

**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 FEBRUARY 22, 2016**

The City Council of the City of La Porte met in a regular meeting on **Monday February 22, 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, Clausen, Kaminski and J. Martin. Absent: Councilmembers K. Martin and 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 Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Mike Clausen.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
  - (a) Recognition – Employee of the Fourth Quarter 2015 – Victor Martinez – City of La Porte Public Works Department (Solid Waste) – Mayor Rigby  

Mayor Rigby recognized Victor Martinez as Employee of the Fourth Quarter 2015.
  - (b) Recognition – Employee of the Year 2015 – David Hefner – City of La Porte Parks and Recreation Department (Building Maintenance Supervisor) – Mayor Rigby  

Mayor Rigby recognized David Hefner as Employee of the Year 2015.
  - (c) Recognition – Manager of the Year – Cathy Haney – City of La Porte Municipal Court (Court Administrator) – Mayor Rigby  

Mayor Rigby recognized Cathy Haney as Manager of the Year 2015.
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

There were no 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 the minutes of the City Council Meeting held on February 8, 2016 – P. Fogarty
  - (b) Consider approval or other action authorizing the City Manager to execute a contract with Gulf States Protective Coatings in the amount of \$273,025.00 and a project contingency of \$24,000.00 for a total project cost of \$297,025.00 – S. Valiante

- (c) Consider approval or other action authorizing the City Manager to execute a three-year contract with the Bay Area Houston Economic Partnership – S. Livingston
- (d) Consider approval or other action regarding an Ordinance amending Chapter 70 “Traffic and Vehicles” of the City Code of Ordinances, to change speed limit on Wharton Weems Blvd. – T. Leach
- (e) Consider approval or other action regarding a community cooperation project (new entryway sign) with Bay Point Townhome Homeowners Association – T. Leach

Regarding Item D, Councilmember J. Martin asked if the question on the speed limit on S. Broadway has been resolved. Assistant City Manager Traci Leach responded staff has contacted TX Dot and the speed limit signs are now consistent with the ordinance.

Councilmember J. Martin moved to approve Consent Agenda items pursuant to staff recommendations. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3625: AN ORDINANCE AMENDING CHAPTER 70 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SEC. 545.356, TEXAS TRANSPORTATION CODE, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF LA PORTE; 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 FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

## 7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve an amendment to the Future Land Use Map component of the La Porte Comprehensive Plan to change designation for a 0.57 acre tract at corner of N. 1<sup>st</sup> Street and E. Street, described as Lots 1-8, Block 108, Town of La Porte Subdivision from Commercial to Low Density Residential; consider approval or other action regarding an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Plan to change designation for a 0.57 acre tract at corner of N. 1<sup>st</sup> Street and E. Street, described as Lots 1-8, Block 108, Town of La Porte Subdivision from Commercial to Low Density Residential – E. Ensey

The public hearing opened at 6:18 p.m.

City Planner Eric Ensey presented a summary and recommendation.

Councilmember Zemanek questioned the difference between R-1 and R-2. City Planner Eric Ensey responded R-2 allows for different uses for housing that are not in R-1.

Councilmember Earp asked what will happen to the rest of the property that is zoned commercial. Mr. Ensey responded, during a Planning and Zoning Commission meeting, Board members discussed the idea of looking at all of the properties along 1<sup>st</sup> Street during the next comprehensive plan to be zoned residential as opposed to commercial.

There being no public comments the public hearing closed at 6:23 p.m.

Councilmember Zemanek moved to approve an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Plan for a 0.57 acre tract at corner of N. 1<sup>st</sup> Street and E. Street, described as Lots 1-8, Block 108, Town of La Porte Subdivision from Commercial to Low

Density Residential. Councilmember J. Martin seconded. **MOTION PASSED 6/1.**  
**Councilmembers K. Martin and Leonard were absent.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3626** AN ORDINANCE ADOPTING AN UPDATE TO THE FUTURE LAND USE MAP COMPONENT OF THE COMPREHENSIVE PLAN OF THE CITY OF LA PORTE, TEXAS UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF LA PORTE, TEXAS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE.

