



**CITY OF LA
MARQUE CITY
COUNCIL
REGULAR MINUTES
of
JULY 11, 2022**

City Council Regular Minutes of the City of La Marque City Council held on Monday, July 11, 2022, at 1109-B Bayou Road:

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Keith Bell, Mayor

Kimberely Yancy, Councilmember District A

Joe Compian, Mayor Pro Tem, Councilmember District B

Michael Carlson, Councilmember District C

Casey McAuliffe, Councilmember District D

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Eligh Johnson gave the invocation and Councilmember McAuliffe led the Pledge.

4. PRESENTATIONS

4.1. Proclamation - Parks Month

Chairman Michael Bock, Bo Hunter, and Larry Walker accepted the Parks Month Proclamation on behalf of the Parks Board. Chairman Bock gave a brief update on current Parks Board activities. CenterPoint Energy - LED Street Lighting

4.2. Centerpoint Energy - LED Street Lighting

Bryan Giang, Service Consultant for CenterPoint Energy gave a brief presentation relating to the LED Replacement Project for the City of La Marque.

Councilman Carlson had questions regarding current kw rates and the effects of environmental damage (i.e. heat) to LED lights. Mr. Yang stated that he did not have

the current cost available at this time and then explained that the lights can be damaged from being overheated and may affect the lifespan of the light, which is currently projected at 8 to 10 years. He also mentioned that part of the conversion plan includes monthly maintenance to prevent as many of these environmental issues as possible.

Mayor Pro Tem Compian asked about the process for citizens to have LED street lights installed on their own. Mr. Yang was unable to provide a specific number as there are elements that would affect the overall rate.

City Manager Garcia explained that a three-phase process is being prepared. Phase I is to replace all existing lights to LEDs, Phase II is to install new poles throughout the City as needed, and Phase III focused on neighborhood roads.

4.3.GCWA Presentation to address revisions to prior approved contract

David Davis, Assistant General Manager, Gulf Coast Water Authority is back to correct O&M information given during the last presentation which equates to a 23% increase. He stated that surrounding cities such as League City and Galveston had a significant drop in water usage. This information was not available when the original ordinance was put in place, and therefore, it affected our rate. He noted that the City has one of the lowest rates in the state of Texas, but the change will increase to approximately \$0.72 per month per household. He stated that rate changes were inevitable, and the GCWA will provide an expected rate analysis to the City before October 1, 2022. Mr. Davis also mentioned that due to grant funding, the taxpayers will not be paying for the desperately needed water facility upgrades.

Mayor Pro Tem Compian asked for the process of notifying cities of rate changes. Mr. Davis stated there is no protocol to inform cities of these types of changes.

Councilmember Carlson asked if the council needs to take action since this is a change to the original ordinance. City Attorney Gus Knebel stated that in the best interests of the City of La Marque and for clarity among Councilmembers and the public, this item is listed on tonight's agenda with the revision.

5. PUBLIC SAFETY

Alec Luong accompanied the Public Safety Building Committee to give an update on their activities over the last few months. This presentation covered the discussion of a P3 development, and the committee's deliberation regarding the best course of action.

Chief Smith spoke on behalf of the Committee and reiterated that after further review, they stand beside their initial decision and continue to support proposed option 2. After prompting from the Council to understand the reasoning behind their decision, he stated that there were just too many moving parts to the P3 development and identified that "the longer we wait, the more it is going to cost." They understand that this building is very much needed and should continue to hold the Municipal Courts.

Councilmember McAuliffe asked for clarity on how this option was deemed the best fit. Chief Smith stated that the committee felt that taking a smaller bite on the project is attainable and the best course of action.

Sally Austin then spoke for the group stating that this has been a work in progress for years. The City of La Marque needs a Public Safety Building that provides a safe environment and the necessary equipment for the officers to do their jobs effectively. She noted that the chosen option will allow for a long-term building with the potential to add on as needed.

Councilmember Carlson asked about the expected cost of this project. Chief Smith clarified that it would cost approximately \$15.4 million.

Robert Michetich (24 N Curlew) shared his issue with neither of the plans being publicly posted, and also neither has adequate parking. He also shared his support for a bond election.

