



1111 Bayou
La Marque, Texas 77568
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**City of La Marque
Regular Meeting Minutes
June 13, 2016**

Minutes of the Regular Meeting Minutes of La Marque City Council held on Monday, June 13, 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 Clint Brown
City Manager Carol Buttler
City Attorney Ellis Ortego
City Clerk Robin Eldridge
- (3) **INVOCATION AND PLEDGE OF ALLEGIANCE**
Mayor Pro-Tem Bell provided the invocation and led the Pledge of Allegiance
- (4) **PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - a. Public Recognition of City Employees:
Police Chief Jackson recognized Jesse Guzman, as Galveston County 50's Club Police "Officer of the Year" for actions taken recently including the rendering of medical aid to a child while waiting for EMS to arrive, possibly saving the child's life. Public Services Director Les Rumburg gave recognition to Field Foreman Joe Mose and Maintenance Technician Roy Robinson for their help in cleaning up the site after the investigation surrounding the disappearance of Jessica Cain.

Also recognized was Jason Hubbell - Wastewater (Utilities #24) for recently achieving his "A" Wastewater License, so he now holds a double "A" License in Water /Wastewater
- (5) **CITIZEN'S PARTICIPATION**
Lee Clark spoke in favor of the renaming of Bayou Park after former Mayor Geraldine Sam. "I have been a citizen of La Marque for forty years. I graduated from La Marque in 1994. I love La Marque. It is people like Ms. Sam, coming up through Elementary school she inspired me to do some of the things that I did in school. I think it would be a beautiful thing to have a park or something named after her. It would give the kids a goal to work towards. We did the same petition and the same thing as we did with Mr. McGaffey for that month getting all those signatures, growing up in La Marque I thought was a town of fairness and honesty. After praying, you want to continue that name of La Marque, fair and honest, that is all we ask."



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Mark Sumrall gave a review of some of his issues and presented to Council a statement concerning a water leak on Honeysuckle Drive, where he currently resides at his father's estate. (Attached hereto as Exhibit "A"); adding, "I am at the point of no return, I have done what I was supposed to do. Now, I am asking the Mayor and City Council to make sure that, number one, the water leak is fixed, number two, the debris that I carry out to the curb is picked up at no cost to me and number three get rid of the stagnant dirt, it stinks."

Geraldine Sam began, "I have lived in La Marque for sixty-four years and I have been a teacher for thirty-one years, and in that, I have been honored in several different ways in my community. I have been honored as not only the former Mayor of this City, I received the Unsung Hero Award; the Walmart Teacher of the Year Award; A Volunteer of the Year Award with the City; The Education Legacy Hall Award; The Black Heritage Trailblazer Award; I have been invited to the Whitehouse, to attend symposiums on race relations. I could go on and on. I am a little frustrated. I am asking this Council to be fair and to be honest and to do the right thing. Last year I submitted signatures, right after the signatures were turned in from Mr. McGaffey, a month later. The Parks Board voted it down, the Council didn't get a chance to vote up or down. We followed the same criteria. I am asking you to be fair. We are a community that is not going to do one thing for one group of people and something else for another group of people, we are one."

She stated that soon afterwards a resolution (policy) was passed which changed the criteria, and she said that she should have been grandfathered in.

Gerald Marsh "I wish to voice my opinion in favor of renaming of the park on Bayou Road after former Mayor and educator Geraldine Sam. She has been in the fore-front in the City for many issues and continues to be an active participant in this community. Most recently participating in the "clean the city initiative". I appeal to you tonight to vote positive on this issue."

Dale Templett, "I have lived out here for sixty- eight years. I called the Galveston News and I asked them to throw my paper in the driveway instead of in the grass, since I use a walker, and they placed it up by my garage, which was good." He continued to say that he has been trying to get in touch with the City Manager, and reported that he has had rain get into his home, after the recent rains, he had a few more issues and said that he would come back.

Herman Harper, "I am here to speak about the trash that was not picked up on my street. There are other streets around that the same thing is happening. On my street, trash has been there for the last two and a half months. Some of it is small piles that could be picked up when they come through. We have to pay the bill, and I don't think it is fair to pay for something that we are not getting."



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Daisy Martin commented, "My neighbor has a building right next to me at 3004 Taylor. His goal is to change our area from residential to commercial. For the last couple of years, the neighbors and I have been petitioning against this change. But, my thing is with his building being right there, we have plenty of children on that street. The street is not wide enough for an eighteen wheeler. At the beginning of this year, there was an eighteen wheeler that came down the street bringing steel beams. I called the police, because you all had ruled it to be a residential area and not a commercial area. There are little children in the area, it is not safe, and it tears up our streets. I don't know what his goal is, as far as trying to sell it or whatever. I do have more signatures from before, and all of us are totally against the transition.

