



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Minutes
March 10, 2014**

Minutes of the City Council Regular Meeting of the City of La Marque, Texas that was conducted on Monday, March 10, 2014 at 6:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) Mayor Hocking called the meeting to order at 6:00 pm.

(2) ROLL CALL

**Mayor Hocking
Mayor Pro-Tem Bell
Councilmember Brown
Councilmember Trube
Councilmember Osteen**

**City Manager Buttler
City Attorney Ortego
City Clerk Eldridge**

(3) Mayor Pro- Tem Bell led the invocation and the Pledge of Allegiance.

(4) MINUTES

a. City Council Regular Meeting held on February 24, 2014.

** Councilmember Trube made a motion to approve the minutes of Regular Meeting held on February 24, 2014.

** Councilmember Osteen seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

(5) PRESENTATIONS

a. Certificates of Commendation

Chief Aragon briefly described a previous hostage situation to which the La Marque Police Department, along with other entities responded and participated in and presented Certificates of Commendation to the following: Lieutenant Kirk Jackson, Sergeant Shawn Spruill, Detective Shelby Samuelson, Community Policing Officer Jessica Clark, Officer David Hunter, Officer Conan King, Texas City Police Chief Robert Burby, Efran Cavazos, and Donna Cavazos

(6) BOARDS/COMMISSIONS REPORTS

a. Quarterly Reports for Clean City Commission and Cemetery Board

Chairman David Pennington provided a Power Point Presentation and overview of the Clean City and Cemetery Boards financials.

Councilmember Bell asked Mr. Pennington if it would possible to continue working closely with the Rising Star Cemetery and include it in the 'Wreaths Across America' celebration yearly. Mr.



1111 Bayou
La Marque, Texas 77568
409.938.9202

Pennington said that he has been working with them and that are interested in participating yearly, and will be an item on the upcoming Cemetery Board meeting for discussion. He also asked that that his appointee, Peggy Phillips, showed on the Power Point presentation as in District B, but it should be and remain in District A, as assigned by that District.

Councilmember Brown congratulated David for having a 90% attendance rate on the Clean City Commission. Mayor Hocking praised him for being one of the most successful Chairmen on the Boards and Commissions.

(7) CITIZEN PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act, the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(8) PUBLIC HEARING

a. Conduct Public Hearing to receive input regarding Ordinance No. **O-2014-005**, an Ordinance repealing Ordinance 981, Chapter 44, Article 1, Section 44-2, Curfew for Minors of the Code of Ordinances of the City of La Marque, Texas .

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:44 p.m.

1. Geraldine Sam spoke in favor of a curfew ordinance, but was not in favor of a curfew change. "Maybe we could do other things to curb what is happening with our youth, by doing some more community policing and patrolling in the neighborhoods. What data and crime statistics do we have that shows that crimes are being committed by minors? I am concerned because we have some children that are homeschooled and that work in the evenings, past the time that this new ordinance allows. We have some children that are playing in sports, baseball, football, and basketball, and we really don't want to criminalize our children. We want to keep them out of jail. Being taken home in a police car can be quite a dramatic experience for some of the children. Will there be exceptions during times, such as when school is out, or like now, during Spring Break? I think that the old curfew helped the children, more than this curfew ordinance does."

Mayor Hocking closed the Public Hearing and reconvened the Regular Meeting at 6:47 p.m.

Mayor Hocking added, "Ms. Sam, all of the answers to your questions are online in the background material and you will find that they are answered adequately, and address most of your concerns."

(9) OLD BUSINESS

a. Discussion/possible action regarding Ordinance No. **O-2014-005**, an Ordinance repealing Ordinance 981, Chapter 44, Article 1, Section 44-2, Curfew for Minors of the Code of Ordinances of the City of La Marque, Texas. **THIS IS THE SECOND AND FINAL READING.**

** Councilmember Trube made a motion to adopt Ordinance **O-2014-005**.



1111 Bayou
La Marque, Texas 77568
409.938.9202

** Councilmember Osteen seconded the motion.

Councilmember Bell called Chief Aragon up to the podium. "I have several questions, but first and foremost, let's deal with the issue of homeschooling, that is a valid issue that I am contemplating as we are deliberating this particular ordinance. How will you handle those students that are homeschooled?"

