

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Mayor Pro-Tem
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JANUARY 9, 2017

The City Council of the City of La Porte met in a regular meeting on **Monday, January 9, 2017**, 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. Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, K. Martin, Leonard, Earp, Zemanek, Clausen, and Kaminski. Absent: Councilmember J. Martin. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Clark Askins, Assistant City Attorney.

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

4. PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS

(a) Recognition – Winners of the 2016 Christmas Parade – Mayor Rigby

Mayor Rigby recognized Best Organization: Ana's Dance Studio and Best of Show; The Graham Family "Snowgies" as the winners of the 2016 Christmas Parade.

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

Catherine Focke, 111 South Y St., addressed Council with concerns of tenants residing at 202 South Y St., and not abiding by City ordinances. She requested Council address these issues.

Charlotte Mahoney, 227 South Y St., addressed Council with concerns of the tenants residing at 202 South Y St., and not abiding City ordinances. She requested Council address these issues.

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 meeting held on December 12, 2016 – P. Fogarty

(b) Consider approval or other action regarding an Ordinance ordering the May 6, 2017, General Election of the City of La Porte – P. Fogarty

- (c) Consider approval or other action regarding a Resolution of the City Council of the City of La Porte, Texas opposing any legislation that increases the maximum transport haul weights over roadways in the City of La Porte, to include heavy haul corridor(s) – T. Leach
- (d) Consider approval or other action authorizing the Mayor to sign a letter advocating the Texas Legislature to change language of Section 505.258(1), Local Government Code to allow the La Porte Development Corporation to continue to collect sales tax as long as bonds, projects, or other obligations of the Corporation exists – T. Leach
- (e) Consider approval or other action regarding an amendment to the bus service agreement between Harris County and the City of La Porte for local bus service for the period of twelve (12) months with the approval of Harris County – T. Leach
- (f) Consider approval or other action awarding Bid # 17006 for Water and Sewer Supplies – D. Pennell
- (g) Consider approval or other action awarding Bid # 17001 for Browning and Golden Drainage Improvements Project – D. Pennell
- (h) Consider approval or other action awarding Bid # 17008 for Clarifier Rehabilitation at the City of La Porte Wastewater Treatment Facility – D. Pennell
- (i) Consider approval or other action regarding an Ordinance amending Chapter 2, “Administration” of the Code of Ordinances of the City of La Porte, by adopting rules for electronic submission of bids and proposals in accordance with Section 252.0415, Texas Local Government Code – C. Daeumer
- (j) Consider approval or other action regarding a professional services agreement with HDR Engineering, Inc., for on-going GIS technical services – B. Sterling

Consent Item D, was removed from consideration at the request of City Manager Corby Alexander.

Councilmember Earp asked questions regarding Consent Items E, G, H, I and J.

Regarding Item E, Councilmember Earp asked how many citizens used the services last year. Assistant City Manager Traci Leach advised 7,896 for October-June 2016; 8,848 for Fiscal Year 2015; 8447 for Fiscal Year 2014 and 6,913 for Fiscal Year 2013.

Regarding Item G, Councilmember Earp asked if points were given to the locally owned business. Assistant Director of Public Works Don Pennell responded they did not meet the criteria for designation as a local vendor.

Regarding Item H, Councilmember Earp asked if the sole source vendor’s bid is in line with the previous three that were replaced. Assistant Director of Public Works Don Pennell responded yes.

Regarding Item I, Councilmember Earp asked if the City currently uses the service and will there be an increase in cost. Purchasing Manager Cherell Daeumer advised the City is currently using the service, and there will not be an increase for the City or vendors.

Regarding Item J, Councilmember Earp asked if the item goes out for bid. GIS Manager Brian Sterling responded no. Councilmember Earp if another company provides the service. Mr. Sterling responded there may be others that provide the service; but HDR Engineering, Inc., is used because of their municipal experience.

Councilmember Engelken made a motion to approve Consent Agenda Items 6 a, b, c, e-j pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3661**: AN ORDINANCE ORDERING THE REGULAR ANNUAL ELECTION OF THE CITY OF LA PORTE, TEXAS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR A JOINT ELECTION WITH THE LA PORTE INDEPENDENT SCHOOL DISTRICT AND SAN JACINTO COLLEGE DISTRICT; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR METHOD, LOCATIONS AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR A RUN-OFF ELECTION IF NECESSARY, ON THE SECOND SATURDAY IN JUNE; PROVIDING FOR NOTICE; PROVIDING A SAVINGS CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETING LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3662**: AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY ADOPTING RULES FOR ELECTRONIC SUBMISSION OF BIDS AND PROPOSALS IN ACCORDANCE WITH SECTION 252.0415, TEXAS LOCAL GOVERNMENT CODE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

7. PUBLIC HEARING AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments on the recommendation of the Dangerous Building Inspection Board for condemnation of dangerous/substandard buildings located at 403 Arizona; 223 Bayside Dr.; 2823 S. Broadway #1 and 211 N. Forrest; consider approval or other action regarding Ordinances for condemnation of dangerous/substandard buildings located at 403 Arizona; 223 Bayside Dr.; 2823 S. Broadway #1 and 211 N. Forrest – M. Collier

The public hearing opened at 6:20 p.m.

