



**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: **7.06.18** TIME: **11:00 a.m.**

**ORDINANCE NO. O-2018-009
RESOLUTION NO. R-2018-0017**

**CITY OF LA MARQUE
REGULAR CITY COUNCIL
AGENDA
Of
July 9, 2018**

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting **on Monday, July 9, 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

(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) CONSENT AGENDA (*All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.*)

- a. Minutes of City Council Retreat held on June 4, 2018
- b. Minutes of Regular City Council Meeting held on June 11, 2018

- c. Discussion/possible action regarding approval of Change Order No. 1 to existing contract with To-Mex Construction for completion of construction of a Sanitary Sewer Overflow (SSO) project, recognizing a reduction in contracted amount of \$112,983.49, and returning like amount to the SSO allocation of 2016 Certificates of Obligation Fund.
- d. Discussion/possible action regarding accepting the Quarterly Investment Reports for First Quarter 2018.

(7) PUBLIC HEARING

- a. Conduct Public Hearing to hear public input 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 (FM 1765 & Delany Road – Trails at Woodhaven Lakes Subdivision)
- b. Conduct a Public Hearing to hear public input regarding adopting Ordinance No. **O-2018-009**, authorizing the Issuance and Sale of the City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018; levying a tax and providing for the security and payment thereof; and enacting other provisions relating thereto.

(8) OLD BUSINESS

- a. 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 (FM 1765 & Delany Road – Trails at Woodhaven Lakes Subdivision)- City Manager C. Buttler - **THIS IS THE SECOND AND FINAL READING**
- b. Discussion/possible action regarding adopting Ordinance **No. O-2018-009**, authorizing the issuance and sale of the City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018; levying a tax and providing for the security and payment thereof; and enacting other provisions relating thereto – Finance Director S. Kou

(9) NEW BUSINESS

- a. Discussion/possible action to accept the City of La Marque Audited Comprehensive Annual Financial Report as of September 30, 2017.
- b. Discussion/possible action regarding a Final Plat of Landing at Delany Cove, Section 10, being a subdivision of 11.225 acres located in the Stephen F. Austin

- c. Discussion/possible action regarding approval of a Final Plat for Trails at Woodhaven Lakes, Section One (formerly known as Park Meadows, Section One) Subdivision, being a plat of 21.74 Tract out of a 75.62 Acres Tract of Land situated in the S. F. Austin League Survey, Abstract 297, in Galveston County, Texas (West of Delany Rd. & South of Texas Avenue) – City Manager C. Buttler
- d. Discussion/possible action regarding a proposed program for local businesses / vendors to participate in community activities / events and provide direction to City Manager – Councilmember C. Lane

(10) APPOINTMENTS

- a. Discussion/possible action regarding appointments and/or reappointments to fill various positions of the Boards and Commissions – Mayor Hocking
- b. Discussion/possible action regarding the nomination to appoint/reappoint a Representative and an Alternate Representative to the Galveston County Animal Services Advisory Committee for a two (2) year term each – Police Chief K. Jackson

(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 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 the posting of the agenda.

(13) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Rd., La Marque, Texas on or before July 6, 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.



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**CITY OF LA MARQUE
CITY COUNCIL
RETREAT
MINUTES
OF
JUNE 4, 2018**

Minutes of the City Council Retreat held on **Monday, June 4, 2018** at 4:00 p.m. at the Crowder Family Retreat Camp at 8911 Paula Lane, Dickinson, Texas 77539, concerning the following agenda items:

(1) CALL MEETING TO ORDER

Mayor Hocking called the Council Retreat to order at 4:11 p.m.

(2) ROLL CALL

Bobby Hocking

Keith Bell

Chris Lane

Robert Michetich

Casey Mc Auliffe

Mayor

Mayor Pro-Tem, Councilmember District A

Councilmember, District B

Councilmember, District C

Councilwoman, District D

OTHER OFFICIALS PRESENT:

Carol Buttler

Robin Eldridge

City Manager

City Clerk

3. NEW BUSINESS

a. Discuss City Manager long/short term goals/planning

City Manager gave a report of her present and future projects, including:

- Reported that the Public Information Officer Colleen Merritt wished to distribute a News Letter/insert for water bill to reiterate some of the issues concerning solid waste pickup schedules and criteria, and asked if Council had any concerns.
- Reviewed the Goodman Corporation (14) projects that were recently discussed in a Council meeting.
- Travel policy for employees will be on the June agenda
- Meeting with departments on each of their budgets
- New Fire Station (9) additional employees
- Asked for direction on how to proceed with the Strategic Plan
- GCWA rates increasing
- Workshop- two member committee to discuss MUDS
- At present time, water conservation level at 2, wished to remain at 2 for the time being
- LED street lighting will not be implemented by TNMP until 2019
- Streamlining process for the Neighborhood Empowerment Zone



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- Blight reduction has been successful by identifying all areas and strategy during budget process
- Looking into a Development Ordinance/Zoning Development guidelines (to schedule joint meetings along with EDC)
- Following the PIO (Colleen) advice for a Communication Plan
- Building “B”- Public Services current and near future plan
- Briefly discussed whether an acre adjacent could be used for a Recreation Center if the college was still planning on utilizing the complete “A” building
- Compensation Plan- completed
- Lemonade Day- Councilmember Lane implemented in La Marque-done
- Security cameras are up and running at the park
- AMI meters implemented
- Fire/Police Department wellness program- off to a good start

Further discussion with Mayor and City Council included:

- Splash Parks for all pocket parks (beginning with MLK)
- A master plan to overhaul Mahan Park (organized)
- Communication/Exploration Task force to totally revamp all of the parks
- Questions about Bobby Beach Park (has a title search been conducted?)
Will this Park ever become the City’s?
- Concrete walking trail instead of what Dow provided (Highland Bayou Park)- should be a walk around the lake and not into marshy areas like the current “trail”
- Future Grocery Store (EDC) working on this
- Expanding tax base
- Impact fees (\$5,000? per house)
- Asked about feedback from TCISD
- Appraisal District – to properly appraise (possible increase in the appraisal amounts not a tax increase for citizens)- Linebarger- a Resolution is needed
- ABC buildings, Omega Bay to be storm ready
- Are local businesses involved in the wellness program?
- Relationships with Boards and Commissions (changes needed in procedures for appointing members)- incentives maybe to provide dinners

Mayor Hocking took item number 6, (Dinner) out of order at this time and the meeting broke for dinner at 7:03 p.m.

4. **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



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(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 551.074 (Personnel Matters) – Mayor and Councilmembers Evaluation of City Manager

Mayor Hocking closed the Council Retreat and went into Executive Session at 8:05 p.m.

Mayor Hocking reconvened the Council Retreat at 11:06 p.m.

5. ACTION TAKEN FROM EXECUTIVE SESSION

1. Discussion/possible action regarding City Managers tenure

Councilmember Michetich made a motion based on City Council's individual evaluations discussed in the closed meeting to continue to support the City Manager's work through the remainder of her tenure until retirement, which is December 31, 2019.

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

It was the consensus of City Council to adjourn the Council Retreat at 11:07 p.m.

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk



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**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
June 11, 2018**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, June 11, 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

Keith Bell

Chris Lane

Robert Michetich

Casey Mc Auliffe

Mayor

Mayor Pro-Tem, Councilmember District A

Councilmember, District B

Councilmember, District C

Councilwoman, District D

OTHER OFFICIALS PRESENT:

Carol Buttler

Ellis Ortego

Robin Eldridge

City Manager

City Attorney

City Clerk

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the invocation and the Pledge of Allegiance

(4) PRESENTATIONS/ PROCLAMATIONS

a. Letter of Appreciation – Joe Mose- Public Services

Mayor Hocking read an appreciation letter from citizens Hugh and Abby Cash, showing their appreciation for Public Works employee Joe Mose

b. Proclamation- Juneteenth (June 19, 2018)

Mayor Hocking presented Geraldine Sam with a Juneteenth Proclamation, in observance of June 19th, being Juneteenth Day

(5) CITIZENS PARTICIPATION

1. Geraldine Sam spoke about her concerns for citizens that are still in need of help with their homes due to the damages of Hurricane Harvey, asked for references for those citizens to contact.

2. Enrique Garza shared his concerns with his neighbors who have two horses on the school property across the street. Reported that the same neighbor is running an illegal garage, out



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of his home. "I have gone to different people and no one is telling me what I can do. What can I do?"

3. Yolanda Reyna reported a house next door to her on Merry Lane that has been abandoned since the hurricane. The owners have left their dogs there, abandoning them. The owners come and go checking their mail and feeding them, but they were left out in the freezing weather. "They need a bath, they need to be cared for."
4. Laura Divine reported on the same house on Merry Lane where the two dogs were abandoned. She had previously submitted a video on their condition and their living conditions. One of the dogs has had a litter of puppies, and because she is protective of her babies, she's charged her and her neighbors on several occasions. The police department and animal control have been called out. "The animals were taken away, and before I returned home from work, the animals were back at their house, but this time, they were tethered to a tree. This is when I took the video, as you will see, the pit bull has a choker collar around its neck, which would make that dog hang itself if it tried to jump the fence. There was water on the site, but it had a lid on it." She said the dogs are flea ridden and this was a health concern, and that the female dog is again pregnant. She is asking for help for these animals.
5. Al Reida spoke in opposition of the registration of the rental unit item further on the agenda (ordinance). "I think all it's going to do is raise the rent about a thousand dollars a year for the people that are living there. It will be passed on to the tenants. Sounds like it's awful liberal to me, thank you, that is all I gotta say."
6. Richard Denson, President of the Galveston County Apartment Association began, "It seems like every time we turn around someone is reaching in our pockets again. I just wonder if La Marque believes that the owners don't pay enough in taxes, because they are trying to throw that rental tax on them and that's really going to hurt the residents, more than it is the landlord. It will cause higher deposits, higher rentals and may delay someone moving in. The City already has ordinances on the books, where it can prevent persons from renting unsafe homes or apartments. It doesn't take a rental registration to enforce the laws that are already on the books." Further stated that a lot of those renting are on housing and currently are having trouble "making ends meet". He said that the extra hundred dollars could go towards school supplies, summer programs, and additional food on the table or a much needed prescription. He too, is in opposition of the item on the agenda pertaining to registration of rental units. "If the property is meeting the standards of the housing authority, then it's not really right to call them slums or slum lords because they are not. In conclusion, I would hate to see people that are getting taxed, that are having trouble just meeting their daily bills."

(6) MINUTES

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



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- ** Councilmember Lane made a motion to approve the Regular City Council minutes of May 14, 2018 and the Workshop minutes of May 14, 2018.
- ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

(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”.

Mayor Hocking closed the Regular meeting and called the Public Hearing (s) at 6:26 p.m.

No one spoke on this item.

- 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.
 - 1. Geraldine Sam spoke against this ordinance, “First of all, we have so many ordinances on the book, and I this time, and I just think that they can’t be enforced. We should not be micromanaging the citizens. We welcome people into our city, we don’t want to run the away. They have to pay for their alarm systems, you have to register for a garage sale, and then the game rooms are paying money. You are looking to a cost that will go to the renters.”
 - 2. Maggie Manuel, “I don’t mind the registration, but I feel ya’ll need to put something on the people that are living in the house. I have on right now, that was on housing. It’s taken me forever to get her out. I had to go and have her evicted. I can’t even go in there until after the 20th. I am sure the water and the lights will be turned off and all of my appliances are going to be ruined. So, if you are going to put something for the landlords, I think you need to put something for the renters and make them responsible too, not that you are going to get anything out of it.” She asked if the children of parents that live in the house have to register also.
- 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).

No one spoke on this item.



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- 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."

No one spoke on this item.

Mayor Hocking closed the Public Hearings (s) and reconvened the regular meeting at 6:35 p.m.

(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" **THIS IS THE SECOND AND FINAL READING**

- ** Councilwoman Mc Auliffe made a motion to adopt Ordinance No. O-2018-004
- ** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- 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 **THIS IS THE SECOND AND FINAL READING**

- ** Mayor Pro Tem Bell made a motion to adopt Ordinance No. O-2018-005
- ** Councilwoman Mc Auliffe seconded.

Mayor Pro-Tem Bell wished to respond to one of the concerns that was discussed during the public hearing portion for this ordinance, as this would be passing down additional expenses to renters. "For about nine dollars or less per month you have the potential to have a home that you could raise your children in that would be safe, according to our current fire code, building code, code enforcement, that would be known to the Police and Fire Departments in La Marque that you would be leasing a home that perhaps would be safer than what you are probably leasing now, and all for nine dollars a month, so, at this point the argument is how much do we put on the price of our own safety and the safety of our children? " Then said that he felt like this would be beneficial to the city, although property taxes haven't been raised in years, maybe by raising the value of these properties by ensuring that they are up to code.



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Councilmember Mc Auliffe added that this was not a discussion that was taken lightly and that this will be a big change for the city because it affects many people, and that she is in full support of.

Councilmember Michetich clarified that software tracking for the enforcement of the ordinance was in place. He then added the percentage of rental property that actually exists within the city, and the turnovers, the absentee landlords and the difficult job it is for Code Enforcement to get in touch with the current owners that are not doing a good job in keeping up their properties. "This affects us all, whether we are property owners or neighbors. The need is there to turn this tide." **MOTION CARRIED UNANIMOUSLY**

Mayor Hocking said that the City has no intention of raising taxes. The school has passed a bond that will raise their taxes by .8 cents.

- 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) **THIS IS THE SECOND AND FINAL READING**

** Councilmember Michetich made a motion to adopt Ordinance No. O-2018-006

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

At this time, Mayor Hocking introduced the new contracted Engineer, Mr. Dinh Ho.

- 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" **THIS IS THE SECOND AND FINAL READING**

** Councilmember Lane made a motion to adopt Ordinance No. O-2018-007.

** Councilwoman Mc Auliffe seconded.

Councilmember Michetich explained that years ago, there was a sidewalk section in the Code, but when updating it, one of the times, it was erroneously left out, and that this ordinance adds it back into our current codes. **MOTION CARRIED UNANIMOUSLY**

(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



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** Councilmember Michetich made a motion to adopt Resolution No. R-2018-0015.

** Councilmember Lane seconded. Mayor Hocking recused himself.

Councilmember Michetich commented that these projects were future and that the city's match would be budgeted by project as each one arose. **MOTION CARRIED by vote 4 AYES and 1 RECUSE**

- 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

** Councilmember Lane made a motion 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

** Mayor Pro-Tem Bell seconded. Councilmember Bell asked if there were any special requirements that they would have to adhere to. Public Services Director assured that they would be in compliance with all of the insurance and state standards. **MOTION CARRIED UNANIMOUSLY**

- 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

** Mayor Pro-Tem Bell made a motion to 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

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

- d. Discussion/possible action regarding bulky waste removal provisions in Waste Management contract and provide direction to City Manager.

Shanna Lopez, of Waste Management spoke about the confusion of when bulky waste pickup times were. "It's always on one of the collection days. We will be sending out calendars again, just as when we did on the inserts on the garbage carts. There are times, when it is beyond the compliance, so we may get some of the bulky waste and then come back and get the remainder. So what we ask if it is in an abandoned lot or over and beyond and have left multiple notices that we can work with the City Manager to help clean up these areas." She added that all over the Houston and surrounding areas it has been a very active bulky brush season, with the hurricane and then the freeze.



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No action required.

- 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 **THIS IS THE FIRST READING**

- ** Councilmember Michetich made a motion to adopt Ordinance No. O-2018-008
** Councilmember Lane seconded.

Mayor Hocking added that this was supposed to be an RV Park, but now will become houses at this location after the rezone. **MOTION CARRIED UNANIMOUSLY**

- f. 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.

- ** Councilmember Michetich made a motion to adopt Resolution No. R-2018-0016.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY**.

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

- ** Councilwoman Mc Auliffe made a motion to adopt Resolution No. R-2018-0017.

- ** Councilmember Lane seconded.

Mayor Pro-Tem had a question on page three of the document, "the City Manager's travel would be acknowledged/approved by the City Clerk." It was the consensus of Council to change this authorization to be approved by City Council. **MOTION CARRIED UNANIMOUSLY**.

(10) CONTRACTS/AGREEMENTS

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

- ** Councilmember Michetich made a motion to approve the termination of professional services agreement with Municipal Operations and Consulting (MOC), effective June 15, 2018.
** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**.



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- 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

- ** Councilmember Michetich made a 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
- ** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY**

(11) EXECUTIVE SESSION

There was no Executive Session

(12) REQUEST AND ANNOUNCEMENTS

Councilwoman Mc Auliffe wished a “Happy Pride Month” and it is exciting to have such a big crowd.

Councilmember Michetich congratulated all of the High School/College graduates and a special congratulations to his god-daughter who graduated magna cum laude and will be attending Texas A&M in Corpus to pursue nursing and pediatrics

Councilmember Lane thanked all for attending, great turnout

Mayor Pro-Tem Bell congratulated Joe Mose again. Reminded all of the Juneteenth parade and to be extra careful and watch out for children. Thanked Maggie Manuel for the bag of goodies.

Mayor Hocking asked all to continue to pray for the City of Santa Fe, commended all involved to doing an excellent job in that situation. Wished his wife a Happy 47th Anniversary, and happy and safe 4th of July and thanked all for attending.

(13) ADJOURNMENT

- ** Councilmember Lane made a motion to adjourn the Regular Meeting at 7:14 p.m.
- ** Mayor Pro-Tem Bell seconded. **MEETING ADJOURNED.**

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018
Prepared by: Les Rumburg
Department: Public Services

Agenda item: 6c
Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding approval of Change Order No. 1 to existing contract with To-Mex Construction for completion of construction of a Sanitary Sewer Overflow (SSO) project, recognizing a reduction in contracted amount of \$112,983.49, and returning like amount to the SSO allocation of 2016 Certificates of Obligation Fund.

X

ATTACHMENTS FOR REFERENCE

1. Engineer-approved change order.
2. City Council minutes of November 13, 2017, awarding original contract

STAFF BRIEFING:

- Project was approved utilizing allocation of 2016 Certificates of Obligations for SSO projects.
- Project to various lines, for the most part, was contained in an area bordered by Howell Street to the west, Walnut Street to the south, City Limits on the east, and Banana Street to the north.
- During the course of construction, a field verification revealed a smaller diameter pipe could be utilized in a specific location versus the initial size indicated on the plans.
- LJA Engineers, overseeing this project, verified the smaller pipe was appropriate.
- Finance Director has reviewed.

HISTORY:

- October 9, 2017 – City Council awards contract to To-Mex Construction, LLC.
- May, 18, 2018 – Project completion
- July 9, 2018 - Request Change Order approval and final payment

TARGET IMPLEMENTATION: July 9, 2018

SIGNIFICANT ACTION DATES:

October 9, 2017 – Contract awarded

May 18, 2018 – Project completion

July 9, 2018 – Request change order and final payment



CITY COUNCIL AGENDA FORM

ACTION:

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

Cost Details:	
Budgeted	\$2,500,000.00
Remaining	\$1,700,000.00
Actual Bid	\$545,910.00
Estimated Expenditure	\$432,926.51
Acct. Name(s)	2016 CO SSO
Line Items #	47-7003-24-00-SSO
Other Funding	N/A

STAFF'S RECOMMENDATION: Motion to approve Change Order No. 1 to existing contract with To-Mex Construction for completion of construction of a Sanitary Sewer Overflow (SSO) project, recognizing a reduction in contracted amount of \$112,983.49, and returning like amount to the SSO allocation of 2016 Certificates of Obligation Fund.

FISCAL IMPACT: Unanticipated available funds due to reduction of \$112,983.49 to the original, approved contract amount.

**CHANGE ORDER NO. 1 TO BALANCE PROJECT
For
SANITARY SEWER REHABILITATION**

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

DATE: May 24, 2018
ENGINEER: LJA Engineering, Inc.
CONTRACTOR: To-Mex Construction, LLC
CONTRACT DATED: October 25, 2017
WORK ORDER DATED: November 13, 2017
ORIGINAL CONTRACT AMOUNT: \$545,910.00
LJA PROJECT NO. E019-1003

DESCRIPTION

Because the quantities comprising the original contract were estimated, a change order is prepared at job completion amending the contract to agree with the actual value of the installed facilities.

The accompanying tabulation lists the Bid Items which varied from original estimated amounts. It lists the overrun and underrun quantities and cost of each item and then shows the net overrun/underrun. This change order thus amends the Contract by the net underrun of (\$112,983.49).

LJA Engineering recommends that the Owner accept this Change Order for a decrease in the Contract amount of (\$112,983.49) and adds 37 calendar days to the Contract from the Approved Extension of Times added during the course of construction as summarized below:

CONTRACT SUMMARY

COST

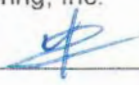
Original Contract Amount	\$ 545,910.00
Change Order No. 1 to Balance Project – Deduct	\$ (112,983.49)
Amended Contract Amount	\$ 432,926.51

TIME OF COMPLETION

Original Contract Time 150 C.D.
Original Contract Completion Date 4/11/2018
Change Order No. 1 to Balance Project – Add 37 C.D.
Amended Contract Time 187 C.D.
Amended Contract Completion Date 5/18/2018

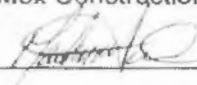
In consideration for the above change, it is mutually agreed that the contract price is changed to \$432,926.51 and that the time of completion for all work is changed for a completion time of 187 calendar days. Finally, it is understood and agreed that this Change Order is a full and complete equitable adjustment and constitutes compensation in full on behalf of the Contractor for all costs and markups directly or indirectly attributable to the changes ordered herein for all delays and impacts related thereto and for performance of the changes within the time stated.

RECOMMENDED FOR APPROVAL:
LJA Engineering, Inc.

By: 

Date: 5/29/2018

AGREED
To-Mex Construction, LLC

By: 

Date: 05/25/18

APPROVED
City of La Marque

By: _____

Date: _____

Client: City of La Marque					
CHANGE ORDER NO. TO BALANCE PROJECT					
LJA PROJECT NO. E019-1003					
DATE: 5/24/2018					
ITEM NO.	ORIGINAL QUANTITY	ACTUAL QUANTITY	DIFFERENCE (+) OR (-)	UNIT PRICE	ADD OR DEDUCT
1	9,370	11,997	2627	\$1.25	\$3,283.75
2	9,370	11,997	2627	\$1.25	\$3,283.75
3	7,325	7,503	178	\$25.00	\$4,450.00
4	7	10	3	\$2,500.00	\$7,500.00
5	187	140	(47)	\$200.00	(\$9,400.00)
6	137	115	(22)	\$200.00	(\$4,400.00)
7	50	25	(25)	\$550.00	(\$13,750.00)
8	250	50	(200)	\$85.00	(\$17,000.00)
9	7	7	0	\$600.00	\$0.00
10	935	888.88	(46.12)	\$2.00	(\$92.24)
11	530	41.65	(488.35)	\$25.00	(\$12,208.75)
12	1	1	0	\$3,500.00	\$0.00
13	29	0	(29)	\$35.00	(\$1,015.00)
14	8	0	(8)	\$100.00	(\$800.00)
SUPPLEMENTARY ITEMS					
15	100	0	(100)	\$80.00	(\$8,000.00)
16	10	0	(10)	\$10.00	(\$100.00)
17	10	0	(10)	\$30.00	(\$300.00)
18	20	10	(10)	\$35.00	(\$350.00)
19	10	12	2	\$300.00	\$600.00
20	1	0	(1)	\$100.00	(\$100.00)
21	500	220	(280)	\$2.00	(\$560.00)
22	875	49	(826)	\$55.00	(\$45,430.00)
23	5	26	21	\$600.00	\$12,600.00
24	5	1	(4)	\$1,000.00	(\$4,000.00)
25	1	0	(1)	\$500.00	(\$500.00)
26	4,000	0	(4000)	\$3.00	(\$12,000.00)
27	1,000	0	(1000)	\$25.00	(\$25,000.00)
28	10	0	(10)	\$150.00	(\$1,500.00)
29	0.5	0	(1)	\$2,000.00	(\$1,000.00)
30	10.0	4	(6)	\$500.00	(\$3,000.00)
31	10	3	(7)	\$500.00	(\$3,500.00)
32	375	540	165	\$55.00	\$9,075.00
33	795	981	186	\$55.00	\$10,230.00

TOTAL OVERRUNS	\$51,022.50
TOTAL UNDERRUNS	(\$164,005.99)
NET ADJUSTMENT TO CONTRACT - DEDUCT	(\$112,983.49)



1111 Bayou
La Marque, Texas 77568
409.938.9202

**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
OCTOBER 9, 2017**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, October 9, 2017, beginning at 6:00 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Mayor Hocking called the Special Meeting to order at 6:00 p.m.

(2) ROLL CALL

Bobby Hocking
Keith Bell
Chris Lane
Robert Michetich
Casey Mc Auliffe

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

OTHER OFFICIALS PRESENT:

Carol Buttler
Ellis Ortego
Robin Eldridge

City Manager
City Attorney
City Clerk

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the invocation and the Pledge of Allegiance

(4) PRESENTATIONS/PROCLAMATIONS

Proclamation- Bob and Mary Eaton

Mayor Hocking read and presented Bob and Mary Eaton a proclamation for their continued volunteerism after Hurricane Harvey. They have been providing transportation to those citizens who have been affected by the storm and have no transportation.

Retirement- John Brasher

Mayor Hocking and Chief Grimm announced the retirement of John Brasher who has been with the City in the Fire Department for twenty-nine years.

(5) CITIZENS PARTICIPATION

1. Geraldine Sam asked if senior citizens were going to receive the same discount with the news solid waste provider as they did with the previous provider. Also asked if they were still going to have to pay the seventy dollars for the cart. City Manager clarified that in the previous contract it was ninety-five dollars per cart and in this contract it is seventy dollars, if they are stolen or damaged by the owner, and that is not a fee that is charged on a regular basis.



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(6) MINUTES

- a. Regular City Council Meeting Minutes of August 14, 2017
- b. Special City Council Meeting Minutes of August 21, 2017
- c. Regular City Council Meeting Minutes of September 11, 2017
- d. Special City Council Meeting Minutes of September 18, 2017

** Councilmember Lane made a motion to approve the minutes of the August 14, 2017; August 21, 2017; September 11, 2017 and September 18, City Council minutes.

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

(7) PUBLIC HEARING

- a. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2017-0013**, amending Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-139; Parking prohibited on certain streets during school hours, by adding a new Sec. 62-51; Maximum limits in school zones generally.
- b. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2017-0019**, amending Appendix "A", Schedule of Fees and Charges of the Code of Ordinances, City of La Marque, Texas by amending prescribed solid waste collection charges.
- c. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2017-0020**, amending the FY 2016-17 Budget for grants, special (restricted) revenues and related 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".
- d. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2017-0021**, amending the entire Article II of Chapter 35, Garbage, Rubbish And Rubble, to rename the Clean City Commission as "Keep La Marque Beautiful Commission," to restate its purpose, and to provide for additional officer positions.

Mayor Hocking closed the Regular Meeting and opened the Public Hearings at 6:10 p.m.

No one spoke

Mayor Hocking closed the Public Hearing and reconvened the Regular Meeting at 6:14 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2017-0013**, amending Sec. 62-51; Maximum limits in school zones generally, and Sec. 62-139; Parking prohibited on certain streets during school hours, by adding a new Sec. 62-51; Maximum limits in school zones generally.



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- ** Councilmember Lane made a motion to adopt Ordinance No. O-2017-0013.
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**
THIS IS THE SECOND AND FINAL READING
- b. Discussion/possible action regarding Ordinance No. **O-2017-0019**, amending Appendix "A", Schedule of Fees and Charges of the Code of Ordinances, City of La Marque, Texas by amending prescribed solid waste collection charges.
- ** Councilmember Michetich made a motion to adopt Ordinance No. O-2017-0019.
** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**
THIS IS SECOND AND FINAL READING.
- c. Discussion/possible action regarding adopting Ordinance No. **O-2017-0020**, amending the FY 2016-17 Budget for grants, special (restricted) revenues and related 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".
- ** Councilmember Lane made a motion to adopt Ordinance No. O-2017-0020.
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**
THIS IS THE SECOND AND FINAL READING.
- d. Discussion/possible action regarding adopting Ordinance No. **O-2017-0021**, amending the entire Article II of Chapter 35, Garbage, Rubbish And Rubble, to rename the Clean City Commission as "Keep La Marque Beautiful Commission," to restate its purpose, and to provide for additional officer positions.
- ** Councilwoman Mc Auliffe made a motion to adopt Ordinance No. O-2017-0021.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY**
THIS IS THE SECOND AND FINAL READING
- (9) **NEW BUSINESS**
- a. Discussion/possible action regarding approving the recommendation of the Cemetery Board to Transfer Cemetery Plot 84, spaces 6-10; and Plot 85, space 10 of the Southeast Quadrant from Truman A. Meadows (Alma Meadows) to Samantha D. and Kadie E. Meadows (granddaughters).
- ** Councilmember Lane made a motion to approve the recommendation of the Cemetery Board to Transfer Cemetery Plot 84, spaces 6-10; and Plot 85, space 10 of the Southeast Quadrant from Truman A. Meadows (Alma Meadows) to Samantha D. and Kadie E. Meadows (granddaughters).
- ** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**



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- b. Discussion/possible action regarding adopting Resolution No. **R-2017-0025**, approving participation in the Texas Cooperative Liquid Assets Securities System Program (Texas CLASS) to provide an option for a short-term, highly liquid investment program, designed specifically for public-sector funds; to provide the opportunity to invest funds on a cooperative basis in short-term investments which are carefully selected to provide maximum safety and liquidity while generating a competitive yield.
- ** Councilmember Michetich made a motion to adopt Resolution No. R-2017-0025.
- ** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY**
- c. Discussion/possible action regarding approval of a Change Order for LJA Engineering Project No. E019-097D to Texas Pride Utilities, LLC, to increase the original bid of \$554,565.00 by 25% (\$134,714.00) to be added to the City of La Marque Sanitary Sewer Rehabilitation 2016, making total cost of the project \$689,279.00 with an additional 60 days to project completion.

After a lengthy discussion as to why it was a change order instead of going out for bid, as done previously, with the other projects, Mayor Pro-Tem Bell asked for an explanation.

Public Services Director Les Rumburg explained that the bids came in low, leaving over \$800,000.00 remaining funds out of the 2009 grant. The 25% additional is enabling the city to spend more of the allotted money on other projects. With the City having such dilapidated infrastructure, they decided to continue repairing some of those other projects, also, for the sake of time.

Mayor Pro-tem said that the City may not always want to do business in that fashion, and that bidding those other projects, would provide opportunities for all qualified bidders and allow others to bid and have healthy competition, but still wanted to move forward on the item. He referred to a side note on one of the pages, and asked the City Manager to clarify.

City Manager Buttler explained, "That is not how I would have worded it, but, as a rule, the maximum you can go up on a contract is 25% for the City, but usually it is 25% decrease for a City. It is saying in excess cannot be reviewed, I believe, if I understand how the GLO works, If we would have submitted this in excess of the 25%. The GLO couldn't review it, and would be rejected.

Mayor Pro-Tem added that he would support it, because the work needs to be done, but that he wanted to do business more in line with the spirit of what change orders are supposed to be used for.

Councilmember Michetich added that although the contractor was the lowest one turned in, actually \$40,000 lower than the others, so by bidding the other projects, may or may have not ended up with the same outcome, it could have cost the City more money.



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It was also added, that GLO had already reviewed the change order, before being submitted to City Council

- ** Councilmember Lane made a motion to approve a Change Order for LJA Engineering Project No. E019-097D to Texas Pride Utilities, LLC, to increase the original bid of \$554,565.00 by 25% (\$134,714.00) to be added to the City of La Marque Sanitary Sewer Rehabilitation 2016, making total cost of the project \$689,279.00 with an additional 60 days to project completion.

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

(10) AWARD OF BID(S)/CONTRACTS

- a. Discussion/possible action regarding approval of annual Water Pollution Control and Abatement Contract with Galveston County Health District for services provided including, City-wide grease trap inspections, Waste Water Treatment inspections, and complaint investigations in the amount of \$12,272.16.

- ** Mayor Pro-Tem Bell made a motion to approve the annual Water Pollution Control and Abatement Contract with Galveston County Health District for services provided including, City-wide grease trap inspections, Waste Water Treatment inspections, and complaint investigations in the amount of \$12,272.16.

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

- b. Discussion/possible action regarding award of LJA Engineering Project No. E019-1003 to To-Mex Construction, LLC, for the cost of construction services necessary for repairs/replacement of segment of City of La Marque Sanitary Sewer Rehabilitation 2016, in the amount of \$545,910.00.

