



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Regular Meeting Minutes
October 26, 2015**

Minutes of the Regular Meeting of La Marque City Council held on Monday, October 26, 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 Arrived at 6:18 p.m.
Councilmember Chris Lane
Councilmember Robert Michetich
Councilmember Clent Brown
City Manager Carol Buttler
City Attorney Ellis Ortego
City Clerk Robin Eldridge
- (3) **INVOCATION AND PLEDGE OF ALLEGIENCE**
Mayor Hocking gave the invocation and led the Pledge of Allegiance
- (4) **PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - a. Introduction of New Employees
Mayor Hocking along with Library Director Amy Miller introduced Terri Walker, Youth Services Librarian; Stacy Selby, Library Assistant
Mayor Hocking along with Kathy Girndt (Utility Billing) introduced Britni Munoz, Customer Service Representative
 - b. Proclamation- Municipal Court Week
Mayor Hocking read the Proclamation and acknowledged the Municipal Court Judge and court personnel
- (5) **CITIZEN'S PARTICIPATION (Limited to three (3) minutes per person)**
 1. Sharon Daniel, spoke on the subject of increasing the Solid Waste collections charges.
"First, I want to say, as a citizen, I deeply appreciate your expressed desire not to pass on the increase in fees to Republic to the citizens of La Marque, especially considering the service level that they have failed to provide for a good length of time, now. I completely concur with the Mayors comment at the last City Council meeting, about wanting La Marque to be known as a city that pays its bills. However, I do have a bit of concern about that, for La Marque to be known as a city that pays its bills regardless of whether or not those that contract with the city meet their obligations." She went on further to say that she felt like it was a disservice to the funds that ultimately come from the citizens of La Marque. Her recommendation is that Republic be held to their contract, and that prior to receiving this years' scheduled rate increase, that they demonstrate a period of no less



1111 Bayou
La Marque, Texas 77568
409.938.9202

than six months of actually delivering the service they are contracted to deliver. Her other concerns were of some of the wording in the ordinance itself, one being that citizens had to pre-schedule for the brush pickup. Another issue being to have to take the trash to the waste disposal center (dump), and then limits placed on how many times a person can take it, even if taken in their own time, and why would a person be charged if they take an excess of one every three months, if the intent is to clean up La Marque. Mayor granted her another minute to speak. Her last concern was the 'cart contents only' wording, she said that this phrase does not exist in the original Republic contract. The contract allows citizens to use receptacles, two per trash day and does not limit to 'cart contents only.'

Mayor responded, "Your input is taken seriously, sometimes, we, as leaders have to make a decision. It is better to pay \$73,000.00 out of the Utility Fund and not pass it on to the citizens, rather than pay \$173,000.00 by the time we get through paying attorney fees. That is the decision that was made, but we appreciate your input very much."

Laura Marie Bernard, "I am here on behalf of a non-profit organization called 'Life Donation'. We help people who want to donate their bodies to science. I am here with a collaborative event that we are producing for the residences of Galveston County. (Handed out a press release). We are bringing a Veterans Memorial exhibit that is two hundred feet long. It commemorates every single Texas fallen troop in the Iraq and Afghanistan wars, displaying their picture, their name and their date of death. We are working with the Texas Funeral Directors Association, who are the custodian of this exhibit. We are also working with Worlds Gym (location of the exhibit), the owner of Mall of the Mainland and Carnes Funeral Home. The ribbon cutting will take place on Monday, November 2, 2015 at Worlds Gym at 4:30 p.m. I am asking Mayor Hocking to present the invocation at this event. It will be here from November 1 through November 12, and it is free. "

- (6) **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
- a. Regular City Council Minutes of October 12, 2015.
 - b. Canceling the second Regular City Council Meetings of November 23, 2015 and December 28, 2015 due to Thanksgiving, Christmas and New Year Holidays.
 - c. Discussion/possible action regarding authorizing City Manager to commit the City to \$55,000.00 with the Letter of Intent with Siemens Industry Inc. to recoup costs for program development, if the City of La Marque fails to execute the **Performance Contracting Agreement**.



1111 Bayou
La Marque, Texas 77568
409.938.9202

- d. Discussion/possible action authorizing the Fire Department to proceed with disposition of surplus property as described in the attachment by online public auction.
 - e. Discussion/possible action authorizing award of Bid #LMB 2015-003 for EMS Medical Supplies and Medications to Bound Tree Medical in the amount of \$10,442.09 for a period of one (1) year beginning November 1, 2015, through October 31, 2016, with an option for two (2) one (1) year renewal periods with mutually acceptable terms, conditions, and pricing.
- ** Councilmember Michetich made a motion to approve the consent agenda.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

(7) **PUBLIC HEARING**

- a. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2015-0021**, 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.

