



**1111 Bayou Road
La Marque, Texas
409-938-9202**

Mayor - Keith Bell

Vacant - District A

Mayor Pro-Tem Joe Compian - District B

Councilmember Michael Carlson - District C

Councilmember Casey McAuliffe - District D

Ordinance No. 2021-0010

Resolution No. 2021-0012

**CITY OF LA MARQUE
CITY COUNCIL
SPECIAL MEETING
of
JUNE 1, 2021**

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a **Special Meeting on Tuesday, June 1, 2021**, beginning at 6:00 p.m. **in the Council Chambers at 1109-B Bayou Road, La Marque, Texas as well as via teleconference hosted through (ZOOM)** for the purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) CITIZENS PARTICIPATION (Limited to three minutes per person)

Comments from the public will be heard at this time. Any person with city-related business who has signed up may speak to Council on a specific agenda item (limited to three (3) minutes) should give the Mayor your name and the item you wish to speak about. In compliance with Texas Open Meeting Act, the City may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours. **Press *6 to mute or unmute if you are participating by telephone, press the unmute button if attending via zoom on a smartphone, tablet or computer, or stand if attending in person, and the Mayor will call on you in turn.**

(4) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2021-0008**, amending Chapter 71, "Zoning," of the City Code of Ordinances by repealing the Thoroughfare Overlay Zoning District and adopting two new commercial zoning districts entitled (C-3) Corridor Commercial and (C-4) Interstate Commercial, and adopting zoning regulations applicable to these districts - Development Services D.

Purnell THIS IS THE FIRST READING (THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING)

- b. Discussion/possible action regarding adopting Ordinance No. **O-2021-0009**, amending the City's zoning map, master plan and comprehensive plan by adopting an amended and updated official zoning map of the City of La Marque, to serve as the "Master Plan", pursuant to City Charter and "Official Zoning Map" pursuant to City Code Chapter 71, "Zoning" - Development Services D. Purnell **THIS IS THE FIRST READING (THIS ITEM WAS TABLED FROM MAY 17, 2021 MEETING)**
- c. Discussion/possible action regarding designating the presiding Municipal Judge as recommended by the City Manager, subject to execution of a Contract for Professional Judicial Services (Presiding Judge); and authorizing the City Manager to negotiate and execute a contract with the person designated by Council as presiding Municipal Judge - Legal D. Purnell **THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING**
 - Council may convene in a closed meeting pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Presiding Municipal Judge

(5) NEW BUSINESS

- a. Discussion/possible action regarding a DRAFT Budget Calendar - Finance S. Kou
- b. Discussion/possible action regarding adopting Resolution **No. R-2021-0012**, approving the submission of a grant application to the Texas Department of Transportation's 2021 Transportation Alternatives Set-aside (TA) call for projects - City Manager C. Jackson
- c. Discussion/possible action regarding approving the Galveston County Health District revised Interlocal Agreement - City Manager C. Jackson

(6) EXECUTIVE SESSION

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)

- a. Section 551-074 (Personnel Matters) - closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Presiding Municipal Judge

(7) REQUESTS AND ANNOUNCEMENTS

Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415. (b), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;*
- (2) information regarding holiday schedules;*
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;*
- (4) a reminder about an upcoming event organized or sponsored by the governing body;*
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and*
- (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.*

(8) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on or before May 28, 2021 before 5:30 p.m.

Robin Eldridge, TRMC
City Clerk

**NOTICE OF LA MARQUE
CITY COUNCIL
BY TELEPHONE CONFERENCE**

In accordance with order of the Office of the Governor issued March 16, 2020, the La Marque City Council will conduct a **Special Meeting on Tuesday, June 1, 2021 beginning at 6:00 PM in the Council Chambers at 1109-B Bayou Road, La Marque, Texas as well as via teleconference (ZOOM)** in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus/COVID-19. This Notice, the meeting agenda, and the agenda packet can be found online at:

<https://ci.la-marque.tx.us/AgendaCenter>

The public will be permitted to offer public comments telephonically as provided below and as permitted by the Mayor during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

THE PUBLIC TOLL-FREE DIAL-IN NUMBER TO PARTICIPATE IN THE MEETING IS:

1 (346) 248-7799

ONCE YOU ARE CONNECTED, YOU MUST ENTER THE FOLLOWING:

Meeting ID: 92493940502

Press *6 to mute or unmute your phone line. You may also connect to the meeting on your smartphone, tablet or computer by going to the following internet address:

<https://zoom.us/j/92493940502>

Once you are on the website, you may need to enter the following:

Meeting ID: 924 9394 0502

If you require accommodation to participate in this meeting, contact the City Clerk at 409-938-9259 or cityclerk@cityoflamarque.org at least 48 hours prior to the meeting start time.



CITY COUNCIL AGENDA FORM

Meeting Date: June 1, 2021

Agenda item: 4a

Prepared by: Derra Purnell

Reviewed by: Charlene Warren/

Charles Jackson

Department: Development Services

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. O-2021-0008, amending Chapter 71, "Zoning," of the City Code of Ordinances by repealing the Thoroughfare Overlay zoning district and adopting two new commercial zoning districts entitled (C-3) Corridor Commercial and (C-4) Interstate Commercial, and adopting zoning regulations applicable to these districts **THIS IS THE FIRST READING (THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING)**

X

ATTACHMENTS FOR REFERENCE

1. Proposed Ordinance

STAFF BRIEFING:

- The Thoroughfare Overlay District ("TOD") currently applies to the front 300 feet of property along certain major thoroughfare streets
- Planning and Zoning Commission supported a draft ordinance suggesting amendments to the TOD for Council's consideration
- The proposed regulations repeal the thoroughfare overlay district and replace it with two new commercial districts
- The proposed regulations provide more flexibility for commercial development with regard to setbacks and signs along I-45, but impose more restrictive requirements for protection of adjacent residential uses, landscaping and connectivity
- The two commercial districts recognize the differences between development restrictions that should apply to I-45 fronting commercial properties and commercial properties fronting other major thoroughfares
- Under existing zoning regulations, the following uses are eligible to apply for a Planned Development District that would allow modification to the setback requirements (City Code Sec. 71-18): (1) Large shopping center; (2) Housing development on tracts of five acres or more; (3) Industrial parks or districts on tracts of ten acres or more; (4) Medical center or hospital; (5) Civic center and/or community center; (6) Office, motel or hotel center on tracts of two acres or more; (7) Recreation center; (8) Research park or scientific research center; or (9) A combination of uses that are not customarily allowed in any one of the districts established in the zoning chapter. This Section of the Zoning Chapter in combination with the TOD regulations can result in a negative impact on existing businesses desiring to remodel or expand, or on smaller developments that are not eligible for a Planned Development District.
- Planning and Zoning Commission recommended approval of the proposed regulations



CITY COUNCIL AGENDA FORM

HISTORY:

3/16/2021 - Preliminary review and comment by Planning and Zoning Commission on regulation changes and zoning map updates

4/20/2021 - Public hearing before Planning and Zoning Commission on regulation changes and zoning map updates; recommended approval of both

TARGET IMPLEMENTATION: June 21, 2021

SIGNIFICANT ACTION DATES:

5/17/2021 - Council tabled item

6/21/2021 - Public hearing before Council on 2nd reading, subject to approval on first reading by Council

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2021-0008**, amending Chapter 71, "Zoning," of the City Code of Ordinances by repealing the Thoroughfare Overlay Zoning District and adopting two new commercial zoning districts entitled (C-3) Corridor Commercial and (C-4) Interstate Commercial, and adopting zoning regulations applicable to these districts **THIS IS THE FIRST READING (THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING)**

FISCAL IMPACT: N/A

ORDINANCE NO. O-2021-0008

AN ORDINANCE OF THE CITY COUNCIL OF LA MARQUE, TEXAS AMENDING CHAPTER 71, "ZONING," OF THE CITY CODE OF ORDINANCES BY REPEALING THE THOROUGHFARE OVERLAY ZONING DISTRICT AND ADOPTING TWO NEW COMMERCIAL ZONING DISTRICTS ENTITLED (C-3) CORRIDOR COMMERCIAL AND (C-4) INTERSTATE COMMERCIAL; ADOPTING ZONING REGULATIONS APPLICABLE TO THESE DISTRICTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City zoning regulations currently include a Thoroughfare Overlay District that applies to the front 300 feet of any property along certain major thoroughfares;

WHEREAS, the Thoroughfare Overlay District did not distinguish between property fronting I-45 and property fronting other major thoroughfares;

WHEREAS, the proposed zoning regulations replace the Thoroughfare Overlay District with two new commercial zoning districts that promote development more specific to the type of thoroughfare on which a property is located;

WHEREAS, the Zoning Commission recommended approval of these proposed changes to the zoning regulations; and

WHEREAS, the Zoning Commission and the City Council have conducted, in the time and manner required by law, a public hearing on the proposal to change the zoning regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1. That the following Sections of Chapter 71, "Zoning," of the City of La Marque Code of Ordinances ("City Code") are hereby renumbered as follows:

Section 71-29, Residential Canal Zone, is renumbered as Section 71-13;

Section 71-13, (C-1) General Commercial, is renumbered as Section 71-14;

Section 71-14, (C-2) Restricted Commercial, is renumbered as Section 71-15;

Section 71-15 (I-1) Light Industrial, is renumbered as Section 71-18;

Section 71-16 (I-2) Heavy Industrial, is renumbered as Section 71-19;

Section 71-18, (PD) Planned Development, is renumbered as Section 71-20;

Section 71-17, (MHP) Manufactured Home Park, is renumbered as Section 71-22;

Section 71-19, (FP) Floodplain District, is renumbered as Section 71-23;

Section 71-20, Schedule of District Regulations, is renumbered as Section 71-27 and any reference to “Section 71-20” is hereby amended to refer to “Section 71-27”;

Section 71-22, Parking Space Regulations, is renumbered as Section 71-29; and

Section 71-23, Nonconforming Uses, is renumbered as Section 71-30.”

Section 2. Chapter 71, “Zoning” of the City Code is amended by adding Sections 71-16, “C-3 Corridor Commercial,” and 71-17, “C-4 Interstate Commercial,” that shall read as follows:

“Sec. 71-16. - C-3 Corridor Commercial.

- (a) *Purpose.* The C-3 district is established to accommodate those uses that are considered appropriate for major corridors within the City. Design requirements for this district are intended to enhance the appearance of these corridors and promote public and private investment in a manner that encourages unified high-quality development.
- (b) *Generally.*
 - (1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings, except as otherwise provided.
 - (2) The activity and business shall be conducted within completely enclosed buildings, except for retail display yards attached to a main building and completely enclosed by masonry, wrought iron or similar fencing, not to exceed 25% of the total floor area of the main building. Wood fences and chain link shall be prohibited. except when powder coated chain link with opaque vinyl slats with masonry columns is used.
 - (3) No use hereunder shall be permitted if said use entails storage of inoperable cars or equipment, shipping containers, or any other item storage except that provided in subsection 2, above, or accessory to a use authorized by a conditional use permit and subject to specific conditions of the conditional use permit (if a CUP has not been granted showing the storage on the site plan, storage shall not be authorized).
 - (4) All merchandise shall be sold at retail on the premises.
 - (5) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 1½-ton capacity when located within 150 feet of a residential zoning district boundary line.

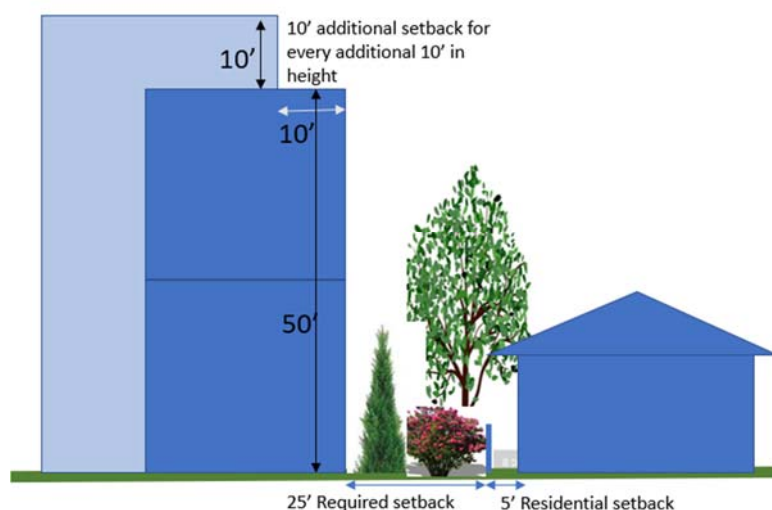
(c) *Uses permitted.* The following uses shall be permitted:

- (1) Multi-family apartment complexes, condominiums or hotels, provided the zoning lot is not less than 2 acres, the number of units is more than 50, and at least two amenities and 2 courtyards, parks or green spaces are provided (this requirement may also be met by means of continuous sidewalk accessible within 500 feet of every unit running continuously to at least two publicly usable parks); Further, these uses shall comply with the same screening, landscaping and miscellaneous requirements as those required in Section 71-17(g)-(j);
- (2) Neighborhood retail sales and service;
- (3) Business offices;
- (4) Professional offices, such as, doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;
- (5) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;
- (6) Bakeries, cafes, confectioneries, ice cream shops, and restaurants that prepare foodstuffs for onsite retail sale only;
- (7) Automobile parking lots and structures, if accessory to a primary use;
- (8) Other neighborhood retail sales or service uses, which are similar in character to those enumerated above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property;
- (9) Churches;
- (10) Public utility and public service uses;
- (11) Printer;
- (12) Antique shops;
- (13) Art galleries and museums;
- (14) Banks and financial institutions;
- (15) Camera and photographic supply stores;
- (16) Coin and philatelic stores;
- (17) Department stores;
- (18) Grocery stores;

- (19) Florist shops and conservatories;
- (20) Furniture stores;
- (21) Travel bureaus and transportation ticket offices;
- (22) Household appliance stores including sales and services;
- (23) Leather goods and luggage stores;
- (24) Loan offices;
- (25) Musical instruments sales and repair; office supply stores; optical sales;
- (26) Physical culture and health services and reducing salons;
- (27) Picture framing;
- (28) Sporting goods stores;
- (29) Tailor shops;
- (30) Theaters, indoor and outdoor;
- (31) Trade Schools, private testing centers, and learning service providers;
- (32) China and glassware stores;
- (33) Clothing and costume rental stores;
- (34) Employment agencies;
- (35) Upholstery shops;
- (36) Water softener sales and services;
- (37) Indoor boat and RV storage facilities, provided all storage is within enclosed and roofed buildings only
- (38) Drycleaners;
- (39) Recreational vehicle parks;
- (40) Auto body operations;
- (41) Automobile accessory stores;
- (42) Automobile service stations;
- (43) Blueprinting and photostatting establishments;
- (44) Business machine sales and service establishments;
- (45) Carpet and rug stores;
- (46) Catering establishments;
- (47) Theaters, lodges, assembly halls, auditoriums;

- (48) Tire repair shops;
 - (49) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
 - (50) Package distribution facilities;
 - (51) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use;
 - (52) Paint and wallpaper stores;
 - (53) Phonograph, record, sound equipment and sheet music stores;
 - (54) Schools for music, dance, business or trade;
 - (55) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or enjoyment, or value of, any property, but not including any of the following uses:
 - a. Any use permitted only in an I-1 or I-2 district;
 - b. Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or
 - c. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.
- (d) *Conditional uses.* The following conditional uses may be allowed in the C-3 district subject to the provisions of section 71-6.
- (1) Dwelling units exceeding a total gross floor area of 5,000 square feet of dwelling units and located on the second floor or above the ground floor of a commercial building.
 - (2) Any use permitted only in a C-1 district, provided that the lot shall be not less than two acres, is not adjacent to any residential zoning district, and complies with the same screening, landscaping, and miscellaneous requirements as those required in Section 71-16(g)-(j).
- (e) *Area; yard; and lot coverage requirement.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum percent of lot coverage, as pertains to this district, shall conform with the provisions of section 71-27, schedule of district regulations, and other applicable provisions of section 71-21 Supplementary district regulations.

- (f) *Height.* Height of buildings shall be limited to 50' plus an additional 10' of allowed height for every additional 10' of setback provided from the nearest property line beyond the required setback in section 71-27; provided, however: (i) required residential landscaping and screening buffers shall not be treated as providing additional setback; and (ii) where landscaping and screening buffers are required due to adjacent residential uses or zoning districts, additional setbacks provided to increase allowed building height shall be measured from the nearest required screening or landscaping buffer inner edge. Height limitations shall not apply to decorative elements of buildings that do not include any air conditioned floorspace.



- (g) *Automobile parking space regulations.* For parking space regulations, see section 71-22.

Sec. 71-17. - C-4 Interstate Commercial.

- (a) *Purpose.* The C-4 district is established to provide for more intense non-residential mixed-use development that provides a pedestrian oriented environment. The district is intended to include uses such as retail, commercial, professional offices, entertainment, hospitality, and service businesses for both the City and the region that benefit from location along Interstate Highway 45 (IH-45) and service the community. The purpose of this zoning category is to guide new development and redevelopment along the IH-45 by establishing enhanced standards that increase the quality of development and minimize impacts on abutting residential uses.
- (b) *Generally.*
- (1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be

conducted within completely enclosed buildings, except as otherwise provided.

