

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

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JULY 22, 2019

The City Council of the City of La Porte met in a regular meeting on Monday, July 22, 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, Bill Bentley, Brandon Lunsford, Jay Martin, Nancy Ojeda

Councilpersons absent: Chuck Engelken

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 Pastor Philip Dunn, Lighthouse Baptist Church.

PLEDGES – The pledges of allegiance to the U.S. and Texas flags were led by Councilperson Brandon Lunsford.

3. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**

(a) Recognition of Float Entry Winners for the 4th of July Parade. [Mayor Louis R. Rigby]

(b) Recognition of the Employees of the Second Quarter 2019 – Sharon Harris, Deputy City Secretary, and LPPD Patrol Officer Luis Gonzalez. [Mayor Louis R. Rigby]

4. **PUBLIC COMMENTS** (Limited to five minutes per person.) Wyatt Smith spoke about La Porte Boy's Baseball teams going to their championships and discussed his opposition to any land in La Porte being rezoned for warehouses. Sue Sabin offered her support for additional warehouse construction on 16th Street.

5. **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 City Council meeting held on July 8, 2019.** [Mayor Louis R. Rigby]

(b) **Award Bid Number #19015 for Hillridge Water Plant Improvements Phase II.** [Ray Mayo, Interim Public Works Director]

Councilperson Bentley moved to approve the consent agenda; the motion was adopted, 8-0.

6. **PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**

(a) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3748 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000004, to allow for the redevelopment of the existing pre-check truck facility on a 20.769-acre tract of land located at 900 E. Barbours Cut Blvd., and legally described as Reserve A, Block 1, Port of Houston Authority, followed by discussion and possible action to consider adopting Ordinance 2019-3748 amending the Code of Ordinances of the City of La Porte, Chapter 106 'Zoning' by granting Special Conditional Use Permit #19-91000004, to allow for the redevelopment of the existing pre-check truck facility on a 20.769-acre tract of land located at 900 E. Barbours Cut Blvd., and legally described as Reserve A, Block 1, Port of Houston Authority. [Ian Clowes, City Planner]

Mayor Rigby opened the public hearing at 6:19 p.m. Ian Clowes, City Planner, provided a presentation. The Mayor closed the public hearing at 6:35 p.m.

Councilperson Earp moved to adopt Ordinance 2019-3748 amending the Code of Ordinances of the City of La Porte, Chapter 106 'Zoning' by granting Special Conditional Use Permit #19-91000004, to allow for the redevelopment of the existing pre-check truck facility on a 20.769-acre tract of land located at 900 E. Barbours Cut Blvd., and legally described as Reserve A, Block 1, Port of Houston Authority: the motion was adopted, 7-1, Councilperson Garza voting against.

- (b) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3749 amending the Code of Ordinances of the City of La Porte, Chapter 106 'Zoning' by granting Special Conditional Use Permit #19-91000005, to allow for additional senior living units in the Morgan's Landing development on a 9-acre tract of land located at 3300 Bay Area Blvd., and legally described as Reserve C, Block 1, Bay Area 28, followed by discussion and possible action to consider adopting Ordinance 2019-3749 amending the Code of Ordinances of the City of La Porte, Chapter 106 'Zoning' by granting Special Conditional Use Permit #19-91000005, to allow for additional senior living units in the Morgan's Landing development on a 9-acre tract of land located at 3300 Bay Area Blvd., and legally described as Reserve C, Block 1, Bay Area 28. [Ian Clowes, City Planner]**

Councilperson Earp has filed a conflict of interest affidavit on the item and did not participate in discussion or vote. Mayor Rigby opened the public hearing at 6:40 p.m. Ian Clowes, City Planner, provided a presentation. The Mayor closed the public hearing at 6:50 p.m.

Councilperson Martin moved to adopt Ordinance 2019-3749 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000005, to allow for additional senior living units in the Morgan's Landing development on a 9-acre tract of land located at 3300 Bay Area Blvd., and legally described as Reserve C, Block 1, Bay Area 28: the motion was adopted, 7-0.

- (c) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3750 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. 16th St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 1143, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial", followed by discussion and possible action regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3750 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. 16th St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 1143, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial". [Ian Clowes, City Planner]**

Councilperson Bentley moved to postpone items 6c, 6d, and 6e until the August 26 meeting; the motion was adopted, 8-0.

- (d) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3751 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000002, a change from General Commercial (GC) to Planned Unit Development (PUD) for a 5.051 acre tract of land located at the NE corner of S. 16th St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 1143, La Porte Subdivision, followed by discussion and possible action to consider adopting Ordinance 2019-3751 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000002, a change from General Commercial (GC) to Planned Unit Development (PUD) for a 5.051 acre tract of land located at the NE corner of S. 16th St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 1143, La Porte Subdivision. [Ian Clowes, City Planner]**

Councilperson Bentley moved to postpone items 6c, 6d, and 6e until the August 26 meeting; the motion was adopted, 8-0.

- (e) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3752 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000003 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 1143, La Porte Subdivision in the Planned Unit Development (PUD) zoning district; Discussion, and possible action to consider adopting Ordinance 2019-3752 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning” by granting Special Conditional Use Permit #19-91000003 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 1143, La Porte Subdivision in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]

Councilperson Bentley moved to postpone items 6c, 6d, and 6e until the August 26 meeting; the motion was adopted, 8-0.

