



1111 Bayou
La Marque, Texas 77568
409.938.9202

**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
DECEMBER 11, 2017**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, December 11, 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 Special 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
Councilwoman, District D

OTHER OFFICIALS PRESENT:

Carol Buttler
Ellis Ortego
Robin Eldridge

City Manager
City Attorney
City Clerk

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the invocation and the Pledge of Allegiance

(4) PRESENTATIONS/PROCLAMATIONS

a. Presentation- TNMP- Rebate

Texas New-Mexico Power representatives along with Deval Allums, of Siemens presented the City of La Marque with a rebate check in an amount in the excess of \$27,000. Rebates are offered by TNMP for energy savings incentives. This rebate was given as a result of the recent work completed at the La Marque Wastewater Treatment Plant. The Wastewater Treatment Plant (WWTP) improvements was Phase I of the Energy Procurement Contract that the City has with Siemens.

b. Cemetery Board- "Wreaths across America", Mayor Hocking reminded all of the upcoming "Wreaths across America" event to take place beginning at 11:00 a.m. at the La Marque Cemetery on December 16, 2017.

(5) CITIZENS PARTICIPATION

No one spoke.

(6) MINUTES



1111 Bayou
La Marque, Texas 77568
409.938.9202

- a. Regular Meeting Minutes of November 13, 2017
- b. Workshop Minutes of June 26, 2017

** Councilmember Lane made a motion to approve the Regular Minutes of November 13, 2017 and the Workshop Minutes of June 26, 2017.

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

(7) NEW BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2017-0022**, changing the zoning classification from R-3 Multi-Family Residential, to C-1, General Commercial of two tracts of land consisting of 8.16 acres together with an easement fronting I- 45 in the City of La Marque; amending the Zoning Map of the City adopted the 12th day of December 2005 by Ordinance Number 953, as forwarded by the Planning and Zoning Commission with a favorable recommendation.

Councilmember Mc Auliffe wished to have more discussion on this item before Council votes on the item and said, "I very much like the idea of growth and development along I-45, where we've talked so much about La Marque is poised at this moment to attract new business, and we are attractive right now, as a place to develop, and I like that, I am excited about that for the City. I am less excited about the possible addition of a used car lot, and a parking lot for limousines in that spot. That doesn't seem to me, to fit the conversation we have been having about attracting a certain kind of development. This doesn't mean that I am against the rezoning, I think the rezoning will be necessary to attract commercial development. I know that the business that is interested in this rezoning, is a long-time business and I like the idea of supporting them, I am just not fully onboard with all of the additions that come along with that."

Mayor Hocking added, "That is a great point that you make, I also think that it is also important that we realize for years it has been a blighted situation with a bunch of old apartment slabs, sitting on it and high weeds surrounding it and people down on their luck sleeping there, so I think this is probably going to be an improvement on that situation." Then added that he would rather have a high rise hotel, and restaurant, but that this is what the Planning and Zoning has brought before the Council with a unanimous, favorable decision, so he would be upholding their recommendation, but is willing to discuss.

Councilmember Michetich added, "We all want businesses, but deciding what business, once we do a commercial change, it is hard to say what's is going to be a good one and what's not. With respect to Carnes, I don't think they would allow something that is a slum next to a brand new funeral home. It would not be good for his business if he is not going to control who he sells his parcels next to him to, and I think he will have a lot to say over that matter, so, I am confident over that, and it looks like that was one of the reasons, I think that is the reason it was approved, so that is kind of where I am at, I am in favor."



1111 Bayou
La Marque, Texas 77568
409.938.9202

Councilmember Lane said, "I will have to side with Casey on this one, just due to the fact that this is a very critical time in our city's history. We have a very limited amount of land, so we want to make sure that every move that we make as a municipality, that we have exhausted every measure that we can, to make sure that we are doing the right thing. So, if we are slightly uncomfortable with it, I would recommend, as a Council to give her the opportunity to study it a little more, or become a little bit more comfortable.

