



CITY OF LA MARQUE
CITY COUNCIL
REGULAR MINUTES
of
April 24, 2023

Minutes of a City Council Regular Meeting held in the Council Chambers, 1109 Bayou Road, La Marque, Texas as well as via teleconference - ZOOM and via YouTube. The council will meet for the purpose of considering the following agenda:

1. CALL MEETING TO ORDER

Mayor Bell called the meeting to order at 6:07 pm.

2. ROLL CALL

Present:

Keith Bell, Mayor

Joe Compian, Mayor Pro Tem, District B (6:25 p.m.)

Kimberley Yancy, Councilmember District A

Casey McAuliffe, Councilmember District D

Michael Carlson, Councilmember District C (8:42 p.m. via Zoom, 500 E 2nd Ave Mosier, Oregon 97040)

Other Staff:

Cesar Garcia, City Manager

Kierra Nance, Deputy City Clerk

Gus Knebel, City Attorney

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bell gave the invocation and City Manager Garcia led the Pledge.

4. PRESENTATIONS

Councilwoman McAuliffe presented a proclamation for Autism Acceptance Month to Darla Farmer, Founder and CEO of Hope for 3, an advocacy group for individuals with autism.

5. CITIZENS PARTICIPATION

Rachael Bryant (106 Silverglen Ct) spoke regarding an item addressing a rezone. She states that the property is directly behind her home and that she was not notified of the request. She is against this item.

Kesha Davis (110 Silverglen Ct) spoke regarding the proposed rezone, stating that it will bring more noise, traffic, pollution, and crime to the area. She is also against it.

Michael Haapaniemi (Piney Point Development LLC) represents the owner of the property under consideration for rezoning and is available to discuss the topic when it arises.

David Pennington (924 Cypress) spoke regarding omissions and canceled meetings of the Boards and Commissions meetings.

Joseph Lowry (2503 Cedar) spoke regarding an issue with his driver's license and his belief that the Police Chief was involved.

Re'Chard Loftis (309 Johnson) spoke regarding a clean-up event that was held by the Keep La Marque Beautiful Commission on Saturday, April 22, 2023, thanking the members of the community and staff that attended and reported that 7 dumpsters full of materials were collected from residents.

Randy Ruiz (1210 Pirtle St) spoke regarding the reduction of crime on Pirtle Street.

Robert Michetich (24 N Curlew) spoke regarding the council representative for District C, stating that he should step down because he has accepted a position in Oregon, and accused the council of voter suppression as there are no polling locations on the west side of town.

Ginger Mannett (809 Grassy Knoll Trail) spoke regarding the rezoning request and shared that "we don't need more commercial there." She also questioned if Camillo Homes has registered for the rental registration program.

Cory McCorra (111 Silverglen Ct) spoke regarding the assertion that letters were sent out regarding the rezoning, stating that they have not received any notice, he shared that PineyPoint purchased the development for residential use and while the city is always "open for business" this will create chaos. He also shared a note from another property owner who asked for the rezone not to be permitted.

Tanisha Moore (107 Silverglen Ct) spoke about the desire not to rezone the property for discussion tonight, as there will be more traffic.

Sarah Dougherty (2503 Cedar Dr) spoke, reading a text from a thread she asserts includes City Council members regarding another citizen.

6. MINUTES

Regular Meeting Minutes of April 10, 2023

Special Meeting Minutes of February 13, 2023

Councilman Yancy made a motion to approve the minutes from April 10, 2023 and February 13, 2023. Mayor Pro Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY.**

7. PUBLIC HEARINGS

***Mayor Bell recessed the Regular meeting and entered into Public Hearings at 6:39 p.m.*

7.1.Ordinance No. O-2023-0002

Amending Chapter 14, Buildings and Building Regulations, Article XI, entitled "Registration for Rental Units Required," making various findings and provisions related to the subject; and providing for an effective date

Re'Chard Loftis (309 Johnson) spoke in favor of the ordinance stating that he lives next to a rental tenant who, he asserts, has violated numerous city ordinances over the years. There should be some enforcement against landlords who "just don't care."

Ginger Mannett (809 Grassy Knoll Trail) spoke in favor of the ordinance, questioning if Camillo Homes is participating in the program. She also included that in her subdivision, there is an inspector who comes to the properties monthly, including the rental properties owned by Camillo Homes. That commercial owner issues fines for renters with multiple violations. They are making money off these violations, which is "not right."

