



**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MINUTES
of
June 24, 2024**

1. CALL MEETING TO ORDER

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

2. ROLL CALL

PRESENT:

Keith Bell	Mayor
Joe Compian	Mayor Pro Tem, District B
Kimberley Yancy	Councilmember District A
Joseph Lowry	Councilmember District C
James Ross	Councilmember District D

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation led by Pastor Preston Barton and Mayor Bell led the Pledge.

4. CITIZENS PARTICIPATION

James Osteen (2012 Jeridona) spoke regarding agenda items 7.IX (Public Safety Committee) and 8.VII (Sales Tax Collection). He stated that the city passed an ordinance in 2021 and is wondering if this would be a new ordinance or use the existing ordinance. He also questioned the sales tax collection based on the charts presented and asked for a separation in reports from the city versus the Economic Development Corporation (EDC) numbers.

Robert Michetich (24 N Curlew) requested an update on the revision contract proposal looking into forgiving debts and a FEMA update.

Re'Chard Loftis (309 Johnson St.) stated that he has driven around the city and found over 50 properties that are out of compliance. He brought photos with the evidence and requested city assistance in cleaning up the properties.

Carl Beard (5511 Armstrong) stated that he is requesting censorship on behalf of city officials. He shared his concerns regarding certain ethical violations by councilmembers, specifically with social media.

Dana Lee (202 Rodney St.) shared that Mayor Bell was nominated for the Hometown Hero Award from the Carolyn Taylor Lee Foundation and presented him with a plaque. Mayor Bell thanked her for the nomination and looks forward to working with the organization.

Shawntale Woodland (Jackson St.) shared that her street tends to lose power and has consistent flooding issues. She also discussed the recent death of Patrick Payne due to

a motorcycle accident and the response time for moving his body was excessive, asking for better protocol for handling this type of event.

5. MINUTES

Councilmember Yancy made a motion to approve the minutes from the Regular City Council Meetings held on January 22, 2024 and February 26, 2024. Mayor Pro Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY.**

5.I. Regular City Council Minutes 02.26.2024

5.II. Regular City Council Minutes 01.22.2024

6. OLD BUSINESS

6.I. Proposed Ordinance

Rick Sailer, Public Works Director, discussed the adjustments made to the 2024 Water Conservation Plan and requested that this draft be considered for approval via ordinance.

Mayor Pro Tem Compian made a motion to approve the changes to the 2024 Water Conservation Plan. Councilmember Ross seconded. **MOTION CARRIED UNANIMOUSLY.**

Assigned Ordinance No. O-2024-0010.

6.II. Bid Award

City Manager Garcia gave a brief overview of the Mahan Boat Ramp Project and stated that Lucas Construction provided the lowest bid at \$481,839.00.

Mayor Pro Tem Compian made a motion to approve the bid of \$481,389.00 provided by Lucas Construction for the Mahan Boat Ramp Project. Councilmember Lowry seconded. **MOTION CARRIED UNANIMOUSLY.**

6.III. Water & Wastewater Impact Fee Study 2023

City Manager Garcia stated that the purpose of this item is the acknowledgment and receipt of the 2023 Impact Fee Study. He introduced Brent Berthier and Dihn Ho of ADICO Consulting Engineers, LLC to address questions. Mr. Berthier presented the updated 2023 Impact Fee Study and addressed the corrections made from the original presentation from early 2024. He shared that the council makes the final decision on fees associated with new developments. Mayor Pro Tem asked if we are sticking to the current impact fees as the ones presented are strictly recommendations from the engineering firm. Mr. Berthier confirmed that no fees are changed unless the council makes the changes.

Mayor Pro Tem Compian made a motion of acknowledgment and receipt of the 2023 Impact Fee Study. Councilmember Ross seconded. **MOTION CARRIED UNANIMOUSLY.**

7. NEW BUSINESS

7.I. Proposed Resolution

City Manager Garcia stated that this is a joint Fire and Police Departments grant with a purpose of reimbursing funds spent on safety gear and the opportunity to

purchase additional gear for each department.

Chief Merryman stated that the current state of bunker gear at the Fire Department is limited, with 10 sets of bunker gear expiring as of July 2024. He shared that the Fire Department needs a total of 36 sets. This allows for 2 pairs of gear per firefighter and would not place anyone out of commission due to lack of safe bunker gear. He noted that each set of bunker gear costs \$6,000.

