

**LOUIS RIGBY**  
Mayor  
**JOHN ZEMANEK**  
Councilmember At Large A  
**VACANT**  
Councilmember At Large B  
**DANNY EARP**  
Councilmember District 1  
**CHUCK ENGELKEN**  
Councilmember District 2



**BILL BENTLEY**  
Councilmember District 3  
**KRISTIN MARTIN**  
Councilmember District 4  
**JAY MARTIN**  
Councilmember District 5  
**NANCY OJEDA**  
Councilmember District 6  
Mayor Pro-Tem

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
DECEMBER 10, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, December 10, 2018**, 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. All members of Council were present. Staff present: City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and Assistant City Attorney Clark Askins.

2. **INVOCATION** –The invocation was given by Rev. Brian Christen, La Porte Community Church.

3. **PLEDGE OF ALLEGIANCE** – The pledge of allegiance was led by Councilmember Chuck Engelken.

4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**

(a) Proclamation – Bay Area Council on Drugs and Alcohol Day – Mayor Rigby

Mayor Rigby presented a proclamation for Bay Area Council on Drugs and Alcohol Day. Amber Carter spoke and addressed Council regarding the grant.

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

Chuck Rosa, 812 S. Virginia, addressed Council in regards to the Planning and Zoning Commission meeting and the hotel item.

Jeff Martin, 3118 Silver Springs Dr., addressed Council and expressed appreciation for the community and everything done for the families after the fire at the Delta Heights apartments. He specifically thanks the Holiday Inn Express for comping 15 rooms for a week, and he thanked the Fire Department, EMS Department, Emergency Management Department, and the Police Department, and all others who stepped up and volunteered time, energy and resources.

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 Regular meeting held on November 12, 2018 and Special meeting held on November 14, 2018 – P. Fogarty

(b) Consider approval or other action regarding an Ordinance amending the City of La Porte, Texas' Fiscal Year 2018-2019 Budget for the Tax Increment and Reinvestment Zone budget

purchase of breathing air compressor for Fire Department, and Texas Traffic Safety Grant – S. Wolny

- (c) Consider approval or other action regarding a Resolution authorizing the City Manager to sign TXDOT Impaired Driving Mobilization – STEP grant award and other related documents – R. Parker
- (d) Consider approval or other action regarding a proposed encroachment agreement with Eleno De La Cruz-Suarez and Angelica Suarez for construction of balcony at 318 W. Main St. – R. Cramer
- (e) Consider approval or other action regarding an Ordinance vacating, abandoning and closing a portion of the Crescent Drive street right-of-way, located in Block 2 of Crescent Shores Subdivision – I. Clowes
- (f) Consider approval or other action awarding Bid # 19001 for Temporary Labor – Solid Waste Worker – D. Pennell
- (g) Consider approval or other action awarding Bid # 19004 for purchase of trucks for Public Works Department – D. Pennell

Mayor Rigby advised if there are questions on Item B, David Hawes is not present to answer them; and the item will have to be rescheduled.

Councilmember Ojeda noted a correction to the minutes and advised the invocation was given by Pastor Dunn.

Regarding Item D, Councilmember Bentley asked if the balcony will be closed. Economic Development Coordinator Cramer advised it will be an open air balcony.

Regarding Item E, Councilmember Bentley asked if abandoning or closing public rights-of-way are required to be published. City Planner Ian Clowes responded no.

Regarding Item F, Councilmember Ojeda commented the best price is not always the best and she feels the workers are being exploited and she is in favor of A-1 Personnel. Councilmember Bentley also commented that he is concerned about low pay and is not happy with the low bid.

Regarding Item G, Councilmember Bentley asked why the property appraisal value is so low. City Planner Ian Clowes advised a sewer line running through the property diminishes the value of the property.

Councilmember Engelken made a motion approve the Consent Agenda items with the amendment to the minutes. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3730** AN ORDINANCE APPROVING AN AMENDMENT TO THE BUDGET FOR THE CITY OF LA PORTE, TEXAS FOR THE PERIOD OF OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3731** AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE CRESCENT DRIVE STREET RIGHT-OF-WAY LOCATED IN BLOCK 2 OF CRESCENT SHORES SUBDIVISION AND AUTHORIZING THE EXECUTION AND DELIVERY OF DEED TO THE ADJOINING LANDOWNER;

**7. PUBLIC HEARING AND ASSOCIATED ORDINANCES**

- (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit # 18-91000014 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.28-acres tract of land located at 711 W. Fairmont Pkwy., and legally described as Lots 1-16 and 19-32, Block 1103 and Eat 30 feet of 7<sup>th</sup> Street right-of-way and adjacent 16-foot alley, La Porte Subdivision; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning,” by granting Special Conditional Use Permit # 18-91000014 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, located on a 2.28-acres tract of land located at 711 W. Fairmont Pkwy., and legally described as Lots 1-16 and 19-32, Block 1103 and Eat 30 feet of 7<sup>th</sup> Street right-of-way and adjacent 16-foot alley, La Porte Subdivision, in the General Commercial (GC) Zoning District – I. Clowes

The public hearing opened at 6:36 p.m.