- (2) The activity and business shall be conducted within completely enclosed buildings, except for retail display yards attached to a main building and completely enclosed by masonry, wrought iron or similar fencing, not to exceed 25% of the total floor area of the main building. Wood fences and chain link shall be prohibited.
 - (3) No use hereunder shall be permitted if said use entails storage of inoperable cars or equipment, shipping containers, or any other item storage except that provided in subsection 2, above.
 - (4) All merchandise shall be sold at retail on the premises.
- (c) *Uses permitted.* The following uses shall be permitted:
- (1) Unified Business Development, which shall include only: (i) mixed commercial and residential uses that are master-planned as a consistent and integrated development, as shown by development under the same General Plan or on the same tract; (ii) development including pedestrian sidewalks or walkways throughout; (iii) a minimum area of development of five (5) contiguous acres; and (iv) development that involves more than ten thousand (10,000) square feet of new or refurbished building floor area that consists of a combination of two (2) or more principal uses (in addition to multi-family apartment complexes, condominiums or hotels). Unified Business Development may not include: (i) uses with only drive-in or drive-through facilities (e.g., banks, dry cleaners, pharmacies, restaurants, etc.); (ii) uses (ii) Vending kiosk/automated teller machine (ATM) that are not attached to or within the interior of a building (i.e., ATMs cannot be in a stand-alone structure intended solely for housing one or more ATMs).
 - (2) Multi-family apartment complexes, condominiums or hotels, provided the use is part of a Unified Business Development is does not exceed 40% of the development, the number of units is more than 50, and at least two amenities and 2 courtyards, parks or green spaces are provided (this requirement may also be met by means of continuous sidewalk accessible within 500 feet of every unit running continuously to at least two publicly usable parks);
 - (3) Department and grocery stores;
 - (4) Neighborhood retail sales and service, not including sales of vehicles, trailers or heavy equipment of any kind;
 - (5) Business offices;

- (6) Professional offices, such as, doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;
- (7) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;
- (8) Bakeries, cafes, confectioneries, ice cream shops, and restaurants that prepare foodstuffs for onsite retail sale only;
- (9) Automobile parking lots and structures if accessory to a primary use and used for customer and employee parking only;
- (10) Banks and financial institutions;
- (11) Musical instruments sales and repair; office supply stores; optical sales;
- (12) Florist shops and conservatories;
- (13) Picture framing;
- (14) Sporting goods stores;
- (15) Tailor shops;
- (16) Indoor theaters;
- (17) Travel bureaus and transportation ticket offices;
- (18) Trade Schools, private testing centers, and learning service providers;
- (19) Automobile service stations, provided that in addition to parking requirements for a particular use, additional parking equal to three times the number of service bays is provided;
- (20) Carpet and rug stores;
- (21) Catering establishments;
- (22) China and glassware stores;
- (23) Clothing and costume rental stores;
- (24) Employment agencies;
- (25) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use;
- (26) Paint and wallpaper stores;
- (27) Schools for music, dance, business or trade;

- (28) Water softener sales and services;
- (29) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
- (30) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or enjoyment, or value of, any property, but not including any of the following uses:
 - a. Any use permitted only in an I-1 or I-2 district;
 - b. Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or
 - c. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.
- (d) *Conditional uses. Conditional uses.* The following conditional uses may be allowed in the C-4 district subject to the provisions of section 71-6.
 - (1) Any use permitted in the C-3 zoning district without requiring a conditional use permit, provided that the lot shall be not less than five acres and complies with the same screening, landscaping and miscellaneous requirements as those required in Section 71-16(g)-(j).
- (e) *Area; yard; and lot coverage requirement.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 71-27, schedule of district regulations, and other applicable provisions of section 71-21, Supplementary district regulations.
- (f) *Height.* Height of buildings shall be limited to 50' plus an additional 10' of allowed height for every additional 10' of setback provided from the nearest property line beyond the required setback in section 71-27; provided, however:
 - (i) required residential landscaping and screening buffers shall not be treated as providing additional setback; and
 - (ii) where landscaping and screening buffers are required due to adjacent residential uses or zoning districts, additional setbacks provided to increase allowed building height shall be measured from the nearest required screening or landscaping buffer inner edge. Height limitations shall not apply to decorative elements of buildings that do not include any air conditioned floorspace.
- (g) *Screening requirements.*
 - (1) Outside storage shall be screened on all sides by a solid opaque brick or stone wall of not less than six feet in height measured at the highest

finished grade, constructed in accordance with general design standards of the city.

- (2) Trash receptacle shall be visually screened on three sides by a solid, opaque brick or stone wall not less than six feet in height, measured at the highest finished grade. The height of the trash receptacle shall not exceed the height of the screening. Screening shall not be required on the side used for access by garbage collection services. Such side shall not face less than 45 degrees from any adjacent street. Trash receptacles already enclosed by a solid, opaque brick or stone wall of at least six feet in height measured at the highest finished grade shall not be required to provide additional screening.
- (3) Any fencing, required or otherwise shall be a solid, brick or stone wall or wrought iron wall of not more than eight feet in height, measured at the highest finished grade.
- (4) Roof mounted equipment including but not limited to, storage tanks, compressor units, satellite dishes, vent stacks greater than four inches in diameter, and elevator machinery, shall be integrated into the building design and screened from view from the adjacent streets and public facilities. Rooftop screening shall use building materials similar to the facade of the building to which such items are located, to create a smooth, clean, integrated appearance. For purposes of this section, a highway or interstate frontage road shall be designated as an adjacent street. Any existing building or structure which becomes diminished 50 percent or more in assessed value due to fire, storms or other calamity shall, if rebuilt or repaired, be done so in compliance with this section.

(h) *Landscaping requirements.*

- (1) Front yard landscaping for non-residential and multifamily developments shall be required. A minimum of one shade tree (minimum diameter of two-inch caliper measured at six inches above ground level at the time of planting) shall be planted for each 30 linear feet of landscape buffer. A minimum of ten shrubs (a minimum of three feet tall at the time of planting) shall be planted for each 30 linear feet of landscape buffer. All other areas within the landscape buffer shall be covered with grass, or another solid vegetative cover approved at the time of site plan approval.
- (2) Landscaping shall be required to screen the parking areas along major thoroughfares and collectors when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such cases, parking areas should be screened by a continuous hedge of shrubs that are maintained at a height of no more than thirty-six inches (36") nor less than twenty-four inches (24") as measured

from the surrounding soil line and at a minimum thirty-six inch (36") spacing.

- (3) A minimum of one shade tree (minimum diameter of two-inch caliper measured at six inches above ground level at the time of planting) shall be planted for every fifty (50) parking spaces. Each tree shall be planted on an island that is a minimum dimension of six (6) feet.
- (i) *Buffer requirements.* A nonresidential or multifamily use adjacent to a single-family use or zone shall provide a minimum twenty (20) feet landscape buffer adjacent to the property line of the residential use or residentially zoned property. A nonresidential use that is adjacent to a multifamily development shall provide a minimum of ten-foot landscape buffer adjacent to the property line of such residential use or residentially used property. Industrial uses shall be required to install a 40-foot buffer when adjacent to all residential uses or zones (R-1, R-2, and R-3 properties).

In addition to the above-mentioned landscaping, a six-foot solid masonry (brick, stone, precast concrete or similar) screening fence shall be provided behind the landscaping buffer that abuts residential uses and zones.

- (j) *Miscellaneous requirements.*
- (1) All areas used for outside display or storage in conjunction with any use involving storage or display of motor vehicles, manufactured homes, trailers or boats, regardless of whether such areas are screened from public view, shall have a concrete surface, constructed in accordance with the standards prescribed by the city.
 - (2) All utilities within 200 feet of the property line, which will serve parcel, shall be installed underground, except for any transmission line or feeder lines, either existing or proposed; provided that, such transmission or feeder lines shall be located within a designated paved easement or alleyway provided by the property owner.
 - (3) Any renovation of an existing building or structure which adds 50 percent or more of either: (i) assessed value to such building or structure as shown by the Galveston County Appraisal District, or (ii) 30% more floor area to such building or structure, shall be in compliance with this section, including compliance of the parcel with all landscaping, fencing and screening requirements.
 - (4) Landscaping shall cover a minimum of 15 percent of the of the total land area of any property.
 - (6) Requirements in Section 71-27. - Schedule of district regulations, will apply, unless otherwise stated herein.
- (k) *Monument sign regulations.*
In the C-4 Interstate Commercial Zoning District only, notwithstanding Section 71-28 of the City Code, monument signs, defined as on-premises signs with

width of the base not less than 50% width of the sign face (signs may have two supports where the combined width of the supports is not less than 50% of the width of sign face) meeting all of the following requirements are authorized within the C-4 zoning district:

- (1) Maximum effective sign area shall be 160 square feet for multi-tenant (2 or more tenants) or 100 square feet for single tenant (Excludes area of the sign base);
- (2) Maximum number of monument signs shall be one per 500 feet of street frontage, plus 1 for each additional 125 feet of frontage (Sites with multiple street frontage shall be permitted one (1) sign per street frontage; Sites with multiple tenants may have one multiple tenant sign per 500 feet of street frontage, plus 1 for each additional 125 feet of frontage, in addition to one ground monument sign per tenant every 125 feet of street frontage);
- (3) Sign base shall be a minimum 2' tall and sign bases may not be used as effective sign area or for advertising of any kind;
- (4) Maximum sign height for a monument sign shall be 25 feet for single tenant and 55 feet for multi-tenant monument signs as measured from the ground;
- (5) Monument signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground structure of the sign;
- (6) Minimum sign setback shall be 10 feet (measured from the nearer of the property line or right-of-way line of the street the sign is facing);
- (7) A monument sign may not be located within 50 feet of any another freestanding sign on another premises;
- (8) A monument sign may not be located within 125 feet of another freestanding sign on the same premises;
- (9) A monument sign may not be placed or located within the public Right-of-Way unless the City gives its written consent to the encroachment;
- (10) The use of "project identification" signs in the form of monument signs are encouraged; the effective sign area of the project identification language shall be exempt from the maximum effective sign face area limitation, provided the project identification language is the same language and font appearing at least 3 times on a parcel or adjacent parcels of two acres or more; and
- (11) All monument signs, including the base, must be designed and constructed to substantially appear as a solid mass, such as a cylinder, block, rectangle, or square, from ground level to the highest portion of the sign excluding the base. All monument signs, including the base, must be made of masonry, metal, routed wood planks or beams, or durable plastic; provided, however:
- (12) Unified business developments that meet the requirements of Section 71-17(c) shall be exempt from the maximum effective sign face area and distance limitations of this Subsection 71-17(k) under the following conditions: (i) approval of a general plan, pursuant to Chapter 41,

Article IV, that includes a detailed sign plan; (i) the detailed sign plan approved with the general plan includes dimensions for all monument sign locations, sign face areas, and height; (ii) the monument signs do not exceed the height limitations provided in this Subsection 71-17(k); and (iii) the combined effective sign face area for the entire detailed sign plan (excluding the sign face area of billboard signs and signs that are not freestanding, i.e., are attached to a building) shall not exceed 40 square feet per acre of development included in the unified business development.

(l) *Billboard sign regulations.*

In the C-4 Interstate Commercial Zoning District only, notwithstanding Section 71-28 of the City Code, an existing off-premises or on-premise billboard sign shall be authorized for use in its current location or relocation to or within the C-4 zoning district, provided the sign meets the following regulations:

- (1) The existing billboard sign is currently located on a parcel in the C-4 zoning district;
- (2) The billboard sign is located or proposed to be relocated to a point at least 2,000 feet from any other billboard sign;
- (3) The maximum effective sign area for a billboard sign shall be the large of the existing billboard sign face or 600 square feet;
- (4) A billboard sign base shall be a minimum 60' tall and sign bases may not be used as effective sign area or for advertising of any kind;
- (5) Maximum billboard sign height shall be 100 feet measured from the ground;
- (6) Billboard signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure;
- (7) Minimum sign setback shall be 10 feet (measured from the nearer of the property line or right-of-way line of the street the sign is facing);
- (8) A billboard sign may not be located within 125 feet of any monument sign; and
- (9) A billboard sign may not be placed or located within the public right-of-way unless the City gives its written consent to the encroachment.

(n) *All other sign regulations for C-4 Interstate Commercial Zoning District.*

All signs other than freestanding signs, including signs attached to buildings, shall comply with Section 71-28. Signs partially attached to a building shall not be permitted."

Section 3. Section 71-27, "Schedule of District Regulations," of the City Code is amended to read as follows:

"Sec 71-27. - Schedule of district regulations.

	AG	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	MH
Maximum height (ft.)	50	35	45	45	50	40	50*	50*	50	50	35
Minimum side yard (ft.)	10	5*	5*	5*	5	5	5**	5**	5	5	5
Minimum rear yard (ft.)	10	10	10	10	10	10	10**	10**	10	10	10
Minimum front yard (ft.)	20	20	20	20	20	20	30***	40***	20	20	20
Minimum lot area (sq. ft.)	2 acres	6,000	7,500	7,500	A	A	7,500	7,500	6,000	6,000	6,000
Minimum building size (sq. ft.)	1,000	1,000	B	B	NA	NA	1,000	1,000	NA	NA	6,000
Masonry and roofing	NA	C	C	C	NA	C	NA	C	NA	NA	NA
Minimum lot width (ft.)	60	60	60	60	A	60	60	60	A	A	D
Minimum lot depth (ft.)	120	120	120	120	A	120	120	120	A	A	D
Maximum lot coverage by buildings and impervious cover (%)	A	75	75	75	A	A	75	75	A	A	75

Notes:

- A None required except where a nonresidential use abuts a residential lot the requirement shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this chapter.
- B Minimum building size shall be for one bedroom unit: 650 square feet; two bedroom: 780 square feet; three bedroom: 930 square feet.
- C Masonry requirements shall mean the entire front facade (wall) for non-corner lots and the two street-facing facades for corner lots; provided, however, the exterior of additions and/or modifications to existing single-family residential structures and accessory buildings to such structures shall consist of materials consistent with the exterior of the existing structure. "Masonry" shall include brick, stone, glass, including concrete or similar façade materials that mimic brick or stone.
- D The requirements of Chapter 41, Article II, shall apply.

- * Plus, an additional 10' of allowed height for every additional 10' of setback provided from the nearest property line beyond the required setback, subject to Section 71-16 or 71-17, as applicable for the zoning district.
- ** Subject to the buffer requirements of Section 71-16 or 71-17, as applicable for the zoning district.
- *** Provided, however, this setback may be reduced to 20 feet if a 10-foot landscape buffer is provided at or near the front property line."

Section 4. Penalty. As provided in Section 71-3 of the City Code, Any person who shall violate any of the provisions of this ordinance or who shall fail to comply therewith or with any of the requirements t hereof, or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved t hereunder, shall for each violation or noncompliance be deemed guilty of a misdemeanor , and upon conviction, shall be fined as provided in section 1-7 of the City Code. The owner of that building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be subject to the penalties herein provided.

Section 5. Repeal. This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 6. Severability. In the event any clause, phrase, provision, sentence) or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. Publication and Effective Date. This ordinance shall be effective immediately upon adoption, public hearing in accordance with Section 2.19 of the City Charter, and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Chapter 52 of the Texas Local Government Code and Article II of the City Charter.

PASSED, AND APPROVED by the City Council of the City of La Marque on First Reading this _____ day of _____ 2021; and

PASSED, APPROVED, AND ADOPTED by the City Council of the City of La Marque on Second and Final Reading this ____ day of _____, 2021.

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

ATTEST:

Robin Eldridge, TRMC, City Clerk

APPROVED AS TO FORM:

Derra Leigh Purnell, City Attorney



CITY COUNCIL AGENDA FORM

Meeting Date: June 1, 2021

Agenda item: **4b**

Prepared by: Derra Purnell

Reviewed by: *Charlene Warren*

Charles Jackson

Department: Development Services

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2021-0009**, amending the City's zoning map, master plan and comprehensive plan by adopting an amended and updated official zoning map of the City of La Marque, to serve as the "Master Plan", pursuant to City Charter and "Official Zoning Map" pursuant to City Code Chapter 71, "Zoning" **THIS IS THE FIRST READING (THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING)**

X

ATTACHMENTS FOR REFERENCE

1. Proposed Ordinance
2. Summary of zoning map changes (best viewed in pdf format due to large amount of data included)

STAFF BRIEFING:

- Planning and Zoning Commission recommended large-scale (meaning more than 200 notices would be required to property owners within 200 feet of affected parcels) updates and corrections to the zoning map for Council's consideration
- Notice was provided in accordance with the alternative notice procedures ordinance passed by City Council with regard to these updates in order to allow discussion by Council
- The updates to the map being considered will not create any non-conforming uses and are intended to lessen the burden on property owners by updating the map and correcting zoning map errors
- The new Zoning Map includes the following categories of amendments: (i) parcels zoned "public" changed to either (R-1) Single-Family Residential or (C-1) General Commercial based on existing use and zoning of adjacent parcels; (ii) parcels currently in the Thoroughfare Overlay District changed to either (C-3) Corridor Commercial or (C-4) Interstate Commercial; (iii) R-1 Single Family Residential properties that front I-45 for which the owner has submitted a written request to change to a commercial zoning district are proposed to be changed to C-4 Interstate Commercial; and (iv) incorporation of previously passed zone change ordinances and clerical corrections
- The only public comments received have been in support of the changes; the only written comments received have been from owners of R-1 Single Family zoned-property fronting I-45 requesting to also change to C-4 Interstate Commercial

HISTORY:

3/16/2021 - Preliminary review and comment by Planning and Zoning Commission on regulation changes and zoning map updates



CITY COUNCIL AGENDA FORM

4/20/2021 - Public hearing before Planning and Zoning Commission on regulation changes and zoning map updates; recommended approval of both

TARGET IMPLEMENTATION: June 21, 2021

SIGNIFICANT ACTION DATES:

5/17/2021 - Council tabled this item

6/21/2021 - Public hearing before Council on 2nd reading, subject to approval on first reading by Council

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Item #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2021-0009**, amending the City's zoning map, master plan, and comprehensive plan **THIS IS THE FIRST READING (THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING)**

FISCAL IMPACT: N/A

ORDINANCE NO. O-2021-0009

AN ORDINANCE OF THE CITY COUNCIL OF LA MARQUE, TEXAS AMENDING THE CITY'S ZONING MAP, MASTER PLAN AND COMPREHENSIVE PLAN BY ADOPTING AN AMENDED AND UPDATED OFFICIAL ZONING MAP OF THE CITY OF LA MARQUE, TO SERVE AS THE "MASTER PLAN" PURSUANT TO CITY CHARTER SECTION 10.03, AND TO BE CERTIFIED BY THE MAYOR AS THE OFFICIAL ZONING MAP PURSUANT TO CITY CODE SECTION 71-5; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 211 of the Texas Local Government Code and Chapter 71 of the City Code contemplate that cities may adopt new zoning maps from time to time;

WHEREAS, the proposed zoning map contains large-scale updates, including the following categories of amendments: (i) parcels zoned "public" changed to either (R-1) Single-family residential or (C-1) General Commercial based on existing use and zoning of adjacent parcels; (ii) parcels currently in the Thoroughfare Overlay District changed to either (C-3) Corridor Commercial or (C-4) Interstate Commercial; (iii) R-1 Single-family Residential properties that front I-45 for which the owner has submitted a written request to change to a commercial zoning district are proposed to be changed to (C-4) Interstate Commercial; and (iv) incorporation of previously passed zone change ordinances and clerical corrections

WHEREAS, the Zoning Commission and the City Council have conducted, in the time and manner required by law, a public hearing on the proposed zoning map of the City of La Marque;

WHEREAS, notice of public hearing was published in the newspaper and the notice and proposed zoning map were posted on the City's website as prescribed by Ordinance for large-scale zoning map updates;

WHEREAS, the Zoning Commission recommended approval of the proposed zoning map; and

WHEREAS, the City Council finds that the proposed zoning map is consistent with the City's comprehensive plan, and, to the extent of any inconsistencies, that the comprehensive plan and master plan of the City should be amended to conform with the proposed zoning map;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1. That the official zoning map of the City, pursuant to Section 71-5 of the City Code, is hereby amended and replaced with the zoning map, attached as Exhibit A to this Ordinance and incorporated by reference for all purposes, (the "Zoning Map").

