



1111 Bayou
La Marque, Texas 77568
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**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
May 14, 2018**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, May 14, 2018, 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	Mayor
Keith Bell	Mayor Pro-Tem, Councilmember District A
Chris Lane	Councilmember, District B
Robert Michetich	Councilmember, District C
Casey Mc Auliffe	Councilwoman, District D

OTHER OFFICIALS PRESENT:

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

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

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

(4) ELECTION BUSINESS

- a. Discussion/possible action regarding adopting Resolution No. **R-2018-0011**, canvassing the election returns and declaring the results of the May 5, 2018 General Election pursuant the Election

Mayor Hocking read the canvassing of votes from the resolution, and concluded the official canvass.

** Councilmember Michetich made a motion to adopt Resolution No. R-2018-0011.

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

- b. Administer Oath of Office/Anti-Bribery Statement to newly elected Officials-Mayor Bobby Hocking, Councilmember Keith Bell, District "A" and Councilmember Robert Michetich, Councilmember District "C".

Mayor Hocking administered the Oath of Office and Anti-Bribery Statement to re-elected Councilmembers Keith Bell and Robert Michetich and congratulated them both on their re-



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election positions. Both Councilmembers Keith Bell and Robert Michetich administered the Oath of Office and Anti-Bribery Statement to re-elected Mayor Bobby Hocking and congratulated him on his re-elected position.

- c. Discussion/possible action regarding the appointment of the Mayor Pro-Tem for two years.
- ** Councilmember Michetich made a motion to appoint Keith Bell as Mayor Pro-Tem for two years.
- ** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

(5) PRESENTATIONS/ PROCLAMATIONS

- a. Introduction of new employees: Library Director Amy Miller introduced Sandy Hofstatter from the Library; Police Chief Jackson introduced Dana Thomasson, a new La Marque police officer and Finance Director Suzy Kou introduced Sloane Witter, who is in charge of accounts payable (cash disbursement) and helps out in payroll.
- b. Proclamation—RED NOSE MONTH - May – Mayor Hocking read the Red Nose Month proclamation and introduced Hart Paris, and an employee of Walgreens who explained what Red Nose Day is all about, and also Raynor Vincent shared a touching personal story of his son who recently started his own business, here in La Marque.
- c. Report from Keep La Marque Beautiful Commission- Chairman Joe Compian presented a report from the Keep La Marque Beautiful Commission and thanked members of staff for their help and support
- d. Presentation- Hurricane Preparedness- Emergency Management Coordinator Charlene Warren reminded all of the beginning of Hurricane Season, which is June 1, 2018

Mayor Hocking asked if any of the re-elected officials wished to speak at this time.

Councilmember Michetich thanked all who turned out to vote in this previous election.

Mayor Pro-Tem thanked the constituents for their confidence in re-electing him and he and their shared interest in moving forward towards revitalization and safety.

Mayor Hocking said that he wants to be the Mayor of those who voted for him along with those who didn't vote for him. Thanked all again for being re-elected.

(6) CITIZENS PARTICIPATION

- 1. Geraldine Sam congratulated all of the re-elected officials. Asked for all to pray for the students who will be taking their Starr tests within the next few days. She then shared her concerns with the delayed permitting for temporary buildings to be placed to be ready for the start of school in August. "They have been displaced long enough. We want to be back in our community where we belong."

Mayor Hocking said that it was the consensus of Council to expedite the permitting process so they can get into those temporary buildings as soon as possible while they are waiting for the construction of the new schools.

(7) MINUTES

- a. Regular City Council Minutes of April 9, 2018
- ** Councilmember Michetich made a motion to approve the minutes of April 9, 2018



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

(8) NEW BUSINESS

a. Discussion/possible action regarding authorizing The Goodman Corporation to submit a grant application for Transportation Improvements Plan to fund mobility infrastructure projects, and provide direction to City Manager.

** Mayor Pro-Tem Bell made a motion to authorize The Goodman Corporation to submit a grant application for Transportation Improvements Plan to fund mobility infrastructure projects.

