

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 NOVEMBER 13, 2017

The City Council of the City of La Porte met in a regular meeting on **Monday, November 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 Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Assistant City Attorney Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Nancy Ojeda.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition – 2017 City University Participants – Mayor Rigby

Mayor Rigby recognized the 2017 City University City Participants and handed out Certificates to those participants who were in attendance.

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

Paul Larson, 200 N. 4th St., addressed Council concerning property at 621 W. Main St.; he is not in favor of demolishing this building. He would like to see the repeal of the demolition ordinance which was passed on September 25, 2017.

Carol Gloyna, 616 N. Shady Lane, requested council allow temporary house at her home in an RV provided by the insurance company while her home is repaired due to flood damage in Hurricane Harvey.

Mark Matthews, 2807 Crescent, stated he is appreciative of Officer Anthony Bish, La Porte Crime Prevention Officer. He stated Officer Bish handled himself well, with integrity and honesty. He stated he is very polite and helpful, and what was a bad situation got resolved thanks to him.

Jay Azimpour, 5616 Richmond Ave. #275, Houston, TX, is the owner of the property at 621 W. Main, and stated he is ready to move forward with construction on the building.

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 meeting held on October 23, 2017– P. Fogarty
- (b) Consider approval or other action to rollover requested encumbrance from City of La Porte Fiscal Year 2017 Budget to City of La Porte Fiscal Year 2018 – M. Dolby
- (c) Consider approval or other action regarding a Resolution adopting updated City of La Porte, Texas Investment Policy – S. Wolny
- (d) Consider approval or other action awarding Bid #17027 for Printing and Mailing of Utility Bills – S. Wolny
- (e) Consider approval or other action to purchase playground equipment in the amount of \$102,092.48 for Little Cedar Bayou Park and Seabreeze Park, under Texas Buy Board Contract No. 512-16- R. Epting
- (f) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and Harris County for construction of drainage improvements across the North P. Street right-of-way, intersecting the Harris County Flood Control District Channel Unit F101-06 – D. Pennell
- (g) Consider approval or other action authorizing the City Manager to execute contract with HDR Engineering for design and construction administration services under Lomax Area Lift Station Consolidation Project – D. Pennell
- (h) Consider approval or other action awarding Bid #18001 for Pine Bluff Subdivision Improvements Project – D. Pennell
- (i) Consider approval or other action authorizing purchase for vehicles and equipment replacements for Fiscal Year 2017-2018, under Texas Buy Board Contract No. 521-16 and HGAC Contract VE-11-15 – D. Pennell
- (j) Consider approval or other action to purchase fleet equipment from CAP Fleet Outfitters under Texas Buy Board Contract No. 542-17 – K. Adcox
- (k) Consider approval or other action regarding the purchase of COBAN Edge systems through COBAN Technologies, Inc., through HGAC Contract No. EF-04-17 – K. Adcox
- (l) Consider approval or other action accepting the Fiscal Year 2017 audit/asset forfeiture report and associated financial records for the City of La Porte Police Department as required by Chapter 59 of the Texas Code of Criminal Procedure – K. Adcox

Councilmember Danny Earp filed a conflict of interest affidavit on Consent Agenda Item 6(h); he will vote on all items except 6(h).

Councilmember Earp singled out Consent Agenda Item (f), and staff addressed his questions. Councilmember Zemanek singled out Consent Agenda Item (d), and staff addressed his questions. Councilmember Ojeda singled out Consent Agenda Item (d), and staff addressed her questions. Neither of these items were requested to be voted on separately.

Councilmember Engelken made a motion to approve Consent Agenda Items pursuant to staff recommendations. Councilmember Jay Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0 on Items 6 (a)-(g) and (i)-(l).**

Regarding Consent Agenda Item 6(h), Councilmember Earp abstained from voting on this item. **MOTION PASSED 8/0/1.**

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

7. AUTHORIZATIONS

- (a) Consider approval or other action authorizing the Planning Department to issue permits for use of temporary FEMA trailers with restrictions for City of La Porte residents affected by Hurricane Harvey – R. Mancilla

Planning and Development Director Richard Mancilla presented a summary.

Councilmember Leonard made a motion to authorize the Planning Department to issue permits, with some restrictions, for use of temporary FEMA trailers for City of La Porte residents affected by Hurricane Harvey. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

- (b) Consider approval or other action regarding an Ordinance to repeal Ordinance 2017-3682, which provided for the condemnation of a dangerous/substandard commercial building located at 621 W. Main St. – Mayor Rigby

Mayor Rigby presented the item for discussion and possible action.

After lengthy discussion between councilmembers, the owner, the city manager, the engineer, and the assistant city attorney, Councilmember Earp stated he would be willing to propose granting up to 30 days to get a City permit and get building materials ordered. He stated that from the time they order the building, it will take four – five months to build it. From permitting to erecting the building, it would take five months on a fast track. Mayor asked, so, five months from tomorrow? Councilmember Earp said they've got 30 days to get a permit and get a building ordered. The owner said, "We can do that." A total of roughly six months – permit to finish – would give a completion date of June 1, 2018.