Section 2. Comprehensive Plan. The City's comprehensive plan is amended in accordance with this Ordinance, and, to the extent of any conflict between the the comprehensive plan and the Zoning Map, the comprehensive plan shall be amended to conform with the Zoning Map.

Section 3. **Master Plan.** The Zoning Map is hereby adopted as a part of the Master Plan, pursuant to Section 10.03 of the City Charter. Further, the City's master plan is amended in accordance with this Ordinance, and, to the extent of any conflict between the the master plan and the Zoning Map, the master plan shall be amended to conform with the Zoning Map..

Section 4. **Certification as Official Zoning Map.** The Mayor is hereby authorized and directed to sign and certify two official copies of the Zoning Map in the following manner:

"This is to certify that this is the official zoning map adopted as part of Ordinance No. 953, as amended and codified in Chapter 71 of the City of La Marque Code of Ordinances, of the City of La Marque, Texas."

Further, the City Clerk is authorized and directed to attest to the Mayor's signature and provide the City seal on at least two copies official copies of the Zoning Map, one of which shall remain in the City Clerk's records and shall be retained permanently. The second official copy shall be

Section 5. **Penalty.** As provided in Section 71-3 of the City Code, Any person who shall violate any of the provisions of this ordinance or who shall fail to comply therewith or with any of the requirements t hereof, or who shall erect or alter any buil ding, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved t hereunder, shall for each violation or noncompliance be deemed guilty of a misdemeanor , and upon conviction, shall be fined as provided in section 1-7 of the City Code. The owner of that building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be subject to the penalties herein provided.

Section 6. **Repeal.** This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 7. **Severability.** In the event any clause, phrase, provision, sentence) or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. **Publication and Effective Date.** This ordinance shall be effective immediately upon adoption, public hearing in accordance with Section 2.19 of the City Charter, and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Chapter 52 of the Texas Local Government Code and Article II of the City Charter.

PASSED, AND APPROVED by the City Council of the City of La Marque on First Reading this _____ day of _____ 2021; and

PASSED, APPROVED, AND ADOPTED by the City Council of the City of La Marque on Second and Final Reading this _____ day of _____, 2021.

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

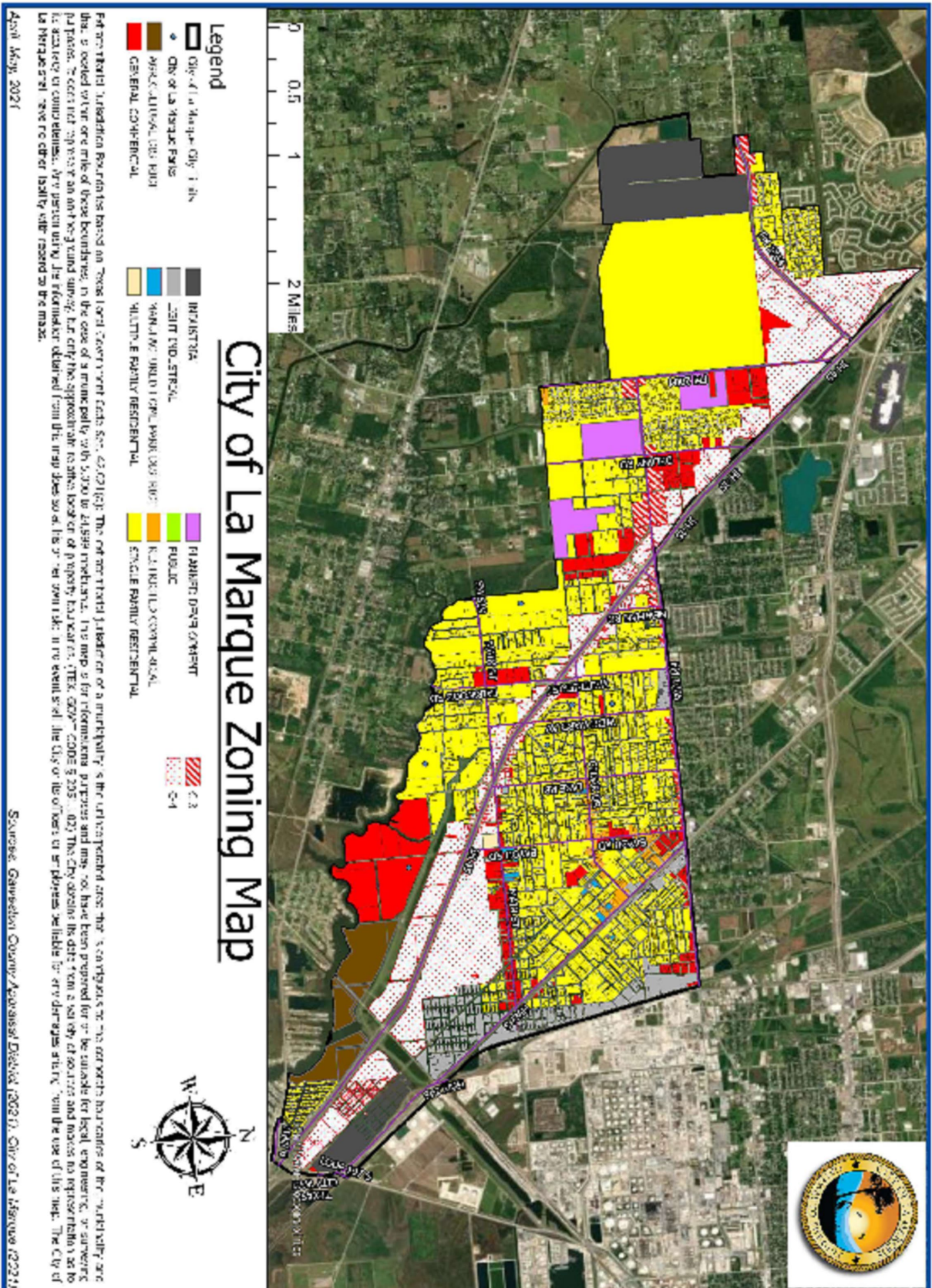
ATTEST:

Robin Eldridge, TRMC, City Clerk

APPROVED AS TO FORM:

Derra Leigh Purnell, City Attorney

Exhibit “A”



City of La Marque Proposed Zoning Map Updates Summary 5-21-2021

Citizen Requests 5/20/21							
Parcel ID	Request	Status					
131711	R1 to C-4	Complete					
131712	R1 to C-4	Complete					
131713	R1 to C-4	Complete					
Citizen Requests 4/12/21							
R290444	R1 to C-4	Complete					
R196532	R1 to C-4	Complete					
R195527	R1 to C-4	Complete					
Summary of 30 zone changes sent by the City on 4/7/2021							
Number	Ordinance	Address/General Location	Parcel ID	Change	Status	Supporting Documents	Description from the ordinance
1	Ordinance No. O-2020-0006- ReZONE FM 2004 and Mitchell	Intersection of FM2-4 and Mitchell Lane	131351	R1 to C1	Complete	Property survey	AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, AMENDING THE CITY'S ZONING MAP AND COMPREHENSIVE PLAN BY CHANGING THE ZONING DISTRICT OF CERTAIN PROPERTY LOCATED NEAR THE INTERSECTION OF FM 2004 AND MITCHELL LANE, GALVESTON COUNTY TAX PROPERTY ID NO. 131351, FROM (R-1) SINGLE FAMILY RESIDENTIAL TO (C-1) GENERAL COMMERCIAL, PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.
2	Ordinance No. O-2019-0025- ReZone	Intersection of Holman Street and Ross St. (south-east of the intersection of 1765/Texas Avenue and Hwy 146); appears to be part of 620 Holman St. or 195613	Appears to be part of 195613	General Commercial to Light Industrial	Complete	Metes and Bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (C-1), TO LIGHT INDUSTRIAL (L-1) A TRACT OF LAND CONTAINING LOTS 1, 2, 3, 4, 5, AND 6, IN BLOCK 9, OF THE FIRST ADDITION TO THE T. S. GEORGE SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254-A, PAGE 38 AND TRANSFERRED TO PLAT RECORD 4, MAP NO. 17 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, AND AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NO. 953
3	Ordinance No. O-2019-0024- ReZone	Intersection of Holman Street and Ross St. (south-east of the intersection of 1765/Texas Avenue and Hwy 146); appears to be part of 620 Holman St. or 195613	Appears to be part of 195613	R1 to Light Industrial	Complete	Metes and Bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (R-1), TO LIGHT INDUSTRIAL (L-1) A TRACT OF LAND CONTAINING 3,333.33 ACRES (145,200 SQUARE FEET) OUT OF SUBDIVISION 8 OF COOK & STEWART SUBDIVISION IN THE JOHN D. MOORE LEAGUE, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 86, PAGE 521 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON, TEXAS, AND AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NO. 953
4	Ordinance No. O-2019-0023- Holman ReZone	Intersection of Holman Street and Ross St. (south-east of the intersection of 1765/Texas Avenue and Hwy 146); appears to be part of 620 Holman St. or 195613	Appears to be part of 195613	R1 to Light Industrial	Complete	Metes and Bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (R-1), TO LIGHT INDUSTRIAL (L-1) OF A TRACT OF LAND BEING THE EAST 360.00 FEET OF THE NORTH 510.00 FEET OF A 10 ACRE TRACT OF SUBDIVISION "B", COOK AND STEWART SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS; CHANGING THE ZONING CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (R-1), TO LIGHT INDUSTRIAL (L-1) OF A TRACT OF LAND BEING THE EAST 150.00 FEET OF THE NORTH 110.00 FEET OF THE SOUTH 1/2 OF A 10 ACRE TRACT, OF SUBDIVISION "B", COOK AND STEWART SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OF PLAT THEREOF RECORDED IN VOLUME 81, PAGE 526 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, AND 10 ACRE TRACT IS DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 557, PAGE 520, OF THE DEED RECORDS OF GALVESTON COUNTY, AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953.
5	Ordinance No. O-2018-0016- Rezone - 1101 Oak	Part of 1101 Oak St.	Appears to be part 198799	C-1 to R-1	Complete	Metes and Bounds, Site plan	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM C-1 COMMERCIAL, TO R-1 SINGLE FAMILY RESIDENTIAL, FOR LOTS 9 THRU 12 AND THE NORTH 26 FEET OF LOT 13 IN BLOCK 5 AND LOTS 12 AND 13 AND THE NORTH 20 FEET IN BLOCK 6 OF MCNEEL SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT AS RECORDED IN VOLUME 275 PAGE 379 AND 380 OF THE DEED RECORDS OF GALVESTON COUNTY, TEXAS; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005, BY ORDINANCE NUMBER 953
6	Ordinance No. O-2018-0015- Rezone	1024 Spruce St.	Appears to be part of 721063	C-1 to R-1	Complete	Survey, Plat	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM C-1 COMMERCIAL, TO R-1 SINGLE FAMILY RESIDENTIAL, BEING LOT 7A, OF MCNEEL'S SUBDIVISION, RE-PLAT OF LOTS 7 AND 8 A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING THE MAP OR PLAT THEREOF RECORDED UNDER CLERKS FILE NUMBER 203706037 OF THE PLAT RECORDS OF GALVESTON COUNTY; AMENDING THE ZONING MAP OF THE CITY ADOPTED ON THE 12TH DAY OF DECEMBER 2005, BY ORDINANCE NUMBER 953.
7	Ordinance No. O-2018-0013- ReZone	3197 Main St. ; intersection of Main St. and Douroux Rd.	Appears to be part of 309422; IDs 729682, 736845, and 132425 have the address 3197 Main	R1 to C-1	Complete	None. The ordinance mentions an Exhibit A.	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 COMMERCIAL, BEING A TRACT OR PARCEL OF LAND CONTAINING 1.3884 ACRES OF LAND OR 19,606.50 SQUARE FEET, LOCATED IN THE S. F. AUSTIN LEAGUE, ABSTRACT 2, GALVESTON COUNTY, TEXAS SAID 1.3884 ACRE TRACT BEING ALL OF TRACT 1 AND 2 OF RECORD OF GARNER ENVIRONMENTAL SERVICES INC. AND BEING ALL OF THAT TRACT OF LAND OF RECORD IN THE NAME OF DMI GARNER PROPERTIES LLC. FRONTING THE INTERSECTION OF MAIN STREET AND DOURCUX ROAD IN THE CITY OF LA MARQUE; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
8	Ordinance No. O-2018-008- Rezone- 31.89 Acres-see O-2016-003	Appears to be part of Delany Cove subdivision	NA	C-1 to R-1	Complete	None. The ordinance mentions an Exhibit A.	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM C-1 (GENERAL COMMERCIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL), BEING A TRACT CONTAINING 31.89 ACRES OF LAND LOCATED IN THE STEPHEN F. AUSTIN LEAGUE NO. 4, ABSTRACT NO. 297, GALVESTON COUNTY, TEXAS; SAID 31.89 ACRES BEING A PORTION OF A CALL 82.01 ACRE TRACT OF LAND RECORDED IN THE NAME OF DELANEY 1765 REALTY, LP, UNDER GALVESTON COUNTY CLERK'S FILE (E.C.C.F.) NO. 2006011483; SAID 31.89 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS DESCRIBED IN EXHIBIT "A", AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12th day of DECEMBER 2005 BY ORDINANCE NUMBER 953. (FM 1765 & DELANY ROAD - TRAILS AT WOODHAVEN LAKES SUBDIVISION)
9	Ordinance 2017-0022 - Rezone 8.16 Acres	Owner Carnes Funeral Home; fronting I-45	NA	R3 to C-1. Proposed as C-4	Complete	None. The ordinance mentions an Exhibit A.	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM R-3 MULTI-FAMILY RESIDENTIAL TO C-1, GENERAL COMMERCIAL OF TWO TRACTS OF LAND CONSISTING OF 8.16 ACRES TOGETHER WITH AN EASEMENT FRONTING INTERSTATE 45 IN THE CITY OF LA MARQUE; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 111 DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953.
10	Ordinance 2017-004- Rezone- MAGNOLIA	1 9 1 6 M a g n o l i a D r i v e ; Intersection of Magnolia St. and Bayou Rd.	Appears to be part of 195851	R-1 to C-2	Complete	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM R-3 SINGLE FAMILY RESIDENTIAL TO C-2, RESTRICTED COMMERCIAL OF A TRACT OF LAND CONSISTING OF FOUR LOTS FRONTING THE INTERSECTION OF MAGNOLIA STREET AND BA YOU ROAD IN THE CITY OF LA MARQUE; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12111 DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
11	Ordinance 2017-003- Rezone- 2.5497	5515 FM 2004	131498 and 614748 are owned by Highway 6 Interests LLC	R-1 to C-2	Complete	Metes and bounds, survey (not clear)	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 RESTRICTED COMMERCIAL, OF A TRACT OF LAND CONTAINING 2.9457 ACRES BEING THE NORTH PORTION OUT OF A 5.0140 ACRE TRACT CONVEYED TO SIONEY E. AND SHIRLEY A. WEST (Now VIVIAN ANN WEST) IN INSTRUMENT DATED JUNE 29, 1970 RECORDED IN VOLUME 2133, PAGE 749 OF THE DEED RECORDS OF GALVESTON COUNTY OUT OF THE SOUTHWESTERLY PORTION OF THE ORIGINAL WIEDEMANN 300 ACRE PARENT TRACT THE WEST HALF OF SURVEY NO. 4 OF THE S. F. AUSTIN LEAGUE, IN THE CITY OF LA MARQUE; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE DAY OF DECEMBER 2005 BY ORDINANCE NUMBER953
12	Ordinance 2016-0011- Rezone 2401 Maxwell	2 4 0 1 M a x w e l l .	611478	R-1 to C-1	Complete	Metes and bounds, survey	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 (GENERAL COMMERCIAL), OF PART OF LOTS 7, 8 AND 9, IN DIVISION "T" IN THE COOK AND STEWART SUBDIVISION OF THE JOHN D. MOORE LEAGUE IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 81, PAGE 526, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS AND MORE FULLY DESCRIBED BY METES & BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF, AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12111 DAY OF DEC-MBER 2005, BY ORDINANCE NUMBER 953; CONTINGENT UPON PROPERTY OWNER DEVELOPING SAID PROPERTY IN ACCORDANCE WITH PROPOSED RECREATIONAL VEHICLE PARK SITE PLAN WITHIN A TWELVE MONTH PERIOD FOLLOWING COUNCIL APPROVAL OF THE RE-ZONE.
13	Ordinance 2016-006- Rezone 21.39 ACRES- Lennar Homes RV PARK	Mitchell Lane and Hwy. 2004	NA	Single Family Residential to C-1	Complete	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM S-1 SINGLE FAMILY RESIDENTIAL TO C-1 (GENERAL COMMERCIAL), OF 21.39 ACRES OF LAND IN THE S. F. AUSTIN LEAGUE, ABSTRACT 2, GALVESTON COUNTY, TEXAS, AND BEING A PORTION OF THE 217.0 ACRE TRACT DESCRIBED IN DEED FROM HILL LAND ACQUISITIONS OF TEXAS, L.P. AND HILL LAND ACQUISITIONS OF TEXAS L.P. TO LINDAH MOORE OF TEXAS LAND AND CONSTRUCTION, LTD. RECORDED UNDER FILE NO. 2008-030705, IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF GALVESTON COUNTY, TEXAS AND MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF, AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005, BY ORDINANCE NUMBER 953; CONTINGENT UPON PROPERTY OWNER DEVELOPING SAID PROPERTY IN ACCORDANCE WITH PROPOSED RECREATIONAL VEHICLE PARK SITE PLAN WITHIN A TWELVE MONTH PERIOD FOLLOWING COUNCIL APPROVAL OF THE RE-ZONE
14	Ordinance 2016-003- Rezone 31.89 Acres Delaney Cove Section 4	See 8	NA	Single Family Residential to C-1	Complete	None	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM S-1 SINGLE FAMILY RESIDENTIAL TO C-1 (GENERAL COMMERCIAL), OF THE SOUTHERNMOST 31.89 ACRES ON THE WEST SIDE OF DELANEY AT LANDING OF DELANEY, SECTION 4, BEING A PORTION OF A CALL 82.01 ACRE TRACT OF LAND RECORDED IN THE NAME OF DELANEY 1765 LP, LOCATED IN THE STEPHEN F. AUSTIN LEAGUE NO. 4, ABSTRACT NO. 297, GALVESTON COUNTY, TEXAS; SAID PROPERTY MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF, AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12th day of DECEMBER 2005, BY ORDINANCE NUMBER 953
15	Ordinance 2015-007 Rezone- Fleming	5204 Fleming	404968	R-1 RESIDENTIAL TO C-1 (GENERAL COMMERCIAL)	Complete	Metes and bounds, aerial map, survey	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 (GENERAL COMMERCIAL), ADDRESSED AS: 5204 FLEMING, LA MARQUE, TEXAS, MORE DESCRIBED AS: A TOT AL OF 23.083 ACRES, CAD ID #404968, TRACT I (A), 15.640 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE STEPHEN F. AUSTIN LEAGUE SURVEY NO. 4, ABSTRACT NO. 2, IN GALVESTON COUNTY, TEXAS, AND BEING THE SAME PROPERTY MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE PART OF HEREOF, AND CAD ID #404968, TRACT II (B): 6.060 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE STEPHEN F. AUSTIN LEAGUE SURVEY NO. 4, ABSTRACT NO. 2, IN GALVESTON COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "B" ATTACHED HERETO AND MADE PART OF HEREOF, IN THE NAME OF JOHN L. BASSETT, THE REASON FOR THE ZONING CHANGE IS TO ALLOW THE CONSTRUCTION OF AN RV PARK AND STORAGE BUILDINGS ON THE PROPERTIES; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
16	Ordinance 2014-0020 Rezone- 607 Lake Road	607 Lake Rd.	199947	Single family to General Commercial C-1	Complete	Aerial, County tax page	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL, OF A TRACT OF LAND DESCRIBED AS LOT 1 OF THE LILLY THOMAS SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS ACCORDING TO THE RECORDED IN VOLUME 238, PAGE 27, ALL IN THE MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER953