** Councilmember Lane seconded. After a brief discussion, on the time frame and which projects ones would like to be funded, an additional project was added by Councilmember Lane for the construction of a sidewalk from the new Fire Station in the Saltgrass subdivision connecting it to the gas station nearby. Jim Webb of the Goodman Corporation introduced himself and began a presentation that included a Call for Projects opportunity that would lead to the distribution of 1.3 billion dollars through HGAC. He stated those projects are 80-20 projects, meaning that 80% of the funds would be federally disbursed and the other 20% would come from local dollars. He added that this was not the only opportunity for projects; others may come up within the next six to eight months. Monisha Khurana shared an overview of Economic Development and Mobility Strategy, which was a selection of fourteen projects that had been prepared by the Goodman Corporation as outlined on the power point presentation attached as Exhibit "A".

Councilmember Lane asked how quickly a cost analysis could be drawn up for his addition of a sidewalk from the new Fire Station to a gas station near to it, to which it was said to take a few days. Councilmember Michetich clarified with Mr. Rumburg, the Public Services Director that these projects would not in any way interfere with project plans that were already in place with the County. The County has been committed by the issuance of 1.7 million dollars in bonds voted on by the registered voters within Galveston County, to allocate certain monies for several cities within the county, this money distributed by dollars and not by projects.

Other projects would be discussed at a future workshop and/or at the retreat. Mr. Webb said that when they return back before Council next month, he would like to have a resolution from Council for their support of submission of an application as well as a commitment of funding for a project/projects. The request for funding could be in the year 2020, 2023 or 2025, depending on, financially, whatever works best for the City.

MOTION CARRIED UNANIMOUSLY

b. Discussion/possible action regarding possible request for waiver of certain development requirements by Texas City Independent School District for temporary campus, and provide direction to City Manager

** Councilmember Michetich made a motion to request a waiver of certain development requirements by Texas City Independent School District for temporary campus.

** Councilmember Lane seconded.



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Jack Haralson, Director of Facilities and Planning (Texas City ISD) handed out (Exhibit "B" with an updated site plan) – Temporary Elementary Campus documents and explained that a few schools were damaged by Hurricane Harvey and this is why the need for temporary campuses in La Marque. He said the only disadvantage with using the temporary buildings, which he didn't really consider a disadvantage, was the lack of a bonified gym, but that a large multi-purpose building will be used for a gym at this time. He then cleared up some of the rumors that all of the oak trees were going to be cut down, but in actuality, only one ash tree, unfortunately, will have to come down, but it is at the end of its life cycle and would end up falling down soon anyway. Crushed concrete for drives they will have to use does not meet the ordinances, but is only temporary. Sidewalks will be placed on the Magnolia and Bayou sides, if they are not already there. Councilmember Lane asked if verbiage could be implemented into an agreement for the use of some of the athletic facilities (stadium, auxiliary fields, etc.), by the City's youth. Mr. Haralson asked the City Manager if something could be drafted identifying these issues, he would pass that along, and that can be revisited. No other meetings were required, and just a matter of permits and a few other details still remained to be done. City Manager reported that the plans have been received and reviewed. Emergency access by both the Fire and Police has been approved by the respective Chiefs, the ingress and egress have been identified, and traffic plan all have been approved. As part of an agreement, it is Council's decision to waive requirements of the ordinance. **MOTION CARRIED UNANIMOUSLY**

c. Discussion/possible action regarding approval of the Budget Calendar

Finance Director explained a few dates on the budget calendar, based on the City Charter, the Tax Code and also the County for the tax rate.

** Councilwoman Mc Auliffe made a motion to approve the Budget Calendar.

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

d. Discussion/possible action regarding adopting Resolution No. **R-2018-0012**, denying CenterPoint Energy Houston **Electric**, LLC's Application for Approval to amend its Distribution Cost Recovery Factor.

** Mayor Pro- Tem Bell made a motion to adopt Resolution No. R-2018-0012.

** Councilmember Lane seconded. There was no discussion. **MOTION CARRIED UNANIMOUSLY**

e. Discussion/possible action regarding expenditures of Waterline Rehabilitation Project Funds, based on scenarios described, and providing direction to City Manager

** Mayor Pro-Tem Bell made a motion to approve the expenditures of Waterline Rehabilitation Project Funds, based on scenarios described.

