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**CITY OF LA MARQUE**
**CITY COUNCIL**
**REGULAR MEETING MINUTES**
**OF**
**November 12, 2018**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, November 12, 2018, beginning at 6:00 p.m. at 1109-B Bayou Road with the following members present:

**(1) CALL TO ORDER**
Mayor Hocking called the Regular Meeting to order at 6:00 p.m.

**(2) ROLL CALL**

| | |
|---|---|
| Bobby Hocking | Mayor |
| Keith Bell | Mayor Pro-Tem, Councilmember District A - Absent |
| Chris Lane | Councilmember, District B |
| Robert Michetich | Councilmember, District C |
| Casey Mc Auliffe | Councilwoman, District D |

**OTHER OFFICIALS PRESENT**:

| | |
|---|---|
| Charlene Warren | Interim City Manager |
| Robin Eldridge | City Clerk |
| Ellis Ortego | City Attorney |

**(3) INVOCATION AND PLEDGE OF ALLEGIANCE**- Mayor Hocking led the invocation and the Pledge of Allegiance

**(4) PRESENTATIONS/ PROCLAMATIONS –** There were none

**(5) CITIZENS PARTICIPATION**

1. **Eric Blackford** owns two rental properties in the City and spoke of the new rental registration ordinance and fees that he will have to pay $120.00 for each home that he owns each year according to the newly adopted ordinance. Mayor spoke as a point of order that it is $100.00 for the first house and $20.00 for each additional, and that the new brochure would reflect this. He then discussed the inspections that were required to be made and assumed that the inspections would be done during normal business hours which he would have to take off of work to accommodate the inspector. Due to the age of the homes he owned, he asked if his homes would have to brought o up to code. Wanted clarification on some of the types of inspections.

2. **Geraldine Sam** asked if a few of the street signs around town were the city's responsibility or TxDOT, that they were not legible – unreadable (Lake Road and 1765). Asked if on the following agenda, the Juneteenth celebration be placed on there so that the City could have more of a planned awesome Juneteenth celebration. Also said that she preferred to hire locally and was in favor of Charlene Warren being the next City

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Manager and said that she was doing an excellent job. Mayor Hocking concurred that she was doing an excellent job.

**(6) CONSENT AGENDA**

a. City Council Budget Workshop Minutes of July 23, 2018
b. City Council Workshop Minutes of September 10, 2018
c. City Council Meeting Minutes of October 8, 2018
d. Discussion/possible action regarding the ratification of the contract between La Marque Economic Development Corporation and Mike Bricker & Associates, Incorporated and the associated bid for the renovation of 401 Laurel – EDC Executive Director A. Getty

** Councilmember Lane made a motion to approve the consent agenda.
** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**

**(7) PUBLIC HEARING**

a. Conduct Public Hearing to hear public input regarding adopting Ordinance No. **O-2018-0013**, approving a re-zone from R-1 Single Family Residential to C-1 General Commercial, being a tract or parcel of land containing 1.3684 acres of land or 59,606 square feet, located in the S.F. Austin League, Abstract 2, Galveston County, Texas; Said 1.3684 acre tract being all of Tracts 1 and 2 of record in the name of La Marque Investment Group, Inc. in Galveston County Clerk File (G.C.C.F.) Number 9103747 and being all of that tract of land of record in the name of Hazel Benton of record in G.C.C.F. Number 8723178, Said 1.3684 acre tract being more particularly described as bearings based as on said G.C.C.F. No. 9103747. (3197 Main and lot on Duroux and contiguous to 3197 Main)

Mayor Hocking closed the regular meeting and opened the Public Hearing at 6:07 p.m.

Geraldine Sam asked if this was part of the imminent domain part that TXDOT was taking and was told that this wasn't part of that.

b. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2018-0014,** 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.

1. **Geraldine Sam** asked if this would increase the amount that the citizens would be paying and Mayor Hocking said that this was a contractual issue with the waste company and that it is a 3% increase each year, and that there was also going to be a charge for recycling but that Council decided that the city would pay the recycling fees. The City would also pick up the 3% increase so that the citizens wouldn't have to. There will be no increase for the citizens at this time.

Mayor Hocking closed the Public Hearing and reconvened the regular meeting at 6:10 p.m.

