

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 AUGUST 22, 2016

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

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, Zemanek, Clausen, Earp, K. Martin, J. Martin, Leonard, and Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Bryan Raney, Fairmont Park Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - a) Recognition – Employee of the Second Quarter – Jaree Hefner – City of La Porte Parks and Recreation Department – Mayor Rigby

Mayor Rigby recognized Marketing and Special Event Specialist Jaree Hefner as Employee of the Second Quarter.

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

Chuck Rosa, 812 S. Virginia, addressed Council and expressed his opposition on banning donation collection bins.

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 the meeting held on August 8, 2016 – P. Fogarty
 - b) Consider approval or other action regarding an Ordinance changing the portion of S. 1st Street between W. Fairmont Parkway and W. H Street, from a Two-Way north and southbound traffic corridor to a One-Way traffic corridor for northbound traffic only – S. Valiante
 - c) Consider approval or other action authorizing the City Manager to execute a professional services contract with Cobb, Fendley and Associates, Inc. for design, bidding, and construction phase services in connection with project for reconstructing roadway segments of Pinebluff Subdivision – S. Valiante

Regarding Consent Item B, Councilmember Leonard questioned if there are issues with the proposed Ordinance and the City has to go back to the existing Ordinance, will the City have to modify the Ordinance again. Assistant Public Works Director Don Pennell responded yes, he believes the Ordinance will have to be revised.

Regarding Consent Item C, Councilmember Earp asked who performed the evaluations on the two proposals. Assistant Public Works Director Don Pennell responded the Planning Director, Assistant Utilities Superintendent, the Planning and Development Director and himself. Councilmember Earp commented the scoring matrix looks odd and requested a copy of it.

Councilmember J. Martin made a motion to approve the Consent Agenda items pursuant to staff recommendations. Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3638: AN ORDINANCE CHANGING THE PORTION OF SOUTH 1ST STREET BETWEEN WEST FAIRMONT PKWY AND WEST H STREET, FROM A TWO-WAY NORTH AND SOUTHBOUND TRAFFIC CORRIDOR TO A ONE-WAY TRAFFIC CORRIDOR FOR NORTHBOUND TRAFFIC ONLY; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN OPEN MEETINGS CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE 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. AUTHORIZATIONS

- (a) Consider approval or other action regarding recommendation by the Planning and Zoning Commission to approve proposed Rules, Regulations and Bylaws of the City of La Porte Planning and Zoning Commission – E. Ensey

City Planner Eric Ensey presented a summary.

Councilmember Earp made a motion to approve the Rules, Regulations and Bylaws of the City of La Porte Planning and Zoning Commission. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding appointments to various City of La Porte board, committees and commissions.

City Secretary Patrice Fogarty presented a summary.

Councilmember J. Martin made a motion to reappoint listed appointees to various City of La Porte boards, committees and commissions. Those boards with no listed appointees -- Position 2 of the Buildings Codes Appeals Board, Position 2 of the La Porte Reinvestment Zone Number One and Position 2 of the La Porte Redevelopment Authority, will come back before council. Councilmember K. Martin seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

- (b) Discussion and possible action regarding evaluation and review process for the Request for Proposals for collection of delinquent tax and Municipal Court fees – Councilmembers Zemanek; Kaminski and J. Martin

Mayor Rigby advised this item is being postponed until the next meeting. No action was taken.

- (c) Discussion and possible action regarding regulation of donation collection bins in the City of La Porte – Councilmembers K. Martin; Kaminski and Zemanek

Councilmember K. Martin presented a summary.

Councilmember Zemanek made a motion to direct Staff to prepare an Ordinance to remove donation collection bins. Councilmember K. Martin seconded.

Assistant City Attorney Clark Askins informed Council there was a very recent court decision that invalidated an Ordinance in Michigan that restricted charitable donation bins and advised an Ordinance will have to be carefully structured regarding nuisances in a content neutral way.

Councilmember Zemanek withdrew his motion.

Mayor Rigby made a motion to direct Staff and the City Attorney to research regulations allowed under state law of donation collection bins. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

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.

Councilmembers Engelken; Earp; Clausen; K. Martin; Kaminski; Zemanek and Mayor Rigby congratulated Marketing and Special Event Specialist Jaree Hefner as Employee of the Second Quarter and Councilmember J. Martin congratulated Marketing and Special Event Specialist Jaree Hefner as Employee of the Second Quarter and commented he is sorry to see her leave the City of La Porte. In addition, Councilmember J. Martin commented the Fairmont Water Tower painting is not very visible.

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 acquisition of real property in connection with Phase II of F216 Drainage Improvement.

Texas Government Code, Section 551.074 – Personnel Matters: Deliberation 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: Corby Alexander, City Manager.

City Council recessed the regular Council meeting to convene the first executive session at 6:43 p.m. regarding the **Texas Government Code, Section 551.072** – Deliberation regarding Real Property: Meet with City Manager and City Attorney to discuss acquisition of real property in connection with Phase II of F216 Drainage Improvement.

City Council recessed the regular Council meeting to convene the second executive session at 7:17 p.m. regarding the **Texas Government Code, Section 551.074** – Personnel Matter: Deliberation 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: Corby Alexander, City Manager.

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

City Council reconvened from the first executive session regarding GC 551.072 into the regular Council meeting at 7:17 p.m.

Regarding the discussion acquisition of real property in connection with Phase II of F216 Drainage Improvement, Councilmember Clausen made a motion to authorize the City to execute a purchase

contract for Parcels 1-7 and continue negotiations for Parcel 8. Councilmember K. Martin seconded. **MOTION PASSED 9/0.**

City Council reconvened from the second executive session regarding GC 551.074 into the regular Council meeting at 8:13 p.m.

Regarding the deliberation 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: Corby Alexander, City Manager. Councilmember Engelken made a motion to increase the City Manager Corby Alexander's contract by 2 percent retroactive to July 6, 2016. Councilmember Clausen seconded. **MOTION PASSED 9/0.**

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:13 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on September 12, 2016.

Mayor Louis R. Rigby