Mark Stephens, an Attorney for Mr. Neal the owner of 3004 Taylor, (Item 9d on the agenda) spoke, "I was impressed by Ms. Sam's remarks earlier, we don't want to have one ruling from one group of folks and then another for another group of folks. I think that is the general principle for all of us. Last time we were here, people were talking about safety, and it occurred to me then and now there has never been any kind of injury or anything like that attributed to my client's activities there. Today, it was an eighteen wheeler and the reality is that the street is not restricted by any zoning. Anybody including the machine shops nearby or anybody else could haul any type of lawful vehicle up and down that street. It was one eighteen wheeler since the last time we were here. The reason they are called eighteen wheelers is because they do have eighteen wheels so that they can spread the footprint out so that the load can be spread out over the road. Roads deteriorate over time, and roads need repairing over time. I have never really heard that you could attribute road damage to any one business under these circumstances. We are neighbors here and we have been here before. He doesn't want to convert that whole block into a commercial area, and you couldn't do it if you wanted to because it is all nice houses. But, he has been there and he wants to keep the character of that, so we want to ask you to really rectify what is probably an improper zoning decision that was taken some years ago. We thank you for your time and your consideration."

Linda White, said that she had been trying to get an appointment with the Mayor. "Thursday, one of the City guys came by and gave me a letter and wanted me to get the trash up. I was trying to get up to speak earlier because two men are here for the same reasons that I am coming with. If could share this with you (she held a photo album). I stay at 222 Nanlee. I went around the neighborhood and took pictures." She said that she and her daughter have been trying for the past year to get grass cut, the grass is up to her waist at her daughters. We both had new houses built after the hurricane. When it rains, my yard looks like a pool. It doesn't matter how big or small the trash is, they do not pick it up. We all pay taxes, we want the trash picked up." She then handed the photo album to staff. "Pictures speak louder than words."

Seth Sharps, "I am here to speak under New Business for the rezoning, that my neighbor just spoke about. I thought last year or year before, with the rezoning of the property to commercial that this was taken care of. I have pictures here. I stay at 3003 Jefferson." He



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La Marque, Texas 77568
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went on to explain the pictures of the street with potholes from the trucks coming down the street. "It is a neighborhood, and we don't need to have it rezoned."

Aubrey Randall. "My complaint is the same as everyone else, about the trash. They are riding by and not picking it up. Last Wednesday, I had to go down, follow them and have them come back to pick it up. Another problem, is, that they are dumping down on the end of Honeysuckle and Circle. I talked to Ms. Buttler about getting some signs to be put up and maybe put a line on them so they don't dump down there." He then said that even with no trespassing signs in his yard, a vender came up to his door, and said that he was registered with the City. "That still didn't give him the right to come onto my property." Also said that someone from Texas-New Mexico power had entered his property, which he thought they should have left a note. He then mentioned the drainage problem on his street.

Mayor responded with point of order about the grappling truck that the City had ordered and then mentioned that the City would soon be going out for RFP's to all trash haulers to bid on picking up the trash within the City. "In the meantime, we have a grapple truck that we will be picking up trash with."

James Phillips. "I own six of the properties across from the brick yard that exists there today that was put there back in 2002 or 2003. Myself, and my neighbors have residential homes there and we do not wish for this to be rezoned commercial. Who would not like to have any idea what was going to be across the street from you? There is a brick yard there now. If he built it and he can't sell it, then he bought something he can't eat. As far as I am concerned he has a specific use ordinance that has allowed a brick yard to be there. We are not going to agree to ever allow general commercial to be placed in our neighborhood. There has been twenty something new homes built at the end of the street. This is going to reduce our property values, for his gain and not ours. We ask you respectfully to deny this request, the neighborhood needs to stay residential."

(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. Workshop City Council Minutes of May 9, 2016.
- b. Regular City Council Minutes of May 9, 2016.
- c. Special Minutes of May 19, 2016.
- d. Discussion/possible action regarding Resolution No. **R-2016-0010**, approving the Commissioners' Court of Galveston County nominations of members for reappointments and appointments to the United Board of Health.
- e. Discussion/possible action accepting the Quarterly Investment Report for First Quarter ending March 31, 2016.



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- f. Discussion/possible action regarding disposal of City's surplus assets with minimum or no salvage value through Public Surplus.
- g. Discussion/possible action regarding ratifying the City Manager's approval of additional funds for sludge removal at the Waste Water Treatment Plant in the amount of \$5,047.93.

Councilmember Bell made a motion to approve the Consent Agenda.

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

(7) AWARDS OF CONTRACTS/BIDS

- a. Discussion/possible action regarding the award of RFP **#16-01**, a Depository Contract to Texas First Bank with one (1) year term and an option to extend for one (1) additional year.