Cassandra Lafferty (1302 Ross) spoke against the ordinance, sharing that renters are not likely to allow their homes to be evaluated.

Robert Michetich (24 N Curlew) spoke, identifying that short-term rentals are not included in this process, questioning the process of identifying these properties, and requesting that short-term rentals be evaluated. This should not be a "money grab."

8. ORDINANCES

*** Mayor Bell closed the Public Hearings and reconvened the Regular Meeting at 6:48 p.m.*

8.1.Ordinance No. O-2023-0002

Amending Chapter 14, Buildings and Building Regulations, Article XI, entitled "Registration for Rental Units Required," making various findings and provisions related to the subject; and providing for an effective date

THIS IS THE SECOND AND FINAL READING

Mayor Pro Tem Compian made a motion to approve Ordinance No. O-2023-0002. Councilman McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

8.2. Ordinance No. O-2023-0003

Amending the City's zoning map and comprehensive plan by changing the zoning regulations of real property commonly known as 5401 FM 1765 La Marque, TX 77568

THIS ITEM WAS TABLED.

9. RESOLUTIONS

9.1. Resolution No. R-2023-0024

Approving a Maintenance Agreement with Android Construction for emergency repairs to Water and Sanitary Sewer pipelines on an as needed basis

Mayor Pro Tem Compian made a motion to approve Resolution No. R-2023-0024. Councilman McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

9.2. Resolution No. R-2023-0025

Issuing a Purchase Order to Adico Engineering to complete a Utility Impact Fee Analysis for Water & Sewer Development Impact Fees

Councilman McAuliffe made a motion to approve Resolution No. R-2023-0025. Councilman Yancy seconded. **MOTION CARRIED UNANIMOUSLY.**

10. CITY MANAGER REPORT

10.1. Procurement Cards

City Manager Cesar Garcia stated there is a growing problem with procurement cards and the city staff is working towards finding a more efficient solution.

10.2. LMPD Approaches to Crime (response to 4/18/2023 incident)

City Manager Garcia commended the Police Department for their quick efforts, and all involved in the shooting were apprehended within 60 hours of the incident. He also noted that no injuries were reported during the apprehension of the suspects.

10.3. Response to PD Audit

City Manager Garcia shared that both the Police and Fire Departments have taken steps towards accreditation processes, which take between three to five years to complete.

10.4. Vision 2050

City Manager Garcia stated that the Vision 2050 effort will take the entire community's involvement and the city plans to take a methodical approach towards the planning process.

REPORT STOOD AS SUBMITTED.

11. NEW BUSINESS

11.1. Investment Quarterly Report

Mayor Pro Tem Compian made a motion to accept the quarterly investment reports for First Quarter 2023. Councilman McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

11.2. Cinco De Mayo Event Fee Waiver Request

LULAC requested a waiver of the special events form, waiver of fees for park use and special event permits, promotional assistance from the city, including the use of the city logo, and requested barricades and trash cans.

Mayor Pro Tem Compian requested that the city provide a fee waiver request form for special events. City Manager Garcia noted that this form is currently being worked on.

Councilmember McAuliffe stated that she has pause on this as the requests make it seem like this is a city event. She stated that there would be additional expenses to the city by providing barricades and trash cans along with the staff's bandwidth for these types of events. She shared that she does not have an issue with partnerships, but the city does not have policy precedence at this time and would not feel comfortable with approving all of the requested elements provided by LULAC.

Mayor Bell reiterated the point that this would essentially become a city event and it would open the door for other events since the city does not have a current policy in place.

Mayor Pro Tem Compian made a motion to waive the special events fee of \$250 and the Park Pavilion Usage Fee of \$550 for the Cinco De Mayo Event. Councilman Yancy seconded. **MOTION CARRIED UNANIMOUSLY.**

11.3. CirclesX

Discussion/ possible action regarding information involving certain producers and midstream providers of natural gas resulting in economic harm to end users, including governmental entities and proposed litigation therefore, and consider for approval instruction to City Manager to make assignment on City of La Marque, Texas's behalf to CirclesX LLC

Joe Jaworski, former Mayor of Galveston, requested that La Marque become part of a lawsuit dealing with the cataclysmic loss of electricity that caused major damages during winter storm Yuri.

