



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Regular Meeting Minutes
May 9, 2016**

Minutes of the Regular Meeting Minutes of La Marque City Council held on Monday, May 9, 2016 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 Attorney Ellis Ortego
City Clerk Robin Eldridge
- (3) **INVOCATION AND PLEDGE OF ALLEGIANCE**
Mayor Hocking led the invocation and the Pledge of Allegiance
- (4) **PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - a. Presentation La Marque Clean City Commission – Anti-Litter Poster and Essay Contest Winners

Former Clean City Commission member Catherine Polk assisted Nancy Polk, current Chairman for the Clean City Commission in acknowledging the winners of the Anti-Litter Poster and the Anti-Litter Essay contest in the different age groups and categories.
 - b. Clean City Report- Nancy Polk Chairman- Clean City Committee
Chairman Nancy Polk provided City Council with an updated Report
 - c. Public Recognition of City Employees: **(Mayor Hocking tabled this item until the next Council Meeting)**

LA MARQUE POLICE DEPARTMENT:

Lieutenant Shawn Spruill
Lieutenant Chad Waggoner
"Police Officer of the Year" Jesse Guzman

PUBLIC SERVICES DEPARTMENT:

Field Foreman Joe Mose



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Maintenance Technician Roy Robinson

(5) CITIZEN'S PARTICIPATION

Willi Gerami spoke in reference to an earlier shooting incident that took place at New Beginnings and the security of the surrounding neighborhood. He submitted a list of names and addresses of citizens who share his concerns. (Attached "A"). "This isn't the first time. I had a hard time keeping renters on my property, several years ago. I am hoping that something can be done about New Beginnings and their ethical obligations that they have to the citizens here in La Marque. If they don't have an ethical obligation to make sure that they are living in a safe place, then it is your moral obligation to make sure that they are all living in a safe as possible manner."

(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. Special Workshop City Council Minutes of April 11, 2016.
- b. Regular City Council Minutes of April 11, 2016.
- c. Discussion/possible action regarding amending the Workshop Minutes of March 7, 2016.

Councilmember Bell made a motion to approve the Consent Agenda.

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

(7) PUBLIC HEARING (S)

- a. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2016-005**, authorizing the Issuance and Sale of the City of La Marque, Texas. Tax and Revenue Certificates of Obligation, Series 2016; Levying a Tax and Providing for the Security and Payment Thereof; and Enacting Other Provisions Relating Thereto.

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:34 p.m.

No one spoke.

Mayor Hocking closed the Public Hearing and opened the Regular Meeting at 6:34 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding Ordinance No. **O-2016-005**, authorizing the Issuance and Sale of the City of La Marque, Texas. Tax and Revenue Certificates of Obligation, Series 2016; Levying a Tax and Providing for the Security and Payment Thereof; and Enacting Other Provisions Relating Thereto Finance Director S. Kou. **THIS IS THE FIRST AND FINAL READING.** (As per Section 1201.028 Texas Government Code)



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Councilmember Lane made a motion to adopt Ordinance No O-2016-005.
Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

(9) NEW BUSINESS

- a. Discussion/possible action regarding Ordinance No. **O-2016-006**, approving the recommendation as forwarded from Planning and Zoning Commission for a rezoning classification from R-1 Residential to C-1 General Commercial, for a 21.39 acre portion of a 217.0 acre tract, described as ABST 2 SF AUSTIN LEAGUE (south of Mitchell, east of FM 2004) – Public Services Director L. Rumburg **THIS IS THE FIRST READING.**

Councilmember Lane made a motion to adopt Ordinance No. O-2016-006.
Councilmember Michetich seconded.

Councilmember Bell directed the question to Mayor, as a representative on the EDC Board. “Will this particular location, do anything to hinder any economic development in this area?”

Mayor Hocking answered, “I think in this case, it would probably enhance it, because our ordinance is so restrictive so that no one except the best of the best will be able to place an RV resort. I would like for the developers to stay within a tight timeframe, so we don’t run into a situation where this is rezoned and then nothing is done. We like to see things presented right away, with construction beginning within the next six months.”

