



1111 Bayou
La Marque, Texas 77568
409.938.9202

**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
APRIL 10, 2017**

Regular Meeting Minutes of the City of La Marque City Council held on Monday, April 10, 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 6:04 p.m.

(2) ROLL CALL – MEMBERS OF COUNCIL

Bobby Hocking	Mayor
Keith Bell	Mayor Pro-Tem, Councilmember District A
Chris Lane	Councilmember, District B- Absent
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. Proclamation National Telecommunicators Week
Chief Jackson introduced Tina Crawford as the lead Telecommunications Supervisor and his Administrative Assistant and Mayor Hocking read the Telecommunicators Proclamation.
- b. Proclamation – April “National Safe Digging Month”
Mayor Hocking read the Proclamation for National Safe Digging Month, and Steven Gordon, a representative of CenterPoint was present to accept the proclamation.

(5) CITIZENS PARTICIPATION

- a. Enrique Garza and his wife said that a neighbor of his continues to run a garage business from his home. (3121 Mar Ann). Ms. Garza played a telephone message from a reporter from the Galveston Daily News, that had called them concerning an ongoing dispute between them and their neighbors (Johnson’s), and she was wondering how the newspaper received this information.



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Jerry Patton thanked City Council for placing an item on the agenda that he had brought forth at the previous meeting concerning an issue he was having with the use of "jake" brakes within a close distance to his sub-division. He then explained that he was relatively new to La Marque, only living in Omega Bay for the past three and a half years. He said that MUD 12 supplies their water and sewer services at the present time and was told by them that over the next ten years, they will be passing onto the homeowners, a seventeen and a half million dollar payback for issuance of bonds. He asked if there were any options for those residents for their water and sewer needs with the City of La Marque.

Mayor Hocking referred Mr. Patton to his Councilmember, Mr. Michetich and the City Manager and said that there were some things being discussed.

Joel Newman is a neighbor of the Garzas and discussed issues with the garage that is being run out of the home to which Mr. Garza had spoken of earlier. He passed around pictures to City Council.

(6) CONSENT AGENDA

- a. City Council Regular Minutes of March 13, 2017
- b. Discussion/possible action regarding cancelling the Regular City Council meeting of May 8, 2017, and scheduling a Special Called City Council meeting for May 15, 2017.
- c. Discussion/possible action regarding Resolution No. **R-2017-0011**, amending Resolution No. R-2017-007, ordering the City of La Marque General Election and specifying polling places in the General Election to be held on May 6, 2017.
- d. Discussion/possible action authorizing the Mayor to execute a Standard Agreement for Contracting Services with Sovereign Builders Inc., dba Construction LTD for the construction of La Marque Central Fire Station and Fire Administrative Headquarters / Emergency Operations Center in the amount of \$5,250,000.00 as previously awarded by City Council March 13, 2017.
- e. Discussion/possible action regarding ratifying the City Manager's authorization of a Change Order in the amount of \$34,209.60 for the capital City-wide Street Improvement Project, previously awarded to Galveston County.

** Councilmember Bell 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-2017-008**, approving an exchange of 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



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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

- b. Conduct Public Hearing to hear public input regarding the approval of the Final Plat for Landing at Delany Cove Section 6, a subdivision of 11.849 acres located in S.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'X120' to 50'X120' in size.

Mayor Hocking closed the Regular Meeting and opened the Public Hearing(s) at 6:23 p.m.

No one spoke

Mayor closed the Public Hearing (s) and opened the Regular Meeting at 6:23 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding adopting 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 **THIS IS THE SECOND AND FINAL READING**

** Councilmember Michetich made a motion to adopt Ordinance O-2017-008.

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

- b. Discussion/possible action regarding the approval of the Final Plat for Landing at Delany Cove Section 6, a subdivision of 11.849 acres located in S.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'X120' to 50'X120' in size. **THIS ITEM WAS DENIED BY CITY COUNCIL AT THE FEBRUARY 13, 2017 MEETING**

** Councilmember Michetich made a motion to approve the Final Plat for Landing at Delany Cove Section 6, a subdivision of 11.849 acres located in S.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'X120' to 50'X120' in size.

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

(9) AWARD OF BIDS/CONTRACTS/AGREEMENTS

- a. Discussion/possible action regarding approval of agreement between Premier Soccer League and the City of La Marque for use and maintenance of the soccer fields in Highland Bayou "Mac" Mc Gaffe Park, as recommended by the Parks Board.



