

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



BILL BENTLEY
 Councilmember District 3
KRISTIN MARTIN
 Mayor Pro-Tem
 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
 MAY 14, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, May 14, 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. Members of Council present: Councilmembers Ojeda, J. Martin, K. Martin, Leonard, Kaminski, Engelken, and Earp. Absent: Councilmember Zemanek Also present were 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 Brian Christen, La Porte Community Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Kristin Martin.
4. **ORDINANCE CANVASSING GENERAL ELECTION AND SPECIAL ELECTION; PRESENTATION OF CERTIFICATE OF ELECTION TO NEWLY ELECTED OFFICERS; ADMINISTER OATH OF OFFICE TO NEWLY ELECTED OFFICERS**
 - (a) Consider adoption of an ordinance canvassing the 2018 General Election and Special Election held on May 5, 2018, and other election- related actions – P. Fogarty

City Secretary Patrice Fogarty provided the official report totals to Mayor Rigby, and Mayor Rigby requested she read the results.

MAYOR

Precinct 1	Louis Rigby	159
	Chuck Rosa	4
	Wyatt Smith	115

For a total of 278 votes cast.

Precinct 2	Louis Rigby	51
	Chuck Rosa	3
	Wyatt Smith	28

For a total of 82 votes cast.

Precinct 3	Louis Rigby	90
	Chuck Rosa	8
	Wyatt Smith	50

For a total of 148 votes cast.

Precinct 4	Louis Rigby	177
	Chuck Rosa	3
	Wyatt Smith	63

For a total of 243 votes cast.

Precinct 5	Louis Rigby	297
	Chuck Rosa	9
	Wyatt Smith	80

For a total of 386 votes cast.

Precinct 6	Louis Rigby	182
	Chuck Rosa	7
	Wyatt Smith	71

For a total of 260 votes cast.

Sum of precinct totals in Mayor's race in all six Precincts: 1,397.

Broken down by candidate:

Louis Rigby	956
Chuck Rosa	34
Wyatt Smith	<u>407</u>
	1,397

Councilperson-District 2

Total number of votes received in each precinct:

Precinct 2 only: Chuck Engelken 75

For a total of 75 votes cast and sum of precinct total in Councilperson-District 2 race.

Councilperson-District 3

Total number of votes received in each precinct:

Precinct 3 only: Bill Bentley 116

For a total of 116 votes cast and sum of precinct total in Councilperson-District 3 race.

Proposition A - "THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF LA PORTE AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."

Total number of votes received in each precinct:

Precinct 1	For	224
	Against	44

For a total of 268 votes cast.

Precinct 2	For	77
	Against	5

For a total of 82 votes cast.

Precinct 3 For 124
Against 20

For a total of 144 votes cast.

Precinct 4 For 188
Against 46

For a total of 234 votes cast.

Precinct 5 For 318
Against 58

For a total of 376 votes cast.

Precinct 6 For 227
Against 21

For a total of 248 votes cast.

Sum of precinct totals for Proposition A in all six Precincts: 1,352. **Proposition A passed.**

Proposition B - "SHALL SECTION 2.02 OF THE LA PORTE CHARTER BE AMENDED TO PROVIDE THAT A CANDIDATE FOR MAYOR OR A COUNCIL POSITION SHALL HAVE BEEN A QUALIFIED VOTER OF THE CITY FOR TWELVE (12) MONTHS IMMEDIATELY PRECEDING ELECTION DAY, INSTEAD OF FOR TWELVE (12) MONTHS AT THE TIME THE CANDIDATE FILES FOR OFFICE; AND, THAT A CANDIDATE FOR A DISTRICT COUNCIL POSITION SHALL HAVE BEEN A QUALIFIED VOTER OF HIS OR HER DISTRICT FOR TWELVE (12) MONTHS IMMEDIATELY PRECEDING ELECTION DAY, INSTEAD OF FOR TWELVE (12) MONTHS AT THE TIME THE CANDIDATE FILES FOR OFFICE, TO CONFORM THE CHARTER TO STATE LAW?"

Total number of votes received in each precinct:

Precinct 1 For 214
Against 53

For a total of 267 votes cast.

Precinct 2 For 60
Against 20

For a total of 80 votes cast.

Precinct 3 For 119
Against 26

For a total of 145 votes cast.

Precinct 4 For 172
Against 61

For a total of 233 votes cast.

Precinct 5 For 299
Against 75

For a total of 374 votes cast.

Precinct 6 For 223
Against 29

For a total of 252 votes cast.

Sum of precinct totals for Proposition B in all six Precincts: 1,351. **Proposition B passed.**

Oaths of office will be taken on the first Monday next following the canvassing, or as soon thereafter as is practicable, pursuant to Section 2.06 of the City of La Porte Home Rule Charter.