Councilmember Lane added, “I just want to make sure that the surrounding citizens have been notified and that they are on board with it, before we proceed.”

Les Rumburg, Director of Public Services commented, “There were two property owners that attended the meeting, and they wanted a better understanding of what the impact would be on their property, and they were satisfied when they left the meeting.”

Mr. Rumburg clarified that it is City Council’s call as to whether it reverts back to its original zoning classification in the event that the project terminates or if the property is sold. Further discussion clarified how many residents were along the street that abuts the property. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding Resolution No. **R-2016-007**, approving the issuance of Bonds by the Galveston County Municipal Utility District #68.

Councilmember Lane made a motion to adopt Resolution No. R-2016-007.
Councilmember Bell seconded.



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Tim Austin, Attorney for MUD 68 and MUD 32, spoke and referred to Mud 68, "This one is known generally by the subdivision name of Saltgrass Crossing. At the time, the City consented to creation of this MUD, several years back, being residential in character, it gets water and wastewater capacity from the City, then builds its own infrastructure internally, the water and sewer lines and drainage facilities. As each section is built it is turned over to the City's public works to run as an integral part of the City's system. The district is formed for purpose of two things, one is to build that internal infrastructure (public) and then to finance them. The district is financing an underground section with these bonds. We came to the City to ask that you adopt this resolution, simply because when you approved the annexation of some land into the MUD about a year ago, you provided for the issuance of bonds and we have met those conditions, and want to have the City acknowledge that. This would be the second issuance of bonds, the first one was three or four years ago."

Councilmember Lane asked, "What effect does this have on the citizens on the Saltgrass Subdivision?"

Mr. Austin answered, "It won't change their tax rate, overseen by the Texas Commission on Environmental Quality, which has verified that the district can service its debt with its existing tax rate."

Councilmember Michetich asked, "The members on this particular MUD, are appointed by who, and who are their members? Are all of the members residents of Harris or Galveston County?"

Mr. Austin named the members: James Moore, Robert Eaton, John Bays, Susan Latham and Ardoin White. "They are elected positions, we just haven't had any contested positions for years. Yes they are"

City Attorney Ortego clarified that these were routine procedures. **MOTION CARRIED UNANIMOUSLY.**

- c. Discussion/possible action regarding adopting Resolution No. **R-2016-008** denying CenterPoint's application to amend its Distribution Cost Recovery Factor ("DCRF") to Increase Distribution Rates within the City of La Marque.

Councilmember Bell made a motion to adopt Resolution No. R-2016-008.
Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- d. Discussion/possible action regarding Ordinance No. **O-2016-007** to amend 2015-16 Budget for police, development services, legal services expenditures and utility wastewater expenditures by decreasing General Fund and Utility Fund, Fund balances and



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increase certain expenditures to individual budget accounts in General Fund and Utility Fund as set forth in attached Exhibit "A" **THIS IS THE FIRST READING**

Councilmember Lane made a motion to adopt Ordinance No. O-2016-007.
Councilmember Brown seconded.

Mayor Pro Tem Bell asked, "Are we talking about increasing our obligation to Bureau Veritas, due to increase in building permits, in order to keep up with the amount of inspections that are being required? Have we had any negative feedback as it relates to Bureau Veritas, not as far as their efficiency or their effectiveness, but it relates to any increase in any fees associated with Bureau Veritas?"

City Manager Buttler commented, "That's correct, these expenses are offset by the additional revenues that are brought in for the cost of permits, plan review, etc. By having those revenues, there is enough to cover the additional revenues we are requesting. Nothing has been brought to my attention department or citizen-wise."

Referring to the level of protection that an additional K-9 police animal service would provide, Mayor Pro Tem Bell said, "My concern is that I think the level of care needs to be consistent. If we have two K-9 units, I think that there should be one K-9 unit on patrol and on duty at all times and I don't know if two is enough to do that."

Chief Jackson provided the information, "Currently we have the K-9 unit assigned to one of our evening patrol shifts that comes on duty at 6 p.m., and works until 6 a.m. We have two patrol shifts that work the night shift, that K-9 is attached to one of them. This second K-9 patrol unit, would allow us to have a K-9 on patrol every day of the week, with the exception of vacations, from 6 p.m. until 6 a.m. in La Marque. Right now, we have a K-9 on patrol on the night shift half of the month."