Mayor Pro-Tem Bell referred to back-up on this item, and that this is what he had discussed in item 9c, anticipating a future change order. He told the City Manager that he would like to arrange a meeting with LJA.

- ** Councilmember Michetich made a motion to approve awarding LJA Engineering Project No. E019-1003 to To-Mex Construction, LLC, for the cost of construction services necessary for repairs/replacement of segment of City of La Marque Sanitary Sewer Rehabilitation 2016, in the amount of \$545,910.00.

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

- c. Discussion/possible action regarding award of Bid LM #01-18 to DXI Industries for Liquid Chlorine, Calcium Hypochlorite & Sulfur Dioxide in the amount of \$ 41,398.00.



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018
Prepared by: Suzy Kou
Department: Finance

Agenda item: 6d
Reviewed by: Carol Buttlar

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding accepting the Quarterly Investment Reports for First Quarter 2018.

X

ATTACHMENTS FOR REFERENCE

1. Investment Report-first quarter 2018

STAFF BRIEFING:

- Per Public Funds Investment Act, we are required to submit quarterly investment reports to Council for acknowledgement purposes.

HISTORY:

TARGET IMPLEMENTATION:

SIGNIFICANT ACTION DATES:

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 accept the Quarterly Investment Reports for First Quarter 2018.

FISCAL IMPACT: N/A



City of La Marque, Texas

Quarter **03/31/2018**

Detailed Holdings

TexPool Rate: 1.5156

Logic Rate: 1.7228

DWS 1.5600

Fund	Description	CUSIP	Coupon	Settlement Date	Maturity Date	Par Value	Purch Price	Purch Cost	Book Value	Mkt Price	Mkt Value	Days to Mat	YTM
General Fund	Logic		1.7228			4,653,406.25	100.000	4,653,406.25	4,653,406.25	100.000	4,653,406.25	1	1.7228
General Fund	TexPool		1.5156			360,286.88	100.000	360,286.88	360,286.88	100.000	360,286.88	1	1.5156
General Fund	DWS		1.5600			224,067.82	101.000	224,067.82	224,067.82	100.000	224,067.82	1	1.5600
Utility Fund	Logic		1.7228			7,824,699.92	100.000	7,824,699.92	7,824,699.92	100.000	7,824,699.92	1	1.7228
Utility Fund	TexPool		1.5156			605,822.18	100.000	605,822.18	605,822.18	100.000	605,822.18	1	1.5156
Utility Fund	DWS		1.5600			257,457.02	100.000	257,457.02	257,457.02	100.000	257,457.02	1	1.5600
Utility Fund	Logic		1.7228			74,212.21	100.000	74,212.21	74,212.21	100.000	74,212.21	1	1.7228
Utility Fund	TexPool		1.5156			5,745.83	100.000	5,745.83	5,745.83	100.000	5,745.83	1	1.5156
Utility Fund	DWS		1.5600			3,665.57	100.000	3,665.57	3,665.57	100.000	3,665.57	1	1.5600
Replacement Fund	Logic		1.7228			447,765.46	100.000	447,765.46	447,765.46	100.000	447,765.46	1	1.7228
Replacement Fund	TexPool		1.5156			34,667.94	100.000	34,667.94	34,667.94	100.000	34,667.94	1	1.5156
Replacement Fund	DWS		1.5600			22,116.52	100.000	22,116.52	22,116.52	100.000	22,116.52	1	1.5600
Hotel Motel Fund	Logic		1.7228			450,105.68	100.000	450,105.68	450,105.68	100.000	450,105.68	1	1.7228
Hotel Motel Fund	TexPool		1.5156			34,849.13	100.000	34,849.13	34,849.13	100.000	34,849.13	1	1.5156
Hotel Motel Fund	DWS		1.5600			22,232.11	100.000	22,232.11	22,232.11	100.000	22,232.11	1	1.5600
Debt Service	Logic		1.7228			603,896.31	100.000	603,896.31	603,896.31	100.000	603,896.31	1	1.7228
Debt Service	TexPool		1.5156			46,756.27	100.000	46,756.27	46,756.27	100.000	46,756.27	1	1.5156
Debt Service	DWS		1.5600			29,828.30	100.000	29,828.30	29,828.30	100.000	29,828.30	1	1.5600
LM EDC Operating	Logic		1.7228			3,816,342.10	100.000	3,816,342.10	3,816,342.10	100.000	3,816,342.10	1	1.7228
LM EDC Operating	TexPool		1.5156			1,190,431.91	100.000	1,190,431.91	1,190,431.91	100.000	1,190,431.91	1	1.5156
LM EDC Operating	DWS		1.5600			648.36	100.000	648.36	648.36	100.000	648.36	1	1.5600
LM EDC Operating	Money Market		0.1500			35,815.22	100.000	35,815.22	35,815.22	100.000	35,815.22	1	0.1500
LM EDC Operating	Texas First	5177	0.2000	11/27/2017	11/27/2018	200,801.22	100.000	200,801.22	200,801.22	100.000	200,801.22	241	0.6000
LM EDC Operating	Amoco CD		0.6000	08/30/2017	08/30/2018	101,543.57	100.000	101,543.57	101,543.57	100.000	101,543.57	152	0.8000
LM EDC Operating	ACU CD		0.6000	08/31/2017	08/31/2018	100,000.00	100.000	100,000.00	100,000.00	100.000	100,000.00	153	1.0000
1998 TWDB Sewer Rehab	DWS		1.5600			157,673.59	100.000	157,673.59	157,673.59	100.000	157,673.59	1	1.5600
2005 CO	TexPool		1.5156			119,676.60	100.000	119,676.60	119,676.60	100.000	119,676.60	1	1.5156
2007 CO	TexPool		1.5156			631,995.16	100.000	631,995.16	631,995.16	100.000	631,995.16	1	1.5156
2016 CO	Logic		1.7228			4,038,022.22	100.000	4,038,022.22	4,038,022.22	100.000	4,038,022.22	1	1.7228
Special Revenue Funds	DWS		1.5600			22,006.57	100.000	22,006.57	22,006.57	100.000	22,006.57	1	1.5600
Special Revenue Funds	TexPool		1.5156			34,409.06	100.000	34,409.06	34,409.06	100.000	34,409.06	1	1.5156
Special Revenue Funds	Logic		1.7228			442,761.03	100.000	442,761.03	442,761.03	100.000	442,761.03	1	1.7228
Library Memorial	Logic		1.7228			2,756.02	100.000	2,756.02	2,756.02	100.000	2,756.02	1	1.7228
Drug Seizure	Logic		1.7228			124,202.68	100.000	124,202.68	124,202.68	100.000	124,202.68	1	1.7228
						26,720,666.71		26,720,666.71	26,720,666.71		26,720,666.71	4	1.6778

I certified that the Quarterly Investment Report represents the investment position of City of La Marque as of March 31, 2018 to the best of my knowledge and all investments under the City's control have been and are in compliance with the Texas Public Funds Investment Act and the City's Investment Policy as adopted by City Council.

Investment Officer, CPFIM



City of La Marque, Texas

Quarter ended 3/31/18

Summary Data

Type Breakdown:	Book Value	Percent	Wtd Avg Mat	Wtd Avg Yield
LGIP	25,542,810.85	95.59%	1	1.698
MMKT	775,511.07	2.90%	1	1.495
CD	402,344.79	1.51%	197	0.750
	26,720,666.71	100.00%	4	1.678

Issuer Breakdown:	Book Value	Percent	Wtd Avg Mat	Wtd Avg Yield
Texas First	200,801.22	0.75%	241	0.600
ACU CD	100,000.00	0.37%	153	1.000
Amoco CD	101,543.57	0.38%	152	0.800
Money Market	35,815.22	0.13%	1	0.150
DWS	739,695.85	2.77%	1	1.560
Logic	22,478,169.89	84.12%	1	1.723
TexPool	3,064,640.96	11.47%	1	1.516
	26,720,666.71	100.00%	4	1.678

Fund Breakdown:	Book Value	Percent	Wtd Avg Mat	Wtd Avg Yield
General Fund	5,237,760.95	19.60%	1	1.702
Utility Fund	8,687,979.12	32.51%	1	1.704
Utility Fund (Restricted)	83,623.60	0.31%	1	1.701
Replacement Fund	504,549.92	1.89%	1	1.701
Capital Projects Fund	4,947,367.57	18.52%	1	1.686
Hotel Motel Fund	507,186.93	1.90%	1	1.701
Debt Service Fund	680,480.88	2.55%	1	1.701
LM EDC	5,445,582.38	20.38%	15	1.595
Special Revenue Fund	499,176.66	1.87%	1	1.701
Fiduciary Fund	126,958.70	0.48%	1	1.723
	26,720,666.71	100.00%	4	1.678

Maturity Breakdown:	Book Value	Percent
Less Than 90 Days	26,318,321.92	98.49%
90 to 180 Days	201,543.57	0.75%
181 to 365 Days	200,801.22	0.75%
More Than 365 Days	-	0.00%
	26,720,666.71	100.00%



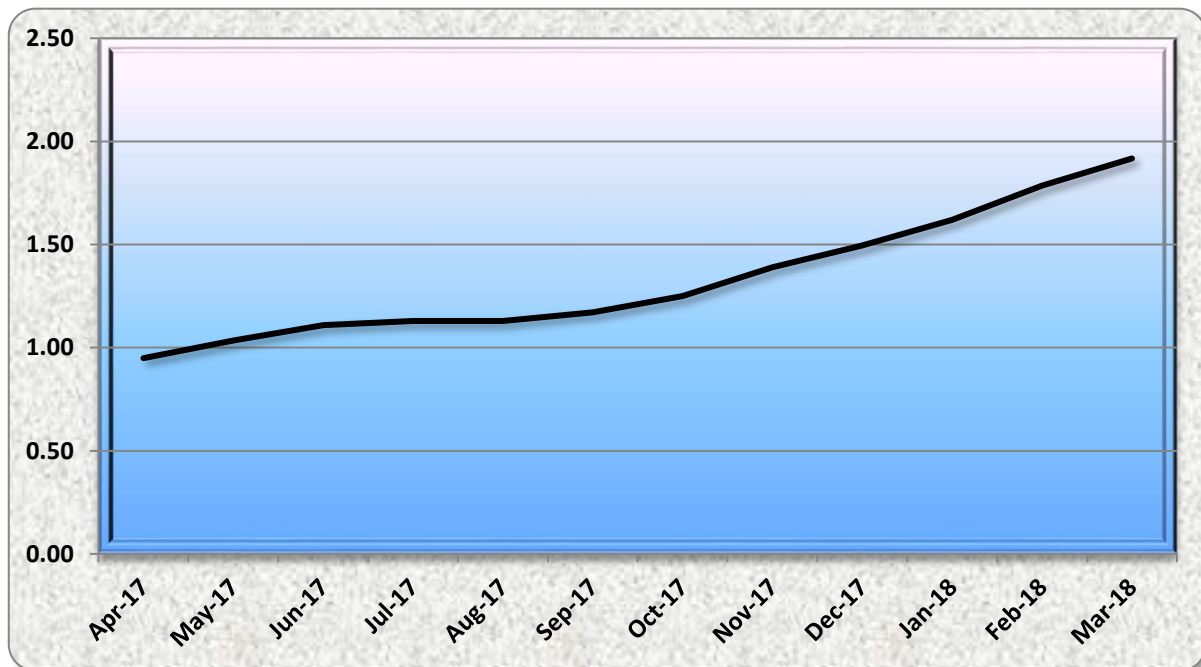
City of La Marque, Texas

Summary Investment Report For Period Ended 3/31/2018

Total Portfolio Summary			
	Current Quarter 03/31/2018	Prior Quarter 12/31/2017	Change From Prior
Book Value	26,720,667	24,041,302	2,679,365
Market Value	26,720,667	24,041,302	2,679,365
Market Value%	100.00%	100.00%	0.00%
Weighted Average Maturity - Days	4 days	6 days	-2 days
Weighted Average Yield	1.68%	1.33%	0.35%

Portfolio Performance Summary	
Beginning Book Value	24,041,302
Beginning Market Value	24,041,302
Beginning WAM	6 days <i>Liquidity measurement</i>
Ending Book Value	26,720,667
Ending Market Value	26,720,667
Change in market value	2,679,365 <i>Volatility measurement</i>
Ending WAM	4 days <i>Liquidity measurement</i>
Period Average Yield	1.68%
Period Average Benchmark	1.77%

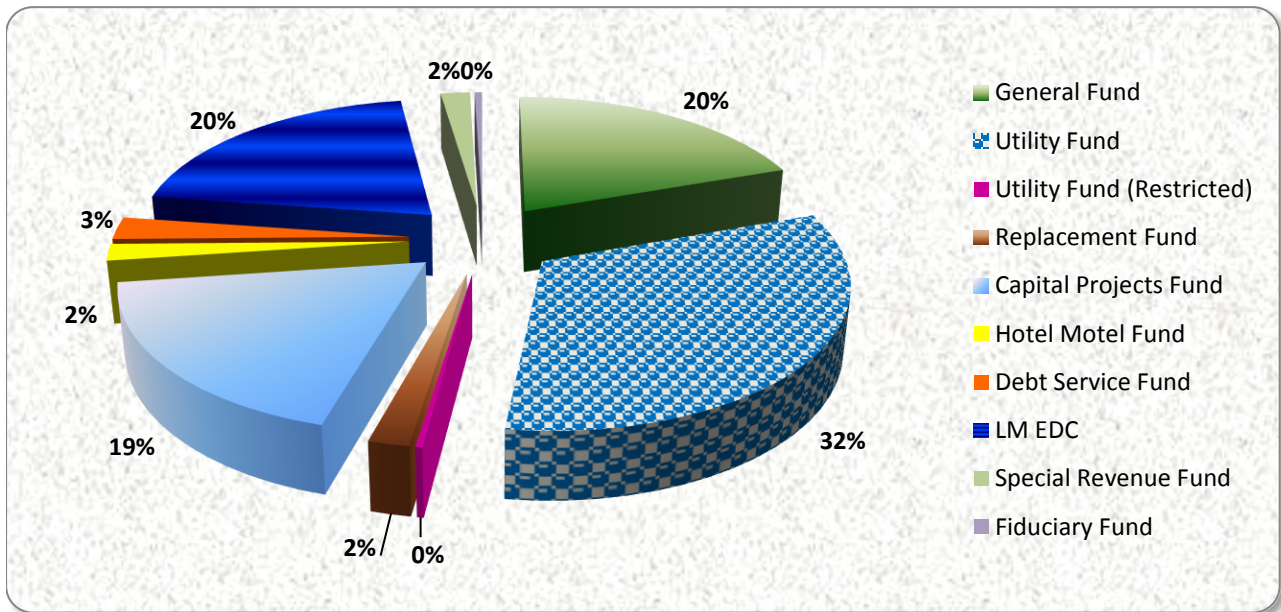
6-Month T-Bill Historical Trend





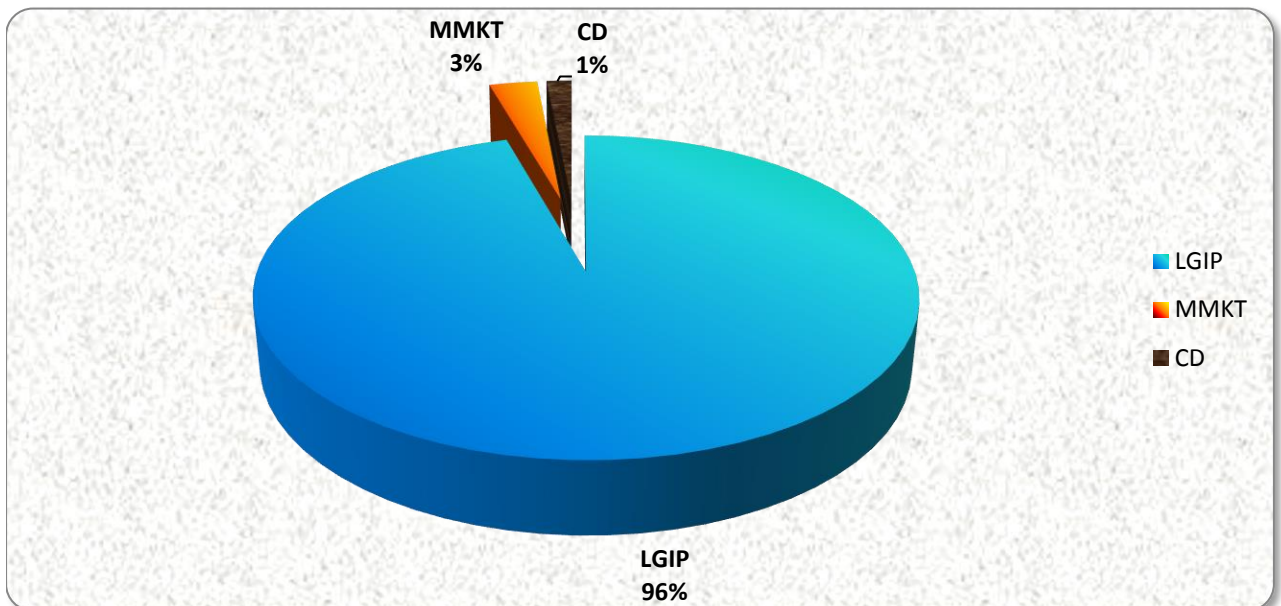
Investment Portfolio by Funds

As of 3/31/2018



Investment Portfolio by Types

As of 3/31/2018



Fiscal Years 2018 and 2017 Comparison October - May Interest Revenues

Funds	FY 2017	FY 2018	Change
01	34,195.94	45,889.76	11,693.82
02	32,223.63	83,436.27	51,212.64
03	520.80	797.50	276.70
05	3,104.66	4,811.76	1,707.10
06	18.48	29.28	10.80
10	3,770.44	4,959.23	1,188.79
12	229.18	424.61	195.43
15	4,730.93	6,521.03	1,790.10
19	19,991.23	38,648.17	18,656.94
30	209.02	167.82	(41.20)
45	1,545.07	1,073.47	(471.60)
46	2,307.69	5,669.24	3,361.55
47	54,240.66	45,654.14	(8,586.52)
63	1,262.79	1,409.02	146.23
81	209.78	256.77	46.99
82	126.69	193.97	67.28
83	392.72	572.62	179.90
84	177.32	271.50	94.18
85	95.02	145.47	50.45
87	235.65	339.76	104.11
88	411.62	682.98	271.36
89	30.60	19.78	(10.82)
	160,029.92	241,974.15	\$81,944.23 <i>Additional cumulative interest revenues</i>



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018

Prepared by: Sussie Sutton

Department: Development Services

Agenda item: 7&8a

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 (FM 1765 & Delany Road – Trails at Woodhaven Lakes Subdivision) **THIS IS THE SECOND AND FINAL READING**

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.
- City Council approved the rezone and ordinance on the first reading on 6-11-18.

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
- **06.11.2018** – City Council approved the rezone and ordinance on the first reading



CITY COUNCIL AGENDA FORM

TARGET IMPLEMENTATION: Once City Council adopts final ordinance, as per City Charter

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

06.11.2018 – City Council approves the rezone back to R-1 and the ordinance

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 (FM 1765 & Delany Road - Trails at Woodhaven Lakes Subdivision) **THIS IS THE SECOND AND FINAL READING**

FISCAL IMPACT: The development of residential homes on these 31.89 acres of land will provide the City with additional property taxes.

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. (FM 1765 & DELANY ROAD - TRAILS AT WOODHAVEN LAKES SUBDIVISION)

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 11th day of June, 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;

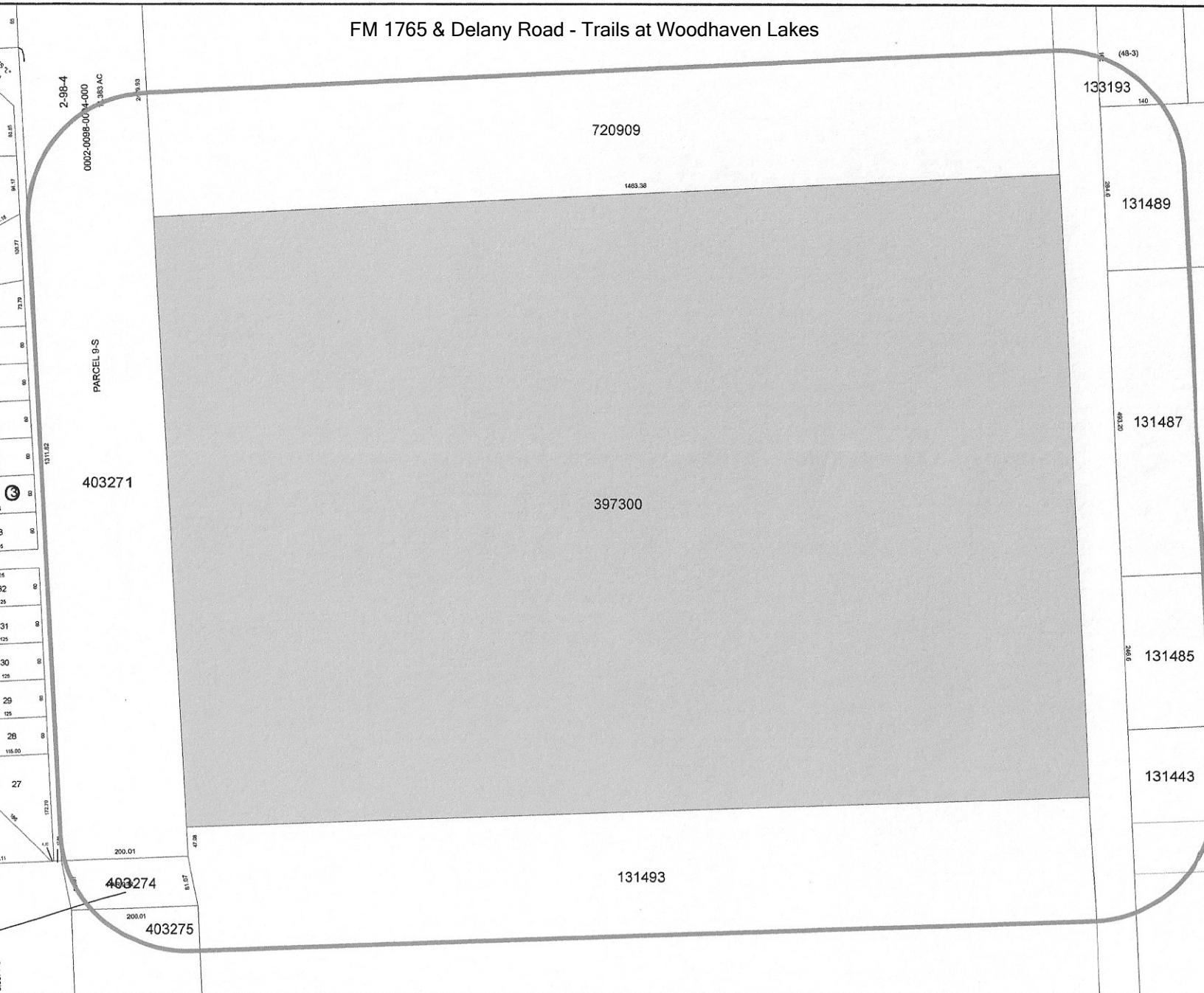
THENCE, through and across said 82.01 acre tract, North 88 degrees 00 minutes 40 seconds East, a distance of 1,463.43 feet to the **POINT OF BEGINNING** and containing 31.89 acres of land.

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



It does not represent an on-the-ground survey and only represents the approximate relative location of property boundaries.



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.**



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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)



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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.



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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

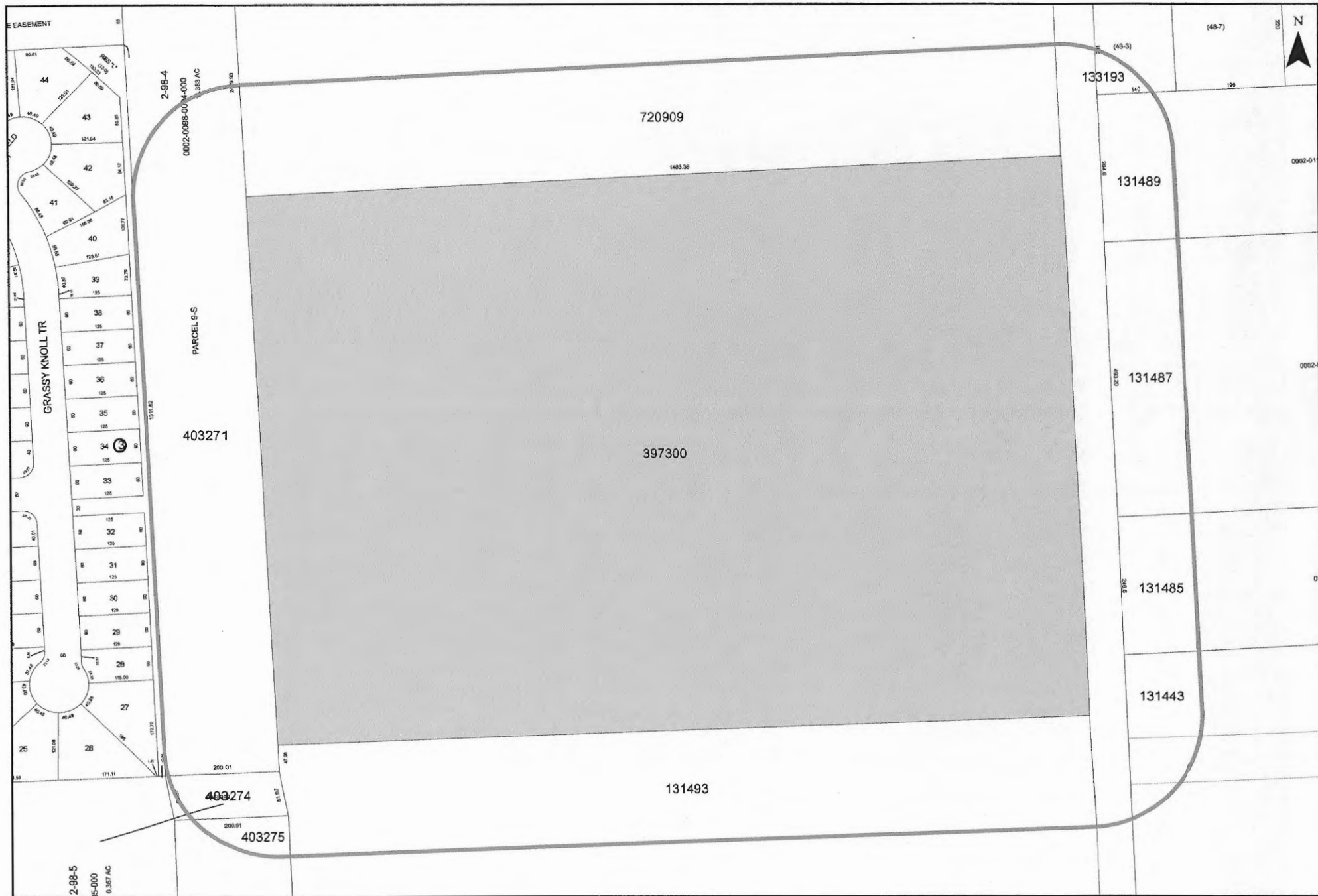
This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.14

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

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Galveston Central Appraisal District



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: July 9, 2018

Prepared by: Suzy Kou

Department: Finance

Agenda item: 7&8b

Reviewed by: *Carol Buttler*

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adopting Ordinance No. **O-2018-009**, authorizing the issuance and sale of the City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018; levying a tax and providing for the security and payment thereof; and enacting other provisions relating thereto

X

ATTACHMENTS FOR REFERENCE

1. Ordinance
2. Proposed projects list
3. Cost details
4. Estimated debt schedule

STAFF BRIEFING:

- In 2016 Council approved the public safety building project.
- In 2017 Council authorized reimbursement resolutions for staff to proceed with these projects.
- Based on recommendation from City's bond counsel and financial advisor, staff is proposing a **Notice of Intent** to issue certificates of obligation for capital assets acquisition to provide offices for Public Services staff as well as other for other services.
- Estimated annual debt burden is \$315,000 at 3%-4% interest rate with a 30-year life.
- Funding sources for the Certificates of obligation will be a portion of ad valorem tax revenues in Debt Service Fund.
- Projected benefits from these projects include but are not limited to:
 - Enhancing the quality of life in our community;
 - Stimulating growth in our region;
 - Providing educational and information resource opportunities to all ages;
 - Promoting culture and history of the City of La Marque;
 - Improving communication between government and the general public;
 - Providing network opportunities within our region.

HISTORY:

- **May 9, 2016** – Council approved sale of 2016 Certificates of Obligation for a public safety building and other city infrastructure projects.
- **July 10, 2017** – Council approved a reimbursement resolution (R-2017-0018) for construction of public safety building.
- **October 16, 2017** – Council authorized a memorandum of agreement to lease buildings at 4916 FM 1765.
- **December 18, 2017** – Council approved a reimbursement resolution (R-2017-0028) expressing intent to finance expenditures to be incurred related to assets acquisition.



CITY COUNCIL AGENDA FORM

- **May 14, 2018** – City workshop was held to discuss the facilities located at 4916 FM 1765.
- **May 14, 2018** – Council approved a resolution (R-2018-0014) to publish a Notice of Intent to issue the Certificates of Obligation 2018.

TARGET IMPLEMENTATION:

Projected closing date – August 9, 2018

SIGNIFICANT ACTION DATES:

August 9, 2018 – Competitive sale closing and funds delivery

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-
Actual Bid	
Estimated Expenditure	See attached Cost Details
Acct. Name(s)	
Line Items #	
Other Funding	

STAFF'S RECOMMENDATION: Motion to postpone the consideration of Ordinance No. **O-2018-009** and the sale of the City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018 until Monday, July 23, 2018.

FISCAL IMPACT: \$6,000,000

ORDINANCE NO. O-2018-009

AUTHORIZING THE
ISSUANCE OF

CITY OF LA MARQUE, TEXAS
TAX AND REVENUE CERTIFICATES OF OBLIGATION
SERIES 2018

Adopted: July 9, 2018

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AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF LA MARQUE, TEXAS, TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018; LEVYING A TAX AND PROVIDING FOR THE SECURITY AND PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO

THE STATE OF TEXAS §
COUNTY OF GALVESTON §
CITY OF LA MARQUE §

WHEREAS, under the provisions of Subchapter C, Chapter 271, Texas Local Government Code, as amended (the “Act”), the City of La Marque, Texas (the “City”), is authorized to issue certificates of obligation for the purposes specified in this Ordinance and for the payment of all or a portion of the contractual obligations for professional services, including that of engineers, attorneys, and financial advisors in connection therewith, and to sell the same for cash as herein provided; and

WHEREAS, the City is authorized to provide that such obligations will be payable from and secured by a direct and continuing annual ad valorem tax levied, within the limits prescribed by law, against all taxable property within the City, in combination with a limited pledge of a subordinate lien on the net revenues of the City’s water, sewer and waste water system (the “System”) in an amount not to exceed \$1,000 as authorized by the Act and Chapter 1502, Texas Government Code; and

WHEREAS, the City Council has found and determined that it is necessary and in the best interests of the City and its citizens that it issue such certificates of obligation authorized by this Ordinance; and

WHEREAS, pursuant to a resolution heretofore passed by this governing body, notice of intention to issue certificates of obligation of the City payable as provided in this Ordinance was published in a newspaper of general circulation in the City in accordance with the laws of the State of Texas, which notice provided that the principal amount of such certificates of obligation would not exceed [§] and the proceeds would be used for the purpose of paying contractual obligations to be incurred for the purposes set forth in Section 3.1 hereof; and

WHEREAS, such notice provided that the City tentatively planned to consider the passage of an ordinance authorizing the issuance of the Certificates on July 9, 2018; and

WHEREAS, no petition of any kind has been filed with the City Clerk, any member of the City Council or any other official of the City, protesting the issuance of such certificates of obligation; and

WHEREAS, this City Council is now authorized and empowered to proceed with the issuance of said certificates of obligation and to sell the same for cash; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore,

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

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.1. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

“Bond Counsel” means Bracewell LLP.

“Business Day” means a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the city where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

“Certificate” or “Certificates” means the City’s certificates of obligation entitled, “City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018” authorized to be issued by Section 3.1 of this Ordinance.

“City” means the City of La Marque, Texas.

“Closing Date” means the date of the initial delivery of and payment for the Certificates.

“Code” means the Internal Revenue Code of 1986, as amended, and with respect to a specific section thereof, such reference shall be deemed to include (a) the Regulation promulgated under such section, (b) any successor provision of similar import hereafter enacted, (c) any corresponding provision of any subsequent Internal Revenue Code and (d) the regulations promulgated under the provisions described in (b) and (c).