Councilmember Bell made a motion to approve the award of RFP **#16-01**, a Depository Contract to Texas First Bank with one (1) year term and an option to extend for one (1) additional year.

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

- b. Discussion/possible action regarding approval of contract for CrowderGulf as primary disaster debris clearance and removal contractor.

Councilmember Bell made a motion to approve a contract for CrowderGulf as primary disaster debris clearance and removal contractor.

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

- c. Discussion/possible action regarding approval of contract for TFR Enterprises as secondary disaster debris clearance and removal contractor.

Councilmember Bell made a motion to approve a contract for TFR Enterprises as primary disaster debris clearance and removal contractor.

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

- d. Discussion/possible action authorizing the City Manager to execute a contract for professional architectural services with Joseph Hoover AIA + Associate Architects for the design and project management of construction for a Westside Fire Station, Fire Administrative Headquarters and Emergency Operations Center in an amount not to exceed the lesser of six percent (6%) of the cost of construction work or \$238,185.00 in addition to allowable reimbursable expenses approved by the City.

Councilmember Bell made a motion authorizing the City Manager to execute a contract



1111 Bayou
La Marque, Texas 77568
409.938.9202

for professional architectural services with Joseph Hoover AIA + Associate Architects for the design and project management of construction for a Westside Fire Station, Fire Administrative Headquarters and Emergency Operations Center in an amount not to exceed the lesser of six percent (6%) of the cost of construction work or \$238,185.00 in addition to allowable reimbursable expenses approved by the City.

Councilmember Lane seconded.

Councilmember Michetich, "Can you explain what items might be beyond the 6% that would be at the Chief's discretion and what limit that there might be set on those?"

City Manager Carol Buttler responded, "The Chief is going to give you the itemization and even if he approves those items, they still have to be approved by me."

Chief Grimm, began, "Embodied in the actual agreement, we have described in detail the costs in question, some of which we call "soft costs" and are being done as we speak, well in advance of the contract tonight. Beginning with the site survey that is being paid for out of the General Fund out of the Fire Department's budget, other than that, sub-surface soil engineering report that we have to have at the time we sight the buildings themselves on the property. Then we have the state registration for accessibility laws within the State of Texas, we estimate the cost of that to be \$1,400.00, which is typically born by the Contractor, the Energy Code inspection, if required by the City, the City and State document review and filing fees, the standard building permit fee is paid for by the Contractor, then the inspection certificates that is required by the Texas Windstorm Corporation of the State of Texas.

Mayor Pro Tem Bell asked if there was any other available acreage on that site, to which the City Manager replied, "Actually, there are 3.2 acres that are owned by the EDC, that is being included as part of the survey for overall purposes, and should we decide that we need that." Further discussion included the possibility of a park or a pocket park within the parameters of the area. But this cost is not included in the price. **MOTION CARRIED UNANIMOUSLY.**

(8) PUBLIC HEARING

- a. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2016-006**, approving a rezoning classification from R-1 Residential to C-1 General Commercial, as recommended by the Planning and Zoning Commission, 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).

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:50 p.m.

No one spoke.



1111 Bayou
La Marque, Texas 77568
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- b. Conduct Public Hearing to hear public input regarding Ordinance No. O-2016-007, to amend 2015-16 Budget for police, development services, legal services and utility wastewater expenditures by decreasing General Fund and Utility Fund, Fund balances and increasing certain expenditures to individual budget accounts in General Fund and Utility Fund as set forth in attached Exhibit "A".

No one spoke.

- c. Conduct Public Hearing to hear public input regarding Ordinance No. O-2016-008, regarding the recommendation as forwarded from Planning & Zoning Commission to deny the request to re-zone a tract of land from R-1 Residential to C-1 (General Commercial). Property has an existing non-conforming use as C-1 General Commercial. Property described as lot 23 of La Marque Heights, a subdivision in Galveston County, Texas According to the map or plat thereof recorded in Volume 254A. Page 60, and transferred to Plat record 4, Map No. 73 A, of the map records of Galveston County, Texas addressed as 3004 Taylor, La Marque, Galveston County, Texas (3004 Taylor).

