



1111 Bayou
La Marque, Texas 77568
409.938.9202

**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
MARCH 13, 2017**

Regular Meeting Minutes of the City of La Marque City Council held on Monday, March 13, 2017, beginning at 6:00 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Mayor Hocking called the Regular Meeting to order at 6:03 p.m.

(2) ROLL CALL – MEMBERS OF COUNCIL

Bobby Hocking	Mayor
Keith Bell	Mayor Pro Tem, Councilmember District A
Chris Lane	Councilmember, District B
Robert Michetich	Councilmember, District C
Clent Brown	Councilmember, District D

OTHER OFFICIALS PRESENT:

Carol Buttler	City Manager
Ellis Ortego	City Attorney
Robin Eldridge	City Clerk

(3) INVOCATION AND PLEDGE OF ALLEGIENCE

Mayor Pro Tem Bell led the invocation and the Pledge of Allegiance.

(4) PROCLAMATIONS/PRESENTATIONS

- a. Introduction of new employees: Kristina Layton, James Matthews, Nathan Baggs, Jason Crockom, Crystal Brasington, Chastity Porter, Richard Lafour, and Ashley Robinson

Fire Chief Grimm introduced the following new city employees and said a few words about each: Nathan Baggs, Crystal Brasington, Jason Crockom, Richard Lafour, James Matthews, Chastity Porter, Ashley Robinson and Kristina Layton.

- b. Acknowledgement of Promoted Employees: Michael Carlson, Zachery Hon, and David Merryman

Fire Chief Grimm also acknowledged the following promoted employees: Michael Carlson was promoted from Engineer to Captain; Zac Hon was promoted from Fire Fighter to Engineer David Merryman was promoted from Engineer to Captain.

(5) CITIZENS PARTICIPATION



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1. Bishop Aaron Johnson, of the Temple of Deliverance Worship Center, reported that approximately two years ago, the Lions Club occupied the building where his congregation now meets. A long-standing sign had been situated near the intersection of Main and Downey, advertising the Lions Club. When the church took over the building, the sign advertising the Lions Club was replaced by the church sign in the exact location. But, the sign was said to have been removed when a former member of Council complained. He is asking for a meeting between himself and the City Manager regarding an ordinance that has been violated, by removing the sign that had been situated in that same location for several years previous and he feels that it should be grandfathered. A meeting was said to take place on the following Wednesday between he and the City Manager.
2. David Pennington invited all to attend a Cemetery Clean up on March 25, 2017, from 8:30 a.m. until 12:00 p.m. at the La Marque Cemetery. The Master Gardeners have taken on the La Marque Cemetery as their project.
3. Clarence Caldwell (didn't fill out a sheet) spoke about the use of ATV's (four wheelers) in and around his house. The persons riding have a two way radio and are monitoring the police department calls, and by the time the officer shows up there, they have already stopped riding. He also reported a trailer behind his property, the owners are not keeping their yard mowed, without the city having to send them a letter.
4. Jerry Patton (didn't fill out a sheet) of Omega Bay spoke about the service road next this subdivision, off of I-45 (mile 7 going south). The diesel trucks approaching the intersection of 146 and Highway 6 use engine brakes, or "Jake" brakes. After making several calls, he said that everyone is willing to help with this, but there is no noise ordinance in regards to the use of engine brakes. He has spoken to TX DOT and they said they are willing to provide the signs and the police department is willing to enforce a noise ordinance, if the city adopts one.

(6) CONSENT AGENDA

- a. City Council Regular Minutes of February 13, 2017
 - b. Discussion/possible action regarding adopting Resolution No. **R-2017-006**, approving the aerial spraying of mosquitos by Galveston County Mosquito Control District, as required on a yearly basis by the Federal Aviation Administration
 - c. Discussion/possible action regarding adopting Resolution No. **R-2017-007**, amending Resolution No. R-2017-001, ordering the City of La Marque General Election to be held on May 6, 2017
 - d. Discussion/possible action regarding Resolution No. **R-2017-008**, opposing all bills advocating revenue caps and legislative interference with local services
- ** Mayor Pro-Tem Bell made a motion to approve the Consent Agenda.**



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

(7) PUBLIC HEARING

- a. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2017-005**, vacating, abandonment, and closing of road and alley rights-of-way located on realty described in Exhibit "A".

