

**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  
**VACANT**  
Councilmember District 4  
**JAY MARTIN**  
Mayor Pro Tem  
Councilmember District 5  
**MIKE CLAUSEN**  
Councilmember District 6

## **CITY COUNCIL SPECIAL MEETING AGENDA**

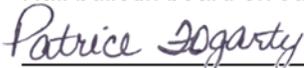
Notice is hereby given of a Special Meeting of the La Porte City Council to be held June 29, 2015, beginning at 5:00 p.m. in the Council Chambers of City Hall, 604 West Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a 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.

1. **CALL TO ORDER**
2. **DISCUSSION OR OTHER ACTION**  
Consider adoption of an ordinance ordering a Special Election of the City of La Porte, Texas, for August 29, 2015, for the purpose of electing a city official to the position of Councilperson-District 4 for the remainder of the unexpired term, which expires May 7, 2016 – P. Fogarty
3. **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 – Councilmembers Clausen, Martin, Kaminski, Zemanek, Leonard, Engelken, Earp, and Mayor Rigby.
4. **ADJOURN**

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

### **CERTIFICATION**

I certify that a copy of the June 29, 2015, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on June \_\_\_\_\_, 2015.

  
\_\_\_\_\_  
Patrice Fogarty, City Secretary

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 29, 2015</u>
Requested By: <u>Patrice Fogarty, City Secretary</u>
Department: <u>City Secretary</u>
Report: <u>    </u> Resolution: <u>    </u> Ordinance: <u>  X  </u>

Exhibits: Ordinance

<b><u>Budget</u></b>
Source of Funds: <u>N/A</u>
Account Number: <u>N/A</u>
Amount Budgeted: <u>N/A</u>
Amount Requested: <u>N/A</u>
Budgeted Item: YES            NO

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### **SUMMARY & RECOMMENDATION**

The City is ordering a special election on August 29, 2015, for the purpose of electing a city official to the vacant position of Councilperson-District 4.

Filing begins on Tuesday, June 30, 2015  
Filing deadline is Wednesday, July 15, 2015  
Early voting begins Wednesday, August 12, 2015  
Early voting Saturday is August 15, 2015  
Early voting two 12-hour days: Thursday, August 13 and Tuesday, August 25, 2015  
Early voting ends Tuesday, August 25, 2015  
Election date is Saturday, August 29, 2015

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#### **Action Required by Council:**

Consider approval or other action to adopt an ordinance ordering a special election on August 29, 2015, for the purpose of electing a city official to the vacant position of Councilperson-District 4.

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#### **Approved for City Council Agenda**

\_\_\_\_\_  
Corby D. Alexander, City Manager

\_\_\_\_\_  
Date

ORDINANCE NO. 2015-

AN ORDINANCE CALLING A SPECIAL ELECTION OF THE CITY OF LA PORTE TO FILL THE UNEXPIRED TERM OF COUNCILPERSON--DISTRICT 4; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR FILING DEADLINE FOR CANDIDATES; PROVIDING FOR METHOD AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR NOTICE; PROVIDING A SAVINGS CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. A special election shall be held within the corporate limits of the City of La Porte, Texas, on the 29th day of August, 2015, such day being the last Saturday in August, 2015, between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., for the purpose of electing a city official to the position of Councilperson-District 4, for the remainder of the unexpired term of such office, which expires on May 7, 2016.

Section 2. Said election shall be held at the following voting places within said City, and the following named persons are hereby appointed as officers of said election, to-wit:

**Election Precinct #4**

**Polling Place:** La Porte City Hall (Council Chambers)  
604 West Fairmont Parkway  
La Porte, Texas 77571

**Boundaries:**

BEGINNING at point at the intersection of the centerline of Spencer Highway (West Main Street) and the projected east line of the City of La Porte Municipal Airport;

THENCE in a northerly direction along the east line of the City of La Porte Municipal Airport to the westernmost northwest corner of Lots 9, 10, 10-1/2, 11, 11-1/2, 30 and 30-1/2, La Porte Outlots;

THENCE in an easterly direction along the south line of Tracts 471D-2, 471D & 471D-1, and 471, La Porte Outlots, to the southeast corner of Tract 471, La Porte Outlots;