Mark Stephens, Attorney for Mr. Neal, owner of 3004 Taylor spoke, "As I said we have been here before. The problem here goes back to the original zoning and at that point, when Mr. Neal bought this property, he had been assured by then one of the City Officials, I won't name any names, because I am not sure of them, that his use would be permissible, it proved not to be that way, at least not according to the City's interpretation. If you step back and look at it, his usage is entirely consistent with the usage up and down the street to his east and very consistent with the nearby neighborhood, such as the A & A Machine Shop and the other facilities up and down on 1765. It just happens to have been on that one block. There is no house immediately adjacent to it. There is a vacant lot, and I think I pointed out earlier, the lady that owns that property, I believe its Ms. Martin and she bought that after Mr. Neal's structure was there. I don't mean to be critical of her, but she bought into the situation, just as he did. Now, as to the usage of it there seems to be under the impression that there is a lot of industrial fabrication going on there, and there is not. My understanding is that Mr. Neal uses this as a place where he receives material. His business is custom masonry for custom homes he takes that stuff out and the cutting and fabrication takes place on sight. He is a hard-working man, he has built a living and career out of it, and he would like to hold on to that, rather than seeing an artificial imposition of zoning affect what has been his livelihood. The issue was brought up earlier, about one eighteen wheeler, if I understand correctly from Mr. Neal, I believe it has been eight, eighteen-wheeler deliveries in the last twelve years. Do the math, that is very, very slight usage, and as I pointed out earlier, eighteen wheelers are so designed largely to avoid wrecking public roads, by imposing excessive roads, that is why they have so many wheels. No body mentioned it so far tonight, but one of the earlier issues raised was safety and children, and we are very sensitive to that, and anybody would be. Now, this is not a business where people come and go all day, like Dollar General or something like that. He occasionally receives loads, they are delivered by typically commercial trucks or people with commercial driver's licenses, and from a sad experience in my work, if there is any danger to small children, it is probably at least as great from the unlicensed, or



1111 Bayou
La Marque, Texas 77568
409.938.9202

untrained person in a hurry or in a regular passenger vehicle than in a more skillfully driven truck. Both can be lethal, but the trucks are more liable to be very much more carefully handled. As I said, the traffic over there is not great, but beyond that, we first of all are custodians of our own children, and I don't think anyone quite meant to tell this Council that they think that the children ought to be playing in the street, and I am sure that they would agree that they shouldn't be. In the first instance, that street should not be a playground for any children or pedestrians, it is a public street, and there is no greater or significantly greater hazard from an occasional, a very occasional delivery of commercial materials. There is a routine, run of the mill and sometimes unregulated and occasionally unruly traffic sometimes, of folks like us in our passenger cars. We would very much like to see it end right here and now in this City Council meeting on this subsequent reading. We are willing to work any way that we can with you all, and with the other people, but I want to close on this, everyone here tonight has mentioned how long they've lived in La Marque. Well, I haven't lived here all of my life, but I lived the first part of my life over at 815 Oak, that was right across Highway 3, across the old railroad tracks, next to the old CP Evans, if that means anything to anybody here. I remember that, that was where the railroad for some reason chose the spot across the street to dump large piles of gravel, and you'd have machinery over there and you'd have dump trucks delivering, someone else picking it up with claw cranes delivering into the railcars and off they went. It never occurred, and I never heard anyone complain about that, maybe it's just a different time or age. Maybe we thought it was neat, we really liked it when a steam locomotive that came through, that was a novelty. But, that was infinitely more traffic and noisier than anything that is happening over here. As I said, we are just asking for this Council to reinforce something that we all hold dear and that is the right to hold and use our own property. There is always a tension, or sometimes there is a tension, but I think on this balance of good common sense favors my client and I hope that you will give it careful consideration and overrule the denial, and approve of this zoning change."

Mayor Hocking commented, "I have a question for this Counsel, it says right here that this is already a non-conforming use, would that allow Mr. Stephens' client to continue doing what he is doing now, from now on?"

City Attorney Ortego answered, "That is correct."

City Councilmember Michetich added, "Mr. Neal, you are able to continue your business, you have that change, it is commercial for all intent purposes for your non-conforming use for that property, why the need to pursue this for a permanent change?"

Mr. Neal spoke, "If I go to sell it, it goes back to a residential, the bottom line is that the City Manager, Ms. McLemore drove me over there and told me that this is commercial property, this is where you need to build your building. The Economic Development gentleman, they both said you need to build right here, we want you to stay in La Marque, we want your business to stay here. You live in La Marque, I live at 2215 Clark Drive. I have been living there for twenty-five years. They are the ones that brought me over there and said that this is what you can do here in La Marque. Then all of the sudden, I want to



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La Marque, Texas 77568
409.938.9202

add on to my building and they tell me I can't for the reasons here. We have been going back and forth for two years over this."

Councilmember Michetich continued, "With that being said, Ellis, if you have a non-conforming use on a piece of property, can you not expand or change that building once the building has been put there?"

Mr. Ortego replied, "As I recall, our ordinance prohibits any expansion. One thing I want to point out. If it were rezoned to commercial, it covers a lot more than what is being conducted on the property now. It could be a gas station, it could be a number of things that are listed under General Commercial."

Councilmember Michetich said, "I understand, but if there was a need to expand or change your building or construction, but still be conducting the same business or same type of business, could that proposal not be put before the City again for a variance to do something like that, and we would have that leeway to grant that to him, under this non-conforming use?"