“Dated Date” means August 1, 2018.

“Debt Service Fund” means the debt service fund established by Section 2.2 of this Ordinance.

“Designated Payment/Transfer Office” means (i) with respect to the initial Paying Agent/Registrar named in this Ordinance, the Designated Payment/Transfer Office as designated in the Paying Agent/Registrar Agreement, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

“DTC” means The Depository Trust Company of New York, New York, or any successor securities depository.

“DTC Participant” means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

“EMMA” means the Electronic Municipal Market Access system.

“Fiscal Year” means such fiscal year as shall from time to time be set by the City Council.

“Initial Certificate” means the initial certificate authorized by Section 3.4 of this Ordinance.

“Initial Purchaser” means the initial purchaser of the Certificates identified in Section 7.1 of this Ordinance.

“Interest Payment Date” means the date or dates upon which interest on the principal of the Certificates is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being March 1 and September 1 of each year, commencing on March 1, 2019.

“MSRB” means the Municipal Securities Rulemaking Board.

“Net Revenues” means the revenues to be derived from the System, after the payment of all operation and maintenance expenses thereof.

“Ordinance” as used herein and in the Certificates means this ordinance authorizing the Certificates.

“Owner” means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

“Paying Agent/Registrar” means initially BOKF, N.A. or any successor thereto as provided in this Ordinance.

“Paying Agent/Registrar Agreement” means the Paying Agent/Registrar Agreement between the Paying Agent/Registrar and the City relating to the Certificates.

“Record Date” means the fifteenth day of the month next preceding an Interest Payment Date.

“Register” means the bond register specified in Section 3.6(a) of this Ordinance.

“Regulations” means the applicable, proposed, temporary or final Treasury Regulations promulgated under the Code, or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

“Representation Letter” means the Blanket Letter of Representations between the City and DTC.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

“System” as used in this Ordinance means the City’s water, sewer and wastewater system.

“Unclaimed Payments” means money deposited with the Paying Agent/Registrar for the payment of principal, redemption premium, if any, or interest on the Certificates as the same becomes due and payable or money set aside for the payment of Certificates duly called for redemption prior to maturity and remaining unclaimed by the Owners of such Certificates for 90 days after the applicable payment or redemption date.

Section 1.2. Findings.

The declarations, determinations, and findings declared, made, and found in the preamble to this Ordinance are hereby adopted, restated, and made a part of the operative provisions hereof.

Section 1.3. Table of Contents, Titles, and Headings.

The table of contents, titles, and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.4. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) Any action required to be taken on a date which is not a Business Day shall be taken on the next succeeding Business Day and have the same effect as if taken on the date so required.

(c) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein to sustain the validity of this Ordinance.

(d) Article and section references shall mean references to articles and sections of this Ordinance unless otherwise designated.

ARTICLE II

TAX LEVY; DEBT SERVICE FUND; PLEDGE OF REVENUES

Section 2.1. Tax Levy.

(a) Pursuant to the authority granted by the Texas Constitution and the laws of the State of Texas, there shall be levied and there is hereby levied for the current year and for each succeeding year thereafter while any of the Certificates or any interest thereon is outstanding and

unpaid, an ad valorem tax on each one hundred dollars valuation of taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Certificates, being (i) the interest on the Certificates, and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% per annum (whichever amount is greater), when due and payable, full allowance being made for delinquencies and costs of collection.

(b) The ad valorem tax thus levied shall be assessed and collected each year against all property appearing on the tax rolls of the City most recently approved in accordance with law and the money thus collected shall be deposited as collected to the Debt Service Fund.

(c) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Debt Service Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Certificates when and as due and payable in accordance with their terms and this Ordinance and associated expenses.

Section 2.2. Debt Service Fund.

(a) The City hereby establishes a special fund or account to be designated the “City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018, Debt Service Fund” (the “Debt Service Fund”) with said fund to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in, or required by this Ordinance to be deposited to, the Debt Service Fund shall be used solely for the purpose of paying the interest on and principal of the Certificates when and as due and payable and associated costs in accordance with their terms and this Ordinance.

(c) To pay debt service coming due on the Certificates prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 2.3. Pledge of Revenues.

The Net Revenues to be derived from the operation of the System in an amount not to exceed \$1,000 are hereby pledged to the payment of the principal of and interest on the Certificates as the same come due; provided, however, that such pledge is and shall be junior and subordinate in all respects to the pledge of the Net Revenues to the payment of all outstanding obligations of the City and any obligation of the City, whether authorized heretofore or hereafter, that the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind payable in whole or in part from the Net Revenues, secured by a pledge of the Net Revenues that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of Net Revenues securing the Certificates. The revenues of the System available after the payment of all operation and maintenance expenses of the System, any debt service payable from gross revenues or Net Revenues of the System, if any, as well as other payments, costs or expenses designated in

an ordinance authorizing the issuance of System revenue obligations may be used for any lawful purpose of the City.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

Section 3.1. Authorization.

The City's "City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018" are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, specifically Subchapter C, Chapter 271, Texas Local Government Code, as amended. The Certificates shall be issued in the aggregate principal amount of [\$] for the costs associated with (i) the construction and equipment of a public safety building, (ii) the acquisition, construction, renovation and equipment of a municipal complex located at 4916 FM 1765, La Marque, Texas 77568, to include municipal offices, a recreational and community center, (iii) the renovation and equipment of municipal buildings, and (iv) the cost of professional services incurred in connection therewith.

Section 3.2. Date, Denomination, Maturities, and Interest.

(a) The Certificates shall be dated the Dated Date. The Certificates shall be in fully registered form, without coupons, in the denomination of \$5,000 or any integral multiple thereof and shall be numbered separately from R-1 upward, except the Initial Certificate, which shall be numbered I-1.

(b) The Certificates shall mature on September 1 in the years and in the principal amounts set forth in the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
20__	\$_____	_____%	20__	\$_____	_____%
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____
20__	_____	_____	20__	_____	_____

(c) Interest shall accrue and be paid on each Certificate, respectively, until the principal amount thereof has been paid or provision for such payment has been made, from the later of the

Closing Date or the most recent Interest Payment Date to which interest has been paid or provided for at the rate per annum for each respective maturity specified in the schedule contained in subsection (b) above. Such interest shall be payable semiannually on each Interest Payment Date, computed on the basis of a 360-day year composed of twelve 30-day months.

Section 3.3. Medium, Method, and Place of Payment.

(a) The principal of and interest on the Certificates shall be paid in lawful money of the United States of America.

(b) Interest on the Certificates shall be paid by check dated as of the Interest Payment Date, and sent United States mail, first class, postage prepaid, by the Paying Agent/Registrar to each Owner, as shown in the Register at the close of business on the Record Date, at the address of each such Owner as such appears in the Register or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense of such other customary banking arrangements.

(c) The principal of each Certificate shall be paid to the Owner thereof on the Maturity Date or upon prior redemption upon presentation and surrender of such Certificate at the Designated Payment/Transfer Office of the Paying Agent/Registrar.

(d) If the date for the payment of the principal of or interest on the Certificates is not a Business Day, the date for such payment shall be the next succeeding Business Day, and payment on such date shall for all purposes be deemed to have been made on the due date thereof as specified in this Section.

(e) In the event of a nonpayment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the special payment date of the past due interest (the "Special Payment Date," which shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the fifteenth day next preceding the date of mailing of such notice.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Certificates to which the Unclaimed Payments pertain. Subject to Title 6, Texas Property Code, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three (3) years after the applicable payment or redemption date shall be applied to the next payment or payments on the Certificates thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Certificates, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any holders of such Certificates for any further payment of such unclaimed moneys or on account of any such Certificates, subject to Title 6, Texas Property Code.

Section 3.4. Execution and Registration of Certificates.

(a) The Certificates shall be executed on behalf of the City by the Mayor or Mayor Pro Tem and the City Clerk, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by his duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Closing Date, one initial Certificate (the "Initial Certificate"), representing the entire principal amount of the Certificates, payable in stated installments to the Initial Purchaser or its designee, executed by manual or facsimile signature of the Mayor or Mayor Pro Tem and the City Clerk of the City, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to the Initial Purchaser or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel such Initial Certificate and deliver to DTC on behalf of the Initial Purchaser registered definitive Certificates as described in Section 3.9. To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST System, as evidenced by an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 3.5. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the Owner as the absolute owner of such Certificate for the purpose of making and receiving payment of the principal thereof, for the purpose of making and receiving payment of the interest thereon (subject to the provisions herein that the interest is to be paid to the person in whose name the Certificate is registered on the Record Date or Special Record Date, as applicable), and for all other purposes,

whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Certificate shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.6. Registration, Transfer, and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at its Designated Payment/Transfer Office a register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) The ownership of a Certificate may be transferred only upon the presentation and surrender of the Certificate to the Paying Agent/Registrar at the Designated Payment/Transfer Office with such endorsement or other instrument of transfer and assignment as is acceptable to the Paying Agent/Registrar. No transfer of any Certificate shall be effective until entered in the Register.

(c) The Certificates shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office for a Certificate or Certificates of the same maturity and interest rate and in any denomination or denominations of any integral multiple of \$5,000, and in an aggregate principal amount equal to the unpaid principal amount of the Certificates presented for exchange.

(d) The Paying Agent/Registrar is hereby authorized to authenticate and deliver Certificates transferred or exchanged in accordance with this Section. A new Certificate or Certificates will be delivered by the Paying Agent/Registrar, in lieu of the Certificate being transferred or exchanged, at the Designated Payment/Transfer Office, or sent by United States mail, first class, postage prepaid, to the Owner or his designee. Each Certificate delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such Certificate is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for a different denomination of any of the Certificates. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, or exchange of a Certificate.

(f) Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Certificate called for redemption, in whole or in part, within 45 days prior to the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled balance of a Certificate.

Section 3.7. Cancellation.

All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records made regarding such payment, redemption, exchange, or replacement. The Paying Agent/Registrar shall dispose of such cancelled Certificates in the manner required by the Securities Exchange Act of 1934, as amended.

Section 3.8. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first complies with the following requirements:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction, or theft of such Certificate;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar, and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost, or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed, or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its

discretion, instead of issuing a replacement Certificate, may pay such Certificate when it becomes due and payable.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

Section 3.9. Book-Entry-Only System.

(a) The definitive Certificates shall be initially issued in the form of a separate single fully registered Certificate for each maturity. Upon initial issuance, the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.10 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute Owner of such Certificate for the purpose of payment of principal of, premium, if any, and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter previously executed and delivered by the City, and applicable to the City's obligations delivered in book entry only form to DTC as securities depository, is hereby ratified and approved for the Certificates.

Section 3.10. Successor Securities Depository; Transfer Outside Book-Entry-Only System.

In the event that the City determines that it is in the best interest of the City and the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository; or (ii) notify DTC and DTC Participants of the availability through DTC of certificated Certificates and cause the Paying Agent/Registrar to transfer one or more separate registered Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.11. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as the Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates shall be made and given, respectively, in the manner provided in the Representation Letter of the City to DTC.

ARTICLE IV

REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.1. Limitation on Redemption.

The Certificates shall be subject to redemption before scheduled maturity only as provided in this Article IV.

Section 4.2. Optional Redemption.

(a) The City has reserved the right to redeem at its option the Certificates maturing on and after [September 1, 2027], in whole or from time to time in part before their respective scheduled maturity dates, on [September 1, 2026], or on any date thereafter, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption.

(b) The City, at least 45 days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption and of the principal amount of Certificates to be redeemed.

Section 4.3. Mandatory Sinking Fund Redemption.

(a) The Certificates designated as “Term Certificates” in the form of Certificate contained in Section 6.2(a) (“Term Certificates”), are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Debt Service Fund, on the dates and in the respective principal amounts as set forth in the form of Certificate contained in Section 6.2(a).

(b) Prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate principal amount of such Term Certificates to be redeemed, shall call such Term Certificates for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.5.

(c) The principal amount of the Term Certificates required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.3 shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.]

Section 4.4. Partial Redemption.

(a) If less than all of the Certificates are to be redeemed pursuant to Section 4.2 hereof, the City shall determine the maturity or maturities (or mandatory sinking fund payment with respect to the Term Certificates) and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot, or other customary method that results in random selection, the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts for redemption.

(b) A portion of a single Certificate of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Certificate is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of the Certificate as though it were a single Certificate for purposes of selection for redemption.

(c) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.6 of this Ordinance, shall authenticate and deliver an exchange Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered, such exchange being without charge.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Certificate as to which only a portion thereof is to be redeemed.

Section 4.5. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by first class United States mail, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown on the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and if less than all Certificates outstanding are to be redeemed and suction to Section 4.4 hereof, an identification of the Certificate or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Certificates under Section 4.2 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption where redemption has been rescinded shall remain Outstanding.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.6. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust such amounts as are received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, redemption premium, if any, and accrued interest on the Certificates being redeemed.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Certificate to the date of redemption from the money set aside for such purpose.

Section 4.7. Effect of Redemption.

(a) When Certificates have been called for redemption in whole or in part and due provision has been made to redeem same as herein provided, the Certificates or portions thereof so

redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after the redemption date on any Certificate or portion thereof called for redemption shall terminate on the date fixed for redemption. If the City shall fail to make provision for payment of all sums due on a redemption date, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until due provision is made for the payment of same.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until due provision is made for the payment of same by the City.

Section 4.8. Lapse of Payment. Money set aside for the redemption of the Certificates and remaining unclaimed by the Owners thereof shall be subject to the provisions of Section 3.3(f) hereof.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.1. Appointment of Initial Paying Agent/Registrar.

(a) The City hereby appoints BOKF, N.A., Dallas, Texas, as its initial registrar and transfer agent (the "Paying Agent/Registrar") to keep such books or records and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfer and registrations as herein provided. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of such Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all conversions, exchanges and replacements of such Certificates, as provided in the Ordinance.

(c) The form of Paying Agent/Registrar Agreement is hereby approved. The City hereby approves and the Mayor or Mayor Pro Tem and the City Clerk are hereby authorized to execute and deliver a Paying Agent/Registrar Agreement, specifying the duties and responsibilities of the City and the Paying Agent/Registrar.

Section 5.2. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank or trust company organized under the laws of the State, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Certificates.

Section 5.3. Maintaining Paying Agent/Registrar.

(a) At all times while any Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.2 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement, provided no such resignation shall be effective until a successor Paying Agent/Registrar has accepted the duties of Paying Agent/Registrar for the Certificates.

Section 5.4. Termination.

The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated (i) 45 days written notice of the termination of the appointment and of the Paying Agent/Registrar Agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar; provided, that, no such termination shall be effective until a successor Paying Agent/Registrar has assumed the duties of Paying Agent/Registrar for the Certificates.

Section 5.5. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.6. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby and under the Paying Agent/Registrar Agreement.

Section 5.7. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE CERTIFICATES

Section 6.1. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, the Assignment form and the Statement of Insurance, if any, to appear on each of the Certificates, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The definitive Certificates, if any, shall be typewritten, photocopied, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof.

(d) The Initial Certificate submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 6.2. Form of the Certificates.

The form of the Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) Form of Certificate.

REGISTERED
NO. _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
GALVESTON COUNTY

CITY OF LA MARQUE, TEXAS
TAX AND REVENUE CERTIFICATE OF OBLIGATION
SERIES 2018

INTEREST RATE: MATURITY DATE: CLOSING DATE: CUSIP NUMBER:
_____ % _____ [August 9, 2018] _____

The City of La Marque (the “City”), in Galveston County, State of Texas, for value received, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

_____ DOLLARS

and to pay interest on such principal amount from the later of the Closing Date specified above or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on March 1 and September 1 of each year, commencing on March 1, 2019.

The principal of this Certificate shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Certificate at the corporate trust office of BOKF, N.A., Dallas, Texas, or such other location designated by the Paying Agent/Registrar (the “Designated Payment/Transfer Office”), of the Paying Agent/Registrar or, with respect to a successor Paying Agent/Registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Certificate is payable by check dated as of the interest payment date, and will be mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangement acceptable to the Paying Agent/Registrar and the registered owner; provided, however, such registered owner shall bear all risk and expenses of such customary banking arrangement. For the purpose of the payment of interest on this Certificate, the registered owner shall be the person in whose name this Certificate is registered at the close of business on the “Record Date,” which shall be the fifteenth day of the month next preceding such interest payment date. In the event of a nonpayment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a “Special

Record Date”) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the special payment date of the past due interest (the “Special Payment Date,” which date shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each owner of a Certificate appearing on the books of the Paying Agent/Registrar at the close of business on the last day next preceding the date of mailing of such notice.

If the date for the payment of the principal of or interest on this Certificate is not a Business Day, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday, or day on which banking institutions in the State of Texas or the city in which the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are generally authorized or obligated by law or executive order to close (a “Business Day”), and payment on such date shall for all purposes be deemed to have been made on the original date payment was due.

This Certificate is dated August 1, 2018 and is one of a series of fully registered certificates specified in the title hereof issued in the aggregate principal amount of \$_____ (herein referred to as the “Certificates”), issued pursuant to a certain ordinance of the City (the “Ordinance”) for the costs associated with the construction and equipment of a public safety building, the acquisition, construction, renovation and equipment of a municipal complex located at 4916 FM 1765, La Marque, Texas 77568, to include municipal offices, a recreational and community center, the renovation and equipment of municipal buildings, the cost of professional services incurred in connection therewith and the costs of issuing the Certificates.

The City has reserved the right to redeem the Certificates maturing on and after September 1, 2027, in whole or from time to time in part before their respective scheduled maturity dates, on September 1, 2026, or on any date thereafter, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption. If less than all of the Certificates are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity and in such principal amounts, for redemption.

Certificates maturing on _____ and _____ (the “Term Certificates”) are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

<u>\$ _____ Term Certificates Maturing</u>	
<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
_____, 20__	\$ _____
_____, 20__	\$ _____
_____, 20__ (maturity)	\$ _____

\$ Term Certificates Maturing

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
_____, 20__	\$ _____
_____, 20__	\$ _____
_____, 20__ (maturity)	\$ _____

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Certificates (or with respect to Term Certificates having a denomination in excess of \$5,000, each \$5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Certificates required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption. 1

Not less than 30 days prior to a redemption date for the Certificates, the City shall cause a notice of redemption to be sent by United States mail, first class, postage prepaid, to the Owners of the Certificates to be redeemed at the address of the Owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice.

The City reserves the right to give notice of its election or direction to redeem Certificates pursuant to an optional redemption conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption and such redemption has been rescinded shall remain Outstanding and the rescission of such redemption shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in the notice, the Certificates called for redemption shall become due and payable on the specified redemption date,

and notwithstanding that any Certificate or portion thereof has not been surrendered for payment, interest on such Certificates or portions thereof shall cease to accrue.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Certificate is transferable upon surrender of this Certificate for transfer at the designated office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully registered Certificates of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Certificate is registered on the Record Date) and for all other purposes, whether or not this Certificate be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice to the contrary.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, to exist and to be done precedent to or in the issuance and delivery of this Certificate have been performed, exist and have been done in accordance with law; and that annual ad valorem taxes, within the limits prescribed by law, sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in the City.

IT IS FURTHER certified, recited and represented that the revenues to be derived from the operation of the City's water, sewer and wastewater system, after the payment of all operation and maintenance expenses thereof (the "Net Revenues"), are pledged to the payment of the principal of and interest on the Certificates in an amount not to exceed \$1,000; provided, however, that such pledge is junior and subordinate in all respects to the pledge of the Net Revenues to the payment of all outstanding obligations of the City and any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind payable in whole or in part from the Net Revenues, secured by a pledge of the Net Revenues that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of the Net Revenues securing the Certificates.

IN WITNESS WHEREOF, the City has caused this Certificate to be executed by the manual or facsimile signature of the Mayor or Mayor Pro Tem of the City and countersigned by the manual or facsimile signature of the City Clerk, and the official seal of the City has been duly impressed or placed in facsimile on this Certificate.

City Clerk
City of La Marque, Texas

Mayor [Pro Tem] ¹
City of La Marque, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS § REGISTER NO. _____
THE STATE OF TEXAS §

I HEREBY CERTIFY THAT this Certificate has been examined, certified as to validity, and approved by the Attorney General of the State of Texas and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this _____.

[SEAL]

Comptroller of Public Accounts
of the State of Texas

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Certificate if the Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Certificate of this series of certificates of obligation was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Certificates referred to in the within-mentioned Ordinance.

¹ Delete of the Mayor executes the Initial Certificate

BOKF, N.A.,
as Paying Agent/Registrar

Dated: _____

By: _____
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and Zip Code of transferee): _____

(Social Security or other identifying number: _____) the within Certificate and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed By:

Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

(e) The Initial Certificate shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Certificate the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the expression "As Shown Below" and "CUSIP NUMBER _____" deleted; and

(ii) in the first paragraph of the Certificate, the words "on the Maturity Date specified above, the sum of _____ DOLLARS" shall be deleted and the following will be inserted: "on the maturity date specified above, the sum of _____ DOLLARS" shall be deleted and the following will be inserted: "on September 1 in each of the years,

in the principal installments and bearing interest at the per annum rates set forth in the following schedule:"

(Information to be inserted from schedule in Section 3.2 of the Ordinance)

(iii) the Initial Certificate shall be numbered I-1.

Section 6.3. CUSIP Registration.

The City may secure identification numbers through the CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, or another entity that provides securities identification numbers for municipal securities, and may print such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates or any errors or omissions in the printing of such number shall be of no significance or effect in regard to the legality thereof and neither the City nor Bond Counsel to the City are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 6.4. Bond Insurance.

If bond insurance is obtained by the Initial Purchaser (hereinafter defined), the Certificates may bear an appropriate legend as provided by the insurer.

Section 6.5. Legal Opinion.

The approving legal opinion of Bond Counsel may be attached to or printed on the reverse side of each Certificate over the certification of the City Clerk of the City, which may be executed in facsimile.

ARTICLE VII

SALE AND DELIVERY OF CERTIFICATES; DEPOSIT OF PROCEEDS; OFFICIAL STATEMENT

Section 7.1. Sale of Certificates.

(a) The sale and delivery of the Certificates, having been duly advertised and offered for sale at competitive bid, are hereby sold and awarded to [] (the "Initial Purchaser") for a purchase price equal to the principal amount thereof plus a cash premium of [\$], being the bid which produced the lowest true interest cost, subject to the approving opinion as to the legality of the Certificates of the Attorney General of the Texas and the opinion of Bond Counsel. The Initial Certificate shall be registered in the name of the Initial Purchaser or its designee. The Mayor or Mayor Pro Tem and all other officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions to and to provide for the issuance and delivery of the Certificates.

Section 7.2. Deposit of Proceeds.

Proceeds from the sale of the Certificates shall, promptly upon receipt by the City, be applied as follows:

(a) Certificate proceeds in the amount of [\$ _____] shall be used for the purposes set forth in Section 3.1.

(b) Premium received from the sale of the Certificates in the amount of [\$ _____] shall be used to pay the costs of issuance.

(c) Any amounts remaining after accomplishing such purposes and paying costs of issuance shall be applied for the purposes described in subsection (a).

Section 7.3. Control and Delivery of Certificates.

(a) The Mayor or Mayor Pro Tem of the City is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Certificates shall be made to the Initial Purchaser under and subject to the general supervision and direction of the Mayor or Mayor Pro Tem, against receipt by the City of all amounts due to the City under the terms of sale.

(c) All officers of the City are authorized to execute such documents, certificates and receipts and to make such elections with respect to the tax-exempt status of the Certificates, as they may deem necessary to consummate the delivery of the Certificates.

Section 7.4. Official Statement.

The form and substance of the Preliminary Official Statement and any addenda, supplement or amendment thereto, is hereby ratified and approved, and has been deemed final as its date within the meaning and for the purposes of paragraph (b)(1) of the Rule. The City hereby authorizes and approves the preparation of a final Official Statement to add the terms of the Initial Purchaser's bid and other relevant information. The use of such final Official Statement in the reoffering of the Certificates by the Initial Purchaser is hereby approved and authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Certificates.

ARTICLE VIII

QUALIFIED TAX-EXEMPT OBLIGATIONS

Section 8.1. Qualified Tax-Exempt Obligations.

The City hereby designates the Certificates as “qualified tax-exempt obligations” for purposes of section 265(b) of the Code. In connection therewith, the City represents that (a) the aggregate amount of tax-exempt obligations issued by the City during calendar year 2018, including the Certificates, that have been designated as “qualified tax-exempt obligations” under section 265(b)(3) of the Code does not exceed \$10,000,000, and (b) that the reasonably anticipated amount of tax-exempt obligations that will be issued by the City during calendar year 2018, including the Certificates, will not exceed \$10,000,000. For purposes of this Section, the term “tax-exempt obligation” does not include (i) “private activity bonds” within the meaning of section 141 of the Code, other than “qualified 501(c)(3) bonds” within the meaning of section 145 of the Code or (ii) obligations issued to currently refund any obligation to the extent that the amount of the refunding obligations does not exceed the outstanding amount of the refunded obligation. In addition, for purposes of this Section, the City includes all entities which are aggregated with the City under the Code.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.1. Payment of the Certificates.

On or before each Interest Payment Date while any of the Certificates are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Debt Service Fund, money sufficient to pay such interest on and principal of, redemption premium, if any, and interest on the Certificates as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 9.2. Other Representations and Covenants.

(a) The City will faithfully perform, at all times, any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of, redemption premium, if any, and interest on each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 9.3. Provisions Concerning Federal Income Tax Exclusion.

(a) General Tax Covenants. The City intends that the interest on the Certificates be excludable from gross income for purposes of federal income taxation pursuant to sections 103 and 141 through 150, inclusive, of the Code. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would (i) cause the interest on the Certificates to be includable in the gross income, as defined in section 61 of the Code, of the holders thereof for purposes of federal income taxation or (ii) result in the violation of or failure to satisfy any provision of Section 103 and 141 through 150, inclusive, of the Code. In particular, the City covenants and agrees to comply with each requirement of this Section 9.3; provided, however, that the City will not be required to comply with any particular requirement of this Section 9.3 if the City has received an opinion of nationally recognized bond counsel ("Counsel's Opinion") that (i) such noncompliance will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Certificates or (ii) compliance with some other requirement specified in such Counsel's Opinion will satisfy the applicable requirements of the Code, in which case compliance with such other requirement will constitute compliance with the corresponding requirement specified in this Section 9.3.

(b) No Private Use or Payment and No Private Loan Financing. The City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be "private activity bonds" within the meaning of section 141 of the Code. The City covenants and agrees that it will make such use of the proceeds of the Certificates, including interest or other investment income derived from Certificate proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Certificates will not be "private activity bonds" within the meaning of section 141 of the Code.

(c) No Federal Guarantee. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Certificates to be "federally guaranteed" within the meaning of section 149(b) of the Code, except as permitted by section 149(b)(3) of the Code.

(d) Certificates Are Not Hedge Bonds. The City covenants and agrees not to take any action, or knowingly omit to take any action, and has not knowingly omitted and will not knowingly omit to take any action, within its control, that, if taken or omitted, respectively, would cause the Certificates to be "hedge bonds" within the meaning of section 149(g) of the Code.

(e) No-Arbitrage Covenant. The City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be "arbitrage bonds" within the meaning of section 148(a) of the Code. Moreover, the City covenants and agrees that it will make such use of the proceeds of the Certificates including interest or other investment income derived from Certificate proceeds, regulate investments of proceeds of the Certificates, and take such other and further action as may be required so that the Certificates will not be "arbitrage bonds" within the meaning of section 148(a) of the Code.

(f) Arbitrage Rebate. If the City does not qualify for an exception to the requirements of Section 148(f) of the Code, the City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Certificates (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Certificates as may be required to calculate the amount earned on the investment of the gross proceeds of the Certificates separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys do not represent gross proceeds of any Certificate of the City, (ii) calculate at such times as are required by the Regulations, the amount earned from the investment of the gross proceeds of the Certificates that is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Certificates or on such other dates as may be permitted under the Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Certificates that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm’s length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Certificates are issued, an information statement concerning the Certificates, all under and in accordance with section 149(e) of the Code.

(h) Record Retention. The City will retain all pertinent and material records relating to the use and expenditure of the proceeds of the Certificates until three years after the last Certificate is redeemed or paid at maturity, or such shorter period as authorized by subsequent guidance issued by the Department of the Treasury, if applicable. All records will be kept in a manner that ensures their complete access throughout the retention period. For this purpose, it is acceptable that such records are kept either as hardcopy books and records or in an electronic storage and retrieval system, provided that such electronic system includes reasonable controls and quality assurance programs that assure the ability of the City to retrieve and reproduce such books and records in the event of an examination of the Certificates by the Internal Revenue Service.

(i) Registration. The Certificates will be issued in registered form.

(j) Deliberate Actions. The City will not take a deliberate action (as defined in section 1.141-2(d)(3) of the Regulations) that causes the Certificates to fail to meet any requirement of section 141 of the Code after the issue date of the Certificates unless an appropriate remedial action is permitted by section 1.141-12 of the Regulations, the City takes such remedial action and the City receives a Counsel’s Opinion that such remedial action cures any failure to meet the requirements of section 141 of the Code.

(k) Continuing Obligation. Notwithstanding any other provision of this Ordinance, the City’s obligations under the covenants and provisions of this Section 9.3 will survive the

defeasance and discharge of the Certificates for so long as such matters are relevant to the excludability of interest on the Certificates from gross income for federal income tax purposes.

ARTICLE X

DISCHARGE

Section 10.1. Discharge.

The Certificates may be defeased, discharged or refunded in any manner now or hereafter permitted by applicable law.

ARTICLE XI

CONTINUING DISCLOSURE UNDERTAKING

Section 11.1. Annual Reports.

(a) The City shall provide annually to the MSRB, (i) within six (6) months after the end of each Fiscal Year of the City ending in or after 2018, financial information and operating data with respect to the City of the general type included in the Official Statement under Tables 1 through 4, 6, 7 and 9 through 12, and including financial statements of the City if audited financial statements of the City are then available, and (ii) if not provided as part such financial information and operating data, audited financial statements when they become available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles described in the rules to the financial statements for the most recently concluded Fiscal Year, or such other accounting principles as the City may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such financial statements becomes available.

(b) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific referenced to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

Section 11.2. Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of any of the following events with respect to the Certificates:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of Certificates, or other material events affecting the tax status of the Certificates;
- (7) Modifications to rights of the holders of the Certificates, if material;
- (8) Certificate calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Certificates, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the City;

Note to paragraph 12: For the purposes of the event identified in paragraph 12 of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

- (14) Appointment of successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 11.1 of this Ordinance by the time required by such Section.

Section 11.3. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any redemption calls and any defeasances that cause the City to be no longer an “obligated person.”

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Certificates, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITH OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(c) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed

circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the outstanding Certificates consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Certificates. The provisions of this Article may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent the Underwriter of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 11.1 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

ARTICLE XII

MISCELLANEOUS

Section 12.1. Changes to Ordinance.

Bond Counsel is hereby authorized to make any changes to the terms of this Ordinance if necessary or desirable to carry out the purposes hereof or in connection with the approval of the issuance of the Certificates by the Attorney General of Texas.

Section 12.2. Partial Invalidity.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 12.3. Repealer.

All ordinances or resolutions, or parts thereof, heretofore adopted by the City and inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 12.4. Individuals Not Liable.

No covenant, stipulation, obligation or agreement herein contained shall be deemed to be a covenant, stipulation, obligation or agreement of any member of City Council or agent or employee of City Council or of the City in his or her individual capacity and neither the members of City Council nor any officer thereof, nor any agent or employee of City Council or of the City, shall be liable personally on the Certificates, or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 12.5. Related Matters.

To satisfy in a timely manner all of the City's obligations under this Ordinance, the Mayor or Mayor Pro Tem, the City Clerk and all other appropriate officers and agents of the City are hereby authorized and directed to do any and all things necessary and/or convenient in order to consummate the delivery of the Certificates, pay the costs of issuance on the Certificates, and effectuate the terms and purposes of this Ordinance.

Section 12.6. Force and Effect.

This Ordinance shall be in full force and effect from and after its final passage, and it is so ordained.

[Signature Page Follows]

PASSED, APPROVED AND EFFECTIVE this 9th day of July, 2018.

