

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



BILL BENTLEY
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6
Mayor Pro-Tem

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
JULY 23, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, July 23, 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, Zemanek, J. Martin, Bentley, Kaminski, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, Assistant City Manager Jason Weeks and Assistant City Attorney Clark Askins. Councilmember Kristin Martin was absent.

2. **INVOCATION** – The invocation was given by Viktoria Gotting, St. John’s Episcopal Church.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember John Zemanek.

4. **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 Regular City Council Meeting held on July 9, 2018

(b) Consider approval or other action filing 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 recommendation 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

Councilmember Zemanek had a question regarding the date of the contract on item 6(f). Public Works Director Don Pennell answered the question and clarified there was a typo on the date.

Councilmember Engelken made a motion to approve all Consent Agenda items pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3715: AN ORDINANCE APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF LA PORTE AND WHITLEY PENN, CERTIFIED PUBLIC ACCOUNTANTS, TO AUDIT THE CITY'S GENERAL-PURPOSE FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDING SEPTEMBER 30, 2018, SEPTEMBER 30, 2019, AND SEPTEMBER 30, 2020; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

6. 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 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, and legally described as Tracts 351 & 352, La Porte Outlots, by changing from "Large Lot Residential" to "Light Industrial"– I. Clowes

The public hearing opened at 6:05 p.m. City Planner Ian Clowes presented a combined summary for Items 6(a) and 6(b).

Mark Pool, 1401 Lemon Ln, spoke in opposition of Items 6(a) and 6(b).

Chris Murdock, 1307 Mission Dr., spoke in opposition of Items 6(a) and 6(b).

Theresa Trevino, 11034 Bois D'Arc, spoke in opposition of Items 6(a) and 6(b).

Julie Hutchins, 11311 N. P Street, spoke in opposition of Items 6(a) and 6(b).

Bill Scott, 1722 Lomax School Rd., spoke in opposition of Items 6(a) and 6(b).

The public hearing closed 6:18 p.m.

Councilmember Earp made a motion to uphold the recommendation of the Planning and Zoning Commission, and to deny passage of an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

- (b) Public hearing to receive comments on the 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

The public hearing opened at 6:19 p.m. City Planner Ian Clowes presented a summary.

The public hearing closed 6:19 p.m.

Councilmember Earp made a motion to uphold the recommendation by the Planning and Zoning Commission and to deny zone change request #18-92000004. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

- (c) Public hearing to receive comments regarding 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

The public hearing opened at 6:21 p.m. City Planner Ian Clowes presented a summary. There were no public comments. The public hearing closed at 6:22 p.m.

Councilmember Zemanek made a motion to uphold the recommendation of the Planning and Zoning Commission and to deny Special Conditional Use Permit #18-91000005. Councilmember Ojeda seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin**

- (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 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 – I. Clowes

The public hearing opened at 6:23 p.m. City Planner Ian Clowes presented a summary.

Satish Patel spoke in favor of Item 6(d).

The public hearing closed at 6:25 p.m.

Councilmember Zemanek asked who gave verbal approval for the site. Mr. Clowes responded the applicants had a pre-development meeting months prior to the change in the City’s Code of Ordinances requiring conditional use permits for all hotels.

Councilmember Zemanek made a motion to uphold the recommendation of the Planning and Zoning Commission and to deny Special Conditional Use Permit #18-91000006. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

- (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., 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 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., legally described as Reserve "I" Port Crossing Commerce Center Subdivision – I. Clowes

The public hearing opened at 6:27 p.m. City Planner Ian Clowes presented a summary.

Owner and Developer of Port Crossing Hans Brindley spoke and provided additional information.

The public hearing closed at 6:34 p.m.

Councilmember J. Martin made a motion to accept the recommendation of the Planning and Zoning Commission and to approve Special Conditional Use Permit # 18-91000009 to allow for a Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720). Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3716**: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 18-91000009, TO ALLOW FOR A PETROLEUM AND PETROLEUM PRODUCTS MERCHANT WHOLESALER (NAICS 424720) USE IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON A 34.69 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS RESERVE "I" IN PORT CROSSING COMMERCE CENTER SUBDIVISION, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

- (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

The public hearing opened at 6:35 p.m. Assistant Fire Chief Donald Ladd presented a summary of the proposed budget of the La Porte Fire Control, Prevention, and Emergency Medical Services District. There were no public comments. The public hearing closed at 6:51 p.m.

Councilmember Zemanek made a motion to approve the La Porte Fire Control, Prevention, and Emergency Medical Services District's proposed budget for the fiscal year beginning October 1, 2018, as approved by the Board of Directors of the District at its meeting held on June 21, 2018. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember K. Martin was absent.**

- (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

The public hearing opened at 6:52 p.m. Planning and Development Director Richard Mancilla presented a summary. There were no public comments. The public hearing closed at 6:54 p.m.

Councilmember Bentley made a motion to approve 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. Councilmember Kaminski seconded. **MOTION PASSED 6/2.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3717: AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 6-2 OF THE LA PORTE CODE OF ORDINANCES AND AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR AROMA'S ITALIAN GRILL, LLC D/B/A AROMA'S ITALIAN GRILL, LOCATED AT 1023 S. BROADWAY ST., FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THREE-HUNDRED FEET OF LA PORTE HIGH SCHOOL; CONSTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

7. REPORTS

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

Councilmember Ojeda reported on the La Porte Development Corporation Board Meeting held prior to the City Council Meeting.

8. ADMINISTRATIVE REPORTS

Assistant City Manager Jason Weeks reminded Council of the upcoming budget workshop meetings beginning at the next council meeting on August 13, 2018, and advised when the meeting packets will be available.

- 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.

Councilmember Zemanek thanked Chief Ken Adcox for his services and wished him well in his future endeavors. Councilmember Bentley thanked Chief Ken Adcox and wished him well on his retirement and thanked city employees for their professionalism while allowing him to visit their department the past couple of weeks. Councilmember Engelken congratulated Chief Ken Adcox on his retirement and wished him the best. Councilmember Earp wished Chief Ken Adcox the best on his retirement and thanked the citizens in Lomax for coming to the meeting to voice their concerns. Councilmember Ojeda congratulated Chief Ken Adcox on his retirement and wished him the best; informed she attended the Wall Raising for Habitat for Humanity, and the well-coordinated dedication of the La Porte Historic Colored Schoolhouse. Councilmember J. Martin thanked Chief Ken Adcox for his services to the community, and suggested the applicant of Item 6(d) come back to Council with a different proposal. Councilmember Kaminski thanked Chief Ken Adcox for his services and wished him and his family well and wished Councilmember Danny Earp a Happy Birthday; and Mayor Rigby thanked Chief Ken Adcox for his services and wished him well and informed he attended the dedication of the La Porte Historic Colored Schoolhouse this past Saturday.

- 10. EXECUTIVE SESSION** – The City 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, including, but not limited to, the following:

Texas Government Code, Section 551.071 (2) – 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.

City Council recessed the regular Council meeting to convene an executive session at 7:01 p.m. regarding the item listed above.

Councilmember Earp did not attend the Executive Session, having filed a Conflict of Interest Statement, and then left the Council meeting at 7:07 p.m.

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

Council reconvened the regular Council meeting at 7:47 p.m. This subject will continue to be discussed at future council meetings. No action was taken.

12. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:48 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and D. Earp were absent.**

Patrice Fogarty, City Secretary

Passed and approved on August 27, 2018.

Mayor Louis R. Rigby