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- ** Councilmember Michetich made a motion to approve the agreement between Premier Soccer League and the City of La Marque for use and maintenance of the soccer fields in Highland Bayou "Mac" Mc Gaffey Park, as recommended by the Parks Board.
- ** Councilmember Bell seconded.

After asking, Mayor Pro Tem was told by the Parks Board Chairman, Mac McGaffey, that the league would consist of different teams and different age groups. **MOTION CARRIED UNANIMOUSLY.**

(10) NEW BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2017-009**, Repealing Sec. 44-2; Curfew for Minors, Chapter 44, of the Code of Ordinances, City of La Marque, Texas; and in its place adopting a new Sec. 44-2; establishing a curfew for any person under the age of seventeen years during certain hours. **THIS IS THE FIRST READING**

- ** Mayor Pro Tem Bell made a motion to approve Ordinance No. O-2017-009.
- ** Councilmember Michetich seconded.

Discussion followed, and it was said that this ordinance is required to be reviewed once every three years, and considered routine, to keep in line with State laws. Mayor Hocking asked that Chief Jackson read those times: juveniles cannot be out between the hours of 10:30 p.m. and 6:00 a.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on Friday or Saturday. "Now this does not apply to any days where school is not in session, or they are not required for compulsory school attendance", Chief said. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding adopting Resolution No. **R-2017-0012**, approving the 2016-2020 Galveston County Multi-Jurisdiction Hazard Mitigation Plan, as required by FEMA every five years

- ** Councilmember Bell made a motion to adopt Resolution No. R-2017-0012.
- ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

- c. Discussion – Staff Report providing update of Public Services work projects to include, but not limited to, a discussion of the H-GAC Buy Board as an option in the selection of contractors/vendors for the upcoming Sanitary Sewer Overflow Program, update of discussions with MOTCO Trust Group. This item required no action.

Public Services Director Les Rumburg provided Council with a report on the action at the Wastewater Treatment Plant, by stating, "We have completed one half of the switch from a "course-bubble" aerator to a "fine-bubble" aerator. This week we are getting the new tank up to speed, at which time we can clean the other tank and turn it into a fine-bubble aerator also. (Provided a video of the transformation). The fine bubbles are more efficient. Hopefully, by the end of May, we should be able to begin to realize those changes.



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Aerators are energized by a nuclear blower system that is being installed as those tanks are being cleaned out.” Next, he briefly described the Houston-Galveston Area Council (HGAC) BuyBoard concept where the entity takes on the obligation of going through the bidding process for another entity. “As you know, when we reach a threshold of \$50,000.00, we have to get formal bids, and it is often time consuming, and obviously the end result is that you hope you are going to get the lowest bid for our taxpayer’s dollars, to go towards that project. With the BuyBoard concept, you have someone doing the bidding for you. So, they will solicit vendors to provide bids for the services that they are looking for and they will accumulate those so when you go out looking for that service, you already have the lowest bid selected for you. As you are well aware, we have several sewer rehab projects coming up this summer, and one of them, at the February meeting, Council gave permission to the engineering firm to begin the engineering of that project, and ultimately go to bid for that, which is the Oak Street force mainline. Tonight, we are looking at the same engineering firm to do another major Sanitary Overflow Sewer project, which will be a million dollar endeavor, and will also require going through the bidding process. The HGAC, using the BuyBoard process, have gone out and solicited the bids, and what they have solicited for was individuals who can do pipeline replacement, individuals who can do cure in place projects, and individuals who do pipeline bursting. IPR, who we are looking at tonight, submitted their bids, as being able to do everything, and they came out as low bid. What I am suggesting, is to accept IPR as a BuyBoard vendor, ultimately leaving out the bidding process. This could save the City around \$20,000.00 in the process.”

Mayor Hocking asked that further information be brought back to Council. City Council would be in favor of anything that would alleviate duplicating the engineer costs to these projects, as long as it was legal.

