



1111 Bayou
La Marque, Texas 77568
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**CITY OF LA MARQUE
CITY COUNCIL
REGULAR MEETING MINUTES
OF
December 10, 2018**

Regular City Council Meeting Minutes of the City of La Marque City Council held on Monday, December 10, 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 6:02 p.m.

(2) ROLL CALL

Bobby Hocking	Mayor
Keith Bell	Mayor Pro-Tem, Councilmember District A
Chris Lane	Councilmember, District B - Absent
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 Pro-Tem Bell led the invocation and the Pledge of Allegiance

(4) PRESENTATIONS/ PROCLAMATIONS - There were none

(5) CITIZENS PARTICIPATION

1. George Schilter spoke about the creation of a possible Tax Increment Reinvestment Zone (TIRZ) for Omega Bay, the area of which he lives. He produced a document to all of City Council that addressed a series of questions (Attachment "A"). He then thanked all for their service and wished all a Merry Christmas and a Happy New Year and commented on perhaps removing the Interim from in front of the Interim Charlene Warrens' name plate.
2. Geraldine Sam also mentioned keeping Charlene Warren on as the City Manager and hiring locally to someone who already knows the citizens and the City of La Marque. Asked for an explanation of the 3% increase for the solid waste pickup.
3. Sam Ferrell thanked all of City Council and Councilmember Michetich for all the hard work in the attention given to the proposal of a possible TIRZ in Omega Bay.
4. Clarence Caldwell thanked La Marque Police Department for doing a fine job this year and continued success with the Chief. He brought attention to a ditch that



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remains filled and not draining properly. Ne brought pictures and was asked to get with the correct department and the Interim City Manager would be getting in touch.

(6) CONSENT AGENDA

- a. City Council Minutes of November 12, 2018
- b. City Council Workshop Minutes of November 12, 2018
- ** Councilmember Michetich 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-2018-0015**, 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.

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:13 p.m.

No one spoke.

- b. Conduct Public Hearing to hear public input regarding Ordinance No. **O-2018-0016**, changing the Zoning classification from C-1 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 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.

No one spoke.

- c. Conduct Public Hearing to hear public input regarding adopting Resolution No. **R-2018-0027**, to approve the land use assumptions and capital improvements plan, and to call a public hearing on the imposition of impact fees.

Robert Santini, Friendswood Development Company (Delaney Cove) wanted to share a few facts about some of the effects of the impact fees. "I would like to



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share a few concerns since 2015 and of the first 9 months of 2018, the market conditions have allowed us to increase pricing to increase home sizes to push for the value that I know all of Council has been seeking. Our sales have also increased. In the past 60 days we have moved from selling homes on 50-foot lots, to 60-foot lots, and was a strong position of Planning and Zoning Commission and City Council. Delaney Cove has absorbed the costs (averaging about \$10,000.00 per home) moving from building on 50 to 60-foot lots, which has decreased the selling of homes about 7.5 homes down to 2 per month. The homes that we have sold this year have averaged about \$212,000.00 to \$213,000.00, which when an additional \$10,000.00 added, which will peak of what the market will hold. As Council is considering these impact fees, this increase adds another \$3,700.00 per home, which is going to be pushing up against a market that is already at a high point. We believe that there is not much more room to push prices. We will continue to push, but at the same time, we can't force persons to buy homes that they cannot afford."

Mayor thanked Mr. Santini's and the development company for their support and for providing a new home to a local wounded warrior, mortgage free.

Mayo Pro-Tem Bell asked to see more information from Mr. Santini and other home builders what the impact fee looks like to their sales.

Councilmember Michetich said that it is necessary to repair or completely build another sewer treatment plant to support the new homes that are being built, but the collection of impact fees will not be enough to cover these costs. "We should have implemented these impact fees three or four years ago."

Mayor Hocking closed the Public Hearing and reconvened the Regular Meeting at 6:23 p.m.

