

**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 AUGUST 26, 2019

The City Council of the City of La Porte met in a regular meeting on Monday, August 26, 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 Minister Rachel Cotton, Pleasant Hill Church of Deliverance.  
**PLEDGES** – The pledges of allegiance to the U.S. and Texas flags were led by Councilperson Chuck Engelken.
3. **PUBLIC COMMENTS** (Limited to five minutes per person.) Chuck Rosa said he believed the large trucks in neighborhoods was not a concern due to the prescribed truck route. Amanda Gerrish spoke in concern of the recent changes to massage businesses and their effect on solo practitioners without storefronts. Justin Suringer addressed his concern about LPPD.
4. **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 meetings held on August 12 and 13, 2019. [Mayor Louis R. Rigby]
  - (b) Authorize the City Manager to execute a Water Service Agreement with Eurecat U.S. Inc., for its facility at 13100 Baypark Road, in the Bayport Industrial District. [Lorenzo Wingate, City Engineer]
  - (c) Approve proposed changes to the Civil Service Pay scale. [Matt Hartleib, HR Manager]

Councilperson Engelken moved to approve the consent agenda; the motion was adopted, 9-0.

### 5. 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 2019-3750 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]

Mayor Rigby opened the public hearing at 6:15 p.m. Ian Clowes, City Planner, provided a brief presentation for all three items, and explained the three additional conditions of the Planning and Zoning Commission. Applicant Justin Bennett said he has taken measures in the design of the building to alleviate the concerns presented previously, reducing door count and reducing the truck court by increasing parking to attract a different type of light manufacturing business in the proposed facility. Theresa Nowetner spoke in opposition to the project, due to an increase in overall truck traffic, and her opinion that there was strong public disapproval. Sue Sabin shared that she “did not have a problem” with the concerns raised, as the area has always been industrial. Chuck Rosa spoke in support of the project, and suggested the City work on the roads and increasing the number of trucks. Aaron Kimball said against the project due to the current amount of truck traffic and how trucks are driven in the area, although he was not against increasing industrial development per se, but with a balance with other types of business. The Mayor closed the public hearing at 6:44 p.m.

Councilperson Garza moved to deny the recommendation from Planning and Zoning and deny the applicant’s request to amend the City’s Future Land Use Map Component of the City’s Comprehensive Plan. The motion was not adopted, 3-6, Councilpersons Garza, Lunsford, and Ojeda voting in support.

Councilperson Earp adopt Ordinance 2019-3750 amending the City’s Future Land Use Map; the motion was adopted, 6-3, Councilpersons Garza, Lunsford, and Ojeda 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 2019-3751 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning” by granting Zone Change #19-9200002, 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 #19-9200002, 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]**

Mayor Rigby opened the public hearing at 6:56 p.m. No comments were offered. The Mayor closed the public hearing at 6:56 p.m.

Councilperson Martin moved to approve the recommendation by the Planning and Zoning Commission and adopt Ordinance 2019-3751; the motion was adopted, 6-3, Councilpersons Garza, Lunsford, and Ojeda voting against.

- (c) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3752 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning” by granting Special Conditional Use Permit #19-9100003 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 #19-9100003 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]**

Mayor Rigby opened the public hearing at 7:08 p.m. There were no comments. The Mayor closed the public hearing at 7:08 p.m.

Councilperson Martin moved to approve the recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3752; the motion was 6-3, Councilpersons Garza, Lunsford, and Ojeda voting against.

## **6. STATUTORY AGENDA**

- (a) Presentation, discussion, and possible action to adopt Ordinance 2019-3746 for the purpose of granting a franchise to CenterPoint Energy Resources Corp., to locate and operate facilities for transmission of natural gas in public rights-of-way, for a term of ten years, second reading. [Corby Alexander, City Manager]**

(Councilperson Engelken has a conflict of interest affidavit on file for this item and did not participate in the discussion or vote.) Councilperson Bentley moved to adopt Ordinance 2019-3746 with a rate of 4.5% instead of 3%, granting a franchise to CenterPoint Energy Resources Corp., to locate and operate facilities for transmission of natural gas in public rights-of-way, for a term of ten years; Councilperson Bentley then chose to withdraw his motion.

Councilperson Garza moved to adopt Ordinance 2019-3746 with a rate of 3%, granting a franchise to CenterPoint Energy Resources Corp., to locate and operate facilities for transmission of natural gas in public rights-of-way, for a term of ten years; the motion was adopted, 8-0.

**(b) Presentation, discussion, and possible action to proceed with allocating additional funding for Five Points Plaza Improvements. [Lorenzo Wingate, City Engineer]**

Chris Casey of Huitt-Zollars presented options and phasing for consideration. Councilperson Garza moved to approve proceeding with the restroom facility including storage and expanded parking lot option for the Five Points Plaza Improvements, without any of the other alternates offered; the motion was not adopted, 3-6, Councilpersons Ojeda, Garza, and Lunsford voting in support.

Martin moved that the City move forward with the project as proposed and have discussion at a later date on which of the three design options were preferred; the motion was adopted, 8-1, Councilperson Garza voting against.

**(c) Presentation, discussion, and possible action to adopt Resolution 2019-12 designating MRC Global (US) Inc., as an enterprise project. [Ryan Cramer, Economic Development Coordinator]**

Tom Lockwood spoke on behalf of MRC. Councilperson Garza moved to approve Resolution 2019-12 designating MRC Global (US) Inc. as an enterprise project; the motion was adopted 9-0.

**(d) Presentation, discussion, and possible action on the recommendation of the Chapter 172 Employee, Retiree Insurance and Benefits Board regarding employee and retiree health benefits. [Matt Hartleib, HR Manager]**

Councilperson Ojeda moved to approve the recommendations of the Chapter 172 Employee, Retiree Insurance and Benefits Board; the motion was adopted 9-0.

**7. REPORTS**

**(a) Receive a report of the Fiscal Affairs Committee Meeting. [Councilperson Chuck Engelken]**

Councilperson Engelken reported on the Fiscal Affairs Committee meeting, relaying that the Committee reviewed the purchasing card and investment reports and found all in order.

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

Councilperson Ojeda reported on the La Porte Development Corporation Board meeting, relaying that the Board voted to deny a grant for 10325 West Fairmont Parkway, elected Richard Warren as President and Nancy Ojeda as Vice President, and approved the Economic Development budget.

**8. ADMINISTRATIVE REPORTS**

- City Council Meeting, Monday, September 9, 2019
- Planning and Zoning Commission Meeting, Thursday, September 19, 2019
- City Council Meeting, Monday, September 23, 2019
- Zoning Board of Adjustment Meeting, Thursday, September 26, 2019

City Manager Corby Alexander offered staff would reach out to Ms. Gerrish on the massage business ordinance.

**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.**

Councilpersons thanked all for participating in the Council deliberation process; complimented LPPD for their training and performance in the school district as all prepared for school to resume; recognized Agape Centric for

their school supply giveaways; welcomed new Assistant Emergency Management Coordinator Johnny Morales; expressed appreciation for the approval of the project at Five Points; thanked staff for their preparation and presentations; shared the pleasure of attending the Senior Dance; encouraged citizens to attend and share their opinions; thanked the City's IT Department for keeping the City safe in last week's ransomware attacks; and the Mayor shared his visit to the Salt Grass Chapter meeting last week.

**ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 8:28 p.m.**

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Lee Woodward, City Secretary