



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Regular Meeting Minutes
October 12, 2015**

Minutes of the Regular Meeting Minutes of La Marque City Council held on Monday, October 12, 2015 at 6:00 p.m. at 1109-B Bayou Road for the purpose of considering the following agenda:

- (1) Mayor Hocking called the Regular Meeting to order at 6:00 p.m.
- (2) **ROLL CALL**
Mayor Hocking
Mayor Pro-Tem Bell
Councilmember Chris Lane
Councilmember Robert Michetich
Councilmember Clent Brown
City Manager Carol Buttler
City Clerk Robin Eldridge
- (3) **INVOCATION AND PLEDGE OF ALLEGIENCE**
Mayor Hocking gave the invocation and led the Pledge of Allegiance

As a pre-cursor to the Mayor's closing remarks he read the following note from a Citizen: "To the citizens of La Marque: On Tuesday, September 15th, I had a devastating fall from my attic to the garage floor. I broke nine bones and crushed my heel on the left side of my body. As we called 911 and two wonderful EMT attendants came to my rescue. Tony Wright, assisted by Michael Carlson quickly prepared me to be taken to UTMB trauma Center. Their quick, loving, gentle actions, saved my life. They soothed me with kind words during the transport. I am forever indebted to these two wonderful men. They are a complement to our community. Sincerely, Karen Smith-Sterling."

The Mayor personally thanked the two gentlemen and called them both up front to shake hands with all of Council.

- (4) **CITIZEN'S PARTICIPATION**
David Pennington, Chairman of the Cemetery Board reminded all of the Annual "Wreaths across America" Ceremony that will take place on Saturday, December 12, 2015 beginning at 11:00 a.m., and invited and encouraged all to participate.
- (5) **CONSENT AGENDA**
 - a. Special Budget Workshop Minutes of August 6, 2015
 - b. Special Called Meeting/Public Hearing Minutes of September 26, 2015
 - c. Regular Minutes of September 28, 2015
 - d. Discussion/possible action regarding award of Bid LM #10-15 for Janitorial Services to



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J & E Associates in the amount of \$38,743.32.

- e. Discussion/possible action regarding acceptance of a formal appraisal in the amount of \$500.00 in conjunction with the previous approval of the abandonment of a 20 foot by 100 foot portion of an alley lying between 1013 Main St., also described according to Galveston County Appraisal District as Parcel ID R196282, lots 3 and 4 in Block 4, Division "O" of Cook and Stewart Subdivision and Parcel ID R196289, known as Walnut Lots 11 and 12 in Block 4, Division "O" of Cook and Stewart Subdivision, a subdivision in Galveston County, Texas, in compliance with the abandonment process.
- f. Discussion/possible action authorizing the City Manager to enter into a contract between the Galveston County Health District and the City of La Marque for Water Pollution Control and Abatement.
- g. Discussion/possible action regarding approval of a policy for Hours of Operation for City Facilities.
- ** Councilmember Lane made a motion to approve the Consent Agenda.
- ** Councilmember Michetich seconded the motion.

Councilmember Brown asked and was told that the Janitorial Service that was recommended, was located in Houston.

Mayor came back to this item and explained that Council will not be made final until after the interim period, (ninety days) January 5, 2016. To bring a status Pilot project and policy in the first meeting in January

MOTION CARRIED UNANIMOUSLY.

(6) NEW BUSINESS

- a. Discussion/possible action regarding the recommendation of Planning and Zoning Commission to deny a request for re-zoning property for tract of land from R-1 Residential to C-1 (General Commercial), addressed as: 3330 Ave. "A", La Marque, Texas, also described as: ABST 161 PAGE 1 PT OF LOT 9 (9-1) ORCHARD PLACE R205301, in Galveston County, Texas, in the name of Tina Jou. A portion of the property is currently zoned C-1 General Commercial, and the adjoining is zoned R-1 Single Family Residential.

Chris Rasco, legal representative for Ms. Jou reported that the parcel is on the corner of 1764 and Avenue "A". The property is a continuous tract that surrounds a local bar and is "L" shaped. On one side it is zoned Commercial and on the west side of the bar it is zoned Single Family Residential. At the Planning & Zoning Commission meeting the subject of this being "spot zoning" came up, which he disagrees that it is. "What the applicant was trying to do is to consolidate within her one, double-zoned contiguous piece of property. To make it all commercial, and with it fronting 1764, it makes sense."



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Discussion continued, with the consideration, and whether the area had changed since the original zoning ordinance was passed. Which it was said that there has been an increase in commercial development in that area. "When brought before the Commission, the complaints were mainly of the bar itself, not any rezoning issues."

Councilmember Brown commented that the decision has been made by the Planning and Zoning Commission.

It was determined that the same owner has owned the property for about as long as the Zoning Ordinance has been in effect. Whether or not a buffer would actually be placed on the proposed rezoning of the property, was briefly discussed.

Public services Les Rumburg added, "The opposition that was expressed in part because the bar and noise and also the residential theme to be continued. The question of spot zoning wasn't pertaining to this piece of property, but another item on the agenda at the last meeting."