Chief Aragon answered, "There are eight exemptions in the ordinance; and all of them fall in-line with what Mayor Sam mentioned. Children that work are out, because their parents allow them to be out for such as that, school events, and sporting events. It is designed for youths that are out unaccompanied doing nothing but stirring up trouble for themselves or being a victim."

Councilmember Bell asked, "How would you ascertain that the children that are out, are out for the reason they say? I am all for the ordinance, provided that is it directed by the City Manager to implement a policy that specifies that for the first time, those children are to be taken home, unless they are committing a crime. This ordinance could be a gateway to potential problems that are going on in the home. If this ordinance does pass, would it be possible to distribute literature to the schools? I want them to be knowledgeable of the ordinance. They could possibly be doing the right thing, but unaware of their rights. We want them to be able to communicate that to the officer, if approached, and not be fearful." **MOTION CARRIED UNANIMOUSLY.**

b. Discussion/possible action regarding the recommendation of the Planning and Zoning Commission to approve Ordinance No. **O-2014-001**, an ordinance of the City Council of the City of the City of La Marque, Texas, changing the zoning classification from Single Family Residential to General Commercial, of a tract of land, Lots six (6), seven (7), eight (8) and nine (9) in Section 1, Amburn's Subdivision in the Daugherty Survey No.4, out of the Marchand Tract, S.F. Austin League No. 4, Galveston County, Texas, according to the map or plat thereof recorded in Volume 254 A, Page 50, all in the map records in the office of the County Clerk of Galveston County, Texas, from Single Family Residential to General Commercial; amending the Zoning map of the City adopted the 12th day of December 2005 by Ordinance Number 953. **THIS ITEM WAS TABLED FROM THE JANUARY 13, 2014 CITY COUNCIL MEETING. THIS IS THE FIRST READING.**

** Councilmember Bell made a motion to adopt Ordinance No. **O-2014-001**.

** Mayor Hocking seconded the motion. **MOTION CARRIED UNANIMOUSLY**

Councilmember Osteen asked, "Has everyone within a hundred feet of that property agreed to it, there was no opposition?"

Ana Tims replied, "There were no negative comments during the Public Hearing of the Planning and Zoning Commission." **MOTION CARRIED UNANIMOUSLY.**

(10) CONTRACTS/AGREEMENTS

a. Discussion/possible action regarding the approval of an Agreement with the La Liga Soccer League for use of Field #1 at Highland Bayou Park.

** Councilmember Bell made a motion to approve the Agreement with the La Liga Soccer League



1111 Bayou
La Marque, Texas 77568
409.938.9202

For use if Field #1 at Highland

** Councilmember Osteen seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

Councilmember Trube asked, "I was wondering, didn't all of these contracts used to come through the Parks Board as recommended by the Board and then onto City Council by them? It says on the Agenda Form, that it is staff recommendation. When we get recommendations from other Boards, it always says that it is recommended by that Board. It has always been the straight recommendation from the Parks Board and not staff. I used to be a member of the Parks Board and that's how we did it."

Mac McGaffey, Chairman of the Parks Board, stated, "The Committees work for the Mayor and City Council. We recommend it to City Council."

Councilmember Trube continued, "There is a change in procedures. 'I don't like the word 'staff'. I was a member of this Board, and I respect them. In the future, I would like to see that items being referred from the Parks Board, to state that. Staff does not belong to the Parks Board. I was a member of that Board, and I respect what they do and I don't want to see credit taken away from them. They have worked with the leagues for a long time."

Councilmember Osteen reported that the City Attorney explained that staff and he have looked over these agreements.

Mr. Ortego responded, "It was also a requirement that by City Charter, that certain items have to be recommended by the Planning & Zoning Commission, but it is not a requirement of the Parks Board to officially make the recommendation to City Council."