** Councilmember Lane seconded. There was no discussion. **MOTION CARRIED UNANIMOUSLY**



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- f. Discussion/possible action regarding adopting Ordinance No. **O-2018-004**, amending the FY 2016-17 budget and FY 2017-18 budget for grants, Council approved lease purchases on projects and equipment, and unanticipated expenditures, by increasing (decreasing) certain revenues and increasing (decreasing) certain expenditures to individual budget accounts in certain funds as set forth in attached Exhibit "A" and Exhibit "B".
- ** Councilmember Michetich made a motion to approve Ordinance No. O-2018-004.
- ** Councilmember Lane seconded. The increase in overtime was clarified by the City Manager due to vacancies in personnel in the Fire Department, and Telecommunicators in the Police Department and clarified the monies earmarked from the coin-operated machines to be used for fire personnel for new Fire station) **MOTION CARRIED UNANIMOUSLY** **THIS IS THE FIRST READING**
- g. Discussion/possible action regarding adopting Ordinance No. **O-2018-005**, amending the Code Of Ordinances of the City Of La Marque, Texas, by adding to Chapter 14, Buildings And Building Regulations, a new Article XI, entitled "Registration of Residential Rental Units Required"; providing rules and regulations governing same within the City; providing a penalty not to exceed \$500 for each violation; providing for severability; providing for an effective date; and making other provisions related to the subject
- ** Mayor Pro-Tem Bell made a motion to approve Ordinance No. O-2018-005.
- ** Councilwoman Mc Auliffe seconded.

Councilmember Michetich wanted clarification on the definition of a "person", Attorney Scott Bounds of Olson and Olson, who drafted this ordinance, explained the definition which was said to be already in existence in the current code. Another concern was the "registration required." The number and type of and whether a person has or does not have a security alarm is sensitive information and he did not feel like it should be included as mandatory in the ordinance, recommended that this information be kept or maintained by the Police Department only. Another recommendation was to make this information optional or not to include specification of what type of alarm system. Further discussion led to the fact that the City already has on file persons with alarm systems, since it is a current ordinance that requires a permit/information for an alarm, so that in case one is triggered by mistake, the Police Department knows who to call for assistance. It was further stated that the reason for this ordinance is to hold rental property/landlords accountable, not a penalty for renters. It was also mentioned that this particular type of information, would not be open to the public, under the Open Records Act.

Councilmember Michetich made a motion to change the following of the proposed ordinance as delineated by Attorney Scott Bounds in Section 14-424. Registration Required, subsection d) "An owner shall comply with Chapter 5. ALARM SYSTEMS*, of the City of La Marque Code of Ordinances"

Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY** (on the vote on the amended Ordinance) **THIS IS THE FIRST READING**



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- h. Discussion/possible action regarding adopting Resolution No. **R-2018-0013**, supporting the addition of an audible emergency alerting system in proximity to Omega Bay and Bayou Vista, and providing direction to City Manager

Councilmember Michetich stated, "There is no audible alarm that can be heard from the Omega Bay and Bayou Vista areas." Due to the recent Texas City explosion, he feels it necessary to support the need of an audible emergency system in this proximity.

Bill Finnley, 837 Marlin, resident of Bayou Vista and it was said that he, too, would be talking the City Council in Bayou Vista concerning the need for an audible alarm that could be heard from Bayou Vista. He spoke of a few of the instances where releases and or explosions occurred and there was no alarm system to advise the residents in that area.

- ** Councilmember Lane made a motion to adopt Resolution No. R-2018-0013, supporting the addition of an audible emergency alerting system in proximity to Omega Bay and Bayou Vista.
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- i. Discussion/possible action regarding Ordinance No. **O-2018-006**, amending the City of La Marque Code of Ordinances Chapter 41, Land Development, Article V, Section 41-145. Definitions, adding the definition of a "street tree", and Division 2, Parking, Lighting, Landscaping, and Other Requirements Section 41-172. Landscaping, to restrict planting "street trees" within a ten foot area of the city right-of-way and sidewalk (between curb and sidewalk)

- ** Councilmember Lane made a motion to approve Ordinance No. O-2018-006.
** Councilmember Michetich seconded.

