



**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MINUTES
of
AUGUST 8, 2022**

City Council Minutes of the City of La Marque Regular Meeting held on Monday, August 8, 2022, at 6:00 p.m. at 1109-B Bayou Road:

1. CALL MEETING TO ORDER

Mayor Bell called the meeting to order at 6:00pm.

2. ROLL CALL

Keith Bell, Mayor - Present

Kimberely Yancy, Councilmember District A - Present

Joe Compian, Councilmember District B, Mayor Pro Tem - Present

Michael Carlson, Councilmember District C - Present

Casey McAuliffe, Councilmember District D - Present

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation led by Councilmember Yancy and Pledge of Allegiance led by Councilmember McAuliffe.

4. PRESENTATIONS

4.1. Charter Review Committee

Committee to present final report to Council with recommendation for Charter amendments

James Osteen(2012 Jeridona) spoke on behalf of the Charter Review Committee with their recommended amendments. He shared that it was a pleasure serving on this committee, and his fellow committee members echoed his sentiments. Sally Austin, Vice Chairperson of the Charter Review Committee, also shared that the committee narrowed down the number of amendments from 54 to 11 and prioritized the information as it would be presented on the ballot.

Mr. Osteen brought 11 amendments before council for review and ballot placement in the November 2022 election. He expressed that several of these items have to do with the City Manager's position. While it is not a direct concern with our current City Manager, it is to curb issues the City of La Marque has dealt with in the past.

The sections for amendments include several factors from personnel matters, adjustments to financial reports, recall documents, and petition procedures. These recommendations include a change in severance pay for the City

Manager, council approval of creating administrative departments, and hiring the Municipal Judge. They also include financial form changes to include year 20__ instead of 19__ on all forms. The committee also touched on recall petitions and the ability of the accused to issue rebuttal statements.

City Manager Garcia asked about creating a Parks and Recreation department to be run under Public Works. Mr. Osteen and the Council agreed to look at this at a later date but would not consider it with the proposed amendments.

5. CITIZENS PARTICIPATION

Danny Barnes (26 N Flamingo) thanked the Council for the work happening in Omega Bay.

James Osteen (2012 Jeridona) spoke of his concern with posting of Public Hearing on Ordinance O-2022-0010. The notice was posted in the newspaper on August 2nd but does not meet the 10-day requirement for publication prior to a Public Hearing.

James Ross (414 Avenue D) argued that the language the council is using for the voting on tax rollback is incorrect. He stated that people wanted to save money from the property tax increases, not defund other people.

Eva Livy (2808 Fanin St.) spoke about the number of Open Records Requests and her concern for not only the numbers but also the people who are filing these requests seem to be repeat citizens.

Robert Michetich (24 N Curlew) thanked the Charter Review Committee for their work but had some suggestions. He would like to have equal time for rebuttals, as the council only allows for a short timeframe for the public to speak on a particular point. He also requested clarification from budget discussions for the 90 days before the end of the year. Mr. Michetich identified the lack of cap on short-term loans and the vagueness of repayment of these loans. He also argued that there is no need to change the council terms from 3 years to 4 years.

6. MINUTES

- 07.25.2022 Special Meeting Minutes
- 07.28.2022 Special Meeting Minutes
- 08.01.2022 Special Meeting Minutes

Councilmember Yancy made a motion to approve the minutes from Council meetings on August 1, 2022, July 28, 2022, and July 25, 2022. Councilmember Carlson seconded. **MOTION CARRIED UNANIMOUSLY.**

7. PUBLIC HEARINGS

*** Mayor Bell closed the City Council Regular Meeting and entered into Public Hearings at 6:51 p.m.*

- 7.1. Ordinance No. O-2022-0007 establishing a curfew for any person under the age of seventeen years during certain hours

THERE WERE NO PUBLIC COMMENTS.

- 7.II. Ordinance No. O-2022-0008
Authorizing expenditure of funds for streetlights in the Omega Bay Subdivision

Re'Chard Loftis (309 Johnson Street) stated that he does not have a problem with Omega Bay getting streetlights but would like to note that certain areas do not have any streetlights and are in total darkness.

