

**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  
APRIL 24, 2017**

The City Council of the City of La Porte met in a regular meeting on **Monday, April 24, 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 Engelken, J. Martin, K. Martin, Earp, Clausen, Leonard, Zemanek, 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 Assistant City Attorney Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember John Zemanek.
4. **PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS**
  - (a) **Proclamation – National Volunteer Week – Mayor Rigby**

Mayor Rigby presented a proclamation to the many volunteers for the La Porte Police Department in recognition of National Volunteer Week.
  - (b) **Recognition – Certificate of Appreciation to John Samuel Gianukos – Mayor Rigby**

Mayor Rigby presented a Certificate of Appreciation to John Samuel Gianukos for his heroic act in the community.
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

There were no comments from the public.
6. **AUTHORIZATIONS**
  - (a) **Consider approval or other action regarding minutes of the Council meeting held on April 10, 2017 – P. Fogarty**

Councilmember Engelken made a motion to approve minutes of the Council meeting held on April 10, 2017. Councilmember Kristin Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**
7. **PUBLIC HEARING AND ASSOCIATED ORDINANCES**
  - (a) **Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approval amendments to regulations related to the parking of commercial motor vehicles retail parking lot businesses in commercial and industrial zones; consider approval or other action regarding an Ordinance amending Chapter 106 “Zoning”**

of the Code of Ordinances of the City of La Porte by amending regulations related to the parking of commercial motor vehicles at retail parking lot businesses in commercial and industrial zones – I. Clowes

City Planner Ian Clowes presented a summary. This item is proposing two amendments to Chapter 70 in the Code of Ordinances in correlation to NAICS Code 812930 – Parking Lot and Garages use. Currently this is a permitted use in the general commercial and all the industrial zones. Mr. Clowes informed Council there have been some issues in the past with applicants who were looking to develop paved parking lots to let trucks be parked on them. After checking with NAICS, this is an allowed use according to NAICS Code 812930. What staff is proposing to add is Footnote 16 to this specific use, “prohibiting the parking of commercial motor vehicles, including truck tractors not in combination with trailers is prohibited.” In addition, Mr. Clowes informed of redefining or adding to the definition of “Commercial motor vehicles” to the recently updated definition of “commercial motor vehicles” in Chapter 70 of the Code of Ordinances. The Planning and Zoning Commission met on March 16, 2017, and voted unanimously to recommend approval of both amendments.

There being no public comments, the public hearing closed at 6:11 p.m.

Councilmember Daryl Leonard made a motion to approve an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances of the City of La Porte by amending regulations related to the parking of commercial motor vehicles at retail parking lot businesses in commercial and industrial zones. Councilmember Dottie Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3674: AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY AMENDING REGULATIONS RELATED TO THE PARKING OF COMMERCIAL MOTOR VEHICLES AT RENTAL PARKING LOT BUSINESSES IN COMMERCIAL AND INDUSTRIAL ZONES, PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Councilmember Zemanek asked if the City is now going to prohibit truck parking, does that mean in all parking lots. Ian Clowes responded, only parking lots that fall under NAICS 812930, if parking lots are accessory to a business, it would not fall under this category. This would only be for the pure and only use for zoning permit for parking - liking this to a park and ride type use. The sole use of the parking lot is to park vehicles, not accessory to any business onsite. Councilmember Zemanek asked if we will continue to allow trucks parked at hotels as long as they are striped properly. Mr. Clowes responded that is correct. Councilmember Zemanek asked for an example where we would not allow them to park. Mr. Clowes responded, an example is the old police station where the City did allow companies to come in under NAICS 812930, essentially to rent the parking lot to park cabs in the evening hours. Councilmember Zemanek asked will it change what we currently have now. Mr. Clowes responded, no.

Mayor Rigby asked, it will not affect the truck stop but will it affect the Kroger’s parking lot? Mr. Clowes responded, parking of trucks at that point are accessory to the uses already permitted onsite.

## 8. **REPORTS AND POSSIBLE ACTION**

(a) Receive report on the 125<sup>TH</sup> Celebration and planned activities; and take possible action, if necessary – C. Alexander

Mayor Rigby asked City Manager Corby Alexander to add this item to the agenda. Mayor Rigby expressed his concern over the number of ticket sold at some events. He stated he just wanted to get an update and perhaps possible options since the event is only two and a half weeks away.

