



**CITY OF LA MARQUE
CITY COUNCIL WORKSHOP
MINUTES
of
July 12, 2021**

City Council Workshop Minutes of the City of La Marque City Council held on Monday, July 12, 2021, beginning at 6:00 p.m. in the Council Chambers, 1109-B Bayou Road and via teleconference (ZOOM) with the following members present:

(1) CALL TO ORDER

Mayor Bell called the Workshop to order at 6:01 p.m.

(2) ROLL CALL

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell dispensed the invocation and led the Pledge of Allegiance

(4) CITIZENS PARTICIPATION

1. Marcy Doolittle spoke highly of the Street Department (Mr. Mose, Willie, Ernest, thanked the Police Department and also the Water Department for issues she had in each of these departments. "There is so much complaining against the city, I just want to compliment them."
2. Kathy Herrin Keith spoke in favor of the Intern program; she has had a chance to work with a few of them and said that the kids are wonderful. "I think we should work within, I want to show these kids, that when you work hard, you can get promoted." She then thanked members of the Police Department including Acting Police Chief Chad Waggoner and Officer Gonzales.
3. Re'chard Loftis submitted a formal complaint on a few members of the EDC Board. Asked if the Interim City Manager would look into the Fire Department, he had been hearing some things from employees that he didn't like.
4. Lisa Lewis provided information that she would like to see changed in the current chicken ordinance: 1) Asked that the 100-foot from any other dwelling clause to be removed; Regarding some other issues that citizens have with chickens, included noise, rats, smell, and loose chickens and the yards being too small to own chickens; 2) She proposed that all chicken feed be placed in metal containers

and (pest/rodent proof); 3) Code Enforcement should be allowed to issue citations/fines up to \$500.00; 4) No roosters should be allowed with the exception of mating purposes (rooster dating site) only in order to have eggs; rats can be attracted to dirty unkept chicken yards she believes people should be able to live self-sufficiently, especially in the current situation with Covid and food shortages.

5. Mike “Rock” Bock (sitting member of the Parks Board) spoke on the significance of park user fees. By charging these user fees, it will help in the necessary of match that is required in most grants. Said that the city does not have the budget to update, maintain and upgrade the parks to the extent that most of the parks require.

(5) CONSENT AGENDA Discussion on the following items (City Council reserves the right to pull any item(s) under the consent agenda for further discussion):

Mayor Bell asked that the first item (5a) be pulled out and discussed.

- a. Discussion relating to accepting the City of La Marque Audited Comprehensive Annual Financial Report as of September 30, 2020

Stephanie Harris of Belt, Harris and Pechacek briefly explained the contents of the Annual Audit, and also reported that the City had been awarded a prestigious certificate of excellence for its financial reporting for the year 2020 (audit year).

It was asked that the city find an overall balance of how much was overcharged on utility bills due to a different interpretation or the ordinance language. Auditor was recommending an industry standard approach. There is no right or wrong approach.

Interpretation of 1) proper billing should be corrected through STW; 2) revisit the 2019 ordinance.

It was mentioned that this information was shared with the previous administration toward the end of June.

Ms. Harris stated, “By State Statute, cities are required to have an annual audit. This is an unmodified opinion for 2020 fiscal year. It is a clean audit; a single audit was also required since the city spent over \$750,000.00 in federal grants funds. When a city is awarded a lump sum, it is an opportunity to claim that money and put property things in place once if the audit finds that the city is not in compliance and pass the grantors audit. There was some statistical information incorrectly given according to Mayor Pro-Tem Compian.

- b. Discussion relating to adopting Resolution No. R-2021-0017, authorizing certain officers of the City to sign and endorse checks and drafts of the City of La Marque bank accounts effective July 13, 2021

There was no further discussion.

- c. Discussion relating to adopting Logic Resolution No. **R-2021-0018**, authorizing certain officers of the City as authorized representatives to administer and manage the City's investment accounts effective July 13, 2021

There was no further discussion.

- d. Discussion relating to adopting TexPool Resolution No. **R-2021-0019**, authorizing certain officers of the City as authorized representatives to administer and manage the City's investment accounts effective July 13, 2021

There was no further discussion.

(6) OLD BUSINESS

- a. Discussion relating to "Speed Humps" and provide staff with direction

Council suggested that the draft ordinance does not grasp the problem which is controlling speeders within the neighborhoods.

Mayor Pro-Tem Compian had sent an example of a document that may be able to be used for reference (framework) that would help in the creation of a policy that would include options to control speeders, whether it be speed bumps, humps, or speed studies, etc., by combining a portion of the draft ordinance and previously submitted policies from previous meetings. It was suggested that to use "best practices" that are being used to control speeding in neighbors are needed by using current technology there are other traffic calming techniques.