17	Ordinance 1041 Rezone 0.882 Land and Sea	South-east of the intersection of Plum St. and Oak St.	Appears to be 196096 from the legal description. .882 Acres	Single family to General Commercial C-1	Complete	None	ORDINANCE NO.1041 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND CONTAINING 0.882 ACRES OF SURFACE ONLY OF ALL THAT PART OF BLOCK FIFTY (50), SUBDIVISION "K" OF THE COOK & STEWART SUBDIVISION, OUT OF THE JOHN D MOORE LEAGUE, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, LYING ON THE EAST SIDE OF THE G.H. & H. RAILROAD RIGHT-OF-WAY, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 81, PAGE 526, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
18	Ordinance 1047 Rezone lot 42 Mainland Homesteads	NA	Appears to be 133181 from the description given in the ordinance	SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL	Complete	None	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND LOT 42 OF MAINLAND HOMESTEADS, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254-A, PAGE 50 AND TRANSFERRED TO PLAT RECORD 2, MAP NO 30, ALL IN THE MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953.
19	Ordinance 2012-1063- ABST 2, LOT 38 MAINLAND HOMESTEADS		Appears to be 133173 from the description given in the ordinance	PUBLIC TO GENERAL COMMERCIAL. Proposed as C-3	Complete	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND DESCRIBED AS ABST 2 SF AUSTIN SUR S 1/4 PT OF LOT 38 (28-1) MAINLAND HOMESTEADS IN GALVESTON COUNTY, TEXAS, BETTER DESCRIBED IN EXHIBIT "A", IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 254-A, PAGE 50 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, FROM PUBLIC TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005, BY ORDINANCE NUMBER 953
20	Ordinance 2013-0014 Rezone Dougherty Tract	Intersection of FM 1765/Texas Ave. and Byrd St.	602691	SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL. Proposed as C-3	Complete	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF TWO TRACTS OF LAND, LOCATED IN THE DOUGHERTY TRACT, STEPHEN F. AUSTIN LEAGUE SURVEY, NO 4, GALVESTON COUNTY, TEXAS, SAID TRACTS BEING OUT OF AND PART OF LOT "G" OF SUPER CITY SUBDIVISION NO 3 A SUBDIVISION DULY OF RECORD IN VOLUME 254. .A., PAGE 68 IN THE MAP RECORDS OF GALVESTON COUNTY (G.C.M.R.) TEXAS; SAID TRACTS OF RECORD IN THE NAME OF SYLVIA NAVODA KRONAK IN GALVESTON COUNTY CLERKS FILE (G.C.C.F.) NUMBER 8705380; SAID TRACT BETTER DESCRIBED BY METES AND BOUNDS, IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005, BY ORDINANCE NUMBER 953
21	Ordinance 2014-001 Rezone Lots 6, 7, 8 & 9 Amburn's	NA	131693, 131694, 131695, 131696	SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL. Proposed as C-4	Complete	Tax details	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL, A TRACT OF LAND, LOTS SIX (6), SEVEN (7), EIGHT (8) AND NINE (9) IN SECTION 1 AMBURN'S SUBDIVISION IN THE DOUGHERTY SURVEY NO. 4, OUT OF THE MARCHAND TRACT, S.F. AUSTIN LEAGUE NO. 4 GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254A, PAGE 50, ALL IN THE MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
22	Ordinance 2014-002 Rezone Cook & Stewart	Intersection of Walnut St. and Bayou Rd., Palm St.	NA	PUBLIC TO GENERAL COMMERCIAL. Proposed as C-3	Complete	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND FROM PUBLIC TO GENERAL COMMERCIAL, ABSTRACT 150 PAGES 8 LOTS 1 THROUGH 14 BLKS 7 THROUGH 42 & 43 THROUGH 50, BETTER DESCRIBED BY METES AND BOUNDS IN DIVISION "N" AND IN APPENDIX "A" ATTACHED HERETO ALL IN THE COOK & STEWART SUBDIVISION OF A PART OF THE JOHN D MOORE LEAGUE IN GALVESTON COUNTY TEXAS. ALL IN THE MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
24	Ordinance 2014-0014 Rezone- CV5 Pharmacy Site	Intersection of Texas Ave./FM 1765 and Newman Rd.	NA	R-1 SINGLE FAMILY RESIDENTIAL TO C-1 GENERAL COMMERCIAL. Proposed as C-3	Complete		AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 GENERAL COMMERCIAL OF, A TRACT OR PARCEL CONTAINING 2.612 ACRES (131,755 SQUARE FEET) OF LAND SITUATED IN THE DOUGHERTY TRACT, STEPHEN F. AUSTIN LEAGUE SURVEY, No. 4 OF GALVESTON COUNTY, TEXAS, BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO SYLVIA NAVODA KRONAK RECORDED UNDER GALVESTON COUNTY CLERK'S FILE NUMBER 2013066171; SAID 2.612 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED THERETO IN EXHIBIT "A". ALL IN THE MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
25	Ordinance 1042 Rezone part of block 4 Highland City	600 Highway 3	197199 (belongs to 600 Highway 3 as stated in the metes and bounds)	LIGHT INDUSTRIAL TO RESTRICTED COMMERCIAL	Complete	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF, A TRACT OF LAND CONTAINING 1.0080 ACRES TRACT OF LAND, BEING PART OF BLOCK 4, HIGHLAND CITY, NOW KNOWN AS LA MARQUE, ON THE SOUTHSIDE OF THE GH & HR R, IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 68, PAGE 543, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON, TEXAS, SITUATED IN THE JOHN D MOORE LEAGUE IN GALVESTON COUNTY, TEXAS, FROM LIGHT INDUSTRIAL TO RESTRICTED COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
26	Ordinance 1043 Rezone part of Lot 4 (44) Highland City	Appears to be on north-west of the intersection of Westward Ave. and I-45	NA. To be confirmed if it is 197199	LIGHT INDUSTRIAL TO RESTRICTED COMMERCIAL	As discussed with the City, decided not to update older ordinances.	Metes and Bounds	ORDINANCE NO. 1043 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF, A TRACT OF LAND CONTAINING 1.004 ACRES OF LAND OUT OF ABST 150 1 D MOORE SUR PT OF LOT 4 (44) HIGHLAND CITY, LA MARQUE, GALVESTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 168 PAGE 563 OF THE RECORDS OF GALVESTON COUNTY, TEXAS FROM LIGHT INDUSTRIAL TO RESTRICTED COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
27	Ordinance 1044 Rezone lot 43 Mainland Homesteads	South-east of the intersection of Garrett St. and 1765	NA	SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL	As discussed with the City, decided not to update older ordinances. Current map version shows as C-3	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF, A TRACT OF LAND CONTAINING 1.666 ACRES OF LAND OUT OF LOT 43 IN MAINLAND HOMESTEADS A SUBDIVISION OF, LA MARQUE, GALVESTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 254-A PAGE 50 OF THE RECORDS OF GALVESTON COUNTY, TEXAS FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
28	Ordinance 1045 Rezone-lots 31 32 Westridge 5D	118 INDUSTRIAL LA MARQUE, TX 77568 and 120 INDUSTRIAL LA MARQUE, TX 77568	Appears to be 200175 and 200176 from the description given in the ordinance	SINGLE FAMILY RESIDENTIAL TO MOBILE HOME PARK. Property IDs 200175 and 200176 are showing up as Light Industrial on the existing map.	As discussed with the City, decided not to update older ordinances.	None	AN O INANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND LOTS 31 & 32 OF WESTRIDGE, A SUBDIVISION OF RECORD IN Vol. 254-A, PAGE 68 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS FROM SINGLE FAMILY RESIDENTIAL TO MOBILE HOME PARK; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953
29	Ordinance 1046 Rezone lots 4,5,6 of Cook & Stewart	Appears to be on the south-west side of Maxwell Rd. and Getty Rd.	NA	SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL	As discussed with the City, decided not to update older ordinances. Current map version shows as GC	Metes and bounds	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND LOTS FOUR (4), FIVE (5), AND SIX (6), (R DIVISION "T" OF COOK AND STEWART SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 81, PAGE 526, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12 TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953.
30	Ordinance 1048 Rezone 2093 acres surface only tract 5	NA	NA	SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL	As discussed with the City, decided not to update older ordinances.	Coordinates are given	ORDINANCE NO. 1048 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF, A TRACT OF LAND DESCRIBED AS 2.93 ACRES OUT OF THE SURFACE ONLY OF A TRACT OF FIVE (5) ACRES OUT OF S.F. AUSTIN LEAGUE NO 4, IN GALVESTON COUNTY, TEXAS, SAID 2.93 ACRES BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES RECORDED IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS FROM SINGLE FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953

Received on 4/1/2021

Parcel ID	Change	Status
398079	to R-1	The City confirmed that it was the U of H parcel on the south side of 1764 (near the northwest city limits, off FM 1764).
199758	R-1 to C-4	Complete
198136, 198137 and 198138	to C-4	Complete
131373	PDD to R1	Completed. Identify the parcel using the parcel ID. There were two parcels under the same ID on the Arc GIS map version. One of them was PDD, and it was changed to R1.
Parcels along FM 1764	C-4 to C-3	Complete
Ambrose PDD	Completed. Identified the parcel location using the aerial map and metes and bounds description in the ordinance.	Completed. Identified the parcel location using the aerial map and metes and bounds description in the ordinance.
Trails at Woodhaven PDD	Completed. Identified the parcel using the approved Plat provided in the ordinance.	Complete. Identified the parcel using the approved Plat provided in the ordinance.
Delaney Cove PDD	PDD	Complete
U of H tract	Public to R-1	Complete



CITY COUNCIL AGENDA FORM

Meeting Date: June 1, 2021

Prepared by: Derra Purnell

Agenda item: 4c

Reviewed by: Charlene Warren/

Charles Jackson

Department: Legal

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding designating the presiding Municipal Judge as recommended by the City Manager, subject to execution of a Contract for Professional Judicial Services (Presiding Judge); and authorizing the City Manager to negotiate and execute a contract with the person designated by Council as presiding Municipal Judge **THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING**

X

ATTACHMENTS FOR REFERENCE

1. Contract for Professional Judicial Services (Presiding Judge)
2. Score Sheet

STAFF BRIEFING:

- Judge Baker retired and Alternate Judge Getty has provided judicial services in the interim
- A Request for Qualifications was posted, and three responses were received; all three candidates meet the minimum qualifications
- The City Manager has scored the candidates that submitted responses and recommends the candidate with the highest score be designated

HISTORY:

TARGET IMPLEMENTATION: June 1, 2021

SIGNIFICANT ACTION DATES: N/A

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Item #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to designate (insert name) as presiding Municipal Judge, subject to execution of a Contract, and authorize the City



CITY COUNCIL AGENDA FORM

Manager to negotiate and execute a contract with the person designated by Council as presiding Municipal Judge **THIS ITEM WAS TABLED AT THE MAY 17, 2021 MEETING**

FISCAL IMPACT: N/A

City of La Marque, Texas

Contract for Professional Judicial Services (Presiding Judge)

This Contract for Professional Judicial Services ("Agreement") is made and entered into this ____ day of _____, 2021, by and between the City of La Marque, a Texas home-rule municipal corporation located in Galveston County, Texas ("City") and _____ ("Presiding Judge"). The City and the Presiding Judge, hereafter collectively referred to as the "Parties," hereby agree to the following:

ARTICLE I Contingency

1.01 Subject to Appropriation. This entire Agreement is expressly contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If at any time during the period of performance under this Agreement, the City does not make sufficient appropriations and authorizations, this Agreement shall terminate upon written notice being given by the City to the Presiding Judge. The City's decision as to whether sufficient appropriations are available shall be accepted by the Presiding Judge and shall be final.

ARTICLE II Appointment and Term

2.01 Appointment. On the ____ day of _____ 2021, the City Council of the City of La Marque, Texas ("City Council"), pursuant to Section 13.16 of the City of La Marque Home Rule Charter, appointed _____ as the Municipal Court Presiding Judge, with the duties of presiding over the La Marque Municipal Court. This Agreement details the terms and condition of such appointment.

2.02 Term. The term of this Agreement shall be from June 1, 2021, through May 31, 2023, unless sooner terminated as provided by the terms of this Agreement, Provided the current appointment as Presiding Judge by City Council has not been terminated pursuant to Section 2.03 hereof, the City shall provide written notice to the Presiding Judge in accordance with state law not less than 90 days prior to the expiration of the current appointed term if the City does not intend to reappoint the Presiding Judge for an additional two-year term beginning June 1, 2023 and ending May 31, 2025. Successive additional terms shall be subject to the terms and conditions of this Agreement unless this Agreement is expressly superseded.

2.03 Termination. This Agreement in accordance with law may be terminated before the expiration of the term as specified in Section 2.02, after written notice has been provided by the City to the Presiding Judge and a hearing on the issue has been conducted by the City Council, for failure to perform the scope of services outlined in Article III or to otherwise comply with any provision of this Agreement. If the City Council terminates the appointment of the Presiding Judge, this Agreement

shall also automatically terminate 30 days after the termination of the appointment by City Council. The Presiding Judge shall waive all claims for compensation if not claimed within 30 days of the date of the termination of this Agreement. The Presiding Judge may terminate this Agreement for any reason upon 90 days written notice.

ARTICLE III Scope of Services

3.01 In General. The Presiding Judge agrees to preside over the municipal court dockets, which shall include plea or arraignment dockets, non-jury dockets, jury dockets, and enforcement dockets, as well as such other special dockets as may be scheduled from time to time by the City. As an appointed official, the Presiding Judge agrees to perform the service required by the position of the Presiding Municipal Judge and is not limited to a preset number of hours per week to perform such services.

3.02 Docket Schedule. Currently, Municipal Court is held four times per month, the first docket being on the first Tuesday of the month, with additional dockets held on Tuesday, Wednesday, or Thursday afternoons, arranged in conjunction with the schedule of Council and other required public meetings held in the Council chambers where Municipal Court is typically held. The City reserves the right to designate days of the week, hours, and locations where the Municipal Court may be held. Subject to these designations, the Presiding Judge shall establish the times and days for the court dockets and retains authority to change the same from time to time. The Presiding Judge may also provide services via electronic/video teleconferencing in compliance with state law and adopted policies of the City. The Presiding Judge shall perform the services required herein at the dockets so established and to which he or she may be scheduled. If the Presiding Judge is unavailable to complete these services, it shall be the duty of the Presiding Judge to seek an alternative method of fulfilling these duties first through any other City-appointed Judge or any other Judge with jurisdiction to perform these duties on behalf of the City.