Deputy Building Official Mike Collier presented a summary of four structures, 403 Arizona; 223 Bayside Dr.; 2823 S. Broadway #1; and 211 N. Forrest, which were discussed at the September 12, 2016, council meeting, and given a 120-day extension to either complete or substantially complete repairs or be demolished.

Mr. Collier recommended 223 Bayside be removed from the dangerous building list, requested an additional 30-45 days to conduct a complete evaluation of 211 N. Forrest and recommended 2823 S. Broadway #1 and 403 Arizona be demolished due to no improvements.

Rand Nicols, 223 Bayside Dr., addressed Council and provided an update on the improvements made to his property.

Abe Castaneda, 2823 S. Broadway #1, addressed Council requesting not to tear down the entire building.

John Braniff, 3135 Fondren, addressed Council regarding 2823 S. Broadway #1 and requested the building be demolished.

Nancy Doize, 211 N. Forrest, addressed Council with an update on the improvements being made on her property and requested additional time for repairs before selling the home.

Randall Sexton, 403 Arizona, addressed Council and requested additional time to retrieve personal belongings from the property.

The public hearing was held open until February 13, 2017.

Councilmember Zemanek made a motion to remove 223 Bayside Dr., from the dangerous building list; continue the public hearing until February 13, 2017, for 211 N. Forrest; and follow Staff's recommendation to demolish 2823 S. Broadway #1 and 403 Arizona. Councilmember Engelken seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3663**: AN ORDINANCE DECLARING THE COMMERCIAL BUILDING LOCATED AT 0.138 ACRE TRACT DESCRIBED AS TRACTS 33B AND 34D, ABSTRACT 30, W.P., HARRIS, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 2823 S. BROADWAY ST. #1, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT BRETT COE, EDWARD SOLIZ, AND ABRAHAM CASTANEDA ARE THE RECORD OWNERS OF SAID PROPERTY; ORDERING THE SAID OWNERS TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNERS TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNERS; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNERS IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3664**: AN ORDINANCE DECLARING THE PRIMARY RESIDENTIAL DWELLING LOCATED AT LOTS FOUR (4) AND FIVE (5) AND SOUTH ½ OF LOT THREE (3), BLOCK 223, CITY OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 403 ARIZONA ST. TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT RANDALL E. SEXTON IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNERS IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

8. AUTHORIZATIONS

- (a) Consider approval or other action authorizing the purchase of one horizontal grinder from RotoChopper for a total amount of \$270,158.00 – D. Pennell

Assistant Public Works Director Don Pennell presented a summary.

Councilmember Zemanek made a motion to authorize the purchase of one horizontal grinder from RotoChopper for a total amount of \$270,158.00. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding appointments to fill vacancies on the City of La Porte Zoning Board of Adjustment – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Kaminski made a motion to move Dennis Oian from Alternate 2 position to Position 4; Shelley Fuller to Alternate 1 position and Thomas Deen to Alternate 2 position, on the Zoning Board of Adjustment. Councilmember Engelken seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

10. REPORTS

- (a) Receive report of La Porte Development Corporation Board – Councilmember Engelken

No report was provided.

11. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised Council that Staff will reach out to the citizens who addressed Council with concerns of potential code violations and animal control issues at 202 South Y St.

12. 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 welcomed everyone back and hoped everyone had a happy and safe holiday;

Councilmember Leonard wished everyone a Happy New Year;

Councilmember Engelken wished everyone a Happy New Year and commented the meeting was good;

Councilmember Earp passed on making comments;

Councilmember Clausen wished everyone a Happy New Year;

Councilmember K. Martin wished everyone a Happy New Year and congratulated the parade winners;

Councilmember Kaminski Martin wished everyone a Happy New Year; and congratulated the parade winners;

Mayor Rigby wished everyone a Happy New Year and best wishes for 2017.

13. 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 551.072 – Deliberation regarding Real Property: Meet with City Manager and City Attorney to discuss acquisition of real property adjacent to the Fitness Center.

City Council recessed the regular Council meeting to convene an executive session at 7:09 p.m. regarding the item listed above.

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

City Council reconvened into the regular Council meeting at 7:23 p.m.

Regarding the discussion acquisition of real property adjacent to the Fitness Center, Councilmember Engelken made a motion to direct Staff to negotiate the property adjacent to the Fitness Center. Councilmember Zemanek seconded. **MOTION PASSED 8/0. Councilmember J. Martin was absent.**

15. ADJOURN - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:24 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

Passed and approved on January 23, 2017.

Mayor Louis R. Rigby