

**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**  
Councilmember District 4  
**JAY MARTIN**  
Mayor Pro-Tem  
Councilmember District 5  
**MIKE CLAUSEN**  
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
JANUARY 25, 2016**

The City Council of the City of La Porte met in a regular meeting on **Monday January 25, 2016**, 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:

Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, Earp, Zemanek, Kaminski, K. Martin, J. Martin and Leonard. Absent: Councilmember Clausen. 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.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
  - (a) Recognition – Retirement of Burnett “Burnie” Willis (City of La Porte Finance Department) – Mayor Rigby.

Mayor Rigby recognized Burnett “Burnie” Willis for 30 years of services with the City of La Porte.

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

Chuck Rosa, 812 S. Virginia, addressed Council in favor of Item 8(b), adopting a policy regulating carrying of handguns by handgun license holders at government meetings in the City.

Claus Nielsen, 3101 S. Broadway St., addressed Council requesting options to purchase the Windsail Apartments instead of demolishing them in order for him to make renovations and continue an improved tax base for the City.

Bill Scott, 1722 Lomax School Rd., addressed Council with concerns regarding notices to abate he received from Code Enforcement. Mr. Scott presented photos of property he commented is in worse condition than his property.

5. **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 City Council Meeting held on January 11, 2016 – P. Fogarty
  - (b) Consider approval or other action regarding a professional services agreement with HDR Engineering, Inc., for on-going GIS technical services – B. Sterling

- (c) Consider approval or other action authorizing expenditure by the La Porte Development Corporation for an enhancement grant in an amount not to exceed \$42,057.86, payable to Brotamonte Asset 1, LLC., for infrastructure improvements to apartment building complex located at 315 N. 2<sup>nd</sup> Street – S. Livingston
- (d) Consider approval or other action expenditure by the La Porte Development Corporation for an incentive grant in an amount not to exceed \$152,889.82, payable to Fischer’s Hardware for infrastructure improvements to property located at 1010 S. Broadway Street – S. Livingston
- (e) Consider approval or other action regarding a Resolution requesting financial assistance from the Texas Water Development Board – D. Pennell
- (f) Consider approval or other action regarding a Resolution designating the City of La Porte as the management agency for wastewater collection and treatment – D. Pennell
- (g) Consider approval or other action regarding purchase of Neptune meters from HD Supply-Houston – M. Dolby
- (h) Consider approval or other action regarding a Resolution adopting an Anti-NIMBYism (Not in my Backyard) Action Plan for the City of La Porte – T. Tietjens
- (i) Consider approval or other action regarding an Ordinance amending Chapter 50 “Parks and Recreation,” of the Code of Ordinances of the City of La Porte by adding rules for renters and open riding users utilizing the Livestock and Rodeo Arena – R. Epting

Regarding Item C, Councilmember Zemanek questioned how long the enhancement grant has been in discussion. Economic Development Coordinator Scott Livingston responded at least 2-3 months without looking at the actual application to be certain. City Manager Corby Alexander advised November 19, 2015. Councilmember Zemanek commented it will be hypocritical of City Council to support the enhancement grant while moving forward with condemnation of property in another part of town.

Regarding Item D, Councilmember K. Martin questioned when did the City begin giving incentive grants for the interior structure of businesses. Economic Development Coordinator Scott Livingston responded it is not an enhancement grant, it is an expansion of a business; and the City looks at the total capital expenditure that includes the interior.

Regarding Item D, Councilmember Engelken requested the item be voted on separately.

Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3620: AN ORDINANCE AMENDING CHAPTER 50 “PARKS AND RECREATION” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY ADDING RULES FOR RENTERS AND OPEN RIDING USERS UTILIZING THE LIVESTOCK AND RODEO ARENA; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINDED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Engelken moved to approve Consent Agenda items A; B; E; F; G; H and I pursuant to staff recommendations. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Clausen was absent.**

Councilmember Engelken moved to approve Consent Agenda item C pursuant to staff recommendations. Councilmember K. Martin seconded. **MOTION FAILED.**

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

Councilmember Zemanek moved to authorize expenditure by the La Porte Development Corporation for an incentive grant in an amount not to exceed \$120,000.00, with an estimated 10-year payback period of multiple payments over time based on conditions per the development agreement, to Fischer's Hardware, Inc., for infrastructure improvements to property located at 1010 S. Broadway Street. Councilmember Leonard seconded. **MOTION PASSED.**

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

## 7. AUTHORIZATIONS

(a) Consider approval or other action regarding a Resolution adopting proposed amendments made by the La Porte Development Corporation Board of Directors to the by-laws of the La Porte Development Corporation – S. Livingston

Economic Development Coordinator Scott Livingston presented a summary.

