

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
VACANT
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
OCTOBER 8, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, October 8, 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. All members of Council were present: Councilmembers Ojeda, Zemanek, J. Martin, K. Martin, Bentley, Engelken, and Earp. Staff present: City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and Assistant City Attorney Clark Askins.

2. **INVOCATION** –The invocation was given by Michael Thannisch, St. Paul's Anglican Church.

3. **PLEDGE OF ALLEGIANCE** – The City of La Porte Fire Department honor Guard presented the Colors; the pledge of allegiance was led by Councilmember Kristin Martin; and Firefighter Destinee Rayburn sang the National Anthem.

4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**

(a) Proclamation – Fire Prevention Week – Mayor Rigby

Mayor Rigby presented a proclamation for Fire Prevention Week to members of the La Porte Fire Department, Fire Marshal Clif Meekins, and Assistant Fire Chief Donald Ladd.

(b) Proclamation – Domestic Violence Awareness Week – Mayor Rigby

Mayor Rigby presented a Domestic Violence Awareness Week proclamation to members of the La Porte Police Department Chief Ron Parker; Dispatch Supervisor Shaye Lister, and Lieutenant Tammy McBeath.

5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Head Commissioner of La Porte Baseball Association Kevin Manning, 210 S. Nugent, addressed Council requesting Council to get involved in negotiating a discounted price for the teams to play on the high school field.

Shawn Metcalf, 11127 Sunset Ridge St., addressed Council requesting Council to be supportive of funding for the La Porte TIFI football teams to play on the high school field.

Jason Smith, 10312 Apple Tree Circle South, addressed Council and agreed with everything that was said by Mr. Manning and Mr. Metcalf.

Thomas Schultea, 1402 Bayou Glen, addressed Council in support of the La Porte TIFI football teams and requested Council to support the teams playing on the high school field.

Lisa, Schultea, 1402 Bayou Glen, addressed Council in support of funding for La Porte TIFI football teams to play on high school fields and a new recreation center.

Tamera Driver, 8942 Defiance, addressed Council in support of funding for the La Porte TIFI football teams and requested Council to support the teams playing on the high school field and thanked Council for considering a new recreation center.

Christi Reynolds, 5222 Valleybrook Ct., addressed Council in support of funding for the La Porte TIFI football teams to play on the high school field and commented she looks forward to a new recreation center.

Jeff Yates, 606 Bay Colony Dr., addressed Council requesting the La Porte TIFI football teams to play on the high school field.

Ronda Weaver, 615 Primrose, addressed Council in agreement with everyone.

Kevin Reynolds, 5222 Valleybrook Ct., addressed Council in support of the La Porte TIFI football teams playing on the high school field.

Dolly Rosario, 822 6th St., addressed Council in support of the La Porte TIFI football teams playing on the high school field.

Amy Lott, 11011 Birch Dr., addressed Council in support of the La Porte TIFI football teams playing on the high school field.

Wyatt Smith, 10905 Spruce Dr. North, addressed Council and requested funding of \$2,900.00 for the La Porte TIFI football teams to play on the high school field and thanked late Councilmember Dottie Kaminski for being supportive of the organization.

President of La Porte Baseball Association Nicholas McCanless, 3807 Redbud Dr., addressed Council and thanked everyone for being supportive and honoring the late Councilmember Dottie Kaminski at her funeral services last Friday; commented the La Porte TIFI football teams should be allowed to play on the high school field, and it should be continued for years in honor of Dottie.

President of La Porte Cowboys and Cowgirls Dallas Lott, 11011 Birch Dr., addressed Council in support of the La Porte TIFI football teams playing on the high school field and requested it be done in honor of the late Councilmember Dottie Kaminski.

Matt Shipwash, 11727 N. Ave D. St., addressed Council in support of the final game of the season for the TIFI organization to be played on the high school field and is in support of a new recreation center.

Ray Rodriguez Jr., 3331 Luella Blvd., addressed Council in support of the La Porte TIFI football teams being allowed to play on the high school field and spoke of his years as a kid and playing football.

Phillip Hoot, 927 Seabreeze, addressed Council in support of a new recreation and fitness center.

Susan Williams, 215 Oakhurst, thanked the La Porte Police Department and commented the current fitness center should be improved and not rebuilt, and funds should be allocated where they are necessary.

Steve Gillett, 2601 S. Broadway, addressed Council and commented there is no reason to reduce merit raises; the fitness center should be repaired or expanded, and to consider the requested funding to the La Porte TIFI football organization.

Brian Mongiello, 920 S. Utah, addressed Council and commented it will be thrilling for the La Porte TIFI football teams to play on the high school field and requested they be allowed to play on a yearly basis.

