

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 FEBRUARY 13, 2017

The City Council of the City of La Porte met in a regular meeting on **Monday, February 13, 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. CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, J. Martin, K. Martin, Earp, Zemanek, Clausen, and Kaminski. Absent: Councilmember Leonard. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
- 2. INVOCATION** – The invocation was given by Dee Spears, Fairmont Park Church.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**

(a) Recognition – Employees of the Fourth Quarter and Year for 2016 – Sgt. Bennie Boles and Officer Justin Weaver – City of La Porte Police Department – Mayor Rigby

Mayor Rigby recognized Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016.

(b) Recognition – Manager of the Year – Megan Mainer – City of La Porte Parks and Recreation Department (Recreation Superintendent) – Mayor Rigby

Mayor Rigby recognized Megan Mainer as Manager of the Year.

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

Courtney Dodge, 201 S. Virginia St., addressed Council by stating someone who sits on council has lied about her husband. She stated this individual and a certain officer are in cahoots together, and filed falsified documentation that her husband threatened him. She stated she feels like she and her husband have no civil rights. She stated that her husband told this individual to let him live his life and this individual live his, and now her husband is in a psych facility. She stated she is making a stand for her family's civil rights, and nobody is going to stop her. She stated she is sick and tired of being treated like a rabid animal in this town and she doesn't know what she's done or her husband has done and it has got to stop. She then stated, "Okay? Y'all need to get it together, because it is about to get really nasty." Councilman Zemanek asked if this is a threat. As she was walking away, Ms. Dodge replied, "No, it's not a threat."

There were no additional 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 minutes of meeting held on January 23, 2017 – P. Fogarty
 - (b) Consider approval or other action regarding a Memorandum of Agreement with Shady River Homeowners Association of a community cooperation project providing for playground replacement equipment for a total City contribution of \$5,000.00 – T. Leach
 - (c) Consider approval or other action regarding a Resolution authorizing the City of La Porte to partner with Texas Department of Transportation to commence improvements at the La Porte Municipal Airport – T. Leach
 - (d) Consider approval or other action regarding a Resolution authorizing the resale of tax delinquent properties located at Lots 1-3, Block 17 Sylvan Beach – S. Wolny
 - (e) Consider approval or other action regarding the 2016 City of La Porte Police Department Racial Profiling Report – K. Adcox

Regarding Item D, Councilmember Zemanek questioned the process for moving forward with the resale of tax delinquent properties, that sometimes they go to an auction and sometimes they go through a situation like this today. City Manager Corby Alexander informed him that when properties initially go delinquent, the initial process is the delinquent tax attorney files suit to collect payment, goes to court, and wins a judgment. After that judgment is secured, the properties are then auctioned off at a monthly public auction conducted by the Constable's Office. The properties the City is dealing with now didn't sell at the initial auction; so, he believes the City holds on to them for six months and makes them available, provided someone comes in with either the total taxes and fees or the adjudged amount, whichever is less. That's all prescribed by law.

Councilmember Zemanek stated he is looking at the Foreclosure Summary Statement, and it says that the judgement is against Creed Corporation. But in November 1, 1995, title of that property changed to La Porte First Corporation. Who is that? Finance Director Michael Dolby responded the delinquent tax attorney will have to answer that question. Councilmember Zemanek asked why Creed Corporation is listed as who the judgment is against in this case when there is another title holder in between the time of 1987 and the time of the sale in 2015. Mr. Dolby stated they would have to talk to the delinquent tax attorney to get answers to the title questions. He stated we do know, however, that it was struck-off after the auction, and it did revert back to us as the trustee and now someone has come in and put a bid on the property. All of the proper title transfers have occurred in order for the sale to go forward. Councilmember Zemanek stated that the title transferred from La Porte First to the City of La Porte and not Creed Corporation to the City of La Porte. City Manager Alexander stated that typically when the tax attorney files suit, they are required to notify anyone who has an ownership interest in the property before they go to court. He further stated if the documents Council has received in the packet are unclear, the summary form can be easily revised since it is a City-produced form.

