

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
FEBRUARY 12, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, February 12, 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. Members of Council present: Councilmembers Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, and Earp. Absent: Councilmember Engelken. Also present were 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 Pastor Philip Dunn, Lighthouse Baptist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember John Zemanek.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Presentation – Citizen’s Lifesaving Awards to Ernie Molina, Jesse Juarez and Jewel Whitfield – Mayor Rigby

Mayor Rigby presented Citizen’s Lifesaving Awards to Ernie Molina, Jesse Juarez and Jewel Whitfield. Coach Chad Oliver, who was saved by them, was also present for the presentation.

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

There were no public comments.

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 meeting held on January 22, 2018 – P. Fogarty
 - (b) Consider approval or other action authorizing the City Manager to execute a contract with the Port of Houston Authority (Barbour’s Cut Terminal) for provision of emergency medical services by the City of La Porte Emergency Medical Services – R. Nolen

- (c) Consider approval or other action regarding a Resolution authorizing the City Manager to execute an agreement with Texas Department of Transportation for the construction, maintenance and operation of inspection lighting system under State Highway 146 within the City of La Porte – J. Weeks
- (d) Consider approval or other action awarding Bid #18006 for the North P Street Culvert Extension – D. Pennell

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

7. PUBLIC HEARING 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 1.2-acre tract of land known as Lots 17-32, Block 789, La Porte Subdivision, generally located on the east side of S. 15th Street and south of W. C Street by changing from "Mid-High Density Residential" to "Commercial"; consider approval or other action regarding an Ordinance amending the Future Land Use Map Component of the Comprehensive Plan for a 1.2 acre tract of land located on the east side of S. 15th Street and south of W. C Street from "Mid-High Density Residential" to "Commercial"- I. Clowes

The public hearing opened at 6:11 p.m.

City Planner Ian Clowes presented a combined summary for Items 7(a) and 7(b).

Jose Medina, 302 S. 15th Street, spoke in opposition of Items 7(a) and 7(b).

John Coody, 326 C Street, spoke in opposition of Items 7(a) and 7(b).

Mr. Vasquez, spoke in opposition of Items 7(a) and 7(b).

Jesus Elizondo, spoke in opposition of Items 7(a) and 7(b).

Jorge Reynaga, Pastor of Temple Hispano Bautista, spoke in opposition of Items 7(a) and 7(b).

The public hearing closed at 6:31 p.m.

Councilmember Zemanek made a motion to accept the Planning and Zoning Commission's denial. Councilmember Kaminski seconded the motion. **MOTION PASSED 8/0. Councilmember Engelken was absent.**

- (b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny zone change request #18-92000001, request by Terry Medders, applicant and owner, for change from Mid Density Residential (R-2) to General Commercial (GC), for a 1.2-acre tract of land located on the east side of S. 15th Street, and south of W. C Street and legally described as Lots 17-32, Block 789, La Porte Subdivision; consider approval or other action regarding an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, by changing the zoning classification of a 1.2-acre tract of land legally described as Lots 17-32, Block 789, La Porte Subdivision, from Mid Density Residential (R-2) to General Commercial (GC) - I. Clowes

The public hearing opened at 6:32 p.m.

There being no public comments, the public hearing closed at 6:33 p.m.

Councilmember K. Martin made a motion to accept the Planning and Zoning Commission's denial. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (c) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 34,217 square foot tract of land located at 330 Bayside Dr., and legally described as Lots 8-10 and S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, by changing from "Mid-High Density 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 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 and S. ½ of Lot 7, Block 1 Bayside Terrace Subdivision from "Mid-High Density to Residential" to "Low Density Residential" - I. Clowes

The public hearing opened at 6: 33 p.m.

City Planner Ian Clowes presented a combined summary for Items 7(c) and 7(d).

There being no public comments, the public hearing closed at 6:35 p.m.