Further discussion mentioned that this was a time sensitive issue, and also that the property was located in the Thoroughfare Overlay District and that any construction that occurs there would have to meet those terms and conditions. Further discussion included the fact that the City just recently went through a catastrophic flood, and adding additional pavement on an 8 tract piece of land, would also require a drainage plan. The location of the property being the first commercial areas when driving in from Galveston, and that the location would be ideal for an attractive business. It was mentioned that Council rarely goes against the recommendation of the Planning and Zoning Commission, and also being sensitive to the time constraints.

Mayor Pro-Tem Bell added, "It caused me some concern, too, at first, the possibility of a used car lot dealership, but the limousine service, I don't have a problem with. I think we have the ability to control what it looks like in the frontage, through ordinances and processes, we can develop and use to make it look better, if your concern is cosmetic. My concern was cosmetic and aesthetic. Do you have any other concerns?" Which it was said that the primary concern comes from an aesthetic point of view and perception was said to be a big concern, as well as the drainage along that area.

Councilwoman Mc Auliffe then added, "It is not what I would prefer to have as one our retail establishment's right when you are coming in from Galveston. There is just a history that used car lots tend to not look so great."

** Mayor Pro-Tem Bell made a motion to continue to discuss this item further.
** Councilmember Mc Auliffe seconded.

Discussion continued with the statement that all construction proposals, and interests go through the pre-development process as well as the other requirements made by the City and that an approval of a rezone, is not the final, and that interested parties will still have to go through a process depending on the type of commercial establishment that someone wants to build on the property, if rezoned, as well.

Councilmember Mc Auliffe reiterated the fact that she is excited about the future of development within the City, and that she has no problem with the rezone, but just wants to make sure that the Council is selective and has faith that they will be, that exciting new businesses want to development within the City.

** Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2017-0022.



1111 Bayou
La Marque, Texas 77568
409.938.9202

** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY. THIS IS THE FIRST READING**

- b. Discussion/possible action regarding approving the Texas Independence Trail Ride Association to utilize Highland Bayou “Mac McGaffey” Park as an overnight stop in February 2018, as part of the traditional ride of the Houston Livestock Show and Rodeo; as forwarded by the Parks Board, with a favorable recommendation.

** Councilwoman Mc Auliffe made a motion to approve the Texas Independence Trail Ride Association to utilize Highland Bayou “Mac McGaffey” Park as an overnight stop in February 2018, as part of the traditional ride of the Houston Livestock Show and Rodeo; as forwarded by the Parks Board with a favorable recommendation.

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

- c. Discussion/possible action regarding authorizing the annual purchase of surface water from Gulf Coast Water Authority in the amount of \$1,659,924.62 which includes Bond B in the amount of \$36,874.62 and Bond D in the amount of \$248,050.00.

** Councilmember Michetich made a motion to authorize the annual purchase of surface water from Gulf Coast Water Authority in the amount of \$1,659,924.62 which includes Bond B in the amount of \$36,874.62 and Bond D in the amount of \$248,050.00.

Councilmember reminded all that this was a planned expenditure, and discussed in the budget process, ensuring the residents that the City has the capacity to service them with water.

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

- d. Discussion/possible action authorizing the Information Technology Department to proceed with disposition of surplus property by Online Public Auction.

** Councilmember Lane made a motion to authorize the Information Technology Department to proceed with disposition of surplus property by Online Public Auction.

** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**

- e. Discussion/possible action regarding adopting Ordinance No. **O-2017-0023**, establishing appointments of members of City Council to serve on each of the Boards and Commissions as ex-officio members.

** Councilmember Lane made a motion to adopt Ordinance No. O-2017-0023.

** Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY. THIS IS THE FIRST READING**



1111 Bayou
La Marque, Texas 77568
409.938.9202

(8) AWARD OF BIDS/CONTRACTS

- a. Discussion/possible action regarding award of Bid #LM 11-18 to Parrish & Parrish Tractor Services for mowing and debris cleanup in the amount of \$51,060.00.

** Councilwoman Mc Auliffe made a motion to award Bid #LM 11-18 to Parrish & Parrish Tractor Services for mowing and debris cleanup in the amount of \$51,060.00.

** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**
- b. Discussion//possible action regarding award of Bid #LM 12-18 to Grant Mackay Demolition Company, Inc., for the demolition and clearing of thirteen (13) substandard structures in the amount of \$86,422.00.

** Councilmember Michetich made a motion to award Bid #LM 12-18 to Grant Mackay Demolition Company, Inc., for the demolition and clearing of thirteen (13) substandard structures in the amount of \$86,422.00.

** Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY.**
- c. Discussion/possible action regarding approval of “Third Amendment to Mainland Water Project Customer Contract (South Project)” as proposed by Gulf Coast Water Authority (GCWA).

** Councilmember Lane made a motion to approve the “Third Amendment to Mainland Water Project Customer Contract (South Project)” as proposed by Gulf Coast Water Authority (GCWA).

** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**
- d. Discussion/possible action regarding authorizing the City Manager to execute a contract with Siemens Industries to supply, install, and oversee an AMI (Advanced Metering with Siemens Industries to supply, install and oversee an AMI (Advanced Metering Infrastructure) system as Phase II of the Energy Performance Contract Project in the estimated amount of \$3,305,000.00.

** Mayor Pro-Tem Bell made a motion to discuss.

** Councilmember Lane seconded. Discussion followed.

Mayor Pro-Tem began the discussion and stated that he has never been in full support of the meters. He continued, “It is a fundamental difference in the way that people look at problems. We have this problem with water loss. We know that there are leaks within our water delivery system, in delivering water, and one of the solutions that is being proposed to mitigate these problems is these AMI meters. They are telling us that these meters will



1111 Bayou
La Marque, Texas 77568
409.938.9202

help us detect leaks, and other things, which are all true. But fundamentally, if we have an aging, frail, dysfunctional water delivery system, with water supply piping that is in excess of 50 to 60 years old, why would we spend three million dollars for metering overhaul and not even develop a plan to repair and replace a lot of these 50, 60 year old pipes? I don't think we have ever really gave a full discussion on replacing the actual water delivery infrastructure. That's where my heartburn is. I feel if we are going to spend three million dollars on a metering system, we should at least spend that much on a water delivery system, on the pipes that we know are leaking. But, I love this city and I don't want to stand in the way of four other Councilpersons that might see this differently. I am not that kind of servant."

Mayor Hocking added that initially, this was discussed when the City began to look for water leaks. "I was of the opinion and maybe one or two more that, why replace meters, when you first have to get the water to the meter. If the water is leaking out prior to reaching the meter, either the residents or the commercial entity, it seems like the cart before the horse. But, I want to fully discuss this. I know that our staff has worked diligently on this project. They all believe in it, one million percent. There are probably a couple of people on Council if not more that believe in this, right along with them."

Councilmember Michetich began, "We have fixed the major leaks that were identified in that study. Yes, there are some lines that we believe that are going to continue to be a problem, but identifying where those leaks might be, if they exist. In the infrastructure, they will come back, it is a double edged sword, and infrastructure does need to be fixed in several places. In my experience, in a failing system you have to have your in-points accurate. These meters today, when we go to TML, or if you look across the board and in either cities, the sonic type meters, that measure water flow are so much more accurate, they can detect a leaking toilet, where a mechanical meter will not. We have an old City, I guarantee you we have a lot of homes, that have leaks in them and that is the responsibility of the customer. But, yet our meters will not pick that up, and what we are finding, although our meters may not have a twenty year warranty, at ten years of age, it becomes so corroded on a mechanical meter, that it is not registering until you get a good flow in there. You could install a drip system, for your garden and flower bed, and it won't pick it up. There are a lot of advantages to the AMI, as to when the water is being used, what time of day, and this is critical when you are trying to find leak detection. It is a more accurate billing system. The critical part is, it will help us find the leaks that exist and if any leaks come up."