Councilmember Yancy made a motion to approve the application for the Gary Sinise Foundation First Responder Grant. Councilmember Ross seconded. **MOTION CARRIED UNANIMOUSLY.**

Assigned Resolution No. R-2024-0037

7.II. Proposed Resolution

City Manager Garcia summarized the grant and how it could help with the cost of previous purchases of bullet-proof vests and cover additional funds to purchase additional vests as needed by the Police Department.

City Attorney Knebbel summarized City Manager Garcia's statement by indicating that the bulletproof vests were already purchased this year without the grant, but the grant would allow for the city to be reimbursed for already expended funds.

Mayor Bell disagreed with City Manager Garcia's approach of this being a no-match grant as the city has already used taxpayer funds to purchase the vests.

Alice Ashley, Grant Writer of Provisions, LLC, shared that should the city receive the grant, even without the no-match waiver, the city will be reimbursed 50% for the out-of-pocket expenses from the original allocated budget on the bulletproof vests. She stated that this grant and the reimbursement factor is good through August 2026.

Councilmember Yancy asked if there was a request for a no-match waiver to which City Manager Garcia confirmed that there is a no-match waiver request for the application process. She also inquired about the current police staff needs regarding the bulletproof vests. Police Chief Randall Aragon stated that the department currently has 43 vests. However, the lifespan of each vest is approximately 5 years and some officers will need replacements in the coming months.

Councilmember Ross asked for the amount shown from last year's budget on these vests. Chief Aragon was unable to provide the information at the meeting.

Mayor Bell requested a list of all grants that council has agreed to apply for over the last 12 months as well as the matching fund amounts requested.

Councilmember Ross made a motion to approve the application for the BJA Patrick Leahy Bulletproof Partnership Program. Mayor Pro Tem Compian seconded. **MOTION CARRIED UNANIMOUSLY.**

Assigned Resolution No. R-2024-0038.

7.III. Proposed Resolution

Mayor Pro Tem Compian made a motion to authorize the City Manager to sign or officiate the Interlocal Agreement for sharing computer-aided dispatch data with the Texas Department of Transportation. Councilmember Ross seconded. **MOTION CARRIED UNANIMOUSLY.**

Assigned Resolution No. R-2024-0039.

7.IV. Proposed Resolution

Mayor Pro Tem Compian made a motion to set a Public Hearing date of August 26, 2024, for the City of La Marque 2023 Water and Wastewater Impact Fee Study. Councilmember Ross seconded. **MOTION CARRIED UNANIMOUSLY.**
Assigned Resolution No. R-2024-0040.

7.V. Social Good Grant Agreement

THIS ITEM WAS TABLED.

7.VI. K9s4COPs

David Merryman, Chief of the La Marque Fire Department, presented the K9s4COPs grant. Chief Merryman explained that this no-match grant process started in 2021/2022 to have an accelerant detecting K9, the first in all of Galveston County. He noted the many letters of support from local agencies and stated that a local company has vowed to donate additional items such as leashes and food bowls. He shared that the K9's handler will be the Deputy Fire Marshall and the role that the K9 plays in the community to help identify accelerants and the causes of fires. Additionally, the training provided by the K9 will include helping children learn about fire safety and having the ability to scan lockers for guns and ammunition. Chief Merryman noted that the dog will be selected as of Friday, June 28th, 2024 and will be available for service as of September or October 2024.

Council asked about specific costs for the dog and what line item would cover these expenses from the Fire Department's budget. Chief Merryman stated that funds would come from the county mutual aid and local fire union donations. Chief Merryman shared the training costs approximately \$7,000 and is unsure of the cost of the canine, as it depends on the type of dog selected. Chief Merryman also stated that the fire chiefs of Hitchcock, Santa Fe, and Dickinson are in talks about a mutual aid agreement for collaboration. Mayor Pro Tem Compian shared his excitement about the opportunity and looked forward to the opportunity to collaborate with the American Red Cross. He also expressed thanks to the full team for going after grants such as those that have not been done before.

Councilmember Ross made a motion to approve the K9s4COPs grant application and process. Councilmember Lowry seconded. **MOTION CARRIED UNANIMOUSLY.**

7.VII. Code Enforcement

Chief Merryman presented on behalf of the Code Enforcement Division and Code Enforcement Supervisor Jose Hernandez was present to answer questions presented by council. Chief Merryman shared that the Fire Department took over the Code Enforcement as of October 2023. He noted that there was a large staff turnover in this department, and it has two certified code officers, two officers in training, and still has open slots to fill. He explained that the transition was not smooth, as no training was provided during the process. He stated that he was unaware of certain permits and registrations that the division was in charge of, as well as taking on the city's Building Standards Commission. He shared that he and his team were able to figure out their main software database, SmartGov, on their own. He also noted that David Pennington, Chairperson of the Building Standards Commission, provided training for the staff for their particular

practices. Chief Merryman expressed the need to establish better officer safety within the Code Enforcement Department, sharing that they are in the process of completely rebuilding the division to include officer safety initiatives, new uniforms, wearing body cameras and traffic safety vests, and purchasing radios for the event that they need assistance.

