



## MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE

**Councilpersons Present:** Rick Helton, Brandon Lunsford, Brent McCaulley, Mandi Williams, Chuck Engelken, Bill Bentley, Robert Guerra, Jay Martin, Robbie McLarrin

**Councilpersons Absent:** None

**Council-appointed Officers Present:** Corby Alexander, City Manager; Clark T. Askins, City Attorney; Lee Woodward, City Secretary

**The City Council of the City of La Porte met in a regular meeting on August 12, 2024, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m. The meeting was continued on Tuesday, August 13, 2024.**

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- 1. CALL TO ORDER** - Mayor Helton called the meeting to order at 6:01 p.m.
- 2. INVOCATION/PLEDGES** - The invocation was given by Reverend Brian Christen, La Porte Community Church, and the pledges were led by Easton and Gracelyn Wernecke.
- 3. CITIZEN COMMENT** - *(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.)*

Randall Hayes spoke of issues with trucking companies near the Lomax neighborhood and a proposed railroad project. Sue Sabin lauded the post-Hurricane Beryl debris clearance, shared her offense at some properties in the South Fifth and F Streets area, and offered support of item 5.c. Joyce Hollan noted concerns about semi-trucks on the load-limited roads in Lomax that will cause damage.

*Item 8.a. was handled after this item.*

- 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 July 22, 2024, regular City Council meeting. [Lee Woodward, City Secretary]**
  - b. Bayside Services LLC d/b/a Bayside Plumbing Services - Authorize an expenditure of the La Porte Development Corporation in an amount not to**

exceed \$77,484.00, to fund an economic development incentive agreement between the La Porte Development Corporation and Bayside Services LLC d/b/a Bayside Plumbing Services for site improvements for building at 902 S. First St., La Porte, Texas. [Haley Bowers, Economic Development Manager]

- c. Fiscal Year 2023-24 Budget Amendment - Adopt Ordinance 2024-4002, amending the City's Fiscal Year 2023-24 Budget by appropriating a total of \$2,500,000.00 for debris removal necessitated by Hurricane Beryl. [Shelley Wolny, Assistant Finance Director]
- d. Certify Collection Rate - Receive report from tax assessor regarding the anticipated combined 2024 Ad Valorem tax collection rate of for the City of La Porte, Texas. [Michael Dolby, Finance Director]
- e. Demolition Bid #24013 - Authorize the City Manager to execute a two-year agreement with Tree Service & More for demolition services for an amount not to exceed the budgeted amount each fiscal year. [Richard Glass, Chief Building Official]
- f. Meet and Confer Agreement - Approve proposed changes to the Meet and Confer Agreement between the City of La Porte, Texas, and the La Porte Police Officers Association, to adjust pay scales for officers. [Matt Hartleib, HR Manager]
- g. Pool Chemical Purchase - Approve expenditure of an additional \$7,932.00 in funds to purchase Pulsar Briquettes, for a total expenditure in FY 2023-2024 of \$57,833.00. [Tim Miller, Director of Parks & Recreation]

Mayor Pro Tem Engelken moved to approve the consent agenda; Councilperson Bentley seconded the motion; the motion was adopted, 9-0.

*Without objection, the Council considered the appointment of the Youth Advisory Council nominees after this item.*

Mayor Pro Tem Engelken moved to approve the nominees for the Youth Advisory Council; the motion was seconded by Councilperson Williams; the motion was adopted, 9-0.

## 5. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- a. Ord. 2024-4001, SCUP 2024-0002 for Garden of Eden Floral & Gifts - The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2024-4001 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit (SCUP) 2024-0002, a request by Garden of Eden Floral & Gifts, LLC, applicant, to amend SCUP 20-9100002 to allow alcohol sales at the existing floral shop and tearoom located at 10515 Spencer Highway, in a Planned Unit Development (PUD) zoning district, on a 0.75-acre tract of land legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne

**W J Survey, La Porte, Texas; followed by discussion and possible action to consider adopting Ordinance 2024-4001 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning” by granting Special Conditional Use Permit (SCUP) 2024-0002, a request by Garden of Eden Floral & Gifts, LLC, applicant, to amend SCUP 20-91000002 to allow alcohol sales at the existing floral shop and tearoom located at 10515 Spencer Highway, in a Planned Unit Development (PUD) zoning district, on a 0.75-acre tract of land legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey, La Porte, Texas. [Teresa Evans, Planning and Development Director]**

