



**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MINUTES
of
August 14, 2023**

1. **CALL MEETING TO ORDER**
Mayor Bell called the meeting to order at 6:04 p.m.
2. **ROLL CALL**
All members of Council were present, with the exception of Councilmember Carlson.
3. **INVOCATION AND PLEDGE OF ALLEGIANCE**
Mayor Bell gave the invocation and City Manager Garcia led the pledge.
4. **CITIZENS PARTICIPATION**
Joseph Lowry (2503 Cedar Dr) spoke regarding open records and the lack of appropriate response.
Re'Chard Loftis (309 Johnson) spoke regarding his recommendation for Code Enforcement to be a direct report to the Police Department and review of the rental registration program.
Robert Michetich (24 N Curlew) spoke to thank Councilmember Carlson for stepping down and the Council for scheduling the appropriate elections. He also shared his disapproval of the canceling of the August 15, 2023, TIRZ Board Meeting.
5. **PUBLIC HEARINGS**
***Mayor Bell recessed the Regular Meeting and entered into Public Hearings at 6:17 p.m.*
 - 5.I. Ordinance No. O-2023-0005
Robert Michetich (24 N Curlew) spoke regarding the ambiguity in the ordinance relating to billing.
 - 5.II. Ordinance No. O-2023-0006
There was no public comment on this item.
 - 5.III. Ordinance No. O-2023-0007
There was no public comment on this item.
6. **ORDINANCES**
***Mayor Bell closed the Public Hearing and reconvened the Regular Meeting at 6:22 p.m.*

6.I. Ordinance No. O-2023-0005

City Attorney Knebel spoke about the comments made during public hearings. The person being billed would be the "responsible party." Further explaining that the person deemed responsible for the event, or the insurance of the person whose policy was triggered, would be considered the "responsible party." Fire Chief Merryman concurred with City Attorney Knebel's sentiments.

Mayor Bell asked clarifying questions regarding the impact on the residents whose insurance could be billed. Fire Chief Merryman clarified that residents of La Marque would never receive a fire bill. These bills are issued to out-of-district residents and insurance companies. He also clarified that the ordinance before the council determines rates, not the contract, which will be presented at a later date.

Mayor Bell asked for an annual report regarding the statistics and trends of programs such as this and their impact.

Mayor Pro Tem Compian asked the City Attorney if the recorded statements of the Fire Chief and conversations of the night could be used to determine the ordinance's intent. City Attorney Knebel shared that, while possible, a contract will be brought forth to the council, which should cover any ambiguity in the ordinance language. Mayor Pro Tem Compian reaffirmed his position that the language should be clarified in the ordinance and that the ordinance should only be "establishing" a program, not "implementing."

Councilmember Ross made a motion to adopt Ordinance No. O-2023-0005 removing the term implementation. Mayor Pro Tem Compian seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

6.II. Ordinance No. O-2023-0006

Mayor Pro Tem Compian made a motion to deny Ordinance No. O-2023-0006. He shared his concerns regarding issuing conditional-use permits and fears that it could lead to future litigation. City Attorney Knebel shared that the City Council has the right to repeal the Conditional Use Permit outlined in the City Code of Ordinance.

Motion died due to lack of a second.

Councilmember Yancy made a motion to adopt Ordinance No. O-2023-0006. Councilmember Ross seconded the motion. **MOTION PASSED WITH 3 AYES AND 1 NAY (Compian).**

6.III. Ordinance No. O-2023-0007

City Attorney Knebel reiterated that this item is just updating the Code of Ordinances to coincide with state law.

Councilmember Yancy made a motion to adopt Ordinance No. O-2023-0007. Councilmember Ross seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

7. RESOLUTIONS

7.I. Resolution No. R-2023-0049

City Clerk Nance and City Attorney Knebel gave a brief overview of the history of this item.

Discussions relating to the necessity of this item due to the Councilmember's resignation. City Attorney Knebel clarified that this is to preserve the citizen's right to recall the councilmember as they have petitioned.

Discussions related to the costs associated with this item ensued.