- 7.III. Ordinance No. O-2022-0009 updating the La Marque City Code of Ordinances: Appendix A

THERE WERE NO PUBLIC COMMENTS.

- 7.IV. Ordinance No. O-2022-0010 Amending Residential Canal Zoning
THIS ITEM WAS POSTPONED UNTIL 8/29/2022.

8. ORDINANCES

***Mayor Bell closed the Public Hearings and reconvened the Regular meeting at 6:55 p.m.*

- 8.I. Ordinance No. O-2022-0007 establishing a curfew for any person under the age of seventeen years during certain hours **THIS IS THE SECOND AND FINAL READING**

Councilmember McAuliffe made a motion to approve the establishment of Ordinance O-2022-0007 adding an amendment to add all data points. Mayor Pro Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY.**

- 8.II. Ordinance No. O-2022-0008
Authorizing expenditure of funds for streetlights in the Omega Bay Subdivision **THIS IS THE SECOND AND FINAL READING**
Councilmember McAuliffe reiterated her support for the City to undertake payment of the streetlight bill for Omega Bay. However, she also has her concerns about other areas without proper streetlighting that need to be addressed. She also asked when this would begin.

City Manager Garcia clarified it would occur as soon as possible, but the latest would be by October 1. He also noted that he had a meeting before this Council meeting regarding the streetlight project and will have updates by the September meeting.

Councilmember Carlson made a motion to adopt Ordinance No. O-2022-0008. Councilmember Yancy seconded. **MOTION CARRIED UNANIMOUSLY.**

- 8.III. Ordinance No. O-2022-0009
Updating the La Marque City Code of Ordinances: Appendix A **THIS IS THE SECOND AND FINAL READING**

Mayor Pro Tem Compian asked for clarity on the chicken ordinance. Certain expenses are not listed, and they requested a registration fee of \$30 and an additional fee of \$15 for administrative costs and inspection. He also stated that he understood that registering chickens is voluntary and the need for inspection is strictly for complaints lodged against the person

owning the chickens. Kathleen Van Stavern, Director of Development Services, clarified that the current ordinance does allow for voluntary registration and inspection. However, the new ordinance will call for a new fee structure.

Councilmember McAuliffe also clarified that nothing extra is expected of chicken owners. Ms. Van Stavern confirmed there is no increase at this time as this ordinance is not yet in effect. The point is to get the citizens used to the idea of the fees for future implementation.

Councilmember McAuliffe made a motion to approve updating Appendix A on Ordinance No. O-2022-0009. Councilmember Yancy seconded. **MOTION CARRIED UNANIMOUSLY.**

8.IV. Ordinance No. O-2022-0010
Amending Residential Canal Zoning **THIS IS THE SECOND AND FINAL READING**

Council elected to have a discussion only on this item as it will appear on the August 29th agenda.

Mayor Bell requested relief for the three residents currently affected by this ordinance's timeline and its delays. City Attorney Gus Knebel stated he would work with Kathleen Van Stavern to develop a plan and can meet with Omega Bay constituents this week once everything is worked out with staff.

Georgia Sharpe (12 North Omega) requested confirmation that this will be addressed and voted upon on August 29th. Councilmember McAuliffe confirmed that this will be resolved on the August 29th meeting.

James Osteen (2012 Jeridona) urged the Council not to do anything "shady." They must uphold the City Charter or be removed from office if they do not abide by the laws. He stated that there is no grey area and that the council should not approve anything outside of the Charter.

Mayor noted that the issue of requests for variances are for the people already in the process and need relief due to the delays in the ordinance passing. The City will abide by the Charter and opinion from Attorney to see how to provide relief.

Councilmember Yancy took a moment to explain the legalities and how processing can be a long ordeal. She also noted that humans make mistakes, but the council and staff are bound to make decisions by following the law.

Councilmember Carlson echoed that the city is working to make sure it gets this done legally and right.

NO ACTION TAKEN.