Mr. Ortego said, "Well, that hasn't been requested."

Discussion continued on the subject of a variance.

Mayor Pro-Tem Bell said, "Mr. Stephens, I have a question for clarity. I heard your client say if he were to sell his property, it would refer back to a residential, which would then drive the value of his property down. My questions is, because it is a non-conforming commercial use right now, does the existence of that building and the existence of that designation, is it currently driving the value of the property of the neighbors that are around him down?"

Mr. Stephens commented, "I'm not a real estate appraiser, but I can tell you, I don't think the impact would be that great, because we are talking about a neighborhood that is in close proximity to some fairly significant industrial activity."

Discussion continued with Mr. Neal asking, "What about the principal, I was told by the City to build there. That's the bottom line."

Mayor Pro-Tem Bell added, "My response to that would be, I don't know, I was not here when the previous staff members allegedly made these particular overtures towards you. We are missing one important part and that is, that we, as a City, voted to move towards zoning in the early 2000's. When we began to draw that map, that was the opportunity and the time for any persons with any outstanding zoning requests to come forward and say hey, my name is so in so, and this is my particular business. I don't know if you all realize this, but this business sits in a residential area. But this is what Ms. McLemore and the EDC Director told me, so, I need you as our Council to see if you can decide on whether



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La Marque, Texas 77568
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this property could be spot-zoned commercial based on what you were told and what you were promised.”

Mr. Neal asked how he was supposed to know that the City was doing that. To which Councilmember Bell responded, “Because it is a matter of public record.”

A lengthy discussion followed as to when the zoning was voted on by the voters and when it was brought to Mr. Neal’s attention that he was in a residential zone. It was discussed that the two staff members that allegedly told Mr. Neal to build in that particular location were no longer employed with the City.

Seth Sharps, spoke, “I have all of the pictures of his property, Taylor Street and Jefferson Street. I say, if he likes what he is doing, instead of trying to rezone there because it is residential, the cubical that he is in, let him stay in it, if it is non-conforming commercial, let him stay right there. They are constantly building houses out there, coming up on Taylor Street. A & A Machinery is right down the street further towards the High School from where my home is. To me, commercial is commercial, if he wants to stay in his zone, let him stay there, but I don’t think we have to commercialize our neighborhood just for one business.”

Vashti Williams spoke, “I have lived at 3027 Taylor since 1980, and to be quite frank, I don’t know how you ended up building a company there. Because by the time we found out what was going on, things was already in process. I live on the street where you are located. There have been times, because of you all parking, people have not been able to get out into the street. I agree, people should keep their children on their porch, but I am having to stop and blow my horn, because kids are in the street, kids are going to be kids. There was a time, when ya’ll had a guard dog on that area, and I was afraid to walk around that area when I was making my rounds for exercise. As far as A & A Machinery, they are noisy, I hear them at night. There are other businesses just waiting to get started over there, a motorcycle shop, down the street, what are we opening up the door for? It comes down to it is a residential area. It’s been a residential area, why for the sake of the neighborhood are we trying to make it commercial? As a senior citizen, I don’t need no more noise.”

Councilmember Michetich received clarification on the request from the City Attorney.

Mayor Hocking closed the Public Hearing and opened the Regular meeting at 7:17 pm.

(9) NEW BUSINESS

- a. Discussion/possible action regarding Ordinance No. **O-2016-006**, approving a rezoning classification from R-1 Residential to C-1 General Commercial, as recommended by the Planning and Zoning Commission, 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). **THIS IS THE SECOND AND FINAL READING**



1111 Bayou
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Councilmember Lane made a motion to adopt Ordinance No. O-2016-006.
Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action to accept the City of La Marque and the La Marque EDC's Audited Comprehensive Annual Financial Report as of September 30, 2015.

Councilmember Lane made a motion to accept the City of La Marque and the La Marque EDC's Audited Comprehensive Annual Financial Report as of September 30, 2015.

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

- c. Discussion/possible action regarding Ordinance No. **O-2016-007**, to amend 2015-16 Budget for police, development services, legal services and utility wastewater expenditures by decreasing General Fund and Utility Fund, Fund balances and increasing certain expenditures to individual budget accounts in General Fund and Utility Fund as set forth in attached Exhibit "A". **THIS IS THE SECOND AND FINAL READING**

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

- d. Discussion/possible action regarding Ordinance No. **O-2016-008**, regarding the recommendation as forwarded from Planning & Zoning Commission to deny the request to re-zone a tract of land from R-1 Residential to C-1 (General Commercial). Property has an existing non-conforming use as C-1 General Commercial. Property described as lot 23 of La Marque Heights, a subdivision in Galveston County, Texas According to the map or plat thereof recorded in Volume 254A. Page 60, and transferred to Plat record 4, Map No. 73 A, of the map records of Galveston County Texas addresses as 3004 Taylor, La Marque, Galveston County, Texas (3004 Taylor) **THIS IS THE FIRST READING**

Mayor Hocking pulled this item and stated, "After the Executive Session, we will have the action item on this."

