

LOUIS R. RIGBY
Mayor
BRANDON LUNSFORD
Councilmember At Large A
BRENT Mc CAULLEY
Councilmember At Large B
TREY KENDRICK
Councilmember District 1



CHUCK ENGELKEN
Mayor Pro Tem, Councilperson District 2
BILL BENTLEY
Councilmember District 3
THOMAS GARZA
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 8, 2021

The City Council of the City of La Porte met in a regular meeting on Monday, March 8, 2021, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Councilpersons present: Louis Rigby, Brandon Lunsford, Brent McCaulley, Trey Kendrick, Chuck Engelken, Bill Bentley, Thomas Garza (*left at 6:01 p.m.*), Jay Martin, Nancy Ojeda,

Councilpersons attending remotely: None

Councilpersons absent: None

Council-appointed officers present: Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Mayor Rigby reminded Councilperson Garza that the Council's adopted Rules of Procedure required Councilpersons to wear a mask during Council meetings. The Mayor reminded Councilperson Garza that he had the opportunity to attend the meeting electronically and could go to his office in City Hall. Councilperson Garza said he was exempted from wearing a face covering for medical reasons and would not be wearing one. The Mayor asked the Sergeant-at-Arms to remove Councilperson Garza. Councilperson Garza moved that the Council oppose the Mayor's direction, which he termed as illegal. The motion did not receive a second and was not considered. Councilperson Garza was escorted from the room.
2. **INVOCATION** – The invocation was given by Pastor Brian Christen, and pledges were led by Councilperson Bill Bentley.
3. **CITIZEN COMMENT** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

There were no speakers.
4. **CONSENT AGENDA** (*Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.*)
 - a. Approve the minutes of the February 22, 2021, City Council meeting.
 - b. Approve the purchase and installation of two (2) Flygt 25 horsepower pumps and associated piping and valves from Hahn Equipment Co. Inc., as sole source provider, for a cost of \$95,552.00 and a project contingency of \$9,000.00. [Ray Mayo, Director of Public Works]
 - c. Award Bid #21010 Citywide Concrete Sidewalk Repair, to Greenscapes Six, LLC. And authorize the City Manager to execute a contract for unit price work orders with the annual expenditure to not exceed annual budgeted amounts. [Ray Mayo, Director of Public Works]
 - d. Approve proposed policy to waive residential permit fees related to repairs necessitated by the 2021 Winter Storm. [Teresa Evans, Director of Planning & Development]
 - e. Adopt Ordinance 2021-3820 amending Section 6.09 "Decorum" of the La Porte City Council Rules of Procedure by requiring that members of City Council wear face masks or face

- coverings during City Council meetings until such time that the City Council deems it appropriate to rescind the requirement. [Mayor Rigby]
- f. **Approve proposed changes to the City of La Porte Polices/Procedures Manual regarding the use of facial coverings for individuals in City buildings and facilities. [Corby Alexander, City Manager]**

Mayor Pro Tem Engelken moved to approve consent agenda; the motion was seconded by Councilperson Bentley; the motion was adopted, 8-0.

5. STATUTORY AGENDA

- a. **Presentation, discussion, and possible action to adopt Resolution 2021-36 in support of H.B. 1079, to require the Battleship Texas to be returned to the San Jacinto Battleground State Historic Site after restoration. [Louis R. Rigby, Mayor]**

Mayor Pro Tem Engelken moved to adopt Resolution 2021-36 in support of H.B. 1079, to require the Battleship Texas to be returned to the San Jacinto Battleground State Historic Site after restoration; the motion was seconded by Councilperson Ojeda; the motion was adopted, 8-0.

- b. **Presentation, discussion, and possible action to approve a \$10,000.00 sponsorship to San Jacinto Museum of History. [Jason Weeks, Assistant City Manager]**

Councilperson Ojeda moved to postpone the item until the Museum is able to consider and respond to her suggestion that free admission for La Porte residents be provided for a \$10,000.00 sponsorship to San Jacinto Museum of History; the motion was seconded by Councilperson Martin; the motion was adopted, 5-3, Mayor Rigby and Councilpersons McCaulley and Kendrick voting against.

- c. **Provide administrative staff direction on how to proceed with an agreement with the Association of Bayport Companies for area located within the Bayport Industrial District for the City of La Porte EMS to provide EMS coverage for the period from October 1, 2020 through September 30, 2023. [Jason Weeks, Assistant City Manager]**

The Mayor noted the City Manager had asked the item be pulled from consideration at the request of three Councilpersons.

