



**1111 Bayou Road
La Marque, Texas
409-938-9202**

Mayor Bobby Hocking

Mayor Pro- Tem Keith Bell- District A

Councilmember Chris Lane- District B

Councilmember Robert Michetich-District C

Councilwoman Casey McAuliffe- District D

OFFICIALLY POSTED ON THE
WEB:
DATE: **6.8.2018** TIME: **3:30 p.m.**

**ORDINANCE NO. O-2018-008
RESOLUTION NO. R-2018-0017**

**CITY OF LA MARQUE
REGULAR CITY COUNCIL
AGENDA
Of
June 11, 2018**

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting on **June 11, 2018, beginning at 6:00 p.m.** at 1109-B Bayou Road for the purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

(4) PRESENTATIONS/ PROCLAMATIONS

- a. Letter of Appreciation – Joe Mose- Public Services
- b. Proclamation- Juneteenth (June 19, 2018)

(5) CITIZENS PARTICIPATION (Limited to three minutes per person)

Comments from the public (at this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes.) In compliance with Texas Open Meeting Act, the City may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(6) MINUTES

- a. Regular City Council Minutes of May 14, 2018
- b. Workshop Minutes of May 14, 2018

(7) PUBLIC HEARING (S)

- a. Conduct Public Hearing to hear public input regarding 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.

- b. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2018-005**, amending the Code of Ordinances of the City of La Marque, 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.
- c. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2018-006**, amending the Code of Ordinances of the City of La Marque, 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).
- d. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2018-007**, amending the Code of Ordinances of the City of La Marque, Section 56, “STREETS AND SIDEWALKS”, by adding a Section to include “Required Specifications for Construction of Sidewalks.”

(8) OLD BUSINESS

- a. 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 - Finance Director S. Kou **THIS IS THE SECOND AND FINAL READING**
- b. Discussion/possible action regarding adopting Ordinance No. **O-2018-005**, amending the Code of Ordinances of the City of La Marque, 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 - Mayor Pro-Tem K. Bell **THIS IS THE SECOND AND FINAL READING**
- c. Discussion/possible action regarding adopting Ordinance No. **O-2018-006**, amending the Code of Ordinances of the City of La Marque, 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) – Tree Committee **THIS IS THE SECOND AND FINAL READING**
- d. Discussion/possible action regarding adopting Ordinance No. **O-2018-007**, amending the Code of Ordinance of the City of La Marque, Section 56, “STREETS AND SIDEWALKS”, by adding a Section to include “Required Specifications for the Construction of Sidewalks” - Councilmember R. Michetich **THIS IS THE SECOND AND FINAL READING**

(9) NEW BUSINESS

- a. Discussion/possible action regarding adopting Resolution No. **R-2018-0015** authorizing City Council to commit support and funding match for City of La Marque applications submitted to the Houston-Galveston Area Council (H-GAC) for 2018 Transportation Improvement Program (TIP) call for projects – City Manager C. Buttler
- b. Discussion/possible action to grant permission to Gamma Omega Omega Chapter of the Alpha Kappa Alpha Sorority to revitalize playground equipment and basketball goal located at Westlawn Park with the possibility of a future adoption of park – Public Services Director L. Rumburg
- c. Discussion/possible action regarding appointing the Planning and Zoning Commission, as Advisory Committee to the “Water and Wastewater Impact Fee Study,” with the addition of Caron Muntzel and Deborah Jamail as representatives of the local real estate industry, in compliance with Texas Commission on Environmental Quality (TCEQ) requirements – Public Services Director L. Rumburg
- d. Discussion/possible action regarding bulky waste removal provisions in Waste Management contract and provide direction to City Manager.
- e. Discussion/possible action regarding adopting Ordinance No. **O-2018-008**, approving the rezoning classification from C-1 (General Commercial) to R-1 (Single Family Residential), being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described in Exhibit “A”, as recommended by the Planning and Zoning Commission – City Manager C. Buttler
- f. Discussion/possible action regarding adopting Resolution No. **R-2018-016**, to suspend Texas-New Mexico Power’s electric rate increase request for the maximum period allowed by law – City Manager C. Buttler
- g. Discussion/possible action regarding adopting Resolution No. **R-2018-0017**, to formalize a City Travel Policy that was established in previous years – Finance Director S. Kou

(10) CONTRACTS/AGREEMENTS

- a. Discussion/possible action regarding terminating the professional services agreement with Municipal Operations and Consulting (MOC), effective June 15, 2018 – Public Services Director L. Rumburg
- b. Discussion/possible action regarding approving a professional services agreement with Precision Utilities, LLC, providing oversight and administration of the Water and Wastewater Facilities (Department 24) for compliance with TCEQ and to provide for the health, safety and welfare of the City of La Marque – Public Services Director L. Rumburg

(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)

(12) REQUEST AND ANNOUNCEMENTS

Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415. (b), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;*
- (2) information regarding holiday schedules;*
- (3) an honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;*
- (4) a reminder about an upcoming event organized or sponsored by the governing body;*
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and*
- (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.*

(13) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on or before June 8, 2018, before 5:30 p.m.

Robin Eldridge, TRMC
City Clerk

• • • • • This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or
• • • • • interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-
• • • • • 9259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information.
• • • • •



1111 Bayou
La Marque, Texas 77568
409.938.9202

**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



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**CITY OF LA MARQUE
CITY COUNCIL
WORKSHOP
MINUTES
OF
MAY 14, 2018**

Workshop Minutes of the City of La Marque City Council held on Monday, May 14, 2018, beginning at 3:30 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Mayor Hocking called the Special Called Meeting to order at 3:46 p.m.

(2) ROLL CALL – MEMBERS OF COUNCIL

Bobby Hocking

Mayor – recused from meeting

Keith Bell

Mayor Pro-Tem, Councilmember District A

Chris Lane

Councilmember, District B

Robert Michetich

Councilmember, District C

Casey Mc Auliffe

Councilmember, District D

OTHER OFFICIALS PRESENT:

Carol Buttler

City Manager

Ellis Ortego

City Attorney

Robin Eldridge

City Clerk

(3) NEW BUSINESS

- a. Discussion/possible action regarding determining feasibility to partner with College of the Mainland on build-out and use of “Building A,” located at 4916 FM 1765, and provide direction to City Manager

City Manager Carol Buttler began the overview, “I just spoke to Mr. Templer from the College of the Mainland, who I have recently been dealing with, evidently, there was some conflicts and forgot about the meeting. The college still has some interests in Building “A”. According to an email, she was referring to, they are looking at 14 thousand square feet. This building itself is a little over 37 thousand square feet. They are looking for space for labs, classrooms and storage. An elevator fast tracked could take at the least –nine months which could cost up to \$80,000.00. A Museum, gift shop, library annex, indoor park, or recreation center, there are so many types of uses. “From my understanding, is to make it an attraction to schools, day care centers, and having a museum would make us eligible for some grant funding. Other funding recourses have been discussed through the finance department. Photos were viewed again of the interior of the building on the screen in the Council Chambers. Charlene Warren identified the different areas of the building, including a cafeteria room, stairways, upstairs classrooms, theater area, fenced in area, used now for records storage a space, staging area where



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concerts were performed. “There are many ideas and options, it is just a matter of Councils vision. There are some challenges, concerning emergency exits.”

Councilmember Michetich stated that it would have been very beneficial for someone from the college to have been there. “I, personally, would like to see some sort of a video classroom remain, and for us to have access when they are not using it. I would certainly like to see a public meeting room that could accommodate Homeowners Associations. First and foremost, I would like a drainage plan put together and implemented. The stairwells should meet code and ADA compliant. The library is important thing as well. I think it is a good deal to build out and lease back.”

Councilwoman Mc Auliffe agreed the COLM would be a wise partnership. Sharing the studio capabilities, was discussed last fall with the college, as well as programs where some of the faculties to assign programs for after-hours classes and weekend classes.

Ms. Mc Auliffe asked Amy Miller, the Library Director if the library had the materials and staff to expand to an annex. Ms. Miller responded, “What we are hearing from the public is that they would like to see meeting rooms and quiet study spaces. Our programming portion of our library has increased by 70%.” In the event of most of the upstairs being utilized by COLM, it was asked by Councilmember Lane if it would be feasible to modify the current library to modernize it and up to date electrical outlets, as well as expanding to have quiet spaces, to which she replied that it would be feasible, and added with the building of a new school in close proximity to the library, and also tied into the whole revitalization area. The idea of partnering with the college to “share” a library, was discussed as well as completely revamping the current library.

Mayor Pro-Tem Bell asked what the original purpose of the library was and it was said to have been to improve and expand education. As the world changes and we development different ways of communicating and learning exploring the idea of having a “virtual reality” library, to bring a whole new experience for all. “I don’t think we should allow COLM to utilize the whole building. Our children have been neglected or received the short end of city services, and I think one of the original thoughts that this space would be able to provide, would be a place for children to recreate, in a safe environment. We have looked at a museum, a cool virtual reality library, and a recreation enter, and I think this would be available not only for us, but also for tourists that come to our city and explore this and it would be a great opportunity for us. Another polling location was also mentioned for that area of town.”

The Notice of Intent item further on the agenda was called upon to be read to make sure that the language that exists matches what the city is hoping to accomplish with this building that would cover municipal and educational purposes.

Further discussion continued on all of the possibilities of this building and that it can be overwhelming and if we effectively strategize as a city to make sure do all these and do them correctly. The need for a Parks and Recreation Department was briefly discussed, if



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the city were to offer recreational services and or activities. A Parks and Recreation Department could oversee the maintenance of all of the parks, seek grant opportunities and allow the city to expand these parts of the city.

City Manager continued and said that she and the Finance department will still need to meet with the college and see what kind of commitment and time frame they are thinking about, and what their plans were. Councilmember Michetich said he would like to be included in this meeting.

Discussion continued as to what kind of money would be needed for these plans for the existing library and or the educational technology uses at the new facility. A virtual museum that would take you back in history in La Marque was discussed as something new and different that would be on the cutting edge of experience. The possibility of a children's museum was briefly mentioned.

(4) ADJOURNMENT

Councilwoman Mc Auliffe made a motion to adjourn the Workshop Meeting at 4:53 p.m. Councilmember Lane seconded. **WORKSHOP ADJOURNED**

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Suzy Kou

Department: Finance

Agenda item: 7&8a

Reviewed by: *Carol Buttler*

AGENDA ITEM DESCRIPTION: 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. **THIS IS THE SECOND AND FINAL READING.**

X

ATTACHMENTS FOR REFERENCE

1. Ordinance
2. Exhibit A and Exhibit B

STAFF BRIEFING:

- Due to hurricane Harvey in 2017, the City incurred unanticipated expenditure of debris and damage repairs to different equipment and facilities
- During current fiscal year, the City received and expended grant transactions which require appropriations
- For budget year 2018, Council approved additional 9 Fire/EMS staff for the new public safety building; lease purchases for Council approved projects and equipment (i.e. AMI, equipment for Fire, Public Services, Police, etc.)
- During the year, the City had a few unanticipated final payouts to outgoing employees, which were not included in the budget at point of adoption
- During the current fiscal year, EDC Board approved some unanticipated expenditures which were not included in the adopted budget
- The ordinance is to amend the budget administratively so that actual expenditure will not exceed appropriation in fiscal year 2017 and 2018

HISTORY: N/A

TARGET IMPLEMENTATION: June 11, 2018

SIGNIFICANT ACTION DATES:

5.14.2018 – Ordinance approved by City Council on first reading



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Items #	See Exhibit A and B
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2018-004**, amending the 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. **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: See attached Exhibit A and Exhibit B.

ORDINANCE O-2018-004

AN ORDINANCE AMENDING THE CITY OF LA MARQUE 2016-17 BUDGET AND 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.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS;

Section 1. That the City of La Marque 2016-17 Fiscal Year Budget and 2017-18 Fiscal Year Budget are hereby amended for various expenditures at end of each fiscal year by decreasing various funds' fund balances and increasing certain expenditures to the individual budget accounts in various funds and increasing certain revenues in various funds as set forth in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

Section 2. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't Code*.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the first reading this the 14th day of May, 2018.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque, Texas, on the second and final reading this the ____ day of June, 2018.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

BUDGET AMENDMENT O-2018-????

FY 2018 EXHIBIT A

Account Numbers	Descriptions	Expenditure Increase	Revenues Increase	Fund Balance Increase (Decrease)	Comments
General Fund					
01-9118-99-00	2017 Lease Prin	11,025			New equipment lease purchase with Gov Capital
01-9119-99-00	2017 Lease Int	12,177			New equipment lease purchase with Gov Capital
01-4041-04-00	Judge Getty	1,000			Council approved for his increase
01-4040-05-00	Overtime	170,000			Unanticipated need for overtime
01-1010-05-00	Regular salaries	38,000			Term employees payout in Police
01-1060-05-00	FICA	2,907			Term employees payout in Police
01-1065-05-00	TMRS	5,643			Term employees payout in Police
01-1075-05-00	Worker's Comp	941			Term employees payout in Police
01-1010-06-00	Regular salaries	18,000			Term employees payout in Fire/EMS
01-1060-06-00	FICA	1,377			Term employees payout in Fire/EMS
01-1065-06-00	TMRS	2,673			Term employees payout in Fire/EMS
01-1075-06-00	Worker's Comp	363			Term employees payout in Fire/EMS
01-1010-06-00	Regular salaries	132,000			9 additional Fire/EMS employees
01-1036-06-00	Certification	10,000			9 additional Fire/EMS employees
01-1060-06-00	FICA	10,000			9 additional Fire/EMS employees
01-1065-06-00	TMRS	20,000			9 additional Fire/EMS employees
01-1075-06-00	Worker's Comp	2,662			9 additional Fire/EMS employees
01-3323-00-00	Coin operated machines		454,585		Revenues we did not budget to stay conservative
01-2401-00-00	Fund Balance			15,817	Additional in Fund Balance
Utility Fund					
02-7030-21-00	Assets-AMI	3,207,397			AMI lease purchase project with Siemens
02-3901-00-00	Lease proceeds		3,207,397		AMI lease purchase project with Siemens
EDC					
19-7070-00-00	Land	245,715			Land acquisiton by EDC
19-1010-01-00	Regular salaries	14,063			Pay increases for EDC Director and Public Relations Specialist
19-1060-01-00	FICA	1,076			Pay increases for EDC Director and Public Relations Specialist

BUDGET AMENDMENT O-2018-????

FY 2018 EXHIBIT A

Account Numbers	Descriptions	Expenditure Increase	Revenues Increase	Fund Balance Increase (Decrease)	Comments
19-1065-01-00	TMRS	2,088			Pay increases for EDC Director and Public Relations Specialist
19-1075-01-00	Worker's comp	36			Pay increases for EDC Director and Public Relations Specialist
19-2031-01-00	Car allowance	7,000			Car allowance increases for EDC Director and Public Relations Specialist
19-2401-00-00	Fund Balance			(269,978)	Draw down on Fund Balance
CDBG Grant					
39-3015-00-00	Grant Proceeds		800,000		GLO/CDBG grant projects
39-7100-22-00	Grant Projects	800,000			GLO/CDBG grant projects
Fire Capital Reserve					
48-3801-00-00	Fire Reserve proceeds		22,500		Appropriating Fire capital reserve fund
48-3020-06-00	R & M Buildings	10,000			Appropriating Fire capital reserve fund
48-3030-06-00	R & M Motor Vehicles	20,000			Appropriating Fire capital reserve fund
48-7040-06-00	Assets-Equipment	17,000			Appropriating Fire capital reserve fund
48-2040-06-00	Uniforms	40,000			Appropriating Fire capital reserve fund
48-2401-00-00	Fund Balance			(64,500)	Draw down on Fund Balance
Sanitation					
63-4040-14-00	Consultant	9,600			Appropriate for sanitation consulting; reimbursement was credited to City last fiscal year.
63-2401-00-00	Fund Balance			(9,600.00)	Additional in Fund Balance FY 2017; Draw down in Fund Balance FY 2018
Court Technology					
82-7040-04-00	Assets-Equipment	9,200			Court system upgrade
82-2401-00-00	Fund Balance			(9,200.00)	Draw down on Fund Balance

BUDGET AMENDMENT O-2018-????
FY 2018 EXHIBIT A

Account Numbers	Descriptions	Expenditure Increase	Revenues Increase	Fund Balance Increase (Decrease)	Comments
Disaster Fund					
70-4061-01-02	Emergency sheltering	2,900			Sheltering for citizens due to Harvey
70-3020-12-02	R & M Buildings	14,000			Harvey damages
70-3020-12-02	R & M Buildings-4916 FM 1765	89,300			Harvey damages
70-6110-14-02	Debris	283,867			Harvey damages
70-3040-22-02	R & M Equipment	1,600			Harvey damages
70-3040-24-02	R & M Equipment	3,510			Harvey damages
70-9001-00-00	Transfer in-General Fund		106,200		Transfer from another fund
70-9063-00-00	Transfer in-Sanitation		283,867		Transfer from another fund
70-9002-00-00	Transfer in-Utility Fund		5,110		Transfer from another fund
01-9070-99-00	Transfer out to F.70	106,200			Transfer to another fund
02-9070-99-00	Transfer out to F.70	5,110			Transfer to another fund
63-9070-99-00	Transfer out to F.70	283,867			Transfer to another fund
01-2401-00-00	Fund Balance			(106,200)	Draw down on Fund Balance
02-2401-00-00	Fund Balance			(5,110)	Draw down on Fund Balance
63-2401-00-00	Fund Balance			(283,867)	Draw down on Fund Balance

BUDGET AMENDMENT O-2018-????

FY 2017-EXHIBIT B

63-6024-14-00	Sanitation-Residential	50,000	
63-2401-00-00	Fund Balance		50,000



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Carol Buttler

Department: Administration

Agenda item: 7&8b

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2018-005**, amending the Code of Ordinances of the City of La Marque, 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 **THIS IS THE SECOND AND FINAL READING**

X

ATTACHMENTS FOR REFERENCE

1. Ordinance
2. Minutes from City Council meeting - May 14, 2018

STAFF BRIEFING:

- Mayor Pro Tem, Councilmember District “D”, City Manager, Special Legal Counsel, Planning & Zoning Commission Chair, Police Chief, Fire Chief, Assistant to City Manager, Code Compliance Supervisor, and Development Services Coordinator met to discuss the purpose for a rental registration ordinance and review a preliminary draft ordinance.
- Based on meeting discussions, the preliminary ordinance was revised by City Attorney and Special Legal Counsel for City Council consideration.

- At the May 14, 2018, City Council meeting, Council made a significant change to the Alarm Permits language in Sec. 14-424. Registration required, subsection d.:

FROM:

~~The number and type of security systems and fire alarm systems maintained on the property and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services, if any;~~

TO:

“An owner shall comply with Chapter 5. ALARM SYSTEMS*, of the City of La Marque Code of Ordinances.”

- Additional minor changes for clarification are highlighted on the ordinance.
- Not only La Marque citizens, but also La Marque realtors and known landlords will be notified of the new ordinance.

HISTORY:

- Staff researched rental registration ordinances from various cities.
- Mayor Pro Tem requested a meeting to discuss and move forward with an ordinance for La Marque.

TARGET IMPLEMENTATION: Dependent on City Council discussion



CITY COUNCIL AGENDA FORM

SIGNIFICANT ACTION DATES:

March 2018 – Group meeting of above mentioned individuals to discuss a possible rental registration ordinance.

5.14.2018 – Ordinance approved by Council on first reading **with changes**

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Items #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2018-005**, amending the Code of Ordinances of the City of La Marque, 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 **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: Unknown at this time. Fees to be determined by City Council.

ORDINANCE NO. O-2018-005

AN ORDINANCE 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.

WHEREAS, the City of La Marque (the “City”) contains residential rental properties in the form of single family, duplex and multi-family complex units; and

WHEREAS, the City desires to ensure that all residential rental properties are safe, livable and maintained in accordance with the public health, safety and property maintenance standards adopted by the City;

WHEREAS, the City lacks the necessary information and tools to identify and track problem residential rental properties and owner/landlords; and

WHEREAS, the City Council of La Marque finds that a rental registration requirement is in the best interests of the health, safety and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1. That Chapter 14, Buildings and Building Regulations, of the Code of Ordinances, City of La Marque, Texas, is hereby amended by adding a new Article XI, entitled “Registration of Residential Rental Units Required,” to read as follows:

**“ARTICLE XI. - REGISTRATION OF RESIDENTIAL RENTAL UNITS
REQUIRED**

Sec. 14-423. Definitions.

In this Article, the following definitions shall be observed:

- (1) *Rental unit* means a single dwelling unit, including a single family home, rented, leased, let or hired out to be occupied for living purposes.

Rental unit shall not include any dwelling unit in a jail, licensed nursing home, hotel or motel.

(2) *Owner* means any **person** holding title according to the deed records of the Galveston County Clerk or tax records of the Galveston Central Appraisal District, or the duly authorized agent of the person holding title.

(3) *Person* is defined in Section 1-2

(4) *Tenant* means a **person**, corporation, partnership or group other than the owner occupying a rental unit.

Sec. 14-424. Registration required.

(1) An owner who rents or leases a rental unit to a tenant shall file a written registration with the City.

(2) The registration shall be on a form prescribed by the code enforcement officer, and shall at a minimum contain the following information:

a. The names, addresses, and telephone numbers of the owner;

b. The name, address, and telephone number of any property manager, and/or real estate agent responsible for maintenance and/or rental of the property for the owner;

c. The name and physical address of designated employees or authorized representatives of the owner and property manager who shall be assigned to respond to emergency conditions (fire, natural disaster, flood, burst pipes, collapse hazard, and violent crime) at the rental unit, and a telephone number where those employees or representatives can be contacted during any twenty-four-hour period.

~~d. The number and type of security systems and fire alarm systems maintained on the property and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services, if any; and~~

d. "An owner shall comply with Chapter 5. ALARM SYSTEMS*, of the City of La Marque Code or Ordinances"

e. A certification by the landlord that every rental unit is equipped with a smoke detector device in proper working order.

- (3) If any change in the information required by this section occurs then the owner shall notify the code enforcement officer in writing within 30 days of the change.

Sec. 14-425. Registration Fees.

- (1) Each registration shall include a registration fee of \$100.00 for the first rental unit and \$20.00 per additional rental unit.
- (2) A registration is valid for one year from the date the completed registration form is filed in the office of the code enforcement officer, and payment of the registration fee for that year has been made, unless the ownership of the rental unit changes.

(3) A registration is not assignable or transferable. If a change of ownership of the rental unit occurs during the period that a registration is otherwise valid, the new owner of the property shall have 30 days from the date the change of ownership occurred to file a new registration with the code enforcement officer, and pay a new registration fee.

Sec. 14-426. Criminal Penalty.

- (1) It shall be unlawful for any owner to rent or lease a rental unit that is not registered with the City as required by this Article.
- (2) Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day and each occurrence of a violation shall constitute a separate offense.”

Section 2. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 3. Severability Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any

violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinance shall remain in full force and effect.

Section 4. Effective date. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED AND APPROVED by the City Council of the City of La Marque on the First reading on this the **14th** day of **May**, 2018.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on the Second and Final reading on this the ____ day of _____, 2018.

CITY OF LA MARQUE, TEXAS

Bobby Hocking
Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Sussie Sutton

Department: Development Services

Agenda item: 7&8c

Reviewed by: Carol Buttlar

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding Ordinance **No. O-2018-006**, amending the Code of Ordinances of the City of La Marque, 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) **THIS IS THE SECOND AND FINAL READING**

X

ATTACHMENTS FOR REFERENCE

1. Ordinance
2. Street trees defined with pictures
3. Guidelines

STAFF BRIEFING:

- Street Trees are defined as any trees planted between a sidewalk and a street right-of-way by a commercial or subdivision developer.
- While the visual effects are beautiful, the reality is that once the trees start to grow in size, they displace and break up the sidewalks and adjoining streets.
- Replacing damaged sidewalks and streets is a very budget-costly item to encumber each municipal fiscal year and the problem grows along with said trees.
- Currently the City of La Marque’s ordinance reads as follows: “*Landscaping shall be regarded as an essential feature of every TND (Traditional Neighborhood Development). In addition to the thoughtful preservation of natural features, tree, and parks, plazas, squares and open spaces, careful attention shall be given to landscaping of streets, parking areas, and open spaces, pedestrian walkways and sidewalks are considered an essential part of the landscaping plan. Landscaping shall comply with Ordinance Number 903.*”
- Staff is proposing that a few sentences be added to restrict the planting of street trees as a new paragraph to **Division 2. - Parking, Lighting, Landscaping, and Other Requirements Section. 41-172- Landscaping.**

HISTORY:

- Over time trees that have been planted not only in the newer subdivisions, but also the older subdivisions throughout the City have caused damage to existing sidewalks, manhole covers, curbs.
- Plantings occurred without regard for existing underground utilities.

TARGET IMPLEMENTATION: Dependent on City Council discussion.

SIGNIFICANT ACTION DATES:

2.12.2018 – City Council establishes a Tree Committee composed of two (2) Councilmembers

02/13/2018 – Tree Committee met with City Manager



CITY COUNCIL AGENDA FORM

03/07/2018 – Tree Committee, Keep La Marque Beautiful Commission member, and City Manager met with Executive Director of Galveston Island Tree Conservancy

05/14/2018 – Ordinance approved by City Council on first reading

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Items #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance **No. O-2018-006**, amending the Code of Ordinances of the City of La Marque, 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 of “street trees” within a ten foot area of the City right-of-way and sidewalk (between curb and sidewalk) **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: Unknown

ORDINANCE NO. O-2018-006

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA MARQUE, TEXAS, BY AMENDING CHAPTER 41, LAND DEVELOPMENT, ARTICLE V, TRADITIONAL NEIGHBORHOOD DISTRICT REGULATIONS, DIVISION 1, SECTION 41-145 DEFINITIONS, ADDING THE DEFINITION OF A STREET TREE AND DIVISION 2, PARKING, LIGHTING, LANDSCAPING, AND OTHER REQUIREMENTS, SECTION 41-172 – LANDSCAPING, AMENDING TO INCLUDE THE WORDING TO RESTRICT THE PLANTING OF STREET TREES WITHIN A TEN FOOT AREA OF THE CITY RIGHT-OF-WAY AND SIDEWALKS (BETWEEN CURB AND SIDEWALK); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the planting of street trees are not currently regulated within the City of La Marque; and

WHEREAS, trees that have been planted within the sidewalks and street right-of-ways have caused damage to existing sidewalks, manhole covers and curbs; and

WHEREAS, this damage has occurred without regard to existing underground utilities; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1. That Chapter 41, Article V, Traditional Neighborhood District Regulations, Division 1. Generally, Section 41-145. Definitions to read as follows:

Sec. 41-145. Definitions.