Mayor Hocking closed the Regular meeting and opened the Public Hearings at 6:17 p.m.

Geraldine Sam asked what the schedule of fees and charges will be. "Are the fees going up? Are they going to charge us more? What is it, because my question and concern is that the garbage service has not been very good lately. We have had to as a city, put up our own money to help get our city clean and we are picking up the brush that they were supposed to be picking up. I am concerned. I am paying with my money and you are paying. Are they going to reimburse us, what we have paid them for picking up brush and we are paying someone else to pick it up. That is double dipping. They don't need a raise, if they aren't doing their job."

Mayor explained, "To answer the first part of your question. That actually was paid for by the Economic Development Corporation, and it was funded by sales taxes, not property taxes. It was not a city expense, so there will be no need for reimbursement. Secondly, this is a contractual obligation. It is written into the contract that they get an increase, and so much per year. We had decided not to pass that onto the citizens, but to pay it out of the Utility Fund, which is generated by the taxes received from the citizens who pay them through their waste collection." Further stated that the contract ends in 2017, the city will be going out for bid for a trash/waste collection company.

- b. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2015-0025**, amending Ordinance No. O-2015-010, Section 3, as it relates to the installment due dates in accordance to when the assessment was levied for Painted Meadows, Section IV.

No one spoke.

- c. Conduct Public Hearing to hear public input regarding 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



1111 Bayou
La Marque, Texas 77568
409.938.9202

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.

No one spoke.

Mayor Hocking closed the Public Hearings and opened the Regular meeting at 6:22 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2015-0021**, 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 IS THE SECOND AND FINAL READING**

** Councilmember Lane made a motion to adopt Ordinance No. O-2015-0021.

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

- b. Discussion/possible action regarding adopting Ordinance No. **O-2015-0025**, amending Ordinance No. O-2015-010 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 SECOND AND FINAL READING.**

** Councilmember Michetich made a motion to adopt Ordinance No. O-2015-0025.

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- c. 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. **THIS IS THE SECOND AND FINAL READING.**

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

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

- d. Discussion/possible action regarding the recommendation by Planning and Zoning Commission to deny request for re-zoning a 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. **THIS ITEM WAS DISCUSSED AND TABLED FROM MEETING HELD ON OCTOBER 12, 2015.**

Councilmember Bell stated, "I would like some explanation. I know last time, our attorney wasn't here. So, we stopped in our deliberation, but now I believe their attorney is here and ours is here, can we get a little background information?"

City Attorney responded, "I wasn't at the Planning and Zoning Commission meeting, but the way it was explained to me by Mr. Rumburg, if we approve this zoning change, in my opinion, it would constitute spot-zoning."



1111 Bayou
La Marque, Texas 77568
409.938.9202

Mr. Rumburg then stated, "We are dealing with two different issues of spot-zoning. When Planning and Zoning met, two months ago, there was an issue that preceded this item, which was in my indication a definite case of spot-zoning. Mr. Ortego was absent from that meeting, so P & Z tabled that until a ruling could be made by our Attorney. The next item of business was the proposed rezone for this particular tract of land. The Commission reacted to the residents that were at the meeting and voted to recommend to you, City Council to deny the rezone request. Spot-zoning was not a question for this particular issue. The reason for denying the request was based upon public input at that meeting. It is an "L" shaped lot, with the bottom portion zoned Commercial and top part is zoned Single-Family Residential. They want to make the whole tract Commercial, while excluding a small piece which contains a manufactured home and some out buildings.

Councilmember Michetich stated, "By omitting that area that has the manufactured home, we would be committing spot-zoning. That is basically the way I see it. "

Further discussion included the attorney of the property owner, Chris Rasco. "We are not trying to segregate and maintain anything residential on our property. We are asking to consolidate the zoning on this owners property to one contiguous tract. To make it all zoned the same."

Further discussion continued raising the question of how the actual request was submitted to Planning and Zoning and the minutes from that meeting, the application or the intentions. The property owner was not in attendance, and it was said that City Council had asked for her to be at this meeting to help clear up some questions.

Mr. Rasco commented, "I am sorry I missed the request. She wants the entire parcel to be Zoned Commercial. If you want clarification, we can come back again."

Alvin O'Neil came forward, and stated, "I represent Ms. Jou. I am the one who submitted the original paperwork. There was no mention of carving out a portion for the mobile home. I don't know where that came from. What Ms. Jou is seeking is to have one contiguous tract of land that is zoned General Commercial, so it would open up various possibilities for her to develop that property, as she sees fit."

Further discussion spoke of the Planning and Zoning minutes of that meeting, and the original paperwork submitted. A question of whether any plans or drawings have been submitted came up, to which it was said that plans were submitted for the possibility of a self-storage facility for RV's and boats, and climate-controlled.