Mr. Alexander presented a summary. As for ticket sales he provided an update of participation in the Friday, April 21, 2017, memo. Mr. Alexander requested Marketing & Special Events Specialist Jenny Lynn approach the podium to give Council an update on the latest ticket sales for the 125<sup>th</sup>.

Ms. Lynn presented a summary in the order of events scheduled on Friday: the Kids Rodeo Event sold out; Cody Johnson sold out; the Gala has only sold 81 tickets, this does not include VIP tickets for the night; currently have RSVP's for 24, which includes Council tickets and other VIP tickets, in addition to sponsorship tickets totaling 12; anticipated ticket number sold 117. Events scheduled for Saturday: The 5K updated tickets reservation is 71 and have 20 registration sponsors for the event; total registration for the 5k is 91. As for the Parade, 16 floats/16 companies have confirmed. Air and Car Show: There is a verbal commitment for 20 planes and approximately 50 or so cars. Clay Walker tickets sold: 1,652; 58 VIP tickets, and 62 sponsor tickets, totaling to 1,772 tickets sold. Last event on the docket is the Mother's Day Brunch: tickets sold 46, 20 VIP, 2 sponsor tickets, totaling to 58. These numbers are as of April 24, 2017.

Mayor Rigby asked Ms. Lynn that with Cody Johnson selling out immediately, are we expecting more ticket sales for Clay Walker and the Gospel Brunch? He asked if she recalls, when the committee first started planning, what the anticipated crowd would be for both events. Jenny Lynn responded, the anticipated crowd for Clay Walker would be 10,000, and we are close to 2,000; however, we are seeing the marketing traffic numbers when looking at the campaigns we have out there, and we could be on track to hitting nearly 5,000 to 6,000. We have options that we can entertain such as a discount code as an added promotion; at this point it could make a big difference. Mayor Rigby asked regarding the Gospel Brunch, what is the anticipated number; Jenny Lynn responded that 300 would be a sellout, which is what is anticipated. Mayor Rigby asked if we were to have Clay Walker and the Gospel Bruch as free events, with a reimbursement for tickets already sold, does she think it would make a difference. Jenny Lynn responded, regarding the Gospel Brunch, her gut feeling is she anticipates the Gospel brunch to sell out because part of that is timing, people are starting to make their plans for Mother's Day. The committee talked about possibly giving a discount code to some of the local churches, and she feels they can get to 300. As for Clay Walker, there are a lot of factors to consider. There are a lot of opportunities to provide a discount code and promotions. Mayor Rigby said he understands that a lot of work goes into planning all events and doing it all in one weekend is mind boggling, but he does not want the numbers to reflect as a failure. Mayor Rigby opened the floor for Council to make comments or ask questions.

Councilmember Earp asked what are the producer's thought about Clay Walker at this point. Ms. Lynn answered she has not spoken to him in a couple of weeks. The last conversation she had with him he was surprised ticket sales were a little slower than he anticipated, but did not offer any guidance as far as ways to make changes.

Mayor Rigby stated the producer's fees were set for all the events where he brings in entertainment, regardless of the number of ticket sales? Jenny's responded, correct.

Councilmember Zemanek commended the committee for all they have done and to let it run its course.

Councilmember Engelken stated this is the first time the City has done something like this, and we should stay the course. At the end of the day, La Porte is proud and will make it happen.

Councilmember Kaminski stated any time we increase the budget, we have to cut something; and we have already made cuts in order to make this event fabulous for the City of La Porte.

Councilmember K. Martin stated she is not worried about it. With Sylvan Beach next weekend, she thinks everyone is preparing for that and once it ends, we will be good after that, and will see a big change in ticket sales. She believes making the Brunch free would be a nightmare because the maximum capacity of people allowed in would require we turn people away. She would rather see

less than maximum tickets sold and it be comfortable and fun for those who paid and want to be there.

Councilmember Kaminski added they are having a campaign for the Mother's Day Brunch and will take flyers to 12 churches to get the mothers and grandmothers to come to the event.