- (b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve rezone of a 0.57 acre tract at corner of N. 1<sup>st</sup> Street and E Street, described as Lots 1-8, Block 108, Town of La Porte Subdivision from General Commercial (GC) to Medium Density Residential (R-2); consider approval or other action regarding an Ordinance to approve zone change request #15-92000003, to rezone a 0.57 acre tract at corner of N. 1<sup>st</sup> Street and E Street, described as Lots 1-8, Block 108, Town of La Porte Subdivision from General Commercial (GC) to Medium Density Residential (R-2) – E. Ensey

The public hearing opened at 6:24 p.m.

There being no public comments the public hearing closed at 6: 25 p.m.

Councilmember Zemanek moved to approve an Ordinance approving zone change request #15-92000003, to rezone a 0.57 acre tract at corner of N. 1<sup>st</sup> Street and E Street, described as Lots 1-8, Block 108, Town of La Porte Subdivision from General Commercial (GC) to Medium Density Residential. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 7/0.**  
**Councilmembers K. Martin and Leonard were absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3627**: AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (GC) TO MEDIUM DENSITY RESIDENTIAL (R-2) FOR AN APPROXIMATELY 0.57 ACRE TRACT OF LAND HEREIN DESCRIBED; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE.

- (c) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an amendment to the Future Land Use Map Component of the La Porte Comprehensive Plan to change designation of a 3.9 acre tract located north of Fairmont Parkway near Willmont Rd., and described as Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision and Tract 33 Treat Plant Site, Abstract 482, William Jones Survey from Neighborhood Commercial to Commercial; consider approval or other action regarding an Ordinance amending the Future Land Use Map Component of the La Porte Comprehensive Plan to change designation of a 3.9 acre tract located north of Fairmont Parkway near Willmont Rd., and described as Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision and Tract 33 Treat Plant Site, Abstract 482, William Jones Survey from "Neighborhood Commercial" to "Commercial" – E. Ensey

The public hearing opened at 6:26 p.m.

City Planner Eric Ensey presented a summary and recommended the item be continued to the March 14, 2016, City Council Meeting.

Councilmember Earp moved to continue the public hearing on March 14, 2016. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

Councilmember Kaminski moved to postpone action on the ordinance until the March 14, 2016. Councilmember J. Martin seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

- (d) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve rezone of a 3.9 acre tract located north of Fairmont Parkway near Willmont Rd., and described as Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision and Tract 33 Treat Plant Site, Abstract 482, William Jones Survey from Neighborhood Commercial (NC) to General Commercial (GC); consider approval or other action regarding an Ordinance to approve zone change request #15-92000004, for a 3.9 acre tract located north Fairmont Parkway near Willmont Rd., and described as Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision and Tract 33 Treat Plant Site, Abstract 482, William Jones Survey, from Neighborhood Commercial (NC) to General Commercial (GC) – E. Ensey

The public hearing opened at 6:28 p.m.

City Planner Eric Ensey presented a summary and recommended the item be continued to the March 14, 2016, City Council Meeting.

Councilmember Clausen moved to continue the public hearing on March 14, 2016. Councilmember J. Martin seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

Councilmember J. Martin moved to postpone action on the ordinance until the March 14, 2016. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

## 8. AUTHORIZATIONS

- (a) Consider approval or other action authorizing the City of La Porte's participation as a sponsor for the 2016 United States Optimist Dinghy Sailing Association National Championship held at the Houston Yacht Club – J. Hefner

Marketing/Public Relations Specialist Jaree Hefner presented a summary and introduced Pat Gibson, who presented a PowerPoint on the event.

Councilmember asked if the City has enough funding for a sponsorship of \$10,000.00. Finance Director Michael Dolby responded yes.