- (f) **The City Council will hold a public hearing to receive comments regarding a recommendation by the La Porte Fire Control, Prevention, and Emergency Medical Services District Board to adopt proposed budget for the fiscal year which begins October 1, 2019, as approved by the Board of Directors of the District at its meeting held on June 18, 2019; consider approval of proposed budget of the La Porte Fire Control, Prevention, and Emergency Medical Services District. [Donald Ladd, Assistant Fire Chief]**

Mayor Rigby opened the public hearing at 6:54 p.m. Donald Ladd, Assistant Fire Chief, provided a presentation. The Mayor closed the public hearing at 7:11 p.m.

Councilperson Ojeda moved to approve the proposed budget of the La Porte Fire Control, Prevention, and Emergency Medical Services District Board beginning October 1, 2019; the motion was adopted, 8-0.

- (g) **The City Council will hold a public hearing to receive comments regarding a recommendation by staff to deny retail electric rate increase proposed by CenterPoint Energy Houston Electric, LLC for customers within the City of La Porte; discussion and possible action to consider adopting Ordinance 2019-3753, denying retail electric rate increase proposed by CenterPoint Energy Houston Electric, LLC., for customers within the City of La Porte. [Corby Alexander, City Manager]**

Mayor Rigby opened the public hearing at 7:12 p.m. Corby Alexander, City Manager, provided a presentation. The Mayor closed the public hearing at 7:14 p.m.

Councilperson Ojeda moved to adopt Ordinance 2019-3753, denying a retail electric rate increase proposed by CenterPoint Energy Houston Electric, LLC., for customers within the City of La Porte; the motion was adopted, 8-0.

7. STATUTORY AGENDA

- (a) **Presentation, discussion, and possible action to adopt Ordinance 2019-3754, amending the La Porte Code of Ordinances Chapter 22, “Businesses”, regarding regulation of massage business establishments. [Councilpersons Garza, Lunsford, and Bentley]**

Councilperson Garza moved to adopt Ordinance 2019-3754, amending the La Porte Code of Ordinances Chapter 22, “Businesses”, regarding regulation of massage business establishments, by amending the ordinance by striking the words “have been charged with or” and “charge or” in Sec. 22-418(a)(3); the motion was adopted, 8-0.

- (b) **Presentation, discussion, and possible action on a presentation regarding salary for certain City positions [Matt Hartleib, Human Resources Manager]**

Councilperson Earp directed staff to keep the rate structure but make market-based moves within the structure and then consider salary adjustments as needed to bring back a proposal to get midpoints to market levels, at a minimum; the motion was adopted 8-0.

8. REPORTS

- (a) **Receive a report on the La Porte Development Corporation Board Meeting. [Councilperson Nancy Ojeda]**

Councilperson Ojeda reported on the La Porte Development Corporation Board meeting held at 5:00 p.m., relaying that the Board:

- approved an awning, façade, and signage enhancement grant application of \$6,998.73 for 508 West Main Street;

- requested that staff set a meeting for the vendor and some of the Board members to finalize design proposals for Main Street traffic control boxes and connect with the high school regarding further art design;
- approved a parking lot, striping, and landscaping enhancement grant application of \$23,750.00 for 10424 Spencer Highway, contingent upon a prefabricated building being installed according to code; and
- approved capital funding of projects for the next two years.

9. ADMINISTRATIVE REPORTS

- Drainage and Flooding Committee Meeting, Monday, August 12, 2019
- Budget Workshop Meetings, week of August 12th
- Planning and Zoning Commission Meeting, Thursday, August 15, 2019
- Zoning Board of Adjustment Meeting, Thursday, August 22, 2019
- City Council Meeting, Monday, August 26, 2019

City Manager Corby Alexander offered that INEOS has executed the agreement approved recently.

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.

Councilpersons recognized the Rotary Club, George Watkins, and the Float Entry Winners for the 4th of July Parade; congratulated Employees of the Second Quarter 2019; thanked Mr. Hartlieb and his staff for work on the salary study; shared the pleasure of attending the LPPD awards ceremony; acknowledged Lt. Dietrich's creative work to help fund the Animal Shelter; hoped for publicity for the \$12 million grant for San Jacinto College for IT training; noted and upcoming opportunity to speak to children about bullying; wished good health and offered appreciation to Pastor Dunn; gave wedding anniversary wishes to Mr. Ojeda; suggested designating a parking space for Employee of the Quarter; encouraged the City staff for the discussion on salaries; commended the Council for the changes to the massage business ordinance; congratulated new EMS Chief Lisa Camp and Asst. Chief Shawn Kominek; inquired about the retired flag depository; and recounted visiting with Harris County Commissioner's Court on fund distribution.

11. 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:

City Council will meet in closed session pursuant to Texas Government Code Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - regarding City Secretary Lee Woodward.

City Council will meet in closed session pursuant to Texas Government Code Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - regarding City Manager Corby Alexander.

The Council adjourned into executive session at 8:31 p.m.

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

The Council reconvened into open session at 11:19 p.m. Councilperson Martin moved to increase the salary of the City Secretary by 4% and that the City Secretary would be exempt from any salary increases made in the next budget cycle; the motion was adopted, 8-0. Councilperson Martin moved to increase the salary of the City Manager by 4% and that the City Manager would be exempt from any salary increases made in the next budget cycle; the motion was adopted, 7-1, Councilperson Garza voting against.

ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 11:21 p.m.

Lee Woodward, City Secretary