- (1) *Street Tree* – any tree planted by a commercial or subdivision developer between a city owned sidewalk and a street right-of-way

Section 2. That Chapter 41, Article V, Traditional Neighborhood District Regulations, Division 2. Parking, Lighting, Landscaping and Other Requirements, Section 41-172. Landscaping to read as follows:

Sec. 41-172. Landscaping

- (1) The planting of street trees shall be restricted to an area with a minimum distance of ten feet between the city owned sidewalk and the street right of way (between curb and sidewalk).

Section 3. Severability Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 4. Effective Date. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance in the official newspaper for two days, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED AND APPROVED by the City Council of the City of La Marque on the First reading on this the 14th day of May, 2018.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on the Second and Final reading on this the ____ day of _____, 2018.

CITY OF LA MARQUE, TEXAS

Bobby Hocking
Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

What are street trees? A “street tree” is any tree planted by or on behalf of the City in the street right-of-way. Typically, trees are planted in the “park strip,” which is the area between the sidewalk and the street.

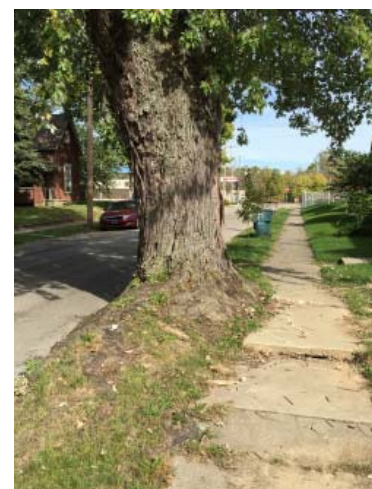


Sometimes, when the sidewalk is adjacent to the curb (known as a “monolithic sidewalk”), the tree is planted next to the sidewalk. **If a tree is not within the public right-of-way, it is NOT a “street tree.”**

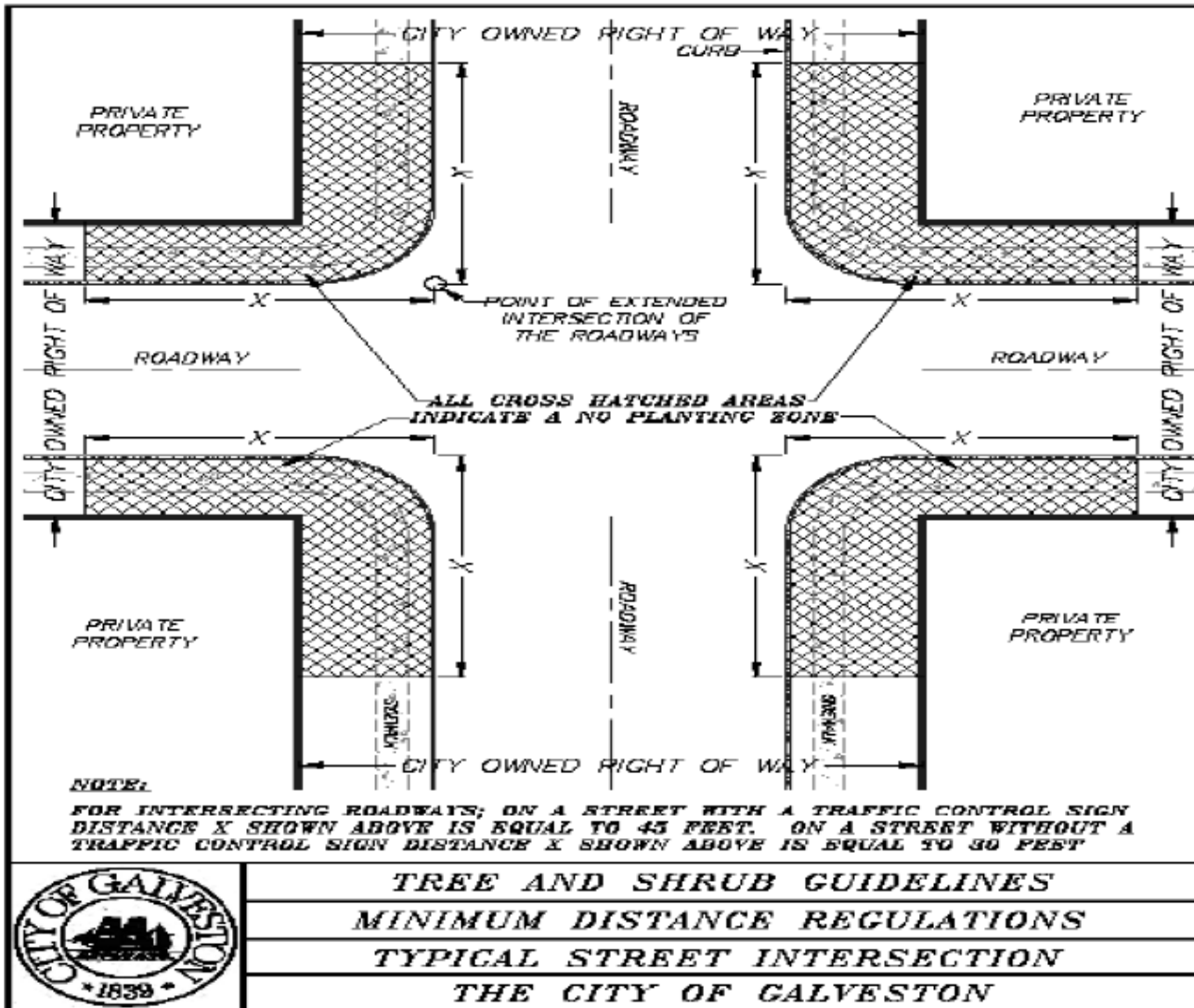
Street trees are owned by the City and the City is responsible for the health of the trees through the Parks Department who maintains them. This would include trimming of over-hanging limbs and removal of fallen trees.

If a tree is on personal property then that tree is the responsibility of the property owner. All neighbor-to-neighbor property tree disputes are a civil matter and the City will not participate in civil matters.

As a tree grows into maturity, so do its roots. When this happens, the roots displace the sidewalk, often causing the breaking of said sidewalk. When this happens, the sidewalk is no longer safe for citizens to walk on and must be repaired at the City’s expense. **Street trees shall, as of this date, not be allowed in the City of La Marque unless otherwise directed by City Manager, City Council or Council committee.**



City of Galveston R.O.W. Guidelines



NeighborWoods 2011

- 2.5' from curb or sidewalk, in a tree lawn at least 5' wide
- 45' from traffic signals; 30' from corners; 15' from alleys
- 10' from hydrants, utility poles and street lights
- 5' from driveways or walkways
- 30'-50' apart for medium/large trees; 20' apart for small trees



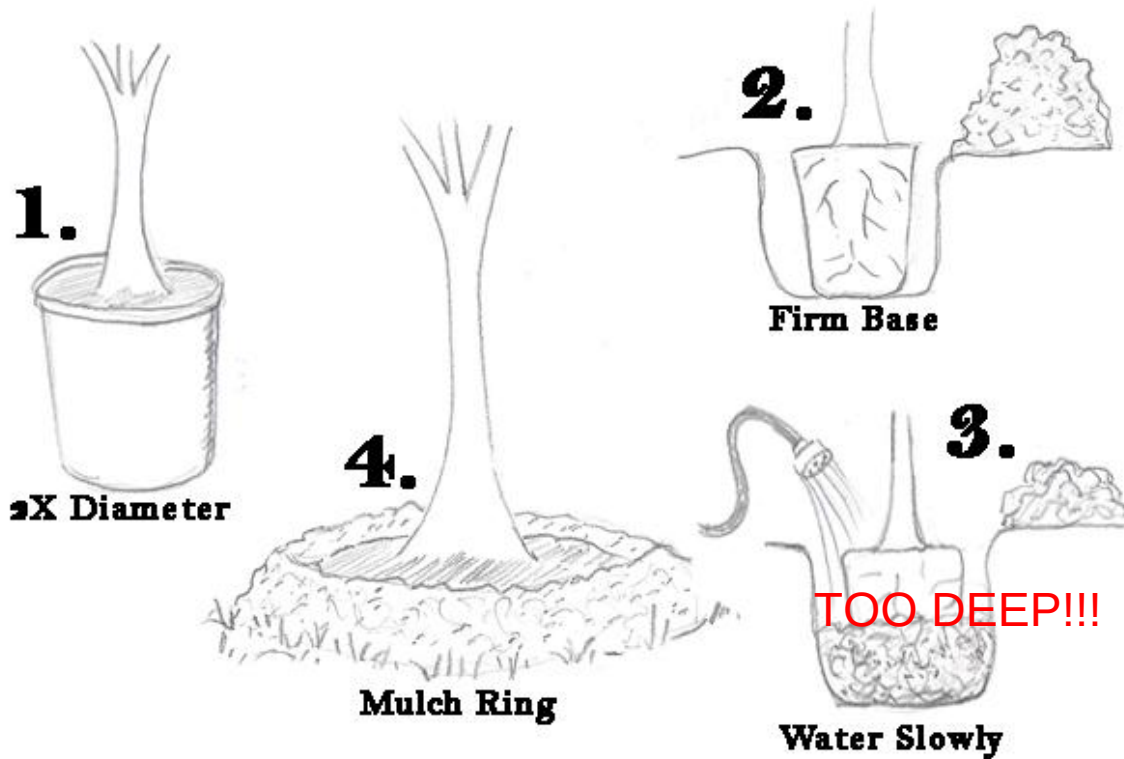
Tips

Don't forget to measure from each corner to maximize planting sites, and to keep from misplacing a sign.

If there isn't a sidewalk, pretend there is – measure from the curb towards the residence.

After all guidelines are met; place tree for aesthetics. Judgment call.

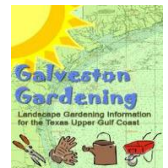
Tree Planting Guidelines



1. Dig hole 1.5 – 2 times the diameter of the pot.
2. Dig hole only as deep as root ball – top should sit level or slightly above level of soil.
3. Fill halfway with original soil and start watering slowly – do NOT amend soil.
4. Fill rest of hole, build a soil ring around edge of hole. Add 3 – 4" layer of mulch – keep away from base of trunk.
5. Continue watering slowly to settle soil.



Courtesy:





CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Robin Eldridge

Department: Administration

Agenda item: 7&8d

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2018-007**, amending the Code of Ordinances of the City of La Marque, Section 56, “**STREETS AND SIDEWALKS**”, by adding a Section to include “Required Specifications for the Construction of Sidewalks” **THIS IS THE SECOND AND FINAL READING**

X

ATTACHMENTS FOR REFERENCE

1. Ordinance
2. Ordinance Number 578 – amending Ordinance 559, which adopted the 1982 Building Codes
- 3) Texas minimum construction standards

STAFF BRIEFING:

- After adoption of the Building Codes in 1983, it was found that the code did not provide for adequate standards for construction of driveways, building slabs, patios and sidewalks.
- Amended in 1984, these standards were added.
- In the following years, each time new codes were adopted, the sidewalk standards were not carried over since they were never a part of the code themselves, only whatever the City amended to provide.
- The Texas Minimum Construction Standards provide standards as guidelines.
- However, the City’s newly contracted engineer recommends modifications to the amendment ordinance to match sidewalk design in the Design Criteria Manual he is preparing for the City.
- The minimum width required for ADA is 4’ wide and a 5’X5’ turnaround every 200’, with most cities going to 5’ wide.

HISTORY:

- The City of La Marque first adopted Building Codes with Ordinance Number 33 in 1954.
- Building Codes change periodically and the City adopts these codes as necessary.
- In 1982, Ordinance number 559 adopted the Building Codes of 1982, but, such code did not provide for adequate standards for construction of driveways, building slabs, patios and **sidewalks**.
- In 1984, Ordinance number 578 made an amendment to the Building Codes, which included construction standards for sidewalks
- Since 1984, the City has adopted newer versions of Building Codes, but the codes do not have these sidewalk standards included, leaving it up to cities to develop their own standards using minimum standards provided by the State.



CITY COUNCIL AGENDA FORM

- It is the recommendation of Councilmember Michetich to amend the 2012 Building Codes adopted by the city in Ordinance No. 2017-002 to include sidewalk standards and a minimum reinforcement to all sidewalks.

TARGET IMPLEMENTATION: Thirty days after the second reading, as per City Charter, unless otherwise specified in ordinance

SIGNIFICANT ACTION DATES:

- **06.04.1954** – Southern Standards Building Codes adopted (1953-54 edition)
- **08.22.1977** – Standard Building Codes adopted with 1977 Amendments (1976 edition)
- **05.23.1983** – Standard Building Codes adopted (1982 edition)
- **04.09.1984** – Amended Building Codes by providing requirements for sidewalks and other
- **01.09.2006** – International Building Code and Residential Code adopted (2003 edition)
- **02.13.2017** – International Fire, Building, Residential, Property Maintenance, Plumbing, Fuel and Gas, Mechanical Codes adopted (2012 edition)
- **05.14.2018** – **DRAFT** Ordinance approved on first reading by Council
- **06.07.2018** – Modifications to requirements recommended by the City's new engineer to conform to more current design criteria

ACTION:

- | | |
|---|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
- ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Items #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2018-007**, amending the Code of Ordinances of the City of La Marque, Section 56, "**STREETS AND SIDEWALKS**", by adding a Section to include "Required Specifications for the Construction of Sidewalks" **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: Unknown

ORDINANCE NO. O-2018-007

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 56, “STREETS AND SIDEWALKS” BY ADDING SECTION 56-6, PROVIDING STANDARDS FOR THE CONSTRUCTION OF SIDEWALKS, PROVIDING A MINIMUM REINFORCEMENT TO ALL SIDEWALKS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION ONE:

That Chapter 56 “Streets and Sidewalks” Article I. In General - is hereby amended to add Section 56-6 to read as follows:

Section 56-6 “Standards for construction of sidewalks”

1. Standards for construction of sidewalks

- ~~a) A minimum of four and four.5 sack cement concrete~~
a) A minimum concrete compression strength of 3,000 psi
- ~~b) A minimum of 6” X 6” 10 gauge~~
b) #3 rebar at 15-inch C-C not 6” X 6” – 10 gauge welded reinforcing wire
- ~~e) The minimum requirement shall apply to all new and replacement construction on sidewalks up to 5 or 5 1/2 thickness, at which point state standards will apply.~~
c) Minimum thickness requirement shall apply to all new and replacement construction for sidewalks and shall be 4-1/2” thick and/or designed by the professional engineer responsible for the project.
- d) Minimum width required for ADA shall be 5’ wide, with 5’ X 5’ turnaround every 200’
- e) Additional reinforcement may be required for sidewalks encompassing either in part or whole utility fixtures.

2. Concrete sidewalks shall be installed, at the builder’s expense, on all curb and gutter streets abutting any new residential or commercial construction. Such sidewalks shall be at least ~~three~~ **five** feet in width, and located not less than one foot or more than ten feet from the property line and shall be lined up with the sidewalks adjoining property when possible.

SECTION TWO: Severability Clause. All provisions of any Ordinance in conflict with this

Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION THREE: Effective Date. This ordinance will be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance in the official newspaper for two days, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED AND APPROVED by the City Council of the City of La Marque on the first reading this the 14th day of May, 2018.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on the Second and Final reading this the ____ day of _____, 2018.

CITY OF LAMARQUE, TEXAS

Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Robin Eldridge, City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

ORDINANCE NO. 578

AN ORDINANCE AMENDING THE BUILDING CODE BY PROVIDING REQUIREMENTS FOR DRIVEWAYS, BUILDING SLABS, COMMON PATIOS AND SIDEWALKS AND INCREASING BUILDING CONTRACTOR'S BONDS TO \$10,000.

WHEREAS, the City of La Marque has previously adopted the 1982 Standard Building Code and all future amendments with certain exceptions, and

WHEREAS, such Code does not provide for adequate standards for construction of driveways, building slabs, patios and sidewalks, and

WHEREAS, the bonding requirement contained in the 1982 Standard Building Code is deemed to be inadequate,

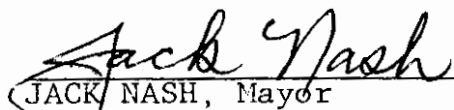
THEREFORE, BE IT ORDAINED that the Building Code adopted by the City of La Marque is amended to include the following:

- 1) All concrete work must have reinforcement wire mesh as follows:
 - a) A minimum of #6X#6X#6 in driveways, building slabs, and patios;
 - b) A minimum of #6X#6X#10 in sidewalks or any concrete intended for foot traffic only.
- 2) Concrete for driveways, patios and sidewalks shall be a minimum of 4" nominal thickness.

Section 106.2 of the 1982 Standard Building Code should be amended to provide for a contractor's bond to be a minimum of \$10,000.

PASSED AND APPROVED on first reading this the 9th day of April, 1984.

PASSED AND APPROVED on second and finald reading this the 23rd day of April, 1984.

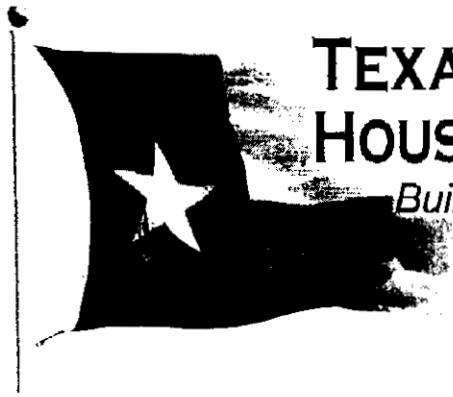


JACK NASH, Mayor

ATTEST:



CAROL L. McLEMORE, City Clerk



**TEXAS DEPARTMENT OF
HOUSING & COMMUNITY AFFAIRS**
Building Homes. Strengthening Communities.

Texas Minimum Construction Standards

Effective January 1, 2015

drain towards the foundation. If tripping hazards and drainage problems exist, the paved surface shall be removed and rebuilt.

Driveways. Following existing driveway demolition, all organic matter shall be removed. Subsoil shall be compacted uniformly and evenly. Forms shall be constructed to provide a minimum slope of 1/8" per foot away from the house and at a depth to provide 4" of concrete. Install either number 4 rebar on 12" centers or 6" x 6" number 10 welded reinforcing wire. Expansion joints shall be installed at all radius points, sidewalk intersections and house slab tie-ins. Concrete mix shall provide a minimum of 3,500 psi at 28 days. If reinforcing steel is not used, control joints shall be sawed in every 10' and be broom finished.

Asphalt or gravel driveways may be installed if concrete is prohibitively expensive due to the length of a driveway.

Sidewalks and Patios. Following existing sidewalk demolition, all organic matter shall be removed. Subsoil shall be compacted uniformly and evenly. Forms shall be constructed to provide a minimum slope of 1/8" per foot away from the house, at a depth to provide 3 1/2" of concrete, and at least 3' wide. Expansion joints shall be installed at all radius points, sidewalk intersections and house slab tie-ins. Control joints shall be sawed in every 5' and be broom finished. If sidewalks and patios are installed and are connected to an entry door, a zero-step entry is required in accordance with §2306.514 of the Texas Government Code.⁸

2.5 Sanitary Drainage

All plumbing fixtures and all other plumbing appliances shall be properly connected to either a public system or to an approved On-Site Sewage System (OSSF), otherwise known as a septic system. Prior to commencing Rehabilitation, if an OSSF was installed more than five (5) years before the date of inspection, all septic systems shall be inspected by a state licensed OSSF inspector to determine if it is functioning as intended. If it is not, repair, replacement, or collapse and fill and connection to a public system shall be included in the Rehabilitation.

2.6 Water Supply

All dwellings shall have adequate, safe, and potable water supplied through a safe plumbing system to all fixtures. Privately owned wells shall be tested by a local health department or other qualified source to determine the water quality prior to commencing Rehabilitation.

2.7 Ramps

If installed, ramps shall have a maximum slope of 1 unit vertical to 16 units horizontal (6.2% slope). However, a slope of 1 to 20 is preferable if site conditions allow. Minimum 5' x 5' landings shall be installed at the top and bottom of ramps, where doors open onto ramps, and where ramps change directions. Handrails shall be installed on at least one side, preferably both, between 34" and 38" above the finished surface. Handrails shall be 1 1/2" to 2" in diameter and must not rotate and be free of sharp edges. Space between the hand rail and walls shall not be less than 1 1/2". If ramps are installed, a zero-step entry is required.

2.8 Vermin and Insects

The premises shall be free from infestations of vermin and wood-boring insects. Inspections shall be performed by state licensed extermination contractors if evidence of infestation exists. Conditions which increase or cause infestation shall be removed (e.g. accumulation of rubbish or

⁸ <http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm>



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Carol Buttler

Department: Administration

Agenda item: 9a

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Resolution No. **R-2018-0015** authorizing City Council to commit support and funding match for City of La Marque applications submitted to the Houston-Galveston Area Council (H-GAC) for 2018 Transportation Improvement Program (TIP) call for projects

☒ **X**

Attach for reference

1. Resolution
2. Memorandum from The Goodman Corporation (TGC)
3. Agenda Form from May 14, 2018, City Council meeting (minutes already included in current agenda packet)

STAFF BRIEFING:

- Based on TGC's awareness of the City of La Marque's need for infrastructure projects, Mr. Goodman contacted the City Manager to discuss the potential availability of federal funds
- Availability of City funds/accounts have been discussed with Finance Director.

HISTORY:

- City staff held several meetings with Mr. Webb and Ms. Khurana to discuss grant funding opportunities and City projects that could be eligible.

TARGET IMPLEMENTATION: Dependent on funding award - possibly 2020 or later

SIGNIFICANT ACTION DATES:

May 14, 2018 – TGC presented several projects for potential funding to City Council.

ACTION:

- | | |
|--|--|
| ☐ Ordinance | ☒ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	\$0.00
Actual Bid	\$0.00
Estimated Expenditure	\$514,000.00
Acct. Name(s)	Capital Improvements
Line Items #	65-xxxx-xx-xx
Other Funding	\$2,571,000.00 through H-GAC



CITY COUNCIL AGENDA FORM

STAFF'S RECOMMENDATION: Motion to adopt Resolution No. **R-2018-0015** authorizing City Council to commit support and funding match for City of La Marque applications submitted to the Houston-Galveston Area Council (H-GAC) for 2018 Transportation Improvement Program (TIP) call for projects

FISCAL IMPACT: If grant awarded, City's match is estimated as \$514,000.00 for \$2,571,000.00 in grant funding.

RESOLUTION NO. R-2018-0015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS
OF SUPPORT AND FUNDING COMMITMENT FOR APPLICATIONS SUBMITTED
TO THE HOUSTON-GALVESTON AREA COUNCIL FOR THE 2018
TRANSPORTATION IMPROVEMENT PROGRAM CALL FOR PROJECTS**

WHEREAS, the City of La Marque, Texas is a home rule municipality and a political subdivision of the State of Texas and is an eligible recipient of federal-aid transportation funding;

WHEREAS, through a comprehensive planning process the City of La Marque has identified a priority alternative mode project for regional discretionary funding support to reduce congestion, improve access to transit, improve pedestrian safety, increase American's with Disabilities Act accommodations, and generate economic benefit;

WHEREAS, the Houston-Galveston Area Council has issued the 2018 Transportation Improvement Program (TIP) Call for Projects;

WHEREAS, the City of La Marque desires to apply for discretionary grant funding in order to complete this project;

WHEREAS, the City of La Marque has the financial, technical, and legal capacity to enter into a grant agreement and to deliver the project in accordance with the grant requirements, if awarded;

WHEREAS, the City of La Marque is committed to providing the required local share commitment as established by the Houston-Galveston Area Council, if awarded; and

WHEREAS, the City of La Marque agrees to maintain and operate the projects improvements for their useful life, and/or utilize existing maintenance agreements with partner agencies, if the Projects are funded and constructed.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY
OF LA MARQUE:**

Section 1. The Mayor and the City Council hereby authorize the submittal of all required data and information to support requests for discretionary funding for the Projects.

Section 2: The Mayor and City Council hereby authorize the commitment of non-federal resources to provide the local match requirement for the Projects, if awarded.

Section 3: The Mayor and City Council hereby recognize that the City of La Marque agrees to maintain and operate the Projects for their useful life, and/or utilize existing maintenance agreements with partner agencies, if the Projects are funded and constructed.

PASSED, APPROVED, AND ADOPTED this the 11th day of June, 2018.

CITY OF LA MARQUE, TEXAS

Bobby Hocking
Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

TO: City of La Marque Mayor and Council
FROM: Jim Webb AICP, Monisha Khurana AICP – The Goodman Corporation
DATE: May 30, 2018
RE: Recommendation for Grant Project Submittal

On May 14, 2018 we briefed the La Marque City Council on the progress of our infrastructure planning and funding effort for the City. As a component of this presentation we discussed an upcoming opportunity to submit projects for discretionary grant funding through the Houston-Galveston Area Council (H-GAC).

At that time, we recommended the submission of the reconstruction of Bayou Road from I-45 to FM 1765. This complete roadway reconstruction would include a total rehabilitation of the pavement, sidewalks, and a bike facility.

Since that meeting, H-GAC has released additional guidance relative to how projects will be scored and funded. Based on this guidance, we now believe that two of the sidewalk projects reviewed are much better candidates for funding. We strongly recommend bundling these projects and submitting them together, as they both improve pedestrian safety, enhance connectivity, and provide increased access to public transportation.