**(8) OLD BUSINESS**

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a. Discussion/possible action regarding adopting Ordinance No. **O-2018-0013**, approving a re-zone from R-1 Single Family Residential to C-1 General Commercial, being a tract or parcel of land containing 1.3684 acres of land or 59,606 square feet, located in the S.F. Austin League, Abstract 2, Galveston County, Texas; Said 1.3684 acre tract being all of Tracts 1 and 2 of record in the name of La Marque Investment Group, Inc. in Galveston County Clerk File (G.C.C.F.) Number 9103747 and being all of that tract of land of record in the name of Hazel Benton of record in G.C.C.F. Number 8723178, Said 1.3684 acre tract being more particularly described as bearings based as on said G.C.C.F. No. 9103747. (3197 Main and lot on Duroux and contiguous to 3197 Main) ***THIS IS THE SECOND AND FINAL READING***

** Councilmember Lane made a motion to adopt Ordinance No. O-2018-0013.
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**.

b. Discussion/possible action regarding Ordinance No. **O-2018-0014,** 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 ***THIS IS SECOND AND FINAL READING***

** Councilmember Lane made a motion to adopt Ordinance O-2018-0014.
** Councilwoman Mc Auliffe seconded.

Finance Director Suzy Kou asked for clarification regarding the 3% increase. "If I understood you earlier, the 3% is in the contract with Waste Management, but usually we tack that onto the rates, the recycling fees we do not as Council's instruction, the City will absorb the recycling fees, but not the 3% increase. Do you want us to absorb that 3% as well?" Discussion continued that this was brought up in the budget workshops and that the City would absorb the recycling fee and the 3% increase and not pass along any increase to the citizens. It will be reconsidered next year.

**MOTION CARRIED UNANIMOUSLY. PLEASE SEE BELOW WHERE THIS ITEM IS BROUGHT BACK UP**

**(9) NEW BUSINESS**

a. Discussion/possible action regarding Ordinance No. **O-2018-0018**, accepting the City of La Marque Engineering Design Criteria Manual prepared by Adico LLC Consulting Engineers. ***THIS IS THE FIRST READING***

** Councilwoman Mc Auliffe made a motion to discuss this item.
** Councilmember Michetich seconded. **MOTION CARRIED UANIMOUSLY.**

Mr. Dinh Ho of Adico LLC Consulting Engineers approached and discussed how they have been working on this document. "These development standards and policies were prepared by staff and myself to provide input from an engineering technical standpoint guidelines. Building Codes are regulated nationally, the technical details are regulated by the City. This gives and engineers and developers coming into the City some standards and guidelines so they understand what they are looking at within the City."

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It was mentioned that there was some confusion with a few pages, (92 and 102) seems to repeat some of the steps when submitting plans, and any changes in plans. Also discussed was the variance procedure, some re-wording was needed in some areas of the document. City Code Enforcement Officer being the Flood Plain Officer was briefly discussed. It seemed to Councilmember Michetich that anything flood related, would go through Public Services. The possibility of an amendment to the ordinance that specifies who is the Flood Plain Administrator, revisions to base flood elevation (regulated by FEMA) and coordinated with the drainage district was also discussed. Councilwoman Mc Auliffe asked about the newest NOA- National Oceanic and Atmospheric Administration (Flood Plain maps) and was told that the information for those will be publishing the newest maps within the next five to two years, and at that time the base flood elevation would increase. Asked about adopting a five-hundred-year flood plain, which would have to be done by ordinance. (Flood Plain Damage Prevention Ordinance)- also dictates the base flood elevation of the homes. Mr. Ho explained, "This criteria regulates the size of the storm sewers and detention ponds that the new developments would have to adhere to."

** Councilwoman McAuliffe made a motion to table to workshop this item and be brought back in December.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**

Mayor Hocking asked to go back to item b. and re-opened this item for discussion.
After a brief discussion of what it would cost each citizen if the 3% was passed onto them, it came to be approximately $7.00 per year, per household, and that this money could be used by the city somewhere else. (Drainage, and ditches, etc.)

Yes, it will be per month added to the citizens water bill, some may be less than .60 per month, some may be more than that.

** Councilwoman Mc Auliffe and Councilmember Lane withdrew their motions and Mayor Hocking stated for the record and motion that the 3% increase amount would be passed along to the citizens.

After reopening the public hearing at 6:36 p.m., Ms. Sam asked if this would be a one-time payment of $7.00 or would it be added to each of their bill per month. The Public Hearing closed at 6:37 p.m.

Finance Director Ms. Kou answered, "Yes, it will be per month added to the citizens water bill, some may be less than .60, some may be more than that, depending on the type of account they have."

** Councilwoman Mc Auliffe made a motion to adopt Ordinance No. O-2018-0014.
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

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b. Discussion/possible action regarding Resolution No. **R-2018-0026** to accept the draft report and call a public hearing on the land use assumptions, capital improvements plan and the imposition of impact fees.

** Councilmember Michetich made a motion to adopt Resolution No. R-2018-0026.

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

c. Discussion/possible action regarding approving the Texas Independence Trail Ride Association to utilize Highland Bayou "Mac McGaffey" Park as an overnight stop in November 16-18, 2018 and February 15-16, 2019 as part of the traditional ride of the Houston Livestock Show and Rodeo; as forwarded by the Parks Board with favorable recommendation.