After a lengthy discussion it was agreed to change the wording in Section 5, the last sentence to read,

"Lessee shall submit plans and specifications to the Parks Board for their approval, then to City Manager or designee for review and recommendation to City Council."

Councilmember Bell made motion to approve the amended agreement.

Councilmember Osteen seconded the amended agreement. **MOTION CARRIED UNANIMOUSLY.**

b. Discussion/possible action regarding the approval of an Agreement with the Super Ladies Soccer League for use of Field #2 at Highland Bayou Park.

** Councilmember Bell made a motion to accept the agreement with the Super Ladies Soccer League for use of Field #2 at Highland Bayou Park, with the same wording changed in the last sentence of Section 5.

** Councilmember Brown seconded the motion.

** Councilmember Bell made a motion to accept the amended agreement. **MOTION CARRIED UNANIMOUSLY**

** Councilmember Osteen seconded the motion for the amended agreement. **MOTION CARRIED UNANIMOUSLY**



1111 Bayou
La Marque, Texas 77568
409.938.9202

Councilmember Bell asked, "Who gave permission to these leagues to paint all of the cities' signs to their logo? It is Hondo's outfit, Hustle Baseball. No one is aware that this is Mahan Park and is owned by the City."

Chairman Mc Gaffey, "At the signing of his contract we gave him permission to put his logo as their home-field. The Mahan Park sign is still there."

Councilmember Bell asked, "Is there any way we can get a prominent sign to let people know that it is still a City of La Marque owned park?"

Parks Board Chairman Mr. McGaffey responded, "I will put it on the next Parks Board Agenda."

c. Discussion/possible action regarding award of Bid #LM 02-14 to Mike's Tree Services for demolition of substandard structures for the amount of \$98,000.00.

City Manager said, "I understand that the next step is to go before the Building Standard Commission to issue the demolition orders. There is still an opportunity for the owners to do something with these structures."

Councilmember Osteen said that one of his concerns was the large spread that was given, between both of the bidders total amount of the bids, especially the one for the school. It was determined that one of the pages presented by one of the bidders had a typo on the amount of the total bid. He also asked to receive a copy of the insurance provided by Mike's Tree Service.

Councilmember Bell asked that a representative of Mike's Tree Service be present at the next meeting.

It was determined that the amount for asbestos abatement was the contractor's responsibility and that it would be taken before a third party, on commercial structures only, not on residential structures. Co-Chairman Mc Gaffey said that one of the bidders turned in their bid based on the asbestos abatement for all of the structures.

** Councilmember Osteen made a motion to table this item.

** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

d. Discussion/possible action regarding approval of submission to the Texas General Land Office (TGLO), of LJA Engineering, Inc. Construction Contract Change Order Request Form #1 for the 36" Sanitary Sewer Improvements.

** Councilmember Trube made a motion to approve the submission to the Texas General Land Office (TGLO), of LJA Engineering, Inc. Construction of the Change Order Form #1 for the 36" Sanitary Sewer Improvements.

** Councilmember Osteen seconded the motion. **MOTION CARRIED UNANIMOUSLY.**



1111 Bayou
La Marque, Texas 77568
409.938.9202

e. Discussion/possible action regarding authorizing and designating Crescent Electric as the City's Contract Electrician to provide electric repair services for budget year 2013-2014 for various City facilities.

** Councilmember Brown made a motion to authorize Crescent Electric as the City's Contract Electrician to provide electric repair services for budget year 2013-2014 for various City facilities.

** Councilmember Osteen seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

f. Discussion/possible action for the approval of budgeted expenditures with Crescent Electric for Bayou Fest Electrical Up-Grades in the amount of \$30,281.00.

** Councilmember Trube made a motion for the approval of budgeted expenditures with Crescent Electric for Bayou Fest Electrical Up-Grades in the amount of \$30,281.00.

** Councilmember Brown seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

(11) NEW BUSINESS

a. Discussion/possible action canceling the second Regular City Council meeting of May 26, 2014, due to Memorial Day.