Mayor Bell asked the Acting Police Chief (Chad Waggoner) whether there was anything in the law that prohibits speed humps on streets. If certain neighborhoods are requesting speed humps or bumps, a neighborhood could come before City Council, and Council already has the power to deal with this on a case by-case basis until this policy is complete. Caution will need to be heeded by doing this as it may appear to be selective. It was asked that something be done by the August meeting. It was asked to email this to all of Council for them to review and or make changes and or recommendations. It was also asked that the current policy be taken off of the website.

(7) NEW BUSINESS

- a. Discussion relating to adopting Ordinance No. **O-2021-0012**, requesting a zoning district change from (L-1) Light Industrial to (R-1) Single Family Residential for Lots 1-19 K Cook & Stewart Subdivision, located near 1st Ave and Orange Street (Galveston County property ID #196129 and 610851)

Consulting City Engineer Mr. Dinh Ho explained that the general area was originally planned as a Single Family Residential. Mayor Pro-Tem Compian commented that no one ever shows up at the Council meetings when these rezones are on the agenda and asked if residents were sent letters and Mr. Ho responded that mailouts are done through the Development Services Department before the Public Hearing of the Planning and Zoning Commission and that they were sent before this one as well, before that meeting was held. Mr. Ho corrected the backup that it should read for lots 1-14, not lots 1-19 as mentioned in the backup.

Chad Barham with Censeo Homes spoke and said that this area is one of the revitalization areas along Lake Road, which they are turning into Single Family Homes that will be for selling.

b. Discussion relating to a General Plan application for Olympia Lakes

Consulting City Engineer Mr. Dinh Ho asked that the following item (7c) concerning the PDD be discussed before the General Plan.

c. Discussion relating to adopting Ordinance No. **O-2021-0013**, requesting a zoning district change from (R-1) Single Family Residential to (PDD) Olympia Lakes Planned Development District for approximately 51.01 acres, located near Delany Road and Lawndale Street (Galveston County property ID #131493)

Consulting City Engineer D. Ho explained this item, and location was discussed and clarified that this is new growth, a new development which includes the building of 171 homes.

Councilmember Carlson asked how wide the streets were and it was said that they were 28-foot wide, which meets the Fire Code. He had an issue with the location with the second point of egress. He asked that another entrance be added.

Arya Karve of 7-GEN explained the two points of ingress and egress and the reason for their proposed locations. She asked if by changing the location of the second egress point, would work for Mr. Carlson. After a collective discussion it was agreed that the second point could be moved to the north side. It was asked if the new subdivision would have ample water and sewer. Mr. Ho clarified that they would, that the developer will be purchasing regional detention from Galveston County DD2. It will drain directly to the west - opposite side of Saltgrass Subdivision.

Councilmember Mc Auliffe clarified if sidewalks were included, which they are. Another question was to see if there is a way that more area could be added to the regular park and that the dog track be reduced in size. It is not a gated community, which will have public access for citizens outside of the community.

Price ranges will vary in prices, as well as all homes in that community will be for sale.

- d. Discussion relating to adopting Ordinance No. O-2021-0014, requesting a zoning district change from (MHP) Mobile Home Park to (PDD) Gulf Breeze Tiny Home Community Planned Development District for approximately 3.05 acres, also known as 3108 Gulf Freeway

Consulting City Engineer Mr. Ho explained this item. The developer is proposing to build onsite tiny homes to fill in the vacant spot once a mobile home is removed (rental community), as per ordinance, once a mobile home is removed, it cannot be replaced with another mobile home. It is a rental community and would have to be fixed to a foundation.

Interim Attorney Mr. Knebel spoke on the information that was provided to the city. Little information and or drawings were given as backup. (a diagram of what the current location looks like).

James Babb (James A. Babb, LLC) assisting in the development of this project, brought another drawing (site plan) and shared with City Council. Advised that these homes will be built in accordance with Texas Department of Insurance and Texas Windstorm requirements (and pier and beam) and will meet all of the standards, using local contractors. There are currently 12 available sites, for immediate use. Some of the current mobile homes are being subletters, and this is not allowed in this zone and will also be replaced by a tiny home. This is still in the preliminary planning stages. Some upgrading on the water and sewer lines are also being planned.

Councilmember Mc Auliffe raised her concerns and questions and asked if Code Compliance could also be involved in this discussion. Her concern was with landscaping and that the site plan needed to be more polished.

Code Enforcement Supervisor Kathleen VanStavern approached the podium and conferred that she and previous legal counsel and Acting Development Services Director had met previously and discussed this project with the owner and developers.