City Clerk
City of La Marque, Texas

Mayor
City of La Marque, Texas

[SEAL]

*Signature Page to Ordinance Authorizing Issuance of
City of La Marque, Texas, Tax and Revenue Certificates of Obligation, Series 2018*

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS §
COUNTY OF GALVESTON§

I, the undersigned officer of the City Council of the City of La Marque, Texas, hereby certify as follows:

1. The City Council of the City of La Marque, Texas, convened in a regular meeting on the 9th day of July, 2018, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Bobby Hocking	Mayor
Keith Bell	Mayor Pro Tem and Council Member, District A
Chris Lane	Council Member, District B
Robert Michetich	Council Member, District C
Casey McAuliffe	Council Member, District D

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

ORDINANCE NO. O-2018-_____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF LA MARQUE, TEXAS, TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018; LEVYING A TAX AND PROVIDING FOR THE SECURITY AND PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said ordinance be adopted; and, after due discussion, said motion, carrying with it the adoption of said ordinance, prevailed and carried by the following vote:

_____ Member(s) of City Council shown present above voted “Aye”.

_____ Member(s) of City Council shown present above voted “No”.

2. A true, full and correct copy of the aforesaid ordinance adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said ordinance has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said ordinance would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 9th day of July, 2018.

City Clerk
City of La Marque, Texas

[SEAL]

2018 CO Projects (Proposed)

1	Public Safety building reimbursement	1,500,000
2	Buildings located at 4916 FM 1765	3,000,000
3	Buildings renovation at 4916 FM 1765	500,000
4	Furnishings for buildings at 4916 FM 1765	500,000
5	Renovation for other municipal buildings	250,000
6	Contingencies and issuance	250,000
		6,000,000



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018
Prepared by: Suzy Kou
Department: Finance

Agenda item: 9a
Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action to accept the City of La Marque Audited Comprehensive Annual Financial Report as of September 30, 2017.

X

ATTACHMENTS FOR REFERENCE

1. City CAFR (hard copy distribution)
2. Updates on past audit recommendations

STAFF BRIEFING:

- It is a required procedure to have the City's financials audited by independent auditors and present to Council each fiscal year.
- For audit year 2017, there are NO NEW findings listed.
- Progress from prior years' recommendation is attached with chart of updates.

HISTORY:

TARGET IMPLEMENTATION: July 9, 2018

SIGNIFICANT ACTION DATES:

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 accept the City of La Marque Audited Comprehensive Annual Financial Report as of September 30, 2017.

FISCAL IMPACT: N/A



CITY OF LA MARQUE
Updates as of 7/2/2018
Audit Internal Control Weaknesses
Fiscal Years 2012-2017

	Material Internal Control Weaknesses Audit Fiscal Years 2012-2015	Completed	Outstanding	Statuses
1	Cash management-Failure to meet grant requirement of not processing payments to contractors and not acknowledging grant deposits in a timely manner.	✓		
2	Grants payable-Failure to accrue year end grants (CDBG) expenditure.	✓		
3	Grant Administration-Failure to properly administer grants activities with effective policies and controls (lack of centralized grant administrator).	✓		
4	Funds classification-CDBG sewer improvement program fund and CDBG disaster recovery program fund were misclassified.	✓		
5	Unrecorded activities-Section 8 Home Program and GCWA activities were not recorded by the City.	✓		
6	EDC inventory-failure to maintain and properly record inventory on EDC's books.	✓		
7	Month end procedures-lack of reconciliation procedures of balance sheet accounts.		★	We continue to add more balance sheet accounts of ALL funds (around 300) as part of monthly reconciliation over time.



CITY OF LA MARQUE
Updates as of 7/2/2018
Audit Internal Control Weaknesses
Fiscal Years 2012-2017

	Material Internal Control Weaknesses Audit Fiscal Years 2012-2015	Completed	Outstanding	Statuses
8	Delinquent accounts-failure to reasonably estimate allowance for uncollectible accounts at year end.	✓		
9	Capital assets-lack of effective policy and procedures to manage activities of city assets and properly recognized them on City's books each year.		★	We have been working with Public Works to achieve this task. Staff has been entering data into MyGov to track activities.
10	Interfund activities-failure to reconcile all interfund activities monthly to ensure accuracy on financial statements.	✓		
11	Actuarial valuation-failure to perform GASB 27 requirement on supplemental annuities to accurately report unfunded pension liability on City's balance sheet.	✓		
12	Segregation of duties-one employee was given all management controls, performed reconciliations, and full access to cash in both City and EDC functions.	✓		
13	Internal controls-one non-management level employee had full access in financial software to edit and post all journal entries in all functions.	✓		
14	Financial software access-only Finance personnel had access to financial software. Other city departments should have certain access to financial system.	✓		



CITY OF LA MARQUE
Updates as of 7/2/2018
Audit Internal Control Weaknesses
Fiscal Years 2012-2017

	Material Internal Control Weaknesses Audit Fiscal Years 2012-2015	Completed	Outstanding	Statuses
15	Bank reconciliations-lack of management review before the reconciliation; lack of management approval after the reconciliation; failure to complete reconciliation timely.			We developed a system to reconcile daily to ensure faster process at month end to complete the objective.
16	Purchasing procedures-failure to follow established policies.			As cases occur, we are training staff proper procedures to handle certain situation.
17	Pooled cash-failure to monitor capital projects cash to ensure individual funds' claim on pooled cash remain positive.			
18	Online banking access-staff employee had administrator access in City's bank software system.			
19	Supplemental annuity payments-annuity payments should not be part of debt service activity each year.			
20	Shop maintenamce allocation-lack of effective software and procedures to provide accounting reports to allocate cost adequately.			Public Works has been inputting data into MyGov. We are in the process of working with PW to retrieve their data from MyGov.
21	Fraud policy-lack of fraud policy.			



CITY OF LA MARQUE
Updates as of 7/2/2018
Audit Internal Control Weaknesses
Fiscal Years 2012-2017

	Material Internal Control Weaknesses Audit Fiscal Years 2012-2015	Completed	Outstanding	Statuses
22	Escheating checks-the City had not filed to State since 2001.	✓		
23	Expenditures exceeding appropriations-failure to monitor and take appropriate actions to ensure expenditures are not exceeding appropriations by year end.		★	Staff has been working with auditor to develop ways to prevent this from occurring on debt issuance transactions.
24	Public Funds Investment Act-City should state on each investment report "...in compliance with Public Funds Investment Act."	✓		
25	Arbitrage liability-City had not performed arbitrage calculations to properly recognize liabilities on the financial statements at year end.	✓		
26	Unassigned fund balance-City only had 44 days (12%) in unassigned fund balance to handle any contingencies. City should seek minimum of 90 days (25%) funds availability in fund balance at year end.	✓		
27	Shop inventory-failure to perform shop inventory counts at year end.	✓		Finance staff will conduct physical counts randomly and especially at year end.
28	Authorized check signers-failure to require two check signers on all city checks before mailing out to vendors.	✓		



CITY OF LA MARQUE
Updates as of 7/2/2018
Audit Internal Control Weaknesses
Fiscal Years 2012-2017

	Material Internal Control Weaknesses Audit Fiscal Years 2012-2015	Completed	Outstanding	Statuses
29	Municipal Court segregation of duties			Court now has sufficient personnel to handle different duties.
30	Lack of direct deposit authorization forms in personnel files.			HR reviewed all personnel files to ensure appropriate records are present.
31	Deficit fund balance in CDBG fund.			These accounts have been closed through CDBG.
32	Section 8 HUD rent reasonableness approach.			City Council approved to reassign administration to Texas City Housing.
33	Liens receivable reconciliation			Staff will work with GCAD and Code Compliance staff to reconcile some old liens.
34	Debt policy			Per S & P recommendation, the City needs to have a debt policy to ensure compliance.



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018
Prepared by: Sussie Sutton
Department: Development Services

Agenda item: 9b
Reviewed by: Carol Buttlar

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding approving a Final Plat of Landing at Delany Cove, Section 10, being a subdivision of 11.225 acres located in the Stephen F. Austin League No. 4 Survey, A-2 City of La Marque, Galveston County, Texas (East of FM 2004 at FM 1765)

☒ X

ATTACHMENTS FOR REFERENCE

1. Subdivision map showing all sections and parks
2. Pocket Park Map
3. Planning and Zoning letter of approval recommendation June 12, 2018
4. Planning and Zoning minutes of June 12, 2018
5. Planning and Zoning letter of denial recommendation April 10, 2018
6. Planning and Zoning minutes of April 10, 2018

STAFF BRIEFING:

- On June 12, 2013, Planning & Zoning considered Landing at Delany Cove - Section 10 and recommended approval to City Council.
- Developer has now provided a revised Final Plat which includes a pocket park, as requested, and provided an overall Subdivision map showing all parks.
- At the April 10, 2018, Planning and Zoning meeting, a motion was made to **deny** the Final Plat and passed unanimously.
- At the same meeting, Chairperson Bethea made the suggestion to deny the Final Plat of Landing at Delany Cove - Section 10 until which time the developer could plan for a park for this section
- No representative was present at this meeting to speak about the addition of a recreational park for Section 10
- This section was also tabled at the February 13, 2018, meeting of P & Z Commission so that the developer could plan a park for Section 10 of this subdivision
- Planning and Zoning Commission is requesting that all future sections be required to construct a centrally-located recreational park within each section.
- This would provide a gathering place for families to enjoy leisure activities and ensures that children have a safe location to gather for play, out of roadways and near their homes.
- The City's engineer has reviewed and approved the Final Plat

HISTORY:

- Final Plat considered and recommended approval by Planning and Zoning on June 12, 2018
- Final Plat presented and tabled by Planning and Zoning Commission on February 13, 2018
- Final Plat denied by Planning and Zoning Commission due to lack of pocket park on April 10, 2018
- Developer revised Final Plat to include requested pocket park



CITY COUNCIL AGENDA FORM

TARGET IMPLEMENTATION: July 9, 2018

SIGNIFICANT ACTION DATES:

6.12.2018 – Final Plat presented to P&Z Commission; approved

4.10.2018 – Final Plat denied by P & Z Commission due to lack of pocket park

2.13.2018 – Final Plat presented to P & Z Commission; tabled

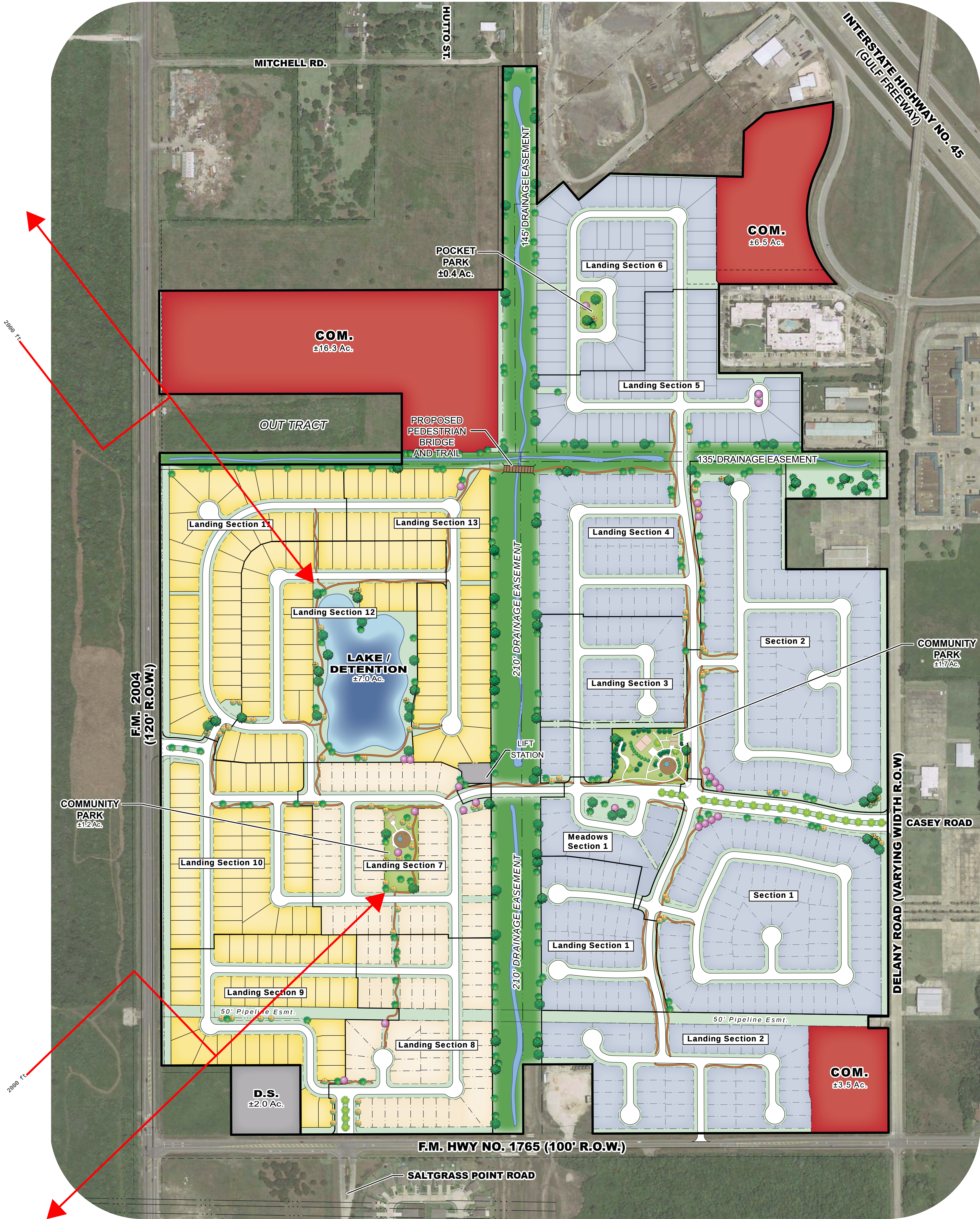
ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Request to approve Final Plat | |
| ☒ 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 approve Final Plat of Landing at Delany Cove, Section 10, being a subdivision of 11.225 acres located in the Stephen F. Austin League No. 4 Survey, A-2 City of La Marque, Galveston County, Texas (East of FM 2004 at FM 1765)

FISCAL IMPACT: Section 10 of Delany Cove will contain 45 lots, adding to the property values of the area.



LOT SUMMARY			
50'x120'	99	LOTS	13 %
60'x120'	212	LOTS	29 %
RESIDENTS	429	HOMES	58 %
TOTALS 740 LOTS			
NET PARKS & OPEN SPACE		± 3.7 Ac.	
NET LAKES/DET./DRAINAGE		± 31.6 Ac.	
TOTAL COMMUNITY TRAILS		± 13,500 LF / 2.5 MILES	

a schematic development plan for

DELANY COVE LAND PLAN

prepared for

FRIENDSWOOD DEVELOPMENT CO.

BGE KERRY R. GILBERT & ASSOCIATES
— Land Planning Consultants —
23501 Cinco Ranch Blvd., Suite A-250
Katy, Texas 77494
Tel: 281-579-0340

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BGE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

LIBERTY PINES LN.
(60' R.O.W.)

CEDAR GATE LN.
(60' R.O.W.)

FOREST BEND LN.
(60' R.O.W.)

OAKMIST COVE LN.
(60' R.O.W.)

SITE LEGEND

CONCRETE & COLUMN DETAILS

- 1.1 5' Wide Concrete Walk - RE: L108 with 6' Wide Alternate
- 1.2 5' Wide Concrete Walk - RE: L108
- 1.3 12' Wide Concrete Border - RE: FA108
- 1.4 Concrete Walk @ Playground - RE: EA108
- 1.5 Monument Column - RE: GA/M108

NOTE:
All walks to tie in to existing walkways

SITE FURNITURE & EQUIPMENT

- 2.1 Trash Receptacle - A/L109
- 2.2 Bench - B/L109
- 2.3 Grill - RE: D/L109
- 2.4 Dog Waste Station - E/L109
- 2.5 Picnic Table - C/L109

STRUCTURES

- 3.1 Shade Systems Pavilion - RE: BA110
- 3.2 Playground Structure - RE: A/L110

Delany Cove
Section 7

GREENSCAPE ASSOCIATES
P.O. Box 75
Rocky Hill, Texas 77477
Tel: 281.381.3373
Fax: 281.381.5415
www.greenscapeassociates.com



2025/04/18
GreenScape Associates, LLC
By: [Signature]

Project #: 02.19.18
Date: 02.19.18
Drawn: [Signature]
Checked: [Signature]

Issue for Construction
Sheet:

L1.03
Planting Plan

Section 7 - Pocket Park Landscape Plan
SCALE: 1" = 20'



June 12, 2018

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

Dear Mayor and City Council:

On June 12, 2018, the Planning and Zoning Commission conducted a meeting to consider a Final Plat of Landing at Delany Cove Section 10, being a subdivision of 11.225 Acres located in the Stephen F. Austin League No.4 Survey, A-2 City of La Marque, Galveston County, Texas. (East of FM 2004 at FM 1765)

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
June 12, 2018**

Public Hearing / Regular Meeting Minutes of the City of La Marque Planning and Zoning Commission held on June 12, 2018, beginning at 4 p.m. at 1109-Bayou Road with the following members present: Deanna Bethea, Greg Cornett, Augustino Molis, Hugh Cash, Jean Gutierrez and Nancy Vidotto.

(1) CALL TO ORDER

Chairperson Deanna Bethea called the meeting to order at 4:10 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 – Present
Alternate Nancy Vidotto – Present

OTHER OFFICIALS/STAFF PRESENT:

Robert Michetich – Council Member
Carol Buttler – City Manager
Ellis Ortego – City Attorney
Kathleen Van Stavern – Code Enforcement
Sussie Sutton – Development Coordinator
Colleen Merritt – La Marque Economic Development

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

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

(4) APPROVAL OF MINUTES

Regular Meeting Minutes of May 8, 2018.

Ellis Ortego requested to be shown present at the meeting of May 8, 2018.

Commissioner Cash made a motion to accept the Minutes of May 8, 2018.

Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**



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(5) CITIZENS PARTICIPATION

None.

(6) OLD BUSINESS

Discussion/possible action regarding a **Final Plat** of Landing at Delany Cove Section 10, being a subdivision of 11.225 Acres located in the Stephen F. Austin League No.4 Survey, A-2 City of La Marque, Galveston County, Texas. (East of FM 2004 at FM 1765)

Commissioner Gutierrez motioned to approve the Final Plat of Landing at Delany Cove Section 10. The motion was second by Commissioner Cash.

MOTION PASSED UNANIMOUSLY.

The general meeting closed at 4:14 p.m.

(7) PUBLIC HEARING

The public hearing convened at 4:14 p.m. to hear the following:

Variance: Conduct Public Hearing to hear public input regarding a **variance** to the Thoroughfare Overlay District Ordinance – Section 71-27(e)(6) and (e)(8), an ordinance speaking to structure setbacks and landscaping percentage for 3219 FM 1765.

Mr. Getty, Economic Development Corporation, addressed the Commission inquiring if this variance was to be heard at another board. City Manager, Carol Buttler, informed Mr. Getty and the Commission that the Board of Adjustments will be making the final decision; because it is requesting a variance from the zoning ordinance. This request is being heard at this meeting because the Planning & Zoning will be discussing in a workshop recommendations on changes to the Thoroughfare Overlay Ordinance and they need to hear the hardships that some of the developers are facing in existing locations.

Mr. Getty informed the Commission that Mr. Mudasir Lakhani has complied with all the City of La Marque's Economic Development Corporation (EDC) requirements. He also noted that the EDC has worked a two-part grant – \$10,000 for concrete to be used at the location and \$10,000 for the signage to incorporate the City's name, which he presently is requesting a sign distance requirement variance from. Mr. Lakhani is taking an existing building and turning it into a good development for the City with employment and sales tax. Mr. Lakhani is not conforming because he wants to, but facing some real challenges with this property and he just can't meet the landscape requirements. He will be doing some planters boxes to help with the landscaping. Mr. Lakhani presented the Commission with photos of the improvements.



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City Manager Buttler asked what he was proposing for the 15% landscaping requirement. Mr. Lakhani indicated there was a nine-foot strip on FM 1765 that he is going to use as part of his landscaping area. Ms. Buttler asked if he was requesting a reduction in percentage or was he requesting a certain type of landscaping. This question was asked so that the Commission can address this issue when reviewing the changes to the Thoroughfare Overlay District ordinance.

Mr. Mudasir said he was requesting a reduction in percentage of needed landscaping. There will be landscaping on the corner of the property where the sign is to be located. There is an area behind the building that he was going to concrete in and he could use this area as part of percentage of the landscape area. The area is 50x20, so about 1,000 square feet. The sign will have about 400-square feet for landscaping. It was noted by the Commission that the developer was not requesting too much of a percentage reduction, which appeared to be about 10%.

Public meeting closed and the Regular Planning & Zoning meeting re-opened at 4:30 p.m.

(8) NEW BUSINESS

- a. Discussion/possible action regarding a **variance** to the Thoroughfare Overlay District Ordinance – Section 71-27(e)(6) and (e)(8), an ordinance speaking to structure setbacks and landscaping percentage for 3219 FM 1765. (La Marque's One Stop Shop)

Chairperson Bethea suggested that the Commission make a formal recommendation to the Board of Adjustments to look at and grant a variance concerning the setbacks for the signage and a reduction to the percentage for landscaping.

Commissioner Cash motioned to recommend approval. Seconded by Commissioner Gutierrez. **MOTION PASSED UNANIMOUSLY.**

- b. Discussion/possible action regarding a **Final Plat** of Trails at Woodhaven Lakes formerly known as Park Meadows Subdivision Section 1, being a plat of 21.74 Tract out of a 75.62 Acres Tract of Land situated in the S. F. Austin League Survey, Abstract 297, in Galveston County, Texas. (West of Delany Rd. & South of FM 1765)

Tony Padua, developer of Trails Woodhaven Lakes, expressed his appreciation for the approval of the re-zoning on a portion of this subdivision from C-1 Commercial to R-1 Single Family Residential affecting Sections 4 and 5. He announced the re-zone doesn't affect Section One, which is being currently considered.



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Commissioner Molis inquired about the commercial piece of property located at FM 1765 and Delany Road. Mr. Padua noted that the original partners still own this property and are waiting to put a retail oriented business there.

Commissioner Cash wanted to see an overall plan of all the parks and the locations. Mr. Padua passed out two copies of Gen7's park plan, which show the parks for the subdivision. The main amenity will be the lakes with the playgrounds in between each lake. Per Mr. Padua and discussed with Mrs. Buttler, there is a preference to get the first park amenity along with the first section constructed.

Mr. Dinh Ho, City Engineer, noted that there were a couple of items on the plat that needed to be on shown on this plat prior to being considered by City Council. The first is a one-foot reserve requirement at the street transition from one section to the next where the road ends.

The second is Reserve A; they need to be restricted for certain purposes so a developer can't come back and build something different other than its original purpose and it needs to be shown as a designated landscape drainage reserve. Any changes to its designated use will require the developer to come back to Council for approval.

Development Services requested that a note be placed on the face of the plat that: 1) maintenance of the detention/retention ponds be the sole responsibility of the Homeowners Association and not the City of La Marque nor the Galveston County Drainage District #2. Mr. Ho noted that the detention is provided off site and this is more for landscape/recreation; 2) Sidewalks shall be constructed at the issuance of the building permit. Mr. Ho noted that sidewalks are a part of the ordinance so it doesn't necessarily need to be on the face of the plat; and 3) Street Trees will not be allowed in any subdivision.

Mrs. Buttler noted that Street Trees were discussed at the last City Council meeting and none will be allowed within 10-feet from the edge of the right-of-way and the sidewalk, there will be none allowed in order to save all the infrastructure. Mr. Padua noted that these notes were reasonable.

Commissioner Cash motioned to recommend approval of the final plat with the changes noted by Mr. Ho. Seconded by Commissioner Molis. **MOTION PASSED UNANIMOUSLY.**

- c. Discussion/possible action regarding a **Master Preliminary Plat** of Trails at Woodhaven Lakes for Sections 2, 3, 4, & 5; 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



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Stephen F. Austin League Survey, Abstract No. 297 in Galveston County, Texas.
(Delany Road at FM 1765)

Mr. Tony Padua requested, if it was possible, for this plat approval by the Planning and Zoning Commission to be subject to the City Council approving the zoning change to R-1 Single Family Residential.

Commissioner Gutierrez motioned to recommend approval of the Master Preliminary Plat of Trails at Woodhaven Lakes for Sections 2, 3, 4, & 5, contingent upon City Council re-zone approval to R-1 Single Family Residential. Seconded by Commissioner Cash.

MOTION PASSED UNANIMOUSLY.

(9) CHAIRPERSON'S REPORT

There was no Chairperson's report.

(10) EXECUTIVE SESSION

There was no executive session.

(11) REQUESTS AND ANNOUNCEMENTS.

There were no requests nor announcements.

(12) ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 4:50 P.M.

Deanna Bethea, Chairperson
Planning & Zoning Commission



April 11, 2018

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

Dear Mayor and City Council:

On April 10, 2018, the Planning and Zoning Commission conducted a meeting for a Final Plat of Landing at Delany Cove Section 10 being a subdivision of 11.225 Acres located in the Stephen F. Austin League No. 4, Survey A-2 City of La Marque, Galveston County, Texas. (~~East of FM 2004~~ at FM 1765)

By unanimous vote, Planning and Zoning Commission recommended forwarding a recommendation of denial 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
REGULAR MEETING MINUTES
OF
APRIL 10, 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 and Jean Gutierrez.

(1) CALL TO ORDER

Vice Chairperson Deanna Bethea called the meeting to order at 4:04 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

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 Cash.

(4) APPROVAL OF MINUTES

Regular Meeting Minutes of February 13, 2018.

Commissioner Cash made a motion to accept the Minutes of February 13, 2018.
Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**

(5) CITIZENS PARTICIPATION

There was no citizen's participation.

(6) NEW BUSINESS

Discussion/possible action regarding a Re-Plat of Williams Addition, Lots 7A, 8A, and 9A being a re-plat of Lots 7A, 8 and 9, of Williams Addition, a subdivision in Galveston



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La Marque, Texas 77568
409.938.9202

County, Texas, according to the map or plat thereof recorded in Plat Record 14, Map No. 24, of the map records in the office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds thereon. (Anita St. at FM 1765)

Chair Bethea, who recommended that the plat be tabled, noted that after a review by the City Attorney it was found that all the property owners of this re-plat must sign the application prior to the Planning & Zoning consideration.

Commissioner Gutierrez motioned to table the Re-Plat of Williams Addition, Lots 7A, 8A, and 9A being a re-plat of Lots 7A, 8 and 9, of Williams Addition. The motion was seconded by Commissioner Cornett. **MOTION PASSED UNANIMOUSLY.**

- b.** Discussion/possible action regarding a Final Plat of Landing at Delany Cove Section 10, being a subdivision of 11.225 Acres located in the Stephen F. Austin League No.4 Survey, A-2 City of La Marque, Galveston County, Texas. (East of FM 2004 at FM 1765)

This property was tabled in February so that the Developer could plan a park for Section 10 of this subdivision. At that time, the Commission requested a pocket park to be presented for consideration. There was not a representative at this meeting to speak about the recreational park for Section 10.

Chair Bethea suggested to deny the Final Plat of Landing at Delany Cove Section 10 until which time the developer could plan for a park for Section 10 of The Landing at Delany Cove.

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

- c.** 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. (Delany Road at FM 1765)

This plat was tabled in February.

Chair Bethea noted that the Commission cannot legally consider this plat since part of the property is zoned commercial. Therefore, she suggested that the plat be denied until such time that the property can be re-zoned from Commercial C-1 to Residential R-1.



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It was noted by staff that the re-zone application was not presented in time to adhere to the legal notification process and the re-zoning fee had not been included.

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

- d. 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.MR. (East of Delany Road; South of FM 1765)

Chair Bethea noted this item was tabled in February and a couple of things were requested 1) a rendering of the park and a rendering was presented in our packets; 2) asked for clarification from Mr. Ortego, the City Attorney, to respond to the inquiry presented by the Commission to address if they are legally bound to uphold the previous approval Salt Grass Section Two which was later sold to a different developer and allowing the platting of 45-foot wide lots.

The City Attorney could not find any documentation allowing a variance for 45-foot frontage wide lots.

Bill Frey, of Frey Development, addressed the commission and noted that he was the person who approached the Council and worked with Council to have a five-year plan approved. The property was vested with a five-year approval for 45-foot, 50-foot and 55-foot lots. Whether the property was sold or not, the property was vested, not an individual.

Carol Buttler, City Manager, noted that the council approved a “proposed” General Plan but not lots that were 45-foot wide.

Chair Bethea noted that the council approved a general plan but not a plat.

Mr. Ortego, City Attorney, said that there was no actual variance requested or granted by City Council; Mr. Frey simply submitted a general plan which City Council acted on.

Commissioner Cash motioned to deny the plat. The motion was seconded by Commissioner Cornett and the **MOTION PASSED** with one Nay vote cast by Commissioner Gutierrez.



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- e. Discussion/possible action regarding changes to the Thoroughfare Overlay District (TOD) Ordinance.

City staff presented the Commission with the draft of the Thoroughfare Overlay District Ordinance. There was a lengthy discussion concerning the addition of additional streets to the ones currently on the TOD and how to best preserve the “mom and pop” business.

(7) CHAIRPERSON’S REPORT

None.

(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 5:20 P.M.

Deanna Bethea, Chairperson
Planning & Zoning Commission



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018
Prepared by: Sussie Sutton
Department: Development Services

Agenda item: 9c
Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding approval of a Final Plat for Trails at Woodhaven Lakes, Section One (formerly known as Park Meadows, Section One) Subdivision, being a plat of 21.74 Tract out of a 75.62 Acres Tract of Land situated in the S. F. Austin League Survey, Abstract 297, in Galveston County, Texas (West of Delany Rd. & South of Texas Avenue)

X

ATTACHMENTS FOR REFERENCE

1. Final Plat Trails at Woodhaven Lakes, Section One
2. Planning & Zoning Letter of Recommendation
3. Planning & Zoning Minutes June 12, 2018

STAFF BRIEFING:

- At the June 12, 2018 Planning & Zoning Commission considered Final Plat for Trails at Woodhaven Lakes, Section One
- P&Z signed a letter on June 12, 2018, to forward to City Council with favorable recommendation

HISTORY

- **04-12-2016** – Developer attends a pre-development meeting with City staff for potential subdivision named *Park Meadows*
- **03-14-2017** – P&Z Public Hearing held for variance request for reduction of lot sizes to 50x120 for *Park Meadows* Sec. 1, 2, & 3; no comments were heard from the public
- **03-14-2017** – P&Z considered Preliminary Plat for *Park Meadows*, Sections 1, 2, & 3; all denied by P&Z due to lot sizes
- **10-10-2017** – *Park Meadows* Preliminary Plat Sec. 1, presented to P&Z; denied due to lot sizes
- **10-16-2017** – Developer changed the name of the subdivision from *Park Meadows* to *Trails at Woodhaven Lakes*
- **02-13-2018** – P&Z *Trails at Woodhaven Lakes* Preliminary Plat - Section 1 tabled due to no park(s) included in plans
- **04-10-2018** – P&Z Preliminary Plat *Trails at Woodhaven Lakes* Section 1 denied until the developer could present a recreational land plan
- **06-12-2018** – P&Z *Trails at Woodhaven Lakes* Section 1 Final Plat approved to send to City Council with a favorable recommendation as lot sizes and recreational land plan requirements being met

TARGET IMPLEMENTATION: July 9, 2018



CITY COUNCIL AGENDA FORM

SIGNIFICANT ACTION DATES:

03-14-2017 – P & Z Public Hearing for *Park Meadows*, Section 1; no commentary from public

10-10-2017 – P & Z denied preliminary plat for *Park Meadows*, Section 1

10-16-2017 – Developer changed the name of the subdivision from *Park Meadows* to *Trails at Woodhaven Lakes*

02-13-2018 – Planning & Zoning tabled Preliminary Plat, *Trails at Woodhaven Lakes*

04-10-2018 – Planning & Zoning denied Preliminary Plat, *Trails at Woodhaven Lakes*

06-12-2018 – Planning & Zoning approved Preliminary Plat, *Trails at Woodhaven Lakes*

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other – Approval of Final Plat | |
| ☒ 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 approve a Final Plat for Trails at Woodhaven Lakes, Section One (formerly known as Park Meadows, Section One) Subdivision, being a plat of 21.74 Tract out of a 75.62 Acres Tract of Land situated in the S. F. Austin League Survey, Abstract 297, in Galveston County, Texas (West of Delany Rd. & South of Texas Avenue)

FISCAL IMPACT: The approval of this subdivision will bring 82 lots, adding to the property values of the area.

TEXAS AVENUE (F.M. 1765)
(100' R.O.W.)