9. RESOLUTIONS- CONSENT

Councilmember Yancy made a motion to approve all items on the consent agenda. Councilmember McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

- 9.I. Resolution No. R-2022-0036
CenterPoint Energy Streetlighting LED Agreement
- 9.II. Resolution No. R-2022-0044 approving Preliminary Plat application for Ambrose Section 2, near Victory Springs and Fleming Road with conditions as suggested by Planning and Zoning
- 9.III. Resolution No. R-2022-0045
Preliminary plat application for Ambrose Section 3, near Victory Springs and Fleming Road
- 9.IV. Resolution No. R-2022-0046
Supporting the City of La Marque's application for a grant for Mahan Park
- 9.V. Resolution No. R-2022-0047 ratifying the City of La Marque's application for a grant from TCEQ for dredging the canals in the Omega Bay Subdivision
- 9.VI. Resolution No. R-2022-0048 designating certain officials as being responsible for, acting for, and on behalf of the City of La Marque, Texas in dealing with the Texas Parks & Wildlife Department for the purposes of participating in the Local Park Grant Program
- 9.VII. Resolution No. R-2022-0049 authorizing the City Manager to sign an agreement with the Texas City La Marque Chamber of Commerce
- 9.VIII. Resolution No. R-2022-0050 ratifying the purchase of a blower for the wastewater treatment plant
- 9.XI. Resolution No. R-2022-0051 ratifying the Bayou Fest talent contracts
- 9.X. Resolution No. R-2022-0052 approving a \$17,500 transfer from Parks Fund balance to the Park Improvements Fund
- 10. **CITY MANAGER REPORT**
 - 10.I. Grant Updates
City Manager Garcia stated that this city is making progress and will have a full report available in September. There are 13 roads under construction, and he hopes to finish these improvements by the end of the calendar year. There have been some setbacks, but the goal is to complete the job without having to create patchwork for other repairs, such as waterlines.
 - 10.II. Dog Track Elevated Storage Tank Update
Rick Sailer, Director of Public Works, indicated that the work is coming along, and the project is set to be completed by November. Some changes have been suggested, such as allowing new sponsorships to include their logos and requesting additional lighting in the area, but the lighting options are not ready to be presented at this time.
 - 10.III. EPA Regulation Violation
City Manager Garcia indicated that the City of La Marque was penalized \$800 due to having an expired risk management plan at the wastewater

treatment plant. The plan in place expired as of September 26, 2021. City Manager Garcia stated that this has been rectified and that he and Mr. Sailer have put a plan in place to avoid this in the future, with the next plan to be placed in effect until 2026.

11. NEW BUSINESS

11.1. Items For The Good Of The Order

City Manager Garcia announced the City of La Marque Monopoly game is now available for purchase at Wal-Mart.

Councilmember Yancy encouraged citizens to donate to local schools as the new year has begun and supplies are always needed.

Mayor Pro Tem Compian indicated that he has started a new workout routine that includes riding a tricycle, so feel free to wave as you see him ride.

Mayor Bell invited the citizens of La Marque to attend the budget workshop so they could see the spending priorities of the City.

Councilmember McAuliffe discussed the importance of helping our local businesses and students as they begin the new school year.

City Manager Garcia also asked for a point of privilege to discuss the back-to-school event that was held on August 6th and noted that over 100 backpacks filled with school supplies were handed out in less than 30 minutes. There is a need within the community and the residents who received the backpacks were very appreciative. He also noted the other services provided such as health checks and haircuts were very appreciated by the residents.

12. EXECUTIVE SESSION

***Mayor Bell recessed the Regular City Council Meeting and entered into Executive Session at 7:54 p.m.*

12.1. Section 551.071 (Consultation With Attorney) Stefonia Jackson v City of La Marque

13. ACTIONS TAKEN FROM EXECUTIVE SESSION

***Mayor Bell closed the Executive Session and reconvened the Regular Meeting at 8:10 pm.*

13.1. Section 551.071 (Consultation With Attorney) Stefonia Jackson v City of La Marque

Councilmember McAuliffe made a motion to approve the terms laid out earlier in the executive session pending a final approval from the City Attorney and the City Manager's Office. Councilmember Carlson seconded.

MOTION CARRIED UNANIMOUSLY.

14. ADJOURNMENT

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

***Meeting adjourned at 8:11 p.m.*

Keith Bell
Mayor

Kierra Nance, TRMC
City Clerk