3.03 Magistrate/Arraignment/Warrant Duties. The Presiding Judge shall perform magistrate, arraignment and warrant duties related to individuals held in any City holding facility and as otherwise required. Such duties shall be performed on an as-needed basis but in all cases these duties shall be completed as described below. The City shall contact the Presiding Judge scheduled for magistrate/arraignment/warrant duties between 8:00 am and 6:00 pm and advise the scheduled Presiding Judge of the need for such services. Should the services outlined in this section be required the Presiding Judge shall complete such services in a timely manner, within the constraints required by the law. If the Presiding Judge is unavailable to complete these services it shall be the duty of the Presiding Judge to seek an alternative method of fulfilling these duties first through any other City-appointed Judge, then any other Judge with jurisdiction to perform these duties on behalf of the City.

3.04 Administration. Upon notification by the Presiding Judge, the Presiding Judge shall administer the court's operation at such time when the Presiding Judge is not personally presiding or the Presiding Judge cannot serve as Judge for any case(s) for any reason, including a conflict of interest. The Presiding Judge shall consult with City employees concerning the court operation and arrange for special court setting as necessitated by circumstances. Such special court settings shall only be for dire and unforeseen circumstances and only when a set docket date cannot otherwise be utilized and/or such duties cannot be performed by the Presiding or Presiding Judge who from time to time may be appointed by the City Council.

3.05 Efficiency of Court. The Presiding Judge shall consult and cooperate with the Presiding Judge, City Manager or his designee, the City's prosecutor, and municipal court clerks as to operational methods and procedures, and on efforts to improve the operations of the Municipal Court, all with the goal of promoting speedy and efficient justice within the La Marque Municipal Court system.

3.06 No Supervisory Capacity. The Presiding Judge acknowledges that the clerks of the Municipal Court and City Marshal are supervised by the City Manager or City Manager's Designee as City administrative employees, and that the City Prosecutor is supervised by the City Attorney and/or City Council directly pursuant to the designation of the City Prosecutor. The Presiding Judge does not serve in a supervisory role as to any of these or other employees of the City except with regard to judicial procedures of the court. However, he/she shall consult with the appropriate department head or City Manager concerning needed improvements or problems that come to his/her attention through his service as Presiding Judge of the La Marque Municipal Court.

3.07 Reports. The Presiding Judge, at such times and in such forms as the City Council or City Manager may require, shall furnish such periodic reports as may be requested pertaining to the work or services undertaken pursuant to this Agreement.

ARTICLE IV Compensation

4.01 Compensation. The City will be obligated to compensate the Presiding Judge for only those services performed. The following details the compensation that will be made by the City to the Presiding Judge for services to be rendered:

- a. **Full-Day Docket:** Presiding Judge will be paid \$450.00 for any full-day docket. A full day shall be defined as any court day where the Presiding Judge's duties start at or before 10:00 a.m. and continue until or past 3:00 p.m. and require the Presiding Judge to be in attendance at court for more than 4 hours. Docket fees include the signing of required paperwork and any other Associated administrative duties.
- b. **Half-Day Docket:** Presiding Judge will be paid \$300.00 for any half-day docket. A half- day docket shall be defined as any court day where the court is scheduled for fewer than 4 hours in a given day or where the court day starts

at or after 1:00 p.m. Docket fees include the signing of required paperwork and any other associated administrative duties.

- c. **Magistrate Duties:** Presiding Judge will be paid \$100.00 per “occurrence” of magistrate- required duties. An “occurrence” shall be defined for the purposes of this section as each City-requested visit to the holding facility whether for one or more individuals or warrants but shall not include calls or visits to the holding facility or City by the Presiding Judge for the purpose of inquiring whether magistrate duties are needed that day. Presiding Judge shall not be compensated for being “available” to perform magistrate duties; provided, however, the Presiding Judge may coordinate with the Alternate Judge and/or a backup person approved by the City to provide coverage for magistrate duties in the event the Presiding Judge schedules vacation.
- d. **Special Settings, Call-Outs and Other Services:** Presiding Judge will be paid \$100.00 per hour for any services he or she is required to perform as Municipal Presiding Judge that do not fall within (a), (b) or (c), above. Such payment shall be a minimum of one hour for the first hour or less, with all additional time being paid on a quarter-hour basis. Services performed under this Section shall be included with a detailed description on the invoice provided to the City for such services.

4.02 Payment Terms. It is agreed that for the term of this Agreement, the Presiding Judge shall be compensated at the rates specified in Section 4.01, above, payable on a monthly basis, upon receipt by the City of a written invoice for work performed. Payment of invoices submitted to the City shall be subject to the Texas Prompt Payment Act.

4.03 Independent Presiding Judge. It is agreed between the Parties that since the Presiding Judge’s position is an independent, appointed, part-time professional position, he/she is an independent Presiding Judge, not an employee of the City, and the foregoing constitutes all the benefits and other forms of compensation paid to the Presiding Judge for the services required herein. Presiding Judge shall pay all applicable local, state, federal taxes, including income tax, withholding tax, social security tax, and pension contributions, if any.

4.04 No Insurance or Benefits Provided. The City shall provide no group health insurance coverage or any other benefits for Presiding Judge. The City shall not provide any other group insurance benefits currently in force, or as amended in the future, for non-civil service employees, to include life and accident, death and dismemberment, workers' compensation, public official liability or as commonly known "Errors and Omissions", and general liability.

ARTICLE V Miscellaneous

5.01 Training. The Presiding Judge must complete the minimum number of hours of instruction annually in the performance of the duties of a Municipal Court Presiding

Judge as required by the laws of the State of Texas and any applicable rule or statute. Presiding Judge shall pay all educational and training expenses, travel, and any other expenses Associated with State Bar required Mandatory Continuing Legal Education credits. The Presiding Judge shall provide proof of current certification from the State Bar each October.

5.02 Limitation on Law Practice. The Presiding Judge agrees that he/she shall not engage in the practice of law in an adversarial capacity before the City Council of the City of La Marque, before any of its courts, agencies, boards, or commissions, or in any other court or administrative proceeding involving the City during his/her tenure in office.

5.03 Conflicts. The Presiding Judge shall refrain from any activity or employment that might place him/her in a position of conflict of interest with his/her duties for the City.

5.04 Amendments. This Agreement may not be altered, changed, or amended except by instrument in writing executed by the Parties. The City may, from time to time, request changes in the scope of work and time of performance for the services of the Presiding Judge to be performed hereunder; however, to be effective, such changes, including any increase or decrease in the amount of the Presiding Judge's compensation, which are mutually agreed upon by and between the City and the Presiding Judge, shall be incorporated in written amendments to this Agreement.

5.05 Entire Agreement. This Agreement constitutes the entire agreement between the City and the Presiding Judge. No agreements, amendments, modifications, implied or otherwise, shall be binding on any of the Parties unless set forth in writing and signed by both Parties.

5.06 Severability. If one or more of the provisions of this Agreement or the application of any provision to any party or circumstance, is held invalid, unenforceable, or illegal in any respect, the remainder of this Agreement and the application of the provision to other parties or circumstances shall remain valid and in full force and effect.

5.07 Notice. Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing and shall be mailed by certified or registered mail addressed as set forth below or at such other address as may be specified by written notice:

PRESIDING JUDGE:

CITY: City of La Marque
Attn: City Manager
1111 Bayou Road
La Marque, TX 77568

5.08 Non-Waiver. The failure on the part of any party herein at any time to require the performance by the other party of any portion of this Agreement shall not be deemed a waiver of or in any way affect that party's rights to enforce such provision or another provision in the future. Any waiver by any party of any provision herein shall not be taken or held to be a waiver of any other provision hereof or any other breach hereof.

5.09 Sovereign Immunity. By this Agreement, the City does not consent to litigation and expressly revokes any consent to litigation that it may have granted by the terms of this Agreement, any charter, or applicable state law. Furthermore, nothing contained herein shall be construed so as to limit or waive the City's sovereign immunity.

5.10 No Assignment. The Presiding Judge shall not assign any interest in this Agreement and shall not transfer any interest in the same without the prior written consent of the City.

5.11 Delegation / Sub-contractors. The Presiding Judge shall not delegate his or her duties except for short periods of time (not to exceed 20 days) in accordance with this Agreement or as approved by the City Manager in writing. The Presiding Judge shall not sub-contract the duties required by this Agreement except upon express approval of the sub-contractor by the City Council in the absence of an appointed alternate municipal judge.

5.12 Construction of Agreement. Each provision and clause required by law to be inserted into this Agreement shall be deemed to be included herein and this Agreement shall be read and enforced as though each were included herein. If through mistake or otherwise any such provision is not inserted or is not correctly inserted, the Agreement shall be amended to make such insertion on application by either party.

5.13 Choice of Law and Venue. This Agreement is performed and performable in Galveston County, Texas, and is subject to all applicable federal and state laws, statutes, codes, and any applicable permits, ordinances, rules, orders, and regulations of any local, state, or federal government authority having or asserting jurisdiction.

5.14 Agreement Read. The Parties acknowledge that they have read, understand, and intend to be bound by the terms and conditions of this Agreement.

5.15 Headings. The section headings are used in this Agreement for convenience and reference purposes only and are not intended to define, limit, or describe the scope or intent of any provision of this Agreement and shall have no meaning or effect upon its interpretation.

5.16 Gender and Number. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless context requires otherwise.

5.17 No Third-Party Beneficiaries. This Agreement shall not bestow any rights upon any third party, but rather, shall bind and benefit the Presiding Judge and the City only.

5.18 Ambiguity. In the event of any ambiguity in any of the terms of this Agreement, it shall not be construed for or against any party hereto on the basis that such party either did or did not author the same.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same agreement, this _____ day of _____, 2021.

CITY OF LA MARQUE:

Keith Bell, Mayor

ATTEST:

Robin Eldridge, TRMC, City Clerk

PRESIDING JUDGE:

Signature

Printed Name

Municipal Judge Scoring Sheet

The City Manager will evaluate qualifications based on requirements described in this section and provide a recommendation to City Council of not less than 3 qualified candidates. The highest qualified respondents may be selected to attend a formal interview. The interview will allow the invited respondents to further discuss their qualifications.

Scoring Criteria

- 55% (10%) quantity of experience as a Judge, Prosecutor or a Municipal Attorney,
(10%) type of experience - criminal and juvenile experience
(10%) experience with other cities of similar size and diversity to La Marque
(25%) quantity, type and relevant experience based on answers to interview questions
35% References
10% Location - proximity to La Marque

Ethan Baker

MAX SCORE CRITERIA

- 10% 8 quantity of experience as a Judge, Prosecutor or a Municipal Attorney,
10% 7 type of experience - criminal and juvenile experience
10% 7 experience with other cities of similar size and diversity to La Marque
25% 7 quantity, type and relevant experience based on answers to interview
35% 35 References
10% 5 Location: Friendswood, TX

Megan Jones (Mills Shirley)

MAX SCORE CRITERIA

- 10% 9 quantity of experience as a Judge, Prosecutor or a Municipal Attorney,
10% 9 type of experience - criminal and juvenile experience
10% 9 experience with other cities of similar size and diversity to La Marque
25% 9 quantity, type and relevant experience based on answers to interview
35% 35 References
10% 9 Location: Galveston, TX

J. T. "Ted" Mora, Jr.

MAX SCORE CRITERIA

- 10% 7 quantity of experience as a Judge, Prosecutor or a Municipal Attorney,
10% 7 type of experience - criminal and juvenile experience
10% 7 experience with other cities of similar size and diversity to La Marque
25% 7 quantity, type and relevant experience based on answers to interview
35% 35 References
10% 10 Location: La Marque, TX

Fiscal 2021-22 Annual Operating and Capital Plan Calendar of Events for Budget Preparation and Adoption

June 11th	Deadline for all department requests to be submitted to Finance
June 14th-June 17th	City Manager and Finance Director meet with individual departments
June 18th-July 2nd	City Manager and Finance Director balance the budget
July 19th	City Manager Proposes Budget (Special Council Meeting)
July 19th	Budget filed with City Clerk
July 26, 27, and 29th	Council workshops (Proposed)
July 26th-30th	Certified Values for 2021 received from Appraisal District
August 9th	Announcement of Public Hearings (<i>August 16th and September 14th</i>)
August 10th	Publication of tax rates: newspapers, TV, website, etc.
August 16th	First Tax Public Hearing
September 7th	First Budget Public Hearing
September 7th	Budget & Tax Adoption First Reading
September 14th	Budget Hearing & Adoption-Second and Final Reading; Ordinance Public Hearing (<i>Per Charter</i>)
September 14th	Tax Rate Hearing & Adoption Second & Final Reading; Ordinance Public Hearing (<i>Per Charter</i>)
October 1	Fiscal Year Begins

2021

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9 Announcement of public hearings (Aug 16th and Sept 14th)	10 Publication of tax and budget Public Hearing Notice, Website, TV	11	12	13 Estimated time for rates received from County	14
15	16 Tax First Public Hearing	17	18	19	20	21
22	23 Tax Public Hearing. Deadline to adopt tax rate if exceeds Voters Approval Rate (78 days prior to Nov	24	25	26	27	28
29	30	31	1	2	3	4
5	6	NOTES:				



CITY COUNCIL AGENDA FORM

Meeting Date: June 1, 2021

Prepared by: Charlene Warren

Agenda item: 5b

Reviewed by: Charlene Warren

Charles Jackson

Department: Administration

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Resolution No. **R-2021-0012**, approving the submission of a grant application to the Texas Department of Transportation's 2021 Transportation Alternatives Set-aside (TA) call for projects

☒

ATTACHMENTS FOR REFERENCE

1. Resolution
2. TxDOT Call for Projects
3. Map - Main Street (FM 519)
4. Map - Bayou Road

STAFF BRIEFING:

- The City of La Marque was informed of the opportunity to submit for TxDOT's Transportation Alternatives 2021 Call for Project Grant
- The competitive federal grant is administered by TxDOT for locally sponsored bicycle and pedestrian infrastructure projects in communities less than 200,000
- The TA program provides for a variety of alternative transportation projects, including ADA/pedestrian infrastructure, on-and off-street bikeways, share use paths, infrastructure for non-driver access to public transportation, and access for non-motorized roadway users, including safe routes to school
- TxDOT intends to designate approximately \$40 mil in TA funds for FY 2021-FY2022
- The City identified and submitted pre-applications for two projects for pedestrian sidewalk improvements
- Identified areas are outlined on the attached maps
- The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible, and the City of La Marque would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds

HISTORY: N/A

TARGET IMPLEMENTATION: June 1, 2021

SIGNIFICANT ACTION DATES: N/A



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|--|
| ☐ Ordinance | ☒ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Items#	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Resolution No. R-2021-0012, approving the submission of a grant application to the Texas Department of Transportation's 2021 Transportation Alternatives Set-aside (TA) call for projects

FISCAL IMPACT: The TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible, and the City of La Marque would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds

RESOLUTION NO. R-2021-0012

A RESOLUTION SUPPORTING CITY OF LA MARQUE'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2021 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS

WHEREAS, the Texas Department of Transportation issued a call for projects in January 2021 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Program; and

WHEREAS, City of La Marque's application is for projects located in a population area of 50,000 or less seeking TA funds; and

WHEREAS, the TA funds may be used for development of preliminary engineering (plans, specifications, and estimates and environmental documentation) and construction of pedestrian and/or bicycle infrastructure; and

WHEREAS, the TA funds require a local match, comprised of cash or Transportation Development Credits (TDCs), if eligible, and the City of La Marque would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE THAT:

The City of La Marque supports funding the projects as described in the City of La Marque's' 2021 TA Detailed Application (including the preliminary engineering budget, if any, construction budget, the department's 15% direct state cost for oversight, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. Further, the City of La Marque is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.

DULY PASSED by majority vote of all members of the City Council of the City of La Marque on the 1st day of June 2021.