Tykisha Murphy (2604 Cedar)- Recommended an online survey akin to that which is being used for the ARPA Survey.

Mayor Bell stated that this would all be taken into consideration and placed on a future meeting's agenda for discussion. He also agreed to the need for transparency and this would take some time before putting a plan into action.

6. CITIZENS PARTICIPATION

Marvin Johnson (3121 Mar Ann Dr.) requested rent control in the City.

Tykisha Murphy (2604 Cedar) expressed concern regarding lack of information regarding recall petition processes.

Danny Barnes (26 N Flamingo) spoke regarding the Omega Bay concrete ordinance, and asked that a temporary variance be issued to the (3) community members currently waiting.

Georgia Sharp (12 N Omega St) spoke regarding the Omega Bay ordinance, which was tabled in June and is not on the agenda for tonight's meeting. She also stated that she and other neighbors are receiving certified letters and believe it is excessive government spending for sending them.

Eva Livy (2808 Fannin) spoke to concerns relating to receiving multiple notifications for the City Council agenda on Friday and receiving an updated agenda (documents) on Monday.

Mike Bock (106 Longridge Dr) spoke to the updated Schedule of Fees, feels that some of the new fees are excessive, specifically the new \$200 tent fee among other fees that are significantly higher than our surrounding cities.

Jose Ramos Dias (2512 Stonewall) spoke to concerns relating to his ditch, it has been full for the last 17 months.

Mary Limones (2709 John St) spoke to item 13, the Back to School Bash being held by LULAC at the La Marque Public Library on August 6, 2022, giving away backpacks, free haircuts, physicals, community partners, and voter registration. She also asked for donations from the community.

Justin Pulliam (8919 Japonica Dr Rosenberg, TX)-shared that he is fired up over the recall going around and received an affidavit and it looks very unprofessional. He stated that he believes one group in particular is causing so many issues and the actions are actually hurting the citizens more than the council.

Jennifer Washington (2809 Nashby) spoke to having been a citizen for over 34 years and has come to say that she made a request at a meeting with Councilmember Yancy that came to fruition, and just like she complains, she has no problem coming back to "shout it out" when the city does something right. "We are not where we need to be, but we are improving"

Joseph Lowry (2302 Cedar) asked for a forensic audit and to remove any convicted felons from the boards.

Re'chard Loftis (309 Johnson) said, "A hit dog will holler." He also discussed the alleged harassment of City officials and volunteers. He stated that the District Attorney is aiding and abetting the problems in the community. He stated that people are afraid to volunteer because they fear being attacked.

7. CITY MANAGER REPORT

a submitted report to update Council and Community on the standard operations of the City, report can be acknowledged as whole or discussed at the pleasure of Council.

7.1. City Projects Report

City Manager Garcia spoke on the multiple projects that are going on at the same time. The top 3 projects are the wastewater plant project, lift stations, and storm water work. These programs are moving forward faster than they have in the past and will have another update next meeting.

City Manager Garcia noted that the City is working on Phase I to get all the streetlights to LED format. He requested citizens help to report any outages stating that there will be further discussion on lighting in Omega Bat during the meeting. He also provided documents showing where the lights are needed and costs. The City of La Marque currently has 1,000 lights and are expecting another 1,000 within the next 5 years.

7.II. Update - Container Homes

Development Services Director Kathleen Van Stavern gave a brief update on this issue, stating that the 2021 International Building Codes have been adopted, however, the City of La Marque operates under the 2018 International Building Codes. She stated that this is a learning experience for everyone and although there are some very beautiful Container Homes, however, there is not much out there to base our ordinance on.

***Mayor Pro Tem exited the meeting at 8:25 p.m. and returned at 8:28 p.m.*

7.III. City Manager's 3 Month Update

City Manager Garcia shared that the City of La Marque faces some challenges. Personnel in the Police and Fire Departments are leaving due to better benefits and pay. He noted that the men and women serving in these fields must be great enough to be recruited elsewhere, and the city is severely underpaying individuals. He also noted that the current staff's morale is low due to being overworked and not paid well.