Further discussion involved surrounding cities mutual aid help in this area (access to other agencies K-9 units' availability). Level of confidence in putting together a Special Narcotics Investigations Team. **MOTION CARRIED UNANIMOUSLY.**

- e. Discussion/possible action regarding authorizing the Police Chief to increase the K-9 program by one (1) K-9 team by acquiring an additional K-9 police service animal. The project will be effective and funded no later than October 1, 2016.

Councilmember Bell made a motion to authorize the Police chief to increase to the K-9 program by one (1) K-9 team by acquiring an additional K-9 police service animal. The project will be effective and funded no later than October 1, 2016.

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

- f. Receive staff report/discussion regarding operations and maintenance as outlined in the City's 2002 "Drainage Study".



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Mayor Hocking said, "There have been a couple of people interested in this, one being you Mr. Pennington, have you read the background material on this or do you need a full display this evening?"

Public Service Director Les Rumburg, read the staff briefing, attached to this agenda item reminding all that approximately forty thousand dollars was spent last year on contracted labor to clean out approximately fourteen thousand feet of ditches, concentrating on where the city ditches outfall into the major collection ditches which are the responsibility of Drainage District 2. "We are aware of the 2002 Drainage Study and we have, as much resources allow, attempted to adhere to its recommendations. Obviously, 2002 was a long time ago, and a lot of construction has occurred since then, a lot of Impervious surface has been created and additional runoff has been generated from that development. Also the development standards were and still are to develop to what is commonly referred to a three year rain storm event, which is a typical rain even that within three years there is ninety percent chance of a certain amount of limited rainfall coming within a three year period. The storms that we have experienced within the last year, primarily between October and now, have been significantly greater than a three year event, getting closer to a five hundred year event. I think the City was tested and passed the test of our contracted work and how that was performed. I believe the water ran off as quickly as feasibly possible. While there was some street flooding, we had no reports of structural flooding. Again, to remind folks, the ditches are designed for a three year event, when we get something that is larger than a three year event, the streets and ditches become a conveyance, and they can convey and hold the water until such time the bigger ditches can accept it and it can get out. So, in a major event, you are going to have street flooding, and at that point in time, your streets become a ditch."

Mayor Hocking added, "From looking at the background material and hearing your report, it seems like we are just now implementing suggestions in that study done fourteen years ago, and in my vote, I would like to see those efforts magnified and make sure that when we have one of these non-three year events that the water is being removed properly."

Mayor Pro Tem Bell, "The 2002 report was interesting in its findings. It suggests to us, that it is almost impossible for us to make our drainage system flow in ways that we would all be satisfied. It speaks to us with two major areas of concern, it says that the northeastern parts of our City, is a major area of concern, as well as the northern section of the City."

Further discussion led by Mayor Pro Tem Bell included that what is reflected in the 2002 study was that most of the "improvements" or economic developments that were done in the northeastern areas, which seem to have the most areas of concern, were done by a previous administration and Council other than the current administration and Council or any other before this Council. In another areas of concern, the report from 2002 reflects that in those main problem areas, related to the initial land development within that area, primarily, where those streets were laid and the connectivity of those streets, which again,



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those things were implemented before this Council and the previous six, seven, eight or ten Councils before that. Mayor Pro-Tem Bell added, "I say this, to say that this Council has been a Council that has been interested in a passionate way in resolving our drainage issues. But, there has been a lot of questions brought to this Council, now, we are able to see that some of those answers do not lie within the judgement of this Council, but within the judgement of other agencies that have business that they do within our City. It is important that the public understand that all of the issues within our City, are not necessarily issues that were created by those that serve in this City. Again, the report says that, it is nearly impossible that we achieve the kind of drainage that we should see within this City, because of structural issues."

Councilmember Brown referred to previous hurricanes and the flooding during those times in certain areas of the City.

Councilmember Michetich, "We pursue Galveston County for additional help, because there are some design issues that are beyond our control, but I do want to compliment Ms. Buttler, for what you do have under your control, it has made some improvement, but you can't do it all, and we do need the additional help."

