



1111 Bayou
La Marque, Texas 77568
409.938.9202

**CITY OF LA MARQUE
CITY COUNCIL PUBLIC HEARING AND
REGULAR MEETING MINUTES
OF
AUGUST 14, 2017**

Public Hearing and Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, August 14, 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 6:00 p.m.

(2) ROLL CALL

Bobby Hocking
Keith Bell
Chris Lane
Robert Michetich
Casey Mc Auliffe

Mayor
Mayor Pro-Tem, Councilmember District A
Councilmember, District B
Councilmember, District C
Councilmember, District D

OTHER OFFICIALS PRESENT:

Carol Buttler
Ellis Ortego
Robin Eldridge

City Manager
City Attorney
City Clerk

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

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

(4) CITIZENS PARTICIPATION

1. Bill Pritchard said he is at the end of the water line at Newman Road and said that they used to keep it flushed regularly, but haven't been lately so after checking he said that a valve was broke. "I have n been changing out water filters at my house like crazy, that water is stagnant." Then reported that at the end of Williams, there is a boat slip, they used to have a nice chain up with two poles, well, the posts started leaning someone come by and put three ugly slabs in there, it's got rebar sticking out of it. If they would just put the posts in right, with the chain, it's perfect. You can't get in there to mow the ditches that is our drainage off of Williams and Newman. There are trees growing out of those ditches. I don't know what has happened to the ditch mowing, I called the City and they said well you are responsible for across the street and if it isn't four feet deep, then you are responsible, I said I don't know if anybody knows about that. But I take care of mine, I take care of it across the street. I just don't know what's happened. They got a nice new tractor, and he cut some of the overhanging branches, and he cut some of the ditches but he never cut them all. That's all I have to say." Mayor asked that the City Manager get back with him by 5:00 the following Thursday.



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2. Pearson Lubrano asked if there fire ant and crazy ant chemicals available to the citizens of La Marque, from Texas City, he had heard this a few years ago. He asked if the City had an ordinance requiring ISP's for in order to work in our municipality to not throttle their speed or the quality of the video and audio. "In other words, to maintain net neutrality, so people don't experience slow or stops or price hikes based on which websites they chose to visit on the Internet, it is called net neutrality, and to recognize the Internet as a common carrier, sort of like the post office." Then asked if the City Council should issue a statement in support of a statement made by Virginian Governor Mc Cauliffe of the families and victims of a massacre that occurred the previous Saturday in Virginia. Mayor asked for the City Manager to contact him.
3. Enrique Garza said that he wants an appointment with the Mayor. "Give me an appointment please, and said if the Chief of Police wants to come he is welcome to. "I need to speak to you."
4. David Pennington began by stating that what he has may run over his three minutes, and requested for Council to allow him the time to complete his presentation. He then referred to Ordinance number O-2015-0028, the ordinance that designates the time and place for regular meetings in the City of La Marque. "After some research, it appears that the regular Council business is being conducted at special meetings rather than regular meetings held on the second Monday of the month." He referred to some data he held that he said was from January 11, 2016 to August 7, 2017, he said that Council had conducted sixteen regular meetings and seventeen special meetings. "There have been sixteen items on the regular agenda that required public hearings. There have been fifteen items on the special agenda that required public hearings. When I see forty-eight percent of public hearings being held in special meetings, some red flags start to go up. So I started looking at those special meetings, and I found first readings, second reading and public hearings being held on special meetings. Some of the special meetings were held on Mondays, Tuesdays, Wednesdays, Thursdays and I noticed that the times fluctuated." He continued to read from his notes on the various times and dates of special meetings. "From looking at this pattern, it appears, that City Council is calling special meetings whenever they feel like it. He continued and said that when the ordinance was passed the citizens were assured that the regular business of the city would be on the second Monday of the month, and that any items that could simply not wait, then they would be on the agenda held on the fourth Monday of the month." He then read the excerpt out of the minutes from the December 14, 2015 meeting, quoting the Mayor as to this affect. "Do you know how many special meetings have been conducted on the fourth Monday? Out of seventeen special meetings, three have been held on the fourth Monday. This Council has even gone as far as to cancel regular meetings in order to conduct special meetings." He continued to read from his notes, different dates that meetings were cancelled and the dates of special meetings. "What is taking place at these special meetings? How about the conditional use permit for Texas City Railroad to store petrochemical storage tanks and railroad tracks in La Marque. That meeting was held on a Tuesday afternoon, May 30, 2017 at 3:00 p.m.