Councilwoman Mc Auliffe continued with the discussion, "I am in favor, but I completely agree with you that it makes no sense to proceed with the installation of the new AMI system or any new metering system without being in conjunction with real plans to replace the and/or repair the kinds of lines that need to be replaced immediate, or have a five year plan in place. One of the things I like about the AMI system as a means of helping up toward that goal of continuing to replace our aged and crumbling lines, is, I am convinced by all of the data we have seen from city's staff. That they will give us accurate data as to where to begin replacing line and pinpointed places as to where we are having



1111 Bayou
La Marque, Texas 77568
409.938.9202

the most problems. It is an expensive move. But how far would the same amount of money go towards the replacement of lines? Not very far. By having a plan in place will make a huge difference. If we started replacing lines now, I believe we would be so much over that three million dollars and sort of tipped the scales for me. This is an enormous investment, but I believe it pays off in the long run. As far as using Siemens as a contractor, we have had a good repore and as far as I can tell, and after discussing with staff, it has been a continued good, positive feedback and they have done what they have said they would do and that seems like a good reason to utilize them and to wrap this AMI system into it.”

Councilmember Lane added, “I am a supporter, but I never did view the meters as a magic bullet and was going to magically make the problem that we face as far as infrastructure concerns disappear, but I do feel that it will play a very critical part in helping us accomplish that goal in fixing our infrastructure. As far as the city’s history, we are probably at the healthiest financially in recent memory but, I think this is something that if we kick down the road, that we may not necessarily have the funds to address it in future years. The only thing that is guaranteed in the life and in the life of a municipality is bad times, and so eventually, we are going to run into the time that we don’t have the funds to address an issue like this and me being a representative of District B where a lot of new growth is taking place, I would rather be proactive and get ahead of the growth versus the growth taking place and us playing catch up in trying to implement new meter after the new houses have been built. In this point in time, it is the industry standard, and if we wait any longer we may be having another conversation. I think that this apparatus system will go a long way, as far as helping us accomplish our goals and as far as modernizing our infrastructure.”

Mayor Pro-Tem added that there was a previous time, (2006 and 2007) when they City had a meter change-out and were told that those meters would last for twenty years. “Eleven years into a twenty year promise, we are here again, no doubt technology has advanced. My colleagues have spoken to some things that are definitely beneficial. I have been down this road before and I have these same things before. What I didn’t not hear was a concrete plan to replace the pipes that were at that time, were about 40 to 50 years old. So we can talk about new meters, and a new Fire Station and a new City Hall and all news things are great, and I support my colleagues in what they are saying. But, when are we going to go about the business of repairing the arteries of our City? What happens when we go about the business of making yourself look as fabulous as possible, but you got blockage. I want a plan that speaks to the water delivery system, that’s it. I don’t want to hear that it is going to cost of fifty million dollars. I don’t want to hear that it is going to take us seventy-nine years. Because those fifty million dollars and those seventy- nine years, we are going to be having another five different kinds of water meters. When will this City get to the point that we can discuss the issues that are going to cause us the most harm, our water delivery system needs to be replaced, not just the meters, but the “pipes?” Our sewer system need to be replaced, our storm system needs to be revitalized. When will this conversation happen? If there is a plan, that we have been presented and that we



1111 Bayou
La Marque, Texas 77568
409.938.9202

have been asked to pay for then, please show it to me. Nots bits and pieces, but a full plan.”

City Manager Carol Buttler spoke, “After our conversations, we, the Finance Director and myself, are taking the water model study, that was presented back in the spring, where very specific lines, specific costs, specific areas of town, and we are trying to take that, in addition to the lines that were repaired as a result of the leak detection study and put it into a capital improvement spreadsheet, where the best way we believe we can finance or fund those particular projects. Because we are already funding the sanitary sewer with some of the 2016 Certificates, so we have 2.5 set aside for that. We have the waterline grant that we are waiting on the award for \$800,000.00 with the City’s match of \$350,000.00 for a section of town that has needed it for many years. There are several different pieces to the puzzle, there are several different costs assignments for different priority groups, and they are identified on the maps, but we need to tie that to a spreadsheet that is our next five year capital improvements plan that we started. I think it will make it easier to see the bigger picture once we finish that.”

