



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

Minutes of Special City Council meeting held in the Council Chambers, 1109 Bayou Road, La Marque, Texas as well as via teleconference - ZOOM on Tuesday, June 1, 2021, beginning at 6:00 p.m.:

(1) CALL MEETING TO ORDER

Mayor Bell called the Special meeting to order at 6:00 p.m.

(2) ROLL CALL

Keith Bell	Mayor
Joe Compian	Mayor-Pro-Tem District B
Michael Carlson	Councilmember District C
Casey Mc Auliffe	Councilmember District D

OTHER STAFF

Charles "Tink" Jackson	City Manager
Derra Purnell	City Attorney
Assistant City Manager	David Jordan
Assistant City Manager	Charlene Warren
Robin Eldridge	City Clerk

(3) CITIZENS PARTICIPATION

1. Dino Merrigan spoke relating to item 4a on the agenda. He began by stating that he owns several pieces of property in La Marque. He would like to discuss this item in more of a workshop setting. He said he was not notified and only heard about the meeting from the website.

City Attorney Derra Purnell explained that when a city proposes large scale regulated maps and updates, there is an option by both City Code and State laws to provide the notification using publication and other means as described by Council, and in this case, they did an "online notice". She added that any existing projects that are currently under construction, will not be impacted by any changes that could be stemmed from the outcome of these ordinances, it is already grandfathered in under the old zoning regulations.

Mayor Bell gave Mr. Merrigan permission to speak again on this item when it appears later on the agenda.

Joseph Greco briefly spoke about the grant application for sidewalk improvement along major roads in the City that is later on the agenda and was given permission to speak as that item appears later on the agenda.

Mayor Bell skipped to item 6 on the agenda and recessed the Special Meeting and called the Executive Session at 6:11 p.m.

Mayor Bell reconvened the Special Meeting at 8:18 p.m. (Please see below- 4c)

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

The City Attorney asked that both of the following items 4a and 4b (amending ordinances) be discussed together.

Ms. Purnell began by stating that the last update to the zoning regulations currently being discussed were in 2016. The last zoning change was about three years ago, and the last C-I zoning regulations have not been changed since 2005.

Addressing the notification that Mr. Merrigan had concerns about, Ms. Purnell said that she had ran some rough estimates, and to do a large-scale map update with the typical notices mailed out to all the property owners, "You would be looking at \$25,000 to \$50,000. But despite all of the legal language, here is what you are really looking at, the Zoning Map and the draft regulations are hopefully more clear and more correct for our citizens." After referring to the colored current Zoning map, she added that there are a lot of older zoning changes that are not included on the current Zoning Map. For example - the Public Zone (green) is on the Map, but not included in the Zoning Chapter.

Ms. Purnell requested that Council provide staff direction to come up with a survey for citizens to send in their concerns on the C3 or C4 zoning. She also suggested that this be brought back within six months, to make sure the citizens and Council share the same vision for La Marque, if approved in the meeting tonight.

Discussion among Council included: Changes in zoning districts impact appraised value of property- if previously residential, then changed to another zoning district, prices start edging up and affects the residents; currently, the Thoroughfare Overlay District affects only first three hundred feet on certain property, some over the

whole property, and some that don't affect the property at all; there is a lot of non-conforming uses within the city; the proposed changes are nowhere close to being the finished project; a new Comprehensive Plan was discussed.

According to the map, it is evident that property along I-45, has different Zoning requirements (TOD); Churches being caught up in the zone changes (Public Zones); most cities have texts that go along with Public Zones. Now, "If a person is in a Public Zone now, but are non-conforming usage, (living in a residential home) they would not be able to add on to their home without asking for a zone change."

Mr. Jackson added, "The map proposal is far clearer and far more accurate of what we have within the city today. It is reflective of the layers that exists. This map includes the zones relating to ordinances that have already previously adopted within the past ten years."

It was asked how the city can ensure that some of the green space include written documentation around certain landscaping guidelines for future developers in the Commercial Districts? Currently the City has an Engineering Design Criteria Manual that provides technical spec requirements. One option could be to add a chapter to the EDCM specifically for landscaping design guidelines, with a draft being brought back in July for discussion only for consideration and ask for Council feedback and place on the website for any citizens engagement as well.

It was asked that churches have their own zoning district designation. Clarification from Ms. Purnell- "Churches are protected under Federal law, regardless of what they are zoned. Specifically with churches, I suggest that they do not have their own district, but the existing district or multiple districts."

Ms. Purnell suggested - Schools, city parks, city-owned facilities, and any undeveloped property adjacent to Highland Bayou Park remain "Public", but would have to be decided on Council separately, after Mayor Pro-Tem Compian asked for clarity.

Further discussion involved: C4 is like Commercial plus TOD; the Agricultural District was briefly mentioned - marshy area in brown on the map and is the most restricted district; breweries and distilleries - two layers (Board of Adjustment can review).

Mr. Merrigan addressed Council with the following: proposed C3 acreage allowed for a storage facility in certain districts - it was discussed to lower criteria from 5 acres to a smaller size (3) acreage. "It is extremely complicated for a developer at this time, with so many different sized lots, everybody has a different set of rules than the next lot, a lot of back and forth."

One option, if Council chooses, can remove the 5-acre criteria or any C3 uses allowed as long as it meets the C4 restrictions. Another option, language can be added (if a property is sub-divided, and it creates at least the lot that meets the minimum size requires, the property that no longer meets the size requirements.)