Mayor Hocking added, by stating that he would like to see the City moving forward with a more aggressive drainage plan, without casting any blame any previous Council, Mayor, City Manager or Public Works Director. "There are things that we can do with the help of the County, and make these other entities aware that they've caused some of our problems, and even if they don't come and fix it there may be some money available. They are our streets, ditches and they are our people, so we need to continue to be aggressive, as you have in cleaning the outfall ditches."

Discussion continued with David Pennington referring to the 2002 Study and the part where it states the engineer recommended the City to development a Comprehensive Ditch/ Culvert Storm Sewer Maintenance Program- to clean all ditches, driveway culverts and storm sewers periodically on a scheduled maintenance routine five to ten years, based on the City's financial stability.

Mayor concurred with what Mr. Pennington. Another citizen was allowed to speak from his seat in response to the high water on his road from the recent rain, and felt that some of the flooding is a result from some of the ditches being dug out, but not all, and also new construction adjacent to the homes on Briar Lane. The amount of debris in the city also being blamed for some of the drainage issues, that are accumulating in the ditches.

Councilmember Bell added, "We do need a program, we do need to clean our ditches, but let's understand this, it has pretty much been the charge not just with this Council, but way back from all the previous Council's that whatever you do, don't raise taxes. While we are talking about all the great things that we can do, and all these great programs that we all want to implement that when we walk down that street, that street has a price tag



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attached to it, so we need everyone to come back during the budget process to say those same words in that microphone, I want this, I want that and so when Ms. Buttler gives you all that price tag, that is when we need to sign up and say what we want for our City. Because we are more than willing do it, but what are the costs and the consequences going to be to our budget? I know we are all advocates for improvements, but when the budget comes around, we need to be saying the same things to Ms. Buttler and every member of Council, this is what we want.”

Mayor Hocking thanked all staff and the citizens that participated in the conversation. “We will move forward with our drainage plan. We will have it come before another meeting and I will ask that this be done certainly as soon as possible.”

- g. Discussion/possible action regarding a Social Media Policy for the City of La Marque.

Mayor Hocking said that this was a workshop item earlier in the day and it was the consensus of the Council to move forward in putting a policy together to look at and craft and approve.

Councilmember Lane made a motion to direct the City Manager to move forward in putting Social Media Policy together.

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

(10) AWARDS OF BIDS/CONTRACTS

- a. Discussion/possible action regarding award of Bid # LM 05-16 “Aeration Basin Cleaning” to Polston Applied Technologies in an amount Not-To-Exceed \$40,000.

Councilmember Lane made a motion to award of Bid # LM 05-16 “Aeration Basin Cleaning” to Polston Applied Technologies in an amount Not-To-Exceed \$40,000.

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

- b. Discussion/possible action regarding approval of disaster debris clearance and removal contractors Crowder Gulf and TFR, respectively, as awarded through H-GAC Request for Proposals.

Councilmember Bell made a motion to approval of disaster debris clearance and removal contractors Crowder Gulf and TFR, respectively, as awarded through H-GAC Request for Proposals.

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



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- c. Discussion/possible action regarding ratifying the City Manager's approval of a Change Order to the demolition contract, previously awarded to Grant Mackay, Inc., for 1101 Delmar (La Marque School) in the amount of \$22,227.00.

Councilmember Michetich made a motion to ratifying the City Manager's approval of a Change Order to the demolition contract, previously awarded to Grant Mackay, Inc., for 1101 Delmar (La Marque School) in the amount of \$22,227.00.

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

- d. Discussion/possible action regarding award of Bid #LM 06-16 to BTLS for Lawn Care Maintenance of City Parks in the amount of \$18,620.00.

Councilmember Lane made a motion to award of Bid #LM 06-16 to BTLS for Lawn Care Maintenance of City Parks in the amount of \$18,620.00.

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

- e. Discussion/possible action regarding authorizing the City Manager to continue with special legal counsel for a personnel related investigation at a cost not to exceed \$35,000.

Councilmember Michetich made a motion to authorizing the City Manager to continue with special legal counsel for a personnel related investigation at a cost not to exceed \$35,000.

