

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 NOVEMBER 11, 2019

The City Council of the City of La Porte met in a regular meeting on Monday, November 11, 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, Brandon Lunsford, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Thomas Garza, Jay Martin, Nancy Ojeda

Councilpersons absent: None

Council-appointed officers present: Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

CALL TO ORDER – Mayor Rigby called the meeting to order at 6:00 p.m.

INVOCATION – The invocation was given by Pastor Gerald Boldt of Christ Redeemer Lutheran Church.

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

1. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

- (a) Recognition of 2019 City University participants
- (b) Recognition of the 2019 Employee of the Third Quarter – Ashley Lovercheck, Buyer, Purchasing Division, Finance Department
- (c) Recognition of the retirement of Alex Osmond, General Manager, Bay Forest Golf Course

2. PUBLIC COMMENTS *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*

Debra Hoot asked the Council to consider a trap/neuter/release program for cats. Chuck Rosa spoke about social media posts concerning item 5b. The assembly recognized veterans present on this Veterans Day.

3. 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 meeting held on October 28, 2019. [Mayor Louis Rigby]
- (b) Adopt Ordinance 2019-3763, updating Chapter 6. "Alcoholic Beverages", Article II, Sections 6-36 and 6-38 of the City's Code of Ordinances. [Mayor Louis Rigby]
- (c) Authorize the City Manager to enter into a contract with Cobb Fendley for design, bid, construction phase, and additional services for the 7th Street Paving and Drainage Improvements Project. [Ray Mayo, Public Works Director]
- (d) Authorize purchase of Neptune water meters and parts from Core & Main, LP, as the sole source provider. [Michael Dolby, Finance Director]
- (e) Accept the FY 2019 audit/asset forfeiture report and associated financial records as required by Chapter 59 of the Texas Code of Criminal Procedure. [Chief Ron Parker, Police Department]
- (f) Authorize the City Manager to enter into an agreement to provide stop loss coverage from SA Benefit Service/Vista UW for the 2020 plan year at the \$165,000 specific deductible rate. [Matt Hartleib, HR Manager]

- (g) **Adopt Ordinances 2020-IDA-74 through 2020-IDA-101, authorizing the execution of Industrial District Agreements with companies in the Battleground and Bayport Industrial Districts, for a twelve-year term beginning January 1, 2020. [Corby Alexander, City Manager]**
- (h) **Authorize the City Manager to execute a Pipeline Permit with HSC Pipeline Partnership, LLC for the construction of a 16” Ethylene pipeline within the City of La Porte. [Corby Alexander, City Manager]**

(Councilperson Earp has previously signed a Conflict of Interest affidavit and did not participate in the discussion or vote on item 3g. Councilperson Engelken signed a Conflict of Interest affidavit and did not participate in the discussion or vote on items 3g and 3h. Without objection, the Mayor announced those items would be voted on separately.) Without objection, Councilperson Garza’s request to include the section of the TAB Code exemption for home production be included in the ordinance was accepted. Councilperson Engelken moved to approve the consent agenda items a-f (including the change in item b); the motion was adopted 9-0.

Councilperson Bentley moved to adopt Ordinances 2020-IDA-74 through 2020-IDA-101, authorizing the execution of Industrial District Agreements with companies in the Battleground and Bayport Industrial Districts, for a twelve-year term beginning January 1, 2020; the motion was adopted, 6-1, Councilperson Garza voting against.

Councilperson Engelken moved to conditionally authorize the City Manager to execute a Pipeline Permit with HSC Pipeline Partnership, LLC, for the construction of a 16” Ethylene pipeline within the City of La Porte, approved upon HSC addressing all outstanding staff comments to the satisfaction of the City Manager; the motion was adopted, 8-0.