THENCE in a northerly direction along the east line of Tract 471, La Porte Outlots, to the southwest corner of Lots 231 & 232, La Porte Outlots;

THENCE in an easterly direction along the north line of Tracts 9, 10, 10-1/2, 11, 11-1/2, 30 and 30-1/2, Lots 8, 13, & 28, Lot 7, Lots 5 & 6, Lot 4, Lot 3, Lot 2, and Tracts 1A & 1B, La Porte Outlots, to the centerline of Sens Road;

THENCE in a northerly direction along the centerline of Sens Road to a point 350' north of the intersection of the centerline of North "P" Street and Sens Road;

THENCE in a westerly direction along the west right-of-way of Sens Road to its intersection with the centerline of Old La Porte Road;

THENCE in an easterly direction along the centerline of Old La Porte Road to its intersection with the centerline of Sens Road;

THENCE in a northerly direction along the centerline of Sens Road to its intersection with the north right-of-way line of State Highway 225;

THENCE in an easterly direction along the north right-of-way line of State Highway 225 to the northeast corner of Tract 12A, Enoch Brinson Survey, A-5;

THENCE in a westerly direction along the north line of Tract 12A and Tract 12B, Enoch Brinson Survey, A-5, to the east right-of-way line of Strang Road;

THENCE in a northerly direction along the east right-of-way of Strang Road to the northwest corner of Tract 13D-3, Staashen Subdivision;

THENCE in an easterly direction along the north line of Tracts 13D-3 and Tract 13D, Staashen Subdivision, to the west right-of-way of State Highway 146;

THENCE in a northeasterly direction along the west right-of-way of State Highway 146 to its intersection with the shoreline of San Jacinto Bay;

THENCE in a westerly direction along the meanders of the shoreline of San Jacinto Bay to a point for corner at its intersection with the north boundary line of the La Porte Independent School District;

THENCE in an easterly direction along the north line of La Porte Independent School District to its intersection with an imaginary line 2,500 feet distant from, parallel to, and southwest of the centerline of the Houston Ship Channel;

THENCE in a southeasterly direction along said imaginary line situated 2,500 feet distant from, parallel to, and southwest of the centerline of the Houston Ship Channel to its intersection with the north line of the City of Morgan's Point;

THENCE in a westerly direction along the north line of the City of Morgan's Point to its intersection with the west line of the City of Morgan's Point, said point being a line projected northward from the east right-of-line of North Broadway;

THENCE in a southerly direction along the east line of North Broadway to its intersection with the north line of Barbour's Cut Boulevard;

THENCE along the north line of Barbour's Cut Boulevard to its intersection with the projected east line of Donaldson Avenue;

THENCE in a southeasterly direction along the east line of Donaldson Avenue to its intersection with the centerline of East "E" Street;

THENCE in a southwesterly direction along the centerline of East "E" Street to its intersection with the centerline of South Nugent Avenue;

THENCE in a southeasterly direction along the centerline of South Nugent Avenue to its intersection with the centerline of Park Street;

THENCE in a southwesterly direction along the centerline of Park Street to its intersection with the centerline of South Ohio Avenue;

THENCE in a northwesterly direction along the centerline of South Ohio Avenue to its intersection with the centerline of East "G" Street;

THENCE in a southwesterly direction along the centerline of East "G" Street to its intersection with the centerline of South Broadway;

THENCE in a southerly direction along the centerline of South Broadway to its intersection with the centerline of Fairmont Parkway;

THENCE in a westerly direction along the centerline of Fairmont Parkway to its intersection with the centerline of South 16<sup>th</sup> Street;

THENCE in a northerly direction along the centerline of South 16<sup>th</sup> Street to its intersection with the centerline of West "B" Street;

THENCE in a westerly direction along the centerline of West "B" Street to its intersection with the centerline of South 17<sup>th</sup> Street;

THENCE in a northerly direction along the centerline of South 17<sup>th</sup> Street to its intersection with the centerline of Spencer Highway (West Main Street);

THENCE in a westerly direction along the centerline of Spencer Highway (West Main Street) to its intersection with the projected east line of the City of La Porte Municipal Airport and the POINT OF BEGINNING of the herein-described District 4 boundary.