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After other meeting dates and city businesses discussed at those meetings. "Are they legal? Yes, every one of those were in accordance with the Texas Open Meetings Act, but they just don't pass the "smell" test when it comes to transparency and open government in the City of La Marque."

Mayor Hocking provided a point of information: "We appreciate you speaking. You continue to accuse this Council. You have been doing that for years. I appreciate you being the type of citizen that will speak out. The meetings that we schedule in May are always done to canvass the votes, and we do that because we have to. I think the other 16,481 people in La Marque appreciate us coming up here and conducting City business. But you know what, you are about to step on my last nerve, brother. You constantly bash us. If I had to sit at the house all day long just to do a "gotch ya", on people who serve me, that would be a pitiful life, but we appreciate your right to speak. You have given us your data."

City Attorney Ellis Ortego stated, "It is not uncommon to conduct business at special meetings. There are deadline that must be met, on many occasions. There are time limits that we have to meet."

Mr. Pennington agreed, but also said that there are times when regular business could be postponed to be put on a regular agenda, rather than a special meeting agenda.

Mayor Pro-Tem Bell added a point of order: "Mr. Pennington, I thank you for bringing this to the attention of all of us, and those that are listening. One of the things that you said, I want to make sure that we are very clear, you said it does not pass the "smell" test. Those Texas Open Meetings Act laws are designed to insure transparency. Because there is a seventy-two hour window, that we have to post before we can meet, now we go a step further, we are also online, and on Channel 16, so if you are not able to make those meetings, you can patch into them with your television remote or online, in real time." Then said that he has four Council members, a Mayor and a City Manager he could speak to about any problem or issues that he may have. Then finished, by saying that he understands that sometimes the schedules don't go the way people plan them to, but, to say that this is a Council that does not pass the "smell" test, or are doing something that is unethical, that would be a stretch.

Councilmember Mc Auliffe added, "As your Councilwoman and your District Representative, I would like to say that I am glad that you came and brought this data. This is tangible evidence of a citizen that cares a lot about what goes on, on this dais. It is evident that you struck a nerve on this short time on this Council, and the reason that I feel that is, is because what I have witnessed up here is a lot of hard work and a lot of us trying to do the best job that we can. But that is a team effort, and it requires that citizens that live in La Marque are always following up, and so I am glad you came. Now it is there, it is in records, we all heard it, it's in notes and part of our history, and we are going to use it moving forward."



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Andrea Lester spoke in regards to item number 7c, on the agenda. "We are looking to get our speed limits signs put up at 20 mph, hopefully to ask you to put in the budget for next year, speed bumps. There is a lot of speeding. It is a very small street with a cul-de-sac, and they get from 0 to 40 really fast. We are trying to take a pro-active approach before we have somebody's child hit."

(5) MINUTES

- a. Regular City Council Meeting held on July 10, 2017
- b. Joint Meeting of City Council and Planning and Zoning Commission held on July 10, 2017
- c. Special Called City Council Meeting held on July 17, 2017

** Mayor Pro-Tem Bell made a motion to approve the minutes of the above mentioned
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

(6) PUBLIC HEARING

- a. Conduct **FIRST** Public Hearing to receive public input regarding the City of La Marque FY 2017-2018 Tax Rate of \$0.0490764.

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:27 p.m.
No one spoke
Mayor closed the Public Hearing and reconvened the Regular Meeting at 6:27 p.m.