Mayor Pro Tem Compian asked about overgrown yards owned by the City of La Marque, liens, and who is responsible for maintenance. Chief Merryman stated that any property that is city-owned is not monitored, Code Enforcement focuses on the residents and citizens not meeting compliance and a lien is placed on the home if the city contractors are contacted to mow the lawn. Code Enforcement Supervisor Jose Hernandez shared that due to recent weather events, the timeframe was delayed about two weeks to have all infractions addressed, but the timeframes do vary, and his team addressed each violation as quickly as possible. Councilmember Ross asked about undeveloped properties and if these areas must also follow the same guidelines. Chief Merryman confirmed that these areas are still required to follow the ordinance and if the property owner does not abide by the ordinance, then a contractor will mow the area and a lien is placed on the property. He discussed the rental property permit program and noted at least 13 properties that are not currently on the list. Chief Merryman acknowledged the 13 properties and shared that there is another corporation with at least 100 properties that are not registered in the rental permit program. Councilmember Lowry suggested that a check and balance system be created for processing and closing out a lien.

Mayor Bell addressed the Building Standard Commission and limited the number of meetings from 2022 to 2023 and questioned who was responsible for creating the agenda and gathering the information. Chief Merryman stated that Officer Hernandez and Code Administrative Assistant Myrna Sanchez are in charge of putting together the information on the agenda and forwarding it over to the City Clerk's office. Mayor Bell stated that it is the responsibility of the City Clerk's office to handle all agendas, and it is unacceptable to have other departments putting together agendas. Mayor Bell requested a policy for the preparation of all board and commission's agendas. He stated that all agendas should come through the City Clerk's office and if information is not being presented in a timely manner to ensure that agendas are posted appropriately, then it is up to the City Manager to discipline the staff appropriately.

Mayor Bell requested more information about SmartGov. Chief Merryman explained the vitality of SmartGov, sharing that it is the database that holds report management on historical permits, building permits, certificates of occupancy as well as other items, and is used by multiple departments.

***Councilmember Ross left the dais at 8:07p.m.*

Council inquired about how long we have used this program and Systems Administrator Kyle Hunter indicated that the city has used this program for over 10 years. Mayor Bell requested a plan to set up training for all Code Enforcement Officers and city personnel to use SmartGov, especially to find ways to recapture historical information.

***Councilmember Ross returned to the dais at 8:09 pm.*

Mayor Bell brought up the struggle to maintain staff in this department and

discussed targeting or bringing on retired police officers, firefighters, or military service men and women. He noted these individuals are very professional in nature as they understand policy and have the ability to execute orders, especially in the event of a heated or hostile environment. He asked if there was a program created for these recruiting purposes. Chief Merryman shared that no recruitment program has been created. He noted that the city has been getting plenty of applications. However, most do not meet the requirements.

***Councilmember Lowry left the dais at 8:13 pm.*

Mayor Bell stated that since the division was created, there is a zero-tolerance policy for the Code Enforcement Division. He stated there are ways to do the role compassionately, but Code Officers must have a zero-tolerance policy on violations.

***Councilmember Lowry returned to the dais at 8:15 p.m.*

Mayor Bell asked about the plan for addressing the illegal dumping and trash issues throughout the city. Chief Merryman stated that he was working with multiple contractors to get lawns cut, working with the police department to investigate and Public Works for the removal of items. Code and Public Works collaborate to ensure that any illegal dumping is cleared. Chief Merryman also noted that Waste Management is in charge of bulk trash pick up and while they are currently handling as much manual pickup as possible, Waste Management currently does not have enough crews to handle bulk trash and illegal dumping. Mayor Pro Tem Compian reviewed the statistics provided by Code Enforcement and questioned the zero-tolerance approach and requested some compassion for those who may have medical emergencies or other special considerations. He asked what the department does in order to resolve many of the outstanding cases. Chief Merryman stated that some cases take longer than others due to different circumstances, such as the time to find the responsible party and additional time to allow the responsible party to fix the issue before a lien is placed or being able to close out a case. Councilmember Lowry asked how much the city pays for bulk trash pickup. City Manager Garcia shared that the contract states the city pays roughly \$161,156 annually.