These projects are outlined below, inclusive of all capital and soft costs:

FM 1765 sidewalks from I-45 to Westward (south side of street only)

- Total Cost: **\$730,000**
- City Responsibility: **\$146,000**

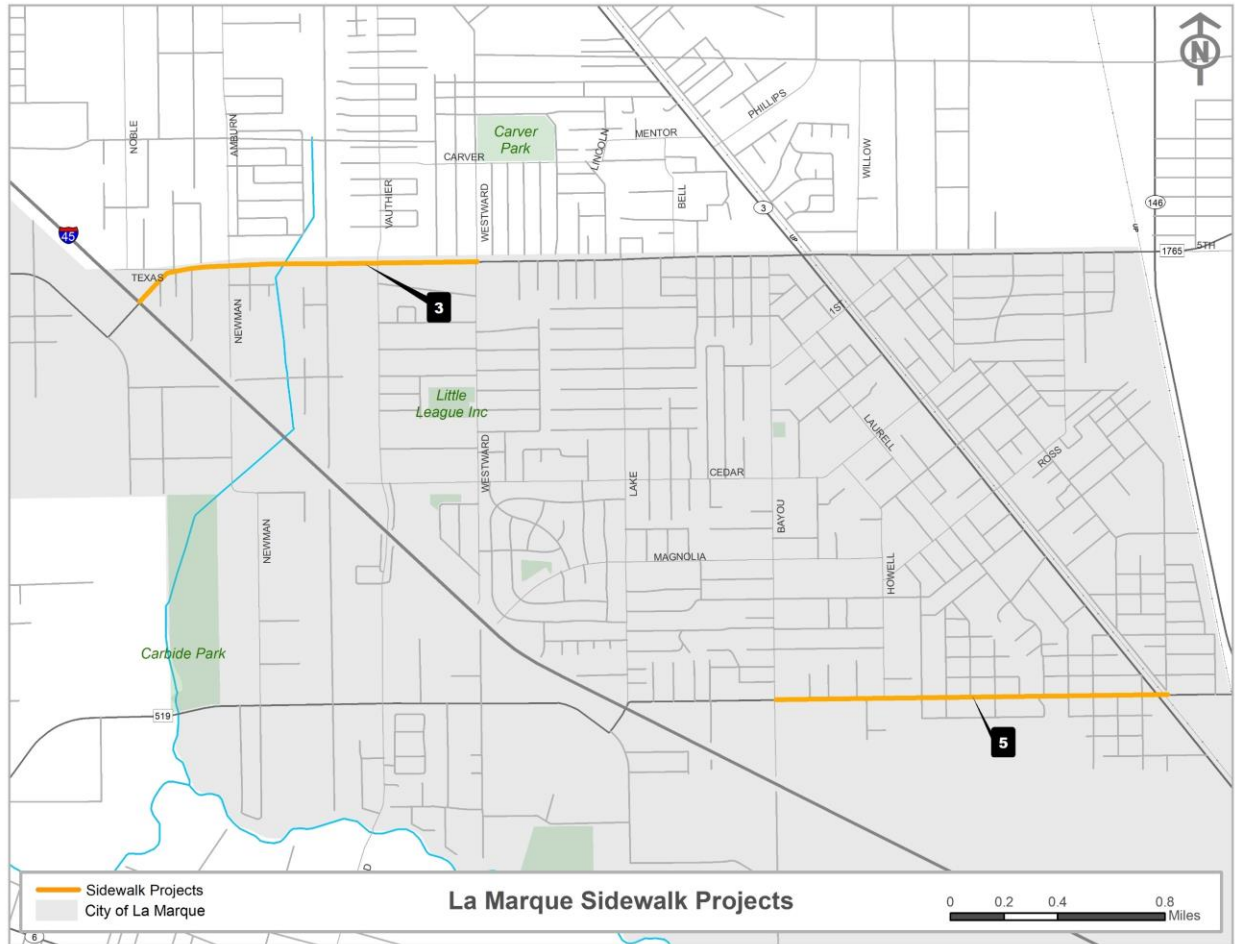
FM 519 sidewalks from Bayou Road to SH 3 (both sides of street)

- Total Cost: **\$1,841,000**
- City Responsibility: **\$368,000**

Rounded total City outlay, if awarded: **\$514,000**

Discussions with City staff indicate that if we request funding in FY2020, the City will have built up the required local funding to deliver the project.

Figure 1: Recommended TIP Submittal Projects



Due to time constraints, it will be beneficial for the City to consider the attached resolution of funding commitment at the June 11, 2018 City Council meeting.

Additionally, Councilmember Lane requested information on a new series of sidewalks to connect the Saltgrass Point subdivision to a relatively new Valero gas station at FM 2004 and FM 1765. This project of approximately 2,000 linear feet is depicted below and has been costed out at a total cost of **\$525,000** (inclusive of soft costs). This is not recommended as a component of the TIP submittal; however, it will be included within the plan as a future project for implementation.

Figure 2: Additional Sidewalks Adjacent to Valero/Saltgrass





CITY COUNCIL AGENDA FORM

Meeting Date: May 14, 2018

Prepared by: Carol Buttler

Department: Administration

Agenda item: backup

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding authorizing The Goodman Corporation to submit a grant application for Transportation Improvements Plan to fund mobility infrastructure projects and providing direction to City Manager

☒

ATTACHMENTS FOR REFERENCE

1. Gulf Coast Center Interlocal Agreement
2. Memo dated 4/20/2018 from The Goodman Corporation
3. PowerPoint presentation of proposed projects

STAFF BRIEFING:

- The Goodman Corp. (TGC), through an Interlocal Agreement with the Gulf Coast Center (GCC), is working with the City of La Marque to develop an Economic Development and Mobility Strategy which would provide a framework for federal and state eligible infrastructure improvements for the next five (5) to seven (7) years
- In conjunction with the Gulf Coast Center – Connect Transit, TGC and City staff have been working to identify and prioritize a list of mobility infrastructure projects
- H-GAC is releasing a Call for Projects on June 1, 2018 which will distribute over \$1 billion in the region for projects through 2028
- TGC recommends leveraging this discretionary federal and state funding, which may require a 20% local funding match
- Staff and TGC are requesting Council direction on project priorities and local match contributions for H-GAC's upcoming Call for Projects
- Finance Director has attended meetings and is aware of need for matching funds, if awarded
- Two members of the Grants Administration Team have been regularly involved in project discussions with TGC

HISTORY:

- **5.15.2017** – Council authorized the creation of the La Marque Economic Development and Mobility Strategy
- **12.29.2012** – TGC obtained \$204,454 in New Freedom ADA Pedestrian-Transit Access improvement funding for 28 ADA-related sidewalk improvements on Lake Road. City of La Marque match was \$49,003

TARGET IMPLEMENTATION: June 1, 2018 – Call for Projects

SIGNIFICANT ACTION DATES:

5.15.2017 – Interlocal Agreement with Gulf Coast Center executed

6.1.2018 – H-GAC's Call for Projects released



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Grant Application | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Grants Requested	\$17.4M
Actual Bid	N/A
Estimated Match	\$3.5M
Acct. Name(s)	To be determined
Line Items #	To be determined
Other Funding	To be determined

STAFF'S RECOMMENDATION: Motion to authorize The Goodman Corporation to submit a grant application for Transportation Improvements Plan to fund mobility infrastructure projects, and provide direction to City Manager

FISCAL IMPACT: Dependent on projects selected by City Council for submission, funds awarded, and City match required



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Les Rumburg

Department: Public Services

Agenda item: 9b

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action to grant permission to Gamma Omega Omega Chapter of Alpha Kappa Alpha Sorority to revitalize playground equipment and basketball goal located at Westlawn Park with the possibility of future adoption of park

X

ATTACHED FOR REFERENCE:

1. Email from Ashley Geters with Gamma Omega Omega Chapter, Alpha Kappa Alpha Sorority
2. Pictures of Westlawn Park playground equipment to be refurbished
3. History of Alpha Kappa Alpha Sorority
4. Parks Board agenda and minutes

STAFF BRIEFING:

- Ashley Geters is a native to the area where Westlawn Park is located.
- In February, Ashley Geters reached out to Public Services inquiring about the necessary protocol of volunteering her time and services to Westlawn Park.
- April 24, 2018, Ashley Geters went before Parks Board for approval of proposed revitalization to Westlawn Park – vote passed unanimously for a favorable recommendation to City Council.

HISTORY:

- Alpha Kappa Alpha Sorority, Inc. was founded in 1908 and has 1,012 chapters with 300,000+ members.
- Alpha Kappa Alpha Sorority, Inc. has launched a program to restore and renew 1,908 existing community and school playgrounds throughout underserved communities.
- Ms. Geters lives on Melody which is the reason for choosing Westlawn Park for the revitalization project.

TARGET IMPLEMENTATION: June 11, 2018

SIGNIFICANT ACTION DATES:

April 24, 2018 – Agreement of the Parks Board to allow on next Council agenda

June 11, 2018 – City Council to consider approval of the Agreement

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Providing Permission | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Acct. Name(s)	N/A
Line Items #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to grant permission to Gamma Omega Omega Chapter of Alpha Kappa Alpha Sorority to revitalize playground equipment and basketball goal located at Westlawn Park with the possibility of future adoption of park.

FISCAL IMPACT: None at this time

Amanda Hobby

From: Venisha Henderson
Sent: Wednesday, January 31, 2018 2:43 PM
To: Amanda Hobby
Subject: FW: Park Revitalization Project

From: Ashley Geters [mailto:ashleygeters@gmail.com]
Sent: Thursday, January 25, 2018 11:28 AM
To: Les Rumburg <l.rumburg@cityoflamarque.org>; Venisha Henderson <v.henderson@cityoflamarque.org>
Subject: Re: Park Revitalization Project

Good Morning!

I hope you all are well. I am following up on the email that I sent earlier this week. Do you have on any updates for me?

Thank you!

On Jan 22, 2018, at 3:09 PM, Ashley Geters <ashleygeters@gmail.com> wrote:

Good Afternoon,

My name is Ashley Geters, member of the Gamma Omega Omega Chapter of Alpha Kappa Alpha Sorority, Inc. (La Marque, TX). We are interested in revitalizing the "Westlawn Park" off Melody Dr. in La Marque.

One of our targets for 2018 is to revitalize a park in our local community in ways as repairing equipment that is in place. We would complete the task of painting, planting a tree, general upkeep, repairing rust from playground equipment, replacing basketball net, painting basketball goal etc. or whatever needs to be completed at the park.

Can you provide more information in regards to if we can do this project and what steps will need to take? We would like to do this project sometime in May of 2018.

I live directly in front of this park and it is widely used by members of the surrounding streets. I look forward to hearing your response. You may contact me via email or phone.

Thank you for your time!

Ashley C. Geters
Gamma Omega Omega Chapter, Alpha Kappa Alpha Sorority, Inc.

University of Houston '12
[409.789.7737](tel:409.789.7737)

Amanda Hobby

From: Venisha Henderson
Sent: Tuesday, March 27, 2018 10:59 AM
To: Amanda Hobby
Cc: Les Rumburg
Subject: FW: Alpha Kappa Alpha Sorority, Inc. - Gamma Omega Omega Park Revitalization
Attachments: IMG_2559.JPG; IMG_2560.JPG; IMG_2561.JPG; IMG_2562.JPG; IMG_2563.JPG

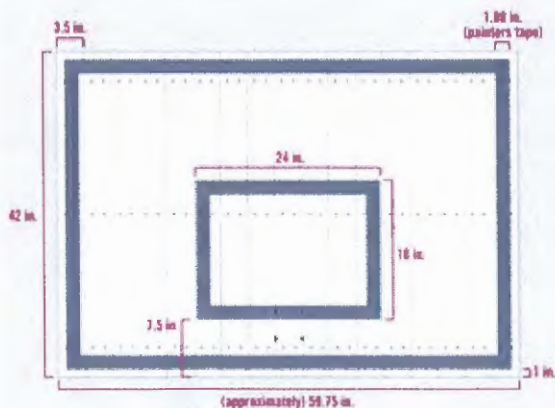
From: Ashley Geters [mailto:ashleygeters@gmail.com]
Sent: Tuesday, March 27, 2018 10:33 AM
To: Venisha Henderson <v.henderson@cityoflamarque.org>
Subject: Alpha Kappa Alpha Sorority, Inc. - Gamma Omega Omega Park Revitalization

Good Morning Ms. Henderson,

I have attached photos of "Westlawn Park" off Melody Street in La Marque, TX.
We would like to do the following:

- Clear up rust on jungle gym/paint salmon pink & apple green (if possible - Those are our sorority colors)
- place correct setting on basketball goal using vinyl (I will need to measure goal for appropriate sizing
- the Swings are new :) Yayy!
- We would like to plant a tree as well. (I am still researching a few different kinds, but something along the lines of a crabapple tree (it has pink blooms, low maintenance, good for environment, disease resistant) [CLICK HERE FOR INFO](#)

We would like to "adopt" this park & make additions yearly if allowed.



Please let me know if you need any additional information for me.
If you can place us on the agenda for your next meeting, I'd be happy to come.

I look forward to hearing from you.

Ashley C. Geters
409.789.7737

ashleygeters@gmail.com









ALPHA KAPPA ALPHA SORORITY, INC.

History:

Confined to what she called “a small circumscribed life” in the segregated and male-dominated milieu that characterized the early 1900s, Howard University co-ed Ethel Hedgeman dreamed of creating a support network for women with like minds coming together for mutual uplift, and coalescing their talents and strengths for the benefit of others. In 1908, her vision crystallized as Alpha Kappa Alpha, the first Negro Greek-letter sorority. Five years later (1913), lead incorporator Nellie Quander ensured Alpha Kappa Alpha’s perpetuity through incorporation in the District of Columbia.

Mission:

Alpha Kappa Alpha Sorority, Incorporated (AKA) was founded on a mission comprised of five basic tenets that have remained unchanged since the sorority’s inception more than a century ago. **Alpha Kappa Alpha’s mission is to cultivate and encourage high scholastic and ethical standards, to promote unity and friendship among college women, to study and help alleviate problems concerning girls and women in order to improve their social stature, to maintain a progressive interest in college life, and to be of “Service to All Mankind”.**

Membership:

Alpha Kappa Alpha Sorority, Incorporated (AKA) is proud of her 1,012 chapters and Nearly 300,000+ members. Membership is by invitation only.

Target IV: Environmental Ownership

Alpha Kappa Alpha Sorority will implement high impact programs to provide healthy environments and improve the quality of life in the underserved communities.

The **AKA 1908 Playground ProjectSM** will be launched to ensure children have safe and inviting places to play. Sorority members will restore and renew **1,908** existing community and school playgrounds with its **Restore, Refresh and Renew ProjectSM**.

Through its **Acts of Green ProgramSM** members will promote environmental sustainability by encouraging recycling, litter prevention and waste management through daily green efforts in local communities.



National Website: <http://aka1908.com/>

Chapter Website: <http://akagoo.org/>



ALPHA KAPPA ALPHA SORORITY, INCORPORATED

Gamma Omega Omega Chapter

La Marque, TX

1908 Playground Project

"Service to All Mankind"





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Louis "Mac" McGaffey – Chairman
Al Reida – Member
Bo Hunter – Member
Herbert Franklin – Member

Larry Walker – Member
Abby Cash – Member
Michael "Rock" Bock – Member
C.J. Leggett – Alternate

POSTED ON OFFICIAL WEBSITE

DATE: 4.19.2018 TIME: 2:00 p.m.

**CITY OF LA MARQUE
PARKS BOARD
SPECIAL CALLED MEETING
AGENDA
of
April 24, 2018**

Notice is hereby given that the City of La Marque Parks Board will conduct a Special Called Meeting on **Tuesday, April 24, 2018 beginning at 6:30 p.m.** at 1109-B Bayou Road, for purpose of considering the following agenda:

- (1) CALL MEETING TO ORDER**
- (2) ROLL CALL**
- (3) INVOCATION AND PLEDGE OF ALLEGIANCE**
- (4) MINUTES**
 - a. Regular Minutes of March 15, 2018
- (5) FINANCIAL REPORT**
 - a. Ending February 2018
 - b. Ending March 2018
- (6) CITIZENS PARTICIPATION**

Comments from the Public (At this time, any person with parks-related business who has signed up may speak to the Parks Board (limited to three (3) minutes). In compliance with Texas Open Meetings Act, the Parks Board may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(7) OLD BUSINESS

- a. Discussion/possible action and regarding status of Master Parks Plan/Grant
- b. Discussion/possible action regarding status of initiated Parks Board Projects (Back-up to be provided at meeting.)
- c. Discussion/possible action regarding the proposed Budget for the Parks Board FY 2018-19

(8) NEW BUSINESS

- a. Discussion/possible action regarding request from Alpha Kappa Alpha Sorority, Inc., to revitalize Westlawn Park off Melody Drive
- b. Discussion/possible action regarding Parks Board Members request for input to City Council prior to making appointments to Parks Board
- c. Discussion/possible action regarding next Board meeting on May 17, 2018

(9) REQUESTS AND ANNOUNCEMENTS

Requests by Parks Board Members for items to be placed on future agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415. (b), items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and
- (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

(10) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on or before April 19, 2018 before 5:30 p.m.

Robin Eldridge, TRMC, City Clerk

Removed from the Bulletin Board by _____ on _____.

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 9389259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information.



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**CITY OF LA MARQUE
PARKS BOARD
SPECIAL MEETING MINUTES
OF
April 24, 2018**

Minutes of the City of La Marque Parks Board Special Meeting held on April 24, 2018, beginning at 6:30 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Chairperson Louis McGaffey called the meeting to order at 6:30 p.m.

(2) ROLL CALL

PRESENT:

Louis McGaffey
Herbert Franklin
Larry Walker
Abby Cash
Michael Bock
Bo Hunter
Al Reida

ABSENT:

C.J. Leggett

OTHER OFFICIALS/STAFF PRESENT:

Charlene Warren, Assistant to the City Manager/Emergency Management Coordinator
Robin Eldridge, City Clerk
Kathleen VanStavern, Code Compliance Supervisor
Les Rumburg, Public Services Director
Amanda Hobby, Public Services Project Coordinator
Venisha Henderson, Public Services Administrative Assistant

(3) APPROVAL OF MINUTES

Board Member Bo Hunter made a motion to approve the minutes of March 15, 2018.
Board Member Larry Walker seconded. **MOTION PASSED UNANIMOUSLY.**

(4) PRESENTATIONS/PROCLAMATIONS

There were none.

(5) FINANCIAL REPORT

Board Member Larry Walker made a motion to accept the February 2018 financial report after the City reviews the FY 2016-2017 Budget minutes for the repair of electrical work done at Mahan Park. February 2018 and March 2018 will be added back to the next Parks



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Board Meeting. Board Member Al Reid seconded. **MOTION PASSED UNANIMOUSLY.**

(6) CITIZENS PARTICIPATION

There was none.

(7) OLD BUSINESS

- a. Discussion/possible action and provide status for Master Parks Plan/Grants
No status currently.

- b. Discussion/possible action and provide status of initiated Parks Board Projects.
Ms. Warren stated that the installation of the cameras for Highland Bayou Park and Mahan Park are still in progress. Public Services has to change the funding for new trash cans at Mahan Park to the City's General Fund and not Parks Board Fund on the spreadsheet. Mr. Rumburg will continue to work on getting a quote for the Walking Trail at Highland Bayou Park. Ms. Hobby is needing one more quote to add a fence at Mahan Park. Chairperson McGaffey requests to be notified when someone will be out at Mahan before installing the new fence to make sure Emergency vehicles has an entrance to get in and out of. Ms. Hobby will add pictures of swings and slides for review at the next meeting for the Parks Board.

Board Member Bo Hunter asked staff why the lines at the parks basketball court were not on yet and Ms. Hobby replied, "Safety is the staff's first priority for the parks, and Public Services staff will schedule a time to start on the Board Member's request." Chairperson McGaffey requests for the mowers to mow in the back of Highland Bayou Park and stated no one has been back there to mow. Ms. Warren replied saying the mowers had a tractor that was in the shop and it has been too wet to mow in the back. Ms. Hobby is going to need an Engineer to re-do the structuring of the Pavilion at Highland Bayou Park. Ms. Henderson will add a fence and playground equipment for Mahan Park on the Parks Project Spreadsheet and attach the previous completed projects with the existing ones for the next Parks Board Meeting.

- c. Discussion/possible action regarding the proposed Budget for the Parks Board FY 2018-2019.

Board Members requests for \$15,000.00 for the walking trail to come out of their Parks Board Donation Fund for the FY 2018-2019 Budget year. This item will be removed from the Parks Board Agenda for no further discussion.

(8) NEW BUSINESS

- a. Discussion/possible action regarding request from Alpha Kappa Alpha Sorority, Inc., to revitalize Westlawn Park off Melody Drive.
Ashley Geters with Gamma Omega, Omega Chapters of Alpha Kappa Alpha in



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La Marque is requesting for their Sorority of 35 members to volunteer time throughout the year to improve and make small repairs to the parks in La Marque starting with Westlawn Park. Ms. Geters is wanting to paint the jungle gym at Westlawn Park their Soritoy Colors which is salmon pink and apple green. Chairperson McGaffey explained to Ms. Geters that there are guidelines she will have to follow with the City and go before Council for final approval. Chairperson McGaffey recommends for Ms. Geters and her Sorority to be added to the City Council's Agenda to volunteer to revitalize the City Parks.

- b. Discussion/possible action regarding Parks Board Members request for input to City Council prior to making appointments to Parks Board.

Chairperson McGaffey requested to pass out a document from the Council Agenda from April 9, 2018 and Ms. Eldridge told Chairperson McGaffey the document he is wanting to pass out to the Board is not pertaining to the Parks Board Agenda item. Ms. Eldridge stated that the City is in the process of redoing the Board Resolution and how Council appoints members to the Boards. Board Member Bo Hunter states that when his term was expired he received a call asking if he would like to be appointed for a next term. Ms. Eldridge says she can give a copy of the Resolution and he can see what the protocol is for appointing Board Members. Chairperson McGaffey continued to get off discussion and Ms. Eldridge informed him he is in violation of the "Open Meetings Act." Chairperson McGaffey made a motion for the Parks Board to go before Council and request to make changes on how Board Members. Board Member Franklin seconded. **MOTION PASSED UNANIMOUSLY.**

- c. Discussion/possible action regarding the next Parks Board Meeting.
NO ACTION WAS TAKEN.

(9) REQUESTS AND ANNOUNCEMENTS

Board Member Bock requests for The Texas Trail Riders be placed on the next Parks Board Agenda to have a BBQ Cook-Off at Highland Bayou Park in August 2018..

(10) ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 7:35 p.m.

Louis "Mac" McGaffey, Chairperson
Parks Board



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Les Rumburg

Department: Public Services

Agenda item: 9c

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding appointing the Planning and Zoning Commission, as Advisory Committee to the “Water and Wastewater Impact Fee Study,” with the addition of Caron Muntzel and Deborah Jamail as representatives of the local real estate industry, in compliance with Texas Commission on Environmental Quality (TCEQ) requirements.

X

ATTACHMENTS FOR REFERENCE:

1. Summary of Impact Fee rationale and procedure
2. Proposed timeline
3. Minutes of Planning and Zoning Commission for February 13, 2018
4. Survey of Area Cities to be provided at the meeting

STAFF BRIEFING:

- At their meeting of January 8, 2018, City Council authorized the implementation of a “Water and Wastewater Capital Planning and Impact Fee Study”.
- At their regular meeting in February, Planning and Zoning Commissioners were apprised of the plan and the role they would play in the development and formation of said plan.
- As advised by the engineering firm conducting the program, and following legislated requirements, City of La Marque Planning and Zoning Commission were informed that, typically, the municipal Planning Board or Commission are asked to serve as the required Advisory Committee (AC), along with a representative of the local real estate industry, if one is not present on the current Board or Commission.
- To meet the proposed timeline as attached, it is necessary to act on this at the June meeting to help insure a September implementation of findings.

HISTORY: N/A

TARGET IMPLEMENTATION: Upon Council approval, the AC will be formalized and can commence with their role.

SIGNIFICANT ACTION DATES:

01/08/2018 – City Council approves the initiation of Impact Fee Study

02/13/2018 – City of La Marque Planning and Zoning Commission hears of project

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	



CITY COUNCIL AGENDA FORM

Line Items #	
Other Funding	

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other –
Appointment of
Advisory
Committee | |
| ☒ Mark if this item does not conflict with any
Resolution, Ordinance or City Charter, policies,
procedures | |

STAFF'S RECOMMENDATION: Motion to appoint the Planning and Zoning Commission, as Advisory Committee to the "Water and Wastewater Impact Fee Study," with the addition of Caron Muntzel and Deborah Jamail as representatives of the local real estate industry, in compliance with Texas Commission on Environmental Quality (TCEQ) requirements

FISCAL IMPACT: N/A

WATER AND WASTEWATER IMPACT FEES

IMPACT FEES

- Chapter 395 of the Local Government Code allows Texas Cities to impose a one-time fee to recoup part of the cost of infrastructure necessitated by new development. The Legislation defines impact fees as “a charge or assessment imposed by a political subdivision (City) against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated and attributable to the new development.

ADVISORY COMMITTEE

- Legislation requires City Council (CC) to appoint Advisory Committee (AC) consisting of Planning and Development Committee plus one representative of the Real Estate or Development community if not already represented on the Committee. Purpose of the AC is to:
 - o Advise and assist the City in adopting Land Use Assumptions(LUA)
 - o Review and comment on the Capital Improvement Plan(CIP) and Impact Fee prepared by the Staff and Consultant team
 - o Make recommendation to CC for adoption of Impact Fee
 - o Review and file semi- annual progress report on CIP implementation and imposition of Impact Fees
 - o Advise the City of the need to update or revise LUA, CIP or Impact Fee.

PROCEDURE

- Consultant team and Staff will prepare and present drafts of the following to the AC:
 - o LUA- description of the service area (City Boundaries) and projections of the changes in land use, densities, intensities and population in the service area over the ten year planning period.
 - o CIP- List of infrastructure projects for planning period. Based on update of the 2012 CIP. Can include soft costs for engineering, studies, land acquisition and finance costs.
 - o Impact Fee Calculation- determined by total cost of CIP divided by the projected number of equivalent service units added in the service area over the planning period.

PROCESS

- AC reconvenes to discuss and recommend draft documents above.
- Hold a joint Public Hearing with CC on LUA, CIP and Impact Fee.
- AC reconvenes to make recommendation to CC for adoption of Impact Fee.
- CC takes action on final Impact Fee adoption ordinance.

FUTURE

- AC reconvenes semi-annually to review LUA, CIP and Impact Fee

City of La Marque

Impact Fee Implementation Timeline

May 24, 2018 Update

March-May	Engineering consultants meet with City staff to discuss the impact fee process and obtain data on City capital improvement plan.
June 11	City Council appoints Advisory Committee during regular council meeting.
June 12	The Advisory Committee convenes for a kick-off meeting to discuss general concepts, preliminary data, and the overall process
June-July	Engineering consultant prepares draft Impact Fee report
July	Engineering consultant meets with City staff to present draft Impact Fee Report
July 10	Reconvene Advisory Committee for presentation of draft report, land use assumptions, and service area maps.
August 14	Advisory Committee recommends draft documents to City Council and sets Public Hearing.
September 10	Joint Public Hearing - Convene Advisory Committee for recommendation to City Council
October 8	City Council approves Impact Fee Ordinance, first reading
November 12	City Council approves final reading ordinance adopting Impact Fee



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**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
OF
FEBRUARY 13, 2018**

Regular Meeting Minutes of the City of La Marque Planning and Zoning Commission held on February 13, 2018, beginning at 4 p.m. at 1109-Bayou Road with the following members present: Deanna Bethea, Greg Cornett, Augustino Molis, Hugh Cash and Jean Gutierrez.

(1) CALL TO ORDER

Vice Chairperson Deanna Bethea called the meeting to order at 4 p.m.

(2) ROLL CALL

PRESENT:

Chairperson Deanna Bethea
Vice Chairperson Greg Cornett
Commissioner Augustino Molis
Commissioner Hugh Cash
Commissioner Jean Gutierrez

OTHER OFFICIALS/STAFF PRESENT:

Robert Michetich – Council Member
Carol Buttler – City Manager
Kathleen Van Stavern – Code Enforcement
Sussie Sutton – Development Coordinator

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was dispensed by the Planning & Zoning Commission, led by Commissioner Hugh Cash.

(4) APPROVAL OF MINUTES

Regular Meeting Minutes of January 9, 2018.

Commissioner Cash made a motion to accept the Minutes of January 9, 2018.
Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**

(5) CITIZENS PARTICIPATION

Councilmember Michetich informed the Commission that at the regular Council meeting of February 12, 2018, the Council made an amendment to the final plat for The Landing at Delany Cove Section 9. Since Friendswood Development had made a commitment to repair the sidewalks in the previously noted and have not yet started the repairs, they now have 30-days to start sidewalk repairs and 90-days to complete said repairs; after this



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time, a stop work order on all building will be issued until the sidewalk work has been completed.