- e. Discussion/possible action regarding Ordinance No. **O-2016-009**, to amend 2015-16 Budget to recognize miscellaneous funds totaling \$4,847.86, which were received from various agencies for training, mutual aid participation, training reimbursements, standby services, and donations as delineated in Exhibit A attached to be used for vehicle/building maintenance, equipment, or training, and increasing Fire Revenue, Revenue Account 48-3801-00-00 by \$4,847.86 and, increasing appropriation to Fire Expenditure Account 48-3020-06-00 by \$4,847.86. **THIS IS THE FIRST READING**

Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2016-009.
Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

- f. Discussion/possible action regarding Ordinance No. **O-2016-0010**, amending City of La Marque Code of Ordinances Chapter 44, Article I, Section 44-14. **THIS IS THE FIRST**



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READING

Mayor Pro- Tem Bell made a motion to adopt Ordinance No. O-2016-010.
Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

- g. Discussion/possible action regarding reappointing/appointing a member (s) to various Boards and Commissions.

Councilmember Michetich appointed Geraldine Sam to the Clean City Commission.

- h. Discussion/possible action and provide direction to City Manager regarding the proposed calendar for City Council budget meetings and public hearings.

City Manager Carol Buttler commented, "Staff and I are asking you to review the proposed budget workshop calendar as we would like to move the budget workshops up a week, we will have the preliminary tax numbers at that time, not the final numbers."

It was the consensus of Council to accept the dates for the budget workshops.

At this time, Mayor Hocking asked that the Police Chief explain the item on the agenda that addressed the amendment to the noise ordinance, pertaining to special events. (Item #9f)

- i. Discussion/possible action regarding City Council's vision for City Parks and provide direction to the City Manager and the Parks Board.

Councilmember Lane asked that this item be tabled until the City Council can workshop it and added, and also the approval of any exclusive contracts to be placed on hold until the workshop occurs, with the exception of the next agenda item.

- j. Discussion/possible action regarding approval of agreement between Eriberto (Eddie) Benevides and the City of La Marque for use and maintenance of the fields in Mahan Park as recommended by City Parks Board.

Councilmember Lane made a motion to approve the agreement between Eriberto (Eddie) Benevides and the City of La Marque for use and maintenance of the fields in Mahan Park as recommended by City Parks Board.

Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY.**

- k. Discussion/review of City's current Drainage Plan.

Public Services Director Les Rumburg gave a brief statement about the Drainage Plan and said he would be available for any questions. The Drainage Plan was said to be posted on the City website.



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La Marque, Texas 77568
409.938.9202

- I. Discussion/possible action regarding changing the name of Bayou Park to "Geraldine Sam Park", at her request.

Councilmember Lane made a motion to allow the name change of Bayou Park to Geraldine Sam Park.

Mayor Pro- Tem Bell seconded.

Mayor Pro Tem Bell gave his reasons for supporting Mayor Sam in the renaming of the Park; 1) Mayor Sam has made an impact first by being the first African American, female, Mayor in Galveston County and has impacted us in a way that we should celebrate; 2) She has worked for three decades in this community educating the children of La Marque seeing her as a leader, role model leader, a person who cares for nothing more than their life, health, safety and education; "Mayor Sam, it is my honor, not only to second this motion, but is my honor to vote in favor of this park being renamed after you, because you have left an indelible mark on thousands of children and thousands of residents in this community and I want to thank you for every effort that you have ever attempted to try to make this community a better place."

Councilmember Brown stated that he would take the side of the Parks Board members in their recommendation not to rename the Park after Ms. Sam.

Councilmember Michetich stated that he did not dispute what Mayor Pro-Tem Bell has said in reference to Ms. Sam. Then referred to the Parks Board being a very diverse Board and said that he has had the chance to speak with each member of the Board, and that there was no member of that Board in favor of this. "I have to support the Boards, I would support the Planning and Zoning, or the Clean City Commission, any of our Boards."

Councilmember Lane spoke, "I am one of those students that Mayor Pro-Tem spoke of that was educated by Ms. Sam. You are talking about a generation of students that have had the opportunity to learn under Mayor Sam. We could just remove the fact that she is a teacher. She also was a Sunday school teacher, being very active in politics, anything that had to be done in the community, Ms. Sam was there, just as far as volunteering for the City, and I can't think of any better person and any other story to tell the future of the City than Geraldine Sam. Here is a lady that came from a tough situation growing up, family issues, and she pulled herself up by her own bootstraps, put herself through college, became a teacher, came back to her home town, and taught in her home town and brought a lot of people up with her. If we want our future citizens to hear about someone who existed or that had a huge impact on the history of our City, Geraldine Sam is the story that needs to be told. I respect every Board that we have and I respect the decisions have been made, but we as a Council went out for an election, and were elected by citizens, and it is being left up to us to make the final decision, and with that said, I support Mayor Sam."