(8) OLD BUSINESS

- a. 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 - Development Services Coordinator S. Sutton **THIS IS THE SECOND AND FINAL READING**

** Councilwoman Mc Auliffe made a motion to adopt Ordinance No. O-2018-0015.

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



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- b. 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 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 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 - Development Services Coordinator S. Sutton **THIS IS THE SECOND AND FINAL READING**

** Councilwoman Mc Auliffe made a motion to adopt Ordinance No. O-2018-0016.
** Mayor Pro-Tem Bell seconded. **MOTION CARRIED UNANIMOUSLY**

- c. Discussion/possible action regarding Ordinance No. **O-2018-0017**, accepting the City of La Marque Engineering Design Criteria Manual prepared by Adico LLC Consulting Engineers. **THIS IS THE FIRST READING (Tabled from November 12, 2018 Meeting)**

** Councilwoman McAuliffe made a motion to approve Ordinance No. O-2018-0017.
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

- d. Discussion/possible action regarding adopting Ordinance No. **O-2018-0018** establishing procedures and criteria for appointing members to the Boards and Commissions - Mayor/City Council **THIS IS THE FIRST READING (Tabled from November 12, 2018 Meeting)**

** Mayor Pro-Tem Bell made a motion to discuss and then made amendments as follows.

** Councilmember Michetich seconded.

Mayor Pro-Tem Bell wanted to see add to the ordinance (page 175) the residency requirement- he wanted to see the portion added to include a person who may have an expertise in a certain area (verified skill set) by unanimously vote of Council to be appointed to a certain Board whether this person lives in the City or not, to address any issues in the residency area. He also had concerns with absences. The section seems to contradict itself. The reasons for absences from meetings could be for medical reasons, or court orders of individuals that have possession of children and cannot get child care, etc. There are no parameters as of this date as to what is considered excused absences. The need to establish some absence guidelines heading into the future was further discussed. "We can add to the end of the sentence "Subject to appeal to City Council." Further discussion led to the possibility of ex-officio members being able to be appointed or reappointed to Boards and Commissions. "Under the residency requirements- the addition of "Persons who live outside of our city limits, may serve on Boards



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and Commissions appointed as ex-officio, non-voting members if approved by City Council, by unanimous vote for one year, unless reappointed for more by unanimously vote of Council (one per Board/Commission).” This appointment would not affect the Councils individual appointments, since it would be their appointment unanimously. **MOTION FOR AMENDMENTS ABOVE CARRIED UNANIMOUSLY**

** Mayor Pro-Tem Bell made a motion to adopt Ordinance No. O-2018-0018 as amended.

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

(9) NEW BUSINESS

a. Discussion/possible action regarding adopting Resolution No. **R-2018-0027**, to approve the land use assumptions and capital improvements plan, and to call a public hearing on the imposition of impact fees.

** Councilmember Michetich made a motion to adopt Resolution No. R-2018-0027

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

b. Discussion/possible action regarding adopting Resolution No. **R-2018-0028** calling for a Public Hearing on the dissolution of the Public Improvement District No. 3 (Park Meadows) being located within the corporate limits of the City of La Marque.

** Councilmember Michetich made a motion to adopt Resolution no, R-2018-0028.

** Mayor Pro-Tem Bell seconded.

Ayes- Mc Auliffe, Michetich, Mayor Pro-Tem Bell, Mayor Hocking

Nays- None

Absent - Lane **MOTION CARRIED WITH A VOTE OF: 4 AYES TO 0 NAYS AND 1 ABSENT**

c. Discussion/possible action regarding adopting Resolution No. **R-2018-0029** calling for a Public Hearing on the creation of a Public Improvement District (Trails at Woodhaven Lakes) within the corporate limits of the City of La Marque.