Councilmember Michetich noted that work is being done on a new ordinance to address residential subdivision developments and that a section may be added to have the builder carry a five year bond that the City can execute should any failures occur on their infrastructure that they construct.

The presence of Commissioner Augustino Molis is noted at 4:06 p.m.

(6) NEW BUSINESS

- a. Discussion/possible action regarding a **Master Preliminary Plat** of Trails at Woodhaven Lakes being a plat of 21.74 acres or 947018.15 square feet tract out of a 75.62 acres or 3,293,858 square feet tract of land situated in the Stephen F. Austin League Survey, Abstract No. 297 in Galveston County, Texas. (FM 1765 at Delany Road)

Chairperson Bethea was pleased that the lots were 60-foot lots but was concerned that the plat did not show any amenities for the entire subdivision.

Commissioner Molis was concerned with flooding since there is more development in the area. City Manager Buttler noted that each development has to have drainage plan approvals prior to plat approvals from the City.

Public Services Director Rumburg noted that FM 1765 was zoned for commercial in the hopes that it would develop commercially. This parcel is part of another 30 acres which was separated almost 3 years ago when they came to the City to construct an RV Park and is zoned commercial. So there is this residential section between two commercially zoned areas.

Mr. Tony Padua, developer of this plat, informed the Commission that there is history to this 80+ acres. He explained that one partnership owned all the property and the partnership had planned to start a residential subdivision project. The partnership got hit with a crisis and the plan stopped. After a group came in to start an RV Park and the project died, they decided to buy those partners out. Their family were limited partners of the original partnership. They are moving forward with development of this property. They had a Preliminary Plat Section One approved last time and are trying to approve a Master Preliminary Plat Section 2 through to 5.

Chairperson Bethea noted that the Commission has an issue with no green space on the Plat.



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Mr. Padua noted that there is ten acres of reserved sections for walking trail, parks, playgrounds and picnic tables with three ponds/lakes that will act as detention. He noted that the ponds are not needed as detention per the drainage district but will act as such. When he presents the Commission with a re-zone of the property, he will also bring an illustrated general land plan showing all amenities.

Councilmember Michetich asked, "How do you plan to capture your infrastructure development costs?" Mr. Padua stated that the last developer had an approved PID agreement and that as new owners of the properties, they plan to pursue that route with the Economic Development Corporation and Mr. Alex Getty. They have also spoken with MUD 68 for annexation into that MUD.

Commissioner Cash would like to see the amenity land plan when they come back for the re-zoning.

Commissioner Cash motioned to table the Master Preliminary Plat for Trails at Woodhaven Lakes. The motion was seconded by Commissioner Molis. **MOTION PASSED UNANIMOUSLY.**

- b. Discussion/possible action regarding a **Preliminary Plat** of Sunset Grove Section One being a subdivision of 14.97 Acres located in the Stephen F. Austin League No. 4, Abstract-2 City of La Marque, Galveston County, Texas; also being a partial Re-Plat of Lots 13 and 14 of Delany Road Acres Vol. 18, Pg. 760 G.C.M.R. **(East of Delany Rd; South of FM 1765)**

Shawn Mashack of 7Gen introduced himself as the land planner of this property sold to KB Homes.

Chairperson Bethea noted the lot sizes are not all 50 frontage lots.

Mr. David Corbin with Costello Engineers, contracted by KB Homes, introduced himself and noted his organization is working with 7Gen as their land planner. Mr. Corbin noted that this property is 96 acres, part of the 181 acres that Bill Frey previously came to the City and received approval on a land plan. This property is a portion totaling 96 acres sold to KB Homes for development. Section one lots are all 50 and 55-foot wide lots. There are six sections, four sections in La Marque and two sections in Hitchcock. This is the first section of the KB Homes and all of the KB lots are 50 & 55-foot wide. These are part of the properties previously approved by Mr. Bill Frey (Saltgrass Crossing) and some lots were approved to have (two sections) lots sizes of 45x120's and another section to be 50x120.



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Commissioner Cash noted he was having an issue with the lot sizes and asked the City attorney if this Commission could throw out a variance or vote out a variance and go back to the 60-foot lots that are currently required. The City attorney noted that the City Council would have to reverse what was previously approved by them.

Councilmember Michetich noted, "When a property is sold, those rights granted in the beginning those rights are gone. When you buy property and it changes hands and you are coming in and doing something different, you are bound by the current laws or current guidelines. You can ask for a variance and depending on what amenities there happens, but it would be up to this board to as I see it and as I would view it as a Councilmember. I would not want to be bound by something that was done years ago and if it has changed hands and it's a new entity coming in, you have to play with the rules in place at the time."

Mr. Corbin noted that Mr. Frey and a KB Homes representative came to the City and all this was discussed and nothing was discussed on going back on something that was previously approved.

Chairperson Bethea asked the City attorney if the Commission was legally bound to approve something that was previously approved for someone else or are we now approving now as them? The City attorney noted he would have to research the issue. Chairperson Bethea suggested that, "Until there are some clear cut answers, since we are not happy with this plat, to table the plat until more research is done to provide answers."

Commissioner Cash motioned to table the plat. The motion was seconded by Commissioner Molis. **MOTION PASSED UNANIMOUSLY.**

c. Discussion/presentation regarding an Impact Fee Study for the City of La Marque

Director Rumburg addressed the Commission and noted that, "Council has given approval to look at an Impact Fee Study for the City of La Marque. Impact Fees in essence are imposing a fee on new development to help pay for the impacts that the new development brings to our utility systems. The more people you bring into town, the more people are contributing to our wastewater treatment systems and more water they are using, etc. Impact fees are new to the City but certainly not our surrounding communities."

The study is carefully regulated by TCEQ with guidelines to enact any fees which we must recommend to Council. AARK Engineers have been contracted to put the study together. An advisory board committee will need to be appointed and by regulation, the Planning and Zoning Commission is the advisory board with one realtor or real estate interested party; if there isn't one on the board currently.



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Director Rumburg would like to present at the March meeting of City Council this board as the Impact Fee Advisory Board and they can select one person to hold the Real Estate position. The tentative time line was presented to the commission for review. There will be many public meetings prior to enactment of any impact fee.

In conjunction with this impact fee study is a Capital Improvement Plan which looks at estimations of our population over the years and the impact it will have on our utilities and based on that will determine a reasonable fee which would match our cost in extending our infrastructure.

(7) CHAIRPERSON'S REPORT

Noted she is pleased that the shipping containers are now gone from the dog track.
Thank you for the Christmas card from Council and we felt appreciated.

(8) EXECUTIVE SESSION

There was no executive session.

(9) REQUESTS AND ANNOUNCEMENTS.

Commissioner Cornett requested to be put on E-Notifications so that he can be aware of all public meetings held by the City.

(10) ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 4:51 P.M.

Deanna Bethea, Chairperson
Planning & Zoning Commission



LA MARQUE UTILITY BILLING

The Dos and Don'ts of Bulk Trash Pickup

CUSTOMERS WANT TO KNOW: What will be picked up on regular bulk trash days?

La Marque residential trash customers get once-a-week bulk pickup by Waste Management. It's easy – if the items are on the DOS list, they'll be picked up. If items are out of compliance, or if they're on the DON'TS list, they'll stay on your curb. Eventually, city staff will have to come remove the debris and a fee will be assessed. Nobody wants that! Don't worry - your friendly Utility Billing staff is here to help.

DOS - Acceptable Items

SEPARATE THE ITEMS BELOW INTO PILES

- Limbs and/or brush. Trimmings should be smaller than five inches (5") in diameter, be cut into five-foot (5') lengths and must be bundled
- Bulky trash generated by ordinary maintenance of a household but too large for a trash cart
- Appliances. *If an appliance contains Freon or CFCs, such as freezers and refrigerators, the CFCs must be removed and tagged by licensed Professional*
- Drained hot water heaters, furniture, carpet

DON'TS - Unacceptable Items

THESE ITEMS WILL NOT BE PICKED UP

- More than 5 cubic yards of bulk trash
- Limbs and/or brush that do not meet requirements. Trees will not be picked up
- Items heavier than 200 pounds
- Tires
- Concrete, brick, asphalt or roofing
- Debris from construction or remodeling
- Appliances containing CFCs
- Free flowing liquid such as gasoline, paint, motor oil
- Batteries
- Vehicles and parts, including oil filters
- Electronics

Following these guidelines is part of being a good neighbor! La Marque citizens all doing their part to keep our community beautiful will help reduce excess debris, prevent varmints, avoid health and safety violations, improve drainage and reduce fire hazards.

A Note for Commercial Customers: Per *Ordinance 35.10* all dumpsters shall be inside an enclosure. Dumpster container lids should fully close. If the dumpster is overflowing during collection, a minimum \$125 fee will be added to your utility bill. To increase container size or number of pickups, email ub@cityoflamarque.org or call 409-938-9209.

Please visit ub.cityoflamarque.org for additional resources, including Waste Management's free **At Your Door Special Collection**, scheduling an extra residential bulk pickup and Coastal Plains Landfill drop-off guidelines.

We thank you in advance to helping us keep the City of La Marque a great place to live!

SOLID WASTE AND RECYCLING SERVICES CONTRACT

This Solid Waste and Recycling Services Contract ("Contract"), made and entered into this 4th day of August, 2017 ("Effective Date"), by and between the City OF LA MARQUE ("City"), located in Galveston County, Texas, and Waste Management of Texas, Inc., which is duly authorized to do business in the State of Texas ("Contractor").

WHEREAS, City issued a Request for Proposals # 17-01 (RFP) for Solid Waste and Recycling Services; and

WHEREAS, Contractor submitted a proposal in response to the RFP on or before the proposal submission deadline; and,

WHEREAS, City received and evaluated proposals from vendors in response to the

RFP; and, WHEREAS, City has the power to execute this Contract; and,

WHEREAS, Contractor has the power to execute this Contract: and,

WHEREAS, City desires to have Contractor provide those services specified hereinafter; and,

WHEREAS, Contractor desires to provide those services specified hereinafter; and,

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, to be performed by the parties hereto, and of the payments hereinafter agreed to be made, it is mutually agreed as follows:

1.0 **DEFINITIONS:**

As used herein, the capitalized terms, phrases, words, and their derivations shall have the meanings as set forth herein.

- 1.1 **Additional Bulky Waste Collection Notice** – Public education and outreach to inform each Residential Service Unit with Bulky Waste Set-out in excess of five (5) cubic yards of the following: (a) the date (b) quantity of additional Bulky Waste, (c) fee for Collection of the additional Bulky Waste, and (d) Contractor's customer service telephone number, and (e) any other information City reasonably requests.
- 1.2 **Applicable Law** – Any permits, licenses, and approvals, issued for or with respect to Contractor, equipment utilized by Contractor, properties (or any component thereof) utilized by Contractor, or the performance of Contractor's obligations hereunder, and any statute, law, constitution, charter, ordinance, resolution, judgment, order, decree, rule, regulation, directive, interpretation, standard or similarly binding authority, which in any case, is or shall be enacted, adopted, promulgated, issued or enforced by a governmental body, regulatory agency, and/or court of competent jurisdiction that relates to or affects City, Contractor, any of their equipment or any properties (or any component thereof) utilized by Contractor or the performance of Contractor's obligations hereunder.
- 1.3 **Bulky Waste** – Solid Waste generated at a Residential Service Unit that is not contained in a Solid Waste Cart such as bagged Solid Waste, Yard Trimmings, White Goods, appliances, furniture, household equipment, swing sets, bicycles,

scrap metal, Construction and Demolition Debris and other Solid Waste not contained in a Solid Waste Cart. Bulky Waste excludes waste generated by a person, firm, or provider engaged by the Residential Service Unit Customer to provide services at the Residential Service Unit. A Bulky Waste item may not exceed 200 pounds and a two-person crew must be able to Collect the Bulky Waste item without causing laceration to the two-person crew.

- 1.4 Bulky Waste Services – The Collection and Disposal of Bulky Waste.
- 1.5 Business Day – Any day, Monday through Friday, from 8:00 A.M. Central Time to 5:00 P.M. Central Time, which is not a designated holiday under this Contract.
- 1.6 Cart – A receptacle provided by Contractor and equipped with wheels and a bar, with a capacity of approximately ninety-five (95) gallons and designed to be mechanically dumped into a loader-packer type truck by a fully-automated truck arm (ANSI Z245.60 Type G) and semi-automated truck tipper (ANSI Z245.60 Type B), purchased with a ten (10) year manufacturer's warranty, and approved for use by City. Ownership of all Carts shall remain with the Contractor. The weight of a Cart and its contents shall not exceed 175 pounds.
- 1.7 City – City of La Marque, Texas, a municipal corporation, includes City officers, elected officials, employees, agents, volunteers and representatives.
- 1.8 City Facility – Any City owned or operated facility designated by the Contract Administrator to receive City Services under this Contract. City has the authority to add or eliminate any City Facility to receive City Services.
- 1.9 Collect or Collection – The act of lifting, carrying, and/or removing Solid Waste or Bulky Waste from a Customer location for transport to a Disposal Site, or the act of removing Program Recyclable Materials for transport to a Processing Facility.
- 1.10 Commencement Date – October 1, 2017, the date on which Contractor shall begin performing the Services in accordance with this Contract.
- 1.11 Commercial Container – A Cart, Dumpster, or non-Temporary Roll-Off.
- 1.12 Commercial Service Unit – All premises, locations or entities, public or private, including but not limited to, stores, offices, restaurants, warehouses, manufacturing facilities, industrial facilities, requiring Collection services within the corporate limits of City that are not classified as a Residential Service Unit or City Facility.
- 1.13 Commercial Waste – All types of Solid Waste generated by or at Commercial Service Units or a City Facility excluding Unacceptable Waste and Residential Service Unit Solid Waste.
- 1.14 Construction or Demolition Waste – Waste resulting from construction, remodeling, repair, or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings, homes, and other structures
- 1.15 Contamination – The existence of any material or substance on or contained in Recyclable Materials other than Recyclable Materials.

Contract Administrator of Contractor's election to reject a renewal term on or before twelve (12) months preceding the scheduled date of expiration of the initial term or the then current optional renewal term of this Contract. If Contractor does not provide such written notice to the Contract Administrator on or before twelve (12) months preceding the scheduled date of expiration of the initial term or the then current optional renewal term of this Contract prohibiting City from exercising the optional renewal term, City may upon written notice to Contractor not later than six (6) months preceding the scheduled date of expiration of the initial term or the then current optional renewal term of this Contract exercise such optional renewal term by such notice. This provision in no way limits City's right to terminate this Contract at any time during the initial term or any optional renewal term thereof pursuant to the provisions in this Contract.

4.0 RESIDENTIAL SERVICE UNITS COLLECTION

- 4.1 Solid Waste Collection. Contractor shall Collect from each Residential Service Unit, twice per week on either each Monday and Thursday or Tuesday and Friday, all Solid Waste Set-out in that Residential Service Unit's Solid Waste Cart (s), per Scheduled Collection Day.
- 4.2 Bulky Waste Collection. Contractor shall Collect Bulky Waste Set-out of up to five (5) cubic yards from each Residential Service Unit once per week on one of the two Solid Waste Scheduled Collection Days for that Residential Service Unit. Contractor shall provide a map that indicates the designated Bulky Waste Scheduled Collection Day for the Residential Service Units located in each of four Bulky Waste collection quadrants of the City. For Bulky Waste Set-outs in excess of five (5) cubic yards, Contractor shall take a digital photo of the entire Set-out and attach an Additional Bulky Waste Services Notice to the Residential Service Unit's Cart or mailbox exterior. For Bulky Waste Set-outs in excess of five (5) cubic yards, the Residential Service Unit may, at its sole discretion, have the Bulky Waste Set-out in excess of five (5) cubic yards Collected on or by the Residential Service Unit's designated Bulky Waste Collection Day of the next calendar week (i) at no cost as Bulky Waste Collection included in base services or (ii) at the agreed upon fee reflected in Exhibit A of this Contract for Additional Bulky Waste Services to be pre-paid by Customer directly to Contractor. Customer shall contact Contractor to arrange for Additional Bulky Waste Services.
- 4.3 Program Recyclable Materials Collection. Contractor shall Collect from each Residential Service Unit, once every other week on the first Scheduled Collection Day of the calendar week, all Program Recyclable Materials Set-out in that Residential Service Unit's Recycling Cart(s). Contractor shall not be required to collect any Recyclable Materials that are not placed in a Recycling Cart. Residential Service Unit Program Recyclable Materials Collection loads shall not contain more than 30% by weight of Non-Recyclable Materials. If a load of material does not meet these specifications, the load may be rejected. City shall provide reasonable and necessary support to Contractor to minimize the occurrence of rejected loads. Contractor may not charge the City for any costs of a rejected load, including but not limited to transportation or disposal costs of Non-Recyclable Materials. Contractor has the right to dispose of all residue, Contamination, and Non-Recyclable Materials Collected or that results from or remains after processing of the Single Stream Materials Collected from Residential Service Units.

Special Event shall be eight (8) consecutive hours, at a location and date mutually agreed to by City and Contractor, and shall provide Documents Shredding for City residents.

- 7.7 Annual Citywide Cleanup. Contractor shall conduct for Residential Service Unit Customers, including, but not limited to, labor, equipment, Collection, Disposal and publicity, two (2) Citywide cleanup Special Events per Contract Year at two (2) locations to be determined by City. Each Solid Waste Special Event shall be eight (8) consecutive hours, at a date mutually agreed to by City and Contractor. Contractor shall provide no more than eight (8) roll-offs for this event. Residents shall be allowed to drop off Solid Waste and Bulky Waste that Contractor shall transport and dispose of at the Disposal Site. City shall provide staff and volunteers to man the Annual Citywide Cleanups.
- 7.8 Ongoing Yard Trimmings Drop-off. Contractor shall provide no cost utilization at its Coastal Plains landfill facility ("Coastal Plains") for delivery of Yard Trimmings by City and City residents for Recycling or composting by Contractor. If Coastal Plains ceases its composting activities, Contractor shall at City's sole discretion provide (i) no cost utilization of Coastal Plains for delivery of Yard Trimmings by City and City residents for disposal by Contractor or (ii) no cost utilization of the Contractor owned or operated facility which is the closest to City Hall and provides Recycling or composting for delivery of Yard Trimmings by City and City residents for Recycling or composting by Contractor. Residential Service Unit Customers and the City may transport and deliver Yard Trimmings to Contractor's Coastal Plains or other facility requested by Contractor and approved by City (collectively, "Facility") in an amount not to exceed a total of 300 tons per Contract year. On a monthly basis each resident may deliver no more than one small trailer of Yard Trimmings to the Facility. Once that annual tonnage limit of 300 tons of Yard Trimmings is exceeded each year of the Contract, Residential Service Unit Customers and the City shall pay the posted gate rate and all applicable fees and taxes at the Facility. Residents must present a form of photographic identification (e.g., driver's license) and a copy of their most recent utility bill from the City to prove that they are a resident of the City.
- 7.9 Pilot Drop-off Cardboard Recycling. Contractor shall provide no cost utilization at Coastal Plains for delivery of cardboard by City and City residents for Recycling by Contractor. Residential Service Unit Customers and the City may transport and deliver cardboard to Coastal Plains in an unlimited amount per Contract year. Residents must present a form of photographic identification (e.g., driver's license) and a copy of their most recent utility bill from the City to prove that they are a resident of the City. In April 2018, the Contractor may request to discontinue the Pilot Drop-off Cardboard Program subject to approval of the City, which shall not be unreasonably withheld.
- 7.10 Chamber of Commerce Events. Contractor shall support the local Chamber of Commerce Events as agreed upon between the City and current Contractor.
- 7.11 Solid Waste Disposal. Contractor shall provide no cost utilization of Coastal Plains or other facility requested by Contractor and approved by City within twenty miles of the City for delivery of Solid Waste by City and City residents for Disposal by Contractor. Residential Service Unit Customers and the City may transport and deliver Solid Waste to of

Coastal Plains or other facility requested by Contractor and approved by City within twenty miles of the City (collectively, "Facility") in an amount not to exceed a total of 950 tons per Contract year. On a monthly basis each resident, may deliver no more than one small trailer of Solid Waste to the Facility. Once that annual tonnage limit of 950 tons is exceeded each year of the Contract, Residential Service Unit Customers shall pay the posted gate rate and all applicable fees and taxes at the Facility. Residents must present a form of photographic identification (e.g. driver's license) and a copy of their most recent utility bill from the City to prove that they are a resident of the City.

8.0 HOURS OF OPERATION AND HOLIDAYS

- 8.1 Hours of Operation. Contractor shall provide Collection to Residential Service Units and all other Customers adjacent to Residential Service Units no earlier than 7:00 AM, Central Time except that such Collections for schools may or may not begin sooner if authorized by the Contract Administrator. Contractor shall provide Collection for schools as directed by the Contract Administrator. Collection from other Customers shall begin no earlier than 6:00 AM, Central Time. Collections from any Customer and shall not extend beyond 7:00 PM, Central Time without approval from Contract Administrator. No Collection shall be made on Sunday, unless requested by a Customer and agreed to by Contractor and Contract Administrator. The Contractor Administrator reserves the right to restrict the hours of operation based on complaints.
- 8.2 Holidays. The following shall be holidays for purposes of this Contract: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Contractor may decide to observe any or all of the above mentioned holidays by suspending Collection service on the holiday, but such decision does not relieve Contractor of its obligation to provide Collection service at Residential Service Units in accordance with this Contract. Contractor shall submit to City by September 1st of each year, including the first year of this Contract, the holidays to be observed. If a holiday occurs on a Scheduled Collection Day for a Residential Service Unit, Contractor shall perform the Collection for the holiday as follows:

Monday Holiday-	Monday Collection – Tuesday Tuesday Collection – Wednesday Thursday Collection – Normal Friday Collection – Normal
Tuesday Holiday-	Monday Collection – Normal Tuesday Collection – Wednesday Thursday Collection – Normal Friday Collection – Normal
Thursday Holiday-	Monday Collection – Normal Tuesday Collection – Normal Thursday Collection – Friday Friday Collection – Saturday
Friday Holiday-	Monday Collection – Normal Tuesday Collection – Normal Thursday Collection – Normal



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Sussie Sutton

Department: Development Services

Agenda item: 9e

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2018-008**, approving the rezoning classification from C-1 (General Commercial) to R-1 (Single Family Residential), being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described in Exhibit "A", as recommended by the Planning and Zoning Commission.

X

ATTACHMENTS FOR REFERENCE

1. Ordinance
2. Metes and bounds
3. Location Map
4. Recommendation from P & Z Commission
5. Planning and Zoning Minutes for May 8, 2018
6. Application for re-zone

STAFF BRIEFING:

- In February of 2016, Planning and Zoning Commission recommended this rezone request to City Council for a first reading.
- At that time, the developer was requesting a re-zone from R-1 (Single Family Residential) to C-1 (General Commercial) in hopes of constructing a high-end RV Park.
- The developer lost funding and declined to proceed with the project.
- A new developer purchased the property for residential use.
- The new developer approached Planning & Zoning Commission for a re-zone from C-1 (General Commercial) back to R-1 (Single Family Residential), and received a favorable vote from P&Z.
- City Attorney has reviewed and approved this ordinance.

HISTORY:

- **12.8.2015** – Planning & Zoning Commission approved a re-zone change from R-1 (Single Family Residential) to C-1 (General Commercial)
- **02.08.2016** – City Council approved the re-zone on first reading as recommended by Planning & Zoning Commission
- **03.14.2016** – City Council adopted Ordinance No. O-2016-003 to re-zone from R 1(Single Family Residential) to C-1 (General Commercial) on the second and final reading

TARGET IMPLEMENTATION: Once City Council adopts final ordinance



CITY COUNCIL AGENDA FORM

SIGNIFICANT ACTION DATES:

05.08.2018 - New developer requests re-zone back to R-1

Planning & Zoning Commission Public Hearing held and request approved with favorable recommendation to Council

ACTION:

- | | |
|--|---|
| ☒ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name(s)	N/A
Line Items #	N/A
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2018-008**, approving the rezoning classification from C-1 (Commercial) to R-1 (Single Family residential), being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described in Exhibit "A," as recommended by the Planning and Zoning Commission

FISCAL IMPACT: The development of residential homes on these 31.89 acres of land will provide the City with additional property revenues, but also an impact to the current water and sewer availability.

ORDINANCE NO. O-2018-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM C-1 (GENERAL COMMERCIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL), BEING A TRACT CONTAINING 31.89 ACRES OF LAND LOCATED IN THE STEPHEN F. AUSTIN LEAGUE NO. 4, ABSTRACT NO 297, GALVESTON COUNTY, TEXAS; SAID 31.89 ACRES BEING A PORTION OF A CALL 82.01 ACRE TRACT OF LAND RECORDED IN THE NAME OF DELANEY 1765 REALTY, L.P. UNDER GALVESTON COUNTY CLERK'S FILE (G.C.C.F.) NO. 2006011483; SAID 31.89 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS DESCRIBED IN EXHIBIT "A"; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953.

WHEREAS, DELANEY 1765 REALTY, L.P. (the "Applicant"), owner of the property consisting of 31.89 acres located in the Stephen F. Austin League No. 4, Abstract No. 297, more fully described in a Deed of Record under Clerk's File No. 2006011483 (the "Property"), generally situated in the corporate city limits of the City of La Marque, Texas (the "City"), and being more particularly described in Exhibit "A" (bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, based on GPS observations) attached hereto and made a part hereof for all purposes; and

WHEREAS, the Property described as 31.89 acres in Exhibit "A" attached hereto and made a part hereof for all purposes presently has a zoning classification of C-1 General Commercial under Chapter 71: Zoning of the Code of ordinances of the City of La Marque; and

WHEREAS, the applicant has made application to the City to change such zoning classification of said property from C-1 General Commercial to R-1 Single Family Residential as authorized by the City's Zoning Ordinance; and

WHEREAS, City staff has made recommendation to the City to change such zoning classification of the property described in Exhibit "A" attached hereto and made a part hereof for all purposes from C-1 General Commercial to R-1 Single Family Residential as authorized by the City's Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of La Marque has conducted, in a time and manner and after the notice required by law and Chapter 71: Zoning of the Code of Ordinances of the City of La Marque, a public hearing held on May 8, 2018, on such request of change in classification; and

WHEREAS, the City Council of the City has conducted, in time and manner and after the notice required by law and Chapter 71: Zoning of the Code of Ordinances of the City of La Marque, a public hearing on such request of change in classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS THAT:

Section 1. The facts and the matters set forth in the preamble on this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the certain 31.89 acres as described in Exhibit "A", attached hereto and made a part hereof for all purposes, in the City of La Marque, is hereby changed from C-1 General Commercial to R-1 Single Family Residential as authorized by Chapter 71: Zoning of the Code of Ordinances of the City of La Marque.