Mayor Pro-Tem Bell continued, "Certainly, I respect the Parks Board, those gentlemen sitting in the back of this room, have my utmost respect. Simply, tonight, is Ms. Sam's



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right to have an up or down vote, it is outlined in the policy for renaming of parks. I have been on this Council a long time, and I want to say that this Council that is currently sitting, I have not found one vote that this Council has made out of racism. I cannot think of any finer men to serve with than Mr. Brown, Mr. Michetich, Mr. Lane and Mr. Hocking. We stand here tonight united, we may disagree on this issue, but we are united as a Council. This is not about racism, it is about what we all individually believe is best for this City."

Councilmember Lane added, "I want to add this to the record, I don't want people in the community to be saying that Chris is against the Parks Board. Two of the most important men outside of my two brothers and my father, sit on the Parks Board. Coach Bo Hunter, my Little League coach for four years, a lot of values and work ethics that I still have, comes from Coach Hunter. Same thing with Coach Larry Walker, he was my high school coach, and the impact he has had on my life, I can't put into words. Same thing with Mr. McGaffey, he has done a lot for the City, I have looked up to him in a lot of different ways, and Coach Franklin, I have had the opportunity to work with him helping the youth for years, the dedication that he puts forth to make that organization run, it is just unparalleled, it's not something you see every day."

Mayor Hocking spoke, "Mrs. Sam, you and I have been opponents now for three elections. You have always treated me with a great deal of respect, and I believe I have treated you with a great deal of respect. We've campaigned in a civil manner, we've prayed together, we've supported each other. But, I think you would understand this evening, that under the advice of our legal counsel, I am going to abstain from this vote. I hope you'll understand that."

A few members of the Parks Board, including Mr. Hunter, thanked Ms. Sam for all of the work that she has done in the community. "One of the things I want to say on record to say is that the Parks Board did not deny Ms. Sam. Back in August or September, we had direction from City Council to write up a procedure to change the names of parks. The Parks Board got together and worked for about six weeks. We went to several cities that already had procedures written up, the only thing we had to do was to develop our own to fit La Marque from theirs. We came up with a procedure. We presented that procedure to City Council. We gave it to you and you are trying to give it back to us, we never made a decision. All decisions should be made based on certain criteria."

Discussion continued as to how the petition came before the Parks Board in the first place.

Ms. Sam added that she had followed the same criteria that was followed with the re-naming of the other park. "We are all citizens, treat your citizens all the same."

Mayor Hocking added, "We are not questioning the validity of your petition. We are simply honoring your request for an up or down vote."

Ayes: Councilmembers Lane and Bell



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Nays: Councilmembers Brown and Michetich, with Mayor Hocking Abstaining
THE MOTION FAILS.

(10) CITY MANAGER'S REPORT

- **Judicial**
- **Police Department**
- **Fire Department**
- **Library**
- **Public Works**
- **Animal Services**
- **Financials**

(11) EXECUTIVE SESSION

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)

1. Section 551.071 (2) (Consultation with Attorney)
2. Section 551.071 (Consultation with Attorney) – Discuss status of case of James Neal vs. City of La Marque et al

Mayor Hocking closed the Regular Meeting and went into Executives Session at 8:04 p.m.

Mayor Hocking reconvened the Regular Meeting at 9:30 p.m.

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

1. Discussion/possible action regarding item discussed in the Executive Session

There was no action taken on this item from the Executive Session.

2. Discussion/possible action regarding status of case of James Neal vs. City of La Marque et al. (Item 9d)

Councilmember Lane made a motion to uphold the recommendation of the Planning and Zoning Commission to deny the rezoning request.

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

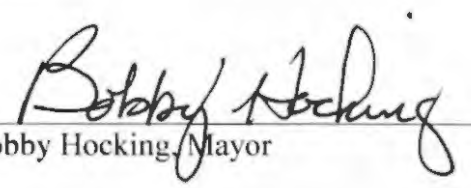
(13) REQUESTS AND ANNOUNCEMENTS – There were none



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(14) ADJOURNMENT

Mayor Pro-Tem Bell made a motion to adjourn the Regular meeting at 9:32 p.m.
Councilmember Lane seconded. The Meeting adjourned.