** Councilmember Michetich made a motion to adopt Resolution No. R-2018-0029.

** Mayor Pro-Tem Bell seconded.

Ayes- Mc Auliffe, Michetich, Mayor Pro-Tem Bell, Mayor Hocking

Nays- None

Absent - Lane **MOTION CARRIED WITH A VOTE OF: 4 AYES TO 0 NAYS AND 1 ABSENT**



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- d. Discussion/possible action regarding adopting Resolution No. **R-2018-0030** amending Resolution No. R-2018-0017, formalizing a City Travel Policy that had been established in previous years.
- ** Mayor Pro-Tem Bell made a motion to adopt Resolution No. R-2018-0030
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**
- e. Discussion/possible action regarding renewal of current lease program vehicles with Enterprise Fleet Management (EFM).
- ** Councilmember Michetich made a motion to renewal of current lease program vehicles with Enterprise Fleet Management (EFM).
** Councilwoman Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**
- f. Discussion/possible action to accept a petition from property owners requesting that a contiguous geographic area in the City of La Marque (Omega Bay subdivision) be designated as a tax increment reinvestment zone (TIRZ) under the provisions of Chapter 311 of the Texas Tax Code and call a public hearing on January 14, 2019.
- ** Councilmember Michetich made a motion to accept a petition from property owners requesting that a contiguous geographic area in the City of La Marque (Omega Bay subdivision) be designated as a tax increment reinvestment zone (TIRZ) under the provisions of Chapter 311 of the Texas Tax Code and call a public hearing on January 14, 2019.
** Councilwoman Mc Auliffe seconded.

Councilmember Michetich added, "After finalizing the petitions, the total value of the properties of the owners of property in Omega Bay totaled over \$70,000,00.00, and the petitions that were accepted equaled 54 + %, which was over the 50.1% needed to move forward with a TIRZ. These were only the persons approached, and some are out of town owners and couldn't be reached."

City Attorney Ellis Ortego spoke, "The streets in Omega Bay are private streets, and understanding that the intent is to use public taxes, whether it is through TIRZ or otherwise to fix these private streets. Has this issue been addressed?"

Sue Darcy of Marsh Darcy Partners approached the podium and began, "One of the issues is the owner of the streets, originally it was intended that the streets would become public streets. In other words, the City would receive a conveyance of the rights-of-ways from the Homeowners Association, that has not been completely ironed out yet. We just received the petitions this week, so we



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haven't gone through those details yet, to obtain the fee simple title of ownership. A survey has been done of the streets."

It was said that some property owners said that they are paying taxes on those streets, Councilmember Michetich commented, "This is not so, the property starts from the edge of the street to your bulkhead, and this is what the appraisal district taxes you on. This is a long-term plan, it is not an overnight, but this provides a self-funding method of repairing the streets, without having a negative impact to the City."

Ms. Darcy added, "But If we do run afoul in obtaining the fee simple title, Chapter 380, allows TIRZ's to do Chapter 380 agreements and to do the reconstruction of the streets, by using Council's approval." **MOTION CARRIED UNANIMOUSLY**

Mayor Hocking asked for Item 12 to be taken at this time.

(10) EXECUTIVE SESSION

1. Section 551.074 (Personnel Matters) - Discussion of City Manager position for the City of La Marque

Mayor Hocking closed the Regular Meeting and went into Executive Session at 7:01 p.m.

Mayor Hocking reconvened the Regular Meeting at 8:03 p.m.

(11) ACTION ITEM FROM EXECUTIVE SESSION

1. Discussion/possible action regarding the position of City Manager for the City of La Marque

Councilwoman McAuliffe made a motion to approve the City Manager profile and post the job description and call for applications for the City Manager position, prepared by Ron Cox Consulting.

Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY**

(12) REQUEST AND ANNOUNCEMENTS

Councilwoman Mc Auliffe wished all of those who celebrate Christmas a Merry Christmas and to those who just celebrated Hanukkah.

Councilmember Michetich thanked all for attending, the next meeting in January is especially important, as all meetings are. Snow King will soon celebrate its fifty years in business. Asked all that could to please attend the dedication on January 25th of the Wounded Warriors home in Delaney Cove and reported on Wreaths Across America on the 15th of December. Wished all a Merry Christmas!



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Mayor Pro-Tem Bell wished all a Merry Christmas!

Mayor Hocking encouraged all to wear sun-screen and wished all a Merry Christmas as well.

(13) ADJOURNMENT

It was the consensus of City Council to adjourn the meeting at 8:03 p.m.

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC
City Clerk

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.