

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 MARCH 14, 2016

The City Council of the City of La Porte met in a regular meeting on **Monday March 14, 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, K. Martin, Leonard, Kaminski and J. Martin. Absent: Councilmember Clausen. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Michael Abportus, Congregation Benim Avraham.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Jay Martin.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

There were no public comments.

5. **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 22, 2016 – P. Fogarty
 - (b) Consider approval or other action regarding an Ordinance cancelling the May 7, 2016, general election and declaring the candidate for Councilperson At Large-A, the candidate for Councilperson-District 4 and the candidate for Councilperson-District 5 unopposed; and declaring John Zemanek, candidate for Councilperson At-Large-Position A, elected; declaring Kristin Martin, candidate for Councilperson-District 4, elected; and declaring Jay Martin, candidate for Councilperson-District 5, elected – P. Fogarty
 - (c) Consider approval or other action authorizing the execution of an Interlocal Agreement for Election Services between the City of La Porte and the La Porte Fire Control, Prevention and Emergency Medical Services District – P. Fogarty
 - (d) Consider approval or other action regarding a Resolution prohibiting handgun license holders from openly carrying a handgun in the room or rooms where meetings of the City Council and or

its Boards, Commissions, and Committees are being conducted pursuant to the Texas Open meetings Act – C. Alexander

- (e) Receive 2015 Comprehensive Annual Financial (CAFR) Report – M. Dolby
- (f) Consider approval or other action regarding a Resolution authorizing the City Manager s the designated grant official for the Body Cameras Acquisition Project through the Criminal Justice Division, Office of the Governor, State of Texas – K. Adcox
- (g) Consider approval or other action awarding Bid #16002 for LPISD Historic Colored School Phase I – R. Davidson
- (h) Consider approval or other action awarding Bid # 16008 for purchase of certain vehicles (Trucks & Van) for the Fiscal Year 2016 Vehicle Replacement Program – S. Valiante
- (i) Consider approval or other action approving purchase of Equipment & Vehicles using the H-GAC and Texas Local Government Cooperative Purchasing methods for the Fiscal Year 2016 Vehicle Replacement Program – S. Valiante

Regarding Item E, Councilmember Earp asked if the 2015 Comprehensive Annual Financial (CAFR) Report is stamped DRAFT because it requires Council approval. Paula Lowe, auditor with Pattillo, Brown & Hill, responded yes; the report will be finalized after approved by Council.

Councilmember Leonard moved to approve Consent Agenda items pursuant to staff recommendations. Councilmember Engelken seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Clausen was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3628**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, DECLARING THE CANDIDATE FOR COUNCILPERSON AT LARGE-A, THE CANDIDATE FOR COUNCILPERSON-DISTRICT 4 AND THE CANDIDATE FOR COUNCILPERSON-DISTRICT 5 UNOPPOSED; AND DECLARING JOHN ZEMANEK, CANDIDATE FOR COUNCILPERSON AT-LARGE-POSITION A, ELECTED; DECLARING KRISTIN MARTIN, CANDIDATE FOR COUNCILPERSON-DISTRICT 4, ELECTED; AND DECLARING JAY MARTIN, CANDIDATE FOR COUNCILPERSON-DISTRICT 5, ELECTED; CANCELLING THE ECTION FOR POSITION OF AT-LARGE-POSITION A AND SINGLE-MEMBER DISTRICTS 4 AND 5; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANES

- (a) 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 (**This item as postponed at the February 22, 2016 meeting, until March 14, 2016.**)

The public hearing continued from February 22, 2016.

City Planner Eric Ensey presented a summary and recommended taking 6(a) and 6(b) together.

Councilmember Zemanek asked if the applicant is requesting a zoning change to make the property more marketable. City Planner Eric Ensey responded, that is correct. Councilmember Zemanek asked if there is a fill dirt permit for the issue that exists. Mr. Ensey responded there is a permit for the dirt that is there; and the problem is, when the dirt was put in there, the drainage ditch does not appear to provide the appropriate slope or drainage for the people behind the property and he is flooding the people behind him. Councilmember Zemanek asked how long has the fill dirt been at the site. Mr. Ensey responded about 2-3 years. Councilmember Zemanek asked what has been done to resolve the issue in the last 2-3 years. We still haven't resolved the issue. Planning and Development Director Tim Tietjens addressed the question stating the swale has silted in over time, and that is definitely part of the issue. It was made Neighborhood Commercial for a reason.

Councilmember Earp commented he is not in favor of changing the property from "Neighborhood Commercial" to "Commercial."

Councilmember Martin asked how many responses were received from abutting properties. City Planner Eric Ensey responded four responses in opposition, one unopposed – which is the veterinarian. Councilmember Martin asked what is on the northeast corner. Mr. Ensey responded the City's lift station.