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:30 p.m.

No one spoke.

- b. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2017-006**, providing for the annexation of Painted Meadows Section 5 subdivision, consisting of 27.312 acres of land, and a section of Autry Road, as forwarded with a favorable recommendation from Planning and Zoning Commission.

No one spoke.

- c. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2017-007**, amending the City of La Marque 2016-2017 Budget for Year-end Encumbrances, personnel, and related Capital Outlays by increasing certain expenditures to individual budget accounts in certain funds as set forth in Exhibit "A".

Finance Director Suzy Kou explained the amendments in further detail, the first part being the 2016 year-end encumbrances. "Each year, there are outstanding purchase orders from the previous year, they are all budgeted items, just outstanding from the previous year. It happens each year that is why we have to reflect it in the current year. These funds were budgeted in the previous fiscal year." (Attached and highlighted as Exhibit "A")

Mayor Hocking closed the Public Hearing and opened the Regular Meeting at 6:35 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2017-005** vacating, abandonment, and closing of road and alley rights-of-way located on realty described in Exhibit "A". **THIS IS THE SECOND AND FINAL READING**

Councilmember Michetich made a motion to adopt Ordinance No. **O-2017-005**, vacating, abandonment, and closing of road and alley rights-of-way located on realty described in Exhibit "A".

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

- b. Discussion/possible action regarding adopting Ordinance No. **O-2017-006**, providing for the annexation of Painted Meadows Section 5 subdivision, consisting of 27.312 acres of land, and a section of Autry Road, as forwarded with favorable recommendation from



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Planning and Zoning Commission. **THIS IS THE SECOND AND FINAL READING**

Mayor Pro-Tem Bell made a motion to adopt Ordinance No. **O-2017-006**, providing for the annexation of Painted Meadows Section 5 subdivision, consisting of 27.312 acres of land, and a section of Autry Road, as forwarded with favorable recommendation from Planning and Zoning Commission. **THIS IS THE SECOND AND FINAL READING**

Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY**

- c. Discussion/possible action regarding adopting Ordinance No. **O-2017-007**, amending the City of La Marque 2016-2017 Budget for Year-end Encumbrances, personnel, and related Capital Outlays by increasing certain expenditures to individual budget accounts in certain funds as set forth in Exhibit "A". **THIS IS THE SECOND AND FINAL READING**

Councilmember Lane made a motion to adopt Ordinance No. **O-2017-007**, amending the City of La Marque 2016-2017 Budget for Year-end Encumbrances, personnel, and related Capital Outlays by increasing certain expenditures to individual budget accounts in certain funds as set forth in Exhibit "A".

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

(9) AWARD OF BIDS/CONTRACTS

- a. Discussion/possible action regarding the award of a construction contract to Sovereign Builders, Inc., dba Construction LTD for the construction of La Marque Central Fire Station and Fire Administrative Headquarters / Emergency Operations Center for the total base stipulated price in the amount of \$5,065,668.00 plus "Owner's Contingency Fund" in the amount of \$184,332.00.

Fire Chief Grimm approached the podium, "I have probably had twenty-three or twenty-four projects on my watch as Fire Chief, and none could hit the heart of public safety more

they, the ISO - Insurance Services Offices, an insurance rating agency used by all fifty states, were to raise the city's ISO rating from a 3 to a 5. "With Councils' blessing, I introduced an improvement plan to ISO that allowed the city, roughly two years to bring a number of improvements to our city to include the creation of a Fire Marshall and a Fire Marshal's Office and a number of other things that may allow us to avoid that increase." But in the mean-time, another company had adopted a new rate schedule for all fifty states and that the City would not receive credit for some of the things that we had done and added some new things that we had not done. On February 14th of this year, a rate analyst came down and conducted another survey and advised him that a rate increase was more than likely going to occur. "After speaking with him again, his computations showed that the rating for La Marque would increase to a four or a possible five. He further advised me of the two driving forces behind this, which are the distribution of fire service protective personnel and equipment. He also indicated to me that the creation of a Fire Station on the