Councilmember Earp stated he would be in favor of granting until June 1 to have the project completed, but the owner must have a permit issued within 30 days from tomorrow. If a permit has not been issued within 30 days from tomorrow, then the building remains on the dangerous building list for demolition. Councilmembers Zemanek and Leonard agreed.

Assistant City Attorney Clark Askins offered that an amendment could be made in the last section of the repeal ordinance currently being considered by Council to provide for a 28-day delayed effective date instead of becoming effective immediately.

As Mr. Askins understands, he stated a motion could be made to pass tonight's ordinance, which would have the effect of repealing the condemnation ordinance (O-2017-3682) passed September 25, 2017, but with an amendment to add a 28-day delayed effective date. What council would be looking for in that 28-day period is proof the owner has been issued the necessary permit(s). If that doesn't happen, if the owner does not meet that condition, the repeal ordinance would not go into effect; and the demolition ordinance (Ordinance 2017-3682) would stand.

During discussion, Council asked for an item on the December 11 council meeting agenda to receive a report on whether a permit/permits have been issued.

Council also requested an item to vote on a June 1, 2018, project completion time, if permit/permits were issued within the 28-day deadline.

City Manager Alexander stated he would confirm that the bid prices for demolition remain in effect so that process does not have to be re-started.

Councilmember Earp made a motion to adopt the repeal ordinance with an amendment adding a 28-day delayed effective date; and if a permit has not been issued during the 28-day period, the repeal ordinance would not go into effect and the building would be subject to immediate demolition. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

8. REPORTS

(a) Receive report of the Fiscal Affairs Committee – Councilmember Engelken

Councilmember Engelken provided a report of the Fiscal Affairs Committee meeting held prior to the City Council meeting.

(b) Receive report of the La Porte Development Corporation Board – Councilmember Ojeda

Councilmember Ojeda provided a report of the La Porte Development Corporation Board meeting held prior to the City Council meeting.

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 thanked all the department heads who cooperated and facilitated with City University; she thanked all who put the employee health fair together; and she thanked Richard Mancilla, Planning Department Director, for fast-tracking permits for 621 W. Main.

Councilmember Jay Martin stated there were large CIP projects approved tonight and thanked Don Pennell for the work coming up; and he also asked for an update on the Texas Parks & Wildlife Building, and its demolition.

Councilmember Kristin Martin thanked all who worked on City University; she stated the Harvest Banquet was a wonderful event and the food was delicious; and she wished everyone a Happy Thanksgiving.

Councilmember Kaminski also attended the Harvest Banquet and stated the food was, indeed, delicious; and she thanked staff for putting on such a successful City University.

Councilmember Zemanek also thanked the City University grads; he stated he hopes we learned a lesson tonight and hopes broken processes can be fixed. He stated if we lay down a law, he hopes we adhere to it. He is very disappointed the building official was absent tonight because he wanted him to attend to answer some question, but he stated he knew he would be absent. Those staff members in those types of positions – if they can't handle the heat, we need to find someone who can; and he wished everyone a Happy Thanksgiving.

Councilmember Leonard congratulated the City University grads, and he thanked the departments for working so well with this group. He wished everyone a Happy Thanksgiving.

Councilmember Engelken wished everyone a Happy Thanksgiving; he thought the dialog process worked well tonight; he thanked council for approval for FEMA alternate living RVs; and he asked for a few more heavy trash pickup runs because people are still working on their homes and a lot of debris accumulates.

Councilmember Earp wished everyone a Happy Thanksgiving and reminded everyone to be safe out there.

Mayor Rigby gave an update on the 30th anniversary luncheon of the LEPC at Sylvan Beach. He stated County Judge Ed Emmett was a speaker, and the LEPC does a lot of essential behind the scenes work and thanked them; also, on Friday, November 10, the high school had their Veterans Day Ceremony, and it was very moving. A Vietnam Veteran was there to explain the meaning of the 13-fold process of the American Flag. Mayor Rigby pointed out that Councilmember Daryl Leonard was also in attendance that day, and Mayor Rigby thanked him for his service. Councilmember Leonard replied, "Thank you, sir." Mayor Rigby reported the Honorable Brian Babin presented him with a U.S. flag which was flown over the United States Capitol on November 1, 2017. The plaque accompanying the flag reads, in part, "This is to certify that the accompanying flag was flown over The Capitol at the request to Congressman Brian Babin from Dr. Robert Garcia, Disabled Vietnam Veteran." The Certificate accompanying the flag reads, in part, "At the request of the Honorable Brian Babin, Member of Congress, this flag was flown in recognition of The Honorable Louis R. Rigby, USAF (Ret.) for his dedicated service, continued patriotism to our Great Nation and many years supporting and helping veterans." Mayor Rigby stated it is very special to him because he is a veteran, and he thanked every veteran in the audience for their service.

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 551.074 – Personnel Matter: Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: City Manager Corby Alexander.

City Council recessed the regular Council meeting to convene an executive session at 7:26 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 9:04 p.m. Regarding the evaluation of the City Manager, Corby Alexander, Councilmember Engelken made a motion to increase his salary by a 2 percent lump sum. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 9:04 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on December 11, 2017.

Mayor Louis R. Rigby