Councilmember Kristin Martin made a motion to adopt an Ordinance canvassing the 2018 General Election and Special Election held on May 5, 2018, and other election-related actions. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Zemanek was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3706: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS DECLARING THE RESULTS OF THE MAY 5, 2018, CITY OF LA PORTE GENERAL ELECTION FOR THE ELECTION OF A MAYOR, COUNCILPERSON DISTRICT 2 AND COUNCILPERSON DISTRICT 3; DECLARING THE RESULTS OF THE MAY 5, 2018 CITY OF LA PORTE SPEICAL ELECTION FOR PROPOSITION A; REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF LA PORTE AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND FOR PROPOSITION B; SHALL SECTION 2.02 OF THE LA PORTE CHARTER BE AMENDED TO PROVIDE THAT A CANDIDATE FOR MAYOR OR A COUNCIL POSITION SHALL HAVE BEEN A QUALIFIED VOTER OF THE CITY FOR TWELVE (12) MONTHS AT THE TIME THE CANDIDATE FILES FOR OFFICE; AND, THAT A CANDIDATE FOR A DISTRICT COUNCIL POSITION SHALL HAVE BEEN A QUALIFIED VOTER OF HIS OR HER DISTRICT FOR TWELVE (12) MONTHS IMMEDIATLEY PRECEDING ELECTION DAY, INSTEAD OF FOR TWELVE (12) MONTHS AT THE TIME THE CANDIDATE FILES FOR OFFICE, TO CONFORM THE CHARTER TO STATE LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLINACE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

5. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS

(a) Proclamation – National Police Week – Mayor Rigby

Mayor Rigby presented a proclamation for National Police Week.

At this time he also recognized Officer Anthony Bish as Employee of the First Quarter 2018.

(b) Proclamation – Emergency Medical Services Week – Mayor Rigby

Mayor Rigby presented a proclamation for Emergency Medical Services Week.

At this time he also recognized Paramedic Ehren Torres as Employee of the First Quarter 2018.

(c) Recognition – Employees of the First Quarter 2018 – Officer Anthony Bish – City of La Porte Police Department and Paramedic Ehren Torres – City of La Porte Emergency Medical Services – Mayor Rigby

See (a) and (b), above.

(d) Recognition – Recognition of Outgoing Fire Chief Mike Boaze

Mayor Rigby recognized outgoing Fire Chief Mike Boaze and presented him with a gift from the City for his services over the last 18 years as Fire Chief.

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

Tiffany Vaughn 9915 Rocky Hollow Rd, addressed Council in support of demolishing the home located at 9906 Rocky Hollow Rd.

Wyatt Smith declined to speak and informed he will speak at a later date.

7. **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 Special Called City Council Meeting held on April 14, 2018 and minutes of the Regular City Council Meeting held on April 23, 2018– P. Fogarty
- (b) Consider approval or other action regarding an Ordinance amending the City of La Porte Fiscal Year 2017-18 Budget – S. Wolny
- (c) Consider approval or other action authorizing the City Manager to sign an agreement for participation in the Regional DWI Task Force – K. Adcox
- (d) Consider approval or other action regarding the execution of a Pipeline Permit to FLST LLC, doing business as Lavaca LST LLC for the construction of a 16” Ethane pipeline within the City of La Porte – R. Mancilla
- (e) Consider approval or other action regarding Bid # 18012 for 2018 Asphalt Overlay – D. Pennell
- (f) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and La Porte Independent School District for a Sergeant position to be stationed at school campus – K. Adcox
- (g) Consider approval or other action regarding the purchase of chemicals and fertilizers from Helena Chemical utilizing Buy Board Contract 529-17 – A. Osmond
- (h) Consider approval or other action regarding an Ordinance vacating, abandoning and closing a portion of the North 15th Street right-of-way and an adjacent alley, located in Block 651, Town of La Porte, and authorize the City Manager to execute a deed to the applicant for the subject right-of-way; consider approval or other action to accept 0.3154 acre tract of land from applicant as partial credit against value of closed rights-of-way – I. Clowes

Councilmember J. Martin had questions on Item D. Planning and Development Director Richard Mancilla answered the questions.

Councilmember Engelken made a motion to approve Consent Agenda items pursuant to staff recommendations. Councilmember K. Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Zemanek was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3707: AN ORDINANCE APPROVING AN AMENDMENT TO THE BUDGET FOR THE CITY OF LA PORTE, TEXAS, FOR THE PERIOD OF OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLINACE 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 2018-3708: AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE NORTH 15TH STREET RIGHT-OF-WAY LOCATED IN BLOCK 651 OF THE TOWN OF LA PORTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNERS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3709: AN ORDINANCE VACATING, ABANDONING AND CLOSING THE 16 FOOT ALLEY LOCATED IN BLOCK 651 OF THE TOWN OF LA PORTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNERS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

8. DISCUSSION AND POSSIBLE ACTION

- (a)** Discussion and possible action regarding the participation as a sponsor for the 2018 United States Laser National Championship held at the Houston Yacht Club – J. Weeks

Assistant City Manager Jason Weeks presented a summary.