Councilmember J. Martin made a motion to accept the Planning and Zoning Commission's recommendation to approve an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 and S. ½ of Lot 7, Block 1 Bayside Terrace Subdivision from "Mid-High Density to Residential" to "Low Density Residential." Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3694: 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 HEREOF.**

- (d) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve zone change request #18-92000002, for change from High Density Residential (R-3) to Low Density Residential (R-1) for a 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 and S. ½ of Lot 7, Block 1, Bayside Terrace 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 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, from High Density Residential (R-3) to Low Density Residential (R-1) - I. Clowes

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

There being no public comments, the public hearing closed at 6:37 p.m.

Councilmember J. Martin made a motion to accept the Planning and Zoning Commission's recommendation to approve an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances by changing the zoning classification of a 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, from High Density Residential (R-3) to Low Density Residential (R-1). Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3695: AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 34,217 SQUARE FOOT**

TRACT OF LAND LOCATED AT 330 BAYSIDE DR., LEGALLY DESCRIBED AS LOTS 8-10 & S. ½ OF LOT 7, BLOCK 1, BAYSIDE TERRACE SUBDIVISION, FROM HIGH DENSITY RESIDENTIAL (R-3) TO LOW DENSITY RESIDENTIAL (R-1); 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 recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 6.96-acre tract of land known as Tracts 718B; 719; and 719A, La Porte Outlots, located on the west side of Underwood Rd., north of Fairmont Pkwy., and south of Caniff Rd., from "Neighborhood Commercial" to "Mid-High Density Residential"; consider approval or other action regarding an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan by changing the classification from "Neighborhood Commercial" to "Mid-High Density Residential" for a 6.96-acre tract of land known as Tracts 718B; 719; and 719A, La Porte Outlots, located on the west side of Underwood Rd., north of Fairmont Pkwy., and south of Caniff Rd - I. Clowes

The public hearing opened at 6:38 p.m.

City Planner Ian Clowes presented a combined summary for Items 7(e) and 7(f).

President of Pecan Crossing Homeowners Association John Blakemore, 9209 Mahan, addressed Council with concerns of traffic increase with the approval of Items 7(e) and 7(f).

President of Summer Winds Homeowners Association Robert Wagstaff, 9614 Rustic Gate, addressed Council with concerns of lower property values with the approval of Items 7(e) and 7(f).

Donna Laird, 9610 Rustic Gate, addressed Council with concerns of a senior living facility and the elderly possibly operating motor vehicles at the proposed location.

Richard Laird, 9610 Rustic Gate, addressed Council with concerns of drainage; economics; transportation and the location of the proposed item and requested Council to vote in opposition to Items 7(e) and 7(f).

Philip Thomas, 113 Summer Winds spoke in opposition of Items 7(e) and 7(f).

Donald Davis, 3621 E. Desert Dr., spoke in opposition of Items 7(e) and 7(f).

Angie Davis, 118 Summer Winds, spoke in opposition of Items 7(e) and 7(f).

Gloria Zavala, 114 Summer Winds, spoke in opposition of Items 7(e) and 7(f).

The public hearing closed at 7:07 p.m.

Councilmember Earp made a motion to deny the Planning and Zoning Commission's recommendation. Councilmember Ojeda seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (f) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000001 to allow for an active senior living facility, to be located on a 6.96-acre tract of land described as Tracts 718B; 719; and 719A, La Porte Outlots in a PUD zone; 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 #18-91000001, to allow for the development of an active senior living facility to be located on a 6.96-acre tract of land described as Tracts 718B; 719; and 719A, La Porte Outlots, in a PUD zone - I. Clowes

The public hearing opened at 7:09 p.m.

City Planner Ian Clowes read the 9 items of the Special Conditional Use Permit.

The public hearing closed at 7:14 p.m.

Councilmember Leonard made a motion to deny the Planning and Zoning Commission's recommendation. Councilmember K. Martin seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

8. AUTHORIZATIONS

- (a) Consider approval or other action regarding a Resolution in support of application and development of Lafayette Park Apartment (an age-restricted (55+) multi-family facility) to be located on Underwood Rd., north of Fairmont Pkwy, and south of Caniff Rd. – J. Weeks

Assistant City Manager Jason Weeks presented a summary.