*Councilperson Lunsford signed a conflict-of-interest affidavit and did not participate in the discussion or vote on this item. Mayor Helton opened the public hearing at 6:26 p.m. Teresa Evans, Director of the Planning and Development Department, provided an overview of the item. There were no comments. Mayor Helton closed the public hearing at 6:31 p.m.*

Mayor Pro Tem Engelken moved to adopt Ordinance 2024-4001 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning” by granting Special Conditional Use Permit (SCUP) 2024-0002, a request by Garden of Eden Floral & Gifts, LLC, applicant, to amend SCUP 20-91000002 to allow alcohol sales at the existing floral shop and tearoom located at 10515 Spencer Highway, in a Planned Unit Development (PUD) zoning district, on a 0.75-acre tract of land legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey, La Porte, Texas; Councilperson Bentley seconded the motion; the motion was adopted, 7-1, Councilperson Williams voting against.

- b. Ord. 2024-3998, Alcohol Variance for De-Ja Brew & Gifts - The City Council will hold a public hearing to receive comments regarding a request by De-Ja Brew & Gifts, to authorize a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, to allow the sale of alcoholic beverages for on-premise consumption within 300 feet of a public school, for property at 1105 S. Broadway and located on a 1.75-acre site, legally described as Lots 8-11, Lots 14-29, Tracts 7, 12, 13 & 30, and Tracts B & C (Partly Abandoned 16-ft. Alleys), Block 1110, La Porte, Harris County, Texas, followed by discussion and possible action to adopt Ordinance 2024-3998 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 within 300 feet of a public school, at De-Ja Brew & Gifts, for property at 1105 S. Broadway, La Porte, Texas, and located on a 1.75-acre site, legally described as Lots 8-11, Lots 14-29, Tracts 7, 12, 13 & 30, and Tracts B & C (Partly Abandoned 16-ft. Alleys), Block 1110, La Porte, Harris County, Texas. [Teresa Evans, Planning and Development Director]**

Mayor Helton opened the public hearing at 6:34 p.m. Teresa Evans, Director of the Planning and Development Department, provided an overview of the item. The

applicant answered questions of the Council. Mayor Helton closed the public hearing at 6:47 p.m.

Councilperson Bentley moved to adopt Ordinance 2024-3998 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 within 300 feet of a public school, at De-Ja Brew & Gifts, for property at 1105 S. Broadway, La Porte, Texas, and located on a 1.75-acre site, legally described as Lots 8-11, Lots 14-29, Tracts 7, 12, 13 & 30, and Tracts B & C (Partly Abandoned 16-ft. Alleys), Block 1110, La Porte, Harris County, Texas; Councilperson Guerra seconded the motion; the motion was adopted, 6-3, Mayor Pro Tem Engelken and Councilpersons McCaulley and Williams voting against.

- c. New City Hall Funding - The City Council will hold a public hearing to receive comment to consider restoring \$14.6 million in funding previously allocated to the City Hall Project to the City's General Fund, and pursuing the issuance of general obligation bonds for the New City Hall Project subject to approval by the citizens of the City of LaPorte at an election; followed by discussion and possible action to restore \$14.6 million previously allocated to the New City Hall Project to the City's General Fund and directing staff to engage bond counsel and financial advisor(s) to prepare documents necessary for the City Council to pursue the issuance of general obligation bonds for the New City Hall Project subject to approval by the citizens of La Porte at an election. [Councilpersons Williams, Lunsford, and Guerra]**

Mayor Helton opened the public hearing at 6:49 p.m. Councilperson Williams presented the item. Brian Eric and Phillip Hoot spoke about the mold issue in the current City Hall. Virginia Pierson-Turner and Danny Earp spoke in support of this item as proposed. Phillip Hoot also asked the money in question be refunded to the taxpayers. Maggie Anderson spoke in support of a new City Hall. Mayor Helton closed the public hearing at 7:18 p.m.

Councilperson Williams moved to restore \$14.6 million previously allocated to the New City Hall Project to the City's General Fund and directed staff to engage bond counsel and financial advisor(s) to prepare documents necessary for the City Council to pursue the issuance of general obligation bonds for the New City Hall Project, subject to approval by the citizens of La Porte at an election; the motion was seconded by Councilperson Guerra.

Councilpersons Williams moved the vote be taken by roll call; Councilperson Guerra seconded the motion. Without objection, the motion to take the vote by roll call vote was adopted.

The main motion was not adopted, 4-5, Mayor Helton and Councilpersons Lunsford, Williams, and Guerra voting in favor.