Section 3. The zoning map of the City, adopted on the 12th day of December, 2005 by Ordinance Number 953, shall be revised and amended to show the zoning reclassification of said tract of land as provided in Section 2 hereof, with the appropriate reference to the number and effective date of this Ordinance and brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the change in zoning classification of the tract described in Section 2 hereof.

Section 5. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or the provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the First reading this the ____ day of _____, 2018.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque, Texas, on the Second and Final reading this the ____ day of _____, 2018.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego
City Attorney

County: Galveston
Project: La Marque RV Resort
Job No. 156901
MBS No. 15-253

FIELD NOTES FOR 31.89 ACRES

Being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described by metes and bounds as follows (bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, based on GPS observations):

COMMENCING at a 5/8 inch capped iron rod found at the northeast corner of said 82.01 acre tract and a call 6.40 acre tract of land recorded in the name of Qinghui Li under G.C.C.F. No. 2010054732 and being at the southwest intersection of F.M. 1765 (100-foot wide) and Delany Road (width varies), from which point a found axle at the southeast corner of said F.M. 1765 and F.M. 2004 (120-foot wide) bears South 87 degrees 17 minutes 30 seconds West, a distance of 3,090.60 feet;

THENCE, with the west Right-of-Way (R.O.W.) line of said Delany Road, South 02 degrees 45 minutes 29 seconds East, a distance of 1,501.10 feet to a 5/8 inch capped iron rod set at the **POINT OF BEGINNING** and northeast corner of the herein described tract;

THENCE, continuing with said R.O.W. line, South 02 degrees 45 minutes 29 seconds East, a distance of 950.09 feet to the southeast corner of said 82.01 acre tract and the herein described tract, from which a found 5/8 inch capped iron rod bears South 61 degrees 19 minutes 33 seconds East, a distance of 0.97 feet;

THENCE, with the south line of said 82.01 acre tract, South 88 degrees 00 minutes 40 seconds West, a distance of 1,461.15 feet to a 5/8 inch capped iron rod set at the southwest corner of said 82.01 acre tract and the herein described tract, said point being on the east line of a call 11.3826 acre tract (styled Parcel 9-S) recorded in the name of Galveston County Drainage District No Two under G.C.C.F. No. 2000065569;

THENCE, with said east line and the west line of said 82.01 acre tract, North 02 degrees 53 minutes 45 seconds East, a distance of 950.12 feet to a 5/8 inch capped iron rod set at the **northwest corner** of the herein described tract;

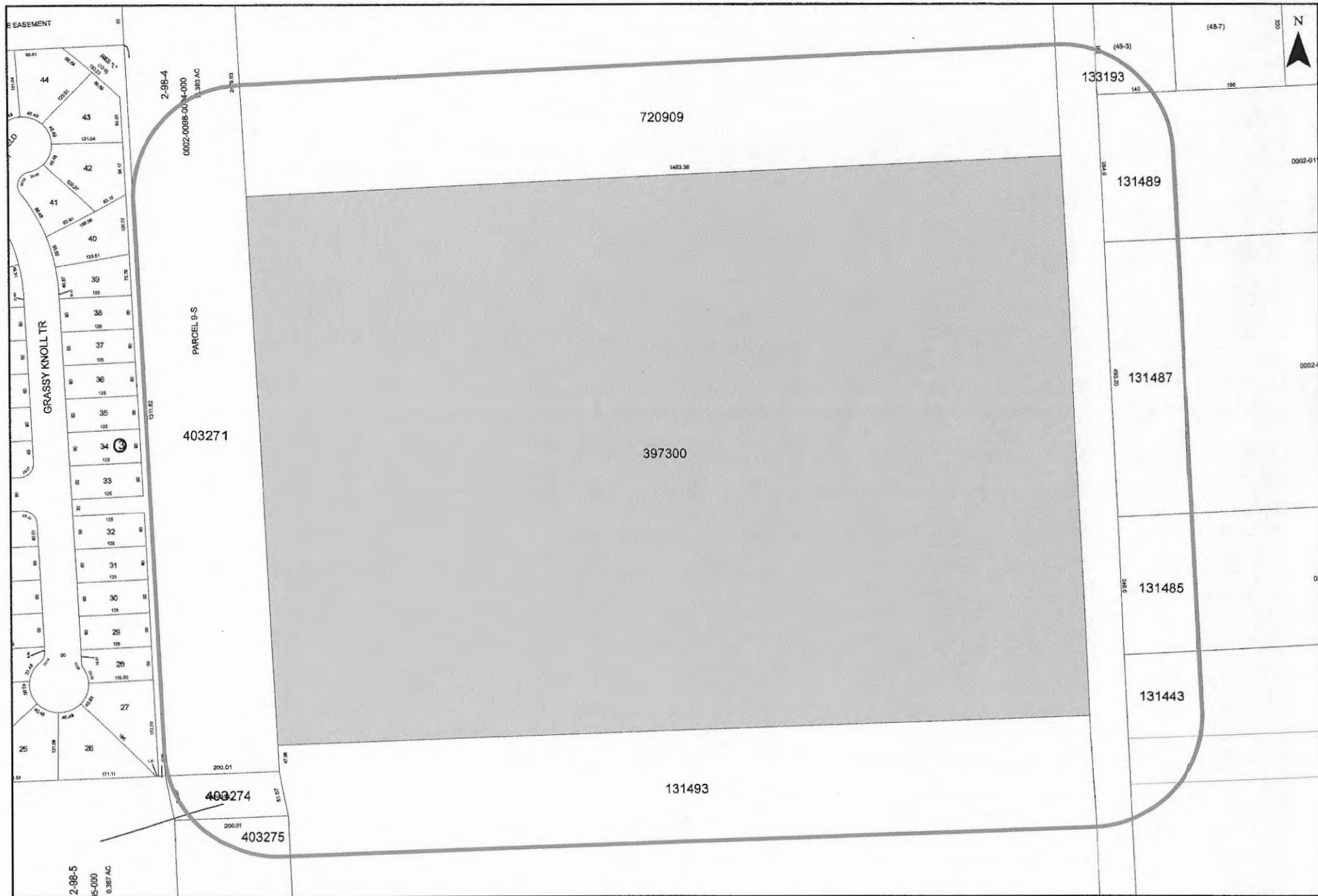
THENCE, through and across said 82.01 acre tract, North 88 degrees 00 minutes 40 seconds East, a distance of 1,463.43 feet to the **POINT OF BEGINNING** and containing 31.89 acres of land.

NOTE: THIS DESCRIPTION WAS PREPARED BASED ON A LAND TITLE SURVEY PREPARED UNDER THE DIRECTION OF KYLE B. DUCKETT, RPLS 6340, AND FILED IN THE OFFICES OF GBI PARTNERS, L.P. UNDER JOB NO. 156901.

GBI Partners, L.P.
TBPLS Firm #10130300
Ph: 281.499.4539
November 20, 2015



Galveston Central Appraisal District





May 9, 2018

Mayor and City Council
City of La Marque
1111 Bayou Road
La Marque, Texas 77568

Dear Mayor and City Council:

On May 8, 2018, the Planning and Zoning Commission conducted a meeting for a **REZONE** from C-1 (General Commercial) to R-1 Single Family Residential, Being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described by metes and bounds as follows (bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, based on GPS observations)

By unanimous vote, Planning and Zoning Commission recommended forwarding a favorable recommendation to City Council.

Thank you,

Greg Cornett, Vice Chairperson
Planning and Zoning Commission



1111 Bayou
La Marque, Texas 77568
409.938.9202

**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
PUBLIC HEARING / REGULAR MEETING MINUTES
OF
May 8, 2018**

Regular Meeting Minutes of the City of La Marque Planning and Zoning Commission held on April 10, 2018, beginning at 4 p.m. at 1109-Bayou Road with the following members present: Deanna Bethea, Greg Cornett, Hugh Cash, Jean Gutierrez and Nancy Vidotto.

(1) CALL TO ORDER

Chairperson Deanna Bethea called the meeting to order at 4:02 p.m.

(2) ROLL CALL

PRESENT:

Chairperson Deanna Bethea – Present
Vice Chairperson Greg Cornett – Present
Commissioner Hugh Cash – Present
Commissioner Jean Gutierrez – Present
Commissioner Augustino Molis – Absent
Alternate Nancy Vidotto – Present

OTHER OFFICIALS/STAFF PRESENT:

Robert Michetich – Council Member
Carol Buttler – City Manager
Kathleen Van Stavern – Code Compliance
Sussie Sutton – Development Coordinator

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was dispensed by the Planning & Zoning Commission, led by Commissioner Greg Cornett.

(4) APPROVAL OF MINUTES

Regular Meeting Minutes of April 10, 2018.

Commissioner Gutierrez requested that the minutes of April 10, 2018, reflect the email read aloud by Mr. Frey from Mr. Ortego to Les Rumburg concerning the Saltgrass general land plan; as it influenced her vote.

Commissioner Cash made a motion to accept the Minutes of April 10, 2018.
Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**



1111 Bayou
La Marque, Texas 77568
409.938.9202

(5) CITIZENS PARTICIPATION

Robert Michetich, 24 N. Curlew, invited the Planning & Zoning Commission to the May 14, 2018 Council meeting starting at 6 p.m. There will be a presentation by the Texas City Independent School District for the temporary school campus.

Carol Buttler, City Manager, also invited the Planning & Zoning Commission to the May 14, 2018 Council meeting starting at 6 p.m. There will be a grant application presentation on the Goodman Corporation's plan for Bayou Road and 1st Street and a couple of other projects which they need to be aware of when we will start working on in the next couple of weeks.

(6) PUBLIC HEARING

The public hearing convened at 4:07 p.m. to hear the following:

Re-Zone: A request to re-zone from C-1 (General Commercial) to R-1 Single Family Residential, Being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described by metes and bounds as follows (bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, based on GPS observations)

There were no development representatives to address this re-zone request for Trails at Woodhaven Lakes. No one from the public came forward to discuss the re-zone.

Mrs. Buttler noted that this property was initially zoned R-1 Single Family Residential and a re-zone was requested to C-1 Commercial so that an RV resort could be developed. The re-zone was granted but the development never came to fruition.

The Public Meeting closed at 4:09 p.m.

(7) NEW BUSINESS

- a.** Discussion / possible action regarding a Re-Zone from C-1 (General Commercial) to R-1 Single Family Residential, Being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described by metes and bounds as follows (bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, based on GPS observations)



1111 Bayou
La Marque, Texas 77568
409.938.9202

Commissioner Cash motioned to approve the Re-Zone from C-1 (General Commercial) to R-1 Single Family Residential, Being a tract containing 31.89 acres of land located in the Stephen F. Austin League No. 4, Abstract No. 297, Galveston County, Texas; Said 31.89 acres being a portion of a call 82.01 acre tract of land recorded in the name of Delaney 1765 Realty, L.P. under Galveston County Clerk's File (G.C.C.F.) No. 2006011483; Said 31.89 acres of land being more particularly described by metes and bounds as follows (bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, based on GPS observations). The motion was seconded by Commissioner Cornett. **MOTION PASSED UNANIMOUSLY.**

- b. Discussion/possible action regarding the Guidelines for the La Marque Renaissance District as presented by the Economic Development Corporation.

Mr. Alex Getty, Director of the Economic Development Corporation, presented the Planning & Zoning Commission with an overview of the guidelines for the La Marque Renaissance District. The information he disseminated was as follows:

- The project started 14 months ago
- This project is part of Texas A&M's Texas Coastal Watershed Program (TCWP) to identify and revitalize the historic area of downtown.
- This project will give developers some guidelines for this area
- This document can be found at Downtown.CityofLaMarque.org
- The District will start at Laurel and 1st St.
- He asked if P&Z had any input or ideas

Collen Merritt, Public Relations Specialist, provided the Commission with a handout of the color chart for the color schematic for the district. Mr. Ortego inquired if the Renaissance District had been created at his point in time. Mr. Getty replied not officially. A discussion ensued concerning color pallets and sign requirements.

- c. Discussion/possible action regarding moving the date of the Planning & Zoning monthly meetings.

Mrs. Buttler, City Manager requested this item be tabled for future consideration.

Commissioner Gutierrez motioned to table the meeting date change for Planning & Zoning meetings. Commissioner Cash seconded. **MOTION PASSED UNANIMOUSLY.**

- d. Discussion/possible action regarding Commissioner training with HGAC and the American Planning Association.



1111 Bayou
La Marque, Texas 77568
409.938.9202

Sussie Sutton informed the commission that she would like to see all the Planning & Zoning commissioners become members of the American Planning Association and perhaps attend a few seminars as a group representing our city.

It was mentioned that several Planning & Zoning Commissioners had attended HGAC development training meetings and a lot of information was received and enjoyed by those that attended. It was mentioned that perhaps we could go to another session of training meetings or invite one of the instructors to come to La Marque to make a presentation on current topics faced by cities.

(7) CHAIRPERSON'S REPORT

Chair Bethea wanted to know if we would schedule the workshop next month. June 12th was discussed to have the workshop and meet in the back conference room.

Mrs. Buttler noted that we will need to have a joint meeting with City Council, Economic Development Corporation and Planning & Zoning Commission for the Neighborhood Empowerment zone. The meeting will have to be sometime in June 2018.

Mrs. Bethea asked if the Planning & Zoning Commission shirts had been ordered. Mrs. Buttler said they have been ordered.

(8) EXECUTIVE SESSION

There was no executive session.

(9) REQUESTS AND ANNOUNCEMENTS.

There were no requests nor announcements.

(10) ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 6:32 P.M.

Deanna Bethea, Chairperson
Planning & Zoning Commission

City of La Marque
Application for Property Rezoning

Date of Application 3/26/18 Fee Received \$450
Name of Agent Antonio Padua Phone 832-439-6762
Address 5599 San Felipe, Ste 911, Houston, TX 77056
Name of Owner Delaney 1765 Realty, LP Phone 713-207-2893
Address 9059 Katy Freeway, Ste 340
Property Description: See attached exhibit
Tract II in attached Survey
Address _____
Addition _____ Block _____ Lots _____
Plat of Area Attached ☒ Metes and Bounds Attached ☒

APPLICATION CHECKLIST

- ☒ **CERTIFIED PROPERTY OWNERS WITHIN 200-FEET OF THE PROPERTY-**
LISTS PRINTED MORE THAN TWO WEEKS PRIOR TO APPLICATION SUBMITTAL
MAY NOT BE ACCEPTED
(CENTRAL APPRAISAL DISTRICT (CAD)- 600 GULF FREEWAY (EXIT 13- CENTURY
BOULEVARD EXIT) 409/935-1980)
☒ **[SITE PLAN (TO SCALE) WITH EXISTING IMPROVEMENTS, DEVELOPMENTS,**
AND PROPERTY LINES [8-1/2X11] IF LARGER THAN 8-1/2X11, PLEASE FOLD TO
APPROPRIATE SIZE)
☒ **[SURVEY (TO SCALE) (2 COPIES)**
☐ **[CURRENT TAX RECEIPTS-COUNTY TAX OFFICE, 722 MOODY (766-2481**
☐ **[TITLE REPORT (IF LAND WAS PURCHASED WITHIN THE LAST 60 DAYS)**
☒ **[NON-REFUNDABLE APPLICATION FEE \$200.00 (PAYABLE TO THE CITY OF**
LA MARQUE 450.00

*** Office Use Only ***

Present Zone _____ Zone Requested _____
Public Hearing _____
Informal Discussion _____
Purpose Requested _____
Submitted to Planning and Zoning Commission:
Date _____
Approved _____ Denied _____ Other _____

Applicant's Certificate

I affirm that my statements contained in the Application are true and correct to the best of my knowledge.

Delaney 1765 Realty, L.P. by Lindsay & Moore Investment, LLC

Signed

by *Lindsay C Moore III* Member/Manager

Signed

Signed

Galveston CAD

Property Search Results > 397300 DELANEY 1765 REALTY LP for Year 2018

Property

Account

Property ID: 397300 Legal Description: ABST 2 S F AUSTIN SUR TR 98-3 33.351 ACRES
 Geographic ID: 0002-0098-0003-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: Mapsco:
 Neighborhood: AUSTIN, S F Map ID: 259-D
 Neighborhood CD: 0002.1

Owner

Name: DELANEY 1765 REALTY LP Owner ID: 487327
 Mailing Address: 9059 KATY FRWY STE 340 % Ownership: 100.000000000000%
 HOUSTON, TX 77024

Exemptions:

Values

(+) Improvement Homesite Value: + N/A
 (+) Improvement Non-Homesite Value: + N/A
 (+) Land Homesite Value: + N/A
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
 (+) Agricultural Market Valuation: + N/A N/A
 (+) Timber Market Valuation: + N/A N/A

 (=) Market Value: = N/A
 (-) Ag or Timber Use Value Reduction: - N/A

 (=) Appraised Value: = N/A
 (-) HS Cap: - N/A

 (=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: DELANEY 1765 REALTY LP
 % Ownership: 100.000000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax		
C32	LA MARQUE CITY	N/A	N/A	N/A	N/A		
CAD	APPRAISAL DISTRICT	N/A	N/A	N/A	N/A		
D02	DRAINAGE #2	N/A	N/A	N/A	N/A		

GGA	GALVESTON COUNTY	N/A	N/A	N/A	N/A
J05	MAINLAND COLLEGE	N/A	N/A	N/A	N/A
RFL	CO ROAD & FLOOD	N/A	N/A	N/A	N/A
S14	HITCHCOCK ISD	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:				N/A	
Taxes w/o Exemptions:				N/A	

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	PF	PF	33.3510	1452769.56	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	N/A	N/A	N/A	N/A	N/A	N/A
2017	\$0	\$1,004,100	0	1,004,100	\$0	\$1,004,100
2016	\$0	\$1,004,100	0	1,004,100	\$0	\$1,004,100
2015	\$0	\$1,004,100	0	1,004,100	\$0	\$1,004,100
2014	\$0	\$1,004,100	0	1,004,100	\$0	\$1,004,100
2013	\$0	\$1,004,100	0	1,004,100	\$0	\$1,004,100
2012	\$0	\$1,004,100	0	1,004,100	\$0	\$1,004,100
2011	\$0	\$1,004,100	0	1,004,100	\$0	\$1,004,100
2010	\$0	\$1,312,160	0	1,312,160	\$0	\$1,312,160
2009	\$0	\$1,640,200	0	1,640,200	\$0	\$1,640,200
2008	\$0	\$1,640,200	0	1,640,200	\$0	\$1,640,200
2007	\$0	\$1,640,200	0	1,640,200	\$0	\$1,640,200

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/14/2006	SWD	SPECIAL WARRANTY DEED	ABUNDANT LIFE CHRISTIAN	DELANEY 1765 REALTY LP		2006011483	2006011483
2	1/28/2000	WV	WARRANTY DEED	LAMARK 4 LAND	ABUNDANT LIFE CHRISTIAN		014-27-0920	014-27-0920

Tax Due

Property Tax Information as of 03/26/2018

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (409) 935-1980

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.14

Database last updated on: 3/25/2018 8:40 PM

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[illegible]

Geospatial or map data maintained by the Galveston Central Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate relative location of property boundaries.

ID	NAME	ADDRESS	CITY	ST	ZIP
403275	EXP-DD #2	PO BOX 624	LA MARQUE	TX	77568-0624
403274	EXP-DD #2	PO BOX 624	LA MARQUE	TX	77568-0624
131493	RADWAN ABDELRAZEK	7210 LAWNDAL ST STE F	HOUSTON	TX	77012-2970
131443	KB HOME LONE STAR INC	11314 RICHMOND AVE	HOUSTON	TX	77082-2616
131485	SAPIENTIA EDUCATION ASSOCIATION INC	271 FLAX HILL RD	NORWALK	CT	06854-2505
131487	HARPER BOBBY J	PO BOX 72	HITCHCOCK	TX	77563-0072
131489	ALEXANDER PHILLIP III & SHERYL	133 ENGLEWOOD DR	LEAGUE CITY	TX	77573
133193	TURNER ROBERT W	401 DELANEY RD	LA MARQUE	TX	77568
403271	EXP-DD #2	PO BOX 624	LA MARQUE	TX	77568-0624
720909	TRAILS AT WOODHAVEN LAKES LTD	5599 SAN FELIPE ST STE 911	HOUSTON	TX	77056-2749



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018
Prepared by: Carol Buttler
Department: Administration

Agenda item: _____
Reviewed by: _____

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Resolution No. **R-2018-0016** to suspend Texas-New Mexico Power's electric rate increase request for the maximum period allowed by law

X

ATTACHMENTS FOR REFERENCE

1. Resolution
2. Texas-New Mexico Memo dated May 30, 2018

STAFF BRIEFING:

- City of La Marque received Statement of Intent from TNMP on May 30, 2018, indicating a desire to increase residential customer rates by 23.4% and street lighting rates by 11.8%.
- The City is a member of a coalition of cities known alternatively as Cities Served by TNMP (Texas-New Mexico Power), whose primary focus is to advocate for the public interest before the Public Utility Commission (PUC)
- Cities Served by TNMP is working together to review TNMP's application and, through legal counsel (Lloyd Gosselink), prepare a common response and negotiate with TNMP.
- Adoption of the resolution would suspend the July 5, 2018 increase effective date for the maximum period permitted (90 days) to allow evaluation of filing, legal compliance and to develop strategy.
- Resolution also authorizes the hiring of Lloyd Gosselink and consultants to represent the City in this matter, and to negotiate on our behalf in settlement discussions, etc.
- If the City fails to take action before the effective date, TNMP's rate request is deemed approved.
- TNMP will reimburse the cities for their reasonable rate case expenses. No individual city will incur liability for payment of rate case expenses by adopting a suspension resolution.
- Records indicate that no electric rate increases have been requested by TNMP since before 2015.

HISTORY:

5.30.2018 – Texas-New Mexico Power filed Statement of Intent to changes electric delivery rates

TARGET IMPLEMENTATION: June 11, 2018

SIGNIFICANT ACTION DATES: N/A



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|--|
| ☐ Ordinance | ☒ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Items #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Resolution No. **R-2018-0016** to suspend Texas-New Mexico Power's electric rate increase request for the maximum review period allowed by law

FISCAL IMPACT: Dependent upon outcome of review period.

RESOLUTION NO. R-2018-0016

RESOLUTION OF THE CITY OF LA MARQUE, TEXAS SUSPENDING THE JULY 5, 2018 EFFECTIVE DATE OF TEXAS-NEW MEXICO POWER COMPANY'S (TNMP'S) REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER TNMP CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about May 30, 2018, Texas-New Mexico Power Company (TNMP), pursuant to PURA §§ 33.001 and 36.001 filed with the City of La Marque a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area effective July 5, 2018; and

WHEREAS, the City of La Marque is a member of the coalition of TNMP Cities and will cooperate with the other similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

1. That the July 5, 2018 effective date of the rate request submitted by TNMP on or about May 30, 2018, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. That the City is authorized to cooperate with other cities served by TNMP to coordinate efforts to protect the interests of the City and protect the interests of TNMP's end-use customers residing and conducting business within municipal limits.

3. Subject to the right to terminate employment at any time, the City of La Marque hereby authorizes the hiring of Thomas Brocato and Christopher Brewster of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

4. That the City's reasonable rate case expenses shall be reimbursed by TNMP.

5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

6. A copy of this Resolution shall be sent to TNMP, care of Scott Seamster, Corporate Counsel, 225 E. John Carpenter Freeway, Suite 1500, Irving, Texas 75062-2282 and to Thomas Brocato, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

CITY OF LA AMRQUE, TEXAS

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

Mr. Brocato's Direct Line: (512) 322-5857
Email: tbrocato@lglawfirm.com

MEMORANDUM

TO: TNMP Cities/Gulf Coast Coalition of Cities

FROM: Thomas L. Brocato
Christopher L. Brewster 

DATE: May 30, 2018

RE: Texas-New Mexico Power Company's Statement of Intent to Increase Rates
Suspension Packet

ACTION REQUIRED BY JULY 5, 2018

On May 30, 2018, Texas-New Mexico Power Company (TNMP) filed a Statement of Intent to Increase Rates with all cities in its service area that retain original jurisdiction. The Company is seeking a \$33.3 million rate increase. **If approved, the \$33.3 million increase would raise rates for the average residential customers by \$12.21 per month.**

The rate increase requested by TNMP **will become effective on July 5, 2018, unless the city takes action to suspend the effective date.** The statute permits cities to extend the effective date by up to 90 days in order to study the filing. **The city must take action to suspend the effective date by July 5, 2018.** If your city does not have a regular council meeting scheduled before July 5 or is otherwise unable to take action on the suspension resolution by July 5, please contact me as soon as possible.

Attached to this memo is a model suspension resolution and staff report. It is possible that TNMP local managers may be providing cities with a model denial resolution and recommending that the city immediately deny the rate request. **We do not recommend that you deny the request at this time.** Suspending the effective date allows cities more time to review the application and decide on the final action, including settlement or denial of TNMP's requested rate increase.

If you have any questions, please feel free to contact Thomas (512/322-5857, tbrocato@lglawfirm.com).

MODEL STAFF REPORT

*****ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE ON OR BEFORE JULY 5, 2018*****

PURPOSE

Texas-New Mexico Power Company (TNMP or the Company) filed an application on May 30, 2018 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$33.3 million. The Company asks the City to approve a 23.4% increase in residential rates and a 11.8% increase in street lighting rates. Monthly rates would increase by approximately \$12.21 for an average residential customer.

The resolution suspends the July 5, 2018 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, TNMP's rate request is deemed approved.**

DISCUSSION

The City of _____ is a member of a coalition of cities known alternatively as the Cities Served by TNMP and the Gulf Coast Coalition of Cities (TNMP Cities). The Coalition has been in existence since the early 1990s. TNMP Cities have been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for over 20 years.

Explanation of "Be It Resolved" Paragraphs:

Section 1. The city is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on TNMP's request to raise rates by October 3, 2018.

Section 2. This provision authorizes the City to participate in a coalition of cities served by TNMP in order to more efficiently represent the interests of the City and their citizens.

Section 3. This provision authorizes the hiring of Lloyd Gosselink and consultants to represent the City in this matter. It also provides authority for the attorneys and consultants to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperation in a common review and common purpose. Additionally, rate case expenses are minimized when cities hire one set of attorneys and experts who work under the guidance and control of the cities.

Section 4. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the TNMP Cities will submit monthly invoices that will be forwarded to TNMP for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 5. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 6. This section provides that both TNMP's counsel and counsel for the cities will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018
Prepared by: Suzy Kou
Department: Finance

Agenda item: 9g
Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Resolution No. **R-2018-0017**, to formalize a City Travel Policy that was established in previous years.

☒

ATTACHMENTS FOR REFERENCE

1. Resolution
2. Proposed City Travel Policy for City employees

STAFF BRIEFING:

- Over the last 12-18 months, staff has been reviewing policies from other cities and updating our practices to ensure efficiency and compliance with current IRS regulations.
- Staff from each department met to discuss procedures and clarification under various scenarios.
- Proposed policy only applies to City employees.