A faint, circular official stamp is visible in the background on the left side of the page.
A handwritten signature in cursive script, reading "Bobby Hocking", is written over a horizontal line.
Bobby Hocking, Mayor

ATTEST:

A handwritten signature in cursive script, reading "Robin Eldridge", is written over a horizontal line.
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: 6.13.16

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:

1. Discussing about Byron Park renaming

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:

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 Lee Clark

Address 2210 Glendale

Telephone number 231-691-3787

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

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: JUNE 13, 2016

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:

WATER LEAK, DEBRIS PICKUP, WHO'S RESPONSIBLE

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Name MARK SUMRALL

Address 624 HENRYVILLE

Telephone number 409-765-8454

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

CITIZENS REQUEST TO SPEAK

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DATE OF MEETING: 6/13/16

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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:

Park

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 Geraldine Sam

Address 2417 Stonewall

Telephone number 409-457-2708

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

CITIZENS REQUEST TO SPEAK

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Park

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Name Gerard 12 1798

Address 2412 Stoneville

Telephone number (832) 978 0809

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

CITIZENS REQUEST TO SPEAK

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1 WATER

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:

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Name PALE TEMPLET

Address 922 MAPLE

Telephone number 409 935 5983

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

CITIZENS REQUEST TO SPEAK

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Small Brush 4

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Name Herman Harper

Address 102 Lamon St

Telephone number 409 935-3074

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity Citizen of LAMARQUE

CITIZENS REQUEST TO SPEAK

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DATE OF MEETING: 6/13/16

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:

9 (d)

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:

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Name Daisy Martin

Address 3010 Taylor

Telephone number 409-457-2461

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

CITIZENS REQUEST TO SPEAK

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Name Mark W. Stearns (Attorney)

Address 82218 Ave

Telephone number 409 465 - 6306

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: Los Angeles Anti-Corruption Movement

Speaker's Official Capacity Morgan (Exec) 9(a) (3000+ member)

CITIZENS REQUEST TO SPEAK

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DATE OF MEETING: _____

6-13

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Name _____

Linda White

Address _____

222 N. Main

Telephone number _____

281-910-6009

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

CITIZENS REQUEST TO SPEAK

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DATE OF MEETING:

6/13/16

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:

D-2012-006

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:

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Name

SETH SHARPS

Address

3003 SEFERSON

Telephone number

409-935 2044

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization:

Speaker's Official Capacity

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: _____

Board Preference 2: _____

Name: Aubrey Randall

Home Address: 329 Holman

City: La Marque Zip: 77568 La Marque Resident: 41 yrs

Home Telephone: (409) 539-2335 Home E-mail: _____

Profession: _____

Special Knowledge or Experience applicable to City Board/Commission function: _____

Other Information (Civic Activities): _____

I verify that the information I have provided on this application to be true and correct. I also acknowledge that this information may be made available to the public.

Signature: Aubrey Randall

Date: 6-13-16

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD, LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

CITIZENS REQUEST TO SPEAK

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6/13/16

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9 - (d)

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Name _____

Jamer Phillips

Address _____

42 Lakeview Gal, TX

Telephone number _____

409 599 9379

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

Exhibit "A"

Ladies and Gentlemen,

I am here as a representative of my Father's estate, Paul H Sumrall, 624 Honeysuckle Dr, in the Intercity subdivision, one of the older subdivisions within the city. My Mother and Father were residents of this home since 1957.

I have been requesting a water leak to be repaired, for I know two years, and maybe 3. I have made a trip to the Public Works Department, as recently as the Feb-Mar 2016 time frame, standing water, 2 weeks after the torrential rain fall in March of this year. Standing water is to be blamed for the demise of 2 magnolia trees and the undermining the root system of a Hackberry tree that had to be cut down.

I have been unable to cut the lawn, or the massive undergrowth, near the fence line where the standing water has been located, for the past 2 years.

Mosquitoes have had a field day in the standing water, as I could no longer spray to keep them in check. I just did not work.

Ms Charlene has been a champion in this struggle as I have tried to work the home and the yard for resale, get limbs and tree cuttings to be picked up.

I was threatened, with a citation, for failing to pay for a special pick up fee.

I have spent over \$1000 in labor costs, hotel rooms, a plumber, to troubleshoot a leak, up stream of my Father's water meter, after a Supervisor from the City assured me it was on the downstream side of the meter. 2 days later, after spending a wasted day for the plumber's labor and my day loss of work. The very next day I had no water and the "City" immediately scheduled the work to be performed.

I am extremely frustrated with not being able to prepare the real estate for sale with no cooperation from the city public works.

As long as I am willing to pay, Republic as well as the city is willing to help.

All of this is a direct reflection of the City6 unwilling to provide the services which we already pay for.

Thank you for your time.

Mark Sumrall,
Representative for the
Estate of Paul H Sumrall