Councilmember Zemanek stated the bidder is Knox Askins, Trustee; and the person who prepared the resolution is Clark Askins. Is that a conflict of interest? Should someone else have prepared the resolution? Assistant City Attorney Clark Askins stated there is no conflict; Knox Askins was acting as a trustee for a buyer and was not the buyer, not acting in the role of city attorney. Councilmember Zemanek asked City Manager Alexander what his thoughts are on this. City Manager Alexander stated there is nothing different than if it was Joe Citizen. If a councilmember has any misgivings, though, we can run it by a third party attorney. Councilmember Zemanek stated it just does not pass the sniff test. He also asked how someone finds out about these properties. Shelley Wolny stated there is a link to the properties listed, and it will be sent to him.

When recognized by the Mayor to speak, Councilmember Earp stated that his question had been answered regarding whether Knox Askins was purchasing the property.

Councilmember J. Martin made a motion to approve all Consent Agenda Items, with an amendment to the minutes of the 1/23/17 Council Meeting, and an amendment to current Consent Item B, in the Memorandum of Agreement with Shady River Homeowners Association, by replacing the word "fencing" with the word "improvements." Councilmember Clausen seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Leonard was absent.**

7. REPORTS

(a) Receive report for ONESolution – M. Dolby

Finance Director Michael Dolby presented a summary and advised the go-live date of January 30, 2017, was not met and informed Council that staff is hopeful to go live mid to early spring.

Paul Tovey, representative of SunGard, spoke and provided additional information.

Councilmember Earp asked when the implementation will be completed. Mr. Tovey responded by April 15, 2017.

Senior System Administrator Ruston Royall spoke and provided an indepth update on the project.

Councilmembers provided numerous comments regarding the poor performance of SunGard/ONESolution to get the City up and running. Councilmember Engelken stated he does not have confidence SunGard/ONESolution can be finished, and that he feels it has been a complete failure.

Mayor Rigby requested staff place an action item on this same subject on the February 27, 2017, Council meeting agenda to explore the City's legal options and SunGard/ONESolution's poor performance and possible breach of contract.

(b) Continue public hearing to receive comments on the recommendation of the Dangerous Building Inspection Board for condemnation of dangerous/substandard building located at 211 N. Forrest; consider approval or other action regarding an Ordinance for condemnation of dangerous/substandard building located at 211 N. Forrest – M. Collier

The public hearing was continued from January 9, 2017, and re-opened at 7:08 p.m.

Deputy Building Official Mike Collier presented a summary and recommended 211 N. Forrest be removed from the dangerous/substandard building list. Mr. Collier advised he will address the numerous code issues with the property owner.

The public hearing closed at 7:10 p.m.

Councilmember K. Martin made a motion to follow Staff's recommendation and remove 211 N. Forrest from the dangerous/substandard building list. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Leonard was absent.**

8. ADMINISTRATIVE REPORTS

City Manager Corby Alexander reported that Public Works and Parks and Recreation successfully delivered roughly 33,000 trash bags to La Porte homes.

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 Engelken commented it was nice to deliver trash bags to the residents of La Porte; congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016; congratulated Megan Mainer as Manager of the Year, and commented he hopes the fields at Pecan Park will be ready for the season.

Councilmember Earp congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016 and Megan Mainer as Manager of the Year;

Councilmember Clausen congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016 and congratulated Megan Mainer as Manager of the Year;

Councilmember J. Martin congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016 and congratulated Megan Mainer as Manager of the Year;

Councilmember K. Martin congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016; congratulated Megan Mainer as Manager of the Year; and wished everyone a Happy Valentine's Day;

Councilmember Kaminski congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016; congratulated Megan Mainer as Manager of the Year; commented the trash bag delivery was praised; and the Soul Food Cook-off was a success;

Councilmember Zemanek congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016; and congratulated Megan Mainer as Manager of the Year; and

Mayor Rigby congratulated Sgt. Bennie Boles and Officer Justin Weaver as Employees of the Fourth Quarter and Year for 2016; and congratulated Megan Mainer as Manager of the Year.

- 10. ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:14 p.m. Councilmember Clausen seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Leonard was absent.**

Patrice Fogarty, City Secretary

Passed and approved on February 27, 2017.

Mayor Louis R. Rigby