- ** Mayor Hocking made a motion to table this item, since the question of spot zoning came up, and would like for the City Attorney to be present.
- ** Councilmember Bell seconded. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding adopting Ordinance No. **O-2015-0021**, amending Appendix "A", Schedule of fees and charges of the Code of Ordinances, City of La Marque, Texas by amending prescribed Solid Waste Collection Charges, per Contract. **THIS ITEM WAS TABLED AT THE CITY COUNCIL MEETING HELD ON SEPTEMBER 14, 2015. THIS IS THE FIRST READING.**

Mayor Bobby Hocking noted that the city was contractually obligated to pay a 5 percent increase annually to Republic, the city's solid waste service provider. He noted the company's service levels in his discussion of the item. "Although the service has improved ever so slightly, I for one, am not prepared to pass this, as is normally the case, on to the citizens in the form of an addition to their water bill," Hocking said, in asking for a motion to pay the city's obligation from the Sanitation Fund. "This could possibly save us some legal fees, and we want to be known as a city that pays our bills," he said.

- ** Councilmember Bell made a motion to adopt Ordinance No. O-2015-0021.
- ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

- c. Discussion/possible action regarding adopting Ordinance No. **O-2015-0025**, amending Ordinance No. O-2015-0010, Section 3, as it relates to the installment due dates in accordance to when the assessment was levied for Painted Meadows, Section IV. **THIS IS THE FIRST READING.**

- ** Councilmember Lane made a motion to adopt Ordinance No. O-2015-0025.
- ** Councilmember Bell seconded. **MOTION CARRIED UNANIMOUSLY.**



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- d. Discussion/possible action regarding adopting Ordinance No. **O-2015-0026**, amending Chapter 23, Article I, Section 23-1, of the Code of Ordinances authorizing the Judge of the Municipal Court to assess a Special Expense to be collected by the Municipal Court for the issuance and service of a warrant of arrest for the offense of Failure To Appear and a Violate Promise to Appear not to exceed \$25.00.

** Councilmember Bell made a motion to adopt Ordinance No. O-2015-0026.

** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

- e. Discussion/possible action regarding adopting Resolution No. **R-2015-0035**, appointing a Representative and Alternative Representative to the Harris-Galveston Area Council 2016 General Assembly.

** Councilmember Michetich made a motion to nominate Mayor Hocking as the Representative and Councilmember Lane as the Alternate to the H-GAC and adopting Resolution No. R-2015-0035.

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

(6) CITY MANAGER'S REPORT

- **Police/OEM**
- **Fire/EMS**
- **Public Services**
- **Financials**

(7) EXECUTIVE SESSION

There was no Executive Session.

(8) REQUESTS AND ANNOUNCEMENTS

** Councilmember Brown acknowledged the pink ribbons in support of Breast Cancer Awareness Month; 62nd Anniversary of the City flag to fly this week.

** Councilmember Michetich hopes to see all at the Bayou Fest.

** Councilmember Bell congratulation to the officials in receiving a letter of support from the lady that had the accident. Due to allergies, Mr. Bell will not be at Bayou Fest but is in support of Bayou Fest, and missed all on National Night Out also.

** Mayor Hocking acknowledged Breast Cancer Awareness month, lending full support as City Council. He thanked the two Officers for their great services, thanked David for the works that he puts into "Wreaths across America."

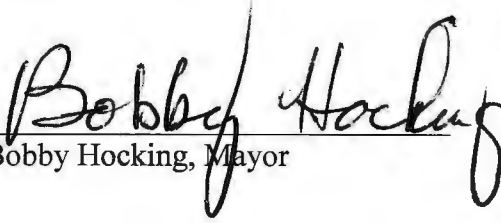
Reminded all of Bayou Fest beginning at 8:30 a.m. with the "Cowboy" Jones fishing tournament; 4:40 p.m. music begins; a wonderful Fireworks display at 10:00 p.m. all free to public, paid for out of Hotel Motel taxes.

(9) ADJOURNMENT

Councilmember Bell made a motion to adjourn the meeting at 6:29 p.m. Councilmember Michetich seconded. Meeting adjourned.



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Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, TRMC
City Clerk

CITIZENS REQUEST TO SPEAK

In order to be heard, this form must be filled out and returned to the City Clerk five (5) minutes prior to the start of the meeting.

DATE OF MEETING: 10-12-18

Citizens who wish to address the City Council about items on the agenda, which are scheduled for Council action, will be given three (3) minutes to do so. Please indicate below the agenda item (s) number on which you wish to speak:

Citizens wishing to address the City Council about a topic **NOT** on the agenda, will be given the same amount of time during the "CITIZENS PARTICIPATION" section. Please indicate below the subject matter:

WREATHS ACROSS AMERICA

Please step to the podium as soon as you are recognized by the Mayor, do not try to speak from your seat. State your name and address before the beginning of your presentation. If you have written materials, please furnish an extra copy for the official files. If you have any questions concerning the request to speak form, please direct them to the City Clerk.

Name DAVID PENNINGTON

Address 281 924 CUPPES

Telephone number 409-739-4464

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____