Mr. Ray Lotfi, the developer was available to answer a few questions or concerns from Councilmember Mc Auliffe. It was said that each individual unit would be specified under an individual permit. The siding on the tiny homes will be hardy board and built on-sight. The sizes will vary in size. There is above ground electrical for each individual homesite. Discussion continued about the present landscaping and what the landscaping would be like after this development would look like.

- e. Discussion relating to approving Preliminary Plat application for Landing at Delany Cove Section 14, located near F.M. 2004 and Mitchell Ln.

Consulting City Engineer D. Ho explained this item and further discussion involved around what impact all the new homes will have on the drainage in that area. Retention and/or detention ponds were briefly discussed. Mr. Ho reported that National Oceanic and Atmospheric Administration (NOAA) released new rainfall data in 2020 which leaves the City to have to make decisions concerning increasing the size of storm sewers, and other drainage related issues, increase detention ponds sizes when building new subdivisions, and other major developments. With the abnormal rain events that we have endured, the only way to ensure that drainage will not be affected, would be not to build at all.

- f. Discussion relating to approving Final Plat application for Ambrose Section 1, located near Delany Road and F.M. 1765

Consulting City Engineer D. Ho explained this item, there was no other discussion.

- g. Discussion relating to approving a Preliminary Plat application for Ambrose Section 2, located near Victory Springs & Fleming Road

Consulting City Engineer D. Ho explained this item, there was no further discussion.

- h. Discussion relating to approving Preliminary Plat application for Ambrose Section 3, located near Victory Springs and Fleming Road

Consulting City Engineer D. Ho explained this item, there was no further discussion.

- i. Discussion relating to approving Preliminary Plat application for Sunset Grove Section 4

Consulting City Engineer D. Ho explained this item, it was clarified that the consulting engineer was keeping track of the new homes being built.

- j. Discussion relating to appointing of a Mayor Pro-Tem for a two - year term
Mayor K. Bell explained that the action item is on the regular agenda, the terms were briefly discussed.

- k. Discussion relating to adopting Resolution No. **R-2021-0016**, and entering into an agreement with MillsShirley L.L.P. designating Robert Booth as Interim City Attorney for certain legal services

Mayor Bell clarified that if Robert Booth was unavailable for the meetings, that a representative would be in attendance.

- l. Discussion relating to and provide direction to the Interim City Manager to open the position of City Attorney for applications

Mayor Bell asked Council to think about what the motion should include, (I action item on the regular agenda)-whether it needs to include prosecutorial services in the bidding process.

- m. Discussion only on the Organizational Chart and provide staff with direction - Councilmember Carlson asked that this item be placed on the agenda, explaining that the organizational chart was confusing/ inaccurate. Further discussion led to the question of whether the Finance Director and the City Attorney should answer to the City Manager or City Council; the organizational chart is on the website but has inaccuracies but will be revisited during the budget workshops. It was clarified that any member of Council and Mayor will always be allowed to call/email and ask questions about the Council Budget.

- n. Discussion only of the “fowl” Ordinance

Mayor K. Bell led the discussion beginning by stating that the chicken debate has been going on for several weeks and asked for members of Council’s input:

Councilmember Mc Auliffe - to allow or not to allow, the numbers allowed-chickens, not any else at this time - keep it simple and she is in favor of owning chickens with an ordinance that will establish some clear boundaries - “no more than 8; at least ten feet form a property line and must be kept in a clean and sanitary condition.”

Councilmember Carlson also is in favor of having chickens, and also allowing the rehabilitation of chickens (refuge); keep the ordinance simple, ensuring that the runs are kept sanitary and clean and also 50-foot measured from corner of coup to the nearest structure, all food should be kept in a impervious container, no roosters.

Councilmember Yancy asked for strict interpretation by the code compliance office. No roosters (with the exception of maybe for two days)) for mating purposes; 50 foot is standard distance

Mayor Pro- Tem Compian stated that chickens should be allowed if the HOA permits chickens, should be allowed to roam in their yard; no roosters - if you just want eggs, no roosters are needed. The size of your property should be taken into consideration when determining the number of chickens that are allowed.

Mayor Bell reminded all of “Life, Liberty and the pursuit of happiness”, make sure that both sides are accommodating- under strict guidelines: “sound-coup” construction, feeding metal receptacles; consider chicken runs; sanitized monthly - deep-cleaned every six months; policing of where chickens are being kept, a

permit required or registration so that Code Enforcement can inspect those chicken owners premises on a routine basis to make sure they stay in compliance.