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

Joe Compian, Mayor Pro-Tem, District B

Michael Carlson, District C

Casey McAuliffe, District D

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Derra Leigh Purnell, City Attorney

Texas Department of Transportation (TxDOT) Transportation Alternatives 2021 Call for Project Grant

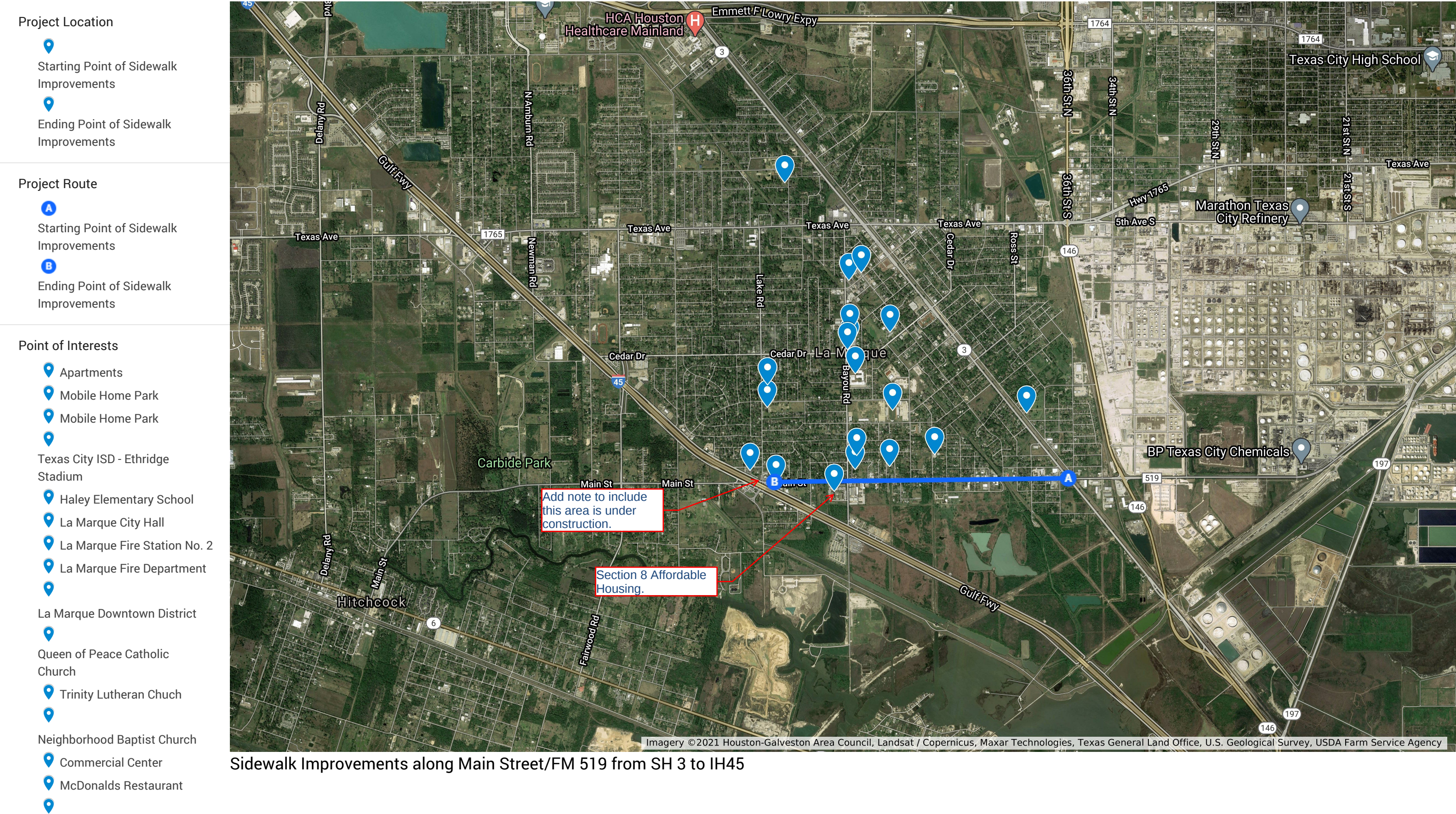
The City of La Marque was informed of the opportunity to submit for TxDOT's Transportation Alternatives 2021 Call for Project Grant by the Area Engineer, Jamal Elahi, P.E. The competitive federal grant is administered by TxDOT for locally sponsored bicycle and pedestrian infrastructure projects in communities less than 200,000. The TA program provides for a variety of alternative transportation projects, including ADA/pedestrian infrastructure, on-and off-street bikeways, shared use paths, infrastructure for non-driver access to public transportation, and access for non-motorized roadway users, including safe routes to school. TxDOT intends to designate approximately \$40 mil in TA funds for FY 2021-FY2022. The City identified and submitted pre-applications for two projects for pedestrian sidewalk improvements.

The first proposed application will construct new 5- to 6-foot-wide concrete sidewalks on both sides of Bayou Road with accommodating ramps at every intersection and ADA crosswalks between the two state thoroughfares from FM-1765 to FM-519 (1.45 miles). The area has a concentration of mature homes built in the 1950s. Historical data shows residents rely on foot, bike, and public transportation, are renters/seniors & are susceptible to food insecurities. The proposed shared use path (SUP) will include pedestrian crosswalks at conflict points, ADA-compliant ramps, Pedestrian Hybrid Beacon(s) and school flashing beacons, signage to traverse heavy traffic intersections at Bayou Road where the path connects to Main Street and offers safe access to city amenities such as schools, City Hall, Public Library, Police, historical markers, grocery stores and retail shopping along with downtown events. Additional signage will be added to cross three other local streets. Considering the lack of sidewalks in certain areas, the project may involve relocation of utilities. With the project sponsors population less than 50,000 the MPO Grant Application will qualify as obtaining 100% federal TA funds to be applied to the project via Transportation Development Credits. Through proper evaluation the estimated total construction cost for MPO Grant Application No. 1 is approximately \$1,300,000. This cost estimate is based on inflation (2022), construction within 2-3 years.

The second proposed application, Main Street/FM 519 Sidewalk Improvements, will involve the installation of 6-foot-wide, 5-inch reinforced sidewalks and HC ramps along both sides of the City of La Marque's major thoroughfare. There are currently no pedestrian walkways, no regulation ramping, and minimal crosswalks with proper signage. The proposed project limits will extend from SH-3 to IH-45, approximately 1.6 miles. Implementing an ADA compliant sidewalk along the entirety of FM 519 will allow citizens of La Marque to travel to & from neighborhoods along the state-maintained roadway giving access to school sites, city centers, religious facilities, public gatherings, and local businesses. Incorporating sidewalks on Main Street is severely needed to reduce the number of injuries (7) and fatalities (4) along this corridor within the last ten years. The

proposed shared use path (SUP) will include pedestrian crosswalks at conflict points, ADA-compliant ramps, Pedestrian Hybrid Beacon(s), signage to traverse heavy traffic intersections at Main Street & Bayou Road, as well as, at both end points where Main Street meets SH-3 and I-45. Additional signage and crosswalks will be implemented to cross over the major thoroughfare at one other location. Considering the lack of existing sidewalks, the project will involve relocation of utilities. This project location is directly overseen and managed by TxDOT and with the project sponsors population less than 50,000 the MPO Grant Application will qualify as obtaining 100% federal TA funds to be applied to the project via Transportation Development Credits. Through proper evaluation the estimated total construction cost for MPO Grant Application No. 2 is \$1,400,000 This cost estimate is based on inflation (2022), construction within 2-3 years.

City of La Marque Main Street/FM 519 Sidewalk Improvements



St. Michael's Episcopal
Church

 Celebration House Chuch



Frank Bell Jr. Historical
Marker



1887 Frank Sr. and Flavilla Bell
House



Paul's Union Church Historical
Marker

City of La Marque Bayou Road Sidewalk Improvements

Project Location

Starting Point

Ending Point

Directions from Starting Point to Ending Point

A Starting Point

B Ending Point

Point of Interests

Apartments

Mobile Home Park

Mobile Home Park

Texas City ISD - Ethridge Stadium

Haley Elementary School

La Marque City Hall

La Marque Fire Station No. 2

La Marque Fire Department

La Marque Downtown District

Queen of Peace Catholic Church

Trinity Lutheran Church

Neighborhood Baptist Church

Commercial Center

McDonalds Restaurant

St. Michael's Episcopal Church

Celebration House Church

Frank Bell Jr. Historical Marker

Imagery ©2021 Houston-Galveston Area Council, Landsat / Copernicus, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, USDA Farm Service Agency

Sidewalk Improvements along Bayou Road starting from Texas Avenue (FM 1765) to Main Street (FM 519)

1887 Frank Sr. and Flavilla Bell
House



Paul's Union Church Historical
Marker



CITY COUNCIL AGENDA FORM

Meeting Date: June 1, 2021

Prepared by: Charlene Warren

Agenda item: 5c

Reviewed by: Charlene Warren

Charles Jackson

Department: Administration

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding approving the Galveston County Health District revised Interlocal Agreement

X

ATTACHMENTS FOR REFERENCE

1. Ready Law Firm letter regarding Galveston County Health District and United Board of Health
2. Proposed Interlocal Agreement
3. 2002 Interlocal Agreement
4. 1981 Interlocal Agreement
5. 1971 Interlocal Agreement

STAFF BRIEFING:

- Galveston County Commissioners Court has requested the City's support in improving the United Board of Health (UBOH), the governing body of the Galveston County Health District (GCHD)
- The County proposes modifying the Interlocal Agreement (ILA) to allow for restructuring of the UBOH
- The County proposes modifying the UBOH from a thirteen-member board to a five-member board and the elimination of the professional specialty qualification requirements
- Commissioners Court believes simplifying the UBOH will allow the County to provide greater public health accountability, transparency, and improved financial oversight with the GCHD
- Under the current process, the Commissioners Court nominates candidates to member governments, and member governments vote to confirm or deny the nomination(s)
- These changes will allow the County to continue to support the Health District in efficiently providing services which alleviate burdens on the County and the cities
- According to the cover letter received from the Ready Law Firm, if the above modifications are not made, the County cannot continue to exclusively fund and support the Health District without greater financial oversight
- Historical ILAs, the proposed ILA revision, and the letter from Ready Law Firm are included for to provide more detail

HISTORY:

1971 - Established by an ILA between Galveston County Commissioners Court and municipalities within Galveston County

1981 - The ILA was rewritten to simplify the funding structure with the County as the sole funding entity



CITY COUNCIL AGENDA FORM

2002 - Most recent ILA approved

TARGET IMPLEMENTATION: June 4, 2021

SIGNIFICANT ACTION DATES: N/A

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other - ILA | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Items#	
Other Funding	

STAFF'S RECOMMENDATION:

FISCAL IMPACT: N/A

STATE OF TEXAS)
COUNTY OF GALVESTON) KNOW ALL MEN BY THESE PRESENTS

1. The parties agree to continue the existence of the Galveston County Health District (herein the “District”). The District shall be under the direction and supervision of the Galveston County United Board of Health (hereinafter the “Board”) which shall consist of five (5) members who have resided in the District for a period of three (3) years and who shall serve without compensation or salary. After consultation with the member governments,

the Commissioners' Court of Galveston County will submit to the member governments at least one (1) nominee for each Board position to be filled. Member governments may submit any objections to any nominee within 30 days of nomination. On objection by any member government, Galveston County will reconsider the appointment at its next meeting, and the County may choose to either keep or replace the nominee. Any nominee not objected to or replaced is confirmed to the Board. Board members governments whose terms have expired will continue to serve until a new board member is selected. The Board shall consist of five (5) interested citizens of Galveston County.

Board members shall serve for a period of two (2) years, except appointees appointed to fill the unexpired term of some member who shall serve for the remaining period of the unexpired term. Terms shall be staggered such that three (3) terms expire in odd calendar years and two (2) terms expire in even calendar years. All vacancies shall be filled by the appointing bodies as provided above.

2. Board members serve at the pleasure of the Commissioners Court. Any member may be removed from office by a majority vote of the Commissioners Court with or without cause; however, if any member of the Health Board misses any three (3) consecutive regular meetings without being excused by said Board as a whole, said Board shall declare a vacancy, and notify the member governments of such fact, so that same may be filled.
3. The Board shall oversee for the provision of all the ten (10) essential public health functions found in Chapter 121. § 121.002 of the Texas Health and Safety Codes unless otherwise restricted by law. The ten (10) essential public health functions are:
 1. Monitor the health status of individuals in the community to identify community health problems.
 2. Diagnose and investigate community health problems and community health hazards.
 3. Inform, educate, and empower the community with respect to health issues.
 4. Mobilize community partnerships in identifying and solving community health problems.
 5. Develop policies and plans that support individual and community efforts to improve health.
 6. Enforce laws and rules that protect the public health and ensure safety in accordance with those laws and rules.
 7. Link individuals who have a need for community and personal health services to appropriate community and private providers.
 8. Ensure a competent workforce for the provision of essential public health services.
 9. Research new insights and innovative solutions to community health problems.
 10. Evaluate the effectiveness, accessibility, and quality of personal and population-based health services in a community.
4. The Board shall select a chairman, a vice-chairman and a secretary from its board members and shall adopt the rules for the conduct of its meetings. A majority of the members of the

Board shall constitute a quorum for the transaction of business. The Board shall meet monthly on a date to be fixed by the Board, and shall hold such special meetings as may be called by the chairman or by a majority of the board members.

5. The Board shall appoint an Executive Director (hereinafter the “Director”) to actively manage the operation of the District. Said Director shall possess the qualifications and fulfill the requirements of Chapter 121 of the Texas Health and Safety Codes as same may be amended from time to time. The Director shall be an ex-officio, nonvoting member, of the Board. The Board may at any time for good cause remove the Director.
6. The Director shall discharge the duties of the following offices: (1) The Chief Administrative Officer of the District; (2) the project director of the Galveston County’s Community Health Center, Coastal Health and Wellness; (3) the Health Authority for the District, who shall be responsible for the day-to-day operation of the District and shall conduct the same as authorized and directed by the Board.
7. The Board shall be the policy setting body for all public health matters in Galveston County and shall be charged with the responsibility for all of the District’s expenditures and for applying for grants to the State, Federal Government, and private sources to further strengthen a comprehensive public health program in the District.
8. The member governments agree that the District shall have the authority to set and collect fees for the provision of public health services, Chapter 121. § 121.006 of the Texas Health and Safety Codes, which are:
 1. Personal health promotion and maintenance services.
 2. Infectious disease control and prevention services.
 3. Environmental and consumer health programs
 4. Laboratory services.
 5. Administrative services.

provided however, any fees so set or collected must be approved in advance by the Board. Where the District requires a permit, the member governments agree not to require their own Health Permits. The County will provide adequate funds in addition to those available from State, Federal, and fee-for-service programs to maintain high quality programs in the following areas:

- I. Health Promotion and Maintenance
 - A. Personal Health Promotion
 - Immunization
 - Tuberculosis Elimination
 - Texas Health Steps
 - Home Visits
- II. Infectious Disease Control and Prevention
 - A. Epidemiological Services

- Surveillance
- Investigation
- Reporting

B. Communicable Diseases

- Screening
- Diagnosis
- Treatment
- Referral

III. Environmental Health Programs related to:

- A. Food Service Sanitation
- B. Waste Control
- C. General Sanitation
- D. Air Quality
- E. Drinking Water
- F. On-Site Sewage Facilities

IV. Administrative Services

- A. Records management and data analysis
- B. Planning and Evaluation
- C. Community collaboration

V. Basic Public Health Laboratory Services

VI. Indigent Health Care, as specified by Chapter 61 of the Texas Health and Safety Codes

9. Member governments and other governmental entities as well as private institutions both within and without Galveston County, may contract for the Health District to provide Rabies Control Services, Emergency Medical Services, Water Pollution Control Services, or upgrading of any appropriate public health activity.
10. The provisions of Chapter 121 of the Texas Health and Safety Codes shall be applicable to the District. In the event of a conflict between Chapter 121 of the Texas Health and Safety Codes and this Agreement, Chapter 121 of the Texas Health and Safety Codes shall control.
11. A member government may withdraw from this Agreement upon giving to the Director in writing on (1) year's advance notice of its decision to withdraw, or upon consent of all other member governments, provide however, such termination shall not relieve such member government of any obligation incurred by such member government prior to termination. Removal of a member government requires approval by the governing body of each of the other members. Withdrawal or removal of a member government shall not terminate or affect this agreement as to the remaining or non-withdrawing member governments.

12. Modification of this Agreement shall be in writing and effective upon approval by the governing body of each member government.
13. This Agreement shall remain in effect until rescinded by the member governments. New member governments may become parties to this Agreement, with the consent of the member governments, by accepting in writing all of the terms and provisions of this Agreement; and thereupon this Agreement shall be deemed in full force and effect without further action of any of the members.
14. This Agreement constitutes the entire Agreement, and supersedes all prior agreements between the parties.
15. This Agreement shall become effective when executed by the parties hereto, as of the day and year first above written and shall be reviewed every ten (10) years.
16. The Texas Civil Practice and Remedy Code Chapter 101 defines the limits of liability for a Public Health District and any participating governmental entity.

SIGNATURE PAGE
GALVESTON COUNTY HEALTH DISTRICT AGREEMENT

ATTEST:

COUNTY OF GALVESTON

County Clerk

Judge Mark Henry

ATTEST:

VILLAGE OF BAYOU VISTA

City Secretary

Mayor Lou Wortham

ATTEST:

CITY OF CLEAR LAKE SHORES

City Secretary

Mayor Kurt Otten

ATTEST:

CITY OF DICKINSON

City Secretary

Mayor Sean Skipworth

ATTEST:

CITY OF FRIENDSWOOD

City Secretary

Mayor Mike Foreman

ATTEST:

CITY OF GALVESTON

City Secretary

Mayor Craig Brown

ATTEST:

CITY OF HITCHCOCK

City Secretary

Mayor Randy Strickland

ATTEST:

CITY OF JAMAICA BEACH VILLAGE

City Secretary

Mayor Steve Spicer

ATTEST:

CITY OF KEMAH

City Secretary

Mayor Terri Gale

ATTEST:

CITY OF LA MARQUE

City Secretary

Mayor Keith Bell

ATTEST:

CITY OF LEAGUE CITY

City Secretary

Mayor Pat Hallisey

ATTEST:

CITY OF SANTA FE

City Secretary

Mayor Jason Tabor

ATTEST:

CITY OF TEXAS CITY

City Secretary

Mayor Dedrick Johnson, Sr.

ATTEST:

VILLAGE OF TIKI ISLAND

City Secretary

Mayor Vernon “Goldie” Teltschick

[Hon. Mayor]
[City]
[Street]
[City, State ZIP]

May 3, 2021

Re: Restructuring the Galveston County Health District and United Board
of Health

[Hon. Mayor]:

The Galveston County Commissioners Court needs your support in improving the United Board of Health, the governing body over the Galveston County Health District. In response to the extreme challenges and expenses of the pandemic borne by the County, the County proposes modifying the UBOH to a five-member board appointed exclusively by the Commissioners Court.

The Health District operates a coordinated public health program providing essential services throughout Galveston County, which its member cities and the County would otherwise need to provide for themselves, ranging from restaurant permitting to pandemic responses. Though the Health District does provide some services like EMS and animal control on a fee basis, the bulk of the Health District's functions are funded exclusively by the County. Despite funding the Health District's core functions, the County has limited control over appointments to its 13-member governing board.

Simplifying the board will allow the County to provide greater public health accountability, transparency, and improved financial oversight with the Health District. These improvements will also allow the County to continue to contribute over \$8 million annually to Health District operations. Please discuss the attached amendment to the interlocal governing the Health District with your city council and contact the County's Director of Government Relations, Jed Webb, to discuss any questions or concerns. All participating cities need to agree to the proposed change.