STATE OF TEXAS
COUNTY OF GALVESTON

We, TRAILS AT WOODHAVEN LAKES, LTD., a Texas Limited Partnership, owner of the property in the above and foregoing map of LAKES AT WOODHAVEN LAKES SECTION 1, do hereby make subdivision on said property according to the lines, streets, alleys, parks, building lines, and easements therein shown, and designate said subdivision as LAKES AT WOODHAVEN LAKES SECTION 1 in the S.P. AUSTIN LEAGUE, ABSTRACT 297, in Galveston County, Texas; and dedicate the streets, and easements shown thereon forever.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

FURTHER, Owners do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of LAKES AT WOODHAVEN LAKES SECTION 1 where building setback lines or public easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever all public easements shown in said adjacent acreage.

This is to certify that we, TRAILS AT WOODHAVEN LAKES, LTD., a Texas Limited Partnership have complied with the existing regulations on file and adopted the City of La Marque in Galveston County, Texas.

HEREOF, TRAILS AT WOODHAVEN LAKES, LTD, a Texas Limited Partnership, has caused these presents to be signed by ANTONIO PADUA, President of TRAILS AT WOODHAVEN LAKES, LTD, a Texas Limited Corporation this _____ day of _____, 2018.

TRAILS AT WOODHAVEN LAKES, LTD,
a Texas Limited Partnership

By: _____
ANTONIO PADUA, President

BEFORE ME, the undersigned authority, on this day personally appeared TONY PADUA, President, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2017.

Notary public in and for the
State of Texas

My Commission Expires _____

er, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above and foregoing Plat of LAKES AT WOODHAVEN LAKES SECTION 1 Subdivision, was approved by the planning commission of the City of La Marque, Texas, on the _____ day of 2018, A. D., 2017, and by the city council of the City of La Marque, Texas, on the _____ day of 2018, A.D., 2017.

Registered Professional Land Surveyor
Texas Registration No. _____

Deanna Belthea
Chairman, Planning Commission

Bobby Hocking
Mayor of the City of La Marque, Texas.

I, Dwight D. Sullivan, County Clerk, Galveston County, Texas, do hereby certify that the written instrument was filed for record in my office on _____ 2017, at _____ o'clock, M., and duly recorded on _____ 2017, at _____ o'clock, M. in plat record map number _____, Galveston County Map Records.

Witness my hand and seal of office, at Galveston, Texas, the day and date last above written.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

By: _____
Deputy

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	11.58	S 2'53"46.00" E
L2	20.23	S 2'45"29.00" E
L3	50.00	N 87°14'31.00" E
L4	15.27	S 2'46"57.30" E
L5	15.00	N 2'53"17.51" W
L6	20.08	S 2'53"40.22" E
L7	19.69	N 2'53"43.51" W
L8	4.53	S 2'45"29.51" E
L9	15.02	N 87°06'14.00" E
L10	14.81	N 87°06'14.00" E
L11	19.49	S 2'53"43.51" E
L12	19.11	N 2'53"46.00" W

LOT TABLE - BLOCK 2		
LOT #	AREA (SQ. FT.)	AREA (AC.)
1	7011.16	0.16
2	7011.20	0.16
3	6950.95	0.16
4	7335.37	0.17
5	6900.00	0.16
6	6900.00	0.16
7	6900.00	0.16
8	6900.00	0.16
9	6900.00	0.16
10	6900.00	0.16
11	6900.00	0.16
12	6900.00	0.16
13	6900.00	0.16
14	6900.00	0.16
15	6900.00	0.16
16	6900.00	0.16
17	6900.00	0.16
18	7260.44	0.17
19	6900.19	0.16
20	6900.11	0.16
21	6900.03	0.16
22	6899.95	0.16
23	6899.87	0.16
24	6899.79	0.16

LOT TABLE - BLOCK 3		
LOT #	AREA (SQ. FT.)	AREA (AC.)
1	6893.68	0.16
2	6900.00	0.16
3	6900.00	0.16
4	6900.00	0.16
5	6900.00	0.16
6	6900.00	0.16
7	6900.00	0.16
8	6900.00	0.16
9	6900.00	0.16
10	6900.00	0.16
11	6900.00	0.16
12	6900.00	0.16
13	6900.00	0.16
14	6900.00	0.16
15	6894.12	0.16
17	6900.00	0.16
18	6900.00	0.16
19	6900.00	0.16
20	6900.00	0.16
21	6900.00	0.16
22	6900.00	0.16

LOT TABLE - BLOCK 4		
LOT #	AREA (SQ. FT.)	AREA (AC.)
1	6893.19	0.16
2	6900.00	0.16
3	6900.00	0.16
4	6900.00	0.16
5	6900.00	0.16
6	6900.00	0.16
7	6900.00	0.16
8	6900.00	0.16
9	6900.00	0.16
10	6900.00	0.16
11	6900.00	0.16
12	6900.00	0.16
13	6900.00	0.16
14	6900.00	0.16
15	6893.22	0.16

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION
C1	5.00	100.08	2.86	S 01°27'53" E ~ 5.00
C2	5.00	100.10	2.86	S 01°27'53" E ~ 5.00
C3	39.27	25.00	90.00	S 47°53'45" E ~ 35.36
C4	29.26	25.00	67.05	S 30°37'53" W ~ 27.62
C5	10.01	25.00	22.95	S 75°37'52" W ~ 9.95
C6	29.26	25.00	67.06	S 36°25'32" E ~ 27.62
C7	10.01	25.00	22.94	S 81°25'33" E ~ 9.94
C8	29.00	25.00	66.46	S 30°19'56" W ~ 27.40
C9	10.27	25.00	23.54	S 75°19'54" W ~ 10.20
C10	10.23	25.00	23.45	N 81°06'35" W ~ 10.16
C11	29.07	25.00	66.63	N 36°04'15" W ~ 27.46
C12	10.22	24.99	23.43	N 75°22'20" E ~ 10.15
C13	28.98	24.99	66.44	N 30°26'21" E ~ 27.39
C14	29.56	25.00	67.76	N 36°38'10" W ~ 27.87
C15	9.76	25.00	22.37	N 81°42'10" W ~ 9.70
C16	73.29	85.00	49.40	S 68°11'44" E ~ 71.04
C17	60.43	85.00	40.74	S 23°07'35" E ~ 59.17

- NOTES
- "B.L." INDICATES BUILDING LINE.
 - "U.E." INDICATES UTILITY EASEMENT.
 - "W.L.E." INDICATES WATER LINE EASEMENT.
 - "W.M.E." INDICATES WATER METER EASEMENT.
 - "S.S.E" INDICATES SANITARY SEWER EASEMENT.
 - "G.C.C.F." INDICATES MAP RECORD OF GALVESTON COUNTY CLERK FILE.
 - "SQ. FT." INDICATES SQUARE FEET.
 - "AC." INDICATES ACRES.
 - ALL SIDE LOT BUILDING LINES ARE 5'(FIVE) FEET UNLESS OTHERWISE LABELED.
 - REGIONAL DETENTION WILL BE USED FOR THIS DEVELOPMENT.
 - A IMPACT FEE OF 1,750 PER ACERAGE WILL BE PAIDED.
 - ALL RESERVES WILL BE USED FOR LANDSCAPING RESERVES WILL BE
 - MAINTAINED BY THE DEVELOPMENT'S HOME OWNERS ASSOC.
 - THE SUBJECT PROPERTY LIES WITHIN ZONE "A1", AREAS DETERMINED TO BE WITHIN THE 100-YEAR FLOODPLAIN, ZONE "B", AREAS BETWEEN LIMITS OF THE 100-YEAR FLOODPLAIN AND 500-YEAR FLOODPLAIN, AND ZONE "C", AREAS OF MINIMAL FLOODING AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 485486005D AND 4854860015D, DATED 02-16-1983, AND PER LOMR CASE NO. 06-06-BK83P, DATED MAY 10, 2007.

FINAL PLAT
TRAILS AT WOODHAVEN LAKES
SECTION 1

BEING A PLAT OF A 2174 ACRES OR 947018.15 SQUARE FEET
TRACT OUT OF A 7562 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

SCALE 1"=60'
4 BLOCK 82 LOTS
JUNE 2018
11 RESERVES

STEPHEN F. AUSTIN LEAGUE, A-297

CITY OF LA MARQUE
GALVESTON COUNTY, TEXAS

OWNER:

TRAILS AT WOODHAVEN LAKES, LTD
12995 TRAILS HOLLOW DRIVE
HOUSTON, TEXAS 77079

ENGINEER:
CAS CONSULTANTS
6201 BONHOMME ROAD, SUITE 290N-G
HOUSTON, TX 77036



June 12, 2018

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

Dear Mayor and City Council:

On June 12, 2018, the Planning and Zoning Commission conducted a meeting to consider a Final Plat of Trails at Woodhaven Lakes Section One, formally known, as Park Meadows Section One Subdivision, being a plat of 21.74 Tract out of a 75.62 Acres Tract of Land situated in the S. F. Austin League Survey, Abstract 297, in Galveston County, Texas (West of Delany Rd., & South of Texas Avenue).

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



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**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
PUBLIC HEARING / REGULAR MEETING MINUTES
OF
June 12, 2018**

Public Hearing / Regular Meeting Minutes of the City of La Marque Planning and Zoning Commission held on June 12, 2018, beginning at 4 p.m. at 1109-Bayou Road with the following members present: Deanna Bethea, Greg Cornett, Augustino Molis, Hugh Cash, Jean Gutierrez and Nancy Vidotto.

(1) CALL TO ORDER

Chairperson Deanna Bethea called the meeting to order at 4:10 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 – Present
Alternate Nancy Vidotto – Present

OTHER OFFICIALS/STAFF PRESENT:

Robert Michetich – Council Member
Carol Buttler – City Manager
Ellis Ortego – City Attorney
Kathleen Van Stavern – Code Enforcement
Sussie Sutton – Development Coordinator
Colleen Merritt – La Marque Economic Development

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

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

(4) APPROVAL OF MINUTES

Regular Meeting Minutes of May 8, 2018.

Ellis Ortego requested to be shown present at the meeting of May 8, 2018.

Commissioner Cash made a motion to accept the Minutes of May 8, 2018.

Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**



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(5) CITIZENS PARTICIPATION

None.

(6) OLD BUSINESS

Discussion/possible action regarding a **Final Plat** of Landing at Delany Cove Section 10, being a subdivision of 11.225 Acres located in the Stephen F. Austin League No.4 Survey, A-2 City of La Marque, Galveston County, Texas. (East of FM 2004 at FM 1765)

Commissioner Gutierrez motioned to approve the Final Plat of Landing at Delany Cove Section 10. The motion was second by Commissioner Cash.

MOTION PASSED UNANIMOUSLY.

The general meeting closed at 4:14 p.m.

(7) PUBLIC HEARING

The public hearing convened at 4:14 p.m. to hear the following:

Variance: Conduct Public Hearing to hear public input regarding a **variance** to the Thoroughfare Overlay District Ordinance – Section 71-27(e)(6) and (e)(8), an ordinance speaking to structure setbacks and landscaping percentage for 3219 FM 1765.

Mr. Getty, Economic Development Corporation, addressed the Commission inquiring if this variance was to be heard at another board. City Manager, Carol Buttler, informed Mr. Getty and the Commission that the Board of Adjustments will be making the final decision; because it is requesting a variance from the zoning ordinance. This request is being heard at this meeting because the Planning & Zoning will be discussing in a workshop recommendations on changes to the Thoroughfare Overlay Ordinance and they need to hear the hardships that some of the developers are facing in existing locations.

Mr. Getty informed the Commission that Mr. Mudasir Lakhani has complied with all the City of La Marque's Economic Development Corporation (EDC) requirements. He also noted that the EDC has worked a two-part grant – \$10,000 for concrete to be used at the location and \$10,000 for the signage to incorporate the City's name, which he presently is requesting a sign distance requirement variance from. Mr. Lakhani is taking an existing building and turning it into a good development for the City with employment and sales tax. Mr. Lakhani is not conforming because he wants to, but facing some real challenges with this property and he just can't meet the landscape requirements. He will be doing some planters boxes to help with the landscaping. Mr. Lakhani presented the Commission with photos of the improvements.



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City Manager Buttler asked what he was proposing for the 15% landscaping requirement. Mr. Lakhani indicated there was a nine-foot strip on FM 1765 that he is going to use as part of his landscaping area. Ms. Buttler asked if he was requesting a reduction in percentage or was he requesting a certain type of landscaping. This question was asked so that the Commission can address this issue when reviewing the changes to the Thoroughfare Overlay District ordinance.

Mr. Mudasir said he was requesting a reduction in percentage of needed landscaping. There will be landscaping on the corner of the property where the sign is to be located. There is an area behind the building that he was going to concrete in and he could use this area as part of percentage of the landscape area. The area is 50x20, so about 1,000 square feet. The sign will have about 400-square feet for landscaping. It was noted by the Commission that the developer was not requesting too much of a percentage reduction, which appeared to be about 10%.

Public meeting closed and the Regular Planning & Zoning meeting re-opened at 4:30 p.m.

(8) NEW BUSINESS

- a. Discussion/possible action regarding a **variance** to the Thoroughfare Overlay District Ordinance – Section 71-27(e)(6) and (e)(8), an ordinance speaking to structure setbacks and landscaping percentage for 3219 FM 1765. (La Marque's One Stop Shop)

Chairperson Bethea suggested that the Commission make a formal recommendation to the Board of Adjustments to look at and grant a variance concerning the setbacks for the signage and a reduction to the percentage for landscaping.

Commissioner Cash motioned to recommend approval. Seconded by Commissioner Gutierrez. **MOTION PASSED UNANIMOUSLY.**

- b. Discussion/possible action regarding a **Final Plat** of Trails at Woodhaven Lakes formerly known as Park Meadows Subdivision Section 1, being a plat of 21.74 Tract out of a 75.62 Acres Tract of Land situated in the S. F. Austin League Survey, Abstract 297, in Galveston County, Texas. (West of Delany Rd. & South of FM 1765)

Tony Padua, developer of Trails Woodhaven Lakes, expressed his appreciation for the approval of the re-zoning on a portion of this subdivision from C-1 Commercial to R-1 Single Family Residential affecting Sections 4 and 5. He announced the re-zone doesn't affect Section One, which is being currently considered.



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Commissioner Molis inquired about the commercial piece of property located at FM 1765 and Delany Road. Mr. Padua noted that the original partners still own this property and are waiting to put a retail oriented business there.

Commissioner Cash wanted to see an overall plan of all the parks and the locations. Mr. Padua passed out two copies of Gen7's park plan, which show the parks for the subdivision. The main amenity will be the lakes with the playgrounds in between each lake. Per Mr. Padua and discussed with Mrs. Buttler, there is a preference to get the first park amenity along with the first section constructed.

Mr. Dinh Ho, City Engineer, noted that there were a couple of items on the plat that needed to be on shown on this plat prior to being considered by City Council. The first is a one-foot reserve requirement at the street transition from one section to the next where the road ends.

The second is Reserve A; they need to be restricted for certain purposes so a developer can't come back and build something different other than its original purpose and it needs to be shown as a designated landscape drainage reserve. Any changes to its designated use will require the developer to come back to Council for approval.

Development Services requested that a note be placed on the face of the plat that: 1) maintenance of the detention/retention ponds be the sole responsibility of the Homeowners Association and not the City of La Marque nor the Galveston County Drainage District #2. Mr. Ho noted that the detention is provided off site and this is more for landscape/recreation; 2) Sidewalks shall be constructed at the issuance of the building permit. Mr. Ho noted that sidewalks are a part of the ordinance so it doesn't necessarily need to be on the face of the plat; and 3) Street Trees will not be allowed in any subdivision.

Mrs. Buttler noted that Street Trees were discussed at the last City Council meeting and none will be allowed within 10-feet from the edge of the right-of-way and the sidewalk, there will be none allowed in order to save all the infrastructure. Mr. Padua noted that these notes were reasonable.

Commissioner Cash motioned to recommend approval of the final plat with the changes noted by Mr. Ho. Seconded by Commissioner Molis. **MOTION PASSED UNANIMOUSLY.**

- c. Discussion/possible action regarding a **Master Preliminary Plat** of Trails at Woodhaven Lakes for Sections 2, 3, 4, & 5; 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



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Stephen F. Austin League Survey, Abstract No. 297 in Galveston County, Texas.
(Delany Road at FM 1765)

Mr. Tony Padua requested, if it was possible, for this plat approval by the Planning and Zoning Commission to be subject to the City Council approving the zoning change to R-1 Single Family Residential.

Commissioner Gutierrez motioned to recommend approval of the Master Preliminary Plat of Trails at Woodhaven Lakes for Sections 2, 3, 4, & 5, contingent upon City Council re-zone approval to R-1 Single Family Residential. Seconded by Commissioner Cash.

MOTION PASSED UNANIMOUSLY.

(9) CHAIRPERSON'S REPORT

There was no Chairperson's report.

(10) EXECUTIVE SESSION

There was no executive session.

(11) REQUESTS AND ANNOUNCEMENTS.

There were no requests nor announcements.

(12) ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 4:50 P.M.

Deanna Bethea, Chairperson
Planning & Zoning Commission



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018
Prepared by: Carol Buttler
Department: Administration

Agenda item: 9d
Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding a proposed program for local businesses / vendors to participate in community activities / events and provide direction to City Manager

☒

ATTACHMENTS FOR REFERENCE

1. Current Purchasing Manual - 2013

STAFF BRIEFING:

- Councilman Lane requested this item be placed on the agenda for Council discussion.

HISTORY:

- In the past a few local businesses / vendors have contributed either funds or in-kind services for activities / events to benefit La Marque citizens.

TARGET IMPLEMENTATION: Dependent on City Council discussion.

SIGNIFICANT ACTION DATES:

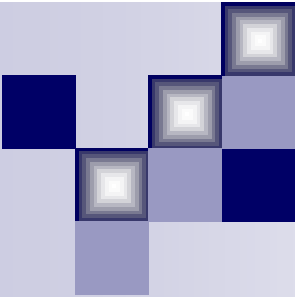
ACTION:

- | | |
|---|---|
| ☐ 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	Unknown
Actual Bid	Unknown
Estimated Expenditure	Unknown
Acct. Name(s)	Unknown
Line Items #	Unknown
Other Funding	Unknown

STAFF'S RECOMMENDATION: Dependent on City Council discussion

FISCAL IMPACT: Unknown



CITY OF LA MARQUE, TX



PURCHASING POLICY

November 11, 2013

ORDINANCE NO. O-2013-0017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, REPEALING ARTICLE IV, PURCHASES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF LA MARQUE, TEXAS, AND IN ITS PLACE ADOPTING A NEW ARTICLE IV, PURCHASES, SECTION 2-180, RECITING GENERAL PROVISIONS REGARDING THE PURCHASING POLICY OF THE CITY AND REQUIRING THE CITY MANAGER TO PROMULGATE A PURCHASING POLICY WITH GUIDELINES IN THE FORM OF A RESOLUTION SUBJECT TO APPROVAL BY CITY COUNCIL.

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

That Sec. 2-180, General Provisions, of Article IV, Purchases, of Chapter 2, Administration, is hereby repealed in its entirety and replaced with the following:

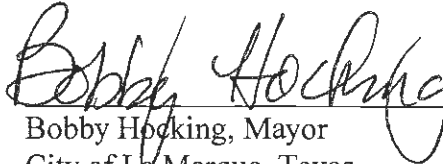
"ARTICLE IV". PURCHASES

Section 2-180. General Provisions,

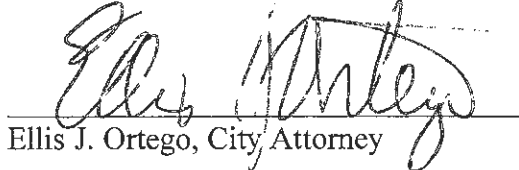
The purchasing policy of the City and that which is to be followed by the division of purchases of the finance department and the purchasing agent shall be to obtain the most goods and services at the least cost to the City. The City Manager shall promulgate a purchasing policy and guidelines pursuant to Texas Civil Statutes and the Local Government Code in the form of a Resolution, subject to approval by City Council."

PASSED AND APPROVED on first reading this 28th day of October, 2013.

PASSED AND APPROVED on second and final reading this the 9th day of December, 2013.


Bobby Hocking, Mayor
City of La Marque, Texas

APPROVED AS TO FORM:


Ellis J. Ortego, City Attorney

Page 2, Ordinance O-2013-0017
Purchasing- Repealing

ATTEST:


Robin Eldridge, City Clerk

ORDINANCE NO. O-2014-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, REPEALING ARTICLE IV, PURCHASES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF LA MARQUE, TEXAS, AND IN ITS PLACE ADOPTING A NEW ARTICLE IV, PURCHASES, SECTION 2-180, RECITING GENERAL PROVISIONS REGARDING THE PURCHASING POLICY OF THE CITY AND REQUIRING THE CITY MANAGER TO PROMULGATE A PURCHASING POLICY WITH GUIDELINES IN THE FORM OF A RESOLUTION SUBJECT TO APPROVAL BY CITY COUNCIL; ESTABLISHING AUTHORIZATION LEVELS FOR PURCHASES; PROVIDING PERSONAL LIABILITY FOR UNAUTHORIZED PURCHASES; AND PROVIDING FOR A PENALTY

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

That Sec. 2-180, General Provisions, of Article IV, Purchases, of Chapter 2, Administration, is hereby repealed in its entirety and replaced with the following:

“ARTICLE IV”. PURCHASES

Section 2-180. General Provisions.

(a) The purchasing policy of the City and that which is to be followed by the division of purchases of the finance department and the purchasing agent shall be to obtain the most goods and services at the least cost to the City. The City Manager shall promulgate a purchasing policy and guidelines pursuant to Texas Civil Statutes and the Local Government Code in the form of a Resolution, subject to approval by City Council.

(b) All purchases shall comply with the following authorization levels except as provided in the current purchasing policy adopted by City Council:

AUTHORIZATION LEVELS
Purchases

APPROVALS REQUIRED

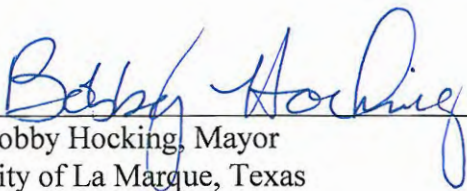
\$0 - \$999.99	City Manager, Finance Director, Department Director through check requests.
\$1,000 - \$24,999.99	City Manager, Finance Director, Department Director through PO's, 3 written quotes and other requirements.
Greater than \$24,999.99	City Council, City Manager, Finance Director, Dept. Director through formal bids, minutes of approval and PO requirements.

(c) Any commitment to acquire goods or services greater than \$999.99 from budgeted funds prior to securing an approved purchase order is prohibited. Anyone creating or authorizing such a commitment prior to securing a purchase order will be personally liable for payment of such agreement. All City of La Marque employees shall comply with the Purchasing Manual as adopted by Council. Substantiated, intentional, or knowing violations of the Purchasing Policy by an employee will result in corrective action, up to and including discharge from employment.

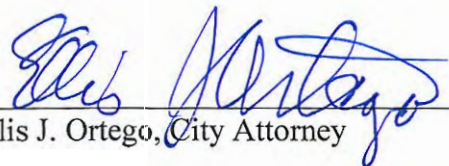
(d) Any violation of the current purchasing policy adopted by the City Council will be subject to a penalty as provided by Section 1-9 of the Code of Ordinances, City of La Marque, Texas.

PASSED AND APPROVED on first reading this 10th day of February, 2014.

PASSED AND APPROVED on second and final reading this the 24th day of February, 2014.


Bobby Hocking, Mayor
City of La Marque, Texas

APPROVED AS TO FORM:


Elis J. Ortego, City Attorney

ATTEST:


Robin Eldridge, City Clerk

RESOLUTION NO. R-2013-0016

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING THE 2013 CITY OF LA MARQUE PURCHASING POLICY TO UPDATE TO CURRENT LAWS AND REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE, AND SETTING FORTH OTHER RELATED MATTERS.

WHEREAS, the City Council of the City of La Marque, Texas adopted its 2013 Purchasing Policy based on current purchasing laws and other requirements; and

WHEREAS, the governing body of the City shall adopt a resolution reflecting all changes; and

WHEREAS, the 2013 Purchasing Policy, attached as Exhibit "A", has been reviewed by the Fiscal Affairs Committee and includes amendments since the last adoption on November 14, 2005; and

WHEREAS, the governing body of the City shall allow for a transition period of 90 days for staff training to comply with the new policy 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 2013 City of La Marque Purchasing Policy, as amended, attached hereto as "Exhibit A" is hereby adopted as the purchasing policy of the City of La Marque, effective November 11, 2013, 2013.

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, *Chapt. 551, Tex. Gov't Code*.

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

PASSED AND APPROVED this the 11th day of November, 2013.

ATTEST:

THE CITY OF LA MARQUE, TEXAS

By: Robin Eldridge
Robin Eldridge, City Clerk

By: Bobby Hocking
Bobby Hocking, Mayor

EXHIBIT A

CITY OF LA MARQUE, TX



PURCHASING MANUAL
2013



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FORMS

Appendix

- A. Agreement Form – Workers Compensation Insurance for Building and Construction Projects
- B. Certificate of Insurance
- C. Disclosure Statements
 - (1) CIQ - (Vendor or person doing business with City)
 - (2) CIS - (Local Government Officer)
- D. Flow Chart-Purchasing Decision Tree
 - Bids / Quotes Sheet
 - Sole Source Affidavit
 - HUB Contact and Quotation
 - W9



PRINCIPLES OF PURCHASING

1. To consider the best interests of City of La Marque in all transactions and to carry out its established policies.
2. To purchase without prejudice, seeking to obtain the maximum value for each dollar of expenditure according to City of La Marque quality standards.
3. To strive consistently for knowledge of the materials and supplies required for use of the City and to establish practical methods of obtaining them.
4. To subscribe to and work for honesty and truth in buying and to denounce all forms of conflict of interest.
5. To avoid all unethical practices.
6. To be receptive to competent counsel from colleagues and to be guided by such counsel without impairing the dignity and responsibility of the office.
7. To cooperate with all organizations and individuals engaged in activities designed to enhance the development and standing of public purchasing.



GENERAL ETHICAL STANDARDS

- **Personal Gain.** It shall be a breach of ethics to attempt to realize personal gain through public employment with City of La Marque by any conduct inconsistent with the proper discharge of the employee's duties.
- **Influence.** It shall be a breach of ethics to attempt to influence any public employee of City of La Marque to breach the standards of ethical conduct set forth in City of La Marque's code of ethics.
- **Conflicts of Interest.** It shall be a breach of ethics for any employee of City of La Marque to participate directly or indirectly in procurement when the employee knows that:
 - the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement.
 - a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
 - any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- **Gratuities.** It shall be a breach of ethics to offer, give or agree to give any employee or former employee of City of La Marque, or for any employee or former employee of City of La Marque to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefore pending before this government.
- **Kickbacks.** It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for City of La Marque, or any person associated therewith, as an inducement for the award of a subcontract or order.
- **Contract Clause.** The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation thereof.



- Confidential Information. It shall be a breach of ethics for any employee or former employee of City of La Marque knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

BUSINESS RELATIONS WITH SUPPLIERS

It is essential to develop and maintain goodwill between the City of La Marque and its suppliers. The reputation of the City can be promoted by:

- (a) Giving all salespersons a full, fair, prompt, and courteous hearing.
- (b) Keeping competition open.
- (c) Keeping specifications accurate, clear and without bias for a specific product or service.
- (d) Having and applying consistent buying policies and principles.
- (e) Observing strict truthfulness in all transactions and in correspondence.
- (f) Respecting the confidence of the salesperson or the company about confidential information.
- (g) Keeping free from any obligation to any vendor.

The relationship between the purchaser and the seller must be based on mutual understanding. No contract that proves unsatisfactory to the vendor can be satisfactory to the buyer. It is the responsibility of all employees involved in the purchasing function to establish a relationship of mutual confidence and satisfaction between the City and its suppliers within the confines of applicable law and policy.

The City reserves the right to reject business relationship with vendors who owe outstanding debt to the City until all issues are resolved.

OPEN RECORDS POLICY

Release of any bid is subject to the Public Information Act. Trade secrets and confidential information in competitive sealed bids are not open for public inspection. All proposals are open for public inspection after the contract is awarded, exclusive of trade secrets and confidential information in the proposals.



INTRODUCTION IN GENERAL

This Purchasing Manual (the "Manual") establishes the policies and procedures governing the City's purchase of goods and services. This manual applies to anyone (regardless of status) who requests a payment from the City's purchasing system for goods or services at any instance. This manual accomplishes the following objectives: (1) it delineates procedures that are consistent with law as well as good business practices; (2) it provides basic information for proper preparation of purchasing requisitions; (3) it describes methods of procuring goods and services; and (4) it establishes standard purchasing policies and procedures.

No contract will be binding upon the City unless authorized by the City Council and/or City Manager. All purchases shall be initiated by department directors, or their designees; or Chair person(s) of boards and commissions. Order of approvals at any amount shall be Department directors, Finance Director, City Manager, and (or) Council (over \$24,999 only). Any City personnel who authorize or attempt to authorize a purchase without proper approvals will be subject to disciplinary action up to and including discharge of employment.

AUTHORIZATION LEVELS

Purchases	Approvals Required
0 - \$999.99	City Manager, Finance Director, Department Director through check requests.
\$1,000 - \$24,999.99	City Manager, Finance Director, Department Director through PO's, 3 written quotes and other requirements.
Greater than \$24,999.99	City Council, City Manager, Finance Director, Dept. Director through bids, minutes of approval and PO requirements.

The above chart applies to general normal condition. Exceptions are listed with more details in other sections of this manual.

Check Request
\$0 - \$999.99



Purchase Order
\$1,000 - \$24,999.99



Bidding and PO
Greater than or equal to \$25,000





EMERGENCY PURCHASES AND SERVICES

Emergency purchase orders are to be used only if supplies from local or area vendors are needed immediately and may not exceed \$10,000. Under special circumstances, City Manager may waive the limitation to accomplish certain tasks required to protect the City. All purchase tickets and receipts shall be submitted to Finance immediately for processing and shall be ratified by resolution from Council.

DEFINITIONS

The following definitions apply to this Purchasing Manual:

- (a) "Architect" means an individual registered as an architect under Occupations Code Sec. 1051.001.
- (b) Check request means request for a city check to be approved and processed to compensate vendors for goods or services already occurred or to occur at near future.
- (c) "Design-build contract" means a single contract with a design-build firm for the design and construction of a facility.
- (d) "Design-build firm" means a partnership, corporation, or other legal entity or team that includes an engineer or architect and builder qualified to engage in building construction in Texas.
- (e) "Design criteria package" means a set of documents that provides sufficient information to permit a design-build firm to prepare a response to the City's request for qualifications and any additional information requested, including criteria for selection. The design criteria package must specify criteria the City considers necessary to describe the project and may include, as appropriate, the legal description of the site, survey information concerning the site, interior space requirements, special material requirements, material quality standards, conceptual criteria for the project, special equipment requirements, cost or budget estimates, time schedules, quality assurance and quality control requirements, site development requirements, applicable codes and ordinances, provisions for utilities, parking requirements, or any other requirements, as applicable.
- (f) "Emergency Purchase" means a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipalities residents or to preserve the property of the municipality; a procurement necessary to preserve or protect the public health or safety of the municipality's residents; a procurement necessary because of unforeseen damage to public machinery, equipment, or other property.



All emergency purchases must be approved by City Manager before payments can be processed.

- (g) “Engineer” means an individual registered as a professional engineer under The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes).
- (h) “Facility” means buildings the design and construction of which are governed by accepted building codes. The term does not include:
 - (1) highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction; or
 - (2) buildings or structures that are incidental to projects that are primarily civil engineering construction projects.
- (i) “High technology procurement” means the procurement of equipment, goods, or services of a highly technical nature, including:
 - (1) data processing equipment and software and firmware used in conjunction with data processing equipment;
 - (2) telecommunications equipment and radio and microwave systems;
 - (3) electronic distributed controls systems, including building energy management systems; and
 - (4) technical services related to those items.
- (j) “HUB” means a historically underutilized business, the name of which appears on a list provided by the Texas Building and Procurement Commission pursuant to Chapter 2161 of the Government Code.
- (k) “Planning services” means services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.
- (l) “Professional services” means services that require a high level of knowledge and experience and that are consistent with the standards of professionalism. Professional services include, but are not limited to, the following services within the scope of the practice of:
 - (1) accounting;



- (2) architecture;
 - (3) landscape architecture;
 - (4) land surveying;
 - (5) medicine;
 - (6) optometry
 - (7) professional engineering;
 - (8) real estate appraising;
 - (9) professional nursing; and
 - (10) any other service requiring special knowledge or attainment and a high order of learning, skill and intelligence.
 - (11) Legal services
- (m) Purchase Order means request to order certain goods or services before the purchasing activity occurs. Purchase orders are not valid until they are signed by all authorized personnel.
- (n) “Sole source items” means items that are available from only one (1) source, including, but not limited to: (i) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; (ii) films, manuscripts, or books; (iii) gas, water, and other utility services; (iv) captive replacement parts or components for equipment; (v) books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and (vi) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.