Code Compliance Supervisor Kathleen Van Stavern approached and asked that an amended ordinance be created that will give their department with clear direction: Gave examples of similar ordinances that govern chickens, and a lot of those do require building coups to be in compliance with current building codes; 50-foot is a good measurement (includes set-backs); maybe meeting with chicken owners and meeting with those who do not care for chickens to come w up with something that will accommodate both sides.

Ms. Herrin approached the podium and asked maybe neighbors could sign something that states that they have no problem with chickens.

Mr. Loftis approached the podium, and he will continue to complain about the rooster and chickens that live next door to him, and that he has recordings of noises at several times during the night on several dates of them.

Joe Wilson approached the podium, he is an owner of chickens, and reported that his coups are kept very sanitary, and is hoping that the ordinance doesn't not change so much that he is unable to keep his chickens, although the way it reads now, he is not within the proper footage required. He agreed that the ordinance does need to be revisited as it relates to "animals" and doesn't specify just chickens. Showed some pictures of his coups to Council.

Further discussion included possible fees attached to violations and or false reporting (but is tricky); all of these suggestions are to be introduced into a draft ordinance at a future date.

- o. Discussion relating to ratify the previous City Manager Charles "Tink" Jackson Separation Agreement

After Mayor Bell read the item, there was no further discussion.

- p. Discussion to provide direction to the Interim City Manager to begin search process for a City Manager

Discussion included the Acting Directors' positions/Interim positions: 1) City Council providing all legwork which would involve posting the job on TML website and other advertising job sites. Two members of Council that would rank all of the candidates after obtaining information from rank-and-file members staff and other members of City Council as to what they want in a City Manager, qualities and strengths then narrow down to either to or three top candidates and then invite those finalists to attend a citizen interaction, town-hall, forum and have those finalists to engage in questions and answers from members of the public. After this, the City Council would have the final say and decide on the best

applicant, after Council interviews each of those; 2) Consulting search firm to do all of the above, after Council gives them direction

- Community input (citizens provide input to the city as to what it wants in a City Manager)
- Look into costs associated with hiring a consulting search firm
- RFQ process
- Provide direction to City Council by August meeting
- At least a 90-day process

It was discussed that it is a lot to appoint and hire so many positions for an Interim to have to do.

Further discussion included the two Acting positions of Police Chief and Acting Fire Chief, and it was asked for the City Manager to appoint Interims in those positions. To post these positions even on an interim basis.

- Get Bids and bring back to Council the RFQ's received on the Consulting search firms
- To go ahead and start putting the pieces of staff together and make it known that they know that the new permanent City Manager could make other choices with all Interims eligible to be permanent, but not necessarily a current person at this time.

q. Discussion to provide staff direction of the next steps in the Safe City Initiative

Mayor Bell asked Interim City Manager to go back read through the 10 -12 items originally discussed in the Safe City Initiative and do a punch list to make sure what things have been accomplished; obtain a consulting firm that will assist in securing facilities, recommendations for our law enforcement community (manpower, training facilities, equipment); interact with community to make sure citizens know what it means to be safe understanding our own local issues; someone local and experienced in developing strategic plans.

r. Discussion relating to the history and implementation of the \$2.00 service charge being assessed on the monthly water bills

Councilmember Mr. Carlson began the discussion about the ordinance that was adopted in 2019 that put this action into play, which started the charges of \$2.00 added to citizens utility bills. Said that he spoke to the Chairperson of the Parks Boards and that the service charge shouldn't have been enacted on before the actual Master Plan had been completed.

Parks Board Member Michael "ROCK" Bock approached the podium, and he said that the purpose of these monies was supposed to be used for matching funds

required by the City, if and when a grant had been awarded for Parks Board purposes, and that the Parks Board couldn't use them for anything else.

Further discussion included bringing the contractor to the next meeting to give an update of where they were at on creating the Parks Master Plan.

- s. Discussion relating to authorize the Interim City Manager to schedule interviews with the applicants for the Municipal Judge

Mayor Bell and Council discussed a date that would work for all of Council to interview the new applicants and also bring back the three that were already interviewed. (August 9, 2021, date was agreed upon- 3:00 p.m. to 5:00 p.m.) - with an action item possibly appointing a Municipal Judge at the Council meeting that begins at 6:00 p.m.

- t. Discussion relating to Budget and Planning of Bayou Fest 2021 - Mayor K. Bell

Mayor Bell asked the Finance Director for information relating to costs associated with Bayou Fest. A discrepancy with Waste Management's decision not to donate last years' amount along with this years' donation amount as per contract, since Bayou Fest was not held last year due to the pandemic was discussed. The amount of \$250,000 was agreed upon by Council.

8. **ADJOURNMENT**

Workshop Meeting adjourned at 10:12 p.m.

Councilmember Carlson stepped out of the meeting at 10:12 p.m.

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.