HISTORY: N/A

TARGET IMPLEMENTATION: June 11, 2018

SIGNIFICANT ACTION DATES: N/A

ACTION:

- | | |
|--|--|
| ☐ Ordinance | ☒ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Items #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to adopt Resolution No. **R-2018-0017**, to formalize a City Travel Policy that was established in previous years.

FISCAL IMPACT: N/A

RESOLUTION NO. R-2018-0017

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, ADOPTING THE CITY OF LA MARQUE TRAVEL POLICY FOR ALL CITY BUSINESS TRAVELS BY CITY EMPLOYEES; PROVIDING FOR AN EFFECTIVE DATE, AND SETTING FORTH OTHER RELATED MATTERS.

WHEREAS, the City will update the Travel Policy as needed based on legislative changes; and

WHEREAS, the governing body of the City shall adopt a resolution to approve the City Travel Policy for all City business travels by all City employees; and

WHEREAS, the Travel Policy, attached as Exhibit “A”, shall be effective June 11, 2018, **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. That the City of La Marque Travel Policy, attached hereto as “Exhibit A” is hereby adopted as the travel policy of the City of La Marque, effective June 11, 2018.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov’t Code*.

Section 4. Effective Date. This resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on this the _____ day of _____, 2018.

THE CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

Page 2, Resolution No. R-2018-00
Travel Policy

APPROVED AS TO FORM:

Ellis J. Ortego, City Attorney

EXHIBIT A

TRAVEL POLICY

CITY OF LA MARQUE



Revised February 27, 2018

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1. Policy Statement

- This Travel Policy has been formulated to protect the interest of the City of La Marque and ensure consistent treatment for all.
- This policy governs expense allowances for employees, Boards, Commission, and City representatives who travel on official City business.
- For purposes of this policy, those traveling on official City business will be referred to as the “traveler”.

2. Scope

- Travel includes, but may not be limited to, workshops, seminars, webinars, conferences, training, and local government networking events.
- Travelers who travel on official City business and/or to promote the interest of the City are required to adhere to the regulations set forth in this policy.
- The City will not compensate travel expenses for any traveler whose travel does not promote the interest of the City of La Marque.

3. Pre-Authorization for Travel

- All travelers travel and other business-related expenses will be authorized and enforced by Department Director, Finance Director, and City Manager.
- The Department Director is also responsible for ensuring that all requests for activities requiring travel are official City business, relating to the duties and responsibilities of the traveler making the request, before sending to Finance Director or City Manager.
- The City Manager is authorized to approve travel for Municipal Judges and City Attorney.

- The City Manager is also authorized to approve travel for members of the various commissions, boards and committees.
- City Manager's travel will be acknowledged/approved by City Clerk.

4. Approval Guidelines

Travelers are expected to exercise good judgment regarding travel expenses and have proper regard for economy in conducting business away from the City of La Marque.

Travel Request and Expense Authorization (hereafter called "Travel Authorization")

- Advanced approval shall be obtained prior to any travel which requires payment for registration, materials, meals and/or overnight stay.
- Before registering for or booking a trip, the traveler shall submit a Travel Authorization, unless it's not practical under the circumstances as determined by the City Manager.
- The Travel Authorization serves as authorization for an individual to take normal working time off to travel on City-related business and authorizes any advances to be issued (i.e., hotel expense, meal per diem, mileage, etc.).
- The Travel Authorization shall be accompanied by pertinent conference brochures, agendas, or schedules of meetings and state the nature of the trip, destination, dates of the beginning and end of official leave, and travel cost.

Budgeted Travel

- All travelers' expenditures should be budgeted and approved in advance by the Department Director.
- All travel requests shall be approved by the City Manager.

Expenses Covered

- The expense classifications in Section 5 of this policy are for information and guidance in determining which expenses are appropriate and reasonable when traveling on City business.
- The list is intended as a guide and is not necessarily all-inclusive. Discretion remains with the City Manager in approving travel expenses to provide for unusual circumstances.

Expenses Not Covered

- Items specifically prohibited include the purchase of personal items, personal expenses, adult entertainment, alcoholic beverages, pay-for-view movies, health club charges, laundry or dry cleaning charges, etc.
- If travel time is extended for non-City related business, reimbursement will not be made for any expenses incurred for the additional stay unless it is properly documented and approved by City Manager as an Extraordinary Expense.

5. Business Travel

Travel on official City business is considered either local business travel or extended business travel.

Local Business Travel

Local business travel is considered travel that is fifty (50) miles or less from City Hall to the destination site.

- Registration fees are eligible expenses for local business travel.
- Mileage reimbursement is an eligible expense for local business travel except for a traveler receiving a car allowance. Mileage is calculated from City Hall to the destination site.
- For mileage reimbursement, the traveler shall submit a Check Request and attach a Local Mileage Reimbursement form including a Google map for each traveled destination.

- This form is strictly used for local business mileage using the traveler's personal vehicle. This form is only for mileage reimbursement and no other expenses can be claimed on this form.
- Local business meals are reimbursable with the approval of the Department Director before submitting to Finance Director and City Manager.
- No advances will be given for local business meals. Only legitimate business meals may be reimbursed.
- Traveler must provide supporting documentation detailing the date, place, name of individuals attending and subject matter discussed along with detailed itemized receipts in order to obtain reimbursement for local business meals.
- If it is determined that a reimbursed meal is not a legitimate business expense, this amount will be considered taxable earnings and reported as income to the IRS.
- A credit card payment receipt is not a qualified form of receipt to submit for reimbursement.

Extended Business Travel

- Extended business travel refers to travel that is more than fifty (50) miles from City Hall.
- Travelers assigned vehicles shall attempt to take the assigned vehicle before taking personal.
- Eligible expenses while traveling on extended business travel are registration, mileage reimbursement (private automobile only except for those with car allowance), meal per diem allowance, air travel, lodging, car rental and incidental travel expenses such as:
 - Registration fees for conferences, seminars and conventions are paid by the City, if deemed as City business.
 - Registration prepaid by the City shall include documentation (copy of completed registration form, dates of trip, costs, location, times, etc.).

- If the registration is not prepaid and the traveler receives the amount as part of his/her travel advance, a registration receipt shall be included with supporting material upon submission of the post-travel expense report using the Travel Authorization form.
- A traveler traveling on extended business in their private automobile may request mileage reimbursement (except for those with car allowance).
- If a traveler takes their issued City vehicle, their fuel card shall be used for gasoline purchases.
- The standard business mileage rate as determined by the IRS Publication 463 (www.irs.gov) is used to calculate mileage reimbursement.
- Google Maps shall be used to determine mileage distance and the printed driving directions are required to be submitted with the Travel Authorization prior to travel.
- Mileage is calculated from City Hall to the destination site. In addition, mileage reimbursement may be requested when one must travel from the hotel to an off-site conference/training location.
- When two or more people are traveling to the same destination, every effort should be made to utilize one vehicle.
- Reimbursement will be made for one vehicle only, unless prior approval by the City Manager.
 - It is preferred that reimbursement for mileage does not exceed the lowest applicable round trip airfare (including incidental expenses such as cab fares or a rental car); however, it is subject to City Manager's approval.
 - Any supplemental mileage shall be paid upon return of the travel and submission of all required supporting documents approved by the Department Director.
 - Insurance coverage is the responsibility of the traveler, as the City will not be responsible for costs incurred due to an accident. Mayor, City Council, City Employees, volunteers, Boards & Commissions are

covered for personal injury while traveling on official City business under workers' compensation.

- Per IRS regulation, per diem rates are only allowed while a traveler is traveling away from home on business.
- The City will use the current Meals & Incidental Expenses Rate (M & IE rate) according to the IRS guidelines at www.gsa.gov/perdiem.
- Incidental expenses such as tips are already provided in the per diem allowance.
- The Travel Authorization shall include a copy of the appropriate expenses for the specific locale.
 - When meals are provided at trainings/conferences/seminars and are included in the registration fees, per diem will not be given for the meal except when limitations of an individual cannot be accommodated by the conference organizers, or when the exception is approved by the City Manager.
 - Recreational conference activities that are separate ticketed events not included in the base conference registration fee will not be paid for without prior approval of the City Manager (to be noted on the request for travel authorization). Spousal tickets will not be paid by the city.
 - Per diems are allowed on a travel day, including a day preceding or following the conference/seminar depending on the start time and end time of training/conference/seminar.
 - Per diem on the first and last day of travel is limited to a maximum of 75% of standard GSA rate.
 - Per diem allowance shall be requested as part of the Travel Authorization for approval.
 - Receipts are not required when using the M & IE per diem allowance.
 - Per diems shall be approved by the Department Director, Finance Director and City Manager.

- In booking air travel, officials and travelers should compare stated rates and those available over the internet to assure the best price available at the time of scheduling.
 - Only “coach” flights will be authorized for air travel to conferences or meetings.
 - Advance purchase, non-refundable tickets are considered standard air travel as well as luggage fees limited to 2 bags per traveler.
 - In some instances, other classes of airfare may be requested but prior approval shall be obtained by the City Manager. A receipt is required to be submitted.
- Overnight lodging is an eligible expense if the destination is at least fifty (50) miles (one-way) from City of La Marque City Hall.
 - Request for overnight lodging when the seminar/conference destination is within fifty (50) miles of City of La Marque City Hall may be allowed subject to the authorizations established in Section 3.
 - If attending a conference where a block of rooms is designated for attendees at a reduced rate, the City will pay or reimburse the traveler, the reduced rate. If the block room rate is unavailable, then the City will pay the standard room rate at the same hotel or a comparable hotel.
 - Travelers are encouraged to find rates lower than the blocked rates.
 - If a traveler’s family member or friend accompanies them on travel, the traveler shall pay the difference between the standard room rate and any upgraded rate.
 - As a general rule, the day preceding the day in which a conference or seminar begins is considered a travel day.

- Lodging expense is eligible for the night preceding the conference/seminar. However, if the conference does not begin until mid-day, lodging expense for the preceding night is not eligible unless approved by the City Manager.
- If the return trip home can be made reasonably the same day the conference ends, reimbursement for an additional overnight stay will not be eligible.
- An itemized hotel receipt is required for any overnight stay and it shall indicate the room rate.
- Tax exempt forms will be provided upon request from the Finance Department.
- Car rental at the destination site will be reimbursed if the cost to the City is less than other modes of transportation, such as taxi, bus or shuttle. It is preferred that the traveler use the most economical car available.
- If shuttles are available to/from airport and conference site, a car rental will be deemed unnecessary.
- Any exceptions require City Manager approval.
- A car rental receipt is required to be submitted as part of the post Travel Authorization.
- There may be occasions when, for the City's benefit, extraordinary expenses may be warranted. Extraordinary expenses must be justified in writing and properly documented before the City Manager considers for approval for reimbursement.
- Receipts are required for reimbursement of additional expenses.
- Additional expenses that may be reimbursed include:
 - Public transportation (i.e., taxicab, bus, shuttle) between hotel and conference/seminar location, to/from airport and hotel, etc.;
 - Toll fees;

- Parking for both private (including rental) and city vehicles;
- Internet access fees for business purposes; and
- Fuel purchased for rental automobiles (fuel for private vehicles included in mileage request). If traveler does not have a City-issued fuel card, any fuel purchased for a City-issued vehicle will be reimbursed, as long as receipts are provided.
- Any additional mileage incurred beyond initial request will only be reimbursed if it exceeds 5 or more miles. Less than 5 miles will not be reimbursed.

6. Pre-Travel Payment

Travel Advances

- Travelers are encouraged to use a Travel Card for all allowable expenditures not covered by the M & IE per diem.
- If a traveler chooses not to use it, the traveler has the option to pay the expenses out of pocket and be reimbursed upon return and submission of the Post-Travel Expense Report.
- M & IE travel advances are intended to cover the cost of meals and mileage only.
- Travel Advance requests shall be submitted at least 10 business days prior to travel.
- It is the Departments' responsibility to take in account holidays recognized under City Policy when submitting travel advances.

7. Post Travel Process/Expense Reporting

- City Employees, Boards & Commissions or Committee members who travel are responsible for reconciling their travel expenses, which are subject to audit by the Finance Department.

- Traveler's post-travel expenses will be submitted on the Travel Authorization previously submitted by the traveler prior to their travel.
- The traveler is required to submit all travel expense documents other than travel advance items no later than ten (10) business days upon their return from local or extended business travel.
- The traveler must have all the proper documentation with itemized original receipts attached to the Travel Authorization to avoid a delay in reimbursement or closure of the travel advance.
- Payment for reimbursements will not be processed without submission of the required documentation.
- Travel Authorization for expense reconciliation is reviewed and verified by the Finance Director, then forwarded to Finance Department for final auditing.
- Additional travel advances for that traveler will not be considered until all outstanding advances, receipts and/or monies for that traveler are submitted to the Finance Department.
- In reference to IRS Publication 463, expenses that exceed the limits set forth in this travel policy are considered as not adequately accounted for and will be reported as income.
- Travel Authorization must reflect only those expenses incurred by the qualified traveler. Falsification of travel expenses shall result in corrective action, up to and including discharge from employment.

Recap - Six Steps For Travel





Travel Request & Expense Authorization

Traveler's Name: _____
 Department: _____
 Purpose of Trip: _____
 Destination: City _____ State _____
 Duration: From _____ To _____

FUNDS REQUESTED

Description	Account Number	Form of Payment	Estimate	Actual
Registration Fees				
Lodging				
Mileage _____ @ . _____				
Per Diem				
Miscellaneous				
TOTAL COSTS			\$	\$

Comments: _____

For Illustrative Purposes Only
 Please use Travel Request &
 Expense Auth in Travel Forms
 located in Public Folder on
 Network

PRE-TRAVEL AUTHORIZATION

I am knowledgeable of and agree to adhere to the policies and rules set forth in the City of La Marque Travel Policy. I further agree to turn in all receipts and monies owed within 10 business days or funds advanced to me will be deducted from my payroll.

Individual Traveling	-	Date	Department Director (or Authorized Designee)	-	Date
Finance Director	-	Date	City Manager	-	Date

Reconciliation:

Total Advance \$ _____
 Less Total Actual (\$ _____)
 Difference \$ _____

Signature _____ Date _____

If Difference is less than \$0.00, this amount is refunded to Employee

POST TRAVEL AUDIT

Finance Director - Date	Finance Department Auditor - Date
-------------------------	-----------------------------------



LOCAL MILEAGE REIMBURSEMENT

[illegible]



Business Meal Reimbursement Form

(Attach detailed receipts)

Name:

Date of Expense:

Amount:

Location:

Business Discussed:

Persons in Attendance:

For Illustrative Purposes Only

Please use Business Meal Reimb in
Travel Forms located in Public
Folder on Network

By signing below, the traveler certifies that the above information is true, to the best of their knowledge. If an item is determined not to be City related or sufficient detail is not provided, the meal will be reported as income to the IRS.

Signature

Date

8 Frequently Asked Questions

If traveling for 1/2 day or all day on local business travel, does the traveler get a per diem for lunch?

No, lunch for local business travel is only allowed if attending an official business function for at least eight (8) hours.

Example: If you attend an eight hour seminar in Texas City, a lunch per diem will be a provided expense if lunch is not provided.

When traveling on extended business travel, is the day before the start of a seminar or conference considered a travel day? Would I be allowed dinner per diem for the travel day?

Depending on the travel time and the start time of the conference, the travel day preceding a conference or seminar may include full day or partial day per diems.

If I attend a seminar where lunch is included with registration but I opt to eat lunch elsewhere, will my meal be reimbursed if submitted with a receipt?

No. If your meal is included with the registration, any meal expense incurred by the travelers traveling will not be reimbursable, unless City Manager approval is obtained in advance.

Is an itemized hotel bill needed or is just a receipt acceptable?

An itemized hotel bill is required. A hotel receipt reflecting the advance payment is not acceptable.

Does the City pay for tips to the baggage handlers and waiters?

Yes, however, this amount is included in the per diem rate and cannot be listed separately on the travel expense report.

Is a traveler allowed mileage reimbursement if he/she travels in a city vehicle or a rental car?

No, however, fuel is allowed (receipt required) if the traveler is using a city vehicle or rental car.

Will the City pay for flight insurance?

No, flight insurance is not a reimbursable expense.

Does the City pay for taxi tips?

Yes, reasonable (20% max) taxi tips are reimbursable with a receipt.



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Les Rumburg

Department: Public Services

Agenda item: 10a

Reviewed by: *Carol Buttler*

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding terminating the professional services agreement with Municipal Operations and Consulting (MOC), effective June 15, 2018.

X

ATTACHMENTS FOR REFERENCE

1. MOC's Notice of Resignation dated 5.1.2018
2. Current agreement with MOC

STAFF BRIEFING:

- In February of 2017, the City entered into a professional services agreement with MOC to provide administrative services for Water and Wastewater operations.
- MOC has been instrumental in helping to identify, repair and update much of the City's facilities associated with water distribution and waste water treatment.
- Their presence during the transition from "coarse-" to "fine-bubble" aeration was helpful in assuring the success of that \$2 million project.
- MOC, a Spring, Texas-based operation, has now determined that their resources are stretched too thin to adequately provide the level of service we need.
- MOC has also agreed to provide transitional services for a minimum of at least thirty days, and to make their supervisory-level employees available on an as-needed basis – all with the intent of providing as seamless a transition as possible.

HISTORY:

2.1.2017 – City enters into agreement with MOC

6.26.2017 – City Council ratifies previous, emergency agreement for use of MOC and agrees to longer-term arrangement

5.1.2018 – City received MOC's Notice of Resignation as per agreement's 30-day notice

TARGET IMPLEMENTATION: June 15, 2018

SIGNIFICANT ACTION DATES:

07.10.2017 – Contract presented to and approved by City Council



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Termination of Agreement | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:	
Budgeted	\$195,780.00
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	Professional Fees
Line Items #	02-4040-24
Other Funding	

STAFF'S RECOMMENDATION: Discussion/possible action regarding terminating the professional services agreement with Municipal Operations and Consulting (MOC), effective June 15, 2018.

FISCAL IMPACT: No additional impacts as budget remains the same with new agreement.



May 1, 2018

Mr. Les Rumburg
Public Works Director
1111 Bayou Road
La Marque, TX 77568

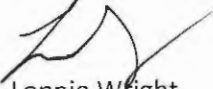
RE: Letter of Resignation

Dear Mr. Rumburg,

It is with regret that Municipal Operations & Consulting, Inc. is submitting our 30 – day resignation from the date of this letter in accordance with section 4.01 – Term and Termination in the contract.

It has been a pleasure working with City of La Marque and Municipal Operations & Consulting will do everything in its power to make this transition as smooth as possible.

Sincerely,



Lonnie Wright
Owner

PROFESSIONAL SERVICES AGREEMENT

SANITARY SEWER TREATMENT PLANT, LIFT STATIONS AND WATER PLANT OPERATIONS

THIS AGREEMENT, entered into effective February 1, 2017 by and between **The City of La Marque, State of Texas, hereinafter referred to as “City”**, and **MUNICIPAL OPERATIONS & CONSULTING, INC., hereinafter referred to as “OPERATOR”**, a Texas corporation having its principal place of business at 27316 Spectrum Way, Oak Ridge North, Texas 77385.

WHEREAS, City presently owns or shall acquire water supply facilities, wastewater treatment facilities, and wastewater lift stations, located on property or in easements dedicated to the City or to be acquired by the City (collectively, the “Facilities”); and

WHEREAS, City wishes to obtain services for the operation, maintenance, and management of its Facilities which are located in GALVESTON COUNTY, TEXAS; and

WHEREAS, Operator is willing to render such services to the extent and in manner hereinafter provided;

NOW THEREFORE, THIS AGREEMENT WITNESSETH, that

For and in consideration of the mutual undertakings herein contained, City and Operator agree as follows:

I.

1.01– GENERAL

Operator hereby agrees to operate, maintain, and manage the Facilities under this Agreement beginning February 1, 2017 and continuing during the term hereof as hereinafter defined on the terms and conditions stated herein. Operator shall be considered an independent contractor and not an employee under this Agreement.

1.02 – DEFINITIONS

As used herein, the following terms shall have meanings as follows:

- A. “OPERATION” shall consist of furnishing all of the necessary personnel, services, tools, equipment, materials, supplies and transportation in order to

provide efficient operation of the Facilities. Operation shall include, but shall not be limited to, providing the necessary service in (1) the efficient distribution of water from the City's water supply plant through its water distribution system, and (2) the efficient collection and movement of normal domestic and commercial sewage discharged into the City's sewage collection system.

- B. "MAINTENANCE" shall consist of cleaning, lubricating and adjusting equipment necessitated by operation and will include replacement or repair, when needed, of those parts of equipment or other components, which are expected to require replacement or repair in the operation of facilities of the type, which constitutes the Facilities.
- C. "FACILITIES" shall consist of the following:
 - 1. Water supply plant
 - 2. Wastewater treatment plant
 - 3. Sanitary sewer lift stations
- D. "CITY'S REPRESENTATIVE" shall mean the City's Public Works Director or any individual designated by the Mayor and Council of the City, or in the absence of such designation, the City Manager.
- E. "OPERATION AND MAINTENANCE MANUAL" or "O & M MANUAL" shall include the following:
 - 1. Available manufacturers' manuals prepared for all equipment used in connection with the Facilities and such other written lubrication schedules with change dates, maintenance schedules, and machinery specifications as are necessary for the proper operation and maintenance of the Facilities;
 - 2. A list of inventory items to be used for minor and emergency repairs for each of the Facilities;
 - 3. A written operating log containing a daily record, notations regarding the use of all supplies and all repairs or replacements performed; and
 - 4. Such other matters within the scope of the Operator's work which the City may reasonably request.
- F. "EXPENDABLE SUPPLIES" shall mean lubricants, packing, charts, cleaning agents, chemicals, chlorine, office supplies, and all other similar nondurable items, which do not become affixed to the Facilities.

- G. "BASIC SERVICES" shall mean those routine operation and maintenance functions specified in Section 2.01 of this Agreement.
- H. "ROUTINE REPAIR AND REPLACEMENT" shall mean the labor, tools and transportation required for the repairs, replacement and adjustment of those parts or equipment, which are expected to require replacement or repair in the normal operation of facilities of the type which constitute the Facilities. Said definition shall also mean such repair and replacement necessitated in the performance of duties prescribed by the O & M Manual. "Routine Repair and Replacement" shall not include repair or replacement of Facilities damaged by third parties, obsolescence, or other factors not within Operator's control.
- I. "EXTRAORDINARY REPAIR AND REPLACEMENT" shall mean labor, tools and transportation not defined as "Routine Repair and Replacement."

II.

COMPENSATION TO OPERATOR

2.01- COMPENSATION TO OPERATOR

Operator shall receive compensation for performance of basic services and its duty to operate and maintain the Facilities in a proper and workmanlike manner, in accordance with Attachment "A", attached hereto. Any rate increases shall be effective only after approval by City.

2.02 – COMPENSATION POLICIES

The compensation to be paid to Operator herein is exclusive of any tax, assessment, regulatory expense or other charge which may be imposed by any governmental authority upon City and paid by Operator as a result of performing its obligations pursuant to the Agreement other than taxes upon the purchase of material, supplies, and parts. In the event Operator is required by applicable law or regulation to pay or collect any such tax, assessment, regulatory expense or other charge on account of this Agreement or its performance hereunder, then the amount thereof shall be reimbursed to Operator by City (in addition to the compensation provided hereinabove) at the next regular meeting of City. It is understood however, that the Operator shall be responsible at its own expense for all corporate income and franchise taxes arising out of its operations, and regulations with respect to or measured by the compensation (wage, salary or other) paid to employees of Operator and its subcontractors for work covered by this Agreement, including, but not by way of limitation, taxes or contributions for annuities, and disability insurance. **Operator shall defend, indemnify and hold City harmless from any liability for any and all such taxes or contribution or interest or penalties for failure to pay it.**

2.03 – BILLING AND PAYMENT

Unless otherwise agreed upon in writing during the initial or any renewal terms of this Agreement, Operator will submit prior to City's regularly scheduled meeting, a statement to City's bookkeeper or City's Representative reflecting charges for the previous billing period in accordance with this Agreement. Said statement shall include an itemization of all amounts requested for payment during the billing period, with supplementary invoices attached thereto, if requested by the City. Said statement or said invoices shall include the date, price and description of all items purchased and the rate per category and description of the nature of all labor and equipment utilized. If the statement is approved by the City's Representative or City, then such statement shall be due and payable forty-five (45) days after the date of said meeting; provided, however, that any such notification shall not preclude the withholding of approval of any additional items by the Council of City at said meeting. In the event City's Representative withholds approval on any item or items in the statement, the City's Representative shall notify Operator at least one day in advance of said meeting. Any dispute involving payment of any item or items on the statement shall be resolved by City, subject to any legal or equitable remedy available to Operator. Payment of said item or items by City shall not be unreasonably withheld. Operator however shall be entitled to payment of the balance of said statement in the event that payment of any item or items in the statement are withheld pending resolution of a dispute.

If the City fails to make payment under this Agreement to the Operator of any undisputed sum named in any partial or final statement, when the payment is due and has not been lawfully contested by City, City shall pay to the Operator in addition to the undisputed sum shown as due by such statement, interest thereon at a rate of ten percent (10%) per annum, accruing from the 46th day following the District's meeting until fully paid. Interest shall not accrue on any disputed sum(s) unless said sum(s) remain unpaid for more than forty-five (45) days following resolution of dispute.

Maintenance and operation expenses attributable to components of the Facilities which are owned or shared by City and other parties ("joint facilities") shall be identified as such on Operator's records and shall be separated from other statements presented to City for payment.

All materials and supplies purchased by the Operator are purchased on behalf of the City and are labeled as the City's property. The title to the purchased materials and supplies passes to the City before such goods are used. For non-emergency repairs we will get approval for work over \$5,000.

2.04 – ADDITIONAL COMPENSATION

In addition to the compensation provided for Basic Services herein Operator shall receive the additional compensation specified in this section 2.04. Operator shall not be additionally compensated for providing Basic Services, except as provided below. No overhead reimbursements or markups shall be paid by City except as provided below. City shall not be obligated to pay charges in excess of rates listed in Operator's Rate Schedule, except in emergency cases specified in Section 2.02 herein. Operator shall receive the following additional compensation;

- A. For performance of Extraordinary Repair and Replacement specified in section 1.02 herein. Unless specifically noted otherwise, all labor required for the performance of duties listed shall be considered Routine Repair and Replacement;
- B. For purchase of inventory items, expendable supplies, chemicals, parts, equipment or other replacement components of the Facilities, whether installed, repaired or replaced as Routine or Extraordinary Repairs and Replacements. City shall pay Operator invoice amount with no additional markup.
- C. For the cost of all testing required by all controlling agencies and applicable laws, permits and regulations as specified in Exhibit B, herein;
- D. For any requested site maintenance, including mowing;
- E. For payment of subcontractors' invoices by Operator, City shall pay Operator the subcontractors' invoice fees plus ten percent (10%), subject to the provisions of Section 3.02 (C), herein;
- F. For any fees or assessments associated with the filing of any applicable regulatory requirements; and
- G. For any reports or filings not currently required.