8. MINUTES

8.I. Draft Minutes for consideration

- Regular Minutes 05.09.2022
- Special Minutes 05.17.2022
- Regular Minutes 06.13.2022
- Special Minutes 06.27.2022
- Retreat Minutes 07.05.2022

Councilmember Carlson made a motion to approve all minutes.
Councilmember McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY**

9. PUBLIC HEARINGS

*** Mayor Bell recessed the regular meeting and entered the Public Hearing at 8:32pm.*

- 9.I. Ordinance No. O-2022-0006 amending Section 2-181 of the La Marque City Code of Ordinances to reduce City Manager spending approval rate from \$50,000 to \$25,000

Tykisha Murphy questioned the reasoning for reducing the spending limit.

10. ORDINANCES

*** Mayor Bell closed the Public Hearing and reconvened the Regular Meeting at 8:33pm.*

- 10.I. Ordinance No. O-2022-0006 amending Section 2-181 of the La Marque City Code of Ordinances to reduce City Manager spending approval rate from \$50,000 to \$25,000

Councilmember Carlson made a motion to adopt Ordinance No. O-2022-0006. Councilmember McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

10.II. Ordinance No. O-2022-0007

Renewal of City Code of Ordinances Chapter 44, Article 1, Section 44-2:
Curfew for Minors

City Manager Garcia discussed the need to renew this ordinance every three years. Councilmember McAuliffe raised concerns regarding the potential for discriminatory practices. However, she did bring up the reports provided by the La Marque Police Department and noted that while the juvenile crime rate is still relevant, it is not in relation to curfew violations.

Councilmember Carlson made a motion to approve Ordinance No. O-2022-0007. Councilmember McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

10.III. Ordinance No. O-2022-0008

Omega Bay Street Lighting

Councilmember McAuliffe stated she has no obstacles to approving this. However, her only issue is the timing during the middle of a light study knowing that entire sections of the city do not even have lights. She asked the council to consider adding this to different phases since this is just beginning to install and upgrade. She noted that equity is a priority and that the council should "finesse it" so that other requests are also being honored.

City Manager Garcia clarified that the second reading is set for August. Per the City Charter, the effective date is 30 days from the time of Ordinance acceptance, which would be September 8th unless the Council were to delay the effective date for budget reasons.

Mayor Pro Tem Compian clarified that the city is not obligated to maintain or approve the installation of further streetlights in the Omega Bay subdivision as it is still the responsibility of the homeowners association.

City Manager Garcia asked for consideration in adding one or two lights at the front of the neighborhood.

Councilmember Carlson noted that council still has time as this is the first reading. Omega Bay is a part of the city and this is a little something the city can do. In the grand scheme of things, this is a drop in the bucket that the city can afford and this is the right thing to do.

Mayor Bell understood that the city is unable to give them the best bang for their buck for legal reasons that have caused frustrations on both sides. He stated that it would be prudent to expedite this because they pay the lion's share of the city's tax revenue. He said that this is something the city can do to show that it cares about them as part of the city.

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

10.IV Ordinance No. O-2022-0009 updating La Marque City Code of Ordinances: Appendix A

Mike "Rock" Bock (106 Long Ridge) requested that this item be tabled until more research can be conducted due to high fees and the schedule being hard to follow.

City Manager Garcia shared that this is the first reading and if the staff or public had any suggestions with proper documentation then he would love to hear their ideas.

Councilmember McAuliffe spoke in support of the ordinance but needed clarification on the tent proposal.

Kathleen Van Stavern, Director of Development Services, stated that there was a full team that put together this fee schedule and conducted research over a span of approximately 50 cities before coming up with the numbers presented. She also noted that the City of La Marque is currently dealing with an issue of not having several permits or fees assigned by council. She did provide the previous fee schedule in the agenda packets for reference.

Councilmember McAuliffe also questioned the sexually oriented work fee and how it is listed on the fee schedule. Kathleen clarified that it is listed that way because it mirrors the Texas Government Code.

Chief David Merryman of the La Marque Fire Department gave clarifications on the tents and how they would be affected by fees. He noted the fees are more so for the tents that have only one entry or exit scenarios and have certain requirements that must be inspected by a Fire Marshal.