** Councilmember Michetich made a motion to accept the recommendation of the Planning and Zoning Commission to deny the request for rezoning from R-1 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



1111 Bayou
La Marque, Texas 77568
409.938.9202

County, Texas, as recommended by the Planning and Zoning Commission.

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

(9) NEW BUSINESS

- a. Discussion/possible action providing direction to City Manager regarding the application for designation as a National Weather Service StormReady Community.

Discussion followed of a meeting that was previously held in Texas City and that the City of La Marque was very prepared and well represented at that meeting.

** Councilmember Bell made a motion for the City Manager to move forward with the application for designation as a National Service StormReady Community.

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action authorizing the purchase of One (1) Ford Expedition through HGAC in the amount of \$34,440.00.

** Councilmember Bell made a motion authorizing the purchase of One (1) Ford Expedition through HGAC in the amount of \$34,440.00.

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- c. Discussion/possible action authorizing the purchase of One (1) Frazer Type 1 Modular Medic Unit through BuyBoard in the amount of \$145,825.00.

** Councilmember Bell made a motion authorizing the purchase of One (1) Frazer Type 1 Modular Medic Unit through BuyBoard in the amount of \$145,825.00.

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

- d. Discussion/possible action regarding a request from Long & Son Construction concerning a Change Order for a **second** extension of 145 calendar days to complete the Kirby Street Water Plant.

** Councilmember Bell made a motion to deny the request from Long & Son Construction Concerning a Change Order for a second extension of 145 calendar days to complete the Kirby Street Water Plant.

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

- e. Discussion/possible action regarding the recommendation of Planning and Zoning Commission to adopt Ordinance No. **O-2015-0027**, approving the zoning classification for the Thoroughfare Overlay District in the La Marque I-45 Corridor, FM 1764 and FM 1765.

** Councilmember Michetich made a motion to adopt Ordinance No. O-2015-0027, as recommended by the Planning and Zoning Commission. **THIS IS THE FIRST READING**

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



1111 Bayou
La Marque, Texas 77568
409.938.9202

(10) CITY MANAGER'S REPORT

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

There were no comments on the City Manager's Report.

Mayor Hocking asked for Requests and Announcements at this time instead of after the Executive Session.

Councilmember Michetich, "I was in attendance at the meeting the Mayor spoke of earlier and of all the Cities in Galveston County including the County, La Marque, Mrs. Buttler's staff - team was the only city to turn in their paperwork, complete and on time, which was quite a deal. This is very important to our FEMA funding. They put a lot of work into it."

Councilmember Lane welcomed all of the new employees to the City and thanked all for attending the meeting.

Councilmember Bell welcomed all the new employees to the City and acknowledged Municipal Court Week and all that the staff does. Then asked City Manager to get with Mr. McGaffey of the Parks Boards to see if there is any formal process for getting a Park named after a citizen and share it with this Council to make sure the City is doing things appropriately.

Mayor Hocking congratulated Dr. and Coach Mike Jackson for being named the Coach of the Week. Then thanked Charlene and her team including the City Manager on the fine work they have done on Emergency Management. He then thanked all that had anything to do with and that worked so hard with Bayou Fest, it was the most successful so far for this event. Then he thanked all for attending.

(11) EXECUTIVE SESSION

- a.) Discuss status of case regarding William Bunch, et al vs. New Hope Bible Church, et al Section 551.071 (Consultation with Attorney)
- b.) Discuss summons received from Dong Shen Huang Section 551.071 (Consultation with Attorney)

Mayor Hocking closed the Regular meeting and went into Executive Session at 6:49 p.m.

(12) Discussion/possible action regarding any action to be taken from the Executive Session

Mayor Hocking called the Regular meeting back to order at 7:20 p.m.

- a.) Discussion /possible action regarding the appointment of outside counsel concerning the case of William Bunch, et al vs. New Hope Bible Church, et al



1111 Bayou
La Marque, Texas 77568
409.938.9202

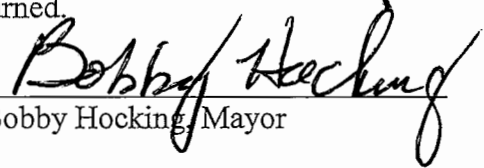
Councilmember Bell made a motion to contract Olson & Olson to handle the case concerning William Bunch, et al vs. New Hope Bible Church, et al and capped the expenditures not to exceed \$5,000.00.

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

(13) **ADJOURNMENT**

Councilmember Michetich made a motion to adjourn the meeting at 7:20 p.m.

Councilmember Bell seconded. Meeting adjourned.


Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, TRMC
City Clerk