Mayor Pro Tem Compian made a motion to adopt Resolution No. R-2023-0049. Councilmember Yancy seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

7.II. Resolution No. R-2023-0050

Mayor Pro Tem Compian made a motion to adopt Resolution No. R-2023-0050. Councilmember Yancy seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

7.III. Resolution No. R-2023-0051

This item was tabled.

8. APPOINTMENTS

No action was taken on this item.

9. NEW BUSINESS

9.I. Interlocal agreement for implementation and operation of GRID System

It was determined that this item is an updated agreement to replace an agreement that the City is currently a part of, for the purposes of modernizing language and referencing the current technologies being utilized by the area's public safety departments.

Discussions related to metrics assessed in the agreement, alternative funding sources, and clerical errors ensued.

Councilmember Yancy made a motion to approve the interlocal agreement for implementation and operation. Councilmember Ross seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

9.II. Annual Audit FY 2022

This item was pulled from discussion.

9.III. Proposed Tax Rate

Mayor Bell made a motion that the property tax not be increased by adopting the no new revenue tax rate of .418058, which is effectively a 0 percent increase in the tax rate.

FOR: Mayor Keith Bell, Councilmember Kimberley Yancy, Councilmember James Ross

AGAINST: Mayor Pro Tem Joe Compian

ABSENT: Councilmember Michael Carlson

MOTION CARRIED WITH 3 AYES AND 1 NAY.

9.IV. La Marque Chargers Contract

Mayor Bell questioned Section 8 of the agreement, to which it was clarified that the city would continue to mow the land as scheduled. He also questioned the unrestricted use of concessions at the location, questioning if this is something that the city should be keeping track of and the regulations in place to ensure that they are following food safety guidelines.

Mayor Bell requested language that includes concessions product sales, identifying which areas are included in this agreement, and typographical errors be addressed.

Councilmember Yancy shared some safety concerns that had previously been raised by members of the parks board, to which the Public Works staff has already addressed many opportunity zones.

Councilmember Ross questioned the inspections of the concessions area.

Mayor Pro Tem Compian requested that the Comptroller's tax waiver be produced or sales tax collected on concessions.

Mayor Pro Tem Compian made a motion to authorize the La Marque Chargers Contract. Councilmember Yancy seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

9.V. Items for the Good of the Order

Councilmember Ross shared that several citizens requested an audit be on the next election ballot and thanked Galveston County Connects for District D cleanup. He shared that on September 16, POW/MIA Day would be observed at the La Marque VFW.

Councilmember Yancy asked the community to "pray for the babies this back-to-school season" and announced that the former Mainland Preparatory Campus improved from a D rating to an A. She celebrated La Marque being rated in the Top 6 of the 10 Hottest Communities in the Houston Area (HAR 2023) and shared concerns regarding new legislation for students caught vaping on campus, acknowledging that it now requires a 45-day Disciplinary Alternative Educational Placement sentence, urging students to please refrain. She shared that it was good to see Councilmember Compian back and thanked Mr. Michetich, for his help recently, stating that it takes all of us to make La Marque better. She closed by sharing a message from the parent of a former student to Councilmember Ross and his volunteer team, thanking them for the great work he is doing in the community.

Mayor Pro Tem Compian apologized for his absence the previous week as he was at a trial for redistricting. He announced an H-GAC meeting on August 15. He reminded the community that school is starting and to please slow down when driving.

Mayor Bell congratulated IGNITE for the new school rating. He shared that sidewalks are coming but are not here yet, so please be careful. He requested more background information on the agendas. He requested that the Certificates

of Obligation designations requested during the budget discussions be brought back to the Council at the next meeting and money earmarked for clearing easements and ditches.

City Manager Garcia announced the Mayor's Small Business Initiative to begin September 12, 2023, with more information to come.

10. EXECUTIVE SESSION

There was no executive session.

11. ACTIONS TAKEN FROM EXECUTIVE SESSION

No action was taken.

12. ADJOURNMENT

Councilmember Yancy made a motion to adjourn. Councilmember Ross seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

***Meeting was adjourned at 7:56 p.m.*

*Kierra K. Nance, TRMC
City Clerk*

*Keith Bell
Mayor*