



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
City Council
Regular Meeting Minutes
October 10, 2016**

Minutes of the Regular Meeting Minutes of La Marque City Council held on Monday, October 10, 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 - Absent
City Manager Carol Buttler
City Attorney Ellis Ortego
City Clerk Robin Eldridge
- (3) **INVOCATION AND PLEDGE OF ALLEGIENCE**
Mayor Hocking led the invocation and the Pledge of Allegiance
- (4) **PRESENTATIONS/PROCLAMATIONS – There was none**
- (5) **CITIZENS PARTICIPATION**
 1. Bill Pritchard reported that Republic Waste does not pick up his brush. He has had brush piled out there for three weeks, the trucks go by but they don't stop and pick it up. They speed down the street. Reported at the end of Newman and Williams, where it drains into the Bayou, there is a ditch there, and it has trees four or five feet high and there is also a recliner in there. Then he asked when the ditches were going to get mowed. There are tree limbs hanging into the road on Williams. Also contacted the Police Department, someone had dumped some wood on the road on Moss around Newman.

Point of information -Mayor stated that within the next four to six weeks, a meeting to hear public input regarding RFP to attract other solid waste providers will be held.
 2. Richard Overton, said that the trash people has picked up his trash every time, and he has complied by the rules and has had no problems. Reported that on Corbett, May and Florence, he would like to be placed on the list for those streets to be resurfaced. They have done it once in the past twenty years. He also reported that he spoke with his Councilmember, Robert Michetich on National Night Out, he had reported some pot-holes and they have already been patched up, so he thanked the City.



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3. Teresa Rivera, said that she has lived at her address for the past 27 years (Partridge), and that there is a drainage ditch behind her property, from the 4700 block all the way to Garrett (three blocks). She said in the time that she has lived there, the ditch has only been properly cleaned twice. Reported that she has a very serious water moccasin problem. They come onto her and her neighbors' property and they come into her home. Her husband stepped on one in her bathroom awhile back. "I have called several times, and have heard a lot of excuses. It is not for cosmetic reasons that I want this ditch cleaned and mowed, it is a matter of life and death." A couple of years ago, she had called Commissioner Holmes and they borrowed equipment from the Drainage District #2, and were able to clean and clear out that area. Now the brush has turned into trees. "This is serious and I would like some help."

Mayor asked that the City Manager coordinate that with Les Rumburg and find out who is responsible for the mowing of that ditch.

(6) CONSENT AGENDA

- a. Budget Workshop Minutes of City Council on July 25, 2016
- b. Special City Council Meeting Minutes on September 19, 2016
- c. Discussion/possible action regarding the annual purchase of surface water from Gulf Coast Water Authority (GCWA) in the amount of \$1,180,120.04 which includes Bond B in the amount of \$37,070.04 and Bond D in the amount of \$245,450.00

Councilmember Lane made a motion to approve the Consent Agenda.

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

(7) PUBLIC HEARING

- a. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2016-0017**, repealing Chapter 17, Article III, Coin-Operated Amusement Machines, of the Code of Ordinances, City of La Marque, Texas, and in its place adopting a new Chapter 17, Article III, Coin-Operated Amusement Machines, and amending Appendix "A", Schedule of Fees and Charges, Coin-Operated Amusement Machines, to increase the license fee for each machine

Mayor Hocking closed the Regular Meeting at 6:16 p.m. and opened the Public Hearing.

No one spoke.

Mayor Hocking closed the Public Hearing and opened the Regular Meeting at 6:16. p.m.

(8) CONTRACTS/AGREEMENTS

- a. Discussion/possible action regarding entering into an agreement with Burns McDonnell, a Consultant for Solid Waste Contracts

Councilmember Michetich made a motion to approve entering into an agreement with Burns McDonnell for Solid Waste Contracts.



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Councilmember Bell seconded. **MOTION CARRIED UNANIMOUSLY.** (3)

Councilmember Bell added that he wanted the record to reflect that these monies will be passed onto to the contractor that is awarded the bid, (\$67,000.), and not out of the City's coffers.

- b. Discussion/possible action regarding award of Bid #LM 08-17 to C & R Wastewater, LLC. for Sludge Removal at the Wastewater Treatment Facility, in the amount of \$95,000.

Councilmember Bell made a motion to award Bid #LM-08-17 to C & R Wastewater, LLC. for Sludge Removal at the Wastewater Treatment Facility, in the amount of \$95,000.

Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.** (3)

- c. Discussion/possible action regarding approval for acquisition of a 250 kw generator by Crescent Electric through the Buy Board in the amount of \$85,000.00.

Councilmember Michetich made a motion to approve for acquisition of a 250 kw generator by Crescent Electric through the Buy Board in the amount of \$85,000.00.

Councilmember Bell seconded **MOTION CARRIED UNANIMOUSLY.** (3)

- d. Discussion/possible action regarding authorizing the City Manager to sign a Change Order, increasing the total amount of the Interlocal Agreement with Galveston County for the repair of select streets within La Marque by \$7,980.00, from \$345,141.59 to \$353,121.59.