Paul Moore, CirclesX Representative, explained how billions of dollars were lost due to nearly 230 bad actors in the energy companies handling the storm damages. Mr. Moore stated that there is no financial commitment on behalf of the city and the lawsuit is to go after the bad actors to discourage these actions in the future.

Mayor Pro Tem Compian made a motion to authorize City staff to work with CirclesX LLC on designated assignments. Councilman McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

11.4. Council Residency

Discussion regarding council residency requirements in the City of La Marque, Texas concerning District C

City Attorney Gus Knebel presented the Texas Election Code information indicating the requirements for the general requirements for council members. He explained the definition of residency according to the Texas Election Code and further explained the term of temporary absence, which is defined as when someone is absent from the state but has an intent to return, has made reasonable and substantive attempts to effectuate that intent, and has a legal ability to return to the residence.

City Attorney Knebel then shared the facts regarding Councilmember Carlson's temporary absence status, stating that while he has taken a new position in the state of Oregon, he was originally elected while living in La Marque, and his wife and children currently live in La Marque. He also noted that the Councilmember has filed a homestead exemption in La Marque and his voter registration is still in La Marque.

Mayor Pro Tem Compian said he is annoyed by this as he feels the councilmember should step down if he is not living in La Marque full time.

Councilmember McAuliffe reiterated the idea of living in the city full time to be a standing member of the Council. She also shared that Councilmember Carlson stated that he intends to stay through his current term but questioned if the council can essentially vote him out. City Attorney Knebel noted that the council could call for his resignation and would hold a mini-trial regarding his residency. However, it would also leave the option of litigation should the Councilmember file a lawsuit against the city.

Councilmember Yancy indicated that she would prefer to let the people of District C speak on the matter rather than leave it directly with the Council.

Mayor Bell stated that residency, according to the courts, is a matter of heart and mind's intent. He emphasized that Council cannot navigate a man's mind and heart, and the decision should be left with the people of District C. He stated that the process for a recall petition is underway, and the residents of District C should have a say in this matter.

NO ACTION TAKEN

11.5. Items For The Good Of The Order

Mayor Pro Tem Compian recognized Chief Merryman and two of his firefighters for their quick response to a resident having a stroke. He noted that their efforts saved her life. He also congratulated Keep La Marque Beautiful Commission with their collaboration with the Salvation Army for their efforts in distributing food boxes.

Councilmember Yancy promoted Stop the Violence week and commended our police and community policing program who have worked very hard to reduce crime in the city. She also promoted upcoming events throughout the week including Leadership Day, Mental Health Talk Day, Business Mixer, Market on Three, a basketball tournament, and a job and housing fair at La Marque High School.

Councilmember McAuliffe thanked the staff for their hard work.

Councilmember Carlson shared that he has handled at least two constituent complaints and is still diligently working for the community.

Mayor Bell requested that an item be on the next agenda to discuss funding the La Marque 2050 project with the Economic Development Corporation (EDC). He also requested a recommendation from the city manager on event criteria and whether the parks board should have an ad hoc event staff in place. Mayor also reminded all staff and citizens that early voting has begun for District B, District D, and Charter amendments. He spoke of his appreciation for the community and their application of political pressure and his belief that each council member acts in the citizens' best interest.

11.6. Upcoming Events

City Events and Important Dates for Community Awareness:

Early Voting April 24-May 2, 2023

Catalytic Converter Event - April 26, 2023

Hurricane Huddle - April 29th, 2023

Election Day May 6, 2023

Salvation Army Food Giveaway - May 20, 2023

Keep La Marque/ Texas City Beautiful Clean Up Event - May 20, 2023

12. EXECUTIVE SESSION

12.1. Section 551.071 (Consultation With Attorney)

Advice regarding the information related to Certain Producers And Mid-Stream Providers Of Natural Gas Resulting In Economic Harm To End Users Including Governmental Entities

THERE WAS NO EXECUTIVE SESSION.

13. ADJOURNMENT

Councilman McAuliffe made a motion to adjourn. Councilman Carlson seconded. **MOTION CARRIED UNANIMOUSLY.**

***Meeting was adjourned at 8:55 p.m.*

Keith Bell
Mayor

Kierra K. Nance, TRMC
City Clerk