** Councilwoman Mc Auliffe made a motion to approve the Texas Independence Trail Ride Association to utilize Highland Bayou "Mac McGaffey" Park as an overnight stop in November 16-18, 2018 and February 15-16, 2019 as part of the traditional ride of the Houston Livestock Show and Rodeo.

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

d. Discussion/possible action regarding adopting Ordinance No. **O-2018-0015,** changing the zoning classification from C-1 Commercial to R-1 Residential, as recommended by the Planning and Zoning Commission of Lot 7A, of McNeels Subdivision, Re-Plat of Lots 7 and 8 a subdivision in Galveston County, Texas, according to the map or plat thereof recorded under Clerks file number 2017060207 of the Plat record of Galveston County. (Known as Spruce St. PID# 721063); amending the Zoning Map of the City of La Marque adopted the 12th day of December 2005, by Ordinance 953. ***THIS IS THE FIRST READING***

** Councilmember Lane made a motion to adopt Ordinance No. O-2018-0015.

** Councilwoman Mc Auliffe seconded. Then asked how a person could buy a piece of property and think that it is zoned one way only to find out that it is zoned a different classification.

Development Services Coordinator Sussie Sutton approached the podium and explained, "Galveston County only zones property by its use, so if you own commercial property, and you are using it as a commercial property, they will call it commercial. If you have a residential piece of property, and use it as residential, they will call it residential. It will probably come before you many more times, with all of the buying and selling going on." **MOTION CARRIED UNANIMOUSLY.**

e. Discussion/possible action regarding adopting Ordinance No. **O-2018-0016,** changing the zoning classification from C-1 Commercial to R-1 Residential as recommended by the Commercial to R-1 Residential, as recommended by the Planning and Zoning Commission being Lots 9 thru 12 and the North 26 Feet of Lot 13 in Block 5 and Lots 12 and 13 and the North 20 Feet in Block 6 of McNeels Subdivision, a subdivision in Galveston County, Texas according to the Map or Plat as recorded in Volume 275 Page 379 and 380 of the

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Deed Records of Galveston County, Texas (Known as 1101 Oak St., PID #98799); amending the City of La Marque Zoning Map, adopted on the 12th day of December, 2005, by Ordinance Number 953. ***THIS IS THE FIRST READING***

** Councilmember Lane made a motion to adopt Ordinance No. O-2018-0016.
** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

f. Discussion/possible action regarding approval of an updated brochure and registration forms for the rental registration program, and adopt Ordinance No. **O-2018-017**, an ordinance waiving registration fees for the rental registration program until December 31, 2018. ***THIS IS THE FIRST READING***

** Councilmember Lane made a motion to an updated brochure and registration forms for the rental registration program, and adopt Ordinance No. **O-2018-017**, an ordinance waiving registration fees for the rental registration program until December 31, 2018.
** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY.**

g. Discussion/possible action regarding a proposed Ordinance establishing procedures and criteria for appointing members to the Boards and Commissions and provide direction to City Attorney.

** Councilwoman Mc Auliffe made a motion to discuss this item.

** Councilmember Michetich seconded.

Councilmember Mc Auliffe would like to make one change…….under the Section C-1 "Notice for nominations and appointments…… it might make more sense if ninety-days before a term is to expire we were notified, we would have sixty days to make an appointment. A thirty-day turn around may be too little time for a person to understand their commitment to a Board or Commission."

** Councilmember Michetich under "Residency requirements…… previously we discussed that council would have the option to reappoint members that are not residents, if they are in good standing on their current Boards or Commissions, for one additional term." He also wanted the wording added that current committee members that are on more than one board or commission be allowed to fill out their terms with an option of another term. (Section G).

Under Section D- allowing members to finish their term and also allowed one additional term. Further direction provided that the audio tape of this meeting be made available via City Manager to the City Attorney to reflect the changes to the proposed ordinance that are being discussed for modification.

** Councilmember Michetich made a motion to table this item.
** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**.

**(10) AGREEMENTS/CONTRACTS**

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a. Discussion/possible action regarding approval of agreement with Belt Harris Pechacek, LLLP for two years (fiscal years 2018 and 2019) with option to renew one additional year to perform City's annual financial audits and Single Audits in the amount of $46,950.

** Councilmember Lane made a motion to approve an agreement with Belt Harris Pechacek, LLLP for two years (fiscal years 2018 and 2019) with option to renew one additional year to perform City's annual financial audits and Single Audits in the amount of $46,950.

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

b. Discussion/possible action regarding approval of agreement between Eriberto (Eddie) Benevides and the City of La Marque for use and maintenance of the fields in Mahan Park, as recommended by the Parks Board.