Mr. Merrigan asked, "If a proposed business is not on the "list", what do I do, to have to get a Specific Use Permit?"

Ms. Purnell responded that then staff tries to determine if the proposed use is very similar in the intensity level close to something that is already on the "list". If it is too far from anything on the "list", this decision can be appealed to the Board of Adjustments.

It was agreed among Council that the city should not hinder the plans of current or future development and to work with prospective builders, but also encourage all to keep current with any changes within the Zoning Districts. Encouraged all to be consistent with the existing commercial establishments in the surrounding areas.

This wording was provided by Ms. Purnell in relation to C3 and C4 Districts: "For any subdivision into two or more lots that results in meeting the minimum size lot requirements, of Section 71-27, any lot that no longer fronts I-45, FM 1765 or FM 1764, would automatically revert to the C3 Zoning District."

Ms. Purnell further stated to the citizens, "We are being more upfront with the notice to prospective developers about what we expect for new commercial development within our city. When you look at this proposed zoning map, as a potential developer, you can clearly see there are expectations for property fronting I-45, that do not exist for property that doesn't front I-45, or 1764 or 1765."

After Ms. Purnell read the suggested changes in Ordinance O-2021-0008: To add a new section to Section 71.17 (j7) "For any subdivision resulting in two or more lots that meet the minimum size requirements of Section 71-27, any lot that no longer fronts I-45 FM 1765 or FM 1764, shall automatically revert to the C-3 Corridor Commercial Zoning District; and in Section 71-17 (d1) where it reads 5 acres, is amended to read 3 acres."

** Councilmember Mc Auliffe made amotion to adopt Ordinance O-2021-0008 on the first reading

** Councilmember Carlson seconded. **MOTION CARRIED UNANIMOUSLY**

- 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" **THIS IS THE FIRST READING (THIS ITEM WAS TABLED FROM MAY 17, 2021 MEETING)**

Please see above discussion - both 4a and 4b were discussed together. It was further said to being these items brought back to the citizens in six months.

After Ms. Purnell read the suggested changes in Ordinance O-2021-0009: “The following categories remain Public Zone: Schools, city buildings, parks, and any vacant lots adjacent to Mac Mc Gaffey Highland Bayou Park.”

** Councilmember Mc Auliffe made a motion to adopt Ordinance O-2021-0009 on the first reading

** Councilmember Carlson seconded. **MOTION CARRIED UNANIMOUSLY**

- 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 **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

** Mayor Pro-Tem Compian acknowledged the exceptional candidates for this position, but, in light of the upcoming run-off election for a seat in District A, on June 19, and the need for a full Council to be able to help make this decision, he asked that this item be tabled.

Further discussion led to each member of Council agreeing about each of the final applicants that were interviewed tonight being exceptional candidates, and thanked each of them for applying and attending this meeting.

Final discussion included to post a new RFQ that could reduce qualifications and it was asked and agreed that each of the three finalist that were interviewed tonight still remain in the top final positions.

** Mayor Pro-Tem Compian made a motion to table this item until the July City Council meeting.

** Councilmember Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**

(5) NEW BUSINESS

- a. Discussion/possible action regarding a DRAFT Budget Calendar

City Manager Mr. Jackson introduced this item, and it was the consensus of council to add another potential Budget Workshop date of Tuesday, August 3, 2021. Mr. Jackson briefly described the budget workshop process.

- ** Councilmember Carlson made a motion to approve of the Budget Calendar with the addition of the one extra date of August 3, 2021.
- ** Mayor Pro-Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY**

- 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

Mr. Greco spoke about a TxDOT Grant application that the City has submitted for sidewalks to be placed on both sides of Bayou Road from 1765 to Main/ FM 519 and along Main/FM 519 from SH 3 to IH 45. They are still awaiting letters from TxDOT and the resolution from Council.

- ** Councilmember Mc Auliffe made a motion to adopt Resolution No. R-2021-0012
- ** Mayor Pro-Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY**

- c. Discussion/possible action regarding approving the Galveston County Health District revised Interlocal Agreement

After City Manager Mr. Jackson explained this item, the discussion led to the following: lack of Licensed physician required, decrease in the number of Board members;

It was mentioned that no one had spoken to anyone from the County regarding this item other than the time frame as to the deadline of the signing of the agreement.

- ** Councilmember Mc Auliffe made a motion to deny the Galveston County Health District revised Interlocal agreement with the caveat that they would be invited to the next City Council meeting on the 21st of June to discuss their proposed changes.
- ** Councilmember Carlson seconded. **MOTION CARRIED UNANIMOUSLY**

(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

Councilmember Carlson asked if the Police Chief has given him the list yet (of 3-5 items needed)

Asked that a proclamation of the Gay Pride Month - June and Juneteenth be on the next agenda

Mayor Pro-Tem Compian - wanted to make sure that while the Zoning Ordinance is being amended - modular and manufactured homes be amended also.

Mayor Bell announced Early Voting for the Run-off election begins Monday, June 7 through 11 (8-5) - one polling location being in the Community Room

June 20, 2021- third annual Juneteenth celebration- more information website and social media; wished all Fathers a Happy Father's Day

(8) ADJOURNMENT

****** Mayor Pro-Tem Compian made a motion to adjourn the Special meeting at 10:52 p.m.

****** Councilmember Carlson seconded. **SPECIAL MEETING ADJOURNED**

This unofficial copy of the minutes from the above meeting are posted for convenience only. Executed or certified copies of the minutes can be requested by contacting the City Clerk.