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west side of town would obviate the need to increase our rate if it is built before the rate becomes effective.” He said it was unknown how much of a rate increase in insurance that this would mean for each individual citizen or business, but it would be an increase for each homeowner in the city. “Moreover, for the first time in the history of La Marque, and I have been in this area twenty-six going on twenty-seven years, and this new facility will be designed and constructed of hardened materials. It will allow us for the first time to have a safe harbor for the Mayor, the Emergency Management Coordinator and her staff, City Manager and her staff, the Finance Director and her staff and Police and Fire to take shelter in, before, during and after any disaster that might affect the City of La Marque. Prior to this, we had to relocate to the City of Santa Fe High School or beyond. I recall when Hurricane Rita came through, some of the La Marque personnel went to Alvin, this will obviate the need for any of this to occur. The buildings are going to be constructed to be able to withstand winds up to 160 mph. It will have a functional EOC, cabled, wired and equipped with all of the information we will need coming in by way of stream, and communication of our command structure out into the public.”

James Osteen approached the podium with a few questions. Referring to page 97, it was clear that an amount was scratched out and another number was put in. “That makes me wonder whether someone suggested that they need to put more money in their bid. It gets my attention, when I see something like that. I am not saying that that happened, but it raises some eyebrows.”

Grimm responded, “What happened Mr. Osteen, is that the bid document is somewhat clumsy and a little confusing, not only to the successful bidder, but to others as well. On page 2, in section 3.2, it asked for the base price, and this particular company entered the correct number, originally, then in their confusion, before walking into the building, added a \$200,000.00 allowance, which is added into the bid announcement. If you turn to the next page, and we have an affidavit to support this, from the company that acknowledges their confusion to the bid document itself. In the bid instructions to the bidders, it allows us to correct obvious errors that are made by people in this process, and this is obviously an error. On the third page, is the number that really counts, based upon the directions to the bidders.”

“I think that pretty much explains it.” Mr. Osteen added.

“Up until five minutes before time was called for the bids, many of the contractors sat in the parking lot, still receiving information from their subs and tallying the numbers up before the bid time was called. They were confused as to whether they should add in the \$200,000 allowance. We have checked references on this company and have not found one negative one yet,” Chief Grimm explained.

Mayor Pro-Tem Bell, “Why would this be allowed to be a part of our official presentation? Why wouldn’t someone say, “We can’t accept this, here is a new document, and you need to redo this so that we don’t have lines drawn through these numbers. It looks like it was done haphazardly.”



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Discussion continued as to what it says about the contractors sitting in the parking lot and this was considered concerning. Further explanation suggested that the process needs to be cleaned up somehow, so that the wrong impression is not sent out to prospective vendors.

Mayor Pro-Tem Bell asked the question that a few citizens have asked him and that is why was the Fire Station that was built in Santa Fe, quite a bit less expensive than the one proposing to be built in our city. It was said that the station in Santa Fe was built over twenty years ago, and that the City of La Marque is getting two separate buildings and the City of La Marque is getting much more for the money.

Another question was with the ISO rating, if it was raised from a 3 to a 4 or a 5, what would the new Fire Station do to the citizens in the city? It would provide the overlapping services that currently are not in La Marque and that is why the homeowners' insurance is at the current rate. It was also asked what areas of cost cutting have been taken into consideration.

Chief Grimm provided an overview: Materials that are equal substitutes but are less value, alternative equipment, heating, air conditioning, etc. "I believe that the architect and his team have provided every cost savings that was potentially available to us without effecting or damaging the functionality of the property itself and the internal operations of the property. We have reduced the thickness of cement where possible. There aren't any frills in this building at all. It is a basic, fundamental fire station that will provide a service to the City of La Marque for the next fifty to seventy-five years."