Mayor Rigby remarked that in the list of expenses, he does not see a line item for event insurance. Jenny answered, we did not buy event insurance because it is covered by the City's insurance. Assistant City Manager Traci Leach approached the podium to answer Mayor Rigby's question. Ms. Leach responded, she has been working with Texas Municipal League (TML) in terms of what we are planning and whether it is covered under the umbrella we currently have. Mayor Rigby said, in case of a monsoon coming in, we would have to cancel everything; but we still have to pay the entertainers. The event insurance would allow for not having to spend City money. Ms. Leach responded, yes; however, the challenge here is the City does not have a contract with the entertainers. The City has a contract with the promotor who has a contract with the entertainers. Mr. Alexander suggested that we look into a policy and a quote on rain, but we would need to verify what it would actually cover. Mayor Rigby asked what the Chamber of Commerce does on Sylvan Beach Day. Councilmember Kaminski responded they buy the insurance, and Mark books the entertainment. She remembers it was approximately \$7,000.00 when she was there two years ago. Mayor Rigby asked Mr. Alexander and Ms. Leach to take a look at the insurance.

Mr. Alexander introduced Jenny Lynn to Mayor and Council, explaining this is the first opportunity to do so in a 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 Zemanek acknowledged the newest member of the Earp family as they welcomed a new grandson; voting has already started and he urged everyone to get out to vote; and he hopes for a very successful Sylvan Beach weekend.

Councilmember Leonard thanked the La Porte Police Citizens Academy for all the work they do, which many are behind the scenes that people do not see, and they really are appreciated; and congratulated the certificate of appreciation winner John Gianukos. He also wished good luck to all the candidates in the election.

Councilmember Engelken congratulated Mr. Earp and his wife Jeannie; he also congratulated the volunteers, stated they are the back bone of many events in the city, and we ought to offer more appreciation to our volunteers; and he expressed appreciate to John Gianukos for his valor and stated he bet the Chief was surprised when Mr. Gianukos presented a gift to the Department to display at the police station.

Councilmember Earp congratulated John Gianukos and all the volunteers for all they do; he also congratulated the 125<sup>th</sup> Committee on doing a good job and stated everything will be fine once we get past Sylvan Beach weekend; he also thanked everyone on Council for the congratulating him on his new grandson.

Councilmember Clausen congratulated John Gianukos and thanked him for his actions; and stated he appreciates all the volunteers who work really hard to run big events; and congratulated the Earps on their new grandson, stating 'grandkids are great.'

Councilmember J. Martin congratulated Mr. Gianukos, for his valor, stating it takes a lot to be that guy who stands up for another; he also stated the Citizens Academy is a great program, and he appreciates all the hard work; he stated Special Olympics had their shrimp boil this past Saturday, and the food was very good; and he hopes the weather holds for Sylvan Beach Day.

Councilmember K. Martin congratulated and thanked all the volunteers; she stated she knows many have stepped up for the 125<sup>th</sup> celebration and a lot of other things that go on in the city, and it is really appreciated; and to John Gianukos, she said she wished more people stood up to protect their neighbors; so, thank you.

Councilmember Kaminski congratulated the volunteers, stated it was wonderful to see how many hours they put in and they work so hard; and to John Gianukos, she said thank you for helping our citizen; she did eat the Special Olympics shrimp boil food on Saturday, and it was wonderful; and the regarding the 125<sup>th</sup> Committee she stated she thanks all of them, and George Watkins and everyone on the Committee, that it has been great working with them.

Mayor Rigby congratulated the Citizens Academy Alumni Association, and stated that although they are the most visible of all the volunteers we have in the city, we have others; he stated it is National Volunteer Week, and volunteers includes most of us sitting at this table on the second and fourth Monday of each month; he said to John Gianukos, you did a brave thing getting out of your car without knowing if the other person had a weapon other than his fists, but it takes a certain type of person to do that, and we are thankful to have you in our city; again to the 125<sup>th</sup> Committee, the comments made tonight about ticket sales, etc., were not as a detriment to the things the Committee has done, and appreciates all they have done; he just wants to make sure these are great events that will be remembered by all.

11. **ADJOURN** - There being no further business, Councilmember Chuck Engelken made a motion to adjourn the meeting at 6:36 p.m. Councilmember Daryl Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

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Patrice Fogarty, City Secretary

Passed and approved on May 8, 2017.

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Mayor Louis R. Rigby