Kevin with BBG Consulting Inc. noted that he was part of the team who worked on the fee schedule and though it may not be perfect, the focus was on the economics and circumstances that exist in La Marque that would be considered fair and reasonable at this time.

Mayor Pro Tem Compian requested that the new fee schedule be reviewed on an annual basis.

City Attorney Gus Knebel explained that the city is amending the ordinance with this new fee schedule.

Councilmember Carlson questioned the fees for the tents and how it is applied for private property. Chief Merryman clarified this, stating that large tents on private property are not subject to the fee but rather the tent must be in a public place for public use. He also questioned the Municipal Court fee of \$14 and the Chicken Ordinance relicensing fee of \$65. City Clerk Kierra Nance explained the \$14 fee is coming directly from the Texas Local Government Code and Ms. VanStavern explained that the relicensing fee for the Chickens has to do with the inspections.

Takeisha Murphy (2604 Cedar) requested language in the footnotes of this ordinance to help the residents with understanding certain terms in order to avoid confusion. City Attorney Knebel agreed to this request.

Councilmember Yancy asked about processing fees. Kevin with BBG Consulting Inc. stated that these are standard administrative fees to recoup costs and not lose money for staff assistance with these matters.

James Osteen (2012 Giordano) requested that this fee schedule be cleared up on the ordinance and to have the added amendment number. Council agreed with his statement.

Ms. VanStavern also noted that once these fees are put into effect, the quote from SmartGov is approximately \$8,000.

Councilmember Carlson made a motion to approve amending the Ordinance Number to O-2022-0009. Councilmember Yancy seconded. **MOTION CARRIED UNANIMOUSLY.**

11. RESOLUTIONS- CONSENT

The following items shall be considered for action as a whole unless one or more Councilmembers objects. Unless otherwise specified, the City Manager is authorized to execute all necessary documents upon final approval by the City Attorney.

- 11.I Resolution No. R-2022-0036 CPE Streetlighting LED Agreement
This item was pulled from consideration.

- 11.II Resolution No. R-2022-0037 revision to Resolution No. R-2022-0017: GCWA

Councilmember Carlson made a motion to approve Resolution No. R-2022-0037. Councilmember McAuliffe seconded. **MOTION CARRIED 4 AYES - 1 NAY (Compian).**

- 11.III Resolution No. R-2022-0038

Councilmember McAuliffe made a motion to adopt Resolution No. R-2022-0038. Mayor Pro Tem seconded. **MOTION CARRIED UNANIMOUSLY.**

- 11.IV Resolution No. R-2022-0039 a resolution awarding RFP 22-01 "Debris Management, Monitoring and Consulting Services"

Mayor Pro Tem made a motion to adopt Resolution No. R-2022-0039. Councilmember McAuliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

- 11.V Resolution No. R-2022-0040
Purchase of new Fire Reporting Management Software

Councilmember McAuliffe made a motion adopt Resolution No. R-2022-0040. Mayor Pro Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY.**

- 11.VI Resolution No. R-2022-0041

Councilmember McAuliffe made a motion to adopt Resolution No. R-2022-0041. Mayor Pro Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY.**

- 11.VII Resolution No. R-2022-0042

Councilmember McAuliffe made a motion to adopt Resolution No. R-2022-0042. Mayor Pro Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY.**

12. APPOINTMENTS

appointments, reappointments, or removals of all City Boards and Commissions

- 12.I. Applications For Consideration

City Manager Garcia recommended Ms. Jackie Pennington for Civil Service Commission.

Councilmember McAuliffe made a motion to appoint Jackie Pennington to the Civil Service Commission. Councilmember Carlson seconded. **MOTION CARRIED UNANIMOUSLY.**

13. NEW BUSINESS

- 13.I. Emergency Medical Billing RFP

Councilmember McAuliffe made a motion to release an RFP for EMS Billing Contract. Councilmember Carlson seconded. **MOTION CARRIED UNANIMOUSLY.**

- 13.II. Redistricting
Review of proposed Redistricting Maps and potentially scheduling Drawing Session II

THIS ITEM WAS TABLED.