Mayor Rigby moved to approve a Resolution adopting amendments to the by-laws of the La Porte Development Corporation. Councilmember J. Martin seconded. **MOTION FAILED.**

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

(b) Consider approval or other action regarding an Ordinance authorizing and ordering the issuance, sale and delivery of City of La Porte, Texas, general obligation refunding bonds, series 2016 – M. Dolby

Finance Director Michael Dolby presented a summary and informed Council the City has an opportunity for refunding bonds.

Robert Henderson, Financial Advisor, spoke and presented a summary.

Councilmember Earp questioned if the new savings is for the City after all costs of transactions. Mr. Henderson responded yes.

Councilmember Earp moved to approve an Ordinance authorizing and ordering the issuance, sale and delivery of the City of La Porte, Texas general obligation refunding bonds, series 2016. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3621: AN ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE, SALE AND DELIVERY OF CITY OF LA PORTE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016; DELEGATING TO AUTHORIZED REPRESENTATIVES THE AUTHORITY TO APPROVE THE AMOUNT, INTEREST RATES, PRICE AND TERMS THEREOF AND CERTIN OTHER PROCEDURES AND PROVISIONS RELATED THERETO; AUTHORIZING THE**

REDEMPTION PRIOR TO MATURITY OF CERTAIN OUTSTANDING OBLIGATIONS; AND MAKING OTHER PROVISIONS REGARDING THE BONDS AND MATTER INCIDENT THERETO.

- (c) Consider approval or other action regarding RFP No. 16503 for Lifeguard services at City pools/recreation facilities – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Earp moved to approve a contract with Pool Management Inc., and increase the budget by \$55,750.00 for Lifeguard services at City pools/recreation facilities. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

## 8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding designs for Main Street and Fairmont elevated water tanks – T. Leach

Assistant City Manager Traci Leach presented a summary.

Councilmember Zemanek moved to approve funding for design Option No. 2, the “orange” one, La Porte Life by the Bay for both water towers. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

- (b) Discussion and possible action regarding adoption of policy regulating carrying of handguns by handgun license holders at government meetings in city – C. Alexander

City Manager Corby Alexander presented a summary.

Councilmember Leonard commented people should be able carry weapons if it is legal in the state.

Councilmember Leonard moved that both open and concealed carry not be prohibited. **MOTION FAILED FOR LACK OF A SECOND.**

Councilmember Earp moved to allow concealed carry but not open carry in any meeting where the Open Meeting Act applies. Councilmember Engelken seconded. **MOTION PASSED.**

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

Councilmember Earp moved to exclude any weapons at all City of La Porte Election Polling Locations where voting is taking place. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

## 9. ADMINISTRATIVE REPORTS

City Manager Corby Alexander reminded City Council of the Retirement Party for Lieutenant Gary Rice and Sergeant Steven Ermel from the City of La Porte Police Department.

- 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.

Councilmembers Engelken, Earp and Kaminski congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City and thanked the Finance Department for the refunding of bonds; Councilmember Martin commented he appreciates the improvements at Delta Courts made by Mr. Nielsen, and the City has made a commitment to the community and encouraged Council to move forward with the condemnation plan at Windsail Apartments;

Councilmember K. Martin congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirements from the City and thanked them for their service; Councilmember Zemanek congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City; agreed with Councilmember J. Martin to move forward with condemnation and commented how proud he was to attend the Martin Luther King, Jr., Celebration where Tommy Moser was also well honored; Councilmember Leonard congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City; welcomed Councilmember Earp back and thanked everyone for their phone calls and well wishes during his recovery from surgery and Mayor Rigby congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City and commented how nice it was for the La Porte Civic Club to honor Tommy Moser during the Martin Luther King Jr., Celebration.

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** – For the purpose of deliberating the purchase, exchange, lease or value of real property: Meet with City Manager and City Attorney to discuss a Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently.

**Texas Government Code, Section 551.071 (2)** – Consultation with City Attorney: Meet with City Attorney to discuss Join Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently within the City of La Porte’s corporate boundary and proposed to be annexed within the City of Morgan’s Point corporate boundary.

City Council recessed the regular Council meeting to convene an executive session at 7:26 p.m. regarding the items listed above.

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

Council reconvened into the regular Council meeting at 7:43 p.m.

Regarding Texas Government Code, Section 551.072 – For the purpose of deliberating the purchase, exchange, lease or value of real property: Meet with City Manager and City Attorney to discuss a Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently.

Councilmember Leonard moved to decline any exchange of property with the City of Morgan’s Point. Councilmember Earp seconded. **MOTION PASSED.**

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

Regarding Texas Government Code, Section 551.071 (2) – Consultation with City Attorney: Meet with City Attorney to discuss Join Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently within the City of La Porte’s corporate boundary and proposed to be annexed within the City of Morgan’s Point corporate boundary.

No action was taken.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:45 p.m. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**