** Councilmember Michetich made a motion for approval of agreement between Eriberto (Eddie) Benevides and the City of La Marque for use and maintenance of the fields in Mahan Park, as recommended by the Parks Board.

** Councilwoman Mc Auliffe seconded.

Councilmember Michetich began commenting on a contract that gives someone exclusive rights, and the premises looked unkept on several occasions throughout the year. "It's the maintenance. I am not comfortable with agreeing to this contract tonight."

Discussion included drawing up a more detailed contract that might show consequences for not keeping up with the maintenance, that would also define clearer obligations. The fact that there is not a number of children from this City that participate on these teams, the fact that we are trying to get our parks upgraded, and no money being not financially beneficial at this time was also discussed.

** Councilmember Michetich withdrew his motion. Councilwoman Mc Auliffe withdrew her second. Then a motion was entertained to read…"The approval or denial of the agreement between the City of La Marque and Eriberto (Eddie) Benevides." Councilmember Lane made a motion to deny the agreement. Councilmember Michetich seconded. **MOTION DENIED UNANIMOUSLY**. It was further consensus of Council the need to Workshop the contract and process in the future.

c. Discussion/possible action regarding approval of agreement for grant administration services with Provision Specialized Resources, LLC.

** Councilwoman Mc Auliffe made a motion approving an agreement for grant administration services with Provision Specialized Resources, LLC.

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

d. Discussion/possible action regarding authorizing the Mayor to enter into a Mutual Aid Law Enforcement Agreement whereas participating municipalities/agencies (to include

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the Galveston County Sheriff's Office) may request law enforcement assistance from any entity that has signed the Agreement.

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Sheriff's Office) may request law enforcement assistance from any entity that has signed the Agreement.

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

e. Discussion/possible action regarding authorizing the City Manager to execute an Interlocal Agreement with the City of League City for membership in a consortium of law enforcement agencies for the purpose of criminal justice data sharing using computer aided dispatch and records management systems.

** Councilmember Lane made a motion to authorize the City Manager to execute an Interlocal Agreement with the City of League City for membership in a consortium of law enforcement agencies for the purpose of criminal justice data sharing using computer aided dispatch and records management systems.

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

**(11) AWARD OF BIDS**

a. Discussion/possible action regarding award of RFP **#18-05** to A to Z Fence Company for the installation of a perimeter security fence for the police station in the amount of $61,945.00.

** Councilmember Michetich made a motion to award of RFP **#18-05** to A to Z Fence Company for the installation of a perimeter security fence for the police station in the amount of $61,945.00.

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

Councilmember Michetich thanked EDC for their input in upgrading the quality of the fence, to better fit with the Renaissance District décor.

b. Discussion/possible action regarding award of Bid LM **#09-19** to Beach Town Lawn Service for Lawn Care Maintenance of City Facilities and Parks in the amount of $70,000.00.

** Councilwoman Mc Auliffe made a motion to award Bid LM **#09-19** to Beach Town Lawn Service for Lawn Care Maintenance of City Facilities and Parks in the amount of $70,000.00.

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

c. Discussion/possible action regarding award of Bid LM **#06-19** to Sprint Waste Services, LP. for Sludge Removal in the amount of $124,500.00.

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** Councilmember Lane made a motion to award Bid LM **#06-19** to Sprint Waste Services, LP. for Sludge Removal in the amount of $124,500.00.

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

d. Discussion/possible action regarding award of Bid LM **#04-19** to Vulcan Materials for limestone, not to exceed $39,144.00.

** Councilmember Lane made a motion to award Bid LM **#04-19** to Vulcan Materials for limestone, not to exceed $39,144.00.

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

**(13) EXECUTIVE SESSION**

There was no Executive Session

**(14) REQUEST AND ANNOUNCEMENTS**

Councilwoman Mc Auliffe thanked all of the Boards and Commissions members that serve and that they are immensely appreciated; Thanked all that were involved with the Fall Sweep.

Councilmember Michetich thanked all for their work at Bayou Fest. "Every year it gets bigger and better, even with the weather this year." He praised the entertainment. Recommended for next year-asked that the Library close on the Saturday of Bayou Fest. Thanked Terri from the Library for her hard work and dedication to her job and thanked the Mayor and reminded everyone to remember their families at Thanksgiving.

Councilmember Lane asked that all the Veterans in the audience to stand and then applauded and thanked all of them that were present in the audience.

Mayor Hocking thanked all involved in the preparation of Bayou Fest. Wished all a Happy thanksgiving and mentioned the three families that were going to be especially blessed by the City of La Marque.

**(15) ADJOURNMENT**

** Councilwoman Michetich made a motion to adjourn the Regular meeting at 7:09 p.m.

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

This unofficial copy of the minutes from the above meeting are posted for convenience only. Executed or certified copies of the minutes can be requested by contacting the City Clerk.