Continuing on with the report, included the MOTCO site and the options they had for obtaining water. The City is proposing to establish a new take point location, and deliver water through a three to four inch meter then they would take it into the operations from there. Mr. Rumburg showed a map of the property, identifying the location. “Gulf Coast Water Authority has a thirty-six inch line running down the feeder road, and there is a blow-out valve that the City could establish as a take-point. There is a seventy-five foot wide piece of private land that we would have to obtain an easement on. Our responsibility would be about three hundred feet, and theirs is around two thousand feet. The cost, currently is about \$40,000.00, to provide the meter from GCWA, back-flow preventer and install about three hundred feet of line. The MOTCO people have been told they would be expected to participate in that funding. The advantages for the City to have that take point down there, is when we do have development out there, that this would already be in place.” It was said that this would be the least cost effective way to go.

Councilmember Michetich clarified that local vendors would still be given the opportunity to bid on any projects.



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- d. Discussion/possible action regarding authorizing the City Manager to execute an engineering design and construction services agreement with LJA Engineering for Sanitary Sewer Rehabilitation Program in the amount of \$134,195.00.
- ** Councilmember Bell made a motion to approve authorizing the City Manager to execute an engineering design and construction services agreement with LJA Engineering for Sanitary Sewer Rehabilitation Program in the amount of \$134,195.00.
- ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**
- e. Discussion/possible action regarding authorization to allow City participation in the cost of installation of Sanitary Sewer Main and manhole on FM 1764, and approving the expenditure of \$22,450.00.
- ** Councilmember Michetich made a motion to authorize the City to participate in the cost of installation of Sanitary Sewer Main and manhole on FM 1764, and approving the expenditure of \$22,450.00.
- ** Councilmember Bell seconded. **MOTION CARRIED UNANIMOUSLY.**
- f. Discuss the possibility of amending the "noise" ordinance in the La Marque Code of Ordinances by addressing engine brakes or "jake" brakes being applied in certain areas within the city and provide the City Manager with direction.

City Manager Carol Buttler, began, "This and the next item, were brought to Council by citizens, and that would have been the first notice, and tonight is if you want us to spend time, effort, legal to prepare an actual ordinance or do you want to discuss it some first, we can bring back a couple of ordinances from other cities, how do you want us to proceed?"

Councilmember Michetich said that he did want to proceed with it and city-wide, "But, enforcement at locations within the city should be at the discretion of the City Manager, Police Chief, and Council. We are not just putting up these signs everywhere, only in certain areas where they are needed. It should be limited and with the scope of the application."

Ms. Buttler added, "I think one of the things we have a concern with is why we want to check some of the other ordinances, is the jurisdictional issues that could come up as especially at certain locations."

- g. Discuss the possibility of amending the "noise" ordinance in the La Marque Code of Ordinances by addressing "all-terrain vehicles" (ATV's) being ridden within certain areas of the city and provide the City Manager with direction.

Councilmember Bell asked, "Why does it have to be a noise ordinance, is there a way we could outlaw these particular vehicles, except for designated areas within the city, and those areas be designated by Council?"



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Chief Jackson approached and said, "Our current noise ordinance specifically addresses sound amplification and outdoor musical apparatus and also the unnecessary use of a horn. Disorderly Conduct/ Noise is described in the Penal Code and gives it a decimal rating, for what is a violation of loud noise, but as far as identifying a specific type of vehicle, also with the understanding that having a continuous noise is annoying, but I don't know about identifying a specific type vehicle by saying, this you can't ride, this you can't operate. If the Council wishes to pursue some sort of specific action where there was a continuous noise."

Further discussion including proper training, licenses, and certain types of vehicles being used in ways that could harm other people as well as the operators of those vehicles. Chief said he would do some research and try to find out whether something like this exists, other than making sure that the operators are within the legal age limit to operate any motor vehicles. This discussion didn't include those legal age persons who may operate vehicles on their own properties.

Mayor mentioned a citizens group that had tried to reach out to the City Manager and schedule a meeting with her and try to help the City become a better City. He asked for her to schedule one hour to meet with these citizens, and this meeting to be scheduled before the end of the week. (Thursday).

City Manager stated, "You have the briefing on the telecommunicators that you asked for. Chief Jackson and I went over it again, I emailed you this and you have it here tonight so if you have any questions, and if you are ready, I will place it back on the May meeting for discussion."

Mayor Pro Tem Bell said, "My only piece of advice, is that as we recruit, one of the things, we probably want to do is see if we can work with Texas City Independent School District to set up a Public Safety Club. This may allow the students to work with the Fire Department, Police Department, the EMS, and the telecommunicators. We might be able to get ten or fifteen kids every year and from that maybe a good chance of getting some good candidates for dispatcher, police or whatever area they feel a passion for. But I think it is important to set the club up and make it a public safety club."