III.

INSURANCE AND INDEMNIFICATION

3.01– INSURANCE AND INDEMNIFICATION

Upon execution of this Agreement, Operator will furnish City with Certificates of insurance in a company or companies satisfactory to City, evidencing:

- A. Workers Compensation (statutory amount)
- B. Comprehensive General Liability including coverage of risks mentioned hereinafter in amounts not less than:
 - 1. General Liability \$1,000,000/ person
 \$1,000,000/ occurrence
 \$2,000,000/ aggregate
 - 2. Business Auto \$1,000,000/ occurrence

Such policies of insurance shall name City as an additional insured. The certificates of Insurance shall provide that City shall be provided thirty (30) days prior written notice of any cancellation or reduction of insurance coverage.

3.02– INDEMNIFICATION

- A. OPERATOR SHALL INDEMNIFY THE CITY AND HOLD THE CITY AND ITS REPRESENTATIVES, CONSULTANTS (OTHER THAN OPERATOR) AND AGENTS (COLLECTIVELY THE “CITY INDEMNITEES”) HARMLESS FROM AND AGAINST CLAIMS, CAUSES OF ACTION, LOSSES, DAMAGES, SUITS, JUDGEMENTS, AND LIABILITY OF EVERY KIND OF CHARACTER, WHETHER IN CONTRACT, TORT OR OTHERWISE, INCLUDING ALL COSTS, ATTORNEYS’ FEES, AND COURT COSTS, WHICH ARE CAUSED BY, ASSOCIATED WITH OR ARISE OUT OF THE INTENTIONAL, WILLFUL, RECKLESS OR NEGLIGENT (WHETHER ACTIVE, PASSIVE OR GROSS) ACTS OF OPERATOR, ITS EMPLOYEES, OFFICERS, AGENTS OR SUBCONTRACTORS, ARISING UNDER THIS AGREEMENT.**
- B. ADDITIONALLY, OPERATOR SHALL INDEMNIFY THE CITY INDEMNITEES FROM ANY AND ALL LIABILITY, LOSS OR DAMAGE THAT ANYONE OR MORE OF CITY INDEMNITEES MAY SUFFER AS A RESULT OF CLAIMS, DEMANDS, COSTS OR JUDGEMENTS AGAINST SUCH CITY INDEMNITEE ARISING OUT OF THE FAILURE OF OPERATOR, ITS EMPLOYEES, OFFICERS OR AGENTS, OR ANY SUBCONTRACTOR OF OPERATOR TO CONFORM TO THE STATUTES, ORDINANCES OR OTHER REGULATIONS OR REQUIREMENTS OF ANY GOVERNMENTAL AUTHORITY IN CONNECTION WITH OPERATOR’S OPERATION OF THE CITY’S FACILITIES UNDER THIS AGREEMENT, UNLESS THE FAILURE TO CONFORM TO SUCH STATUTE, ORDINANCE, REGULATION OR REQUIREMENT WAS A DIRECT RESULT OF OPERATOR FOLLOWING THE EXPRESSED INSTRUCTION OF THE REPRESENTATIVES OF THE CITY. OPERATOR REQUIREMENT TO INDEMNIFY THE CITY INDEMNITEES IN THIS SECTION 4.02(B) SHALL NOT APPLY TO ANY CITY INDEMNITEE USED BY THE CITY TO DESIGN, BUILD OR OPERATE THE CITY’S FACILITIES AND UTILITY SYSTEM TO THE EXTENT SUCH FAILURE WAS A DIRECT RESULT OF THE NEGLIGENT ACT OR OMISSION OF SUCH CITY INDEMNITEE.**

- C. Operator may subcontract such of its work hereunder as may, in Operator's opinion, be desirable, subject to the City's rights as set forth below. However, such subcontracting shall not relieve Operator of any of its obligations or liabilities hereunder, and subcontractors shall be considered to be employees of Operator with operator retaining responsibility for such Subcontractors' performance. Subcontractors or supplies employed or utilized by Operator shall have no recourse against City for any services rendered or charges incurred on behalf of Operator and Operator shall indemnify and hold City harmless for any claims, attorneys' fees and court costs incurred as a result of claims made by such subcontractors or suppliers. The City reserves the right to directly employ Subcontractors for certain operation and and/or maintenance services. Operator shall receive no compensation pursuant to Section 2.04 (F) herein and shall not be responsible for services rendered by Subcontractor.
- D. Operator agrees to exercise reasonable diligence and good business practices in the operation and maintenance of the Facilities. Operator will be liable for any direct or indirect loss, injury or damages resulting from the diminution or interruption of service within the Facilities and utility system that is caused by or results from either directly or indirectly, the improper or inadequate operation of the Facilities by Operator, or the intentional, willful, reckless, or negligent acts, omissions or other operations by Operator, or its employees, representatives, agents or subcontractors. However, it is understood and agreed that Operator is not otherwise responsible for the adequacy or quality of the water supply provided or the failure of the Facilities to meet state or federal standards.

IV.

TERM AND TERMINATION

4.01 – TERM AND TERMINATION

This Agreement shall be and remain in effect for a period of one (1) year and shall continue thereafter from year to year, subject, however, to termination by either party hereto at any time, without cause, by providing thirty (30) days advance written notice to the other party. Provided, however, that either party may terminate this Agreement immediately for substantial failure to perform upon giving written notice to the other party of such failure to perform and the allowance of a reasonable period for curing such nonperformance. In the event this Agreement is terminated, all records, and any other forms or materials pertaining to the operation of City facilities shall be furnished by Operator to City without any additional costs to City. In the event of termination, City shall pay Operator compensation pursuant to this Agreement up to the date of termination (prorated for less than a full month, if necessary) and any unpaid expenses of Operator incurred pursuant to this Agreement. It is further understood by both parties hereto that

any action or decision by any government unit or agency which has any effect upon the requirements of this Agreement, in part or in total, may be cause for immediate renegotiation of this Agreement.

V.

MISCELLANEOUS

5.01 – CITY’S REPRESENTATIONS

City represents that the Facilities are in good working order, do not contain any known defective equipment, and are suitable and adequate for the normal needs of its present customers and expected additional customers during the term of this Agreement.

5.02 - INDUSTRIAL AND HAZARDOUS WASTES

Recognizing that the control of industrial and hazardous wastes discharging into the sanitary sewer collections system of the City is of vital importance, each party agrees to notify the other and the City’s Representative when knowledge of such discharge or contemplated discharge is discovered.

5.03 – SPECIFICATIONS AND WARRANTIES

City reserves the right to select and prescribe specifications and standards for all materials and equipment to be used by Operator in the performance of services and obligations pursuant to this Agreement. Operator shall use good judgment with respect to said replacement equipment and shall not be responsible to City for any guarantee or warranty in connection with said equipment. Operator shall exert reasonable efforts to obtain the normal warranties or guarantees applicable in the particular industry and shall assign the same to the City.

5.04 – FORCE MAJEURE

In the event that either party is rendered unable, wholly or in part, by act of God, war, earthquake, fire, strike, civil commotion, epidemic, act of government, its agencies or offices, or any other cause beyond the control of the parties (“Force Majeure”) to carry out its obligations under this Agreement, it is agreed that either party shall give notice and full particulars of such Force Majeure to the other party in writing as soon as possible after the occurrence of the cause relied on and shall thereby be relieved of its obligations, so far as they are effected by such Force Majeure, during the continuance of any inability so caused, but for no longer period.

5.05 – ASSIGNABILITY

Neither party may assign this Agreement or its interest herein without prior written consent of the other, provided that Operator may assign any moneys due from the City hereunder to a third party.

5.06 – MODIFICATION

No alteration or modification of this Agreement shall be made except by a writing duly signed by the parties hereto.

5.07 – RECORDS

Operator shall maintain all City records in accordance with the Texas Local Government Records Act, as amended, and all rules, regulations and records retention schedules adopted thereunder.

5.08 – INDEPENDENT CONTRACTOR: GOVERNING LAW

Operator is not an employee or subcontractor of City, but serves City as an independent contractor. This Agreement shall be governed by the laws of the State of Texas.

5.09 – NOTICE

Whenever under the provisions of this Agreement notice is required to be given, such notice shall be given in writing by registered or certified mail and addressed to the party for whom intended at its' then address of record, and such notices shall be deemed to have been given when the notice is received. The initial addresses of the parties, which may be changed by notifying the respective other party, are as follows:

DISTRICT

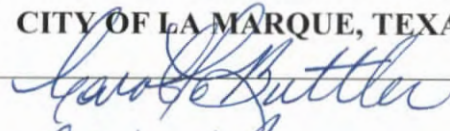
City of La Marque, Texas

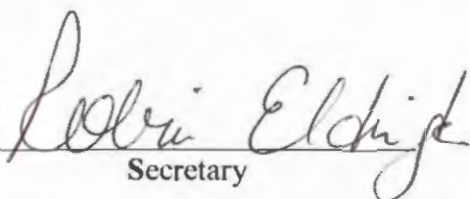
Attn: Les Rumburg

OPERATOR

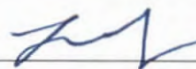
MUNICIPAL OPERATIONS &
CONSULTING, INC.
27316 Spectrum Way
Oak Ridge North, Texas 77385

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate as of the date first hereinabove written.

By: CITY OF LA MARQUE, TEXAS

Title: City Manager

ATTEST: 
Secretary

**MUNICIPAL OPERATIONS &
CONSULTING, INC.**

By: 
Title: Owner

(SEAL)

ATTACHMENT “A”

RATE SCHEDULE

BASE MONTHLY FEE \$7,800.00 per month for Water Plant, Wastewater Treatment Plant and Lift Station Operations plus:

The following rates will be charged to the District when in the operation, maintenance, and repair of the District’s facilities, additional personnel, equipment and purchased materials are used:

LABOR RATES

OFFICER	125.00/hr.
COMPLIANCE OFFICER	105.00/hr.
COMPLIANCE ASSISTANT	60.00/hr.
COMPUTER / IT	60.00/hr.
OPERATIONS SUPERVISOR	65.00/hr.
MECHANICAL/ELECTRICAL TECHNICIAN	65.00/hr.
FOREMAN	55.00/hr.
PLANT OPERATOR	45.00/hr.
EQUIPMENT OPERATOR (included in backhoe cost)	40.00/hr.
LABORER/HELPER/UTLITY WORKER/CLERICAL	35.00/hr.

Overtime rates of only one-and-one-half time regular rates will be charged for work performed on weekdays between the hours of 4:30 p.m. and 7:30 a.m. and on all weekends, holidays.

EQUIPMENT

UTILITY TRUCK	18.00/hr.
UTILITY TRUCK (larger than 1 ton)	25.00 /hr.
JET TRAILER W/EQUIPMENT OPERATOR (3hr. minimum)	195.00/hr.
Regular Time (8:00 am - 5:00pm weekdays)	75.00/hr.
Overtime (After hours, weekends and holidays)	95.00/hr.
UTILITY WATER PUMP (2’')	12.00/hr.
OTHER EQUIPMENT (Rentals)	Cost+10%
MATERIALS AND SUPPLIES	Cost+10%
BACKHOE, EQUIP. OPER., TRUCK, TRAILER (no minimum)	195.00/hr.

WATER TAPS

Single family, short (up to 30 linear feet—add \$5.00/ ft. thereafter)	
5/8" x 3/4" tap and meter	500.00 ea.
1" tap and meter	750.00 ea.
Commercial	Determined on case by case
2" tap and meter	At cost

INSPECTIONS

STANDARD RESIDENTIAL SEWER TAP INSPECTIONS	50.00 ea.
COMMERCIAL SEWER TAP INSPECTIONS	100.00 ea.
PRE & POST LOT INSPECTIONS	40.00 ea.
CUSTOMER SERVICE INSPECTIONS	
RESIDENTIAL	60.00 ea.
COMMERCIAL	100.00 ea.
GREASE TRAP INSPECTIONS	60.00 ea.
BACKFLOW PREVENTION ASSEMBLY TESTING	Cost +10%
DOOR TAGS	10.00 ea.

MISCELLANEOUS

NEW REPLACEMENT METERS (5/8" x 3/4")	95.00 ea.
NEW REPLACEMENT METERS (1")	195.00 ea.
ATTENDANCE @ BOARD MEETING	N/C

ATTACHMENT “B”

BASIC SERVICES SCOPE OF WORK

Operator shall provide all necessary labor, equipment and materials under the direct supervision of personnel holding valid certificates of competency as required by Local, State and Federal Regulations to perform the following Basic Service Tasks for Water Plant, Water Distribution System, Wastewater Collections System, and Meter Reading as part of the Basic Services Fees at no additional cost to District.

Operator shall also maintain a communications capability on a twenty-four (24) hour basis each calendar day to satisfy the usual or emergency situations concerning the operations of the District & respond to any emergency or disruption of service within one and a half (1.5) hour from time of notice at no additional cost to District.

WATER PLANT & WATER DISTRIBUTION SYSTEM OPERATION BASIC SERVICE TASKS

<u>Water Wells & Storage</u>	<u>Frequency of Action</u>
Check/Refill Well Oil Reservoir	Daily (Lubricant Cost is NOT Included)
Record Well ETMs & Run Times	Daily
Record Storage Tank Level	Daily
Exercise Well	Daily
Record Well Flow Meter Readings	Daily
Check Well Flow Rate	Weekly
Lubricate Well Unit	Manufacturer's O&M (Lubricant Cost is NOT Included)
 <u>Pressure Maintenance System</u>	 <u>Frequency of Action</u>
Record System Pressure	Daily
Record Booster Pump ETMs and Run Times	Daily
Exercise Booster Pumps	Daily
Record Air Compressor ETM & Run Time	Daily
Exercise Air Compressor	Daily
Check Hydro Tank Air/Water Level	Daily
Lubricate Booster Pumps	Manufacturer's O&M (Lubricant Cost is NOT Included)
Lubricate Air Compressor	Manufacturer's O&M (Lubricant Cost is NOT Included)
 <u>Disinfection System</u>	 <u>Frequency of Action</u>
Record Disinfectant Feed Rate, Scale Weight/Volume & Usage	Daily
Residuals in GST & Distribution System	

Check Disinfection System for Proper Operation and Leaks	Daily (Repair Costs are NOT Included)
Change/Refill Disinfectant	As Required (Chemical Cost is NOT Included)
Check Polyphosphate Usage	Daily
Coordinate Chemical Orders/Deliveries	As Required
<u>Electrical System</u>	<u>Frequency of Action</u>
Check Status of Control System	Daily
Replace Burnt Out Panel/Fixture Bulbs	As Required (Cost of Bulbs are NOT Included)
Test Autodialer	Weekly
Exercise Standby Generator (witnessed)	Weekly
<u>General</u>	<u>Frequency of Action</u>
Routine Bacteriological Sample Collections	As Required (Lab Charges are NOT Included)
Trash Pick-Up	Weekly (Mowing is NOT Included)
Inspect Perimeter Fence	Weekly
<u>Water Distribution System</u>	<u>Frequency of Action</u>
Drive District Looking For Leaks, Missing Meter Box/Valve Box Lids, Construction, Etc.	Monthly
Flush Fire Hydrants	Minimum of once per year (Not Included in Base Monthly Fee)
<u>Administrative</u>	<u>Frequency of Action</u>
Respond to All Inquiries from District Directors, Consultants, & Customers	As Required
Prepare and Present Operation Report at Board Meeting	Monthly
Keep & Maintain Regulatory and Process Records	As Required (Labor, Equipment, Materials and/or Subcontractor Invoices for Unscheduled Regulatory Responses or Reporting is NOT Included)
Prepare Monthly, Quarterly and Annual Regulatory Reports,	As Required

**WASTEWATER TREATMENT PLANT/LIFT
STATION & WASTEWATER COLLECTION
SYSTEM OPERATION BASIC SERVICE TASKS**

<u>Lift Station</u>	<u>Frequency of Action</u>
Record Lift Pump ETM & Run Times	3 times per week
Exercise Lift Pumps	3 times per week
Check Automated Control System	3 times per week
Visual Check of Wet Well Level	3 times per week
<u>Headworks</u>	<u>Frequency of Action</u>
Clean Fine Screen	Daily
Coordinate Screenings Dumpster Service	As Required (Dumpster Costs are NOT Included)
<u>Biological Process</u>	<u>Frequency of Action</u>
Sample & Record SV 30	3 X/Week
Adjust Air Valves to Maintain Proper Aeration & Mixing	As Required
Waste Sludge & Record Quantities	As Required
Check Condition of Blowers	Daily
Record Blower ETMs	Daily
Check/Clean Blower Inlet Filters	Monthly
Lubricate Blower Units	Manufacturer's O&M (Lubricant Cost is NOT Included)
<u>Clarifier/Solids Separation</u>	<u>Frequency of Action</u>
Check & Adjust RAS Airlift Flow Rate	Daily
Check Weirs, Stilling Well & Scum Trough	Weekly
Check Clarifier Torque/Overload	Daily
Lubricate Clarifier Unit	Manufacturer's O&M (Lubricant Cost is NOT Included)
<u>Disinfection System</u>	<u>Frequency of Action</u>
Record Disinfectant Feed Rate, Scale Weight/Volume & Usage	Daily
Measure & Record Free Chlorine Residual In Effluent	Daily
Check Disinfection System for Proper Operation and Leaks	Daily (Repair is NOT Included)
Change/Refill Disinfectant Storage	As Required (Chemical Cost is NOT Included)
Coordinate Chemical Order/Deliveries	As Required
<u>Flow Metering System</u>	<u>Frequency of Action</u>
Record Effluent Flow Meter Totalizer Reading and Discharge Volume	Daily

Replace/Reset Flow Meter Charts/Pens	As Required (Charts/Pens are NOT Included)
Remove Floatables from Chlorine Basin	As Required

Solids Handling

Sample & Record SV30	<u>Frequency of Action</u> 3 per week
Adjust Air Valves to Maintain Proper Aeration & Mixing	As Required
Supernate Digester	As Required
Coordinate Sludge Hauling	As Required (Sludge Hauling Cost is NOT Included)

Electrical System

Check Status of Control System	<u>Frequency of Action</u> Daily
Replace Burnt Out Panel/Fixture Bulbs	As Required (Cost of Bulbs are NOT Included)
Exercise Standby Generator	Weekly
Exercise Standby Generator Under Load (4Hrs Min.)	Monthly

General

Routine Compliance and Process Sample Collection	<u>Frequency of Action</u> As Required (Lab Charges are NOT Included)
Trash Pick-Up	Weekly (Mowing is NOT Included)
Inspect Perimeter Fence	Weekly

Wastewater Collection System

Drive District Looking for Sinkholes, Missing Manhole Covers, Construction, etc.	<u>Frequency of Action</u> Monthly
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Administrative

Respond to Inquiries from District Directors, Consultants, & Customers	<u>Frequency of Action</u> As Required
Prepare and Present Operation Report at Board Meeting	Monthly
Keep & Maintain Regulatory and Process Records	As Required (Labor, Equipment, Materials and/or Subcontractors Invoices for Unscheduled Regulatory Responses or Reporting is NOT Included)
Prepare and Submit Monthly, Quarterly And Annual Regulatory Reports to Agencies	As Required



CITY COUNCIL AGENDA FORM

Meeting Date: June 11, 2018

Prepared by: Les Rumburg

Department: Public Services

Agenda item: 10b

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding approving a professional services agreement with Precision Utilities, LLC, providing oversight and administration of the Water and Wastewater Facilities (Department 24) for compliance with TCEQ and to provide for the health, safety and welfare of the City of La Marque.

X

ATTACHMENTS FOR REFERENCE:

1. Proposed agreement with Precision Utilities
2. Current agreement with MOC

STAFF BRIEFING:

- Precision Utilities come with a high recommendation from MOC as they have worked closely with each other over the years.
- Precision has offices in Angleton, and can more efficiently and effectively meet La Marque's needs.
- The contractual language between the two firms is standard amongst the industry, and will read very similar, one-to-the-other.
- Costs for services is also identical - there will be no budgetary impacts based solely on the change in vendor.
- MOC has agreed to remain available through June 15, 2018 to assist with transition of services.
- The City Attorney has reviewed this agreement.
- The Finance Director has reviewed this agreement and budgeted funds are available.

HISTORY:

- **2.1.2017** – City enters into agreement with MOC
- **6.26.2017** – City Council ratifies previous emergency agreement for use of MOC and agrees to longer-term arrangement
- **5.1.2018** – City received Notice of Resignation from MOC
- **5.24.2018** – City staff met with MOC and Precision Utilities representatives to discuss transition plan.

TARGET IMPLEMENTATION: June 15, 2018

SIGNIFICANT ACTION DATES:

07.10.2017 – MOC Contract presented to and approved by City Council

Cost Details:



CITY COUNCIL AGENDA FORM

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Agreement | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Budgeted	\$195,780.00
Actual Bid	
Estimated Expenditure	\$55,000.00
Acct. Name(s)	Professional Fees
Line Items #	02-4040-24
Other Funding	

STAFF'S RECOMMENDATION: Motion to approve a professional services agreement with Precision Utilities, LLC, providing oversight and administration of the Water and Wastewater Facilities (Department 24) for compliance with TCEQ and to provide for the health, safety and welfare of the City of La Marque.

FISCAL IMPACT: No additional impacts as budget remains the same with new agreement.

PROFESSIONAL SERVICES AGREEMENT

WATER SUPPLY AND WASTEWATER TREATMENT PLANT, WATER DISTRIBUTION, SANITARY SEWER COLLECTION AND DRAINAGE SYSTEMS

THIS AGREEMENT, entered into this ____ day of _____, 20__, ("Effective Date") by and between City of La Marque, and PRECISION UTILITY, LLC, a Texas limited liability company, having its principal place of business at 9419 Lamkin Road , Houston, Texas 77049 (hereinafter sometimes referred to as the "Operator").

WHEREAS, City of La Marque presently owns or shall acquire water supply facilities, wastewater treatment facilities, a water distribution and sanitary sewer collection system, and drainage facilities, (hereinafter sometimes referred to as "Facilities"), located on property dedicated to the City of La Marque or to be acquired by the City of La Marque; and

WHEREAS, City of La Marque wishes to obtain services for the operation, maintenance, and management of its Facilities which are located in _____ COUNTY, TEXAS; and

WHEREAS, Operator is willing to render such professional services to the extent and in manner hereinafter provided;

NOW THEREFORE, THIS AGREEMENT WITNESSETH, that

For and in consideration of the mutual undertakings herein contained, City of La Marque and Operator agree as follows:

I. GENERAL

1.01- GENERAL GOAL

Operator hereby agrees to operate, maintain, and manage the Facilities under this Agreement beginning on the effective date and continuing during the term hereof as hereinafter defined on the terms and conditions stated herein. Operator shall be considered an independent contractor and not an employee under this Agreement.

1.02 - DEFINITIONS

As used herein, the following terms shall have meanings as follows:

- A. "OPERATION" shall consist of furnishing all of the necessary personnel, services, tools, equipment, materials, supplies and transportation in order to provide efficient operation of the Facilities. Operation shall include, but shall

not be limited to, providing the necessary service in (1) the efficient distribution of water from the City of La Marque's water supply plant through its water distribution system, and/or (2) the efficient collection and movement of normal domestic sewage discharged into the City of La Marque's sewage collection system.

- B. "MAINTENANCE" shall consist of cleaning, lubricating and adjusting equipment necessitated by operation and will include replacement or repair, when needed, of those parts of equipment or other components, which are expected to require replacement or repair in the operation of facilities of the type, which constitutes the Facilities.
- C. "FACILITIES" shall consist of the following:
 - 1. Water supply plant, commencing upon the date hereof;
 - 2. Wastewater treatment plant, commencing upon the date hereof;
 - 3. Water distribution, sanitary sewer collection and drainage systems;
 - 4. Sanitary sewer lift stations
- D. "CITY OF LA MARQUE'S REPRESENTATIVE" shall mean the City of La Marque's Public Work Director or any individual designated by the City Manager or in absence of such designation by the Mayor and Council of the City of La Marque.
- E. "OPERATION AND MAINTENANCE MANUAL" or "O & M MANUAL" shall include the following:
 - 1. Available manufacturers' manuals prepared for all equipment used in connection with the Facilities and such other written lubrication schedules with change dates, maintenance schedules, and machinery specifications as are necessary for the proper operation and maintenance of the Facilities.
 - 2. A list of inventory items to be used for minor and emergency repairs for each of the Facilities;
 - 3. A written operating log containing a daily record, notations regarding the use of all supplies and all repairs or replacements performed;
 - 4. Such other matters within the scope of the Operator's work which The City of La Marque may reasonably request.
- F. "EXPENDABLE SUPPLIES" shall mean lubricants, packing, charts, cleaning agents, chemicals, chlorine, office supplies, and all other similar nondurable items, which do not become affixed to the Facilities.

- G. "BASIC SERVICES" shall mean those routine operation and maintenance functions specified in Section 2.01 of this Agreement.
- H. "ROUTINE REPAIR AND REPLACEMENT" shall mean the labor, tools and transportation required for the repairs, replacement and adjustment of those parts or equipment, which are expected to require replacement or repair in the normal operation of facilities of the type which constitute the Facilities. Said definition shall also mean such repair and replacement necessitated in the performance of duties prescribed by the O & M Manual. "Routine Repair and Replacement" shall not include repair or replacement of Facilities damaged by third parties, obsolescence, or other factors not within Operator's control.
- I. "EXTRAODINARY REPAIR AND REPLACEMENT" shall mean labor, tools and transportation not defined as "Routine Repair and Replacement."

II. SCOPE OF WORK

2.01 - BASIC SERVICES

During the term of this Agreement, Operator shall perform the following basic services:

A. GENERAL

1. Operator shall operate and maintain the Facilities in a proper and workmanlike manner. Operator agrees to operate and maintain the Facilities in accordance with all applicable laws, permits, rules and regulations.
2. Operator shall be responsible for operating and maintaining the Facilities in accordance with the O & M Manual.
3. Operator shall arrange for and supervise all testing required by all regulatory agencies and applicable laws, permits and regulations and shall arrange for any regularly scheduled reports as required by any regulatory agencies and any applicable laws, permits and regulations.
4. Operator shall render a condensed monthly operating report to City of La Marque which shall include at least the following information:
 - a) Any abnormal change in condition of City of La Marque's equipment, necessary repairs and any recommendations as to the repair or replacement of such equipment;
 - b) Any damage to the Facilities and the possible causes thereof, including any

insurance claims filed on behalf of City of La Marque. In instances where the damage may be attributable to any contractor, builder, corporation, utility company or other person, Operator shall back charge the party responsible for such damage and report it to the City of La Marque;

- c) The number of gallons of water billed to City of La Marque's customers, along with the numbers of gallons pumped from the City of La Marque water plant and a comparison of water volume produced to the Ground Water Conservation District Permit holder;
 - d) Copies of monthly testing reports, if requested by the City of La Marque and correspondence to regulatory authorities, if appropriate.
- 5. Operator shall provide at least one fully qualified and competent operator to directly operate the Facilities. The person so provided shall have a Texas certification as required by the regulatory agencies.
 - 6. Operator shall maintain a twenty-four (24) hour telephone access number.
 - 7. Operator shall promptly notify City of La Marque's Representative of any condition known to Operator, which adversely affects the quality of water supply, wastewater collection or treatment, drainage or City of La Marque's compliance with all current permits or regulations.
 - 8. Operator shall render City of La Marque all reasonable assistance in the promotion of good relations with City of La Marque's customers.
 - 9. Operator shall routinely order and arrange for delivery of inventory items listed in the O & M Manual, expendable supplies, and other necessary supplies.
 - 10. Operator shall provide a representative to attend City of La Marque meetings as requested; said representative shall be familiar with the operations in City of La Marque's facilities.
 - 11. Operator shall provide operations and maintenance cost data available to City of La Marque's Bookkeeper for use in budget comparison.
 - 12. Operator shall maintain such information and reports as may be required for audit of City of La Marque's accounts and shall make same available to City of La Marque's auditor during regular business hours.
 - 13. Operator shall visually inspect and flow all the flushing valves within City of La Marque's facilities semiannually and submit a written status report to City of La

Marque and any fire department designated by City of La Marque.

