

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
SEPTEMBER 26, 2016**

The City Council of the City of La Porte met in a regular meeting on **Monday, September 26, 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:

1. Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, Earp, J. Martin, K. Martin, Zemanek, Clausen, Leonard, and Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Windell Gill, First Baptist Church.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Danny Earp.

4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS** (Limited to five minutes per person.)

(a) Proclamation – Orange and White Day – Mayor Rigby

Mayor Rigby presented a proclamation to many representatives of La Porte Independent School District in honor of Orange and White Day.

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

Chuck Rosa, 812 S. Virginia St., addressed Council regarding the structure of the court system in the City and stated he believes the municipal court judges should be elected.

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 September 12, 2016 – P. Fogarty

(b) Consider approval or other action regarding an Ordinance appointing a Presiding Judge and Alternate Judges for the La Porte Municipal Court of Record in the City of La Porte, Texas – Mayor Rigby

(c) Consider approval or other authorizing the Mayor to execute an agreement between the La Porte-Bayshore Chamber of Commerce and the City of La Porte for general promotional, tourism advertising services and programs – C. Alexander

- (d) Consider approval or other action authorizing the City Manager to execute a Routine Airport Maintenance Program (RAMP) grant agreement with Texas Department of Transportation Aviation Division – S. Valiante
- (e) Consider approval or other action awarding Bid # 16021 for State Highway Feeder Road Water Line Project – S. Valiante
- (f) Consider approval or other action authorizing the Mayor to execute an agreement between Highway 321 Volunteer Fire Department and the City of La Porte for the transfer of fire engine scheduled to be rotated out of service – T. Leach
- (g) Consider approval or other action regarding an Ordinance amending Chapter 34, “Environment,” of the Code of Ordinances of the City of La Porte, by amending Article II “Air Pollution,” Division 2, “Smoking,” relating to the prohibition of smoking and use of vaping products in certain public places within the city limits – R. Epting
- (h) Consider approval or other action regarding an Ordinance amending Chapter 50 “Parks and Recreation” of the Code of Ordinances of the City of La Porte by amending regulations pertaining to use of tobacco and vaping products at City parks – E. Epting

Councilmember Engelken made a motion to approve the Consent Agenda items pursuant to staff recommendations. Councilmember K. Martin seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3647**: AN ORDINANCE APPOINTING A PRESIDING JUDGE AND ALTERNATE JUDGE FOR THE MUNICIPAL COURT OF RECORD IN THE CITY OF LA PORTE, TEXAS, FOR A TERM OF FOUR YEARS, EFFECTIVE OCTOBER 1, 2016, AND EXPIRING SEPTEMBER 30, 2020, CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE 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 2016-3648**: AN ORDINANCE AMENDING CHAPTER 34 “ENVIRONMENT” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY AMENDING ARTICLE II “AIR POLLUTION,” DIVISION 2. “SMOKING,” RELATING TO THE PROHIBITION OF SMOKING IN CERTAIN PUBLIC PLACES WITHIN THE CITY LIMITS; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3649**: AN ORDINANCE AMENDING CHAPTER 50 “ PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS PERTAINING TO USE OF TOBACCO AND VAPING PRODUCTS AT CITY PARKS; PROVIDING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

7. **AUTHORIZATIONS/ORDINANCES**

- (a) Consider approval or other action regarding an Ordinance approving and adopting the City of La Porte Texas’ Fiscal Year 2016-2017 Proposed Budget – M. Dolby (**This item was postponed at the September 12, 2016 City Council Meeting**)

Finance Director Michael Dolby presented a summary.

Councilmember Zemanek made a motion to approve an Ordinance approving and adopting the City of La Porte Texas’ Fiscal Year 2016-2017 Proposed Budget with additional changes regarding fencing. Councilmember J. Martin seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3650**: AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE CITY OF LA PORTE, TEXAS, FOR

THE PERIOD OF OCTOBER 1, 2016, THROUGH SEPTEMBER 30, 2017; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

- (b) Consider approval or other action regarding a Resolution adopting the 2016 Appraisal Roll of the Harris County Appraisal District – M. Dolby (**This item was postponed at the September 12, 2016 City Council Meeting**)

Finance Director Michael Dolby presented a summary.

Councilmember Engelken made a motion to approve the Resolution adopting the 2016 Appraisal Roll. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

- (c) Consider approval or other action regarding an Ordinance establishing the tax rate for the current tax year (2016) for a total tax rate of \$0.71 per hundred dollar valuation – M. Dolby (**This item was postponed at the September 12, 2016 City Council Meeting**)

Finance Director Michael Dolby presented a summary.

Councilmember Leonard made a motion to approve an Ordinance establishing the tax rate for the current tax year (2016) for a total tax rate of \$0.71 per hundred dollar valuation. Councilmember Engelken seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3651: AN ORDINANCE LEVYING TAXES UPON TAXABLE PROPERTY LOCATED WITHIN AND SUBJECT TO TAXATION IN THE CITY OF LA PORTE, TEXAS; MAKING APPROPRIATIONS FOR SUPPORT, MAINTENANCE AND IMPROVEMENTS OF THE CITY GOVERNMENT OF SAID CITY OF LA PORTE, FINDING THAT ALL REQUIRED NOTICES HAVE BEEN PUBLISHED AND ALL REQUIRED HEARINGS HELD; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

- (d) Consider approval or other action regarding an Ordinance repealing Ordinance No. 1583 and adopting an Ordinance establishing an Airport Advisory Board for the City of La Porte Municipal Airport – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Earp made a motion to approve an Ordinance repealing Ordinance No. 1583 and adopting an Ordinance establishing an Airport Advisory Board for the City of La Porte Municipal Airport. Councilmember K. Martin seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3652: AN ORDINANCE REPEALING ORDINANCE NO. 1583, ADOPTED ON APRIL 25, 1988, WHICH ESTABLISHED AN AIRPORT ADVISORY BOARD FOR THE CITY OF LA PORTE MUNICIPAL AIRPORT; HEREIN ESTABLISHED AN AIRPORT ADVISORY BOARD FOR THE CITY OF LA PORTE; ESTABLISHING THE POWERS AND DUTIES OF THE BOARD; APPOINTING MEMBERS TO THE BOARD; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

- (e) Consider approval or other action regarding an Ordinance terminating the contract with Perdue, Brandon, Fielder, Collins and Mott, LLP, for collection of delinquent municipal court fees and fines, and allowing court staff the opportunity to provide in-house collections – C. Haney

Court Administrator Cathy Haney presented a summary.

Councilmember Zemanek made a motion to approve an Ordinance terminating the contract with Perdue, Brandon, Fielder, Collins and Mott, LLP, for collection of delinquent municipal court fees

and fines, and allowing court staff the opportunity to provide in-house collections. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3653: AN ORDINANCE PROVIDING FOR THE TERMINATION OF THE CITY OF LA PORTE'S CONTRACT WITH PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP FOR COLLECTION OF DELINQUENT MUNICIPAL COURT FEES AND FINES, AND REPEALING ORDINANCE 3191, WHICH AUTHORIZED THE IMPOSITION OF AN ADDITIONAL THIRTY PERCENT COLLECTION FEE ON ALL DEBTS AND ACCOUNTS RECEIVABLE MORE THAN SIXTY DAYS DUE AND REFERRED TO A PRIVATE COLLECTION FIRM, CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE.**

- (f) Hearing to consider approval or other action to revoke or suspend the existing massage business permit for Jing Day Spa located at 1309 Fairmont Parkway #0 and authorizing City Staff to nullify the accompanying zoning permit – T. Tietjens

Planning and Development Director Tim Tietjens presented a summary.

Charles Thompson, One Greenway Plaza, Suite 100, Houston, TX, attorney representing Jing Day Spa, spoke in opposition of revoking or suspending the existing massage business permit for Jing Day Spa located at 1309 Fairmont Parkway #0, and spoke in opposition to the nullification of the accompanying zoning permit. Discussion ensued.

Councilmember Zemanek made a motion to revoke the existing massage business permit for Jing Day Spa located at 1309 Fairmont Parkway #0 and authorize City Staff to nullify the accompanying zoning permit. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

- (g) Consider approval or other action regarding approval or denial of Altom Transport's exception request to the City of La Porte's current policy regarding use of industrial district water and sewer service – T. Tietjens

Planning and Development Director Tim Tietjens and Assistant Fire Chief Donald Ladd presented a summary.

Councilmember Engelken made a motion to deny Altom Transport's exception request to the City of La Porte's current policy regarding use of industrial district water and sewer service. Councilmember Zemanek seconded. **MOTION PASSED 7/1.** Councilmember Leonard had previously filed a Conflict of Interest Affidavit on September 12, 2016, and did not participate in any discussion or voting on this matter.

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

8. REPORTS

- (a) Receive report of the La Porte Development Corporation Board – Councilmember Engelken

Councilmember Engelken provided a report of the La Porte Development Corporation Board meeting held prior to the City Council Meeting.

9. ADMINISTRATIVE REPORTS

City Manager Corby Alexander reported this is the last City Council meeting for Planning and Development Director Tim Tietjens and thanked him for his years of service and dedication and hard work in the community.

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 Earp congratulated Planning and Development Director Tim Tietjens and wished him well in his future endeavors; wished Court Administrator Cathy Haney a Happy Birthday and thanked Finance Director Michael Dolby for preparations of the budget; Councilmember Clausen thanked Planning and Development Director Tim Tietjens for his years of service; thanked Council for the Orange and White Day Proclamation and invited everyone to attend the La Porte Independent School District's 100th anniversary celebration; Councilmember J. Martin thanked Planning and Development Director Tim Tietjens for his years of service and commented he attended the La Porte Health and Safety Fair and it was well attended, and thanked Emergency Management Coordinator Kristin Gauthier and team for their hard work; Councilmembers K. Martin and Leonard thanked Planning and Development Director Tim Tietjens for his years of service and congratulated La Porte Independent School District on its 100th anniversary celebration; Councilmember Kaminski congratulated La Porte Independent School District on its 100th anniversary celebration; commented she will be celebrating her 50th high school reunion; thanked Planning and Development Director Tim Tietjens for his years of service and wished Cathy Haney a Happy Birthday; Councilmember Zemanek thanked Planning and Development Director Tim Tietjens for his years of service; Councilmember Engelken thanked Planning and Development Director Tim Tietjens for his years of service and wished him well in this future endeavors and wished Cathy Haney a Happy Birthday; and Mayor Rigby thanked Planning and Development Director Tim Tietjens for his years of service; wished City Planner Eric Ensey well on his move to Colorado; commented he attended the Bay Area Partnership 40th Anniversary, and it was well attended, with a great program; commented on how nice the Salute to Industry Banquet and Golf Tournament was and thanked Michael Dolby, Finance Director, and Staff for preparing the budget.

11. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:08 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on October 10, 2016.

Mayor Louis R. Rigby