Councilmember Ross asked about food trucks, how certain permits were added into their division, and the process for annual permits. Chief Merryman stated that the food trucks must go through the health department for inspections but also obtain an itinerary permit through the city and still must undergo a city inspection by the Fire Marshal's Office as well as background checks, insurance and other areas not checked by the Health Department. Chief Merryman stated that they are required to pay both County Health Department fees and city vendor fees. Chief Merryman shared that due to an instance of poor customer service where he encountered a citizen who went to three different city buildings for a permit, he elected to print the necessary documentation and provide it to the person instead of pushing it to another department. He noted that not all permits go through this department. Mayor Pro Tem Compian asked about creating visible permits on food trucks. Chief Merryman shared that the city does not have a visible permit but met with some resistance. He stated that visible stickers are something he and the Fire Marshal would like to see and are a work in progress. Chief Merryman then stated that if council wants to do away with the

itinerary permit, council would need to remove it via ordinance. Councilmember Ross stated he does not want to do away with it but believes there is a better way to handle it.

Councilmember Lowry inquired about who tracks or monitors the sales tax for food trucks. Finance Director Christine Turner stated there is a new contract with HDL to monitor sales tax.

The council thanked Chief Merryman and Code Compliance Supervisor Hernandez for all of their work.

NO ACTION TAKEN.

7.VIII. Bayou Ridge Preliminary Plat

Dinh Ho, City Engineer with ADICO Consulting Engineering, LLC, presented the information regarding the Bayour Ridge Preliminary Plat. The plan originally came before council in April 2024 and is located at FM 519 and Newman. Mr. Ho shared his recommendation for the plat which would contain approximately 138 lots.

Michael Turzillo of EHRA Engineering was present for questions. Mayor Pro Tem Compian asked about the average sale price of the constructed homes. Mr. Turzillo stated his firm would have this information available with the final plat submittal. Mr. Turzillo also shared that there are currently no notices with FEMA on this property and will have all construction plans on final plat submittals.

Mayor Pro Tem Compian made a motion to accept the preliminary plat plans for Bayou Ridge. Councilmember Yancy seconded. **MOTION CARRIED UNANIMOUSLY.**

7.IX. Public Safety Building Committee

Mayor Bell stated that the city has known for some time that the police department facility is too small, outdated, ill-equipped, and less than ideal for a working environment, as well as increased safety risks. He asked for council support to provide the first steps in offering a new public safety building for the citizens to vote upon. He shared that some steps have been taken in the past but wants to make some changes. He requested an ordinance to build a new Public Safety Building Committee to be voted on at the next council meeting.

Councilmember Lowry asked who was on the committee. City Manager Garcia stated that each member of council would nominate someone to serve in their district. City Attorney Knebel clarified that even though there was already a committee in the past, the committee expired after one year and therefore all districts must appoint someone as this will be a brand-new committee.

Mayor Pro Tem Compian asked about the functions of the committee and will the new members be asked to revisit all the work done by the prior committee. Mayor Bell stated that it is in the council's purview to choose if a redesign is necessary. Mayor Bell asked the rest of council to consider the original design and noted the original issue was financial resources moving forward. Mayor Bell requested Mayor Pro Tem Compian to work with City Attorney Knebel to find and set aside the items in the document that have already been completed and what the city is trying to accomplish.

Councilmember Ross made a motion to approve moving forward with a new

ordinance at the next council meeting. Councilmember Lowry seconded. **MOTION CARRIED UNANIMOUSLY.**

8. CITY MANAGER REPORT

Councilmember Ross requested a discussion on Item 8.VII of the City Manager's Report.

8.I. April 2024 Fire Department Statistics

8.II. April 2024 Municipal Court Statistics

8.III. April & May 2024 Public Works Statistics

8.IV. May 2024 Municipal Court Statistics

8.V. May 2024 Monthly Crime Statistics

8.VI. May 2024 Library Statistics

8.VII. June 2024 Sales Tax Collections

Councilmember Ross requested a discussion about this item due to the concern raised by James Osteen during the Citizen's Participation. Mr. Osteen stated that the report online says EDC status, however the agenda says sales tax.

Christine Turner, Finance Director, stated that the report was originally named EDC stats but will have this changed. She shared that EDC and City of La Marque Reports would be separate and include a chart and graph per report.

8.VIII. Items for the Good of the Order

City Manager Garcia gave an update on upcoming events including the District D Town Hall on Wednesday, June 26th at 6:00pm and the Life and Liberty event at Highland Bayou Park on June 29th. He also shared that City Hall would be closed on July 4th due to Independence Day observance.

