

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 10, 2017**

The City Council of the City of La Porte met in a regular meeting on **Monday, April 10, 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, Earp, Clausen, Leonard, Zemanek, and Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins. Councilmember Kristin Martin was absent.
2. **INVOCATION** – The invocation was given by Dr. B. L. Worsham, Second Baptist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Mayor Rigby.
4. **PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS**
 - (a) Proclamation – Sexual Assault Awareness Month – Mayor Rigby

Mayor Rigby presented a proclamation to Melissa Prentice, Legal Advocate/Prevention Specialist with Bay Area Turning Point, in recognition of Sexual Assault Awareness Month.
 - (b) Proclamation – Fair Housing Month in the City of La Porte – Mayor Rigby

Mayor Rigby presented a proclamation to Director of Planning Richard Mancilla, in recognition of Fair Housing Month in the City of La Porte.
 - (c) Proclamation – National Animal Control Officer Appreciate Week – Mayor Rigby

Mayor Rigby presented a proclamation to Animal Control Officers and Staff in recognition of National Animal Control Officer Appreciation Week.
 - (d) Proclamation – National Public Safety – Telecommunications Week – Mayor Rigby

Mayor Rigby presented a proclamation to Chief Kenith Adcox, Shaye Bradley, and Lt. Matt Daeumer in recognition of National Public Safety Telecommunications Week.
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

There were no comments from the public.

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 meeting held on March 27, 2017 – P. Fogarty
- (b) Consider approval or other action regarding an Ordinance amending Sections 2 and 5 of Ordinance 2017-3661, concerning appointment of election judges for the City's general election on May 6, 2017 – P. Fogarty
- (c) Consider approval or other action regarding a Resolution authorizing the resale of tax delinquent property located at Lot 5, Block 1, Battleground Estates – S. Wolny
- (d) Consider approval or other action regarding the purchase of Neptune meters from HD Supply – M. Dolby
- (e) Consider approval or other action regarding proposed amendments to development agreement with Liberty Property Trust to allow exterior storage with identified restrictions in portion of Port Crossing Business Park – C. Alexander
- (f) Consider approval or other action regarding a Resolution authorizing the City Manager and the La Porte Police Department to submit for the Crime Victim's Liaison Grant covering 2018 and 2019 Fiscal Years in order to continue partial funding for the Crime Victim's Liaison position – K. Adcox
- (g) Consider approval or other action rejecting all bids for Bid # 17012 for Headstart Facility Parking Improvements – D. Pennell
- (h) Consider approval or other action awarding Bid #17013 for an Automated Weather Observation System – D. Pennell
- (i) Consider approval or other action awarding Bid #17014 for Lomax Arena parking Lot Improvements – D. Pennell

Regarding Item (i), Councilmember Earp asked Public Works Direction Don Pennell about the slope of parking lot, or if it will need to be crowned. Mr. Pennell responded they will need to do some leveling because there are some low spots. Councilmember Earp suggested to crown it a little to allow draining.

Councilmember Chuck Engelken made a motion to approve the Consent Agenda Items pursuant to staff recommendations. Councilmember Danny Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3673: AN ORDINANCE OF THE CITY OF LA PORTE, TEXAS, AMENDING SECTIONS 2 AND 5 OF ORDINANCE NO. 2017-3661, ADOPTED ON JANUARY 9, 2017, WHICH, AMONG OTHER THINGS, ORDERED THE REGULAR ANNUAL ELECTION OF THE CITY OF LA PORTE, TEXAS TO BE HELD ON MAY 6, 2017, AND APPOINTED ELECTION OFFICIALS; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

7. AUTHORIZATIONS

- (a) Consider approval or other action regarding an appeal by American Recyclers of the City's denial for the operation of donation collection bins at 9701 Fairmont Parkway and 8300 Spencer Highway – C. Alexander

City Manager Corby Alexander presented a summary. Council adopted Ordinance No. 2017-3667, which imposed regulations on donation bins within city limits. Regulations include that each donation collection bin must have a permit, and that permit holders are a "not for profit" organization. The applicant, American Recyclers, is appealing the City's denial of a permit. The City denied American Recyclers a permit because it is a "for profit" organization. No representative from American Recyclers attended the Council Meeting for the appeal.

Councilmember Mike Clausen made a motion to deny American Recyclers' appeal. Councilmember John Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

8. REPORTS

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

Councilmember Engelken provided a report of the La Porte Fiscal Affairs Committee meeting held immediately prior to the City 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 Kaminski reported that on Friday she attended the Spaghetti Dinner and went to the Police Department Meet the Candidates event.

Councilmembers Zemanek and J. Martin recognized all the recipients of proclamations this evening and wished everyone a safe and happy Easter holiday weekend.

Councilmembers Engelken, Earp, and Clausen had no comments.

Mayor Rigby announced during the Houston Astros season opener the Astros displayed a video which Mayor Rigby, LyondellBasell members, and the Houston Astros Foundation announced their partnership in giving back to the City of La Porte youth ball fields; LyondellBasell and the Houston Astros Foundation made a commitment to the City of La Porte to help maintain/upgrade some of the City's youth ball fields over the next three years. Mayor is extremely grateful to LyondellBasell and the Houston Astros Foundation for their support in the city of La Porte.

- 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 551.074 – 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: Denise Mitrano, Municipal Court Judge.

City Council recessed the regular Council meeting to convene an executive session at 6:24 p.m. regarding the subject of the executive session item listed above.

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

City Council reconvened the regular council meeting at 6:55 p.m.

Regarding the deliberation concerning the performance review of Denise Mitrano, Municipal Court Judge, Councilmember Engelken made a motion to increase Denise Mitrano a lump sum four percent. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 6:56 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.** Councilmember Kristin Martin was absent.

Patrice Fogarty, City Secretary

Passed and approved on April 24, 2017.

Mayor Louis R. Rigby