When a department has identified a specific brand, and will not consider alternate products, a detailed justification explaining why other vendors or products are not acceptable must be provided to City Manager in advance for review and concurrence. Sole source affidavit shall be signed within previous 12 months before submission to City Manager for approval.

DEPARTMENTAL RESPONSIBILITIES

1. Comprehend, apply and follow the Purchasing Manual. All Directors and purchasing staff shall sign and agree that he/she understands and will comply with the Policy.
2. For all PO's totaling greater than or equal to \$1,000, obtain at least three written quotes from appropriate vendors. If three written quotes are not obtainable, written explanations from staff are required to justify the reason(s).
3. Prepare Purchase Order in a timely and efficient manner **prior** to the actual transaction taking place.



4. Develop specifications and determine the quality of supplies, equipment, services, quantity and the delivery date required.
5. Review sealed bids and proposals and recommend award of contracts. Each Department Director shall prepare the documents and recommend award of contracts in written form.
6. Submit all bid related documents including a copy of the award letter to City Clerk.
7. Notify all involved parties for the review process.
8. Each department shall receive and inspect items delivered, report any shipments that fail to meet the purchase order and notify Finance of all discrepancies and items that need to be returned.
9. All contracts and warranties need to be reviewed by City Attorney through City Manager prior to transaction taking place.

CITY CLERK RESPONSIBILITIES

1. Prepare and legally advertise all invitations to bid. Attend, and hold pre-bid conferences and bid openings. Encourage competition and endeavor to obtain full and open participation in the bidding processes by all responsible vendors. Maintain confidentiality of all information used in the bidding process.
2. Obtain bids with receiving date and/or time recorded and perform bid opening procedures at specified time and place.
3. Keep an attendance log of all bid openings and pre-bid conferences.
4. Maintain all City maintenance, lease, rental, and copier agreements.
5. Maintain all bid documents.
6. Distribute copies of executed contracts/agreements to appropriate departments after all authorized parties have signed.

RESPONSIBILITY FOR DEBTS

Council shall assume responsibility for debts incurred in the name of the City so long as those debts are for purchases made in **accordance with adopted Council Policy and current administrative procedures regarding purchasing and expending**. Council shall not be personally liable for any City related obligation at any time nor be responsible for debts incurred



by persons or organizations not directly under Council control. **Persons making unauthorized purchases shall assume full responsibility for all such debts.** Unauthorized purchases are those purchases made without a purchase order or prior approval from the City Manager.

SALES TAX EXEMPTION

Tangible personal property incorporated into realty of the City under Texas Tax Code 151.39 or 151.310 is exempt from sales and use tax. This includes materials used in lump sum and separated contracts.

In addition, tangible personal property that is necessary or essential to the performance of a contract for the City is exempt if the property is completely consumed at the job sites. Tangible personal property is completely consumed if, after being used once for its intended purpose, it is used up or destroyed. Machinery and equipment are not exempted and the contractor owes tax on the purchase, lease or rental or machinery, equipment, repair or replacement parts, and accessories for the machine or equipment.

Taxable services purchased for use in performing the contract will be exempt from tax if the service is performed at the job site, and the service is either expressly required under the contract or is integral to the performance of the contract.

Sales and use tax exempt certifications and Texas resale certificate forms are issued by the contractors directly to the suppliers.

City is not responsible to reimburse sales tax portion on any purchases in any circumstances.

Employees shall not use the City's name to avoid sales tax charges on any personal purchases delivered to the City's address.

CIRCUMVENTION OF PURCHASING

It is unlawful to knowingly or intentionally authorize separate, sequential or component purchases to avoid the competitive bidding statutes. Purchases are based on commodities.

Separate purchases means purchases, made separately, of items that in normal purchasing practices would be purchased on one purchase.

Sequential purchases means purchases, made over a period of time, of items that in normal purchasing practices would be purchased on one purchase.



Component purchases means purchases of component parts of an item, that in normal purchasing practices would be purchased on one purchase.

If a person fails to comply with the competitive bidding or competitive proposal procedures required by Chapter 252, that person may be convicted of a Class B misdemeanor. This includes a situation in which a person makes or authorizes separate, sequential or component purchases in an attempt to avoid competitive bidding requirements. A Class B misdemeanor may be punished by a fine of up to \$2,000, confinement in jail for up to 180 days, or both the fine and confinement.

Under Texas law, an individual is automatically removed from his or her position if that person is finally convicted of failing to comply with competitive bidding or competitive proposal procedures required by Local Government Code Chapter 252. Once removed from office, such a person may not hold any public office in this state for four years after the date of final conviction.

LEASE PURCHASES / CONTRACT FINANCING

All lease purchases or any financing plans attached to any purchasing transaction, or any contract/agreement binding the City to any form of future commitments or obligations shall be approved by City Manager if less than \$25,000. Greater than or equal to \$25,000 shall be approved by City Council.

CONTRACTS

Contracts (construction, professional services, contract instructors, etc.) may be issued on a purchase order or contract form. In addition, the issuance of a purchase order on work involving construction, repairs, renovation and maintenance of buildings, may require a separate contract document. This contract shall be formulated as required to cover the project parameters and work to be accomplished and is subject to current bid or proposal laws. The City Manager must sign this contract and, where appropriate, may be subject to Council approval.

PURCHASING VIOLATIONS

Any commitment to acquire goods or services greater than \$999.99 from budgeted funds prior to securing an approved purchase order is prohibited. Anyone creating or authorizing such a commitment prior to securing a purchase order will be personally liable for payment of such agreement. All City of La Marque employees shall comply with the Purchasing Manual as adopted by Council. Documented evidence showing substantiated, intentional, or knowing violations of the Purchasing Policy by an employee will result in corrective action, up to and including discharge from employment.



PROFESSIONAL SERVICES

Professional services are exempt from the competitive sealed bidding and competitive sealed proposal requirements of state law. The City will select a provider of professional services on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. If architectural, engineering, or land surveying services are involved, the City will first select the most highly-qualified provider of those services on the basis of demonstrated competence and qualifications and then attempt to negotiate with that provider a contract at a fair and reasonable price. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering or land surveying services, the City will formally end negotiations with that provider, select the next most highly qualified provider and attempt to negotiate a contract with that provider until a contract is entered into.

An expenditure of less than \$25,000 does not require City Council approval and the City Manager is empowered to approve such purchases and to enter into contracts within such dollar amount.

Any expenditure greater than \$24,999 shall require City Council approval. If the expenditure will exceed \$24,999 for architectural, engineering or land surveying services, the City will solicit a formal request for qualifications ("RFQ") from the provider(s) of such services. Responses to the RFQ will be reviewed by City staff and the providers will be ranked according to the most highly qualified, the next most highly qualified and so on. Council action will then be scheduled to approve the staff rankings of the three (3) most-qualified providers, to authorize negotiations with the most highly qualified provider, the next most highly qualified provider (if a satisfactory contract cannot be negotiated with the most highly qualified provider) and so on; and to authorize the City Manager to negotiate a contract at a not to exceed dollar value established by the Council. In such cases the City Manager is authorized by this Manual to execute the contract negotiated with the professional services provider without further Council approval.

OTHER EXEMPT PURCHASES

In addition to professional services, the following purchases are exempt from the competitive sealed bidding and competitive sealed proposal requirements of state law:

- (a) emergency purchases (a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality);
- (b) purchases necessary to preserve or protect public health or safety;
- (c) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;



- (d) a procurement for personal or planning services,
- (e) a procurement for work that is performed and paid by the day as the work progresses;
- (f) a purchase of land or a right-of-way;
- (g) a purchase of sole source items;
- (h) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
- (i) a purchase of rare books, paper and other library materials for a public library;
- (j) a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- (k) a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212 of the Local Government Code;
- (l) personal property sold:
 - (1) at an auction by a state licensed auctioneer;
 - (2) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - (3) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - (4) under an Interlocal contract for cooperative purchasing administered by a regional planning commission established under Local Government Code Chapter 391;
- (m) goods purchased by the City for subsequent retail sale by the City; or
- (n) electricity.

An expenditure of less than \$25,000 does not require City Council approval and the City Manager is authorized to approve such purchases and to enter into contracts within such dollar amounts. An expenditure greater than or equal to \$25,000 requires City Council approval.

Chapter 212, Subchapter C of the Texas Local Government Code authorizes the City to enter into contracts with a developer of a subdivision or land in the City to construct public improvements, not including a building, related to development. Competitive sealed bidding is not required for such contracts if the city complies with the terms of that subchapter. The contract must establish the limit of participation by the City at a level not to exceed 30 percent of



the total contract price. In addition, the contract may also allow participation by the City at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the City including, but not limited to, increased capacity of improvements to anticipate other future developments in the area. The City is liable only for the agreed payment of its share, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by City ordinance.

HIGH TECHNOLOGY PROCUREMENTS

For high-technology procurements of less than \$25,000 the following requirements shall apply:

- (1) under \$1,000 - the department may call one source only and place an order;
- (2) \$1,000 to \$24,999 - a minimum of three (3) written price quotations shall be required. If three quotes are not obtainable, explanations will be required to justify the result. Price quotes may be by fax or email/internet. If the purchase amount is greater than \$3,000 but less than 25,000, the department must contact at least two (2) HUBs on a rotating basis based on information provided by the Texas Building and Procurement Commission pursuant to Chapter 2161 of the Government Code. If the list fails to identify a HUB in Galveston County that provides the goods and services, then this requirement shall not apply.

The price quotations listing the three (3) vendors and their quotations shall be entered/attached by user department when inputting PO on the financial software system. PO's must be approved by appropriate levels assigned in the financial software system before they can be issued. User departments should enter as much details as possible each time PO's are created.

The City Manager may approve high-technology purchases of less than \$25,000. For high-technology procurements greater than \$24,999 the competitive sealed proposal requirements of state law shall apply. The City Manager shall determine which department shall be responsible for developing the technical specifications and terms of the request for proposals ("RFP"). Notice of the time and place at which the proposals will be publicly opened and read aloud will be published at least once a week for two consecutive weeks in the local official newspaper. The date of the first publication must be before the 14th day before the date set to publicly open the proposals and read them aloud. The department may discuss the proposals with the offerors who are determined to be reasonably qualified for the award of the contract. Discussions must be held according to the terms of the RFP. Offeror must be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best final offers, revisions to the RFP are permitted after submission and before award of the contract. The contract must be awarded to the responsible offeror whose proposal is determined to be the most advantageous to the City considering the relative importance of price and other evaluation factors included in the RFP. City Council approval is required for high-technology purchases greater than \$24,999.



PURCHASE OF INSURANCE

A purchase of insurance requiring an expenditure of \$5,000 or less does not need to be competitively bid. Except as otherwise provided herein, any purchase of insurance requiring expenditure greater than \$5,000 will be accomplished through the competitive sealed bidding process. In bidding situations, the City Manager shall determine which department will be responsible for developing the bid package. Notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two (2) consecutive weeks in the local official newspaper. The date of first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. The contract must be awarded to the lowest responsible bidder.

Competitive sealed bidding is not required for the purchase of life, sick, accident and other health benefits and insurance through a risk pool established pursuant to Chapter 172 of the Texas Local Government Code, Chapter 791 of the Texas Government Code and Texas Trust Code (Title 9, Subtitle B, Texas Property Code).

PURCHASE OF OTHER GOODS AND SERVICES

The purchase of other goods and services (excluding insurance, professional services, exempt procurements, construction services and high-technology procurements) shall be subject to the provisions of this section. If the purchase is less than \$25,000 the following requirements shall apply:

- (a) under \$1,000 - the department may call one source only, place an order, and submit a check request for authorizations;
- (b) \$1,000 to \$24,999 - a minimum of three (3) written price quotations and PO shall be required. If three quotes are not obtainable, explanations will be required to justify the result.

Price quotes may be obtained by fax, or email/internet. If the purchase amount is greater than \$3,000 but less than \$25,000, the department must contact at least two (2) HUBs on a rotating basis based on information provided by the Texas Building and Procurement Commission pursuant to Chapter 2161 of the Government Code. If the list fails to identify a HUB in Galveston County that provides the goods and services, then this requirement shall not apply. The price quotations listing the three (3) vendors and their quotations shall be entered/attached by user department when inputting PO's on the financial software system. PO's must be approved by appropriate levels assigned in the financial software system before they can be issued. User departments should enter as much details as possible each time PO's are created.

The City Manager is authorized to approve and enter into contracts for purchases of less than \$25,000.



For purchases of other goods and services \$25,000 or greater the competitive sealed bidding provisions of state law shall apply to the purchase. The City Manager shall determine which department shall be responsible for developing the technical specifications and terms of the bid. Notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two (2) consecutive weeks in local newspaper. The date of first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. The contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the City. In determining the best value the City may consider the following:

- (a) the purchase price;
- (b) the reputation of the bidder and of the bidder's goods or services;
- (c) the quality of the bidder's goods or services;
- (d) the extent to which the goods or services meet the City's needs;
- (e) the bidder's past relationship with the City;
- (f) the impact on the ability of the City to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities.
- (g) the total long-term cost to the City to acquire the bidder's goods or services; and
- (h) any relevant criteria specifically listed in the request for bids.

The bid specifications/bid package must state that the contract may be awarded to either the lowest responsible bidder or to the bidder who provides goods or services at the best value for the City. City Council approval is required for purchases greater than \$25,000.

Additionally, under the following circumstances a bid may be awarded to a local bidder whose principal place of business is in the City and whose bid is not the lowest bid:

- (1) the purchase involves personal property that will not be affixed to real property;
- (2) the local bid is within 3% of the lowest bid received by the City from a bidder who is not a resident of the City; and
- (3) the City determines, in writing, that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award including the employment of residents of the City and increased tax revenues to the City.

CONSTRUCTION SERVICES

Procurement of construction-related services shall be subject to the provisions of this section. If the expenditure will be less than \$25,000 the following requirements shall apply:



- (a) under \$1,000 - the department may call one source only, place an order, and submit a check request for authorizations;
- (b) \$1,000 to \$24,999 - a minimum of three (3) written price quotations shall be required. If three quotes are not obtainable, explanations will be required to justify the result. If the purchase amount is greater than \$3,000 but less than \$25,000, the department must contact at least two (2) HUBs on a rotating basis based on information provided by the Texas Building and Procurement Commission pursuant to Chapter 2161 of the Government Code. If the list fails to identify a HUB in Galveston County that provides the services, then this requirement shall not apply. The price quotations listing the three (3) vendors and their quotations shall be entered/attached when inputting PO's on the financial software system. PO's must be approved by appropriate levels assigned in the financial software system before the purchase order can be issued. User departments should enter as much details as possible each time PO's are created.

The City Manager is authorized to approve and enter into contracts for purchases of less than \$25,000.

Except as otherwise provided herein, a procurement of construction-related services requiring an expenditure greater than or equal to \$25,000 must be obtained through competitive sealed bids. In such cases the City Manager shall determine which department shall be responsible for developing the technical specifications and terms of the bid. Notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two (2) consecutive weeks in the local newspaper. The date of first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. The contract must be awarded to the lowest responsible bidder. City Council approval is required for an expenditure of funds greater than or equal to \$25,000.

The City may enter into a contract with a developer of a subdivision or land in the City for the construction of public improvements, not including a building, related to the development. Competitive sealed bidding is not required for an expenditure greater than or equal to \$25,000 if the City complies with the requirements of Chapter 212, Subchapter C of the Texas Local Government Code. Among the requirements of that subchapter is that the city's level of participation in the contract must not exceed thirty (30%) percent of the contract price. Additionally, the developer must execute a performance bond. If a developer participation contract does not meet these requirements as well as all the other requirements contained in chapter 212, subchapter C, then the contract is subject to all of the normal rules regarding competitive bidding. (See developer participation contracts discussed in the section of this Manual regarding exempt purchases).

A procurement of services for the construction, rehabilitation, repair or alteration of a facility that requires an expenditure greater than or equal to \$25,000 may be obtained using any of the following methods:



- (1) competitive sealed bidding;
- (2) competitive sealed proposals for construction services;
- (3) a design-build contract; or
- (4) a contract to construct, rehabilitate, alter or repair facilities that involves using a construction manager; or
- (5) a job order contract for the minor construction repair, rehabilitation or alteration of a facility (for work of a recurring nature where deliver times are indefinite and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepaid tasks).

The City Manager shall determine which method will provide the best value for the City prior to advertising the project. The City will publish notice of the time and place the bids, proposals or responses to a request for qualifications will be received and opened. The notice will be published in the local official newspaper at least once each week for at least two (2) weeks before the deadline for receiving bids, proposals or responses to a request for qualifications. In a two-step procurement process the time and place the second step bids, proposals or responses will be received are not required to be published separately. State law establishes additional requirements and procedures for the methods of procurement set forth in (2) - (5) above. The City Manager must be consulted with respect to such procurement methods.

The City may consider the following factors in determining to whom to award the contract for construction, rehabilitation, repair or alteration of a facility:

- (a) the purchase price;
- (b) the reputation of the vendor and of the vendor's goods or services;
- (c) the quality of the vendor's goods or services;
- (d) the extent to which the goods or services meet the City's needs;
- (e) the vendor's past relationship with the City;
- (f) the impact of the ability of the City to comply with rules relating to historically underutilized businesses;
- (g) the total long-term cost to the City to acquire the vendor's goods or services; and
- (h) any other relevant factor specifically listed in the request for bids or proposals.

Under the provisions of Chapter 302 of the Local Government Code, the City may enter into contracts for energy or water conservation measures to reduce energy or water consumption or operating costs of governmental facilities by utilizing the request for qualifications method or a request for proposals method. Contracts authorized under Chapter 302 of the Local Government Code include contracts for the installation or implementation of:

- (1) insulation of the building structure and systems within the building;
- (2) storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption;



- (3) automatic energy control systems, including computer software and technical data licenses;
- (4) heating, ventilating, or air conditioning system modifications or replacements that reduce energy or water consumption;
- (5) lighting fixtures that increase energy efficiency;
- (6) energy recovery systems;
- (7) electric systems improvements;
- (8) water-conserving fixtures, appliances, and equipment or the substitution of non-water-using fixtures, appliances, and equipment;
- (9) water-conserving landscape irrigation equipment;
- (10) landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:
 - (a) landscape contouring, including the use of berms, swales, and terraces; and
 - (b) the use of soil amendments that increase the water-holding capacity of the soil, including compost;
- (11) rainwater harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control;
- (12) equipment for recycling or reuse of water originating on the premises or from other sources, including treated municipal effluent;
- (13) equipment needed to capture water from non-conventional, alternate sources, including air conditioning condensate or gray water, for non-potable uses;
- (14) metering equipment needed to segregate water use in order to identify water conservation opportunities or verify water savings; or
- (15) other energy or water conservation-related improvements or equipment, including improvements or equipment related to renewable energy or non-conventional water sources or water reuse.

City Council approval is required for all expenditures greater than or equal to \$25,000 for any construction project.

If public health, safety, or welfare and professional engineering issues are involved, the engineering plans, specifications, and estimates for the construction of a public work generally must be prepared by a licensed professional engineer. Further, the engineering for construction usually must be executed under the direct supervision of a licensed professional engineer.

There are two circumstances in which the above requirements do not apply to the construction of a public work by a city:

- They do not apply to a public work that involves a total expenditure of less than \$8,000 even if the work involves structural, electrical, or mechanical engineering. If the expenditure for such a public work will amount to or exceed \$8,000, the use of an engineer is required as noted above.



- If the work does not involve structural, electrical or mechanical engineering, then the use of an engineer is not required as long as the total contemplated expenditure on the project will not exceed \$20,000.

PROCEDURES TO COMPLETE BID PACKETS

After each bid is awarded, the following documents shall be submitted to the City Clerk's office as one packet:

1. AUTHORIZATION TO BID – For each item being bid, the City Clerk needs to be notified. Authorization to bid is usually the budget request description submitted before the budget was adopted. It can also be any proof showing proper City Council approval for this item to go out for bid (Minutes and agenda summaries of City Council Meetings, Special City Council Workshop). If any item to be bid is one specific line item approved during the budget process, then that item does not need to go through the Council approval to bid process again. All items to be bid must go to City Council to authorize the bidding process.
2. EVIDENCE OF TIMELY RECEIPT OF BIDS – The City Clerk should note on each bid packet received, the date and time received and retain these documents in the bid file.
3. BID TABULATION – The bid tabulation should accompany the agenda summary to the Council Meeting. The bid tabulation should be a short summary of the bids.
4. COUNCIL APPROVAL – The City Clerk will copy the minutes when a bid is approved and retain this information in the bid file.
5. COPY OF ADVERTISEMENT – The City Clerk shall retain the affidavit from the newspaper when an item has been advertised for bids.
6. NOTICE OF PUBLICATION – Same as (5) above. Notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two (2) consecutive weeks in the local official newspaper. The date of the first publication must be before the 14th day before the date set to publicly open the proposals and read them aloud.
7. AWARD LETTER – The department responsible for the bid shall send an award letter immediately following the Council Meeting at which the contract was awarded and shall forward a copy of this letter to the City Clerk for the bid file.
8. CONTRACT EXTENSION OR CHANGE ORDERS – If the contract has been extended or amended, a notice of this approval shall be retained in the file and attached to the PO in the financial system.

Approval of change orders by the City Manager is limited to \$24,999.99 or less, or by the City Council if over \$24,999.99. However, the original contract price may not be increased by more than twenty-five (25%) percent. In such a situation, the city would need to seek bids



or proposals for the work or products that would be beyond the 25% amount. If the city wants to decrease the contract amount by more than 25%, it needs to obtain the approval of the contractor for such change.

STATE APPROVED METHODS OF SATISFYING COMPETITIVE BID REQUIREMENT

Notwithstanding anything in this Manual to the contrary, the City may satisfy the competitive bid requirement of state law by purchasing goods and services through any but not limited to the following:

- (a) the Texas Building and Procurement Commission (formerly the General Services Commission);
- (b) the Texas Department of Informational Resources (DIR)
- (c) the Houston-Galveston Area Council Cooperative Purchasing Program (HGAC);
- (d) the Texas Local Government Purchasing Cooperative (The Buyboard);
- (e) an Interlocal Agreement with another governmental entity that has complied with state law purchasing requirements;
- (f) Texas Procurement Center;
- (g) TIPS/TAPS Cooperative Purchasing System;
- (h) PACE Coop (Purchasing Association of Cooperative Entities); and
- (i) any other agency or entity that state law provides will satisfy the competitive bid requirements.

SPECIFICATIONS

This section outlines the purpose and preparation of specifications.

1. A specification is a description of the physical, functional or performance characteristics of an item, supply or service. The specification is used to enable bidders to propose the proper goods or services, and assist the City in obtaining goods or services that will be appropriate to the City's needs.
2. Design specifications - detailed description of a good or service, including such things as details of construction or production, dimensions, chemical composition, physical properties,



materials, ingredients and all other details needed for the provider to produce an item of minimum acceptability. Design specifications are usually required for construction projects and custom produced items and for many services.

3. Performance Specifications - where the goods and/or services are described in terms of required performance. They may include such details as required power, strength of material, test methods and standards of acceptability and recommended practices.
4. Combination Specifications - contain elements of both design and performance specifications. Some features of each are included to allow a vendor to use ingenuity to meet the performance needs of the City and also to require certain necessary design characteristics. This is probably the most common type of specifications.
5. Brand Name Specifications - this type of specification is simply a reference to one or more acceptable brand names. Since this type of specification discourages competition, it should not be used unless the item is the only one which will satisfy the City's requirement. This type of specification is useful for purchasing replacement parts where only the brand name item will work.
6. Brand Name or Equal Specifications - similar to brand name specifications, except that products equal to the characteristics of the named brand are specified as acceptable.
7. Qualified Products List Specifications - based on a list of products, identified by manufacturers' name and model numbers, which are the only items which will be acceptable or when reordering to maintain commonality. These are used when quality is such a critical factor and testing so lengthy or expensive that the City wants to stay with proven products. The list is prepared by testing products, whether in the lab or in daily use. Items may be added to the list by the vendor demonstrating their quality in comparison to those on the list.
8. Standard Specifications - a single specification for one or more goods/services that are ordered on a recurring basis and that have the same general purpose. The same specification is used each time an order is placed or bids are advertised. Examples are office supplies, paper, janitorial supplies and copier service contracts. Standardized specifications will usually be more complete and detailed than one-time specifications.

RECEIVING BIDS/PROPOSALS

Receiving competitive bids and proposals must be done in a manner such that no possibility of favoritism or even the appearance of favoritism exists. Here are some steps that can be taken to accomplish this:

1. Each bid or proposal must be returned to the City Clerk's office in a separate envelope, sealed and with the bid or proposal identified as bid/proposal marked on the outside of



the envelope. Only one bid/proposal will be allowed per envelope. If more than one bid is submitted, the vendor/bidder must use separate envelopes for each one.

2. The bid/proposal envelope shall be time and date stamped as soon as it is received at the City Clerk's Office.
3. The bid/proposal envelope shall be filed unopened until the scheduled bid opening date.
4. Bids/proposals shall be opened at the hour specified in the invitation/request at the City Council chambers and the public as well as the vendors/bidders are invited and encouraged to attend the bid opening. A representative from the requesting department must be present to act as witness to disprove charges of irregularities.
5. City Clerk shall keep an attendance log of all bidders present at the opening time and location.
6. The following are grounds for disqualification:
 - unsigned bid/proposals, or bids/proposals with unauthorized signatures.
 - bids/proposals received after the date and time for opening. Late bids/proposals shall not be considered for award of the purchase.
 - bids/proposals where prices are conditioned on award of another bid, or when prices are subject to unlimited escalation. If allowed by the specification, prices may be subject to escalation based on an independent wholesale index (e.g., for oil and gas products, the net terminal price, or current Oil Price Information Service prices).

Bids and proposals are awarded by La Marque City Council. The City Council must have reliable evaluations of the bids or proposals in order to make an informed decision about which to accept.

The staff of the user department can make this task easier by providing tabulations, calculation checks, information about compliance with specifications and price extensions. The staff shall also make the recommendation with concurrence by the City Manager based on the merits of each bid/proposal.

BID TABULATION

1. After a bid opening, bids are tabulated and evaluated by the user department. At this time, there will be an "apparent low bidder". The low dollar bid however, shall not necessarily constitute the successful bid. There may be a number of other factors which may cause another bid to be selected. Two (2) common ones are shown below:



- (a) conformity to specifications - An item/service bid must conform to the specification. Minor irregularities may be waived; however, this is not to be interpreted that an item may be accepted which does not meet minimum specifications. Waiving of informalities will be determined by the user department with advice from the City Manager.
 - (b) Best value - If applicable the City may consider the factors set forth in Chapter 252 of the local Government Code for determining the best value.
2. Responsibility for Evaluation – The final responsibility for bid evaluations rests with the requesting departments. The recommendation with the attached evaluation will be forwarded to the City Manager for his/her concurrence. The City Council, during a city council meeting will take action whether to accept or reject the bid/proposal.
3. Alternate Bids - It will be appropriate to accept more than one bid from a vendor as long as the bids meet or exceed the specifications.

PURCHASE ORDERS

Purchase Orders are used to affect an agreement between the City of La Marque and the vendor/supplier. Before a purchase order can be issued, it has to be entered and approved by all appropriate levels of authority in the Financial system. Once the purchase order is issued, financial system encumbers budgeted funds available and thus provides the optimum budget control tool. No purchase order shall be issued against a line item account without an approved budget. The City uses two types of purchase orders:

- 1. Regular Purchase Order - The regular purchase order is printed by the Finance Department for the procurement of goods and services as soon as all levels of approval process is done.
- 2. Blanket Purchase Order - Blanket Purchase Orders are actually agreements with several local vendors to allow individual departments to make purchases without going through the normal process of obtaining purchase orders. Blanket Purchase Orders for items shall not be large dollars. Purchases may not be split to circumvent the regular purchase order requirements. All blanket purchases must be requested by Department Directors and approved by City Manager by completing the "Blanket Purchase Requisition Form" with all receipts attached and submitted to the Finance Department.
- 3. Sole Source Purchases - If the requesting department believes that a request satisfies the sole source requirement, a sole source procurement affidavit must be attached to the PO. When a department has identified a specific brand, and will not consider alternate



products, a detailed justification explaining why other vendors or products are not acceptable must also be attached before the PO can be approved.

CHECK REQUESTS

A check request is a method of payment which does not use a purchase order. It is not an option to by-pass the purchase order process. The following routine payments may qualify for check request submission:

- Administrator Fees and Dues
- Prepaid Professional Periodical Expenses
- Invoices for Repair: Copying Machine, Typewriters, etc.
- Out-of Pocket expenses other than travel
- Magazine subscriptions
- Utilities
- Telephone
- Copier lease payments
- Debt service payments
- Supplemental annuities
- Council monthly expenditure
- Purchases made on blanket purchase orders

All other purchases less than \$1,000 may be submitted through check requests for approvals.

In order to process check requests in a timely manner, a completed check request form must be turned in to the Finance Department by Monday prior to check processing week for the checks to be ready by 8:00 the following Thursday.

The request form must be filled out completely and the proper documentation of payment attached for audit verification of the transaction. It must be signed by the Department Director or the authorized designee before submission to Finance.

PETTY CASH

Procedures:

1. A request shall be made by the Department Director for initiating a petty cash fund upon determination of the need. The request must outline the necessity of the fund, the types, volume and amount of the purchases to be made from the fund and the Custodian of the fund.
2. The City Manager shall review the request and if justification warrants, shall cause the petty cash fund to be created in the amount consistent with request.



3. A check will be prepared to be made payable to the City of La Marque, the name of the Department, Petty Cash Fund.
4. Reimbursements for petty cash shall be made only for the approved types as outlined in this Manual. The petty cash ticket must be completed in duplicate and signed by the custodian and the person receiving the cash (not to exceed \$50 each transaction). The original ticket is attached to the check request to replenish the fund. The duplicate copy will be filed by the custodian.
5. The fund must be reconciled on a monthly basis and the custodian shall prepare a check request to replenish the fund. The proper line item will be charged when the check to replenish the fund is issued.
6. Each department shall not keep cash on hand of more than \$100.
7. Petty cash replenishment checks shall be made payable to either "Petty Cash" or Finance Director's name and shall be distributed from the Finance Department to the requesting department.

DISPOSAL OF UNCLAIMED, SURPLUS AND OBSOLETE PROPERTY

Unclaimed and Abandoned Property – The City shall dispose of unclaimed or abandoned property according to the specific state statutory provision that is applicable. Such property includes the following:

1. Contraband property and alcoholic beverages subject to seizure under the Texas Code of Criminal Procedure;
2. Property seized by a City of La Marque Police officer and held for evidence, destroyed or returned to the person entitled to receive such property.
3. Other property the disposal of which is governed by state law.

Surplus or Obsolete City Property - Any City property owned by the City which is worn out, scrap or obsolete or which is declared surplus by a City Department Director can be disposed of with approval of the City Manager by public or online auction, by obtaining quotes from a minimum of three vendors or by advertising for sealed bids. If it is determined that the City property shall be sold by soliciting bids, the standard bidding procedure shall apply. The City reserves the right to reject all bids or quotes.

The City may donate certain properties to other non-profit organizations or governmental entities as long as there is a local government agreement signed by all parties allowing such transaction with clear understanding of terms and conditions between the parties.



This list of properties to be auctioned or donated must be approved by Council prior to any commitment.

INSURANCE REQUIREMENTS

Whenever the City contracts with an outside party (contractor, consultant, vendor, or concessionaire) for goods or services, the bid or request for proposal that is released to the public should include an indemnity clause (hold harmless clause), along with a contractual agreement, to be executed upon award of the contract, that transfers the risk of the project from the City to the contractor. Because the contractor may or may not have the financial resources to handle the risks that are transferred in the contract, the City requires that insurance be purchased and maintained by the contractor for financial security.

Most contracts are tailored for individual projects and programs; therefore, certain elements of the insurance required should be addressed in every contract document. One of the most important elements is the actual insurance coverage, which includes the coverage types, and limits that are dependent upon the nature of the project/program. A summary of the various types of policies and coverage they provide are discussed in greater detail in the remainder of this section.