Houston Yacht Club Regatta Committee Member Madonna Breen provided a presentation.

Councilmember Engelken made a motion to approve a \$10,000.00 sponsorship for the 2018 United States Laser National Championship held at the Houston Yacht Club. Councilmember J. Martin seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Zemanek was absent.**

- (b)** Discussion and possible action authorizing the City Manager to execute an agreement and side-letter agreement with iChoosr, LLC regarding the City sponsoring an opt-in electricity power aggregation auction for the benefit of City of La Porte residents – J. Weeks

Assistant City Manager Jason Weeks presented a summary.

Daniel Wilkinson with iChoosr provided a presentation.

Councilmember Engelken made a motion to deny the request to execute an agreement and side-letter agreement with iChoosr. Councilmember Engelken seconded. **MOTION PASSED 5/3.**

Ayes:	Mayor Rigby, Councilmembers Engelken, Kaminski, Earp, and K. Martin
Nays:	Councilmembers Ojeda, J. Martin and Leonard
Absent:	Councilmember Zemanek

- (c)** Discussion and possible action determining the structure of the Drainage and Flooding Committee and confirming or appointing members – P. Fogarty

Councilmember K. Martin left the meeting at 7:18 p.m.

City Secretary Patrice Fogarty presented a summary.

Councilmember Engelken made a motion to keep the three current Committee Members, Jay Martin, Danny Earp, and Chuck Engelken and to name an Alternate at a later date. Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 7/0.**

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

(d) Discussion and possible action regarding repairs at Fairmont Park West Pool – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary and reported \$47,120.00 as the total cost for repairs at Fairmont Park West.

After a lengthy discussion, City Manager Alexander asked if Council wanted Staff to go to the Homeowners Association and let them know the City is willing to convey the property to the Homeowners Association. There was no consensus from Council to his question.

Councilmember Earp made a motion to deny doing repairs on the pool as presented. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 7/0.**

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

9. REPORTS

(a) Receive report for the Fiscal Affairs Committee Meeting – Councilmember Engelken

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

10. ADMINISTRATIVE REPORTS

There were no administrative 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.

Councilmember Ojeda commented how appreciative she is to La Porte Police Department for solving a major crime in the community; thanked the Human Resources Department for their hard work at the Public Service Recognition Week event; congratulated new Fire Chief Carl Holley; congratulated Mayor Rigby on his re-election and thanked the other two Mayoral candidates for their willingness to serve.

Councilmember J. Martin congratulated Mike Boaze on his retirement; congratulated Anthony Bish and Ehren Torres as Employees of the First Quarter 2018; congratulated all that were elected in the City of La Porte May election; and requested the City Secretary add the precinct report to the minutes of this meeting.

Councilmember Kaminski congratulated Anthony Bish and Ehren Torres as Employees of the First Quarter 2018; congratulated the Police and Emergency Medical Services Departments on their proclamations; congratulated new Fire Chief Carl Holley; and congratulated Mike Boaze on his retirement;

Councilmember Leonard congratulated Anthony Bish and Ehren Torres as Employees of the First Quarter 2018; and the Police and Emergency Medical Services Departments on their proclamations;

Councilmember Engelken congratulated Mike Boaze on his retirement; congratulated new Fire Chief Carl Holley; congratulated Anthony Bish and Ehren Torres as Employees of the First Quarter 2018; and the Police and Emergency Medical Services Departments on their proclamations; and congratulated Mayor Rigby and Bill Bentley on their election;

Councilmember Earp congratulated Anthony Bish and Ehren Torres as Employees of the First Quarter 2018; and the Police and Emergency Medical Services Departments on their proclamations; congratulated Mayor Rigby, Councilmember Engelken, and Bill Bentley on their election; congratulated Mike Boaze on his retirement;

Mayor Rigby congratulated Anthony Bish and Ehren Torres as Employees of the First Quarter 2018; thanked Mike Boaze for his 18 years of service as Chief; commented he is looking forward to working with new Fire Chief Carl Holley; thanked the Fire, Police and Emergency Medical Services Departments for what they do year round; thanked Councilmembers Engelken, Ojeda, K. Martin and J. Martin for their support during the election; thanked Councilmember Earp for his congratulatory phone call on Saturday night; he thanked the citizens of La Porte for their support during the election; and he commented he is looking forward to serving as Mayor for the next three years.

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 551.074 – Personnel Matter: 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 7:41 p.m. regarding the item 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 8:32 p.m. Regarding the evaluation of Denise Mitrano, Municipal Court Judge, Councilmember Ojeda made a motion to give a 5% lump sum payment in the amount of \$6,960.00. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Zemanek were absent.**

14. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:33 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers K. Martin and Zemanek were absent.**

Patrice Fogarty, City Secretary

Passed and approved on June 11, 2018.

Mayor Louis R. Rigby