City Manager Carol Buttler added, "I asked he and the architect to go over the plans at the very beginning when getting ready to go out for bid, and they pulled out some of the allowances, rethought the size of the building, materials, how to handle the furniture and parking lot lights, and others as they went back and made more adjustments."

Councilmember Michetich said, "I want to congratulate you on this, Chief, I know this is a big process. I have had the experience of dealing with vendors who present things in the last minute and there is a lot of competition out there. It was difficult to get the responses that we wanted to on these bids. I think you all have done a great job on that. This will positively affect homeowners and all of our insurance rates. The insurance companies look at these ratings. I want to commend you, it is a benefit to us all."

Chief Grimm added, "The first time we went out for bid, we only received one bid. We believed that their bid was competitive, but had nothing to compare that bid to. Calls were made to all of the persons that showed up to the pre-bid meeting, and we received only one bid out of those thirteen. After hearing all of their reasons for not submitted a bid, we were able to answer their questions, and get the five people to submit bids the second time around. It is not uncommon for the vendors to still be getting numbers, up to the very last moment. Some chose not to even come into the bid opening site because they don't feel good about their numbers and will walk away. Others are out there and if it isn't something



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substantial, they will guess and hope that they haven't cut themselves so deeply that they will lose their entire profit."

It was still further discussed that documents should not be accepted in the form with strike through and scratch outs on them. "That causes questions. We don't anyone questioning our integrity as far as our performance in this city", added Mayor Pro-Tem Bell.

Mayor Hocking added, "I think it was ludicrous to have to evacuate to Santa Fe in the middle of a hurricane. It just never made sense to me. I want to be right here where our people are and for that one issue I thank you very much for putting this together."

- ** Councilmember Lane made a motion to award of a construction contract to Sovereign Builders, Inc., dba Construction LTD for the construction of La Marque Central Fire Station and Fire Administrative Headquarters / Emergency Operations Center for the total base stipulated price in the amount of \$5,065,668.00 plus "Owner's Contingency Fund" in the amount of \$184,332.00

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

(10) NEW BUSINESS

- a. Discussion/possible action regarding adopting Resolution No. **R-2017-009**, ratifying the City Manager's authorization for the Police Department to make application to the Office of the Governor, Criminal Justice Division for the Special Response Team Project (SRT) overtime and training in the amount of \$40,000.00

- ** Councilmember Lane made a motion to adopt Resolution No. **R-2017-009**, ratifying the City Manager's authorization for the Police Department to make application to the Office of the Governor, Criminal Justice Division for the Special Response Team Project (SRT) overtime and training in the amount of \$40,000.00.

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

- b. Discussion/possible action regarding adopting Resolution No. **R-2017-0010**, denying CenterPoint's Statement of Intent to Increase Rates and Consolidate Divisions

- ** Councilmember Lane made a motion to adopt Resolution No. **R-2017-0010**.

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

- c. Discussion/possible action regarding criteria for distributing funds from Southeast Texas Housing Finance Corporation (SETH) to the City of La Marque for revitalization efforts in the amount of \$50,000.00

Mayor Hocking provided a little background, as this being one of the boards that he has sat on for the past years in his capacity as Mayor and a grant was applied for and they simply sent a check to the City for \$50,000.00. "I have some ideas on how to spend this. Maybe to find a veteran



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who has served faithfully in one of the Iraq, middle-eastern wars and has a family and maybe putting that towards or partnering with Habitat for Humanity, towards a project like that.”

Councilmember Michetich said it was a good idea, “It cements our community and it is a sign of respect.”

The criteria further spelled out as a veteran, disabled and single parents, seniors and anyone who is disabled in those categories.