Councilmember Michetich made a motion to authorize the City Manager to sign a Change Order, increasing the total amount of the Interlocal Agreement with Galveston County for the repair of select streets within La Marque by \$7,900.00, from \$345,1451.49 to \$353,121.59.

Councilmember Bell seconded. He then asked if North Campus Heights was included in this contract, and it was said to be on the list, supposed to be completed by mid-November

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

- e. Discussion/possible action regarding authorizing the Mayor to execute a new Interlocal Agreement with Galveston County to provide Animal Services for the City of La Marque.

Mayor Hocking asked if the City's appointed representative, Mr. Osteen had given the green light to the agreement. Then asked if the County had responded to the resolution that had been sent out to them concerning picking up the deceased animals, to which it was said that they are working on it.

Councilmember Lane made a motion to authorizing the Mayor to execute a new Interlocal Agreement with Galveston County to provide Animal Services for the City of La Marque.

Councilmember Michetich seconded.



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Questions arose of whether the United Board of Health knew that there were dead animal carcasses being allowed to remain on the streets of La Marque, that could come in contact with other animals and possible small children. The representative that is supposed to be proposing something to the resolve the animal carcass issue as CEO of the United Board of Health, and it was said that this has been discussed with the Board.

Councilmember Bell added, "Understanding that this is the only game in town, so I have to support it. I am extremely disappointed in this. We are getting an increase in the field and shelter costs, but our services are being reduced. There in is an increase in our financial obligations and a decrease in the amount of services received. I do not like this at all. There is a provision for an automatic renewal and I what I would like to see happen is that contract come before Council so we can discuss and deliberate on the effectiveness of that contract and shouldn't automatically renew without us, because things will tend to fade to the background."

Mr. Osteen will be meeting with Ms. Barroso when there is something to submit to resolve the animal carcass issue.

According to the contract, the City Manager says that we can submit amendments and should flag this and have it be brought before Council in six or seven months, for review and this would give us time to give them notice, before they begin their budget process and the contact itself.

A question was asked of the City Attorney, of whether our current contract will allow us to continue receiving service from the County until we authorize the signature on this contract, if this item was tabled tonight. He would have to look at the agreement to see if there were any provisions for that.

Councilmember Michetich withdrew his motion and made a motion to table this item until the City has heard back on the resolution submitted to the County on the deceased animal pickup.

Councilmember Lane withdrew his motion and seconded the motion to table this item.
MOTION CARRIED UNANIMOUSLY.

(9) NEW BUSINESS

- a. Discussion/possible action regarding Ordinance No. **O-2016-0017**, repealing Chapter 17, Article III, Coin-Operated Amusement Machines, of the Code of Ordinances, City of La Marque, Texas, and in its place adopting a new Chapter 17, Article III, Coin-Operated Amusement Machines, and amending Appendix "A", Schedule of Fees and Charges, Coin-Operated Amusement Machines, to increase the license fee for each machine.

Councilmember Bell made a motion to adopt Ordinance No. O-2016-0017.
Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**
THIS IS THE SECOND AND FINAL READING



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- b. Discussion/possible action regarding Ordinance No. **O-2016-0018**, reducing the speed limit within the Painted Meadows subdivision from 30 miles per hour to 25 miles per hour.

Councilmember Bell made a motion to adopt Ordinance No. O-2016-0018.
Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**
THIS IS THE FIRST READING

- c. Discussion/possible action regarding Resolution No. **R-2016-0016**, designating members of the City Council as Representative and Official Alternate to the General Assembly of the Houston-Galveston Area Council for year 2017.

Councilmember Lane nominated Mayor Hocking for the Representative to the General Assembly of the Houston-Galveston Area Council for year 2017. Mayor Hocking nominated Councilmember Michetich for the Official Alternate to the General Assembly of the Houston-Galveston Area Council for year 2017.

- d. Discussion/possible action regarding the approval of the Final Plat of Landing at Delany Cove Section 4, being 10.2+ acres of land containing 42 lots (50 X 120 Typ.) and five reserves in four blocks out of the Stephen F. Austin League NO.4 Survey, A-2, City of La Marque, Galveston, County, Texas, and, allowing a variance to Code Section 41-107(e), for the dimension of the lots to be reduced from 60'X 120' to 50' X 120' in size as recommended by Planning and Zoning Commission.

Councilmember Bell made a motion for approval of the Final Plat of Landing at Delany Cove Section 4, being 10.2+ acres of land containing 42 lots (50 X 120 Typ.) and five reserves in four blocks out of the Stephen F. Austin League NO.4 Survey, A-2, City of La Marque, Galveston, County, Texas, and, allowing a variance to Code Section 41-107(e), for the dimension of the lots to be reduced from 60'X 120' to 50' X 120' in size as recommended by Planning and Zoning Commission.