Background

GCHD was established in 1971 by an interlocal agreement¹ between the Galveston County Commissioners Court and the municipalities within Galveston

¹ This agreement was originally formed in 1971 between the County of Galveston and cities of Texas City, La Marque, Hitchcock, League City, Friendswood, Kemah, Clear Lake Shores, Galveston, and

County as a response to the growing need for coordinated county-wide public health services. The Local Public Health Reorganization Act provides the authority to establish a public health district and requires that the district provide public health services as defined by the Act.² Once established, the Health District satisfied the County and cities' obligations to provide such public health services.

The Agreement was rewritten in 1981 to simplify the funding structure with the County as the sole funding entity.³ Ever since then, the Health District has provided cities inside Galveston County with substantial financial and operational benefits. Prior to this agreement city governments were responsible for developing, funding, implementing, and overseeing these services within their jurisdiction.

Listed below are a few examples of services currently provided exclusively by the Health District that, but for the arrangement described above, the cities within Galveston County would be responsible to operate.

Infectious Diseases and Public Health Authorities

Without the Health District each of the municipalities in Galveston County would either need to establish a local health department⁴ and/or appoint a physician to serve as health authority.⁵ The health authority is responsible to report on, track, and administer control measures over communicable diseases⁶ such as tuberculosis, HIV, and most recently, COVID-19.

The existence of the Health District and the current agreement that GCHD will be funded by the County are the reasons the County has borne primary responsibility to deal with the pandemic rather than the cities.

Galveston County Water District #1. The villages of Dickinson and Jamaica Beach, and the cities of Santa Fe, Crystal Beach joined as parties to this agreement in 1981. See attached Interlocal Agreements.

² TEX. HEALTH & SAFETY CODE ANN. § 121.043 (West 2015). "Public health services" means: (1) personal health promotion and maintenance services; (2) infectious disease control and prevention services, (3) environmental and consumer health programs; (4) public health education and information services; (5) laboratory services; and (6) administrative services. TEX. HEALTH & SAFETY CODE ANN. § 121.006(d) (West 2015).

³ See attached Interlocal Agreements.

⁴ TEX. HEALTH & SAFETY CODE ANN. § 121.031 (West 2019).

⁵ TEX. HEALTH & SAFETY CODE ANN. § 121.028 (West 2019).

⁶ TEX. HEALTH & SAFETY CODE ANN. § 81.001, *et seq.* (West 2019).

Food Regulation

The Texas Health and Safety Code provides public health districts with authority to permit and regulate food service establishments, retail food stores, mobile food units, and roadside food vendors.^{7, 8}

Under this authority, the Galveston County Health District operates a food safety program. Public health activities provided through the food safety program include compliance and complaint-driven inspections, permitting,⁹ food-borne disease investigations, and enforcement. Additionally, the Health District, through its food safety program, conducts risk assessments for each food establishment that applies for or renews a permit¹⁰ and regulates local farmers markets by issuing farmers market multi-temporary food service permits.¹¹

Sewage

The Texas Commission on Environmental Quality has established design criteria for on-site sewage facilities to provide the citizens of Texas with adequate public health protection and a minimum of environmental pollution. Chapter 366 of the Texas Health and Safety Code aims to eliminate and prevent health hazards by regulating and properly planning the location, design, construction, installation, operation, and maintenance of on-site sewage. That chapter also authorizes a local governmental entity to implement and enforce rules to regulate the use of on-site sewage.

Under this authority, the Health District regulates on-site sewage facilities in order to abate or prevent pollution or injury to public health. These activities also include permitting all on-site sewage facilities and performing groundwater evaluations.

Swimming Pools

The Texas Health and Safety Code provides for the elimination and prevention of health hazards by regulating the planning and operation of public swimming pools

⁷ TEX. HEALTH & SAFETY CODE ANN. § 437.002 (West 2019).

⁸ The Board has the authority to adopt policies for the public health district. To allow for the District's food safety program, the Board adopted the Texas Department of State Health Service's Food Establishment Rules. See Galveston County Health District, Food Service Establishments Policy, § 2 (2011).

⁹ TEX. HEALTH & SAFETY CODE ANN. § 437.004 (West 2019).

¹⁰ *Id.* at § 3.

¹¹ *Id.* at § 5.

and spas under good public health engineering and safety practices.^{12, 13} The local regulatory authority is responsible for conducting inspections and investigating pool or spa facilities to ensure compliance with Texas law. The local regulatory authority may be a county, municipality, or other political subdivision of the state having jurisdiction over pools and spas, and associated facilities.¹⁴

Under this authority, the Health District currently operates the public and semi-public swimming pool and spa program to protect public health and safety by conducting compliance and complaint-driven inspections.¹⁵ The Health District also issues use-permits for the operation of public and semi-public pools, spas, and interactive water features within the county.

In addition to its primary functions, the Health District, in limited circumstances, contracts with individual member cities to provide supplemental services on a fee basis. Such programs include the Galveston County Health District's Animal Resource Center,¹⁶ which provides animal sheltering and control services to its participating cities, and the Galveston Area Ambulance Authority,¹⁷ which provides 911 emergency response, non-emergency interfacility transport services, tailored medical services for community events, and disaster and evacuation response.

By agreeing to the changes to the structure of the board, your communities will allow the County to continue to provide sole funding for core public health functions in addition to the fee-based services you may currently receive from the Health District under contract.

Galveston County United Board of Health

The Galveston County United Board of Health is the governing body of the Health District. It is authorized under Section 121.002 of the Texas Health and Safety Code and includes fourteen (14) local governments: Galveston County, Bayou Vista,

¹² TEX. HEALTH & SAFETY CODE ANN. § 341.064(g) (West 2017).

¹³ Also see 25 TEX. ADMIN. CODE §265.181 for established standards regarding public swimming pools and spas, to provide users with adequate public health and safety protection. (West 2021).

¹⁴ 25 TEX. ADMIN. CODE § 265.182(58) (West 2021).

¹⁵ Galveston County United Board of Health Policy, An Order Establishing Permitting and Enforcement of State Law And Rules for Public and Semi-Public Swimming Pools, Spas and Interactive Water Features § 15.

¹⁶ This separate interlocal agreement was formed in 2016 between the County of Galveston, the Galveston County Health District, the village of Tiki Island, and the cities of Bayou Vista, Hitchcock, Kemah, La Marque, and Texas City. See Galveston County Animal Services Agreement, § 1.

¹⁷ The GAAA serves the cities of Kemah, Clear Lake Shores, Bayou Vista, Hitchcock, and Jamaica Beach, and the Village of Tiki Island. See <https://www.gchd.org/ambulance-services/about-ambulance-services>.

Clear Lake Shores, Dickinson, Friendswood, City of Galveston, Hitchcock, Jamaica Beach, Kemah, La Marque, League City, Santa Fe, Texas City, and Tiki Island. The Board was established by the same aforementioned interlocal agreement establishing the Health District.

The Agreement requires that the make-up of the Board meet stringent selection criteria, which have posed significant challenges for the Commissioners Court. Presently, the Agreement requires that the Board have thirteen (13) members, with both geographical as well as professional specialty requirements. The Board must have one licensed physician, one representative from University of Texas Medical Branch, one representative from Mainland Medical Center, one licensed veterinarian, one registered nurse, one licensed dentist, one member of the food service or food sales industry, one professional engineer (or, instead, an individual with particular higher education requirements with at least ten years of experience in the petrochemical industry field), and three interested citizens of Galveston County.

Under the current selection process, the Commissioners Court nominates candidates to the member governments. The member governments then vote to confirm or deny the nomination. If a candidate does not receive a majority vote, the Commissioners Court must try again. Because of the large size of the Board and the constraints on eligibility, it has been challenging for the Commissioners Court to identify a sufficient pool of qualified applicants to nominate for the Board's vacancies. Currently, all Board members are holdovers from expired terms.

Proposed Modifications to the Galveston County United Board of Health

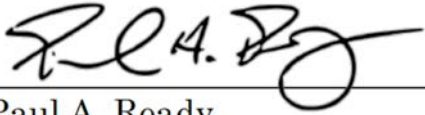
The County proposes modifying the interlocal agreement to allow for the restructuring of the United Board of Health. The Commissioners Court proposes that the Agreement eliminate the professional specialty qualification requirements for the Board and that the number of Board positions decrease from thirteen to five, which are to be exclusively appointed by the Commissioners Court.

These changes will allow the County to continue to support the Health District in efficiently providing services which alleviate burdens on the County and the cities. If the above-suggested modifications are not made, the County cannot continue to exclusively fund and support the Health District without greater financial oversight.

In the coming weeks, you are invited to discuss this issue with your city councils and communicate any concerns with Jed Webb, Director of Government Relations for the County of Galveston, by calling 409-766-2244 or emailing jed.webb@co.galveston.tx.us. Otherwise, please execute and return the attached amended interlocal agreement by Friday June 4, 2021.

Sincerely,

Jed Webb
Director of Government Relations
Galveston County, Texas



Paul A. Ready
Ready Law Firm, PLLC
General Counsel to Galveston County

Attachments:

1. Proposed interlocal agreement
2. Current interlocal agreement
3. 1981 interlocal agreement
4. 1971 interlocal agreement

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or salary. After consultation with the member governments, the Commissioners' Court of Galveston County will submit to the member governments at least one (1) nominee for each Board position to be filled. Approval by a majority of the member governments is required to confirm appointment of each board member. Board members whose terms have expired will continue to serve until a new board member is selected. The Board shall consist of:

- One (1) licensed physician recommended by the Galveston County Medical Society.
- One (1) representative from UTMB.
- One (1) representative from Mainland Medical Center.
- Two (2) representatives from the municipalities from within Galveston County .
- One (1) licensed veterinarian
- One (1) registered nurse
- One (1) practicing licensed professional engineer engaged in civil and/or sanitary engineering or an individual with a BS or BA from an accredited State College or University with at least ten (10) years experience in the Petrochemical Industry Field.
- One (1) licensed dentist.
- One (1) member of the food service/food sales industry
- Three (3) interested citizens of Galveston County.

Board members shall serve for a period of two (2) years, except appointees appointed to fill the unexpired term of some member who shall serve for the remaining period of the unexpired term. All vacancies shall be filled by the appointing bodies as provided above.

2. Any member may be removed from office by a majority vote of the member governments for neglect of duty, malfeasance, or conviction of a felony; however, if any member of the Health Board misses any three (3) consecutive regular meetings without being excused by said Board as a whole, said Board shall declare a vacancy, and notify the member governments of such fact, so that same may be filled.
3. The Board shall oversee for the provision of all the ten (10) essential public health functions found in Chapter 121. §121.002 of the Texas Health and Safety Codes unless otherwise restricted by law. The ten (10) essential public health functions are:
 1. Monitor the health status of individuals in the community to identify community health problems.
 2. Diagnose and investigate community health problems and community health hazards.
 3. Inform, educate, and empower the community with respect to health issues.
 4. Mobilize community partnerships in identifying and solving community health problems.

5. Develop policies and plans that support individual and community efforts to improve health.
 6. Enforce laws and rules that protect the public health and ensure safety in accordance with those laws and rules.
 7. Link individuals who have a need for community and personal health services to appropriate community and private providers.
 8. Ensure a competent workforce for the provision of essential public health services.
 9. Research new insights and innovative solutions to community health problems.
 10. Evaluate the effectiveness, accessibility, and quality of personal and population-based health services in a community.
4. The Board shall select a chairman, a vice-chairman and a secretary from its board members and shall adopt the rules for the conduct of its meetings. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall meet monthly on a date to be fixed by the Board, and shall hold such special meetings as may be called by the chairman or by a majority of the board members.
 5. The Board shall appoint an Executive Director (herein the "Director") to actively manage the operation of the District. Said Director shall possess the qualifications and fulfill the requirements of Chapter 121 of the Texas Health And Safety Codes as same may be amended from time to time. The Director shall be an ex-officio, nonvoting member, of the Board. The Board may at any time for good cause remove the Director.
 6. The Director shall discharge the duties of the following offices: (1) The Chief Administrative Officer of the District; (2) the project director of the Galveston County Coordinated Community Clinics; and (3) the Health Authority for the District or appoint the Health Authority with approval of the Board. The Director shall be responsible for the day-to-day operation of the District and shall conduct the same as authorized and directed by the Board.
 7. The Board shall be the policy setting body for all public health matters in Galveston County and shall be charged with the responsibility for all of the District's expenditures and for applying for grants to the State, Federal Government, and private sources to further strengthen a comprehensive public health program in the District.
 8. The member governments agree that the District shall have the authority to set and collect fees for the provision of public health services, Chapter 121. §121.006 of the Texas Health and Safety Codes, which are:
 1. Personal health promotion and maintenance services.

2. Infectious disease control and prevention services.
3. Environmental and consumer health programs.
4. Public health education and information services.
5. Laboratory services.
6. Administrative services.

provided however, any fees so set or collected must be approved in advance by the Board. Where the District requires a permit, the member governments agree not to require their own Health Permits. The County will provide adequate funds in addition to those available from State, Federal, and fee-for-service programs to maintain high quality programs in the following areas:

I. Health Promotion and Maintenance

A. Personal Health Promotion

- Immunization
- Tuberculosis Elimination
- Texas Health Steps
- Home Visits

B. Public Health Promotion

- Community Education
- Public Health workforce training.

II. Infectious Disease Control and Prevention

A. Epidemiological Services

- Surveillance
- Investigation
- Reporting

B. Communicable Diseases

- Screening
- Diagnosis
- Treatment
- Referral

III. Environmental Health Programs related to:

- A. Food Service Sanitation
- B. Waste Control
- C. General Sanitation
- D. Air Quality
- E. Drinking Water
- F. On-Site Sewage Facilities

IV. Administrative Services

- A. Records management and data analysis
- B. Planning and Evaluation
- C. Community collaboration

V. Basic Public Health Laboratory Services.

VI. Indigent Health Care

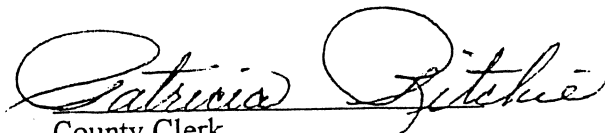
- As specified by Chapter 61 of the Texas Health and Safety Codes

9. Member governments and other governmental entities as well as private institutions both within and without Galveston County, may contract for the Health District to provide Rabies Control Services, Emergency Medical Services, Water Pollution Control Services, or upgrading of any appropriate public health activity.
10. The provisions of Chapter 121 of the Texas Health And Safety Codes shall be applicable to the District. In the event of a conflict between Chapter 121 of the Texas Health And Safety Codes and this Agreement, Chapter 121 of the Texas Health And Safety Codes shall control.
11. A member government may withdraw from this Agreement upon giving to the Director in writing one (1) year's advance notice of its decision to withdraw, or upon consent of all other member governments, provided however, such termination shall not relieve such member government of any obligation incurred by such member government prior to termination. Removal of a member government requires approval by the governing body of each of the other members. Withdrawal or removal of a member government shall not terminate or affect this agreement as to the remaining or non-withdrawing member governments.
12. Modification of this Agreement shall be in writing and effective upon approval by the governing body of each member government.
13. This Agreement shall remain in effect until rescinded by the member governments. New member governments may become parties to this Agreement, with the consent of the member governments, by accepting in writing all of the terms and provisions of this Agreement; and thereupon this Agreement shall be deemed in full force and effect without further action of any of the members.
14. This Agreement constitutes the entire Agreement, and supercedes all prior agreements between the parties.
15. This Agreement shall become effective when executed by the parties hereto, as of the day and year first above written and shall be reviewed every ten (10) years.

16. The Texas Civil Practice and Remedy Code Chapter 101 defines the limits of liability for a Public Health District and any participating governmental entity.

SIGNATURE PAGE
GALVESTON COUNTY HEALTH DISTRICT AGREEMENT

ATTEST:


County Clerk

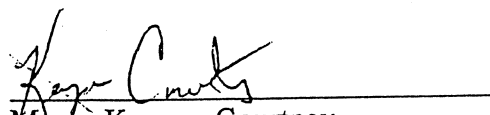
COUNTY OF GALVESTON


Judge James D. Yarbrough

ATTEST:


City Secretary

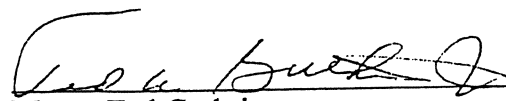
VILLAGE OF BAYOU VISTA


Mayor Kenyon Courtney

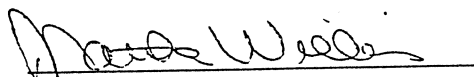
ATTEST:


City Secretary

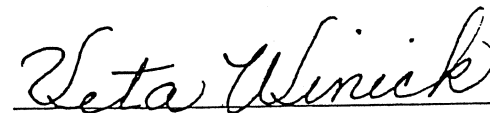
CITY OF CLEAR LAKE SHORES


Mayor Ted Guthrie

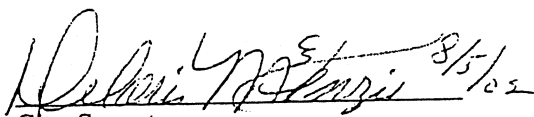
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City Secretary

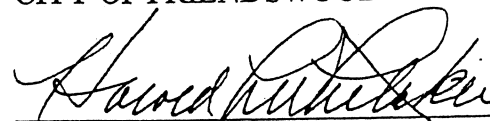
CITY OF DICKINSON


Mayor Veta Winnick

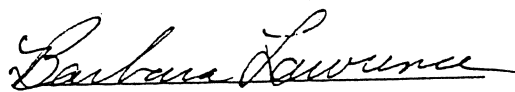
ATTEST:


City Secretary

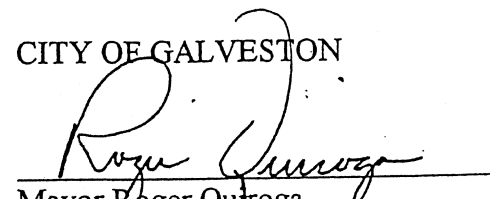
CITY OF FRIENDSWOOD


Mayor Harold Whitaker

ATTEST:


City Secretary

CITY OF GALVESTON


Mayor Roger Quiroga

ATTEST:

Rose Marie Theiler
City Secretary

CITY OF HITCHCOCK

Sharon Enge
Mayor Kyle Campbell
Mayor Pro-Tem Sharon Enge

ATTEST:

T. D. White
City Secretary

CITY OF JAMAICA BEACH VILLAGE

V. Pierson
Mayor Victor Pierson

ATTEST:

Stephy Pierce
City Secretary

CITY OF KEMAH

W. E. King
Mayor William E. King

ATTEST:

Bonnie Smith
City Secretary

CITY OF LA MARQUE

Larry Crow
Mayor Larry Crow

ATTEST:

Barbara Nugent
City Secretary

CITY OF LEAGUE CITY

A. Jeff Harrison
Mayor Jeff Harrison

ATTEST:

Janet L. Davis
City Secretary

CITY OF SANTA FE

Robert Cheek
Mayor Robert Cheek

ATTEST:

Pamela A. Lawrence
City Secretary

CITY OF TEXAS CITY

Carlos Garza
Mayor Carlos Garza

ATTEST:

Karen Hagelman
City Secretary

VILLAGE OF TIKI ISLAND

Charles Everts
Mayor Charles Everts

SUBTITLE F. LOCAL REGULATION OF PUBLIC HEALTH

CHAPTER 121. LOCAL PUBLIC HEALTH REORGANIZATION ACT

SUBCHAPTER A. GENERAL PROVISIONS

§ 121.001. Short Title

This chapter may be cited as the Local Public Health Reorganization Act.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989.