Councilmember Earp made a motion to deny adopting a Resolution in support of an application and development of Lafayette Park Apartment (an age-restricted (55+) multi-family facility) to be located on Underwood Rd., north of Fairmont Pkwy, and south of Caniff Rd.. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (b) Consider approval or other action regarding an Ordinance ordering a special election on May 5, 2018, on proposed amendments to the La Porte, Texas, Home Rule City Charter – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Earp made a motion to approve an Ordinance ordering a special election on May 5, 2018, on proposed amendment to the La Porte Home Rule City Charter Item CC and remove proposed amendments AA and BB. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (c) Consider approval or other action appointing a member to fill a vacancy on the Board of the La Porte Area Water Authority – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Ojeda made a motion to nominate Stephanie Bellew to the La Porte Area Water Authority. Councilmember Jay Martin seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

9. REPORTS

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

Councilmember Ojeda provided a report from the La Porte Development Corporation Board meeting held prior to the City Council meeting.

- (a) Receive report from Council Subcommittee on Evaluation Forms – Councilmember Engelken

Councilmember K. Martin provided a report from the Council Subcommittee on Evaluation Forms meeting held on February 5, 2018.

10. ADMINISTRATIVE REPORTS

City Manager Corby Alexander encouraged everyone to attend the Open House on Sunday, February 25, at 2:00 p.m., of the historic La Porte Colored School House, which he also referred to as the African American School.

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.

Councilmember Zemanek recognized late Councilmember Tommy Moser for being instrumental in the restoration of the Historic La Porte Colored School House; recognized the three recipients of the Citizens Lifesaving Award; commented he would welcome a senior living facility in La Porte if it fit the rules established by the City; Councilmember Leonard congratulated the three recipients of the Citizens Lifesaving Award; also commented a senior living facility would be nice in the community if it fit the rules;

Councilmember Earp congratulated the three recipients of the Citizens Lifesaving Award; requested City Manager Corby Alexander to get Staff to address the concerns of the citizens that reside on 15th and 16th Street; he also thanked the citizens that came out to voice their concerns regarding the proposed senior living facility;

Councilmember Ojeda informed everyone she attended the Black History Month program; the Soul Food Cook-off and commended the City for their relationship with the La Porte Civic Club and City Manager Corby Alexander for all his efforts with the Historic La Porte Colored School House; she advised she attended the Father/Daughter Dance that was well attended and very heartwarming; congratulated the three recipients of the Citizens Lifesaving Award; and thanked Stephanie Bellew for wanting to serve her local government;

Councilmember J. Martin congratulated the three recipients of the Citizens Lifesaving Award; encouraged everyone to learn how to operate an AED machine; informed the Police Neighborhood Center will be opening this Saturday; and thanked the citizens for voicing their concerns regarding the proposed senior living facility;

Councilmember K. Martin congratulated the three recipients of the Citizens Lifesaving Award; thanked EMS Chief Ray Nolen for donating two AED machines to the local TIFI organizations; advised she attended the Soul Food Cook-off; thanked everyone for making her father's project (the La Porte Colored School House) come to prosperity and thanked Public Works Director Don Pennell for the delivery of trash bags in the community;

Councilmember Kaminski congratulated the three recipients of the Citizens Lifesaving Award; informed she attended the Soul Food Cook-off and advised of the compliments she received about the Father/ Daughter Dance;

Mayor Rigby congratulated the three recipients of the Citizens Lifesaving Award; advised he attended the donation presentation of the AEDs and expressed his concern for everyone to please be trained to use these devices; thanked everyone for coming out to express their thoughts on the proposed senior living facility; and confirmed his first intention to vote against the item.

12. **ADJOURN** - There being no further business, Councilmember Leonard made a motion to adjourn the meeting at 7:41 p.m. Councilmember Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on February 26, 2018.

Mayor Louis R. Rigby