4. PUBLIC HEARINGS AND ASSOCIATED ITEMS

- (a) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3765 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Special Conditional Use Permit #19-91000007, to allow for a single duplex home on a 0.12-acre tract of land, legally described as Lots 10 and 11, Block 30, Beach Park Subdivision in the Mixed Use (MU) zoning district; followed by discussion, and possible action to consider adopting Ordinance 2019-3765 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Special Conditional Use Permit #19-91000007 to allow for a single duplex home on a 0.12-acre tract of land, legally described as Lots 10 and 11, Block 30, Beach Park Subdivision in the Mixed Use (MU) zoning district. [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 6:50 p.m. Ian Clowes gave a brief presentation on item 6(a). Philip Hoot spoke of his concern that the Planning and Zoning Commission was not able to present its own opinions. The City Attorney clarified that use table required the SCUP, as a duplex would be a conditional use in this location. Charles Anders of Bayway Homes, the builder, clarified they had no intent to cause discord and had had success in working with staff and the Commission. Mayor Rigby closed the public hearing at 7:00 p.m.

Councilperson Engelken moved that the Council adopt Ordinance 2019-3765 to approve Special Conditional Use Permit (SCUP) #19-91000007, for a 0.12-acre tract of land located at 536 Bayshore Drive, legally described as Lots 10 & 11, Block 30, Beach Park Subdivision; the motion was adopted, 9-0.

- (b) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3766 amending the City’s Future Land Use Map Component of the Comprehensive Plan for an approximately 6.921-acre tract of land located at the 3400 Block of Canada Rd, and legally described as Reserve A, Block 1 Dawson Subdivision, by changing the land use designation from “Mid-High Density Residential” to “Commercial”; followed by discussion, and possible action regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3766 amending the City’s Future Land Use Map Component of the Comprehensive Plan for an approximately 6.921-acre tract of land located at the 3400 Block of Canada Rd, and legally described as Reserve A, Block 1 Dawson Subdivision, by changing the land use designation from “Mid-High Density Residential” to “Commercial”. [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 7:05 p.m. Ian Clowes gave a brief presentation on items 6(b) and 6 (c). Dean Lawther, a builder, spoke in support of the ordinance, noting the issues concerning the feasibility of residential property at this location. Ryan Sweezy, the developer, spoke in support of the ordinance, believing it to be ideal for the development of the boat and RV storage he has planned. Chuck Rosa spoke in support of the ordinance, recounting his memory of the Planning and Zoning Commission proceedings. Philip Hoot spoke in opposition to the ordinance, based on concerns about drainage and the rarity of R2 property in the city. Brad

Carpenter spoke in support of the ordinance and the proposed business and potential tax revenue. John Blakemore spoke in opposition to the ordinance as a representative of the adjacent HOA, which has concerns over noise and diesel fumes. The Mayor closed the public hearing at 7:39 p.m.

Councilperson Engelken moved that the Council uphold the Planning and Zoning Commission's denial of the application for a change to the Future Land Use Map at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision; the motion was adopted, 9-0.

- (c) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3767 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-9200006, a change from Mid Density Residential (R-2) to General Commercial (GC) for a 6.921-acre tract of land located at the 3400 Block of Canada Rd. and legally described as Reserve A, Block 1, Dawson Subdivision; followed by discussion, and possible action to consider adopting Ordinance 2019-3767 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-9200006, a change from Mid Density Residential (R-2) to General Commercial (GC) for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision. [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 7:43 p.m. No comments were offered. The Mayor closed the public hearing at 7:44 p.m.

Councilperson Engelken moved that the Council uphold the Planning and Zoning Commission's denial of the application for zone change for a 6.921-acre tract of land located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision; the motion was adopted, 8-1, Councilperson Martin voting against the motion.

5. STATUTORY AGENDA

- (a) **Presentation, discussion, and possible action to adopt a City sponsorship policy. [Corby Alexander, City Manager]**

Councilperson Earp moved to adopt a City sponsorship policy with an amendment to strike \$5,000 and insert \$1,000 in the final bullet under Section II. Policy. Councilperson Garza moved to amend by striking the second sentence of the sixth bullet point under Section II. Policy, reading *If the City is being asked to participate more than \$10,000, the application must be in by February 15th before the budget year in which the opportunity takes place.*; the amendment was adopted, 7-2, Councilpersons Earp and Engelken voting against.

