

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Mayor Pro-Tem
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
JUNE 26, 2017**

The City Council of the City of La Porte met in a regular meeting on **Monday, June 26, 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 Ojeda, J. Martin, Kaminski, Zemanek, Leonard, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins. Councilmembers absent: Engelken and K. Martin.
2. **INVOCATION** – The invocation was given by Bishop Michael Thannisch, Synod of St. Timothy.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Nancy Ojeda.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition – 125th Anniversary Celebration Parade Winners – Mayor Rigby

Mayor Rigby recognized the parade winners in the 125th Anniversary Celebration Parade: Taqueria Arandas No. 98 – Best Business; Boys and Girls Harbor – Best Organization; San Jacinto College – Best School Group; and Breast Little Chili Cookers in La Porte – Best Golf Cart; Additionally, George Watkins was honored for his expert assistance on making the parade happen.

- (b) Recognition – City of La Porte Police Department recipient of Mothers Against Drunk Driving Outstanding Law Enforcement Agency Award; and Judge Denise Mitrano, recipient of the Judiciary Service Award – Mayor Rigby.

Mayor Rigby recognized Police Chief Ken Adcox as the recipient of the Mothers Against Drunk Driving Outstanding Law Enforcement Agency Award; and Judge Denise Mitrano as recipient of the Judiciary Service Award.

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

Bill Bentley, 10106 Willmont Rd., spoke regarding the Fairmont Park West Community Park and Pool and the general disrepair of the playground equipment. Also, the fencing and ball field backboards have holes in them. The water fountain hasn't worked in a very long time. The parking lot is in disrepair, as well. He asked that the City review Sections 7, 9, and 13 of the agreement. He asked that the City consider putting some money in the budget during the budget process for the upkeep and repair of these issues.

The following citizens spoke against the proposed street and alley closure of a portion of S. Holmes right-of-way between Blocks 27 and 28: Sylvia Tucker, 717 S. Nugent; Don Belgau, 3342 Miramar; Shirley Belgau, 733 S. Holmes; Maisie Barringer Kimmons, 1700 Roscoe, spoke that she is no longer interested in closing it as an adjoining property owner and stated it is a purchase price issue.

The following citizens spoke in favor of the proposed street and alley closure of a portion of S. Holmes right-of-way between Blocks 27 and 28: Christopher Thebeau and Jessica Newman, 1704 Roscoe St., are in favor of the closure of the proposed street and alley closure; Carlos and Stephanie Cardenas, 1612 Roscoe, are in favor of closing the property due to public safety issues; and Joe Bertuglia is in favor of the closure. He is the applicant asking for the closure, and is now asking to close only ½ of the property; and he would like to proceed. He stated there have been two appraisals on the property, and he agrees to the appraised value, stating it is fair; and he is happy with that.

Richard Risch signed in to speak and was called upon, but stated he had no comment.

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 the minutes of the Council Meeting held on June 12, 2017 – P. Fogarty
- (b) Consider approval or other action awarding Bid #17020 for FY2017 Asphalt Overlay Project – D. Pennell
- (c) Consider approval or other action awarding Bid # 17003 for Park Drive Sidewalk Improvements – D. Pennell
- (d) Consider approval or other action regarding an expenditure of the La Porte Development Corporation in connection with project for the acquisition of property located at 1218 S. Broadway in an amount not to exceed \$57,372.00 – T. Leach

Councilmember Earp filed a Conflict of Interest form with the City Secretary's office regarding Consent Agenda Item (c); therefore, this item was voted on separately.

Councilmember Zemanek made a motion to approve Consent Agenda Items (a), (b), and (d) pursuant to staff recommendations. Councilmember J. Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 7/0.**

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

Councilmember Zemanek made a motion to approve Consent Agenda Item (c) pursuant to staff recommendations. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 6/0.**

Ayes: Mayor Rigby, Councilmembers Leonard, Zemanek, Kaminski, Ojeda and J. Martin
Nays: None
Absent: Councilmembers Engelken and K. Martin
Abstention: Councilmember Earp

7. AUTHORIZATION

- (a) Consider approval or other action regarding an Ordinance amending "Appendix A Fees" of the Code of Ordinances of the City of La Porte, Texas, pertaining to EMS charges for services rendered in areas outside of corporate limits of La Porte, by increasing "Non-Member Fees (Per Event)" by \$1,500.00, to \$3,000.00 – R. Nolen

Emergency Medical Services Chief Ray Nolen presented a summary.

Councilmember Zemanek made a motion to postpone this item until the next council meeting, July 10, 2017, so that staff has time to further analyze costs of service and to bring back an Ordinance amending "Appendix A Fees" of the Code of Ordinances of the City of La Porte, Texas, pertaining to EMS charges for services rendered in areas outside of corporate limits of La Porte by increasing "Non-Member Fees (Per Event)" from \$1,500.00, to an amount Council will determine at the next meeting. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 7/0.**

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

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding proposed street and alley closure of a portion of S. Holmes right-of-way between Blocks 27 and 28 – C. Alexander

City Manager Corby Alexander presented a summary.