- d. **Presentation, discussion and possible action regarding City aesthetic enhancements for overpass structures at Fairmont Parkway and Wharton Weems. [Ray Mayo, Director]**

Ray Mayo, Director of Public Works, provided information received late today. Councilperson Martin moved to approve Option 2C regarding City aesthetic enhancements for overpass structures at Fairmont Parkway and Wharton Weems, at a cost of \$84,000 with a 10% contingency, for a total of \$92,400; the motion was seconded by Councilperson McCaulley; the motion was adopted, 6-2, Councilpersons Bentley and Kendrick voting against.

- e. **Presentation, discussion, and possible action to appoint election day polling location judges and alternate judges for the May 1, 2021, General and Special Elections and to define the number of clerk appointments permitted to be made by each presiding judge. [Louis R. Rigby, Mayor]**

Mayor Pro Tem Engelken moved to appoint election day polling location judges and alternate judges for the May 1, 2021, General and Special Elections and to define the number of clerk appointments permitted to be made by each presiding judge to be capped at 6; the motion was seconded by Councilperson Bentley; the motion was adopted, 8-0.

- f. **Presentation, discussion, and possible action to consider livestreaming City Council meetings. [Louis R. Rigby, Mayor]**

Mayor Pro Tem Engelken moved to consider livestreaming City Council meetings through the City's website; the motion was seconded by Councilperson Kendrick; the motion was adopted, 8-0.

6. REPORTS

- a. **Receive FY 2020-21 first quarter Capital Improvement Plan program update. [Jason Weeks, Assistant City Manager]**

Mr. Weeks provided the update.

- b. **Receive report on the Drainage and Flooding Committee meeting. [Councilperson Jay Martin]**

Councilperson Martin reported the Committee met and received updates. He noted the next meeting will be April 12.

7. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission meeting, March 18
- City Council meeting, March 22
- Zoning Board of Adjustment meeting, March 25

City Manager Corby Alexander introduced Richard Glass in his new role as the City's Building Official.

- 8. COUNCIL COMMENTS Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.**

Councilpersons apologized for missing a meeting, congratulated the Municipal Court on their recent award, congratulated Richard Glass, noted positive remarks received about Parks and Recreation Director Roz Epting, relayed a request for later hours at Seabreeze Park, congratulated Dean Sanders on his promotion at the golf course, and shared that the Sylvan Beach Festival would be held this year.

9. EXECUTIVE SESSION

(a) **The City Council will convene in closed session as authorized by Texas Government Code Section 551.071 (1)(A) - Pending or Contemplated Litigation: consultation with city attorney to discuss enforcement of the extraterritorial jurisdiction (ETJ) exchange agreement between the City of La Porte and the City of Pasadena. [Clark T. Askins, Assistant City Attorney]**

(b) **The City Council will meet in closed session under Texas Government Code 551.071(1)(A) Consultation with Attorney - Pending or Contemplated Litigation, to meet with the Assistant City Attorney to discuss enforcement of Chapter 380 Economic Development Agreement between the City of La Porte and Ybarra Restaurants, Inc. [Corby Alexander, City Manager]**

(c) **The City Council will convene in closed session as authorized by Texas Government Code Sec. 551.071 (1)(A) - Pending or Contemplated Litigation, to discuss SV Sons HWY. 146, LLC vs. City of La Porte. [Corby Alexander, City Manager]**

The Council convened into executive session at 6:43 p.m.

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

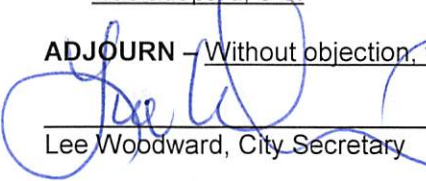
The Council reconvened in open session at 7:33 p.m.

For item a, Mayor Pro Tem Engelken moved to move forward with the interlocal agreement providing for the City of La Porte to begin with design; the motion was seconded by Councilperson Kendrick; the motion was adopted, 8-0.

For item b, Councilperson Kendrick moved to circle back in June to see what the intent is then on starting on the site; the motion was seconded by Councilperson McCaulley; the motion was adopted, 8-0.

For item c, Councilperson Kendrick moved to authorize filing a formal action to rescind or not renew the temporary certificate of occupancy; the motion was seconded by Councilperson Bentley; the motion was adopted, 8-0.

ADJOURN - Without objection, the Council adjourned at 7:37 p.m.



Lee Woodward, City Secretary