Mayor Rigby advised Council that the applicant requested to move this item to the January 14, 2019, council meeting.

SCUP applicant Tim Patel spoke and advised he wanted to move forward January 14, 2019, to have more time to research potential issues with the grandfather clause.

Councilmember Bentley made a motion to postpone the item and continue the public hearing at the January 14, 2019, meeting. Councilmember Zemanek seconded. **MOTION PASSED 6/2.**

Ayes:	Mayor Rigby, Councilmembers K. Martin, J. Martin, Bentley, Ojeda and Engelken
Nays:	Councilmembers Zemanek and Earp
Absent:	None

**8. DISCUSSION AND POSSIBLE ACTION**

- (a) Discussion and possible action regarding purchase of playground equipment from GameTime for use at Woodfalls Park, under Texas Buy Board Contract #512-16 in the amount of \$52,941.18 – R. Epting

Parks and Recreation Director Roz Epting presented a summary.

Councilmember Ojeda made a motion to delay installation of a playground at Woodfalls Park. Councilmember Jay Martin seconded. **MOTION PASSED 8/0.**

- (b) Discussion and possible action regarding hiring process for city prosecutor – J. Weeks

Councilmember J. Martin made a motion to postpone the item until the January 14, 2019, council meeting. Councilmember Bentley seconded. **MOTION PASSED 6/2.**

Ayes:	Mayor Rigby, Councilmembers Zemanek, K. Martin, J. Martin, Bentley, Ojeda
Nays:	Councilmembers Engelken and Earp
Absent:	None

**9. REPORTS**

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

Councilmember Chuck Engelken provided a report of the Fiscal Affairs Committee Meeting held prior to the City Council Meeting; he stated the next meeting is January 14, 2019.

**10. ADMINISTRATIVE REPORTS**

There were no additional reports.

- 11. COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Those present: Councilmembers Engelken, Earp, Ojeda, J. Martin, K. Martin, Zemanek, Bentley and Mayor Rigby.

Councilmember Engelken wished everyone a Merry Christmas.

Councilmember Earp congratulated Steve Gillett for being elected as Councilmember At-Large—B and wished everyone a Merry Christmas.

Councilmember Ojeda expressed her appreciation for the Bay Area Council on Drugs and Alcohol grant; thanked Parks and Recreation for their work for Christmas on Main Street; and thanked the First Responders during the apartment fire at Delta Heights.

Councilmember J. Martin thanked the First Responders for the work during the apartment fire at Delta Heights; thanked the owner of Holiday Inn Express for providing rooms to families affected by the apartment fire; congratulated Bay Area Council on Drugs and Alcohol on the grant and wished everyone a Merry Christmas and Happy New Year.

Councilmember K. Martin thanked Parks and Recreation for their work for Christmas on Main Street and wished everyone a Merry Christmas.

Councilmember Zemanek thanked the community and City Staff for the support to families affected by the apartment fire at Delta Heights; congratulated Steve Gillett for being elected as Council At-Large—B, advised the La Porte Texans Pee Wee team will be recognized at the meeting in January and wished everyone a Merry Christmas and Happy New Year.

Councilmember Bentley congratulated Steve Gillett for being elected as Council At-Large—B and wished everyone a Merry Christmas and Happy and prosperous New Year.

Mayor Rigby commended the First Responders and everyone involved during the apartment fire at Delta Heights and wished everyone a Merry Christmas and a Happy New Year.

- 12. 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 551.087 – Deliberation regarding Economic Development Negotiations:** Meet with City Manager, City Economic Development Coordinator and City Attorney to discuss business prospect proposal.

**Texas Government Code, Section 551.071(1)(A) – Pending or Contemplated Litigation:** Meet with City Attorney to discuss Tradebe Environmental Services, LLC vs. City of La Porte.

**Texas Government Code, Section 551.074 – Personnel Matters:** Discussion regarding position of City Secretary, and deliberate the evaluation, appointment, duties, and employment of a public officer or employee, the City Secretary.

City Council recessed the regular Council meeting to convene an executive session at 6:54 p.m. regarding the items listed above.

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

Council reconvened the regular Council meeting at 9:14 p.m.

Regarding the discussion of Economic Development Negotiations, City Council agreed to the concept and requested Staff to move forward and gather more information.

Regarding the discussion of Pending or Contemplated Litigation, City Council met with the City Manager; City Attorney and TML appointed attorney and asked that the City of La Porte continue to be defended in the lawsuit.

Regarding the discussion of Personnel Matters of position of City Secretary.

Councilmember Zemanek made a motion to extend to the top candidate the offer previously discussed. Councilmember Engelken seconded. **MOTION PASSED 8/0.**

Ayes:	Mayor Rigby, Councilmembers Earp, Zemanek, K. Martin, J. Martin, Bentley, Engelken and Ojeda
Nays:	None
Absent:	None

- 14. ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 9:16 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

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Patrice Fogarty, City Secretary

Passed and approved on January 14, 2019.

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Mayor Louis R. Rigby