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

- e. Discussion/possible regarding Ordinance No. **O-2016-0019**, approving a rezoning classification from I-1 Light Industrial to I-2 Industrial ABST 150 J D Moore Survey Lots 4 thru 6 & pt. of Lots 2, 3, 7&8 (2-1) Blk. 16, Highland Park and ABST 150 Page 9 Lots 1 thru 4 & Lots 11 thru 14 Blk. 25 ½ of adj. streets surrounding Blk. 25, Highland Park, at 2700 Hwy 3.

Councilmember Bell made a motion to adopt Ordinance No. O-2016-0019.
Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**
THIS IS THE FIRST READING

- f. Discussion/possible action regarding Ordinance No. **O-2016-0020**, amending Chapter 71, Zoning Section 71.5, General Provisions, of the Code of Ordinance of the City of La Marque,



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Texas by adding a new subsection (q), entitled Livestock; providing a clause for Exotic, Wild, or Dangerous animals. **THIS IS THE FIRST READING**

THIS ITEM WAS PULLED UPON THE RECOMMENDATION OF THE CITY ATTORNEY

- g. Discussion/possible action adopting Ordinance No. **O-2016-0021**, of the City of La Marque, Texas, Amending Chapter 71, Zoning, Section 71.14, Definitions, and adding a new Section 71-A, entitled Residential Canal Zone. **THIS IS THE FIRST READING**

Councilmember Bell made a motion to adopt Ordinance No. O-2016-0021.
Councilmember Michetich seconded.

Councilmember Bell asked if this would make the City responsible for the maintenance of the streets within Omega Bay. The City Attorney responded that it would not, because of the way the deed restrictions clearly stated when the subdivision was adopted, it does not make the City responsible.

City Manager added, "There is a disconnect in activity in Omega Bay versus our permitting department's process with the City. They must first go through their architectural committee and their Board if they want to do any additional improvements then come to the City, if their Board initially gives them their approval, if not, the City doesn't approve their permit, so this ordinance helps clear up things. There have been discussions, to, at some point, the City may become more involved with the streets in Omega Bay, this was the first phase, to adopt an ordinance to address some of the issues that have occurred over many years. I have budgeted for a consultant to come in and tell us what we can or cannot do."

Mr. Ellis added, "The legal issue involves the public streets, it is illegal to use public monies to maintain private streets."

The issues include encroaching on private property and canal issues. The canal zone will help the City. **MOTION CARRIED UNANIMOUSLY.**

(10) CITY MANAGER'S REPORT

- **Judicial**
- **Police Department**
- **Fire Department**
- **Library**
- **Connect Transit**
- **Public Services**
- **Financials**
- **Administration**

(11) EXECUTIVE SESSION - There was no Executive Session



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(12) REQUESTS AND ANNOUNCEMENTS

Councilmember Michetich referred to a newspaper article recently, and said that a few of the "Realtors" are taking advantage of proposed property owners within the City and to make it known that the City will do everything in their power to see that those individuals are prosecuted to the fullest extent of the law. Reported on a very successful Food Truck Vendor and concert event recently.

Councilmember Lane also reported that the Food Truck Vendor and concert event is a great opportunity for the City to partnership with some of these organizations and should continue to introduce La Marque to a new generation of residents.

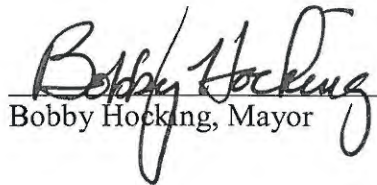
Councilmember Bell said he was going to attempt to go to Bayou Fest, although allergies have not allowed him to do so in the past. Reported the time 8:30 a.m. until 10:00 p.m.

Mayor Hocking reported on Bayou Fest: Free event, free parking, Pee Wee Bowen Band, Johnny Lee, Bellamy Brothers. Also wished his daughter a happy birthday, thanked all for attending. Sent condolences to the Larry Schumaker family for his passing.

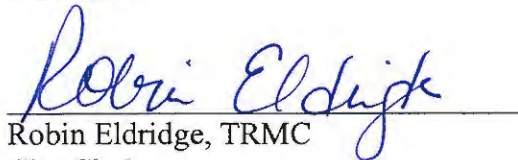
(13) ADJOURNMENT

Councilmember Lane made a motion to adjourn the Regular Meeting at 6:43 p.m.

Councilmember Bell seconded the motion. **MEETING ADJOURNED.**


Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, TRMC
City Clerk

CITIZENS REQUEST TO SPEAK

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

DATE OF MEETING: 10/10/16

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:

Republic BRUSH PICK up
DITCHES NOT BEING MAINTAINED
BOAT SLIP END OF WILLIAMS RT TO
BAYOU

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 BILL PRITCHARD

Address 2416 NEWMAN RD

Telephone number 409 933-0843

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____

CITIZENS REQUEST TO SPEAK

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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:

STREETS
TRASH

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 RICHARD EVERTON

Address 2610 Corbett Hallway

Telephone number 409-682-8189 409 935-6487

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity Home Owner

CITIZENS REQUEST TO SPEAK

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

DATE OF MEETING: 10-10-2016

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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:

Drainage Ditch Snake Problem

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 Teresa Rivera

Address 4711 Partridge St

Telephone number 409) 771-4245

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____