14. Operator shall perform an ongoing manhole inspection program. This inspection shall include a visual inspection of the top of the manhole and the surrounding area (for depressions) and a visual inspection of the inside of the manhole as accessible from the top. Each manhole will be inspected on an as needed basis with subsequent reports to City of La Marque.
15. Operator shall inspect each water distribution valve on an as needed basis with subsequent reports submitted to the City of La Marque. This inspection shall include a visual inspection of the valve riser and cap as well as the utilization of a valve key to check valve operating nut accessibility and operability.

B. WATER SUPPLY PLANT

1. Operator shall maintain an operating log at City of La Marque's water supply plants, which may be inspected by City of La Marque at any time.
2. Operator shall check operation of the water supply plants routinely and shall make any needed adjustments, lubrications or repairs.
3. Operator shall maintain the water supply plants in a neat orderly condition, compatible with the neighborhood. Maintenance shall not include the painting of equipment or the facilities, other than "touch up" painting needed to prevent damage to the facilities. Maintenance shall not include mowing.

C. WASTEWATER TREATMENT PLANT

1. Operator shall maintain an operating log at City of La Marque's Wastewater Treatment plants, which may be inspected by City of La Marque at any time.
2. Operator shall check operation of the wastewater plant the required number of days that are specified in the sewer plant permit and shall make any needed adjustments, lubrications or repairs.
3. Operator shall maintain the wastewater treatment plants in a neat orderly condition, compatible with the neighborhood. Maintenance shall not include the painting of equipment or the facilities, other than "touch up" painting needed to prevent damage to the facilities. Maintenance shall not include mowing.

D. SLUDGE TREATMENT AND DISPOSAL

1. Operator shall routinely draw sludge from the City of La Marque's wastewater treatment plant to maintain the average sludge age and optimum concentrations.
2. In the event that extraordinary sludge hauling is required, sludge shall be processed from the facilities by others or by the Operator in a manner and at a cost to be agreed on from time to time by the parties hereto.

E. WATER DISTRIBUTION, SANITARY SEWER COLLECTION SYSTEMS

1. Operator shall be responsible for the installation of water taps, setting meters and meter boxes, the minor adjustment of meter boxes, reading water meters, the billing and collecting of tap fees, sewer inspection fees, deposits, water and sewer service charges and back charges, all in accordance with the City of La Marque's Rate Order, as amended from time to time. (Operator shall be compensated for said work according to rate schedule, attached hereto as Exhibit "A") Operator shall provide all the necessary personnel in order to read meters, mail statements to customers, collect and deposit revenues and provide customary accounting and office services. Operator shall cause all water taps to be made in accordance with a plat map or other written instructions from the City of La Marque's Representative.
2. Operator shall perform or cause to be performed a daily, weekly, monthly and yearly routine and preventive maintenance program as required to keep the facilities operational and in compliance with the regulatory authorities.
3. Operator shall at least monthly, patrol City of La Marque in order to observe and take corrective action regarding leaks, defects, damaged and missing equipment. Operator shall establish an inspection program in order to examine each sanitary manhole and each water main valve. Minor repairs or debris removal shall be performed immediately. (Operator shall be compensated for said inspections and repairs according to rate schedule, attached hereto as Exhibit "A".)
4. Operator shall report all damages to the City of La Marque Facilities. In the event that, in the Operator's opinion, foreseeable damage could occur, Operator shall report such opinion to City of La Marque Representative immediately and shall attempt to comply with the City of La Marque's policy governing control of damages to City of La Marque Facilities and to prevent others from causing additional damage. In those instances, in which damage is discovered, Operator shall diligently attempt to ascertain the causes therefore and report it in the monthly report.

2.02 – REPAIR OR REPLACEMENT: EMERGENCY RESPONSE

Operator shall provide routine repair or replacement when necessary. Operator shall provide Extraordinary Repair and Replacement when necessary, provided that Operator shall obtain advance approval of City of La Marque's Representative before providing any parts, equipment or extraordinary repair or replacement with an estimated repair cost of over \$1,000.⁰⁰, and Operator shall be additionally compensated therefore in accordance with Section 3.04, herein.

In the event that a repair or replacement is urgently necessary to prevent damage to life, property, or for concerns related to public health and if the Operator has diligently attempted to contact the City of La Marque's Representative in advance, the Operator shall cause such repairs to be performed at once. Such repairs or replacement and the charges for parts and equipment so utilized shall be at the City of La Marque's expense. Prior authorization shall not be necessary, provided that the Operator shall use its best efforts to minimize the cost thereof and provided that the Operator contacts the City of La Marque's Representative at the earliest possible opportunity thereafter.

Operator shall maintain personnel and equipment for emergency response twenty-four (24) hours per day, seven (7) days per week, and 365 days per year. Emergencies shall include but not be limited to, water leaks, water line breaks, loss of water pressure, degradation of water quality, blockage in the sewer collection system, water or wastewater plant malfunctions that could result in regulatory or permit excursions, any response requested by City of La Marque or its representative or response to insistent resident concerns when necessary to maintain good relations with the City of La Marque.

2.03 - SPECIAL SERVICES

In addition to basic services, Operator may be requested from time to time to perform special services such as conducting inventories and preparing reports in addition to reports required by various regulatory agencies and any other special services requested by City of La Marque or any of the City of La Marque's other consultants. Special service shall be at City of La Marque's expense based on estimates received from Operator and approved by City of La Marque.

City of La Marque's Representative may request that certain additional operation and maintenance procedures be followed in addition to the O & M Manual. From time to time, the City of La Marque's Representative shall prepare any and all suggested O & M Manual material which he shall deem necessary for the proper operation and maintenance of the facilities and shall submit same to City of La Marque and Operator. Thereupon, Operator shall calculate any additional cost of compliance with said material and shall present same to City of La Marque for approval.

2.04 – MODIFICATIONS TO CITY OF LA MARQUE FACILITIES

City of La Marque will provide Operator written notice of additions, deletions or other modifications to the Facilities, which are not proposed to be made by the Operator. In the event any such modification amounts to substantial change in the type or extent of the facilities or would

materially increase Operator's cost in performing its obligations hereunder, Operator shall provide City of La Marque with written notice of the additional costs of operation and maintenance resulting from the proposed modification; and if efforts to renegotiate this Agreement to absorb any additional operating cost are not successful, either party may terminate this Agreement upon thirty (30) days advance written notice.

2.05 - CITY OF LA MARQUE'S RESPONSIBILITIES

The payment for cost of all supplies, electricity, gas and other utility services utilized in connection with the operation and maintenance of Facilities and all modifications, extensions, expansions or structural changes to the Facilities shall be the direct responsibility of the City of La Marque.

III. COMPENSATION TO OPERATOR

3.01 - COMPENSATION TO OPERATOR

Operator shall receive compensation for performance of basic services and its duty to operate and maintain the Facilities in a proper and workmanlike manner, in accordance with Exhibit "A", attached hereto. Any rate increases shall be effective only after approval by City of La Marque.

3.02 - COMPENSATION POLICIES

The compensation to be paid to Operator herein is exclusive of any tax, assessment, regulatory expense or other charge which may be imposed by any governmental authority upon City of La Marque and paid by Operator as a result of performing its obligations pursuant to the Agreement other than taxes upon the purchase of material, supplies, and parts. In the event Operator is required by applicable law or regulation to pay or collect any such tax, assessment, regulatory expense or other charge on account of this Agreement or its performance hereunder, then the amount thereof shall be reimbursed to Operator by City of La Marque (in addition to the compensation provided hereinabove) at the next monthly meeting of the City of La Marque. It is understood however, that the Operator shall be responsible at its own expense for all corporate income and franchise taxes arising out of its operations, and regulations with respect to or measured by the compensation (wage, salary or other) paid to employees of Operator and its subcontractors for work covered by this Agreement, including, but not by way of limitation, taxes or contributions for annuities, and disability insurance. Operator shall defend, indemnify and hold City of La Marque harmless from any liability for any and all such taxes or contribution or interest or penalties for failure to pay it.

3.03 - BILLING AND PAYMENT

Unless otherwise agreed upon in writing during the initial or any renewal terms of this Agreement, Operator will submit prior to City of La Marque's regularly scheduled meeting, a statement to City of La Marque's bookkeeper or City of La Marque's Representative reflecting charges for the previous billing period in accordance with this Agreement. Said invoice shall include an itemization of all amounts requested for payment during the billing period, with supplementary invoices attached thereto, if requested by the City of La Marque. Said invoices shall include the date, price and description of all items purchased and the rate per category and description of the nature of all labor and equipment utilized. If the invoice is approved by the City of La Marque's bookkeeper or City of La Marque Representative, then such invoice shall be due and payable on the date of said meeting, provided, however, that any such invoice shall not preclude the withholding of approval of any additional items by the Board of Directors of City of La Marque at said meeting. In the event City of La Marque or City of La Marque's Representative withholds approval on any item or items in the invoice, the City of La Marque's Representative shall notify Operator at least on day in advance of said meeting. Any dispute involving payment of any item or items on the statement shall be resolved by City of La Marque, subject to any legal or equitable remedy available to Operator. Payment of said item or items by City of La Marque shall not be unreasonably withheld. Operator however shall be entitled to payment of the balance of said statement in the event that payment of any item or items in the statement are withheld pending resolution of a dispute. If the City of La Marque fails to make payment under this Agreement to the Operator of any undisputed sum named in any partial or final statement, when the payment is past due more than fifteen (15) days and has not been lawfully contested by the City of La Marque, City of La Marque shall pay to the Operator in addition to the undisputed sum shown as due by such statement, interest thereon at a rate of ten percent (10%) per annum, until fully paid. Interest shall not accrue on any disputed sum(s) unless said sum(s) remain unpaid for more than fifteen (15) days following resolution of dispute.

Maintenance and operation expenses attributable to components of the Facilities which are owned or shared by City of La Marque and other parties ("joint facilities") shall be identified as such on Operator's records and shall be separated from other statements presented to City of La Marque for payment.

All materials and supplies purchased by the Operator are purchased on behalf of the City of La Marque and are labeled as the City of La Marque's property. The title to the purchased materials and supplies passes to the City of La Marque before such goods are used.

3.04 – ADDITIONAL COMPENSATION

In addition to the compensation provided for Basic Services herein, Operator shall receive the additional compensation specified in this section. Operator shall not be additionally compensated for providing Basic Services, except as provided below. No overhead reimbursements shall be paid by City of La Marque except as provided below. City of La Marque shall not be obligated to pay charges in excess of rates listed in Operator's Rate Schedule, except in emergency cases specified in

Section 2.02 herein. Operator shall receive the following additional compensation;

- A. For performance of Extraordinary Repair and Replacement specified in section 2.02 herein. Unless specifically noted otherwise, all labor required for the performance of duties listed shall be considered Routine Repair and Replacement;
- B. For purchase of inventory items, expendable supplies, chemicals, parts, equipment or other replacement components of the Facilities, whether installed, repaired or replaced as Routine or Extraordinary Repairs and Replacements. City of La Marque shall pay Operator invoice amount plus ten percent (10%);
- C. For performance of special services as specified in Section 2.03, herein;
- D. For the cost of all testing required by all controlling agencies and applicable laws, permits and regulations as specified in Section 2.01 A (3), herein;
- E. For payment of subcontractors' invoices by Operator, City of La Marque shall pay Operator the subcontractors' invoice fees plus ten percent (10%);
- F. For any fees or assessments associated with the filing of any applicable regulatory requirements;
- G. For any reports or filings not currently required.

3.05 - CUSTOMER BILLING AND COLLECTIONS

- A. The Operator's billing and collection service shall insure that all funds of City of La Marque be kept separate and deposited to the City of La Marque's bank account at least monthly. The Operator shall pursue all delinquent accounts, including the forwarding of delinquent notices, as prescribed by the City of La Marque Rate Order.
- B. Operator recognizes that all sums of money which it collects on behalf of City of La Marque for water and wastewater services are public funds and are pledged to the payment of debts of the City of La Marque, and Operator agrees that all such moneys shall be deposited as provided herein in the named account without set-off, counter-claim, abatement or diminution.
- C. Operator shall read all meters connected to the City of La Marque's waterworks system once each month, and will provide monthly billing and collecting service to City of La Marque for water and sewer service charged to customers of City of La Marque's waterworks and sanitary sewer systems. Operator agrees to provide such monthly billing service within fifteen (15) days following the completion of the meter-reading period. Monthly bills shall include the date the meter was read. City of La Marque agrees that

Operator may make adjustments to billings for over and under registration of water meters, for underground leaks, for establishment of water use by customers when water meters have been inoperative, or for an obviously incorrect water meter reading recorded, to obtain the adjusted billing of water and sewer service charges.

IV. INSURANCE AND INDEMNIFICATION

4.01 – INSURANCE AND INDEMNIFICATION

Upon execution of this Agreement, Operator will furnish City of La Marque with Certificates of insurance in a company or companies satisfactory to City of La Marque, evidencing:

- | | | | |
|----|---|-------------|--------------|
| A. | Workers Compensation (statutory amount) | | |
| B. | Comprehensive General Liability including coverage of risks mentioned hereinafter in amounts not less than: | | |
| 1. | General Liability | \$1,000,000 | / person |
| | | \$1,000,000 | / occurrence |
| | | \$2,000,000 | / aggregate |
| 2. | Business Auto | \$1,000,000 | / occurrence |
| 3. | Umbrella | \$1,000,000 | / occurrence |
| | | \$2,000,000 | / aggregate |

Such policies of insurance shall name City of La Marque as an additional insured. The certificates of Insurance shall provide that City of La Marque shall be provided thirty (30) days prior written notice of any cancellation or reduction of insurance coverage.

4.02 - INDEMNIFICATION

- A. OPERATOR SHALL INDEMNIFY THE CITY AND HOLD THE CITY AND ITS REPRESENTATIVES, CONSULTANTS (OTHER THAN OPERATOR) AND AGENTS (COLLECTIVELY THE "CITY INDEMNITEES") HARMLESS FROM AND AGAINST CLAIMS, CAUSES OF ACTION, LOSSES, DAMAGES, SUITS, JUDGEMENTS, AND LIABILITY OF EVERY KIND OF CHARACTER, \VHETHER IN CONTRACT, TORT OR OTHER\WISE, INCLUDING ALL COSTS, ATTORNEYS' FEES, AND COURT COSTS, WHICH ARE CAUSED BY, ASSOCIATED WITH OR ARISE OUT OF THE INTENTIONAL, WILLFUL, RECKLESS OR NEGLIGENT (\VHETHER ACTIVE, PASSIVE OR GROSS) ACTS OF OPERATOR, ITS EMPLOYEES, OFFICERS, AGENTS OR SUBCONTRACTORS, ARISING UNDER THIS AGREEMENT.

- B. ADDITIONALLY, OPERATOR SHALL INDEMNIFY THE CITY INDEMNITEES FROM ANY AND ALL LIABILITY, LOSS OR DAMAGE THAT ANYONE OR MORE OF CITY INDEMNITEES MAY SUFFER AS A RESULT OF CLAIMS, DEMANDS, COSTS OR JUDGEMENTS AGAINST SUCH CITY INDEMNITEE ARISING OUT OF THE FAILURE OF OPERATOR, ITS EMPLOYEES, OFFICERS OR AGENTS, OR ANY SUBCONTRACTOR OF OPERATOR TO CONFORM TO THE STATUTES, ORDINANCES OR OTHER REGULATIONS OR REQUIREMENTS OF ANY GOVERNMENTAL AUTHORITY IN CONNECTION WITH OPERATOR'S OPERATION OF THE CITY'S FACILITIES UNDER THIS AGREEMENT, UNLESS THE FAILURE TO CONFORM TO SUCH STATUTE, ORDINANCE, REGULATION OR REQUIREMENT WAS A DIRECT RESULT OF OPERATOR FOLLOWING THE EXPRESSED INSTRUCTION OF THE REPRESENTATIVES OF THE CITY. OPERATOR REQUIREMENT TO INDEMNIFY THE CITY INDEMNITEES IN THIS SECTION 4.02(B) SHALL NOT APPLY TO ANY CITY INDEMNITEE USED BY THE CITY TO DESIGN, BUILD OR OPERATE THE CITY'S FACILITIES AND UTILITY SYSTEM TO THE EXTENT SUCH FAILURE WAS A DIRECT RESULT OF THE NEGLIGENT ACT OR OMISSION OF SUCH CITY INDEMNITEE.
- C. OPERATOR MAY SUBCONTRACT SUCH OF ITS WORK HEREUNDER AS MAY, IN OPERATOR'S OPINION, BE DESIRABLE, SUBJECT TO THE CITY'S RIGHTS AS SET FORTH BELOW. HOWEVER, SUCH SUBCONTRACTING SHALL NOT RELIEVE OPERATOR OF ANY OF ITS OBLIGATIONS OR LIABILITIES HEREUNDER, AND SUBCONTRACTORS SHALL BE CONSIDERED TO BE EMPLOYEES OF OPERATOR WITH OPERATOR RETAINING RESPONSIBILITY FOR SUCH SUBCONTRACTORS' PERFORMANCE. SUBCONTRACTORS OR SUPPLIES EMPLOYED OR UTILIZED BY OPERATOR SHALL HAVE NO RECOURSE AGAINST CITY FOR ANY SERVICES RENDERED OR CHARGES INCURRED ON BEHALF OF OPERATOR AND OPERATOR SHALL INDEMNIFY AND HOLD CITY HARMLESS FOR ANY CLAIMS, ATTORNEYS' FEES AND COURT COSTS INCURRED AS A RESULT OF CLAIMS MADE BY SUCH SUBCONTRACTORS OR SUPPLIES. THE CITY RESERVES THE RIGHT TO DIRECTLY EMPLOY SUBCONTRACTORS FOR CERTAIN OPERATION AND AND/OR MAINTENANCE SERVICES. OPERATOR SHALL RECEIVE NO COMPENSATION PURSUANT TO SECTION 2.04 (FL HEREIN AND SHALL NOT BE RESPONSIBLE FOR SERVICES RENDERED BY SUBCONTRACTOR.

- D. Operator Agrees To Exercise Reasonable Diligence And Good Business Practices In The Operation And Maintenance Of The Facilities. Operator Will Be Liable For Any Direct Or Indirect Loss, Or Damages Resulting From The Diminution Or Interruption Of Service Within The Facilities And Utility System That Is Caused By Or Results From Either Directly Or Indirectly, The Improper Or Inadequate Operation Of The Facilities By Operator, Or The Intentional, Willful, Reckless, Or Negligent Acts, Omissions Or Other Operations By Operator, Or Its Employees, Representatives, Agents Or Subcontractors. However, It Is Understood And Agreed That Operator Is Not Otherwise Responsible For The Adequacy Or Quality Of The Water Supply Provided Or The Failure Of The Facilities To Meet State Or Federal Standards.

V. TERM AND TERMINATION

5.01 - TERM AND TERMINATION

This Agreement shall be and remain in effect for a period of one (1) year and shall continue thereafter from year to year, subject, however, to termination by either party hereto at any time, without cause, by providing thirty (30) days advance written notice to the other party. Provided, however, that either party may terminate this Agreement immediately for substantial failure to perform upon giving written notice to the other party of such failure to perform and the allowance of a reasonable period for curing such non-performance. In the event this Agreement is terminated, all billing cards, meter reading records, billing and collections forms, and any other forms or materials pertaining to the billing and collection of accounts of any customer of City of La Marque shall be furnished by Operator to City of La Marque without any additional costs to City of La Marque. In the event of termination, City of La Marque shall pay Operator compensation pursuant to this Agreement up to the date of termination (prorated for less than a full month, if necessary) and any unpaid expenses of Operator incurred pursuant to this Agreement. It is further understood by both parties hereto that any action or decision by any government unit or agency which has any effect upon the requirements of this Agreement, in part or in total, may be cause for immediate renegotiation of this Agreement.

VI. MISCELLANEOUS

6.01 - CITY OF LA MARQUE'S REPRESENTATIONS

City of La Marque represents that the Facilities are in good working order, do not contain any known defective equipment, and are suitable and adequate for the normal needs of its present customers and expected additional customers during the term of this Agreement.

6.02 - INDUSTRIAL AND HAZARDOUS WASTES

Recognizing that the control of industrial and hazardous wastes discharging into the sanitary sewer collections system of the City of La Marque is of vital importance, each party agrees to notify the other and the City of La Marque's Engineer when knowledge of such discharge or contemplated discharge is discovered.

6.03 - SPECIFICATIONS AND WARRANTIES

City of La Marque reserves the right to select and prescribe specifications and standards for all materials and equipment to be used by Operator in the performance of services and obligations pursuant to this Agreement. Operator shall use good judgment with respect to said replacement equipment and shall not be responsible to City of La Marque for any guarantee or warranty in connection with said equipment. Operator shall exert reasonable efforts to obtain the normal warranties or guarantees applicable in the particular industry and shall assign the same to the City of La Marque.

6.04 - FORCE MAJEURE

In the event that either party is rendered unable, wholly or in part, by act of God, war, earthquake, fire, strike, accident, civil commotion, epidemic, act of government, its agencies or offices, or any other cause beyond the control of the parties ("Force Majeure") to carry out its obligations under this Agreement, it is agreed that either party shall give notice and full particulars of such Force Majeure to the other party in writing as soon as possible after the occurrence of the cause relied on and shall thereby be relieved of its obligations, so far as they are effected by such Force Majeure, during the continuance of any inability so caused, but for no longer period.

6.05 - ASSIGNABILITY

Neither party may assign this Agreement or its interest herein without prior written consent of the other, provided that Operator may assign any moneys due from the City of La Marque hereunder to a third party.

6.06 - MODIFICATION

No alteration or modification of this Agreement shall be made except by a writing duly signed by the parties hereto.

6.07 - RECORDS

Operator shall maintain all City of La Marque records in accordance with sound business practices, and all rules, regulations and records retention schedules adopted thereunder.

6.08 – INDEPENDENT CONTRACTOR: GOVERNING LAW

Operator is not an employee or subcontractor of City of La Marque, but serves City of La Marque as an independent contractor. This Agreement shall be governed by the laws of the State of Texas.

6.09 – NOTICE

Whenever under the provisions of this Agreement notice is required to be given, such notice shall be given in writing by registered mail and addressed to the party for whom intended at its' then address of record, and such notices shall be deemed to have been given when the notice was thus mailed. The initial addresses of the parties, which may be changed by notifying the respective other party, are as follows:

OPERATOR:

Precision Utility, LLC
P.O. Box 5794
Katy, TX 77491

CITY OF LA MARQUE:

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate as of the date first hereinabove written.

PRECISION UTILITY, LLC:

By: _____
Managing Member
Precision Utility, LLC

CITY OF LA MARQUE:

By: _____
Name: _____
Title: _____

EXHIBIT "A"
MONTHLY BASE FEE

The monthly base fee is pursuant to mutually agreed upon "Scope of Work" Established by Precision Utility and The City of La Marque: Operate Water Production Facilities, Sanitary Sewer Lift Stations, and the Wastewater Treatment Plant: \$7800

SCHEDULE OF STANDARD RATES

The following is a list of Service Provider charges showing the current hourly rate schedule:

Labor and Equipment	REGULAR TIME	OVERTIME
Officer	\$125.00	\$125.00
Environmental Compliance	\$105.00	\$105.00
Supervisor Foreman	\$65.00	\$97.50
Environ. Compl. Assist	\$60.00	\$60.00
Certified Operator	\$45.00	\$ 67.50
Clerical	\$45.00	\$67.50
Technician	\$65.00	\$ 97.50
Laborer	\$35.00	\$ 52.50
Vehicle	\$18.00	\$ 18.00
Backhoe Rig & Crew	\$195.00	\$ 225.00
Materials & Supplies	Cost + 10%	N/A
Rental Equipment	Cost +10%	N/A

EXHIBIT "A" Continued
SCHEDULE OF SET FEE RATES

The following is a list of Service Provider charges showing the current set fee schedule:

SET FEES / MISC	REGULAR TIME	OVERTIME
5/8 x 3/4 Residential Water Tap	New Construction \$500 Existing Bid	
Irrigation Tap	Bid	
Commercial Tap	Bid	
Residential Inspections: Pre Final	\$40.00	Re Inspect \$40.00
All Other Sewer Tap Inspection	Bid	
Residential Sewer Inspections	\$50.00	Re Inspect \$40.00
Replace / Test Meter + Brass	\$45.00	
Turn Off / Turn On	\$25.00 Each	
Meter Pull / Re Install	\$35.00 Each	
Residential CSI	\$60.00	

Commercial CSI	Bid	
Backflow Prevention	Cost + 10%	
Meter Re-Reading	Time & Material	N/A
Grease Trap Inspection With Report	\$25 Each	N/A
Customer Service Agreement Transfers	\$5.00	N/A
Per Connection Fee Bi Monthly	\$3.00 \$2.50	N/A

**EXHIBIT "A" Continued
SCHEDULE OF SET FEE RATES**

The following is a list of Service Provider charges showing the current set fee schedule:

Administration	REGULAR TIME	OVERTIME
Copies	\$0.15	
Faxes	\$2.00	
Envelopes	\$0.15	
Stationary	\$1.40	
Postage	Direct Pass Thru	
Record Storage	\$64.00	
Commercial Per Connection Charge - every 10K Gallons Bi Monthly	\$3.00 \$2.50	
Collection for Extra Line Items Door Tags Letters	\$0.30 \$10.00	

Outside contractors billed at cost + 10% | Direct Bill. Overtime rates of time and one-half will apply for work performed before 8:00 a.m. and after 5:00 p.m., and on weekends and holidays (excludes base operations). Overtime rates shall not apply to equipment. Holidays are New Year's Day, Presidents Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and day after Thanksgiving, Christmas Eve day and Christmas Day