§ 121.044. Cooperative Agreement

(a) The members of a public health district shall prepare a written cooperative agreement that sets out fully the terms of operation of the district.

(b) The terms in a cooperative agreement must include:

(1) organizational structure;

(2) financial administration; and

(3) procedures for:

(A) modification of the cooperative agreement;

(B) admission, withdrawal, and expulsion of members;

(C) dissolution of the district; and

(D) selection and removal of a director.

(c) A cooperative agreement must be:

(1) approved by the governing body of each member; and

(2) signed by the appropriate officers of each governing body.

(d) A modification of a cooperative agreement must be in writing. A modification is effective on approval by the governing body of each member.

(e) A copy of a cooperative agreement and of each modification shall be:

(1) included in the minutes of the governing body of each member; and

(2) filed with the clerk of each county and municipality in the district and with the department.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989.

HEALTH DISTRICT AGREEMENT

THE STATE OF TEXAS X
 X
COUNTY OF GALVESTON X

WHEREAS, Article 4447a, Texas Civil Statutes, authorizes the establishment of health districts within and among counties, cities and other governmental entities for the purpose of providing and furnishing county-wide public health programs; and,

WHEREAS, parties to this agreement desire that the Galveston County Health District continue to furnish a coordinated public health program throughout Galveston County;

THEREFORE, for and in consideration of these premises, mutual promises and covenants and other invaluable considerations, THIS AGREEMENT by and between the following units of government, acting by and through their duly authorized governing bodies, herein collectively referred to as "member governments":

The County of Galveston
The City of Galveston
The City of Texas City
The City of LaMarque
The City of Hitchcock
The City of League City
The City of Friendswood
The City of Kemah
The City of Clear Lake Shores
The Village of Dickinson
The City of Santa Fe
The City of Crystal Beach
The Village of Jamaica Beach
Galveston County Water Control &
Improvement District #1

on this the _____ day of _____, A.D., 1981:

W I T N E S S E T H :

1. The Parties agree to continue the existence of the Galveston County Health District (herein the "District"). The District shall be under the direction and supervision of

the Galveston County Health Board (hereinafter the "Board") which shall consist of nine (9) members who are resident citizens of Galveston County and who shall serve without compensation or salary. After consultation with the member governments, the Commissioners' Court of Galveston County will submit to the member governments at least one nominee for each Board position to be filled. Approval by a majority of the member governments is required to confirm appointment of each board member. Board members whose terms have expired will continue to serve until a new board member is selected. The Board shall consist of three licensed physicians approved by the Medical Society of Galveston County (one of said physicians to be on the staff at UTMB), one licensed veterinarian, one registered nurse, one practicing licensed professional engineer engaged in civil and/or sanitary engineering, one licensed dentist, one member of the food service/food sales industry and one interested citizen of Galveston County. Board members shall serve for a period of two years, except appointees appointed to fill the unexpired term of some member who shall serve for the remaining period of the unexpired term. All vacancies shall be filled by the appointing bodies as provided above.

2. Any member may be removed from office by a majority vote of the member governments for neglect of duty, malfeasance, or conviction of a felony; however, if any member of the Health Board misses any three (3) consecutive regular meetings without being excused by said Board as a whole, said Board shall declare a vacancy, and notify the member governments of such fact, so that same may be filled.

3. The Board shall perform all the public health functions pertaining to public health which any of its component members is authorized to perform. The Board shall select a chairman, a vice-chairman and a secretary from its board members and shall adopt rules for the conduct of its meetings. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall meet monthly on a date to be fixed by the Board, and shall hold such special meetings as may be called by the

Chairman or by a majority of the Board members.

4. The Board shall appoint a Director to actively manage the operation of the District. Said Director shall possess the qualifications and fulfill the requirements of Section 5 of Article 4447a Texas Civil Statutes, as same may be amended from time to time. The Director shall be a member ex-officio of the Board, but shall not have the right to vote in any decision made by the Board. The Board may at any time for good cause remove the Director.

5. The Director shall discharge the duties of the following offices: (1) The Chief Executive and Medical Officer of the Public Health District Offices; (2) the project director of the County Coordinated Community Health Clinics; (3) The County Health Officer; (4) the budget officer for the Health District, i.e.,: he shall be responsible for the preparation of all budget requirements to be submitted to each member government with approval of the Board, and (5) the Chief Executive Officer over the Galveston County Air Pollution Department, (6) the Health Officer for each of the member governments. The Director shall be responsible for all purchasing, and shall conduct the same as authorized and directed by the Board.

6. The Board shall be the policy setting body for all public health matters in Galveston County and shall be charged with the responsibility for all of the District's expenditures and for applying for grants to the State, Federal Government, and private sources, with the cooperation of the University of Texas Medical Branch and the County Medical Society where applicable, to further strengthen a comprehensive medical program in the District.

7. The member governments agree that the District shall have the authority to set and collect fees for the issuance of health licenses and permits, and for conducting health and sanitation inspections for the member governments;

provided however, any fees so set or collected must be approved in advance by at least a majority of the members governments. Where the District requires a permit, the member governments agree not to require their own Health Permits for the operation of the following businesses: food service locations, grocery stores, bars, wholesale and retail food dealers, vending machines, swimming pools, water wells, septic tanks, garbage trucks, child care facilities, nursing homes, or for other functions, or establishments or places or locations regulated or monitored by the Health District in the discharge of the responsibilities enumerated below. The County will provide adequate funds in addition to those available from State, Federal, and fee-for-service programs to maintain high quality programs in the following areas:

I. Personal Health Promotion and Maintenance

A. Maternal Health

1. Prenatal care and planning for delivery
2. Postnatal care

B. Child Health

1. Infant (first year of life)
2. Preschool (age 1 year to entry of school)

C. Family Planning

D. Adult Health

E. Dental Health

F. Geriatric Health

G. Screen for disease detection and follow-up

II. Infectious Disease Control and Prevention

- A. The program shall apply to all communicable disease and shall include special programs for venereal disease and tuberculosis
- B. Basic epidemiological services
- C. Immunizations

III. Environmental Health Programs related to:

- A. Food
- B. Waste Control, Solid and Hazardous
- C. General Sanitation
- D. Vector Control
- E. Air Quality
- F. Noise Control
- G. Industrial Hygiene
- H. Drinking Water

IV. Administrative Services

- A. Records and data maintenance plus analysis
- B. Management-business and personnel
- C. Planning and Evaluation

V. Basic Public Health Laboratory Service

8. Member governments and other governmental entities as well as private institutions both within and without Galveston County, may contract for the Health District to provide Rabies Control Services, Emergency Medical Services, Water Pollution Control Services, or upgrading of any appropriate public health activity.

9. The provisions of Article 4447a, Texas Civil Statutes, shall be applicable to the District. In the event of a conflict between Article 4447a and this Agreement, Article 4447a shall control.

10. A member government may withdraw from this Agreement upon giving to the Director in writing one (1) year's advance notice of its decision to withdraw, or upon consent of all other member governments, provided however, such termination shall not relieve such member government of any obligation incurred by such member government prior to termination. Withdrawal of a member government shall not terminate or affect this agreement as to the remaining or non-withdrawing member governments.

11. This Agreement shall remain in effect until rescinded by the member governments. New member governments may become parties to this Agreement, with the consent of the member governments, by accepting in writing all of the terms and provisions of this Agreement; and thereupon this agreement shall be deemed in full force and effect without further action of any of the members.

12. This Agreement constitutes the entire Agreement, and supercedes all prior Agreements between the parties.

13. This Agreement shall become effective when executed by the Parties hereto, as of the day and year first above written.

ATTEST:

Mary Jane Christensen
County Clerk

COUNTY OF GALVESTON

By: Ray Holbrook
County Judge

ATTEST:

Paul C. [Signature]
City Secretary

CITY OF TEXAS CITY

By: Ernest J. [Signature]
Mayor

ATTEST:

[Signature]
City Secretary

CITY OF LA MARQUE

By: [Signature]
Mayor

ATTEST:

Joyce Balke
City Secretary

CITY OF HITCHCOCK

By: Harry W. Robinson
Mayor

ATTEST:

[Signature]
City Secretary

CITY OF LEAGUE CITY

By: Joe L. [Signature]
Mayor

ATTEST:

[Signature]
City Secretary

CITY OF FRIENDSWOOD

By: [Signature]
Mayor

ATTEST:

[Signature]
City Secretary

CITY OF KEMAH

By: [Signature]
Mayor

ATTEST:

Jane Rathwell
City Secretary

CITY OF CLEAR LAKE SHORES

By:

John A. Robert
Mayor

ATTEST:

Patsy McPhee
City Secretary

CITY OF GALVESTON

By:

Emi Manner
Mayor

ATTEST:

Sta. H. Strawn
City Secretary

VILLAGE OF DICKINSON

By:

Leah B. Holey
Mayor

ATTEST:

Maxie McDrath
City Secretary

CITY OF SANTA FE

By:

John A. Robert
Mayor

ATTEST:

City Secretary

CITY OF CRYSTAL BEACH

By:

Mayor

ATTEST:

James D. Watford
City Secretary

VILLAGE OF JAMAICA BEACH

By:

Charles O. Koch
Mayor

ATTEST:

William F. Crocker
Secretary

GALVESTON COUNTY WATER CONTROL
& IMPROVEMENT DISTRICT #1

By:

Richard D. Diehl
President of Board of
Managers

GALVESTON, TEXAS. FEBRUARY 8, 1971.

At a Recessed Regular Monthly Session of the Commissioners' Court of Galveston County, Texas, held upon this day, there being present County Judge Holbrook, presiding; Commissioners Llewellyn, Carmona, Hopkins, and Lawrence; County Clerk Gertrude McKenna by Chief Deputy J. G. Humphrey, Jr.; County Auditor Caro; County Purchasing Agent Solari; County Engineer Gresham; and Attorney for the Court William D. Decker.

H.C. mainland Cities Health Dept - furnished in 1940'2-

Lawrence, and carried; It is Ordered by the Court that the following Agreement be and is approved:

STATE OF TEXAS I

COUNTY OF GALVESTON I

This Agreement entered into by and between the County of Galveston, Texas, and the City of Texas City, City of LaMarque, City of Hitchcock, City of League City, City of Friendswood, City of Kemah, City of Clear Lake Shores, City of Galveston and Galveston County Water District #1, for the purpose of creating and operating Galveston County Health District; a non-taxing district which will be hereinafter referred to as the "District".

Whereas Article 4447a, VACS authorizes the establishment of a Health District by counties, cities and other governmental entities for the operation of a coordinated County-wide health program,

It is the desire of all participating and contributing governmental bodies to establish a Health District by mutual agreement for the operation of a coordinated health program throughout Galveston County. The Health District will consist of at least two (2) divisions; one in the City of Galveston and one on the Mainland which shall maintain their atonomy and which shall operate as separate divisions but shall be coordinated and cooperative under the full authority of the Health Director.

The District shall be under the direction and supervision of a County Health Board which shall consist of nine (9) members who are resident citizens of the County and who shall serve without compensation or salary. The Board shall be appointed by /^{unanimous} agreement among the participating agencies, and shall consist of three (3) legally qualified, licensed and practicing physicians approved by the Medical Society of the County, one of said physicians

to be on the Staff at the University of Texas Medical Branch, one legally qualified, licensed and practicing Veterinarian, one legally qualified, licensed and practicing Dentist, one registered nurse, one legally qualified, licensed professional engineer who is in the active practice of civil-sanitary engineering, and two interested citizens at large. The terms of the first appointees shall be so arranged that three (3) shall serve for one (1) year, three (3) shall serve for two (2) years, and three (3) shall serve for three (3) years, and thereafter, all appointments shall be for a period of three (3) years, except those appointees who shall fill the unexpired term of some member. All vacancies caused by the expiration of a term, death, or resignation, or removal of members shall be filled by the appointing bodies as provided above. Any member may be removed from office by a majority vote of the appointing bodies (County of Galveston, City of Galveston, City of Texas City, City of La Marque, City of Hitchcock, City of League City, City of Friendswood, City of Kemah, City of Clear Lake Shores, Galveston County Water District #1, and any other governmental agencies which may qualify as a participating agency in the future) for neglect of duty, incompetence, malfeasance, or conviction of a felony or misdemeanor involving moral turpitude; however, if any member of the Health Board misses any three (3) consecutive regular meetings without being excused by said Board as a whole, said Board shall declare a vacancy, and notify the appointing authorities of such fact, so that same may be filled.

The Board shall advise and make recommendations as to the health functions of the District to the Director and to the participating governmental agencies. The Director shall be a member ex-officio of the Board, but shall not have the right to vote. The Board shall elect a chairman, a vice-

chairman, and a secretary from its members and shall adopt rules for the conduct of its meetings. A majority of the voting members of the Board shall constitute a quorum for the transaction of business. The Board shall meet monthly on a date to be fixed by the Board, and shall hold such special meeting as may be called by the Chairman or a majority of the Board.

Said Health Board shall be authorized to appoint a Director to actively manage the operation of the District. The salary of such Director shall be recommended by the Health Board and approved by the participating governmental agencies. Said salary shall be paid by the County and one or more of the participating governmental agencies. Said Health Board may at any time for good cause remove said Director.

Said Director shall possess the qualifications and requirements as provided in Section 5 of Article 4447a to wit: "The Director shall be a physician licensed or eligible to be licensed to practice medicine in the State of Texas and shall possess such other qualifications as may be specified in the agreement. He need not be a resident of the district at the time of his appointment, but he shall maintain his residence within the district during his tenure of office".

"The Director shall take and subscribe to the official oath, and shall file a copy of such oath and copy of his appointment with the State Board of Health; and until such copies are filed, ~~he shall not be deemed legally qualified.~~ He shall be compensated in accordance with the terms of the agreement under which the district is formed." and have the approval of the Texas State Department of Health before said Board appoints said Director.

The duties and the responsibilities of the Director shall be as follows: (1) The Chief Executive and Medical Officer of the Public Health District offices in Galveston and on the Mainland of Galveston County; (2) the Project Director of the County Coordinated Community Health Clinics; (3) The County Health Officer, (4) the budget officer for the Health District, ie: he shall be responsible for the preparation of all budget requests to be submitted to the participating governmental agencies with approval of the Health Board and (5) the Chief Executive Officer over the Galveston County Air Pollution Department. The Director shall also coordinate with the Galveston County Medical Society and the University of Texas Medical Branch on all public health matters and if agreed between the University of Texas Medical Branch and the Director, the Director may be appointed to the Staff of the University of Texas Medical Branch with said Staff appointment not to interfere with his duties as Director of the Health District. Said Director shall be responsible for all purchasing, and shall conduct the same in the authorized and legal manner used by the participating governmental agencies.

The Health Board shall be the policy setting Board for all public health matters in Galveston County and shall be charged with the responsibility of applying for grants to the State, Federal Government, or private sources with the cooperation of the University of Texas Medical Branch and the County Medical Society where applicable to further strengthen a comprehensive medical program of the Health District.

Any city health officer or employee of any Division

who is serving at the time this District is created may continue to render health services which are not in conflict with that of the Director of the District.

It is agreed to by all of the participating governmental agencies that the provisions and intent of Article 4447a, VACS shall be applicable to this District wherein there is no conflict between Article 4447a and this agreement. In the event of a conflict this agreement shall control and be binding on all parties.

Should a participating governmental agency decide to withdraw from this agreement, it shall give six (6) months (180 days) notice, in writing, to the Director of this decision. Upon the expiration of the six (6) months period this agreement shall then no longer bind such participating governmental agency; however, the fiscal responsibility will be encumbered to the end of the Health District's fiscal year - namely December 31.

Feb 8, 1971
Date Approved

ATTEST:

GERTRUDE MCKENNA
County Clerk

Ray Holbrook
RAY HOLBROOK, County Judge

By J. G. Humphrey, Jr. Chief Deputy
J. G. Humphrey, Jr.

THE STATE OF TEXAS, }
County of Galveston. }

I, GERTRUDE McKENNA, County Clerk and Ex-officio Clerk of the Commissioners' Court in and for Galveston County, State of Texas, do hereby CERTIFY that the above and foregoing is a true and correct copy of an ORDER of said Commissioners' Court made and entered February 8, 1971,

as the same appears of record in my office, in the Minutes of said Commissioners' Court, Book No. 39 , on Pages Nos. ---- .

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the impress of the official seal of said Commissioners' Court, at my office, in the City and County of Galveston, State of Texas, on this the 10th day of February A.D., 1971.

GERTRUDE McKENNA, Clerk County Court,
and Ex-officio Clerk Commissioners' Court
of Galveston County, Texas.

By Jessie G. Kirkendall Deputy.
Jessie G. Kirkendall