(7) NEW BUSINESS

- a. Discussion/possible action regarding the appointment of a member of City Council to serve on each of the Boards and Commissions as an ex-officio member and provide direction to the City Manager.

Mayor Pro-Tem Bell had previously asked for this item to be placed on the agenda, in order to address some concern of a disconnection between the Boards and Council. This idea was to have ex-officio members of Council to serve as non-voting members on the Boards so they can interact with the Boards and bring their issues back to City Council.

Mayor Pro-Tem would like to serve as ex-officio member on the Building Standards Commission; Councilmember Lane would like to serve as ex-officio member on the Parks Board; Councilmember Michetich on the Planning and Zoning; and Councilmember Mc Auliffe for the Clean City Commission

This item will be an action item on a future agenda in the form of an ordinance.



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- b. Discussion/possible action regarding appointments and/or reappointments to fill vacancies to various positions of the Boards and Commissions.
- ** Mayor Hocking has two members of the Parks Board expiring this year and reappointed both Michael "Rock" Bock and Louis Mc Gaffey for another two year term each.
- c. Discussion/possible action regarding adopting Ordinance No. **O-2017-0014** amending Article III, Speed Regulations of the La Marque Code of Ordinances by adding Section 62-91 establishing the speed limit on Glendale Street as 20 miles per hour, reducing it from the Prima Facie Speed Limit of 30 miles per hour. **THIS IS THE FIRST READING**
- ** Mayor Pro-Tem Bell made a motion to approve Ordinance No. O-2017-0014
- ** Councilmember Lane seconded.

Councilmember Michetich said that there were many streets like Glendale in La Marque, and that it would be difficult to single out one street. "Police have no way as to physically monitor that one street. I am just trying to be practical. If we put the signs up, will it change anything? And if doesn't change anything how will we prove that? From issuing a citation stance? If there is a problem with certain neighbors, I would be willing to go and speak to those neighbors if there was a problem. We may have to be doing this to street after street after street and then it becomes, what have we accomplished? You may never see a citation on this dead end street, maybe there is another way to get to this goal?"

Chief Jackson replied, "After meeting with the neighbors, they did indicate that there was one person on the street that was the main culprit and I was able to speak with this individual and explain the situation."

Discussion continued as to if it makes a difference whether a sign is erected, if it will detour individuals. It never prevents persons from speeding. Identifying all of the other one block cul-de-sacs and decrease the speed on them all was discussed briefly, to maintain uniformity, as well as some other streets that are uniquely designed like Glendale.

Chief Jackson continued, "A street study would have to be performed in order to lower the speed limit under 25 mph, so a device would have to be placed to monitor the speed of traffic, wherever a sign reducing speed is placed. It can be done, but it is a time consuming process."

A member of audience asked if there was an ordinance that would address areas without speed limit signs that the speed limit is a certain speed for all of those streets, and maybe that this could be an option.

- ** Mayor Pro-Tem withdrew his motion and made a motion to table this item.
- ** Councilmember Lane withdrew his motion.



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

(8) CITY MANAGER REPORT

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

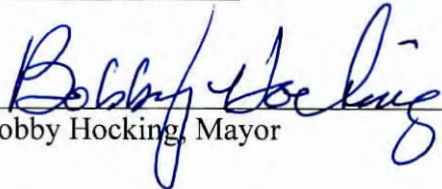
(9) EXECUTIVE SESSION

There was no Executive Session

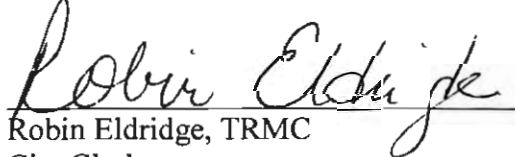
(10) ADJOURNMENT

Mayor Hocking announced that on October 2, the City will have a new solid waste and recycle provider, Waste Management. Prior to October 2, 2017, each citizen will receive a large cart for household garbage and one separate cart for recycling.

Councilmember Lane made a motion for adjournment at 6:45 p. m. Councilmember Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY.**


Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, TRMC
City Clerk