Councilperson Garza moved to amend the amended main motion by striking \$1,000 and insert \$1,500. The motion was not seconded and was not considered by the Council. The main motion as originally amended [*\$1,000 and removal of sentence in sixth bullet*] was adopted, 9-0.

- (b) **Presentation and discussion on adoption of Ordinance 2019-3758, to amend the Council Rules of Procedure and Ethics Policy. [Mayor Louis Rigby]**

Without objection, the item was pulled from consideration by the Council by the Mayor.

- (c) **Presentation and discussion from the Warehouse Committee. [Teresa Evans, Planning and Development Director]**

Planning and Development Director Teresa Evans provided information on the Committee's work. Councilperson Bentley moved that the Council request the Planning & Zoning Commission consider and provide recommendations for proposed amendments to Chapter 106-Zoning; the motion was adopted 9-0.

6. REPORTS

- (a) **Receive a report on the Drainage and Flooding Committee meeting. [Councilperson Martin]**

Councilperson Martin reported on the Drainage and Flooding Committee meeting, relaying that Harris County Flood Control District was expected but did not attend. He said the Committee approved moving ahead with the top three priority projects instead of continuing to wait indefinitely on grant funding. Additionally, he announced the Committee will next meet on December 9.

- (b) **Receive a report on the La Porte Development Corporation Board meeting. [Councilperson Engelken]**

Councilperson Engelken reported on the La Porte Development Corporation Board meeting, saying the Board voted to approve opening a 60-day comment period on the CIP projects the Corporation would fund over the next two years; to select a design for one of the utility boxes to be wrapped on Main Street; and to consider renderings for the other boxes at future meetings. He said the Board would meet next on January 27.

7. ADMINISTRATIVE REPORTS

- Fiscal Affairs Committee Meeting, Monday, December 9, 2019
- City Council Meeting, Monday, December 9, 2019
- Planning and Zoning Commission Meeting, Thursday, December 19, 2019

City Manager Corby Alexander said there were no reports.

8. 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 congratulated all recognized at the beginning of the meeting, including those from City University, Ashley Lovercheck, and Alex Osmond; thanked the Planning Department for all their work with the Warehouse Committee; noted in approval the overdue mowing at the Army Reserve building; gave appreciation to EMS; lauded all veterans for their service and a daily debt owed them; offered support for the proposal for a cat trap/neuter/release program; shared their attendance at the LPHS Veterans Day ceremony today; expressed concern over access issues that have arisen between Harris County and the Sylvan Beach Pavilion and potential resolution; noted Citizens Police Academy graduation and thanked LPPD for the excellence of the program; offered appreciation to Parks and Recreation for the City University; said Agape Centric is hosting a canned food drive at Five Points from 12-2 this Saturday; thanked Maria Luevano, who worked as a temp in the CSO until Gladis Sanchez' return today; thanked the City Manager and the Police Department for taking care of the graffiti in the park; recounted the EOC drill last week and how well it went; and wished all a Happy Thanksgiving.

9. EXECUTIVE SESSION

- (a) City Council will meet in Executive Session pursuant to Texas Government Code, Chapter 551, Section 551.071(1)(A) pending or contemplated litigation, to meet with the Assistant City Attorney and City Manager to discuss settlement negotiations in connection with the case of Tradebe Environmental Service, LLC vs. the City of La Porte. [Assistant City Attorney Clark T. Askins]**
- (b) City Council will meet in Executive Session pursuant to Texas Government Code, Chapter 551, Section 551.071(1)(A) pending or contemplated litigation, to meet with the Assistant City Attorney and City Manager to discuss settlement negotiations in connection with the case of Oakland Land Development, LLC vs. the City of La Porte. [Assistant City Attorney Clark T. Askins]**

The Council adjourned into executive session at 8:43 p.m.

10. RECONVENE – Take action on items discussed in executive session, if needed.

The Council reconvened into open session at 9:28 p.m. Councilperson Engelken moved to accept the settlement agreement as discussed in the executive session in Tradebe Environmental Services vs. the City of La Porte; the motion was adopted, 9-0. No action was taken on item 9b.

ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 9:29 p.m.

Lee Woodward, City Secretary