Councilmember Engelken made a motion to approve Consent Agenda Items pursuant to staff recommendations. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Kaminski was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3680: AN ORDINANCE APPROVING AND AUTHORIZING THE DONATION OF LOTS 19, 20 21, AND 22, BLOCK 104 OF THE TOWN OF LA PORTE; LOTS 29 AND 30, BLOCK 105, OF THE TOWN OF LA PORTE; AND LOTS 23 AND 24, BLOCK 66, OF THE TOWN OF LA PORTE; TO BAY AREA HABITAT FOR HUMANITY-HOUSTON, INC., A TEXAS NON-PROFIT CORPORATION, FOR THE CONSTRUCTION OF AFFORDABLE HOUSING; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding the recommendation of the Planning and Zoning Commission to amend regulations related to the placement of carports on residential property; consider approval or other action regarding an Ordinance amending Chapter 106, "Zoning" of the Code of Ordinances of the City of La Porte by amending regulations related to the placement of carports on residential property – I. Clowes

The public hearing opened at 6:36 p.m.

City Planner Ian Clowes presented a summary regarding amendments to Chapter 106 related to the placement of carports on residential property.

Councilmember Earp commented he is not comfortable with the language written in the ordinance nor the affects it will have on the entire City.

Councilmember Engelken asked how the ordinance conflicts with the multiple deed restrictions in the City. City Planner Ian Clowes responded the City regulates Chapter 106 and not deed restrictions. City Attorney Clarks Askins added the City cannot enforce deed restrictions. Councilmember Engelken commented after passage of the proposed ordinance, a citizen can obtain a permit to build a carport and be in violation of an active Homeowners Association rules when another citizen applying for a permit may not be in violation because that citizen may be residing in a neighborhood with an inactive Homeowners Association.

Mayor Rigby asked if there are any homes in the Glen Meadows subdivision that can build carports consistent with the proposed ordinance. City Manager Corby Alexander responded there are a few homes with detached garages to the back of the home that can build carports.

Phillip Hoot, 927 Seabreeze, spoke and commented he does not live in Glen Meadows; and everyone in the City should not be restricted to accommodate the Glen Meadows subdivision.

Chuck Rosa, 812 S. Virginia St., spoke and commented the proposed ordinance takes away property rights and expressed his opposition.

The public hearing closed at 6:58 p.m.

Councilmember Engelken made a motion to deny the recommendation of the Planning and Zoning Commission to approve an Ordinance amending regulations related to the placement of carports on residential property. Councilmember Leonard seconded the motion. **MOTION PASSED 7/1.**

Ayes:	Councilmembers Earp, J. Martin, K. Martin, Leonard, Engelken, Ojeda and Zemanek
Nays:	Mayor Rigby
Absent:	Councilmember Kaminski

8. AUTHORIZATIONS

- (a) Consider approval or other action regarding an Ordinance vacating, abandoning and closing the south one-half S. Holmes St., right-of-way in Blocks 27 & 28, Town of La Porte – I. Clowes

City Planner Ian Clowes presented a summary regarding an Ordinance vacating, abandoning and closing the south one-half S. Holmes St., right-of-way.

Councilmember J. Martin made a motion to authorize the sale of a 30' portion of S. Holmes right-of-way to the applicant for subject right-of-way. **MOTION FAILED DUE TO LACK OF A SECOND TO THE MOTION.**

9. REPORTS

- (a) Receive report of the July 17, 2017 La Porte Development Corporation Board Meeting – Councilmember Ojeda

Councilmember Ojeda provided a report of the July 17, 2017, La Porte Development Corporation Board Meeting.

10. ADMINISTRATIVE REPORTS

There were no additional reports.

- 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.

Councilmembers K. Martin congratulated Jenny Lynn as Employee of the Second Quarter 2017 and commented she is an asset to the City. Councilmember Zemanek requested prayers for Councilmember Kaminski during her stay in the hospital; congratulated Jenny Lynn as Employee of the Second Quarter 2017, and requested a report on the Air National Guard Building. Councilmember Leonard congratulated Jenny Lynn as Employee of the Second Quarter 2017 and sent prayers out to Councilmember Kaminski. Councilmember Engelken wished Councilmember Kaminski a speedy recovery; congratulated Jenny Lynn as Employee of the Second Quarter 2017, thanked the citizens for speaking at the meeting tonight, and commented he would like to get the vacant home issue resolved on Beechhaven. Councilmember Earp congratulated Jenny Lynn as Employee of the Second Quarter 2017 and requested prayers for Councilmember Kaminski. Councilmember Ojeda thanked citizens for involvement in their local government and commented she received heartfelt compliments from a family who enjoys the swimming facilities at Fairmont Park Pool and the Wave Pool. Councilmember J. Martin sent prayers out to Councilmember Kaminski; congratulated Jenny Lynn as Employee of the Second Quarter 2017; commented he wishes to see all vacant homes posing a concern in the City shut down, and expressed an interest in assisting with the former Port Theater. Mayor Rigby congratulated Jenny Lynn as Employee of the Second Quarter 2017 and commented a contractor working at his home informed him the City of La Porte Inspections Department is the easiest to work with in comparison to surrounding cities, and he would like to let the Planning and Development Department know they are appreciated.

- 12. ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:08 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Kaminski was absent.**

Patrice Fogarty, City Secretary

Passed and approved on August 14, 2017.

Mayor Louis R. Rigby