Councilwoman Mc Auliffe made note, "We were object for this wording, because this emphasizes that trees need to be planted responsibly and in areas where they will flourish and not damage too much municipal infrastructure. Also, the understanding that we want to encourage as many street trees as possible and will continue to strengthen these ordinances, so that we are a city filled with trees." **MOTION CARRIED UNANIMOUSLY THIS IS THE FIRST READING**

- j. Discussion/possible action regarding adopting Ordinance No. **O-2018-007**, amending the City of La Marque Code of Ordinances, Section 56, "**STREETS AND SIDEWALKS**", by adding a Section to include "Required Specifications for the Construction of Sidewalks"

- ** Mayor Pro-Tem Bell made a motion to approve Ordinance No. O-2018-007.
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY THIS IS THE FIRST READING**

(9) AGREEMENTS/CONTRACTS



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- a. Discussion/possible action regarding approving a one (1) year agreement between Texas Rebels Select Baseball League and City of La Marque for use of the baseball fields at Highland Bayou “Mac McGaffey” Park as recommended by the Parks Board
- ** Councilmember Michetich made a motion to approve a one (1) year agreement between Texas Rebels Select Baseball League and City of La Marque for use of the baseball fields at Highland Bayou “Mac McGaffey” Park as recommended by the Parks Board.
- ** Mayor Hocking seconded the purpose of discussion.
- ** Councilmember Lane stated, “This organization had been utilizing the baseball fields in League City, but would like to be more local. Although not verified, but an assumption made by me is that they were paying an exceptional amount of money. The second thing, is that there are no children in the City of La Marque that participate and last but not least, no fees were discussed with this contract. I am not a fan of kids not having the opportunity to participate in youth sports or not having a place to play, so I would like to give the Rebels an opportunity to negotiate a contract that is fair for their organization and for the City of La Marque. So, with that said, I would like to table this issue, until the next City Council meeting.
- ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

(10) APPOINTMENTS

- a. Discussion/possible action regarding appointment of Collective Bargaining Negotiating Committee for La Marque Police Association and Fire Fighters Union, Local 3282, International Association of Fire Fighters

Mayor Hocking stated, “The last time, we had negotiations with the two Unions, we called a quorum, and the entire City Council sat in those meetings, and when it was time for them to deliberate, we left the room, when it was time for us to deliberate, they left the room, and we were able to nail down these agreements in one day, instead of running back and forth to each other for weeks. I would certainly like to make that recommendation here.”

Motion was made by Councilmember Lane to have the entire Council sit in with those unions, as was done in the past.

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

(11) 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)

1. Section 551.071 (Consultation with Attorney) – to discuss legal aspects of the Sunset Grove subdivision



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2. Section 551.071 (Consultation with Attorney) – to discuss legal aspects of a development agreement related to the Sunset Grove subdivision

3. Section 551.071 (Consultation with Attorney) – to discuss legal aspects of the purchase of property for city facilities and Section 551.052 (Deliberations about Real Property) – Discuss negotiations relating to purchasing property for city facilities

Mayor Hocking closed the Regular meeting at 8:01 p.m. and went into Executive Session. “I will be involved in items 1 and 2 and once again, recuse myself for item 3, for reasons plainly delineated on the record. As a member of the church selling the property I have recused myself from the entire process.”

(13) ACTION TAKEN FROM EXECUTIVE SESSION

Mayor Hocking reconvened to the Regular meeting at 8:45 p.m.

1. Discussion/possible action regarding possible development agreement as advised by legal counsel for the Sunset Grove subdivision

** Councilmember Michetich made a motion as recommended by the Planning and Zoning Commission to deny a possible development agreement for the Sunset Grove subdivision.

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

Mayor Pro-Tem Bell stated, “Let the record reflect that the denial is based on a sixty foot requirement for each of the residential lots.”

2. Discussion/possible action regarding entering into a development agreement for the Sunset Grove subdivision. It was the consensus of Council to table this item

3. Discussion/possible action regarding the adoption of Resolution No. **R-2018-0014** by the City Council of the City of La Marque, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Official Statement and Notice of Sale; and Approving Other Matters Incidental Thereto.

** Mayor Pro-Tem Bell made a motion to adopt Resolution No. **R-2018-0014** by the City Council of the City of La Marque, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Official Statement and Notice of Sale; and Approving Other Matters Incidental Thereto.

(14) REQUEST AND ANNOUNCEMENTS

There were none.

(15) ADJOURNMENT

** Mayor Pro-Tem Bell made a motion to adjourn the Regular Meeting at 8:46 p.m.



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** Councilmember Lane seconded. MEETING ADJOURNED.



Bobby Hocking, Mayor

ATTEST:



Robin Eldridge, TRMC
City Clerk