- d. **Request for fee adjustment GFL Environmental Services - The City Council will hold a public hearing to receive comment to consider approval of a 3.36% rate increase to commercial dumpster services fees to take effect November 1, 2024; followed by discussion and possible action to approve a 3.36% rate increase to commercial dumpster service fees to take effect November 1, 2024. [Ray Mayo, Director of Public Works]**

Mayor Helton opened the public hearing at 7:39 p.m. Ray Mayo provided an overview of the item. Victor Peres spoke of his concerns about the services of the proposed provider. Phillip Hoot spoke in opposition to a rate increase. Mayor Helton closed the public hearing at 8:06 p.m.

Mayor Pro Tem Engelken moved to deny a 3.36% rate increase to commercial dumpster services fees to take effect November 1, 2024; Councilperson Williams seconded the motion; the motion to deny a 3.36% rate increase to commercial dumpster service fees was adopted, 9-0.

*Item 10 was handled after this item.*

## **6. STATUTORY AGENDA**

- a. **Update Rules of Procedure Concerning Nominations - Presentation, discussion, and possible action to adopt Ordinance 2024-4003, amending the City Council's adopted *Rules of Procedure and Ethics Policy*, regarding nominations of non-Councilpersons for concurrent appointment to more than two City boards, committees, commissions, or other appointments made by the City Council or the Mayor. [Councilpersons Bentley, Martin, and McCaulley]**

Councilperson Bentley moved to adopt Ordinance 2024-4003, amending the City Council's adopted *Rules of Procedure and Ethics Policy*, regarding nominations of non-Councilpersons for concurrent appointment to more than two City boards, committees, commissions, or other appointments made by the City Council or the Mayor; the motion was seconded by Councilperson McCaulley; the motion was not adopted; 3-6, Councilpersons Bentley, Martin, and McCaulley voting in favor.

- b. **Presentation, discussion, and possible action to appoint/reappoint members of boards, committees, and commissions. [Lee Woodward, City Secretary]**

*The appointment of the Youth Advisory Council was handled between items 4 and 5.*

Mayor Pro Tem Engelken moved to approve the appointments as presented /less the Youth Advisory Council appointed earlier in the meeting; the motion was seconded by Councilperson Williams; the motion was adopted, 9-0.

- c. **Fiscal Year 2024-25 Budget Workshop - Presentation, discussion, and possible action regarding the City of La Porte, Texas' Fiscal Year 2024-2025 Proposed Budget. [Corby Alexander, City Manager]**

*This item was handled at the Tuesday, August 13, 2024, meeting.*

## **7. REPORTS**

- a. **Report of the Drainage and Flooding Committee meeting [Councilperson Martin]**

Councilperson Martin said the committee met, received updates on drainage projects from the Harris County Flood Control District (HCFCD) and CobbFendley, and set the next meeting for September 9.

## **8. ADMINISTRATIVE REPORTS**

- **Planning and Zoning Commission meeting, August 15**
- **Development Corporation Board of Directors meeting, August 26**
- **City Council meeting, August 26**

- a. **Hurricane Beryl recovery update [Johnny Morales, Emergency Management Coordinator]**

*This item was handled between item 3 and 4.* Johnny Morales, Emergency Operations Manager, provided updates on the Hurricane Beryl recovery efforts.

After item 7, City Manager Alexander said the generator reimbursement program has opened and is available in Spanish, as well, and that applications are being accepted.

9. **COUNCIL COMMENT** *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilpersons, and City staff, for which no formal action will be discussed.*

There were no comments.

10. **EXECUTIVE SESSION** *The Council will adjourn into executive session without vote unless an objection is raised.*

- a. **Employee Matter - Texas Government Code Section 551.074 - Personnel Matters. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public official officer or employee - City Council will meet in a closed session with City Manager Corby Alexander.**

*This item was handled between items 5 and 6.*

The Council convened into executive session at 8:01 p.m.

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

The Council reconvened into public session at 9:28 p.m. Mayor Pro Tem Engelken moved to increase the City Manager's salary by 6% on his effective date; the motion was seconded by Councilperson McLarrin; the motion was adopted, 9-0.

Without objection, the Council recessed for five minutes at 9:30 p.m. and then reconvened to handle items 6.a., 6.b., 7, 8., and 9.

*Item 6.c. will be taken up upon reconvening on Tuesday, August 13, 2024, at 6:00 p.m.*

**12. ADJOURN**

Without objection, Mayor Helton adjourned the meeting at 9:59 p.m. The Council will reconvene on Tuesday, August 13, 2024, at 6:00 p.m. to handle item 6.c.

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Lee Woodward, City Secretary