After Council discussion, Councilmember J. Martin made a motion to instruct staff to prepare an Ordinance to be considered at a future Council meeting to facilitate the closure of 1/2 of the right-of-way at an amount for the sale of 23.62 x .75 which equals 17.72 per square foot. Councilmember Earp seconded the motion. **MOTION PASSED 4/3.**

Ayes: Mayor Rigby, Councilmembers Earp, Zemanek and J. Martin
Nays: Councilmembers Leonard, Kaminski and Ojeda
Absent: Councilmembers Engelken and K. Martin

- (b) Discussion and possible action regarding Comprehensive Compensation Study performed by HR Compensation Consultants – M. Hartleib

Human Resources Manager Matt Hartleib and a representative from HRCC, the consulting firm for the compensation study, presented a summary. This item will be brought back before Council after additional information is gathered, including the entire benefits package for employees and comparable pay information from the City of Deer Park, among other requested information.

- (c) Discussion and possible action regarding La Porte Town Center Project – T. Leach

Assistant City Manager Traci Leach presented a short summary, and then introduced David Miles to address Council. Mr. Miles updated Council on the progress of the La Porte Town Center Project and assured Council they are moving forward with the project; and he and his expanded team remain committed to the project. Pursuant to questions by Councilmember J. Martin, Mr. Miles presented his milestones: Fall 2017 – issue to the City their planning for infrastructure; they will then be able to move dirt in September; then 30-60 days will follow with Gilley's vertical. Once they start the infrastructure, it will take 8 months to put it in, and then 10 months to build the Gilley's. Councilmember Zemanek asked how long he is allowing for permitting. Mr. Miles stated three months. Councilmember Zemanek also asked if Mr. Miles or any of his affiliates are associated whatsoever in the clearing of land off of Fairmont Pkwy., west of the Pasadena

Convention Center, and east of Red Bluff. Mr. Miles stated no, sir. Councilmember Earp stated that Johnny Isbell told him and others that the City of Pasadena is doing the clearing. Mayor Rigby commented when the homes were built on the south side of Wharton Weems, the original and current owner of the 55 acres was supposed to put that interconnect in, and that was prior to Mr. Alexander coming to work for the City. The owner never did it. He stated he believes the City issued a cure notice, which the owner ignored; and to hold someone else responsible for doing that – someone who doesn't have a contract on it or has no current intent of contracting on it – is strange to him. Mayor Rigby further stated the current owner was sent the original demand, and he's the one who should do the interconnect. Mayor Rigby stated he realizes the owner's argument was he didn't have to do it until development started on the north side, but when the owner built that 10-times-too-large detention pond, that, in his opinion, began the development, and he thinks the owner should still be responsible. Mayor Rigby requested a follow up at the next meeting or before as to what happened after the owner received the City's demand letter. Mr. Alexander will follow up and advise. Mr. Alexander stated that from his memory, he had some conversations with Mr. Miles regarding the interconnect being an issue that needed to be addressed. Mr. Alexander stated it was his understanding that Mr. Miles and Mr. Reddy had some conversations. Mr. Miles stated they did have some conversations, and he will be glad to try to be that resolve, if he may, between the property owner and his efforts. Mayor Rigby stated he doesn't want this development to be held up over something the property owner didn't do.

9. ADMINISTRATIVE REPORTS

There were no additional reports.

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.

Councilmember Ojeda had no comments. Councilmember J. Martin congratulated the award winners on their recognitions; he stated this was an important meeting, and he hopes this project will continue; Councilmember Kaminski congratulated the award winners; Councilmember Zemanek wished everyone a safe and happy July 4th weekend; Councilmember Leonard stated the same, along with his congratulations to the award winners; Councilmember Earp congratulated the award winners and looks forward to the Gilley's project moving on; stated he was disappointed on the content of the wage study and how it was presented and looks forward to the additional information that was discussed; Mayor Rigby congratulated Municipal Court and the P.D. on their awards; stated the Juneteenth Celebration was great, there is a lot of work that goes into that celebration and would like to get more people out for this next year.

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 551.072 – Deliberation regarding Real Property: Meet with City Manager and City Attorney to discuss possible sale of city owned real property for residential development purposes.

Texas Government Code, Section 551.071(1)(A) – Pending or Contemplated Litigation: Meet with City Attorney and City Manager to discuss Adapted Logistics, LLC, et al.vs. City of La Porte, Texas

City Council recessed the regular Council meeting to convene an executive session at 8:36 p.m. regarding the subjects of the executive session items listed above.

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

City Council reconvened the regular council meeting at 10:00 p.m.

Regarding **Texas Government Code, Section 551.072** – Deliberation regarding Real Property,

Councilmember J. Martin made a motion for the City Manager to pursue with the instruction to determine which properties are fee simple and which are resale so the City knows how to proceed. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 6/0.**

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

Regarding **Texas Government Code, Section 551.071(1)(A)** – Pending or Contemplated Litigation.

Councilmember Leonard made a motion to give direction to the TML appointed attorney to negotiate a settlement agreement at no cost to the City. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 6/0.**

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

Mayor Rigby shared with Councilmembers congratulatory messages and a plaque received by the City on the 125th Anniversary, and also a plaque thanking the City for participating in the 2017 Juneteenth Parade.

13. **ADJOURN** - There being no further business, Councilmember Leonard made a motion to adjourn the meeting at 10:03 p.m. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 6/0.**

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

Patrice Fogarty, City Secretary

Passed and approved on July 10, 2017.

Mayor Louis R. Rigby