Charles Breitenbach, 10110 Roseberry, spoke in opposition and provided photos of flooding on his property due to the fill on this piece of property. When asked when the pictures were taken, he replied, "...about an hour ago." In addition, Mr. Breitenbach advised that his neighbor's home gets water in it after a large rain event. The water just keeps seeping onto our property. There is just such a great amount of water on this property. It doesn't make it to the retaining pond. The retaining pond is dry. We've been dealing with this for 2-3 years. Please just fix the problem. There's a hundred yards of water on this land. The situation needs to be taken care of.

The public hearing was closed at 6:24 p.m.

Councilmember Zemanek moved to deny the request to amend the Future Land Use Map Component of the La Porte Comprehensive Plan. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Clausen was absent.**

- (b) 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 **(This item as postponed at the February 22, 2016 meeting, until March 14, 2016).**

The public hearing was continued from February 22, 2016.

There being no comments the public hearing closed at 6:26 p.m.

Councilmember Zemanek moved to deny item 6(b). Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Clausen was absent.**

7. AUTHORIZATIONS

(a) Consider approval or other action regarding RFP No. 16503 for Lifeguard services at City pools/recreation facilities – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Earp moved to have staff provide lifeguard services in-house at City pools/recreation facilities. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Clausen was absent.**

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action appointing members to a planning committee for the La Porte 125th Anniversary Celebration Committee – T. Leach

City Manager Corby Alexander presented a summary.

Councilmember Zemanek suggested Council workshop the item in order to provide staff with direction.

Councilmember Leonard commented City Council are the promoters. Council needs to set the parameters of what will take place.

Councilmember Martin commented the scope of work needs to be defined for a committee.

Mayor Rigby commented he understands everyone's thoughts, and the item can be workshopped before the Budget Retreat or during the Budget Retreat.

City Manager Corby Alexander advised Council that staff will set a Special Meeting to workshop the item.

8. REPORTS

- (a) Presentation – Receive 2015-2016 Annual Report from Chad Burke, President/CEO of the Economic Alliance Houston Port Region – S. Livingston

Chad Burke, President/CEO of the Economic Alliance Houston Port Region, presented the 2015-2016 Annual Report.

- (b) Receive report of the Fiscal Affairs Committee – Councilmember Engelken

Councilmember Engelken provided a report of the Fiscal Affairs Committee meeting which was held immediately prior to the City Council Meeting.

11. 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 J. Martin congratulated Councilmember Engelken on his appointment as Chairman of the Houston-Galveston Area Council and Mayor Rigby as Chairman of the Harris County Mayors' and Councils' Association; Councilmember K. Martin congratulated Councilmember Engelken on his appointment as Chairman of the Houston-Galveston Area Council and thanked Parks and Recreation Director Rosalyn Epting on the new park on Martin Luther King Dr.; Councilmember Kaminski congratulated Councilmembers K. Martin; J. Martin and Zemanek on being re-elected for another term and Councilmember Engelken on his appointment as Chairman of the Houston-Galveston Area Council; Councilmember Zemanek congratulated Councilmember Engelken on his appointment as Chairman of the Houston-Galveston Area Council and requested Staff to assist the homeowners that have received flooding issues due to the fill dirt permit that was issued 2-3 years ago; Councilmember Leonard wished Parks and Recreation Director Rosalyn Epting well on her challenge of getting the pools ready for the summer season; congratulated Councilmembers K. Martin; J. Martin and Zemanek on being re-elected for another term and Councilmember Engelken on his appointment as Chairman of

the Houston-Galveston Area Council; Councilmember Engelken congratulated Councilmembers K. Martin; J. Martin and Zemanek on being re-elected for another term; thanked Chad Burke, President/CEO of the Economic Alliance Houston Port Region for the 2015-2016 Annual Report; Councilmember Earp congratulated Councilmembers K. Martin; J. Martin and Zemanek on being re-elected for another term and Councilmember Engelken on his appointment as Chairman of the Houston-Galveston Area Council; and thanked Public Works Director Sharon Valiante and Solid Waste Supervisor Gus Alfaro for their assistance with trash in Lomax before the storm and Mayor Rigby congratulated Councilmember Engelken on his appointment as Chairman of the Houston-Galveston Area Council; advised of his attendance of the new Maritime Academy; informed the Gulf Coast Community Protection and Recovery District (GCCPRD) have come up with two options to be considered by the Feds for a levy or a dike along Hwy 146 to Texas City, and meetings will be held in various places; however, none in La Porte or a surrounding community directly on the bay. He advised everyone to comment or attend the meetings. In addition, Mayor Rigby also requested Staff assist the homeowners who have endured flooding issues due to the fill dirt permit that was issued 2-3 years ago. Councilmember Engelken added the City should pass a resolution against the Gulf Coast Community Protection and Recovery District (GCCPRD) proposed dike project.

11. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:18 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Clausen was absent.**

Patrice Fogarty, City Secretary

Passed and approved on March 28, 2016.

Mayor Louis R. Rigby