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 minutes of the Regular City Council Meeting held on September 24, 2018 and amended minutes of the Special City Council meeting held on September 6, 2018 – P. Fogarty
- (b) Consider approval or other action regarding an Ordinance ordering a Special Election of the City of La Porte, Texas, for December 8, 2018, for the purpose of electing a city official to the position of Councilperson-at-large-Position B for the remainder of the unexpired term, which expires May 2, 2020 – P. Fogarty
- (c) Consider approval or other action regarding an Ordinance amending Chapter 50, Appendix A, "Fees" of the Code of Ordinances of the City of La Porte, by adjusting various golf course user fees for the La Porte Golf Course – A. Osmond
- (d) Consider approval or other action authorizing City staff to execute a Pipeline Permit issued to ExxonMobil Pipeline Company, for replacing approximately 750 feet of an existing 16-inch crude oil pipeline within the City of La Porte – L. Wingate
- (e) Consider approval or other action authorizing the purchase of Fiscal Year 2018-2019 Vehicle Replacements under Texas Buy Board Contract No. 512-16 and HGAC contracts numbers VE-11-15 and GR01-18 – D. Pennell
- (f) Consider approval or other action awarding Bid #18022 for Pool Renovation – R. Epting
- (g) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and Harris County Flood Control District for maintenance of pedestrian bridge of the La Porte Hike and Bike Trail System – R. Epting

Regarding Item A, it was noted a change to the September 6, 2018, minutes where Councilmember Earp was counted in the vote twice, and Councilmember Bentley was overlooked. City Secretary Fogarty stated it will be fixed. Councilmembers Ojeda and Zemanek had questions on Consent Item D. City Engineer Lorenzo Wingate answered the questions.

Councilmember J. Martin pulled Item C for a separate vote.

Councilmember Zemanek made a motion to approve Consent Agenda items A, B, D, E, F and G pursuant to staff recommendations. Councilmember Ojeda seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

Councilmember Engelken made a motion to approve Consent Agenda Item C pursuant to staff recommendation. Councilmember Zemanek seconded. **MOTION PASSED 6/2.**

Ayes: Mayor Rigby, Councilmembers K. Martin, Bentley, Zemanek, Earp, and Engelken
Nays: Councilmembers Ojeda and J. Martin
Absent: None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3725 AN ORDINANCE ORDERING A SPECIAL ELECTION OF THE CITY OF LA PORTE TO FILL THE UNEXPIRED TERM OF COUNCILPERSON-AT-LARGE-POSITION B; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR FILING DEADLINE FOR CANDIDATES, PROVIDING FOR METHOD AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR NOTICE; PROVIDING FOR A SAVINGS CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3726 AN ORDINANCE AMENDING CHAPTER 50 "PARKS AND RECREATION" APPENDIX-A "FEES" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ADJUSTING VARIOUS GREEN USER FEES; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

7. DISCUSSION AND POSSIBLE ACTION

(a) Discussion and possible action to provide direction to the City Manager regarding implementation of the 2018-2019 Fiscal Year employee merit pay increases – Mayor Rigby

Mayor Rigby spoke in regards to 2018-2019 Fiscal Year employee merit pay increases.

Councilmember Earp commented it was not his recommendation to reduce the amount budgeted for merit pay increases, it was actually City Manager Corby Alexander's recommendation. Councilmember Earp commented he challenged the City Manager to look at and make budget cuts, and he only asked for an understanding and justification on the budgeted and percentage amounts presented by Staff for merit increases.

Councilmember Engelken asked Assistant City Attorney Clark Askins if the City can have an EEOC claim filed for budgeting for merit raises for employees for half of the year and not have funding for merit increases for the other half of the year for employees. Mr. Askins responded he does not think there is a risk if there is justification. In addition, Councilmember Engelken also commented he is in favor of all merit increases moving to one time a year instead of being staggered throughout the year.

Councilmember Ojeda made a motion to return \$186,000.00 back to the merit program. Councilmember K. Martin seconded. **MOTION PASSED 8/0.**

Ayes: Mayor Rigby, Councilmembers Ojeda, J. Martin, K. Martin, Bentley, Zemanek, Earp, and Engelken
Nays: None
Absent: None

(b) Discussion and possible action regarding a new recreation and fitness facility – Mayor Rigby

Mayor Rigby spoke in regards to a new recreation and fitness facility.

Councilmember Zemanek commented he wants a new facility and to revamp the Senior Center in order to keep people in the City and to showcase the water on the bay.

Councilmember K. Martin commented there is no direction for a plan of a new recreation and fitness facility to be voted on by Council.

Councilmember Ojeda commented she voted to earmark funding toward a new recreation and fitness facility, and she wants to go back to the discussion phase for the facility.

Councilmember Bentley commented Council saw pictures of what need to be repaired at the existing facility and agrees with Councilmembers Ojeda and K. Martin to go back to the discussion phase and see what needs to be done and which direction does Council wants to go.