13.II. Introductory Conversation Regarding Community Engagement Center

NO ACTION TAKEN.

13.IV Upcoming Events

City Events and Important Dates for Community Awareness

7.1.Back To School Event- Aug. 6

7.2.Bayou Fest - 10/15

NO ACTION TAKEN.

13.III. Items For The Good Of The Order

Councilmember Casey McAuliffe requested to change Budget Meeting on July 21, 2022 due to childcare issues. City Manager Garcia and Council agreed that adjustments can be made to the calendar as needed. She also stated that she shares the passion with Mr. Loftis and sees the divisiveness within the city and it is dismaying. She sees the chaotic mistrust and the actual harm being done to fellow councilmembers. She noted a specific individual and group trying to sell chaos and bring ruin by targeting certain individuals. She invited the group to expand their target as she sits on the dais and supports the members being targeted. She also thanked the staff for their continued efforts.

Councilmember Yancy started with a quote from her mother “Great opposition means great opportunities on the way”. She then reflected on how some people want a stage but the government is too precious to play with and can lose the sacredness of it. She discussed her need to have two temporary restraining orders for her family’s safety and that she will let the court of law handle this battle. Councilmember Yancy also stated that there are rules and consequences for bad behavior. She further stated that both council and the citizens need to make La Marque great. She posed questions to the public: Is the issue about politics or something else? Is this good for the city? She stated firmly that she and her family will not have someone run them out and will continue to be professional and positive. She asked for prayers for Mayor and Councilmembers. Councilmember Yancy noted that this does not need to be the new normal and should focus on the great things happening in our City.

Mayor Pro Tem recognized Tanner of REACT and the team that helps with communications, especially during natural disasters and times of need. He also stated that the community needs to come together and continue to be a better city and rationality is necessary.

Councilmember Carlson recognized the staff and appreciated everything that they do. Councilmembers and staff should not be attacked. Staff members are being followed home and that is not right. Politics aside, let’s do what is right for the City. He stated that there are a lot of good opportunities and need to bring it to light instead of negativity. He believes in the City of La

Marque and it is his home. He also pledged his \$50 monthly stipends back to the City.

Mayor Bell gave light to additional events going on in the City for the Community Policing Effort Kickoff on July 12th and the Coffee and Clean Up at McGaffey Highland Park on July 16th. He then stated this is the greatest time of his life as he has to live as Christ did. He spoke strongly on forgiveness and his ongoing prayers for those who continually attack him and his fellow councilmembers. He noted that those who have lived in La Marque for decades are not the ones calling out corruption. He also said that a bully is someone that is with you today but will turn on you tomorrow. He noted that he was voted in as Mayor and will continue to serve the City and its citizens.

14. EXECUTIVE SESSION

*** Mayor Bell recessed the Regular Meeting and entered into Executive Session at 10:14 p.m.*

14.I. 551.074 (Personnel Matters)

- Begin Evaluations of City Attorney, City Clerk, and Municipal Judge
- Fire and Police Collective Bargaining Update
- Discussion relating to Cost-Of-Living Adjustment for Fiscal Year 2022-2023

14.II. Section 551.071 (Consultation With Attorney) Update on City Investigations

15. ACTIONS TAKEN FROM EXECUTIVE SESSION

Mayor Bell exited Executive Session and reconvened the Regular Meeting at 12:36 a.m.

15.I. 551.074 (Personnel Matters)

- Begin Evaluations of City Attorney, City Clerk, and Municipal Judge
- Fire and Police Collective Bargaining Update
- Discussion relating to Cost-Of-Living Adjustment for Fiscal Year 2022-2023
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NO ACTION TAKEN.

15.II. Section 551.071 (Consultation With Attorney) Update on City Investigations

NO ACTION TAKEN.

16. ADJOURNMENT

Councilmember McAuliffe made a motion to adjourn. Councilmember Carlson seconded.

***Meeting was adjourned at 12:37 a.m.*

Keith Bell, Mayor

ATTEST:

Kierra K. Nance, TRMC
City Clerk