Councilmember Kaminski moved to authorize the City of La Porte's participation as a sponsor for the 2016 United States Optimist Dinghy Sailing Association National Championship held at the Houston Yacht Club in the amount of \$10,000.00. Councilmember Engelken seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

## 9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding the 125<sup>th</sup> Anniversary Celebration for the City of La Porte – Councilmembers Zemanek, Kaminski and Earp

Councilmember Zemanek began the discussion and commented the City has a fantastic Marketing Specialist/Public Relations employee and asked why would the City go outside for services of an event planner. City Manager Corby Alexander responded the City does not have the resources in-house for a huge event or several large events. Councilmember Zemanek asked what the one respondent's bid amount was. Mr. Alexander responded \$110,000.00 for one large event in August

and five more at City facilities spread over eight months instead of having one event. Councilmember Zemanek commented the bid is too high, and the events should be run in-house and Staff can ask for help if it is needed.

Councilmember Kaminski asked how many companies were sent proposals. City Manager Corby Alexander responded nine companies.

Councilmember J. Martin asked why the City did not receive more than one bid. Assistant City Manager Traci Leach advised the Purchasing Department reported one company felt the scope of work was too broad.

Councilmember Clausen suggested Staff refine the scope of work and re-bid.

City Manager Corby Alexander commented the big event can be outsourced, and the smaller events can be done in-house.

Councilmember Engelken commented the city has a lot of talent and can use a citizens committee to form the event. Councilmember Earp commented he agrees with Councilmember Engelken to form a citizens committee to figure out what is wanted to showcase the city.

Councilmember Zemanek asked City Manager Alexander his thoughts on the one big event and the five smaller events. Mr. Alexander responded the big event could be like a Sylvan Beach Day festival-type event, and the smaller events can be held at Lomax Arena with a rodeo and the wave pool and perhaps other locations around the city.

Mayor Rigby commented that during City Manager Alexander's last evaluation, he was told to move events to the Parks and Recreation Department; and he feels a large event will need an event planner.

Councilmember J. Martin commented there should be a cross-functional committee with the Marketing Specialist/Public Relations employee and the Parks and Recreational Department.

Councilmember Engelken commented his thoughts after reading the back-up materials is for each Councilmember to appoint a committee member to come up with a timeline and events and bring it back to Council for direction.

## **10. REPORTS**

**(a)** Receive 2015 City of La Porte Police Department Racial Profiling Report – K. Adcox

Police Chief Ken Adcox presented the 2015 City of La Porte Police Department Racial Profiling Report.

There were no questions from City Council.

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

Councilmember Engelken provided a report of the La Porte Development Corporation Board meeting which was held prior to the City Council Meeting.

## **11. ADMINISTRATIVE REPORTS**

There were no additional reports.

**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 Clausen congratulated Victor Martinez, David Hefner and Cathy Haney on their awards; Councilmembers J. Martin, Kaminski, Engelken, Earp and Mayor Rigby congratulated Victor Martinez, David Hefner and Cathy Haney on their awards and commented the Mardi Gras was a huge success and thanked everyone involved with the success; Councilmember Zemanek congratulated Victor Martinez, David Hefner and Cathy Haney on their awards; commented the Mardi Gras was a fantastic success, and also commented he hopes the trash bag issue is resolved with the citizens who did not receive coupons.

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 551.074** – 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 Secretary Patrice Fogarty

City Council recessed the regular Council meeting to convene an executive session at 7:10 p.m. regarding the item listed above.

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

Council reconvened into the regular Council meeting at 7:53 p.m. Regarding the evaluation of the City Secretary, Patrice Fogarty, Councilmember Engelken moved to increase her salary by 4 percent. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

15. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:54 p.m. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Leonard were absent.**

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Patrice Fogarty, City Secretary

Passed and approved on March 14, 2016.

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Mayor Louis R. Rigby