Councilmember J. Martin commented he is not opposed to a new facility but he does not have a consensus from his district and Council needs to determine the best use for the land at Klein Retreat. In addition, Councilmember J. Martin commented the item can be discussed at the April Retreat.

Councilmember Earp commented he would like to see a comparison on a new versus renovated fitness center.

Mayor Rigby reminded Council that not long ago Galveston Bay Foundation made an offer of more than twice what the City paid for the Klein Retreat property, and Council agreed that was not a good thing to do for two reasons, they would not be paying the same taxes, and the property was worth more. Councilmember Earp commented the land should be used for the citizens and not to sell or give away the last waterfront property.

Councilmember Earp made a motion to engage a subcommittee of two Councilmembers and Staff and bring back costs for facility on the water and renovations of the existing fitness center facility. Councilmember Ojeda seconded. **MOTION PASSED 8/0.**

8. REPORTS

- (a) Receive report of the Drainage and Flooding Committee Meeting – Councilmember Jay Martin

Councilmember Jay Martin provided an update of the Drainage and Flooding Committee Meeting held prior to the City Council Meeting.

9. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised Council that Christmas cards are at their seats for them to add words of encouragement and sign, and they will be mailed to soldiers overseas. Mr. Alexander also announced that Ron Parker has been chosen as the new Police Chief.

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 – Councilmembers Engelken, Earp, Ojeda, J. Martin, K. Martin, Zemanek, Bentley and Mayor Rigby.

Councilmember K. Martin commented in regards to the La Porte TIFI football teams' request for funding to play at the high school field and advised La Porte Independent School District needs to step up and contribute as well; complimented Firefighter Destinee Rayburn who sang the National Anthem; and commented the late Councilmember Dottie Kaminski was amazing and will be greatly missed; Councilmember Zemanek congratulated Police Chief Ron Parker; thanked the City and community for the touching services for the late Councilmember Dottie Kaminski; Councilmember Bentley congratulated Police Chief Ron Parker; commented on the impact the late Councilmember Dottie Kaminski had on the community and her willingness to help people; and wished the City can support the La Porte TIFI football teams; Councilmember Engelken commented the Honor Guard did an outstanding job at the services for the late Councilmember Dottie Kaminski and commented she loved and worked for the City; congratulated Police Chief Ron Parker and commented the City

Manager and LPISD Superintendent should be able to get together and make something work for the La Porte TIFI football teams; Councilmember Earp congratulated Police Chief Ron Parker and thanked him and the Honor Guard for honoring the late Councilmember Dottie Kaminski; commented he would love to see and support the City making it possible for the La Porte TIFI football teams to play at the high school field in honor of Dottie; Councilmember Ojeda complimented Firefighter Destinee Rayburn who sang the National Anthem; congratulated Police Chief Ron Parker and Shaye Lister on her promotion as Victim's Assistance Liaison; commented she agrees the land by the bay should be for the citizens and not sold; thanked Tommy and Chad Kaminski for sharing their mother and commented the school district need to do their part by allowing the La Porte Texans and Cowboys football teams (future Bulldogs) to play at the high school field; Councilmember J. Martin congratulated Police Chief Ron Parker; complimented Firefighter Destinee Rayburn who sang the National Anthem; agreed with Councilmember Engelken that the City Manager and LPISD Superintendent should be able to get together and make something work for the La Porte TIFI football teams and agreed with Councilmember Ojeda that the school district should just make it happen since its their field; saluted the City, Police, Fire and EMS for their support during the services for the late Councilmember Kaminski; commented that he agrees that Dottie loved the Lord; has a family life; helped her community; therefore she had a great life and will be missed; and Mayor Rigby congratulated Chief Ron Parker; sent condolences to the late Councilmember Dottie Kaminski's family and thanked them for sharing her with the community; advised he attended and spoke at the Ribbon Cutting at the City of Deer Park City Hall Ribbon Cutting and let them know how impressed he is with the orange in the new carpet.

11. **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) – Consultation with Attorney: Meet with City Attorney and City Manager to discuss legal issues related to status of employee benefits of former employee.

City Council recessed the regular Council meeting to convene an executive session at 8:00 p.m. regarding the item listed above.

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

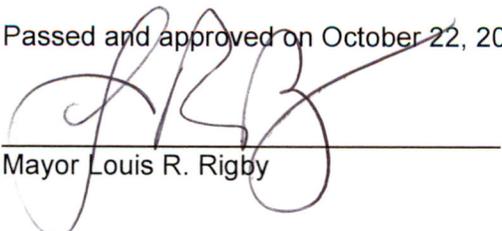
Council reconvened the regular Council meeting at 8:40 p.m. Mayor Rigby gave direction to the City Manager on the status of handling benefits of former employees.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:40 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**



Patrice Fogarty, City Secretary

Passed and approved on October 22, 2018.



Mayor Louis R. Rigby