City Manager added, "Maybe when the Chief goes to Career Day, they can bring this up as a discussion, we have called on other cities, and they have been helping us, so we have started part of the process."

Mayor Pro-Tem Bell read in a report that Clean City's Commission "Clean-up Program has been hindered by program, lack of persons that have been assigned to us. My advice would be that our main course of recourse should be from our own municipal government. We might lean on our judge to see if there might be eligible in the city that have received citations, might be tasked with cleaning up our city. Maybe instead of getting a fine, they might give up a few Saturdays."



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It was mentioned that the City is looking for a driver for the Clean City Commission trailer.

(11) CITY MANAGER REPORT

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

(12) EXECUTIVE SESSION

There was no Executive Session

(13) REQUEST AND ANNOUNCEMENTS

Mayor Hocking thanked Councilmember Brown for his years of service, since he had decided not to seek re-election in the upcoming election, this could be his last Council Meeting. "I hope that when I reach your age, I am half the man that you are, and that you have been and the things that you have done for this City. So, I want to personally thank you."

Councilmember Brown said that he hated to give up the seat, but that it was time for him to do this. "I have lost a step or two as you get older, you don't want to but when it comes to you, then you will know. We have done great things, when we got here, this City was broke, but now we are in a lot better shape than we have ever been before, and it's going to get better." He thanked the City for allowing the big crawfish boil that had recently taken place, that it was and will be a great thing for the City.

Councilmember Michetich also commented about the recent crawfish boil, by setting the record as the largest crawfish boil according to the Guinness' Book of Records. Then told Mr. Brown it had been an honor to serve on City Council with him. He had attended the first meeting pertaining to the Multi-Jurisdiction Hazard Mitigation Plan, and that our City was the only jurisdiction that had completed all of the information required, and thanked and everyone gave a round of applause to Charlene Warren for her hard work in completing the city's portion.

Mayor Pro Tem Bell, "You are one of the kindest people I have ever met in my life" and added that he had been a blessing to Mr. Bell. "It has been an honor to know you and an honor to serve with you. Thank you for your service, Sir."

Said that he had also received a call from the media, as mentioned by Ms. Garza earlier in the meeting, and added, "When I do into the field as a Councilmember, it is usually over neighbor disputes. I just want to say, it is not worth it. Some things, we have to get past and we have to let go. In an instant, tragedy can strike. People are on edge, people are depressed, people are upset, and people have all sorts of things going on in their lives. It's not worth it, let's do what we have to do to make sure that our rights are represented.



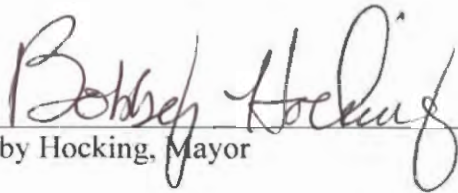
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Make sure we are respected and take any and every recourse. We have to find a way to get along and work with each other."

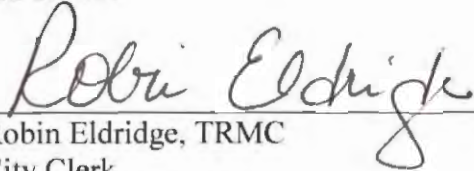
Mayor Hocking, Said "Mr. Brown. You know how I feel about you, I love you and respect you very much, and it's been an honor to work with you. Wished everyone a Happy Easter.

(14) ADJOURNMENT

It was the consensus of City Council to adjourn the meeting at 7: p.m.


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: 4.10.2017

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:

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 Emigene Gorye (Maria)

Address 923 Kennel St.

Telephone number 409 935 2520

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:

WATER & WATER WATER FOR OMEGA Bay
ADDITION

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 Jermy Patton

Address 5 N PINTAIL ST

Telephone number 918-801-6040

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: 4-10-2017

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ILLEGAL GARAGE 3121 MARANN

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:

ILLEGAL GARAGE 3121 MARANN

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 JOEL W. NEWMAN

Address 919 KENNETH ST.

Telephone number 713-305-0484

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: 4-10-19

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:

Grass and weed

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 Clarence Caldwell Jr

Address 3603 Prairie Lamarque TX 77568

Telephone number 409-739-7492

IF SPEAKING ON BEHALF OF AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity _____