

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 DECEMBER 12, 2016

The City Council of the City of La Porte met in a regular meeting on **Monday, December 12, 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, J. Martin, K. Martin, Leonard, Earp, Zemanek, Clausen, 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 Clark Askins, Assistant City Attorney.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Dottie Kaminski.
4. **PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS**
 - (a) Recognition – Employees of the Third Quarter (2016) – Rachel Gomez and Trudy Rayburn – City of La Porte Emergency Medical Services (EMS) Department – Mayor Rigby

Mayor Rigby recognized Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016.

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

Chuck Rosa, 812 S. Virginia, addressed Council regarding his participation in the 2016 City University, the Yellow Rose of Texas, and wished Council a Merry Christmas.

Richard Warren, 8730 Collingsdale, thanked Council for their support of the La Porte Civic Club and wished them a Merry Christmas.

Jason Bailey, Partner with Perdue, Brandon, Fielder, Collins & Mott, addressed Council and thanked them for allowing the firm to serve the City since 1998. Mr. Bailey advised Council the firm accomplished all goals given to it by the City. In addition, Mr. Bailey asked Council to look at the process and metrics for collecting delinquent taxes and thanked Council for past service.

Sam Karumsi, Manager of Days Inn, addressed Council advising he spoke with City Manager Corby Alexander regarding his concerns about parking at the hotel.

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 November 14, 2016 – P. Fogarty
 - (b) Consider approval or other action awarding Request for Proposal #17502 for Delinquent Ad Valorem Tax Collection Services – M. Dolby
 - (c) Consider approval or other action regarding a Resolution authorizing publication of a notice of intention to issue certificates of obligation – M. Dolby
 - (d) Consider approval or other action authorizing the Mayor to execute amendments to the Local Government Code Chapter 380 Agreement between the City of La Porte and Ybarra Restaurants, Inc., for waiver of payment for closure of street right-of-way in connection with the construction of a new El Toro restaurant – T. Leach
 - (e) Consider approval or other action regarding an Ordinance amending Chapter 70 “Traffic and Vehicles” of the Code of Ordinances by amending truck route regulations to add site plan requirements for establishments offering fuel to commercial vehicles – C. Alexander
 - (f) Consider approval or other action authorizing the Mayor to execute an Interlocal Agreement with the City of Morgan’s Point to provide an emergency water main interconnect – D. Pennell
 - (g) Consider approval or other action awarding Bid # 17005 for plastic garbage bags – D. Pennell
 - (h) Consider approval or other action regarding an Ordinance vacating, abandoning, and closing a portion of N. 25th Street and West Polk Street rights-of-way – B. Sterling
 - (i) Consider approval or other action regarding an Ordinance abandoning and releasing an existing 16-foot-wide public utility easement located within the abandoned east/west alley of Block 48, Town of La Porte, Harris County, Texas – B. Sterling
 - (j) Consider approval or other action regarding a Resolution reaffirming the City’s Investment Policy – S. Wolny

Consent Items, E, F and G were pulled for questions, and Councilmember Clausen requested Item B to be voted on separately.

Regarding Item E, Councilmember J. Martin asked for a review of the changes to the proposed Ordinance. City Manager Corby Alexander advised the proposed Ordinance will require any commercial motor vehicles in combination with a truck and trailer to be limited to fueling at three designated truck stops in the City; and any other commercial motor vehicles not in combination with a truck and trailer will be allowed to fuel at other locations along a truck route provided the location has an approved site plan with the City.

Regarding Item F, Councilmember Earp had questions regarding Paragraph 2.5 of the Interlocal Agreement with Morgan’s Point, and asked shouldn’t the City of La Porte have control over the water usage being turned on by the City of Morgan’s Point. Assistant Director of Public Works Don Pennell responded that during an emergency situation the City of Morgan’s Point will be allowed to turn the water usage on, and they have to notify the City of La Porte as soon as possible.

Councilmember Earp asked how the City of La Porte will maintain control. Mr. Pennell responded the City of La Porte has set restrictions on how much water can be pumped over a specific period of time, and also stated that the water is metered. The fact that the City of Morgan's Point will be compensating the City of La Porte at a rate equal to 150 percent of the standard utility rate charged to La Porte customers will provide its own level of control.

Regarding Item G, Councilmember Leonard asked if the proposed garbage bags are the same size as the City currently uses and with the same company. Assistant Public Works Director advised it is not the same company, but the bags are the same size.

Regarding Item B, Mayor Rigby questioned the specification for awarding Delinquent Ad Valorem Tax Collection Services. Finance Director Michael Dolby responded Staff thought it would be a good methodology. Council approved the matrix measures. He agreed that if the numerator goes higher, the collection rate goes down.

Councilmember Engelken made a motion to approve Consent Agenda Items 6 a, and c-j pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Councilmember Zemanek made a motion to approve Consent Agenda Item 6b pursuant to staff recommendations. Councilmember Kaminski seconded. **MOTION PASSED 7/2.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3658**: AN ORDINANCE AMENDING CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES BY AMENDING TRUCK ROUTE REGULATIONS TO ADD SITE PLAN REQUIREMENTS FOR ESTABLISHMENTS OFFERING FUEL TO COMMERCIAL VEHICLES; 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 FIVE HUNDRED DOLLARS ' PROVIDING FOR THE PUBLICATION OF THIS CAPTION HEREOF; AND AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3659**: AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE NORTH 25TH STREET AND WEST POLK STREET RIGHTS-OF-WAY; AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3660**: AN ORDINANCE ABANDONING AND RELEASING AN EXISTING SIXTEEN (16) FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED WITHIN THE ABANDONED EAST/WEST ALLEY OF BLOCK 48, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND AN EFFECTIVE DATE HEREOF.

7. PUBLIC HEARING AND ASSOCIATED ORDINANCES

- (a)** Continue public hearing to receive comments on the Dangerous Building Board recommendation of condemnation of dangerous/substandard buildings located at 0 S. Lobit and 3313 Bayer; consider approval or other action regarding Ordinances for condemnation of dangerous/substandard buildings located at 0 S. Lobit and 3313 Bayer – M. Huber

The public hearing, which was continued from the September 12, 2016, council meeting, was reopened at 6:29 p.m.

Building Official Mark Huber presented a summary of five structures, located at 0 S. Lobit, 3142 Fondren; 727 S. Kansas; 202 N. Forrest; and 3313 Bayer, which were discussed at the

September 12, 2016, council meeting, and given a 90-day extension to either complete or substantially complete repairs or be demolished, be removed from the dangerous building list.

Mr. Huber stated that of the five properties which were given the 90-day extension, two have already been demolished, one has been completely repaired, and of the two remaining, 0 S. Lobit and 3313 Bayer, they have been permitted and repairs are underway. Mr. Huber recommended all five structures be removed from the dangerous building list.

The public hearing was closed at 6:31 p.m.

Councilmember Engelken made a motion to deny adoption of Ordinances for condemnation. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

8. AUTHORIZATIONS

- (a) Consider approval or other action awarding Bid #16018 for the City of La Porte Depot Expansion – C. Alexander

City Manager Corby Alexander presented a summary.

Councilmember Earp made a motion to award Bid # 16018 for City of La Porte Depot Expansion. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding the City of La Porte's participation in branch early voting with La Porte Independent School District during the May 2017 general election – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Zemanek made a motion to conduct early voting this year at the ITC Building and City Hall, and that in future elections, that early voting remain at these two facilities until changes are made by a future Council. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

10. REPORTS

- (a) Receive report of 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.

- (b) Receive report on the Gilley's development project – T. Leach/D. Miles

David Miles of Spherical Development provided an update on the Gilley's development project.

Councilmember Engelken questioned the timeline of the project. Mr. Miles responded that construction will begin in spring of 2017 and open in spring of 2018.

Councilmember Leonard commented he would like to see construction of the Gilley's facility before supporting development of other pieces of the property.

Councilmember Earp asked how close the project is to meeting business needs on Phase I. Mr. Miles advised short-term, medium-term and long-term monies have been met and are in negotiations for \$20,000,000.00 - \$50,000,000.00.

Bob Lee, 926 Oak Leaf St., spoke in favor of the Gilley's development project.

Councilmember J. Martin requested periodic updates in the future on the project.

Mike Wilson spoke and stated the 501(c)(3) is excited to be working on this project in La Porte.

(c) Receive report for ONE Solution – M. Dolby

Finance Director Michael Dolby presented a summary.

Tom Amburgey, representative of Sungard, Vice President & General Manager for Public Administration for Sungard Public Sector, presented an update on One Solution.

Councilmember Engelken commented he is disappointed the software is not suitable for all of the models of the City; the implementation time is unacceptable; and he advises the Assistant City Attorney to look at the contract to see what types of legal actions can be taken against Sungard. In addition, Councilmember Engelken asked when the go live date will be. Mr. Amburgey advised the end of January 2017 for the general ledger portion and end of April 2017 for the payroll. Councilmember Engelken requested Sungard provide an update on the progress in February 2017.

Mayor Rigby asked for the termination clause and breach of the contract and the timeline for going out for requests for proposals at the update in February.

11. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised Council he is working with Mr. Sam Karumsi, Manager of Days Inn, and reminded Council of the City Hall Christmas luncheon on Wednesday at 11:00 a.m.

12. 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 commented she attended Christmas festivities at the City of La Porte Parks and Recreation; Police and Fire Departments and had a great time and congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016;

Councilmember Zemanek congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016 and commented he would love to see the museum come to La Porte at the Town Center; asked Council to revisit the heavy haul resolution and wished everyone a Merry Christmas and a happy and safe New Year;

Councilmember Leonard and congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016 and wished everyone a Merry Christmas and prosperous New Year;

Councilmember Engelken and congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016; commented he would like the City to get what was paid for from ONE Solution and wished everyone a Merry Christmas and a Happy New Year;

Councilmember Earp and congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016; commented he would like to see the Town Center begin development and wished everyone a Merry Christmas and a Happy New Year;

Councilmember Clausen and congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016; commented he is anxious to get the Town Center developed and wished everyone a Merry Christmas and a Happy New Year;

Councilmember J. Martin and congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016; spoke highly of EMS Chief Ray Nolen; commented to David Miles he is on the right track with the Fallen Heroes and encourage him to continue looking for high level tenants and wished everyone a Merry Christmas and to be safe;

Councilmember K. Martin and congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016; thanked Parks and Recreation Director Rosalyn Epting for everything at Christmas on Main Street and wished everyone a Merry Christmas and a Happy New Year; and

Mayor Rigby congratulated Rachel Gomez and Trudy Rayburn as Employees of the Third Quarter 2016; thanked David Miles for the update; commented the Fallen Warriors is an excellent concept; commented he enjoyed all of the Christmas festivities, and congratulated Parks and Recreation on a successful Christmas on Main Street.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:16 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on January 9, 2017.

Mayor Louis R. Rigby