**Election Officials:**

Mary Ann Trainer, Presiding Judge

Norma Repman, Alternate Presiding Judge

**EARLY VOTING**

**Early Voting Polling Place:**

La Porte City Hall (Council Chambers)  
604 West Fairmont Parkway  
La Porte, Texas 77571

Section 3. Voting at said election, including early voting, shall be by the use of voting machines, and the ballots of said election shall conform to the Texas Election Code, as amended.

Section 4. An Early Voting Ballot Board is hereby created to process Early Voting results for the election and the runoff election, if necessary. Peggy Holland is appointed Presiding Judge of the Early Voting Ballot Board. At least two (2) other members of the Early Voting Ballot Board shall be appointed by the Presiding Judge, in the same manner as the precinct election clerks.

Early Voting by mail shall begin on the 45th day preceding the date of the election, or as soon thereafter as ballots are available, and shall continue until seven o'clock (7:00) P.M. on election day.

Early Voting shall be conducted by a clerk for Early Voting, namely, Patrice Fogarty, and the place at which the Early Voting shall be conducted is designated as the La Porte City Hall, 604 West Fairmont Parkway, La Porte, Texas, to which address ballot applications and ballots voted by mail may be mailed. Early Voting by personal appearance shall begin on the 17th day and shall continue through the 4th day preceding the day of election. Early voting by personal appearance shall be conducted on the weekdays of the early voting period, from 8:00 a.m. to 5:00 p.m., except for the second day and the final day of the early voting period, from 7:00 a.m. to 7:00 p.m.; and on Saturday, August 14, from 8:00 a.m. to 5:00 p.m.

Section 5. The City Secretary's election office in the La Porte City Hall is hereby designated as the Central Counting Station to receive all ballots cast at said election, and Patrice Fogarty is hereby appointed the Presiding Manager for said Central Counting Station, and Sharon Harris is hereby appointed the Alternate Presiding Manager for said Central Counting Station. Said Manager shall appoint any clerks necessary to assist in receiving ballots and other records and in performing the other duties of said Manager in this regard. Martha Gillett is hereby appointed as the Presiding Judge of the Central Counting Station, and Sharon Harris is hereby appointed as Alternate Presiding Judge for said Central Counting Station. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station. Sharon Harris is hereby appointed the tabulation supervisor, and Shelly Simon is hereby appointed the assistant tabulation supervisor.

In compliance with Chapter 127 of the Texas Election Code, the tabulation supervisor, assistant tabulation supervisor, presiding judge of the counting station, alternate presiding judge of the counting station and any appointed clerks are entitled to compensation at the same rate as a precinct presiding judge except that the counting station judge is entitled to a minimum compensation of five hours' pay regardless of the amount of time worked; and a clerk

who serves for the entire time a counting station is in operation is entitled to a minimum compensation of three hours' pay regardless of the amount of time worked.

Section 6. That all election materials including notice of the election, ballots, instruction cards, affidavits and other forms which voters may be required to sign and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof shall be made available in the circumstances permitted and in the manner required by law.

Section 7. The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the BAY AREA OBSERVER, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election.

Section 8. Upon a candidate tendering his application on the form prescribed, the City Secretary shall furnish to such candidate all information relative to the qualifications for the office of Councilperson-District 4; the method of placing the candidate's name on the ballot; and any other pertinent information concerning said election.

Section 9. Each candidate for the office of Councilperson-District 4 must be a resident qualified voter of the City for 12 months at the time of filing for office, and must also be a resident of District 4.

Section 10. The deadline for a candidate to make application to have his or her name appear upon the ballot for such election, is hereby designated and established as 5:00 o'clock P.M., July 15, 2015. No application shall be accepted for filing prior to June 30, 2015.

Section 11. Said election shall be held in accordance with the provisions of the Texas Constitution, City Charter of the City of La Porte, and the general election laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto.

Section 12. Immediately after said election, the officers holding same shall make and deliver the returns of the results thereof and the accompanying records for use in the official canvass to the City Council of the City of La Porte; and the City Council shall canvass said returns at a Special Meeting set by the City Council; and shall, immediately after canvassing the returns, declare the results of the election.

Section 13. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 14 This Ordinance shall be in effect immediately upon its passage and approval.

Section 15. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND ADOPTED this 29th day of June, 2015.

CITY OF LA PORTE

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clark T. Askins, Assistant City Attorney