** Councilmember Trube made a motion to cancel the second Regular Meeting of May 26, 2014, due to Memorial Day.

** Councilmember Brown seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

b. Discussion/possible action regarding Resolution No. **R-2014-007**, authorizing rescission of existing Emergency Medical Services patient billing waiver policy for unpaid balances not covered by insurance for "In-District Resident Patients"; and authorizing implementation of a revised Emergency Medical Services patient billing policy for "In-District Resident Patients" and "Out-of-District Patients".

** Councilmember Bell made a motion to approve Resolution No. **R-2014-007**.

** Councilmember Trube seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

c. Discussion/possible action regarding the recommendation of the Parks Board to adopt Ordinance No. **O-2014-006**, an Ordinance of the City Council of the City of La Marque, Texas, Amending Section 44-19, City Park Hours, of the Code of Ordinances, City of La Marque, Texas, to provide an exception for Bayou Fest, organized sport activities and other events authorized by the Parks Board and the City in any City Park. **THIS IS THE FIRST READING.** Mayor Hocking corrected the wording to read....."by the Parks Board **or** the City in any City Park."

** Councilmember Trube made a motion to adopt Ordinance No. **O-2014-006**.

** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

d. Discussion/possible action regarding Ordinance No. **O-2014-007**, an Ordinance regarding the proposed abandonment of a 70.5' wide street (Oak Street) R.O.W. abandoned section of 4th Street between block 50 and block 49 and 80' to 100' wide street section of Prune between block 49 and block 56. **THIS IS THE FIRST READING.**

** Councilmember Brown made a motion to adopt Ordinance No. **O-2014-007**.

** Councilmember Bell seconded the motion.



1111 Bayou
La Marque, Texas 77568
409.938.9202

Councilmember Osteen asked if all of the utility companies were sent letters, to which Ms. Tims answered yes and commented, "All of the utility companies were notified and we have received a few emails, and that there were no facilities or utilities through the property."

MOTION CARRIED UNANIMOUSLY.

- e. Discussion/ possible action regarding Ordinance No. **O-2014-008**, an Ordinance amending Section 41-210 and Section 71-4 of the Code of Ordinances of the City of La Marque, Texas to add definitions of approved fence materials and screening fence or blind fence; amending Section 41-211 of the Code of Ordinances of the City of La Marque, Texas, to prohibit screening fences or blind fences in front yards; amending Section 71-21 (3) a. and b., of the Code of Ordinances of the City of La Marque, Texas to increase the maximum height of screening elements and fences from six (6) feet to seven (7) feet and the maximum height of screening of nonresidential uses in Residential Districts from eight (8) feet to twelve feet (12); amending Section 71-21 (3) by adding a new subsection c., to prohibit screening fences or blind fences in front yards; and providing for a severability clause. **THIS IS THE FIRST READING.** *Mayor Hocking asked that the wording be corrected since it made no sense.*

** Councilmember Brown made a motion to adopt Ordinance No. **O-2014-008**.

** Councilmember Bell seconded the motion.

A. Tims gave a brief overview of how the ordinance changes have been reviewed before the Planning and Zoning and Board of Adjustments several times in the last few years.

Councilmember Trube said she isn't in favor, considered it to be double standard. Stating that "We don't allow those in residential areas to put up a privacy fences in front of their homes, but we allow and enforce the ordinance that requires a fence to be around a trailer park."