Although not all of the coverages are required for every project (and limits will vary by exposure), and understanding the coverage provided by these policies is important to assure that all of the City's potential liabilities and exposures from the project are properly protected.

WORKERS' COMPENSATION INSURANCE

BUILDING and CONSTRUCTION PROJECTS

By State law, contractors and subcontractors hired for building and construction projects must always provide workers' compensation (w/c) insurance for their employees regardless of the cost of project. The Texas Labor Code defines building or construction as:

- (a) Erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related appurtenance;
- (b) Remodeling, extending, repairing, or demolishing a structure; or
- (c) Otherwise improving real property or an appurtenance to real property through similar activities.



PROOF OF INSURANCE

Prior to commencing work, the contractor must provide proof of insurance for the following coverages required by the City. Contractor needs to complete attached Appendix A, B, and C and submit other forms as necessary.

INSURANCE REQUIREMENTS OF CONTRACTS

A. AMOUNTS OF INSURANCE

Contractor must provide and maintain the following types and amounts of insurance, for the term of this Contract.

Type	Amount
<u>(1) Worker's Compensation -</u> and <u>Employer's Liability</u>	<u>Statutory Limits</u> \$100,000 per occurrence
<u>(2) Commercial (Public Liability),</u> <u>including but not limited to:</u>	<u>Bodily Injury:</u> \$1,000,000 per person \$2,000,000 per occurrence and
A. Premises/Operations B. Independent Contractors C. Personal Injury D. Products/Complete Operations E. Contractual Liability (insuring above indemnity provisions)	<u>Property Damage:</u> \$1,000,000 per occurrence with <u>general aggregate</u> of \$2,000,000
<u>(3) Business (Commercial)</u> <u>Automobile Policy:</u>	Combined Single Limit/ \$1,000,000

The preceding amounts notwithstanding, the City reserves the right to increase the minimum required insurance to be effective thirty (30) days after notice is sent to the address provided herein. The Contractor may pass through to the City all costs for obtaining the increase in the insurance coverage.

B. OTHER INSURANCE REQUIREMENTS

It shall be the sole responsibility of the contractor to provide the required Certificate and that failure to comply within 10 days after notice of award and according to the requirements of this article shall be a cause for termination of the Contract.



For any pesticide spraying performed, the City of La Marque will require the successful bidder to carry Pollution Liability Insurance and Environmental Impairment Liability Insurance.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be subject to examination and approval by the City Manager's office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

It shall be understood by the contractor that with respect to the above required insurances, the City shall:

- (1) Be named as additional insured/or an insured, on all required insurance except workers' compensation.
- (2) Be provided with a waiver of subrogation, in favor of the City on all required insurance.
- (3) Be provided with an unconditional 30 days advance written notice of cancellation or material change.
- (4) Prior to execution of this Agreement, be provided through the office of the City Clerk with either their original Certificate of Insurance or their insurance policy evidencing the above requirements. Thereafter, new certificates or copies of the policies shall be furnished prior to the expiration date of any prior certificate.

INDEMNIFICATION

The contractor shall agree to defend, indemnify, and hold the City of La Marque and all of its officers, agents, employees, and elected officials whole and harmless against any and all claims for damages, costs, and expenses of persons or property that may arise out of, or be occasioned by, or from any negligent act, or omission of Contractor, or any agents, servant, or employee of Contractor in the execution of performance of this contract, without regard to whether such persons are under the direction of City agents or employees.

The contractor shall further agree that it shall at all times exercise reasonable precaution on behalf of, and be solely responsible for, the safety of its officers, agents, employees, subcontractors, licensees, invitees, and other persons, as well as their property, while in the vicinity where the work is being done. It is expressly understood and agreed that City shall not be liable or responsible for the negligence or other fault of Contractor, its officers, agents, employees, subcontractors, licensees, invitees, or other persons associated with Contractor.

The contractor shall acknowledge to defend, indemnify, and hold the City and all of its officers, agents, employees, and elected officials whole and harmless from all claims growing out of any demands of subcontractors, laborers, workers, mechanics, materialmen, and furnishers of supplies, equipment, financing, or any other goods or services, tangible or intangible. When the



City so desires, Contractor shall furnish satisfactory evidence that all obligations of the nature described here have been paid, discharged, or waived.

INDEPENDENT CONTRACTOR

Contractor acknowledges that Contractor is an independent contractor of the City and that Contractor is not an employee, agent, official, or other representative of the City. Contractor shall not represent, either expressly or through implication, that Contractor is an employee, agent, official, or representative of the City. Income taxes, self-employment taxes, and the like are the sole responsibility of Contractor.



TEXAS LAW

The purpose of this section is to provide a common sense, layman's-language explanation of the purchasing statutes in the State of Texas. It is not a legal brief, or a legal text. There is a need to read the specific statute for details. It is always difficult to decide when an item should or should not be bid.

There is sometimes an option to use a competitive sealed proposal instead of a competitive sealed bid. It is recommended that in any doubtful situation, the City should consult with Legal counsel.

Texas purchasing law is located in a number of places in the statutes.

City purchasing is primarily in Chapter 252 of the Local Government Code.

Statutes pertaining to both cities, counties and other types of local governments, can be found in Chapter 271 of the Local Government code.

Provisions regarding conflicts of interest by local government officials are found in Chapter 171 of the Local Government Code.

Other statutes pertaining to purchasing or contracting are in Vernon's Civil Statutes or in other parts of Vernon's Texas Codes.

The following is a list of some of the State statutes to help users of this manual locate specific references in the law:

1. Government Code

Chapter 2251	Payment for Goods or Services
Chapter 2252	Contracts with Governmental Entity
Chapter 2253	Public Work Performance and Payment Bonds
Chapter 2254	Professional Services Procurement Act
Chapter 2258	Prevailing Wage Rates for Public Works Construction Contracts

2. Property Code

Chapter 74	Report, Delivery and Claims Process
Chapter 76	Report, Delivery and Claims Process for Certain Property



3. Local Government Code

Chapter 140	Miscellaneous Financial Provisions Affecting Municipalities, Counties and Other Local Governments
Chapter 171	Regulation of Conflicts of Interest of Officers of Municipalities, Counties and Certain Other Local Governments
Chapter 176	Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information
Chapter 252	Purchasing and Contracting Authority of Municipalities
Chapter 253	Sale or Lease of Property by Municipalities
Chapter 271	Purchasing and Contracting Authority of Municipalities, Counties and Certain Other Local Governments
Subchapter A	Public Property Finance Act
Subchapter B	Competitive Bidding on Certain Public Works Contracts
Subchapter C	Certificate of Obligation Act
Subchapter D	State Cooperation in Local Purchasing Programs
Subchapter H	Alternative Project Delivery Methods for Certain Projects
Subchapter Z	Miscellaneous Provisions
Chapter 272	Sale or Lease of Property by Municipalities, Counties and Certain Other Local Governments

4. Human Resources Code

Chapter 122	Committee on Purchases of Products and Services of Blind and Severely Disabled Persons
-------------	--

5. Code of Criminal Procedure

Chapter 18, Article 18.17	Disposition of Abandoned or Unclaimed Property
Chapter 59	Forfeiture of Contraband



APPENDIX A

WORKERS COMPENSATION INSURANCE

for

BUILDING and CONSTRUCTION PROJECTS

Contractor agrees to provide workers' compensation insurance for all of Contractor's employees performing work on this project and contractually require each person with whom it contracts to provide workers' compensation coverage as defined in the Texas Workers' Compensation Act, Rule 28.

I have read, understand, and agree to the terms of these provisions.

Company Name _____

Company Official _____

Signature _____

Title _____ Date _____



APPENDIX B

CERTIFICATE OF INSURANCE

City of La Marque

Insured	Agent	Issue Date
		Insurance for the City of La Marque Contract No. _____

Insurance Company(ies)	Policy No.	Licensed in Texas
CGL		Yes ☐ No ☐
AL		Yes ☐ No ☐
WC/EL		Yes ☐ No ☐
Other		Yes ☐ No ☐

Type of Coverage (check all that apply)	Limit	Deductible	Effective Date of Coverage (from) (to)
Commercial General Liability			_____
Including but not limited to:			
☐ a. Aggregate	_____	_____	
☐ b. Per Occurrence	_____	_____	
☐ c. Premises/Operations	_____	_____	
☐ d. Independent Contractors	_____	_____	
☐ e. Personal Injury	_____	_____	
☐ f. Products/Completed Oper.	_____	_____	
☐ g. XCU Hazards	_____	_____	
☐ h. Contractual Liability	_____	_____	

Automobile Liability (CSL)

☐ a. Any Auto	_____	_____	_____
☐ b. Hired Autos	_____	_____	
☐ c. Non-owned Autos	_____	_____	

Workers Compensation and Employers Liability

☐ Workers Compensation - Statutory			_____
☐ Employers Liability - Each Acc.	_____	_____	
☐ Disease (Policy Limit)	_____	_____	
☐ Disease (Each Employee)	_____	_____	

Other (Specify)

☐ Excess General Liability	_____	_____	_____
☐ Umbrella Liability	_____	_____	



Special Contract Requirements

Please indicate, with respects to the above insurance policies, that:

- | | |
|--|---|
| ☐ Yes ☐ No | 1. The City is named as an additional insured in the primary commercial general liability, excess commercial general liability, and/or umbrella liability policies. |
| ☐ Yes ☐ No | 2. A waiver of subrogation in favor of the City is included in the commercial general liability and workers compensation insurance policies. |
| ☐ Yes ☐ No | 3. The insurer(s) agree to provide the City an unconditional thirty (30) days advance notice should coverage be canceled or non-renewed. Additionally immediate notice will be provided to the City for any material changes in coverage. |
| ☐ Yes ☐ No | 4. All companies listed are financially solvent and are either licensed by the State of Texas or are respected Excess/Surplus lines carriers. |

Authorized Signature



APPENDIX C

CONFLICT OF INTEREST QUESTIONNAIRE

As of January 1, 2006, the Texas Local Government Code Chapter 176 requires all vendors and potential vendors who contract or seek to contract for the sale or purchase of property, goods, or services with any local government to complete and submit attached Conflict of Interest Questionnaire Forms to Finance Department.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

Date

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of person described by Sections 176.002(a) and 176.003(a), Local Government Code

4 Description of the nature and extent of employment or other business relationship with person named in item 3

5 List gifts accepted by the local government officer and any family member, excluding gifts described by Section 176.003(a-1), if aggregate value of the gifts accepted from person named in item 3 exceed \$250 during the 12-month period described by Section 176.003(a)(2)(B)

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to a family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a), Local Government Code.

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day
of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity; or an employee of a local governmental entity with respect to whom the local governmental entity has, in accordance with Section 176.005, extended the requirements of Sections 176.003 and 176.004. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a Class C misdemeanor.

Please refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

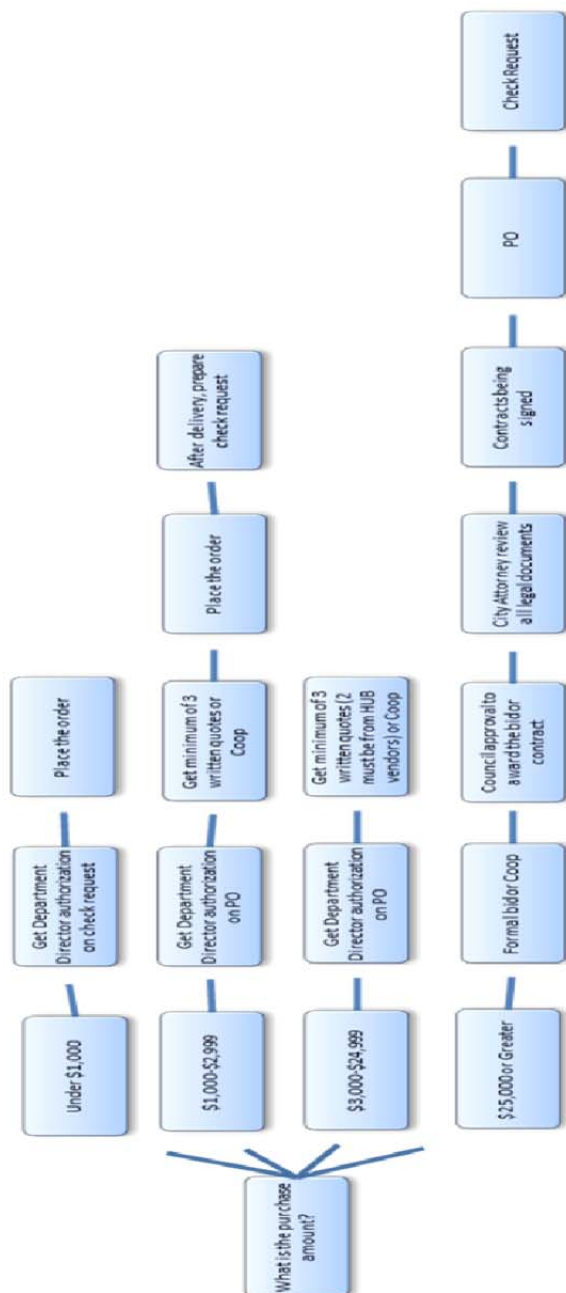
INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of person described by Sections 176.002(a) and 176.003(a), Local Government Code.** Enter the name of the person described by Section 176.002, Local Government Code with whom the officer has an employment or other business relationship as described by Section 176.003(a), Local Government Code.
- 4. Description of the nature and extent of employment or business relationship with person named in item 3.** Describe the nature and extent of the employment or other business relationship with the person in item 3 as described by Section 176.003(a), Local Government Code.
- 5. List gifts accepted, excluding gifts described by Section 176.003(a-1), if aggregate value of the gifts accepted from person named in item 3 exceed \$250.** List gifts accepted during the 12-month period (described by Section 176.003(a), Local Government Code) by the local government officer or family member of the officer, excluding gifts described by Section 176.003(a-1), from the person named in item 3 that in the aggregate exceed \$250 in value.
- 6. Affidavit.** Signature of local government officer.



APPENDIX D





CITY OF LA MARQUE, TEXAS

PURCHASE QUOTATION FORM
(Items \$1,000 to less than \$25,000)

(Items \$1,000 to less than \$25,000)

(Attach to Purchase Order)

ATTACH ALL SPECIFICATIONS OR ADDITIONAL BID SHEET IF NECESSARY

☐ Written bids attached
(Items \$10,000 or greater)

(Items \$10,000 or greater)

[] Telephone bids listed below

Date:

Budget for this purchase:

This is an [☐] ADDITION or [☐] REPLACEMENT (check one)

Budget Account No.:

Description of item:

Vendor A

Vendor B

Vendor C

Name			
Address			
City, State, Zip			
Telephone			
Attention			

Address

City, State, ZipTelephone

Attention

ITEM DESCRIPTION	Vendor A		Vendor B		Vendor C	
	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL
		Total =			Total =	

VENDOR _____ IS THE LOWEST BIDDER [] Accepted [] Rejected

If the lowest bidder is not accepted, please explain:

I hereby certify that the above and/or attached information is correct:

Department Director

Date _____

Sole Source Affidavit

A sole source purchase can be made without the benefit of a competitive process when there are no other items available in the marketplace that have the same fit, form and function of the items being purchased.

To comply with the State of Texas definition of a sole source provider, the vendor must satisfy one of the following requirements (per City of La Marque's Purchasing Policy, Section XVII and State of Texas Procurement Manual, Section 2.11 Delegated Purchase Procedure – Direct Publication Purchase requirements);

1. An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
2. A film, manuscript, or book;
3. A utility service, including electricity, gas or water; and
4. A captive replacement part or component for equipment.

We hereby certify that we meet and comply with the above aforementioned for the sale of:

Business Name: _____
Address: _____
City: _____
State: _____
Zip: _____

Telephone #: _____
Fax Number#: _____
Web Site: _____
Email: _____

Print Name: _____
Title: _____

Authorized Signature: _____

SUBSCRIBED AND SWORN to before me on this _____ day of _____,
20____.

Notary Public, State of _____

Printed Name

Date Commission Expires



CITY OF LA MARQUE, TEXAS

HISTORICALLY UNDERUTILIZED BUSINESS (HUB) CONTACT AND QUOTATION DOCUMENTATION

For all purchases over \$3,000 and below \$25,000

In compliance with Chapter 252.0215 of the Texas Local Government Code the department originating this purchase requisition certifies that:

1	Requisition Date:	
2	Description of the Goods or Services:	
3	Requesting Department:	
4	Requisition By:	
5	Total Amount of Purchase:	

SELECT ONLY ONE (6, 7, OR 8)

_____6. The following Galveston County Historically Underutilized Businesses were identified and contacted concerning this purchase:

HUB Name:		HUB Name:	
HUB Name:		HUB Name:	

_____7. No applicable Galveston County HUB's were identified from the General Services Commission listing; therefore the City is exempt from HUB contact requirements for this purchase.

_____8. This purchase is exempt from HUB contact requirements because it is covered under General Exemption No. _____.
(See below)

Local Government Code Chapter 252.022 General Exemptions:

1. A purchase made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the City residents or to preserve the property of the City.
2. A purchase necessary to preserve or protect the public health or safety of the City's residents.
3. A purchase necessary because of unforeseen damage to public machinery, equipment or other property.
4. A purchase for personal, professional or planning services.
5. A purchase for work that is performed and paid for by the day as the work progresses.
6. A purchase of land or right-of-way.
7. A purchase of items that are available from only one source.
8. A purchase of rare books, papers and other library materials for a public library.
9. Paving drainage, street widening, and other public improvements, or related matters, if at least 1/3 of the cost is to be paid by or through special assessments levied on the property that will benefit from the improvements.
10. A public improvement project, authorized by the voters of the City, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters.
11. A payment under contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212 of the Texas Local Government Code.
12. A Personal Property sold:
 - a. At an auction by a state licensed auctioneer;
 - b. At a going out of business sale held in compliance with Subchapter F, Chapter 17, Business Commercial Code;
 - c. By a political subdivision or state agency of Texas, or the federal government;
 - d. Under an Interlocal contract for cooperative purchasing (e.g. State Contract, H-GAC, Texas Association of School Boards)
13. Services performed by blind or severely disabled persons.
14. Goods purchased by a municipality for subsequent retail sale by the municipality.
15. Electricity.

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: ☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ ☐ Other (see instructions) ▶ _____	Exemptions (see instructions): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number										
				-				-		
Employer identification number										
				-						

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018

Agenda item: 10a

Prepared by: Robin Eldridge

Reviewed by: Carol Buttlar

Department: Mayor and City Council

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding appointments and/or reappointments to fill vacancies to various positions of the Boards and Commissions

X

ATTACHMENTS FOR REFERENCE

1. Current vacancies on Boards and Commissions
2. Current applications on file
3. Other correspondence

STAFF BRIEFING:

- There have been a few changes since the last time appointments and reappointments have been on the City Council agenda and a few vacancies have occurred within this time period that are critical to have full boards / commissions present to conduct business.
- There are a few vacant positions still available for appointment or reappointment.
- Highlighted names and terms have expired or will be expiring at the end of this year.
- **MAYOR** - Seven (7) appointments/or reappointments (1) to Board of Adjustments; (1) to Building Standards Commission; (1) to Cemetery Board; (1) to EDC; (2) to KLMBC; and (1) to Planning & Zoning Commission
- **DISTRICT "A"** – Two (2) appointments/or reappointments (1) to Building Standards Commission; (1) to Parks Board
- **DISTRICT "B"** - Four (4) appointments/or reappointments (1) to Cemetery (2) to Planning & Zoning Commission – One Member and one Alternate position; and One (1) to the Parks Board
- **DISTRICT "C"** - Three (3) appointments/or reappointments (2) to Board of Adjustments- One Member and one Alternate position; (1) to Cemetery Board
- **DISTRICT "D"** – Six (6) appointments/or reappointments (2) to Board of Adjustments – One Member and one Alternate position; (1) to Building Standards Commission; (1) to Cemetery Board; (1) to KLMBC; (1) Parks Board

HISTORY:

- Historically, appointments are made as vacancies occur (if possible) and as members reach the end of their terms, based on applications on file, and in accordance with Resolution 1032.
- The Ordinance that establishes each Board and Commission requires that the positions be staggered; this is the reason that there are different years for terms ending.



CITY COUNCIL AGENDA FORM

TARGET IMPLEMENTATION: As soon as possible, as to fill each Board or Commission with the number of members required to conduct City business.

SIGNIFICANT ACTION DATES:

Some appointments and reappointments have been made throughout the year, as vacancies have occurred.

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☒ Other-appointments/or reappointments to Boards & Commissions | |
| ☒ 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 approve appointments and/or reappointments to fill vacancies to various positions of the Boards and Commissions

FISCAL IMPACT: N/A (Boards and Commission members serve without pay)

BOARD OF ADJUSTMENT

BOARD OF ADJUSTMENT- ORD. 953		Appointed	Expires	Appoints
1. Charlotte Westerlage	825 Shady Lane	15	17	D
2. David Pennington	924 Cypress	15	17	C
3. Herman Harper	102 Union	17	19	A
4. Harold Augustus	1030 Laurel	16	18	M
5. Lois M. Jones	2602 Meadow Lane	17	19	B
ALTERNATES				
1. Helen Kee	3103 Mc Arthur	16	18	D
2. VACANT		16	18	C

The Board shall consist of five (5) members who are residents of the City, each to be appointed by the City Council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing.

The City Council may appoint two (2) alternate members of the Board who shall serve in the absence of one (1) or more of the regular members.

These alternate members, when appointed, shall serve for the same period as the regular members, which are for a term of two (2) years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

Each position on the Board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 5.

The terms of the odd-numbered positions (1, 3 & 5) will expire in odd-numbered years and the terms of even-numbered years (2 & 4) shall expire in even-numbered years. Board members may be appointed to successive terms.

BUILDING STANDARDS COMMISSION

<i>BUILDING STANDARDS COMMISSION ORD. #449</i>		Appointed	Expires	Appoints
Deanie Barrett	2603 Cedar	17	19	C
VACANT (U)		17	19	D
Diane Winston (U)	1501 Colorado	18	19	B
Trina Phillips	1222 Kirsten	16	18	M
Billy Jefferson	89 Borondo Reach	16	18	A
ALTERNATES				
Maggie Manuel	1706 Crockett	18	20	A

The Building Standards Commission for the City of La Marque, Texas shall consist of five (5) members to be appointed by City Council; and a number of alternate members not to exceed eight.

Commission members shall serve for two (2) year terms.

(U) Unexpired Term

CEMETERY BOARD

CEMETERY BOARD – ORD. 1033		Appointed	Expires	Appoints
1. Ellen Hanley	1019 Plum	18	20	A
2. Vacant		16	18	C
3. Kurt Koopman	1004 Lilac	16	18	B
4. Bim Crowder (CHAIR)	401 Texas Avenue	16	18	D
5. Vacant		15	17	M
Ex-officio				

The Cemetery Board for the City of La Marque, Texas shall consist of five (5) members to be appointed by City Council; and one ex-officio member of City Council.

Board members shall serve for two (2) year terms.

ECONOMIC DEVELOPMENT CORPORATION

<i>ECONOMIC DEVELOPMENT CORPORATION – Appointed Expires Appoints</i> <i>695 APPOINTED BY CITY COUNCIL</i>					
1	Ron Crowder	4 Chimney Corners	14	20	C
2	Gene Smith	2110 Evergreen	12	18	M
3	Deanie Barrett	2603 Cedar Drive	16	22	A
4	Bobby Hocking	614 Sunset Lane	13	19	B
5	Louis McGaffey	2314 Downey	14	20	D

The Board of Directors shall consist of five (5) directors each of whom shall be appointed by the Governing Body.

Appointments are for six (6) year terms.

KEEP LA MARQUE BEAUTIFUL COMMISSION

<i>KLMB- ORDINANCE # O-2017-0021</i>		Appointed	Expires	Appoints
1. Kimberly Yancy	2602 Meadow Lane	17	19	B
2. Carlos Flores	509 Wisteria	16	18	D
3. Joe A. Compian	1020 Duroux	17	19	A
4. Terry Pettijohn	41 Borondo Pines	16	18	M
5. Kathy Goodwin	56 Borondo Pines	17	19	B
6. David Holmen	605 Sable Terrace Ln.	16	18	M
7. Vivian Allen	816 Howell Ave.	17	19	C

All seven (7) Commissioners appointed by the City Council serve two (2) year staggered terms, except that appointment to vacancies shall be for the unexpired term of the position to which the appointment is made.

PARKS BOARD

PARKS BOARD ORD. #758		Appointed	Expires	Appointment
1. Al Reida	2621 Meadow Lane	17	19	C
2. VACANT				B
3. Michael Bock	106 Longridge	17	19	M
4. Bo Hunter	2613 Lake Park Drive	16	18	A
5. Louis McGaffey	2314 Downey	17	19	M
6. Larry Walker	P.O. Box 1785	16	18	D
7. Herbert Franklin	8017 Big Oak Dr. - TX City	17	19	A
8. C.J. Leggett	1225 Kirsten	18	20	M

There is hereby established a Parks Board to consist of eight (8) members who shall be appointed by the City Council and shall serve for two year terms.

The members shall serve staggered terms, that is, four (4) members' terms shall expire on odd numbered years and four members' terms shall expire on even number years.

PLANNING & ZONING COMMISSION

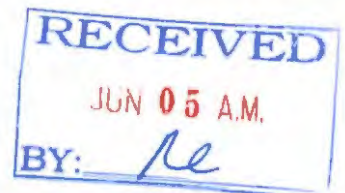
PLANNING & ZONING ORD. # 2014-0023		Appointed	Expires	Appoints
1 Augustino Molis	741 Spoonbill	18	20	A
2 Deanna Bethea	621 Westwood Cir.	15	17	B
3 Greg Cornett	1310 Cedar	17	19	C
4 Hugh Cash	217 Sarlee	16	18	M
5 Jean Gutierrez	1020 Ross Street	17	19	D
ALTERNATES				
#1 Nancy Vidotto	622 Hollingsworth	18	20	A
#2 VACANT		16	18	B

The City Council shall appoint a Planning and Zoning Commission which shall consist of five (5) members, each member being a resident and a real property taxpayer of the City of La Marque, and none of whom shall hold any other position in the City Government.

Three members of the **first** Commission shall be appointed for a term of two years and two for a term of one year. Thereafter, new members shall be appointed for a term of two years. Ordinance No. O-2014-0023, allows for City Council to appoint two (2) alternates to the Planning & Zoning Board.

***Alternates** are required to attend and review packets as the regular Commission members. In the case that an alternate is present to make a quorum, in the absence of a member, they will be allowed to vote. If all members are present, alternates votes will not be allowed to vote.

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**



City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Economic + Development Board

Board Preference 2: Zoning + Planning

Name: Cleveland D. Lane Sr.

Home Address: #10 Clover Bend

City: La Marque Zip: 77568 La Marque Resident: 35 yrs

Home Telephone: (409) 692-5263 Home E-mail: wctsvsa@aol.com

Profession: Manager - At+T Telephone Co.

Special Knowledge or Experience applicable to City Board/Commission function: Staff Manager of Budgets / Served on the Planning Commission of La Marque for Eight years

Other Information (Civic Activities):
Board of Directors of United Way / Gulf Coast Official Assoc.
U.P. State Basketball Officials Assoc.

I verify that the information I have provided on this application to be true and correct. I also acknowledge that this information may be made available to the public.

Signature: Cleveland Lane Sr. Date: 5/30/17

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD, LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

ne

MAR 09 AM
2017

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Clean City Commission

Board Preference 2: _____

Name: ISHANIE MOSES

Home Address: 1403 DUBOIS

City: LA MARQUE Zip: 77568 La Marque Resident: 12 yrs

Home Telephone: 409 935 4373 Home E-mail: JMOSSES101@SBG10BAY.NET

Profession: CHRONIC CONDITION EDUCATOR - THE LOST TREE

Special Knowledge or Experience applicable to City Board/Commission function: _____

PAT 1ST SQ. VETERAN, LONG TIME RESIDENT LA MARQUE

Other Information (Civic Activities):

VARIOUS

I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: ISHANIE MOSES

Date: 3-8-17

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

DEC 01 AM

Board Preference 1: PARK BOARD

Board Preference 2: EDC

Name: JOE CUMPIAN

Home Address: 1020 DUROUX ROAD

City: LA MARQUE Zip: 77568 La Marque Resident: ☒ yrs

Home Telephone: 409 939 8017 Home E-mail: jcompian@gmail.com

Profession: NON PROFIT MANAGEMENT

Special Knowledge or Experience applicable to City Board/Commission function: _____

Other Information (Civic Activities):

CLEAN CITY COMMISSION

I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: Joe A. Compian

Date: 12/1/16

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**

2017

APR 05 AM

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Economic Development

Board Preference 2: Clean City

Name: Jennifer Faircloth Earl

Home Address: 1412 Bonham

City: La Marque Zip: 77568 La Marque Resident: 15 yrs

Home Telephone: 409-539-0304 Home E-mail: kyleearl@sbcglobal.net

Profession: Production Manager at Minotemon Press-Bay Area

Special Knowledge or Experience applicable to City Board/Commission function: I have experience of assisting in the running of a business as well as a longtime resident.

Other Information (Civic Activities):

N/A

I verify that the information I have provided on this application to be true and correct. I also acknowledge that this information may be made available to the public.

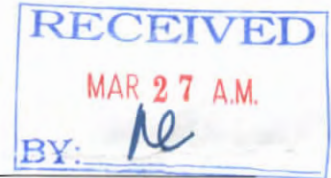
Signature: Jennifer Faircloth Earl

Date: 4-3-17

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD, LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.



Please type or print information

Board Preference 1: Parks Board

Board Preference 2: _____

Name: Tamara Williams

Home Address: 614 Benson St.

City: La Marque Zip: TX La Marque Resident: 23 yrs

Home Telephone: 409-999-7449 Home E-mail: tamara.williams90@icloud.com

Profession: stay at home mom

Special Knowledge or Experience applicable to City Board/Commission function: I have prior bookkeeping experience as well as deep roots to this city.

Other Information (Civic Activities):

N/A

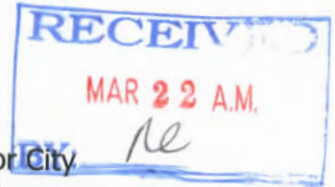
I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: Tamara Willi

Date: 3-27-18

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD, LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**



City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Planning and Zoning

Board Preference 2: _____

Name: Lillian Petty

Home Address: 11 N. Skimmer Street

City: La Marque Zip: 77568 La Marque Resident: 3.5 yrs

Home Telephone: 917-207-0954 (Cell) Home E-mail: lmpetty1@earthlink.net

Profession: Retired Human Resources Manager for North America (Schlumberger Limited)

Special Knowledge or Experience applicable to City Board/Commission function: MSW graduate
School project working on Woodlands Development -UofH(1974) . Relocation property management(USA)

Other Information (Civic Activities): Non-profit - Just Do It Now Volunteer, United Way of Harris County
Art in All of Us Board Member(Global initiative)

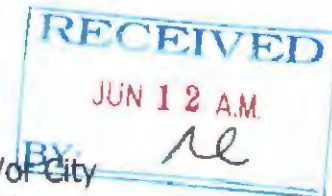
I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: _____

Date: 03/20/2018

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
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Please type or print information

Board Preference 1: Planning & Zoning

Board Preference 2: ~~Board of Adjus~~ Building Standards

Name: Dianna Betha

Home Address: 621 Westwood Cr.

City: La Marque Zip: 77568 La Marque Resident: 14 yrs

Home Telephone: _____ Home E-mail: lilthislotta that @ yahoo.com

Profession: Homemaker

Special Knowledge or Experience applicable to City Board/Commission function: 08/2014 - P & Z
Current Chairperson P & Z

Other Information (Civic Activities):

LMC PAAA

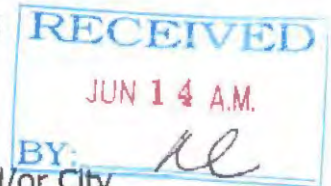
I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: [Signature]

Date: 06/12/18

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

**CANDIDATE APPLICATION FORM
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Please type or print information

Board Preference 1: Parks Board

Board Preference 2: _____

Name: Greg Cornett

Home Address: 1310 Cedar Dr

City: La Marque Zip: 77568 La Marque Resident: 19 yrs

Home Telephone: 409 739 0521 Home E-mail: Snowking1@A+T.Net

Profession: Snow King Shaved Ice

Special Knowledge or Experience applicable to City Board/Commission function: Const. History Building exp.

Other Information (Civic Activities): P/Zoning Commission

I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: Greg Cornett

Date: 6-14-2018

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

Lions Club Member

Installed Benches at Highland Bayou Park

Helped refresh Jaycees Park
with Lions Club.