9. REQUESTS AND ANNOUNCEMENTS

Councilmember Lowry gave a series of requests on behalf of the city. He requested a weekly update on ditch clean-up efforts and a Town Hall Meeting to discuss the Railroad within the next 30-60 days. He also asked for a job performance review for the City Clerk and a Forensic Audit request to be placed on the next agenda. He commented on open records requests and stated his concern about the timeliness of addressing each request.

Councilmember Ross stated he would like a further discussion regarding the Ordinance Board with the City Attorney. He also requested the city to update their website to include all campaign financial reporting as required by Texas State Law. Councilmember Ross also promoted several upcoming events, including the VFW school supply and bike registration drive, Life and Liberty, and the Community Garage Sale which will take place on September 14, 2024.

Councilmember Yancy expressed her condolences to the family and friends of PJ Payne. She directed questions to the City Manager regarding the mosquito abatement machines and other machinery needed for cleanup efforts. City Manager Garcia stated

the gradeall and grapple truck are ready for immediate use. She stated her concern about unleashed dogs and the harm that they can cause to both the animals and people. She encouraged pet owners to use leashes when outdoors. She shared her love of Independence Day and encouraged the community to participate in the Life and Liberty Event. Councilmember Yancy stated the need for professionalism as we need to hold that standard, especially after being named an All America City.

Mayor Pro Tem Compian expressed his condolences to the Payne family and to Morris Dagerath's family. He thanked the team members who attended the All America City event in Denver, CO and stated the bus ride with the local youth who attended brought back his own youth and pride. He emphasized how being named an All America City has brought in new connections and tremendously helped bring awareness to the city and community as a whole. He shared that while fireworks are still illegal within the city, please be aware of pets during the Independence Day celebrations as firecrackers and other loud noises cause animals to react poorly.

Mayor Bell stated he is unhappy with the continued mistakes on the agenda. He requested a meeting with the City Attorney and the City Clerk to immediately fix these ongoing issues. He also shared that the City Clerk's Office is responsible for all agendas and the delivery to the councilmembers and if a councilmember indicates that he or she prefers a paper copy, then the city must print it and deliver the agenda accordingly throughout the tenure of each councilmember.

Mayor Bell also discussed getting to the bottom of the FEMA issue, saying that different people are receiving different information. He requested all correspondence for FEMA to be in writing from this point forward.

Mayor Bell stated that being named an All America City is a big deal. He shared that while the city may not be perfect, the award shows that the city is willing to work to solve the problems within the community. He noted that the city has the perfect heart to move forward, and that common ground can be found. He encouraged everyone to be a part in solving some of the issues within the community as a great opportunity for the city to grow.

Mayor Bell shared that he and council are a five-member team with one mission - to govern. His advice to his fellow councilmembers is to block out the noise and focus on what occurs on the dais. He stated that it is the council's job to do the people's work and must always keep the citizens' needs in the forefront.

10. EXECUTIVE SESSION

***Mayor Bell recessed the Regular Council Meeting and entered Executive Session at 9:35pm.*

10.I. Section 551.071 (Consultation with Attorney)

10.II. Section 551.074 (Personnel Matters)

11. ACTIONS TAKEN FROM EXECUTIVE SESSION

***Mayor Bell closed the Executive Session and reconvened the Regular Council Meeting Session at 10:50pm.*

11.I. Section 551.071 (Consultation with Attorney)

Mayor Pro Tem Compian stated that this item does not require a motion.

NO ACTION TAKEN.

11.II. Section 551.074 (Personnel Matters)

Mayor Pro Tem Compian made a motion to the evaluation into the new fiscal year starting October 2024. Councilmember Yancy seconded.

Mayor Pro Tem Compian asked for a process that would include an advisory component to where the chairpersons of the city's boards and commissions as well as department heads give an evaluation.

Mayor Bell summarized the request by stating that over the summer the city will engage in a broad evaluation of the entire city administration through surveys presented to the chairpersons of each board and commission. Additionally, the City Manager, City Clerk, City Prosecutor, City Attorney, and Municipal Judge and Associate Judges will be evaluated by department heads and addressed after the completion of the budget session.

MOTION CARRIED UNANIMOUSLY.

12. ADJOURNMENT

Councilmember Ross made a motion to adjourn. Councilmember Yancy seconded. **MOTION CARRIED UNANIMOUSLY.** ****MEETING ADJOURNED AT 10:55PM.**