Mayor Pro-Tem added, “I asked to see a plan that called for us replacing the 50-60 year old pipes, which hasn’t been addressed. When I was first on this Council, there were folks that were on this Council long before me, that helped me see things in a different way, it is a time for us, as a Council to address some of these other things that we know the citizens are saying that we need every day. As I said before, I am not going to ever stand in the way of progress and that is why I want my colleagues to know that I will support them in their decision, and we are going to move forward as a team, I am not going to vote against them on this, but let me say something, please, if we know we have 50-60 year old pipes, can we please talk about giving the Council information so that we may know what it is going to cost and where we will need to start. If we can talk about that along with the other things, and make a decision based on everything, then I won’t have a problem.”

Ms. Buttler reiterated that Council would be supplied with a map and a correlated spreadsheet based on the two studies and what we have done to date and look out five years on funding that is concrete and the next five years, will have a possibility, because our other sources that we can’t fund other items with.

** Mayor Pro-Tem made a motion to approve the authorization the City Manager to execute a contract with Siemens Industries to supply, install, and oversee an AMI (Advanced Metering with Siemens Industries to supply, install and oversee an AMI (Advanced Metering Infrastructure) system as Phase II of the Energy Performance Contract Project in the estimated amount of \$3,305,000.00.

Councilmember Michetich asked for a monthly report on each of the segment lines, where we replace meters. “This replacement will help forecast those line replacements. The report should show a before and after comparison and a running comparison. I think this should outlive this Council and current administration and should be something that is ongoing and please set that in stone for your successors.”



1111 Bayou
La Marque, Texas 77568
409.938.9202

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

(9) APPOINTMENTS/NOMINATIONS

a. Discussion/possible action regarding appointments and/or reappointments to fill vacancies to various positions of the Boards and Commissions.

** Mayor Pro-Tem Bell- District A reappointed Joe Compian to the Keep La Marque Beautiful Commission for another two year term; reappointed Herman Harper to the Board of Adjustments for another two year term; and also moved Augustino Molis from an Alternate position to a member of the Planning & Zoning Commission for another two year term.

** Mayor Hocking appointed Terry Pettijohn to the Keep La Marque Beautiful Commission to an unexpired term position ending in 2018.

** City Manager appointed Morris Martin, Jr. to the Civil Service Commission-in Position 2, for a two year term.

(10) CITY MANAGER REPORT

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

There were no comments.

(11) EXECUTIVE SESSION

1. Section 551.071 (Consultation with Attorney) – Receive report on status of franchise payment issues with Comcast

Mayor Hocking closed the Regular meeting and went into Executive Session at 7:08 p.m.

Mayor Pro-Tem reconvened into the Regular Meeting at 8:17 p.m.

(12) ACTION TAKEN FROM EXECUTIVE SESSION

1. Discussion/possible action providing direction to City Manager regarding negotiations



1111 Bayou
La Marque, Texas 77568
409.938.9202

through Gulf Coalition of Cities with Comcast, concerning potential franchise payments due to the City.

No action was taken from the Executive Session

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

Mayor Hocking wished everyone a very Merry Christmas and a blessed and Happy New Year. Encouraged all to find a family that is less fortunate than their own to bless this year as his family does every year.

Councilwoman Mc Auliffe mentioned that the upcoming Sunday at Galveston the Old Market they are hosting a holiday drive for families that use the Dickinson WIC clinic, that was wiped out by Hurricane Harvey and collecting baby supplies. (9-1), then wished everyone happy holidays.

Councilmember Michetich wished all a very Merry Christmas and a Happy New Year.

Councilmember Lane wished all a Merry Christmas.

Mayor Pro-Tem Bell reminded all that they are appreciated and wished all a Merry Christmas.

(14) ADJOURNMENT

** Councilwoman Mc Auliffe made a motion to adjourn the Regular Meeting at 8:17 p.m.

** Mayor Pro-Tem Bell seconded. **MEETING ADJOURNED**


Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, TRMC
City Clerk