Been involved in marking BBQ Cook-Off
spot for Bayou Fest for the last 7 years

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Open–Prefer something related to Public Safety or Building/Construction.

Board Preference 2: _____

Name: Alan Waters_____

Home Address: 1 S. Pintail St._____

City: La Marque_____Zip:77568____La Marque Resident: Yes____yrs 6

Home Telephone: (281) 250-4153_____Home E-mail: Al1Pride@AOL.Com_____

Profession: Owner of a Modular Building Company_____

Special Knowledge or Experience applicable to City Board/Commission function: _____
BS Criminology – Former Police Chief – MBA and business owner_____

Other Information (Civic Activities):

Vice Chairman – College of the Mainland. Omega Bay HOA - Secretary _____

I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: _Alan L. Waters_____

Date: May 14, 2018_____

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**

City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Cemetery

Board Preference 2: _____

Name: Rosalind Meeks Crockett

Home Address: 1302 Merry Lane

City: La Marque Zip: 77568 La Marque Resident: 7 yrs

Home Telephone: (361) 676-5063 Home E-mail: rmeekscrockett@yahoo.com

Profession: Recovery Aftercare Manager

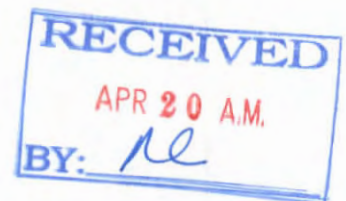
Special Knowledge or Experience applicable to City Board/Commission function:
Active in City Council activities in Joplin, Mo 1991-1998

Other Information (Civic Activities):
Campaign Chair for City Council re-election, Joplin, Mo

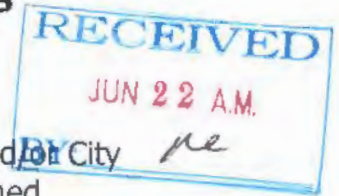
I verify that the information I have provided on this application to be true and correct.
I also acknowledge that this information may be made available to the public.

Signature: Rosalind Meeks Crockett Date: 4/4/18

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD,
LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.



**CANDIDATE APPLICATION FORM
FOR COUNCIL-APPOINTED BOARDS & COMMISSIONS
OF
THE CITY OF LA MARQUE**



City Council will review applicants interested in serving on a City Board and/or City Commission. Information disclosed on this application or any other attached documents may be disclosed in public meetings.

Please type or print information

Board Preference 1: Board of Adjustment

Board Preference 2: _____

Name: Charlitta A. Westley

Home Address: 825 Shady Lane

City: La Marque Zip: 77568 La Marque Resident: ☒ yrs

Home Telephone: 409-935-5167 Home E-mail: _____

Profession: Retired

Special Knowledge or Experience applicable to City Board/Commission function: Length of time I have been on board, zoning committee

Other Information (Civic Activities):

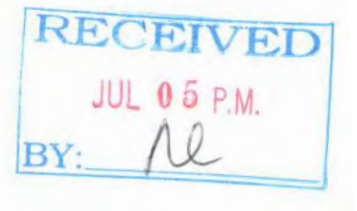
I verify that the information I have provided on this application to be true and correct. I also acknowledge that this information may be made available to the public.

Signature: Charlitta A. Westley

Date: 6-22-2018

PLEASE RETURN COMPLETED APPLICATION TO THE CITY CLERK'S OFFICE, 1111 BAYOU RD, LA MARQUE, TEXAS 77568. APPLICATIONS WILL REMAIN ON FILE FOR TWO YEARS.

07/05/2018



To: Honorable City of La Marque Mayor and City Council members

From: Mrs. Maggie Manuel

RE: Building and Standard board-Commissioner appointment

Honorable Mayor and City Council members:

I am writing to each of you respectfully requesting that you consider changing me from an alternate commissioner on the La Marque Building and Standards board to a regular commissioner in order to fill the open seat that is currently available.

As most of you are aware, my family and I have been residents and taxpayers for the city of La Marque since 1970 and I want to continue doing my part to see La Marque be successful for many years to come. *1960m*

I would be honored to serve as a commissioner on the board in an effort to attract new residents and businesses by making sure that our current buildings are meeting the standards and codes that the city of La Marque is trying to enforce.

Thank you in advance for your consideration regarding this appointment and I look forward to hearing from you soon.

Respectfully,

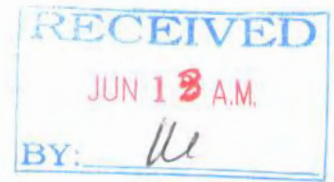
Mrs. Maggie Manuel

1706 West Crockett Drive

La Marque, Texas, 77568

(409) 938-7627

LETTER OF RESIGNATION



TO: Chairwoman Barrett

Building Standards Commission

It is with great sadness that I present you with this letter of resignation from the Building Standards Commission. I have accepted an employment opportunity with the City of La Marque which in turn presents a conflict of interest with my position on this board.

Thank you for giving me the opportunity to serve with you. It has been an honor.

Sincerely,

Abby Cash

Abby Cash
06/12/18

LETTER OF RESIGNATION

TO: Chairman McGaffey

Parks Board

It is with great sadness that I present you with this letter of resignation from the Parks Board. I have accepted an employment opportunity with the City of La Marque which in turn presents a conflict of interest with my position on this board.

Thank you for giving me the opportunity to serve with you. It has been an honor.

Sincerely,

Abby Cash

Abby Cash
06/12/18

**La Marque Economic
Development Corporation**

**CITY OF
LA MARQUE, TX**
✦ GATEWAY TO THE GULF ✦



February 15, 2018

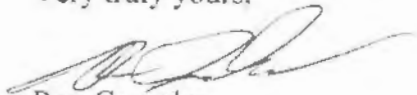
Honorable Mayor Hocking and City Council
1111 Bayou Road
La Marque, TX 77568

*To: Robin
Nov/Dec mtg
per Mayor
[Signature]*

Dear Mayor Hocking and City Council,

La Marque Economic Development Corporation (EDC) Board member, Gene Smith is up for reappointment in 2018. Mr. Smith has proven to be a valuable resource for the EDC. Mr. Smith's experience in the banking business and business world is a tremendous asset. His attendance record has been impeccable as well. The EDC would like to recommend that Gene Smith be reappointed. Mr. Smith has affirmed that he is willing to serve another term.

Very truly yours,

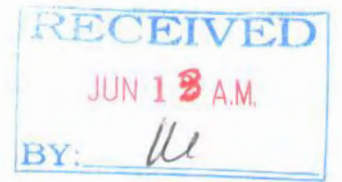

Ron Crowder
EDC President

1111 Bayou Road • La Marque, TX 77568



PH: 409.938.9200 • FX: 409.935.0401

LETTER OF RESIGNATION



TO: Chairwoman Barrett

Building Standards Commission

It is with great sadness that I present you with this letter of resignation from the Building Standards Commission. I have accepted an employment opportunity with the City of La Marque which in turn presents a conflict of interest with my position on this board.

Thank you for giving me the opportunity to serve with you. It has been an honor.

Sincerely,

Abby Cash

Abby Cash
06/12/18



CITY COUNCIL AGENDA FORM

Meeting Date: July 9, 2018
Prepared by: Kirk Jackson
Department: Police Dept.

Agenda item: 10b
Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding the nomination to appoint/reappoint a Representative and an Alternate Representative to the Galveston County Animal Services Advisory Committee for a two (2) year term each.

☒

ATTACHMENTS FOR REFERENCE

1. Email
2. Current list of appointees
3. Agreement

STAFF BRIEFING:

- The Animal Services Advisory Committee Board as prescribed in §823.005 of the Texas Health and Safety Code shall consist of a minimum of eleven (11) and no more than eighteen (18) members.
- Board members shall serve for a term of two (2) fiscal years.
- Names of nominees are given to and then voted on by the Galveston County United Board of Health.
- Both Mr. James Osteen and Police Chief Kirk Jackson agree to continue serving another 2-year term, if City Council agrees to re-appoint.

HISTORY:

- The City of La Marque, along with several surrounding cities, entered into an agreement in which, they, along with the County share the costs of operating the Animal Resource Center and providing field operations.
- Since the departure of the City Manager in 2011, Mr. James Osteen has been the representative for the City of La Marque on the Animal Services Advisory Committee.
- Police Chief Kirk Jackson was nominated and appointed as the Alternate Representative to fill the unexpired term after the previous Police Chief departed from the City.
- It has been the practice in the City of La Marque to appoint the Police Chief as the Alternate Representative to this Commission to stay informed on the services that Galveston County provides for the City of La Marque for animal control services.

TARGET IMPLEMENTATION: July 9, 2018

SIGNIFICANT ACTION DATES:

2013 – City Council nominated Mr. James Osteen as the City's member representative for a two-year term (2014-2016)

2015 – Police Chief Kirk Jackson was nominated as the City's Alternate member representative to fill the unexpired term of the previous Police Chief (2014-2016)

July 11, 2016 – City Council submitted their nominees, both James Osteen as Representative and Chief Kirk Jackson as the Alternate for a two-year term, which expires this year.

July 15, 2018 – Deadline to submit nominees to the Galveston County Health District



CITY COUNCIL AGENDA FORM

ACTION:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other – nominations

☒

Check box if there is no conflict with City Charter, ordinances, resolutions, or policies.

Cost Details:

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

STAFF'S RECOMMENDATION: Motion to nominate a Representative and an Alternate Representative to the Galveston County Animal Services Advisory Committee for another two (2) year term each.

FISCAL IMPACT: N/A

Robin Eldridge

From: Amanda Wolff <awolff@gchd.org>
Sent: Friday, June 29, 2018 2:21 PM
To: Robin Eldridge; Robin Eldridge
Cc: Kathy Barroso
Subject: Galveston County Animal Services Advisory Committee

City of La Marque,

Your current representative on the Animal Services Advisory Committee term will be expiring on 9-30-18. Please confirm that your current representative and alternate will continue to represent for another 2-year term ending 9-30-20. If the representative will change please send me the new representative's name. Thank you in advance for providing this information on or before 7-15-18. Once the names are received they will go before the United Board of Health for approval.

CITY OF LA MARQUE

Member:

James Osteen
Phone: 409-938-9203
Email: j.osteen@ci.la-marque.tx.us
Term Expires 9-30-16

Alternate:

Police Chief Kirk Jackson
City of La Marque
431 Bayou Rd.
La Marque, TX 77568
Phone: 409-938-9220
Email: k.jackson@cityoflamarque.org

Thank you,



Amanda Wolff

Executive Office Coordinator/Executive Assistant to the CEO

Galveston County Health District

409-938-2273 (o)

409-938-2243 (f)

gchd.org | [facebook](https://www.facebook.com/gchd) | [twitter](https://twitter.com/gchd)

Mission: *Protecting and Promoting the optimal health and well-being of Galveston County.*

CONFIDENTIALITY STATEMENT: *This message, as well as any attached document, may contain information from the Galveston County Health District (GCHD) that is confidential and/or privileged, or may contain Client/Patient privileged information. If you are not the intended recipient, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited.*

Members

CITY OF BAYOU VISTA

- **Daniel Konyha**
Phone: 504-202-7865
Fax: 409-935-1205
Email: mayor@bayouvista.us
Term Expires: 9-30-19
- **Alternate - Robert "Bob" Althaus**
Phone: 713-805-6543
Email: althausbv@yahoo.com

CITY OF HITCHCOCK

- **Fard K. Abdullah**
Phone: 409-986-5591
Email: zoieabdullah@yahoo.com
Term Expires: 9-30-18
- **Alternate - Mayor Anthony Matranga**
Phone: 409-986-5591 option 4
Email: amatranga@cityofhitchcock.org

CITY OF LA MARQUE

- **James Osteen**
Phone: 409-938-9203
Email: j.osteen@ci.la-marque.tx.us
Term Expires: 9-30-18
- **Alternate - Police Chief Kirk Jackson**
City of La Marque
431 Bayou Rd.
La Marque, TX 77568
Phone: 409-938-9220
Email: k.jackson@cityoflamarque.org

CITY OF KEMAH

- **Kyle Burks**
Phone: 281.334.1611
Email: kyleburks@kemah-tx.com
Term Expires: 9-30-18
- **Alternate - Matt Wiggins**
Phone: 281.334.1611
Email: mattwiggins@kemah-tx.com

CITY OF TEXAS CITY

- **Abel Garza Jr.**
Phone: 409-643-5927
Email: N/A
Term Expires: 9-30-18
- **Alternate - Nick Finan**
Phone: 409-643-5927
Email: nfinan@texas-city-tx.org

CITY OF TIKI ISLAND

- **Karen Hearring**
Phone:
Email: hearring@sbcglobal.net and tikiisland@comcast.net
Term Expires: 9-30-18

NON-PROFIT ANIMAL WELFARE GROUP - POSITION 1

- **Ms. Chris Krysher**
Represents: PetProject
Phone: 281-534-2646
Email: petproject2012@gmail.com
Term Expires: 9-30-18
- **Alternate - Linda Lopez**
Email: lindasuelopez@gmail.com
Phone: 281-300-4644
- **Alternate - Cynthia Kelley**
Email: cwk2157@yahoo.com
Phone: 281-808-2157

NON-PROFIT ANIMAL WELFARE GROUP - POSITION 2

- **Jerry Finch**
Represents: Habitat for Horses
Phone: (409) 935-0277
Email: admin@habitatforhorses.org
Term Expires: 9-30-18
- **Alternate - Lark Tedesco**
Represents: Habitat for Horses
Phone: 409-935-0277
Email: cruelty@habitatforhorses.org

GALVESTON COUNTY REPRESENTATIVE

- **Sherilyn Linton**
Phone: 409-739-1189

Email: elinton@wt.net

Term Expires 9-30-17

- **Alternate -Vacant**

VETERINARIAN

- **Jonathon Given, DVM**

Phone: 409-925-4600

Email: jcgivedvm@gmail.com

13333 Tx Highway 6, Santa Fe, TX 77510

Term Expires 9-30-18

- **Alternate - Vacant**

GALVESTON COUNTY OFFICIAL

- **Stephen Holmes**

Phone: 409-948-2581

Email: Stephen.Holmes@co.galveston.tx.us

CC Email: Annye.Watson@co.galveston.tx.us

Term Expires 9-30-17

GALVESTON COUNTY UNITED BOARD OF HEALTH

- **Eric Froeschner**

Phone: 281-236-1451

Email: froeschner@jandjtelecom.com

Term Expires 9-30-18

- **Alternate - Curtis Klages, DVM, DACLAM**

Phone: 409-938-2273

Email: aggiedvm2k@gmail.com

DAILY OPERATOR OF AN ANIMAL SHELTER

- **Amher Adams**

Represents: Director of Animal Services

Phone: 409-948-2485

Email: aadams@gchd.org

Term Expires 9-30-18

- **Alternate - Shivonne "Monique" Ryans**

Phone: 409-948-2485

Email: smryans@gchd.org

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

State of Texas	§
	§
County of Galveston	§

I. PREAMBLE

THIS AGREEMENT is entered into by and between the County of Galveston, Texas (the “County”), the Galveston County Health District (“GCHD”), the City of Bayou Vista (“Bayou Vista”), the City of Hitchcock (“Hitchcock”), the City of Kemah (“Kemah”), the City of La Marque (“La Marque”), the Village of Tiki Island (“Tiki”) and the City of Texas City (“Texas City”).

Bayou Vista, Hitchcock, Kemah, La Marque, Tiki and Texas City, all of which are municipalities located within the County, are herein referred collectively to as the “Cities.”

GCHD, the County, and the Cities (collectively “Parties”) enter into this Interlocal Agreement under the authority of the Interlocal Cooperation Act (the “Act”), Chapter 791 of the Texas Government Code, as amended. The Parties wish to enter into an agreement for GCHD’s provision of animal shelter and/or field animal control services through the Galveston County Health District Animal Resource Center (the “Center”).

The County and Cities understand that the Center currently operates and maintains centralized animal sheltering services and animal field control services for the purpose of reducing general animal control problems in the County and Cities, and that these municipalities, acting individually, shall retain the right to elect whether they receive provisions to either one or both of the aforementioned services through the Center, so long as notification of this choice is conveyed to GCHD in accordance with *Section III* of this Agreement. Sheltering procedures will include, but are not limited to, harboring and caring for stray and/or unwanted animals, promoting the adoption of animals, administering pet registrations and microchipping, promoting relevant community events and volunteer services, reporting human exposure to rabies, quarantining and testing biting animals, maintaining population control through the humane administration of euthanasia in accordance with the Animal Services’ Policy manual, facilitating crematory services, and carrying out all other services pertinent to animal shelters as prescribed by Chapters 821, 822, 823, 826, 828 and 829 of the Texas Health and Safety Code.

NOW THEREFORE, in consideration of the mutual covenants set forth hereinafter, GCHD, the County and the Cities agree as follows:

II. SCOPE OF SERVICES

A. Preamble constitutes contractual provisions. The Parties agree that the provisions set forth in the Preamble above are true and correct and constitute contractual provisions of this Agreement.

B. GCHD Responsibilities

In accordance with this Agreement, GCHD consents to:

1. Securing and maintaining valid certification with the Texas Department of State Health Services for all pertinent animal control and quarantine services.
2. Its designation as the local animal control authority by the Cities and the County.

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

3. Serving as the local rabies control authority on behalf of the Cities and the County, as authorized by Chapter 826 of the Texas Health and Safety Code.
4. Adhering to all Animal Services Advisory Committee (the "Committee") authority regulations, as authorized by Chapter 823 of the Texas Health and Safety Code.
5. Overseeing daily operations of the Center and associated field work.
6. Managing the Center and governing the Committee in accordance with the procedures as set forth by the official Committee Bylaws and/or the Policy/Order.
7. Proactively and continuously seeking funding streams and partnerships with outside parties in an attempt to generate additional resources for the Center.
8. Unless proper notice is provided in accordance with *Section III* of this Agreement, GCHD shall render sheltering services and field animal control services to all Parties hereto. The elements encompassed within the provisions of these services shall include, but not be limited to:
 - a. Sheltering services will include:
 - i. Sheltering and care of stray and unwanted animals;
 - ii. Quarantine services;
 - iii. Humane euthanasia of unwanted, sick, injured, and unadoptable animals;
 - iv. Administration of redemption of owned animals;
 - v. Administration of animal adoptions;
 - vi. Administration of pet registrations;
 - vii. Registration of rescue organizations;
 - viii. Administration of community education and volunteer services; and
 - ix. Cremation services.
 - b. Field animal control services shall include, but not be limited to:
 - i. Dispatching all calls for service to certified animal control officers;
 - ii. Investigating animal bites on both humans and other animals, and assuring the proper quarantining of biting animals;
 - iii. Investigating civil animal cruelties (improper sheltering, abuse, etc.);
 - iv. Assisting authorities in commencing court ordered seizures;
 - v. Filing civil complaints in the courts of proper jurisdiction; and
 - vi. Investigating, documenting and briefing the Center's Animal Services Manager on potential dangerous dog declarations.
9. Devising the Animal Services Funding Formula, with recommendations by all Parties to the Agreement, prior to its effectuation, and which shall be affixed to this Agreement as *Attachment A* and incorporated herein for all purposes.

C. County and City Responsibilities

In accordance with this Agreement, the County and Cities consent to:

1. Appointing GCHD as the local animal control authority and local rabies control authority which shall render services on behalf of the County and Cities.
2. Permitting GCHD primary control, administration, and direction of policies and operations of the Center, except as otherwise provided by this Agreement.
3. Complying with Committee membership responsibilities as set forth in the official Committee Bylaws and/or Policy/Order manual.
4. Remunerating GCHD in the amount determined by the Animal Services Funding Formula, which shall be devised by GCHD's Chief Executive Officer and/or designee, and presented to all Parties to the Agreement.
 - a. The Animal Services Funding Formula, once finalized, will become a binding part of this Agreement and shall be affixed to the Agreement as *Attachment A*, which shall be incorporated herein for all purposes.

GALVESTON COUNTY ANIMAL SERVICES AGREEMENT

III. INDEMNITY

To the extent allowed under applicable law, the County and Cities agree to hold harmless, indemnify and defend GCHD and its employees, agents, officers and servants from any and all lawsuits, claims, demands and causes of action of any kind arising from the negligent or intentional acts, errors or omissions of the County or Cities, their officers, employees or agents with respect to services rendered under the scope this Agreement.

Respectively, to the extent allowed under applicable law, GCHD agrees to hold harmless, indemnify and defend the County and Cities and their employees, agents, officers and servants from any and all lawsuits, claims, demands and causes of action of any kind arising from the negligent or intentional acts, errors or omissions of GCHD, its officers, employees, or agents with respect to services rendered under the scope this Agreement.

IV. TERM, TERMINATION AND AMENDMENT OF SERVICES

The terms of this Agreement shall commence on October 1, 2016 and end on September 30, 2017. Thereafter, the Agreement shall automatically renew on an annual basis.

Any Party shall retain the right to terminate or limit the services it receives through its participation in this Agreement solely to that of either field or shelter services by providing written notice of termination or amendment to GCHD's Chief Executive Officer at least six (6) months prior to the end of the Agreement's term, which parallels GCHD's fiscal year (October 1 – September 30). A Party may terminate or amend services prior to the end of the fiscal year so long as said Party provides at least six (6) months prior notice of the change; however, the Party is still mandated to fulfill its complete compensatory obligation through the conclusion of the Agreement's fiscal year and as defined in *Attachment A*. Such termination or amendment notice must be authorized by the governing body of the terminating or amending party and signed by the party's authorized official. The terminating or amending party shall specify the effective date of termination or amendment within the notice. The termination or amendment shall not relieve the terminating or amending party of any obligation incurred by the Party prior to the effective date of termination or service change. GCHD shall provide a copy of the notice of termination or amendment terms to the authorized official of all Parties to the Agreement within thirty (30) days of receiving said notice. Withdrawal or amendment by, or removal of a party, shall not terminate this Agreement to non-terminating or non-amending Parties.

V. APPORTIONMENT OF COSTS UPON CHANGE OF PARTIES OR SERVICE PROVISIONS

A. Reduction of or Change in Service Provisions to Current Parties

Should there be a reduction of current Parties to the Agreement or change in the provision of services rendered to a current Party to the Agreement, GCHD's Chief Executive Officer and/or designee shall be tasked with amending the Animal Services Funding Formula for the following fiscal year and presenting said formula to all remaining Parties for review and deliberation prior to its effectuation. Upon finalization, the revised Funding Formula shall replace the existing one, affixed to this Agreement as *Attachment A*, which shall then become operative at the start of the new fiscal year.

GALVESTON COUNTY ANIMAL SERVICES AGREEMENT

B. Addition of New Municipalities

Should there be an addition of a municipality to the Agreement, GCHD's Chief Executive Officer and/or designee shall be tasked with amending the Animal Services Funding Formula to reflect the expense contribution of the joining municipality and presenting said formula to all Parties for review and deliberation prior to its effectuation. Upon finalization, the revised Funding Formula shall replace the existing one, affixed to this Agreement as *Attachment A*, which shall become operative immediately at the time in which the amended Agreement is wholly executed.

VI. MISCELLANEOUS PROVISIONS

A. Interlocal Cooperation

GCHD, the County and the Cities agree to cooperate with each other in good faith at all times during the term of this Agreement in order to achieve the purposes and intent of this Agreement. Each Party to this Agreement acknowledges and represents that this Agreement has been executed by its duly authorized representative.

B. Amendment/No Assignment

This Agreement contains the entire agreement between the Parties and supersedes all prior understandings and agreements between the Parties regarding such matters. This Agreement may not be modified or amended except by written agreement executed by all Parties. No Party may assign this Agreement in whole or in part without the prior written consent of every other participant Party.

C. Interpretation

The Parties acknowledge and confirm that this Agreement has been entered into pursuant to the authority granted under the Interlocal Cooperation Act, and that all terms and conditions herein are to be construed and interpreted as intended by this Act.

D. Invalid Provisions

Should any provision of this Agreement be found or deemed to be invalid, this Agreement shall be construed as not containing the invalid provision, and all other provisions which are otherwise lawful will remain in full force and effect.

E. Applicable Law

This Agreement is governed by the law of the State of Texas. Exclusive venue for any dispute arising under this Agreement is in Galveston County, Texas.

F. Notice

Any notice required or permitted under this Agreement shall be in writing and shall be delivered in person, or mailed via certified mail, return receipt requested with proper postage affixed, or may be transmitted electronically to the applicable party at the physical or electronic mailing address as provided within *Attachment B*.

GALVESTON COUNTY ANIMAL SERVICES AGREEMENT

G. Public Information Act

The County and the Cities understand that GCHD is legally considered a special purpose district and thus governed by the Texas Public Information Act, Chapter 552 of the Texas Government Code. This Agreement and all written information generated under this Agreement is therefore subject to release under the Public Information Act.

H. Immunity Retained

No Party hereto waives or relinquishes any immunity or defense on behalf of itself, its trustees, officers, employees and agents as a result of its execution of this Agreement and performance of the covenants contained herein. Each Party to the Agreement specifically reserves any claim it may have to sovereign, qualified, or official immunity as a defense to any action arising from this Agreement.

I. Current Revenues

Pursuant to Section 791.011(d)(3) of the Texas Government Code, the Cities and County must make payments for services rendered through this Agreement from current revenues available to the paying party.

J. Billing Procedure

GCHD shall bill the County and each City at the beginning of each quarter of the fiscal year for its respective portion of the animal services' annual operating expense, and the County and Cities agree to submit payments to GCHD in accordance with the terms set forth under the Texas Prompt Payment Act.

K. Entire Agreement

This Agreement constitutes the entire agreement of the Parties. No oral or written statements, agreements, promises, conditions, assurances, covenants or other terms with respect to covenants, whether written or verbal, not expressly set forth in this Agreement or expressly incorporated herein shall be of any force or effect. The County and Cities shall rely solely upon the representation and terms contained in this Agreement.

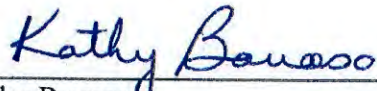
L. Binding Effect

Each Party represents and warrants for itself that the Party is acting by and through its governing body and that the individual executing this Agreement on its behalf has the full power and authority to do so and to legally bind the Party to this Agreement. Each Party shall become bound to this Agreement when the Agreement is executed by all Parties hereto.

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**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

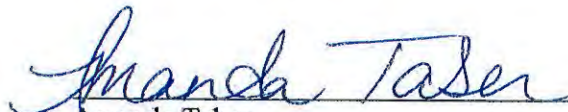
Galveston County Health District:



Kathy Barroso
Chief Executive Officer

10-4-16
Date

ATTEST:



Amanda Taber
Executive Assistant

10-4-16
Date

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

Galveston County, Texas:

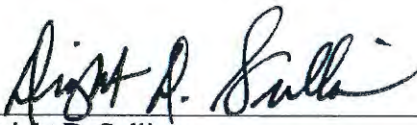


Mark A. Henry
County Judge

9/27/16
Date



ATTEST:

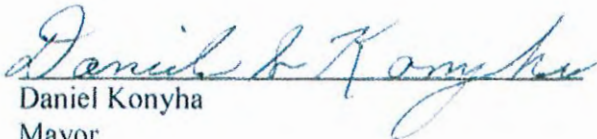


Dwight D. Sullivan
County Clerk

9/27/2016
Date

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

City of Bayou Vista, Texas:


Daniel Konyha
Mayor

9-20-16
Date

ATTEST:


Paula Eshelman
City Secretary

9-20-16
Date

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

City of Hitchcock, Texas:

Anthony Matranga
Anthony Matranga
Mayor

9/29/16
Date

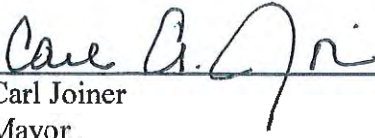
ATTEST:

Lucy Dieringer
Lucy Dieringer
City Secretary

9/29/16
Date

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

City of Kemah, Texas:



Carl Joiner
Mayor



Date

ATTEST:



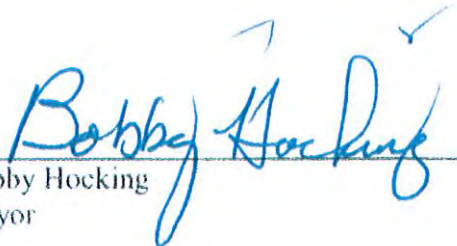
Carolyn Anderson
City Secretary



Date

GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT

City of La Marque, Texas:



Bobby Hocking
Mayor

12.1.2016
Date

ATTEST:

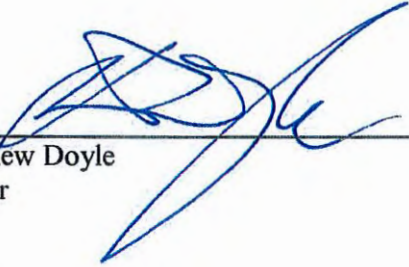


Robin Eldridge
City Clerk

12.1.2016
Date

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

City of Texas City, Texas:

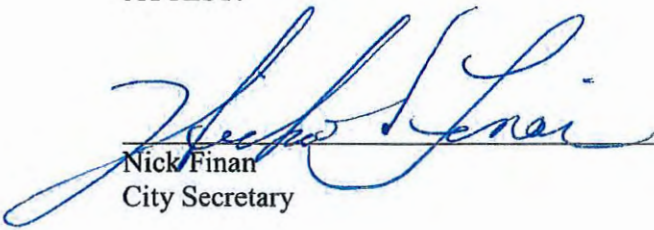


Matthew Doyle
Mayor

10/5/16

Date

ATTEST:



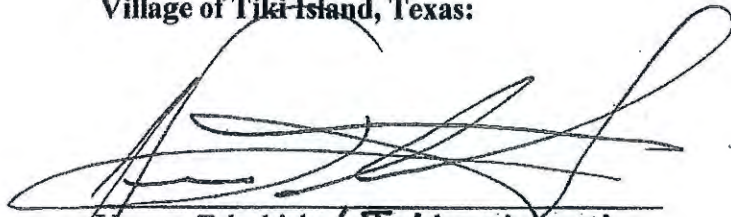
Nick Finan
City Secretary

10/5/16

Date

**GALVESTON COUNTY
ANIMAL SERVICES AGREEMENT**

Village of Tiki Island, Texas:


Vernon Telschick (Telschick)
Mayor

11/23/16
Date

ATTEST:


Brandee Lawther
City Secretary

11-23-16
Date

Galveston County Animal Services Agreement

Attachment A

**The Advisory Committee shall review and make recommendations on any amendment(s) to the annual budget. All amendments to the annual budget must be approved by the United Board of Health. Any amendment(s) that increases the County's proportion must be approved by the Commissioners' Court of Galveston County, Texas. Any amendment(s) that increases a City's proportion must be approved by the governing body of the respective City.*

FY17 Allocation for Animal Services (based on FY16 allocation)

	Field Services	%	Shelter Services	%	Original FY17 Contribution	Revised FY17 Contribution	Net Change	%
Bayou Vista	\$ 4,015	1.5%	\$ 6,465	1.1%	\$ 10,560	\$ 10,480	\$ (80)	1.2%
Hitchcock	\$ 18,181	7%	\$ 29,282	4.8%	\$ 47,826	\$ 47,463	\$ (363)	5.3%
Kemah	\$ 4,631	2%	\$ 7,458	1.2%	\$ 12,181	\$ 12,089	\$ (92)	1.4%
LaMarque	\$ 37,896	14%	\$ 61,032	10.0%	\$ 99,685	\$ 98,928	\$ (757)	11.1%
Texas City	\$ -	0%	\$ 189,710	31.0%	\$ 190,576	\$ 189,710	\$ (866)	21.3%
*Tiki Island	\$ 3,458	0%	\$ 2,791	0.0%	\$ -	\$ 6,249	\$ 6,249	0.7%
Unincorporated (County)	\$ 209,309	76%	\$ 317,589	51.9%	\$ 530,989	\$ 526,898	\$ (4,091)	59.1%
Total	\$ 277,490	100%	\$ 614,327	100%	\$ 891,817	\$ 891,817	\$ (0)	100%

*Prorated based on 10 months

	Shelter	Shelter	Total
FY17 Budget	\$ 277,490	\$ 977,151	\$ 1,254,641
Tiki	\$ (3,458)	\$ (2,791)	\$ (6,249)
Less ARC building costs (maintenance, utilities, etc.)		\$ (199,699)	\$ (199,699)
Less Budgeted Fees:	\$ -	\$ (163,125)	\$ (163,125)
	\$ 274,032	\$ 611,536	\$ 885,568

FY17 Funding Formula