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

- f. Discussion/possible action regarding the purchase of a brush truck through BuyBoard for the amount of \$147,982.00.

Councilmember Michetich made a motion to approve the purchase of a brush truck through BuyBoard for the amount of \$147,982.00.

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

(11) CITY MANAGER'S REPORT

- ☐ **Judicial**
- ☐ **Police Department**
- ☐ **Fire Department**
- ☐ **Library**
- ☐ **Connect Transit**
- ☐ **Public Works**
- ☐ **Animal Services**



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(12) EXECUTIVE SESSION (After the Requests and Announcements)

1. 551.072 (Deliberations about Real Property)

(13) Discussion/possible action regarding item discussed in the Executive Session

1. Provide City Manager with direction to proceed with a formal real estate property appraisal to determine fair market value.

Mayor Hocking closed the Regular Meeting and opened up 7:37 p.m.

(14) Discussion/possible action regarding item discussed in the Executive Session

Mayor Hocking reconvened the Regular Meeting at 8:08 p.m.

Councilmember Michetich made a motion to provide direction to City Manager to proceed with formal real estate property appraisal to determine the fair market value and all accompanying procedures.

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

(15) REQUESTS AND ANNOUNCEMENTS (Taken before the Executive Session)

Mayor Pro Tem Bell wished all a Happy Belated Mother's Day to all. Congratulated all the young participants in the essay contest. Wished all a Happy Memorial Day. Councilmember Lane thanked all for coming out. Thanked Council for having the courage and foresight to help out the Police Department.

Councilmember Michetich asked Ms. Sam if she would be willing to serve on the Clean City Commission. Encouraged parents to volunteer for the Boards and Commissions to set good examples for the kids. Galveston ISD World Robotics championship.

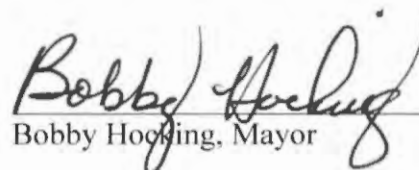
Councilmember Brown thanked Ms. Buttler for handling a sewer problem in his district. Suggested that the Public Services shop carry some extra pipe clamps in cases of emergencies.

Mayor Hocking wished everyone a belated Happy Mother's Day, Happy Memorial Day, Thanked all for attending, thanked the Police Officers for attending the Workshop and all of the kids that

(16) ADJOURNMENT

Councilmember Bell made a motion to adjourn the Regular meeting at 8:08 p.m.

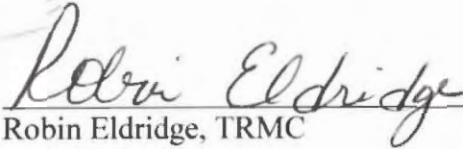
Councilmember Lane seconded. The Meeting adjourned.


Bobby Hocking, Mayor



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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: 5-9-16

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:

New Beginning Security

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 Will Gerami or Diane Gerami

Address 1175-3rd St

Telephone number 832-367-6295

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

NEW BEGININGS COMPLAINTS

Name: Glenn Barlow

Address: 1122 2nd St

Phone Number: 409 5999112

How many children in your house: 0

Name:

Joe Landera

Address: 1102-2nd St

Phone Number: 409 5399602

How many children in your house: 0

Name:

Pam Bryant

Address: 1119 2nd St

DEWARIOUS
BRYANT

Phone Number: 409-497-7003

How many children in your house: 3

Name:

Stephanie Richard

Address: 1110 2nd St.

Phone: (832) 898 8498

How many children in your house: 0

Name: Diane Gerami

Address: 1125 - 2nd St

Phone Number: 409-457-1114

How many children in your house: ~~0~~ Grandchildren visit

Name: Charles Lynch

Address: 1116 1/2 Second St.

Phone Number: 409-655 9217

How many children in your house: 0

Name: Debbie Hunter

Address: 1128 2nd St

Phone Number: 409-354-1827

How many children in your house: Grandchildren

Name: Paulette Liron

Address: 1128 2nd St

Phone Number: 409-354-1286

How many children in your house: Grandchildren