It was the consensus of Council to ask the City Manager to put the criteria together and speak to the other entities and bring back to Council for their approval once the process was further long. It was also discussed, that maybe the Garden Club, Clean City Commission and maybe the Cemetery Board could help with the landscaping to the project.

(11) CITY MANAGER REPORT

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

Mayor Pro-Tem Bell asked the City Manager to put some kind of plan together on paper to outline a plan for recruiting, training and staffing the City’s Telecommunicators.

(12) 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 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)

- a. Section 551.071 (Consultation with Attorney) – Discuss status of case of Billy Bunch vs. City of La Marque et al
- b. Section 551.071 (Consultation with Attorney) – Discuss status of case of James Neal vs. City of La Marque et al



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- c. Section 551.072 (Deliberations about Real Property) and Section 551.071 (Consultation with Attorney) – Discuss negotiations involving property proposed for development.

Mayor Hocking closed the Regular Meeting and convened into the Executive Session at 7:19 p.m.

(13) ACTION TAKEN FROM EXECUTIVE SSESSION

Mayor Hocking reconvened into the Regular Meeting at 7:56 p.m.

- a. Discussion/possible action regarding adoption of Ordinance No. **O-2017-008**, approving the exchange of utility easements by and between the City of La Marque and New Hope Bible Church on property owned by New Hope Bible Church at 3801 McKinney Extension as part of settlement of *William and Margaret Bunch v. New Hope Bible Church et al.*, Cause No. 15CC0596, in the 212th District Court of Galveston County, Texas.

****** Councilmember Michetich made a motion to adopt Ordinance No. **O-2017-008**, approving the exchange of utility easements by and between the City of La Marque and New Hope Bible Church on property owned by New Hope Bible Church at 3801 McKinney Extension as part of settlement of *William and Margaret Bunch v. New Hope Bible Church et al.*, Cause No. 15CC0596, in the 212th District Court of Galveston County, Texas.

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

- b. Discussion/possible action approving a settlement agreement for all parties in *James Neal, et al v. City of La Marque, et al*, Cause No. 16-CV-0051, in the 10th District Court of Galveston County, Texas.

****** Councilmember Lane made a motion to approve a settlement agreement for all parties in *James Neal, et al v. City of La Marque, et al*, Cause No. 16-CV-0051, in the 10th District Court of Galveston County, Texas.

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

- c. Discussion/possible action regarding issuing a Special Use Permit to the Texas City Railroad establishing conditions of use on certain tracts of land zoned Light Industrial (I-1) as delineated in legal descriptions.

****** Mayor Pro-Tem Bell made a motion to issue a Special Use Permit, also known as a Conditional Use Permit to the Texas City Railway Company establishing conditions on certain tracts of land zoned Light Industrial (I-1) as delineated in legal descriptions.



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

(14) REQUEST AND ANNOUNCEMENTS (this item taken before the Executive Session)

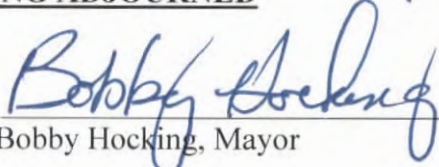
Councilmember Michetich reminded all of Spring Break and that there are many visitors within the city and surrounding areas, and cautioned all to be careful.

Mayor Pro-Tem Bell asked the City Manager to put some kind of plan put together on paper to outline a plan for recruiting, training and staffing the City's Telecommunicators, and maybe include in in the next City Manger's report.

(15) ADJOURNMENT

Mayor Pro-Tem Bell made a motion to adjourn the meeting at 7:59 p.m.

Councilmember Michetich seconded. **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: 3-13-17

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:

Getting Church Sign REERECTED

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 Bishop Aaron Johnson

Address 1410 Sylva St. LAMARQUE, TX 77568

Telephone number 409-256-1329

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: Temple of Deliverance worship center

Speaker's Official Capacity Pastor - founder

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: _____

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:

CEMETERY CLEAN UP ONLY

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 DRUPE PENNINGTON

Address 924 CHURCH

Telephone number 407-737-4464

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____