** Councilmember Brown made a motion to adopt Ordinance No. **O-2014-008**.

** Councilmember Bell seconded the motion. **MOTION CARRIED 3 to 1, WITH COUNCILMEMBER TRUBE VOTING IN OPPOSITION**

- f. Discussion/possible action regarding the recommendation of the Planning and Zoning Commission to approve Ordinance No. **O-2014-009**, an Ordinance of the City of La Marque, Texas, changing the Zoning classification of a tract of land from Single Family Residential to General Commercial, Lots two (2), three (3) and four (4) in Block 22 Division J Cook and Stewart Subdivision, Galveston County, Texas, recorded in Volume 81, page 526 all in the Map records in the office of the County Clerk of Galveston County, amending the Zoning Map of the City adopted the 12th day of December 2005 by Ordinance Number 953 **THIS IS THE FIRST READING.**

** Councilmember Bell made a motion to adopt Ordinance No. **O-2014-009**.

** Mayor Hocking seconded the motion. **MOTION CARRIED 3 to 1, WITH COUNCILMEMBER BROWN VOTING IN OPPOSITION**

- g. Discussion/possible action regarding the recommendation of the Planning and Zoning Commission to deny Ordinance No. **O-2014-0010**, an Ordinance of the City Council of the City of La Marque, Texas, changing the Zoning Classification from Single Family Residential to Agricultural a tract of land described as 5.994 acres of land out of part of the S.



1111 Bayou
La Marque, Texas 77568
409.938.9202

F. Austin League Survey No. 4 in Galveston County Texas, as more fully described by metes and bounds attached in Exhibit "A", all in the map records in the office of the County Clerk of Galveston County, Texas; Amending the Zoning map of the City adopted the 12TH day of December 2005 by Ordinance 953 – Development Services Director A. Tims **THIS IS THE FIRST READING**

** Councilmember Osteen made a motion to approve the recommendation of the Planning and Zoning Commission to deny the rezone request.

** Councilmember Trube seconded the motion.

Councilmember Bell the reason the Planning and Zoning Commission was recommending the denial of the rezone request.

Commissioner Colombo reported that several neighbors opposed the request during the public hearing before the Planning and Zoning Commission, and if it is more than 20%, the recommendation has to be recommended to deny the request. **MOTION CARRIED UNANIMOUSLY.**

(12) CITY MANAGER REPORT – No Council Action Necessary

- **Development Services**
- **Judicial**
- **Police/OEM**
- **Fire/EMS**
- **Library**
- **Public Works**

(13) EXECUTIVE SESSION

Council will adjourn into Executive Session in accordance with the Texas Government Code Sections: 551.071(Consultation with Attorney) - Discuss proposed settlement regarding a grievance with the La Marque Police Association and 551.071 (Consultation with Attorney) – Discuss the appeal of Alfred Decker

Mayor Hocking thanked all that attended the Council meeting before recessing the Regular Council meeting to go into Executive Session at 8:24 p.m.

Mayor Hocking reconvened the Regular Meeting at 10:09 p.m.

(14) Discuss/possible action taken from Executive Session regarding the grievance with the La Marque Police Association.

Mayor Hocking made a motion to approve the settlement between the City of La Marque and the La Marque Police Association, dated March, 3, 2014.



1111 Bayou
La Marque, Texas 77568
409.938.9202

Councilmember Osteen said that he wanted it duly noted, that this occurred in 2009 before he, and Councilmember Brown and the Mayor were on City Council.

Councilmember Bell wanted it duly noted that although he and Councilmember Trube were on City Council, the monies were budgeted in the City's coffers available for disbursement.

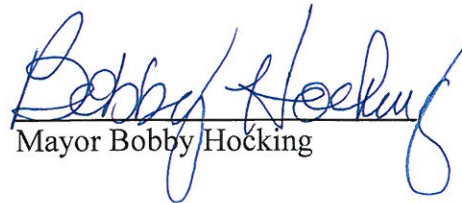
(15) REQUESTS AND ANNOUNCEMENTS

Mayor Hocking wished Mr. Koneman a Happy 88 Year Birthday and for those to continue to pray for Sonny Manuel, as he is very ill.

Councilmember Bell asked that the resignation letter of Peggy Phillips for acceptance and the appointment of another member of the Clean City Commission to replace her be on the next agenda.

(16) ADJOURNMENT

Councilmember Trube made a motion to adjourn an Councilmember Osteen seconded at 10:12 p.m.


Mayor Bobby Hocking

ATTEST:


Robin Eldridge, TRMC
City Clerk