

10/10/2022 - Minutes

1. CALL MEETING TO ORDER

Mayor Bell called the meeting to order at 6:04 p.m.

2. ROLL CALL

All members of council were physically present.

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem gave an invocation and the pledge was led by Councilmember McAuliffe.

4. PRESENTATIONS

4.I. Proclamation

The family of late Parks Board member Larry Walker was unable to attend the meeting and requested that this item be postponed until the November council meeting, Mayor Bell obliged the request.

4.II. Proclamation

Municipal Judge Kerry Pettijohn, Court Administrator Rosemary Bell, City Marshall Russel Washington, and Court Clerk Terri Hall accepted a proclamation for Municipal Court Week.

5. PUBLIC SAFETY

5.I. Safe City Initiative Update

Police Chief Randall Aragon gave a brief presentation regarding the Safe City Initiative. Councilwoman Yancy requested that Chief Aragon meet with the security team at Walmart, as approximately 70 percent of larcenies in the city occur in this location. Councilwoman McAuliffe requested that the programs with RCC not be exclusively for female students, but also include some programming for our male youth as well.

City Manager Garcia announced that the La Marque Police Department was recognized as a top 3 finalist among a pool of over 12,000 cities for the Texas Municipal League's Public Safety Award for cities under 25,000 population.

Councilwoman Yancy shared a sense of pride, sitting in the room at the awards ceremony.

Mayor Pro Tem Compian shared that at the La Marque Night Out event he really felt a sense of community and appreciated feeling like "the old La Marque".

Mayor Bell clarified some of the statistics given in the presentation. He recalled a conversation with the city's statistician, that the city is now 4% below the state's average of overall crime, whereas prior to the Safe City Initiative the city was double the state's average crime rate.

6. CITIZENS PARTICIPATION

- Joseph Lowry (2503 Cedar)- Congratulate the Police Department for their zero-tolerance policy on

DWIs. He congratulated the residents of District A for their signatures on the recall. He remembers a council member being adamant about a forensic audit and asking other members of the council to speak up and possibly request a forensic audit, he has collected over \$10,000 for a forensic audit with conditions.

- Melissa Tortorici (Texas City Independent School District), has made strides in accountability rating, ranked as a solid B, and have 0 campuses that qualify as "needs improvement", and consistently receives the highest honors for financial transparency. She spoke to the Texas City Independent School District's bond propositions that are on the November ballot. She encouraged the public to early vote. Oct. 24 at 6 pm will be hosting a final community meeting at 1109 B Bayou Road, La Marque, TX.
- Carolyn Small (1121 Prune), spoke regarding recalls in the community.
- Re'Chard Loftis (309 Johnson), thanked the council and staff for their service to the community and for doing what the community has been asking for, streetlights where it has been dark, new roads where needed. He asked for volunteers to go out to Bobby Beach to help restore fields. He also spoke about the contract between the city and Parrish & Parrish, he accused the company of not fully complying with their contractual duties.

7. PUBLIC HEARINGS

***Mayor Bell recessed the Regular Meeting and entered into Public Hearing at 6:52 p.m.*

7.I. Ordinance No. O-2022-0013

There was no public participation.

7.II. Ordinance No. O-2022-0015

There was not public participation.

8. ORDINANCES

***Mayor Bell closed the Public Hearing and reconvened the Regular Meeting at 6:53 p.m.*

8.I. Ordinance No. O-2022-0013

Councilmember McAuliffe made a motion to adopt Ordinance No. O-2022-0013. Councilmember Carlson seconded the motion.

Councilmember Carlson clarified questions regarding the purpose of the Public Safety Committee that is being disbanded.

MOTION PASSED UNANIMOUSLY.

8.II. Ordinance No. O-2022-0015

Councilmember Carlson made a motion to adopt Ordinance No. O-2022-0015. Councilmember McAuliffe seconded the motion.

Mayor Bell shared heartburn with the current map, speaking to the differences in demographics of District A.

MOTION PASSES WITH 4 AYES AND 1 NAY (Mayor).

9. MINUTES

Councilmember Carlson made a motion to approve all minutes as submitted. Councilmember McAuliffe seconded the motion. MOTION PASSED UNANIMOUSLY.

10. RESOLUTIONS- CONSENT

Mayor Pro Tem Compian made a motion to approve the consent agenda, consisting of items 10.I and 10.III. Motion seconded by Councilmember McAuliffe. MOTION PASSED UNANIMOUSLY.

10.I. Resolution No. R-2022-0081

***Passed on consent.*

10.II. Resolution No. R-2022-0082

***Pulled for discussion by Councilmember Carlson*

Councilmember Carlson asked to clarify the properties for this contract.

Councilmember Carlson made a motion to adopt Resolution No. R-2022-0081. Councilmember McAuliffe seconded the motion. MOTION PASSED UNANIMOUSLY.

10.III. Resolution No. R-2022-0083

***Passed on consent.*

10.IV. Resolution No. R-2022-0084

***Pulled for discussion by Councilmember Carlson*

Councilmember Carlson questioned if awarding this contract is financially responsible given the history of this company with the city.

Mayor Pro Tem referenced a conversation he had with Development Services Director Kathleen Van Stavern to combat any discrepancies regarding the verification of work and frequency of work. Staff clarified that this process includes before and after pictures at each location.

Councilmember Yancy stated that she will not be supporting this contract, as there is a problem with this company and a pattern is shown, and while she appreciates the efforts of Code Compliance for filling in those contractual gaps, she will not be supporting this contract because it is rewarding bad behavior.

Councilmember McAuliffe wanted to ensure that the citizens understand that there are processes involved in determining what is qualified to be on the mowing list and what is not.

Development Services Director announced that the mowing maintenance list has been reduced from 135 lots to 60.

Mayor Bell stated that the program is great and has benefitted the city, tremendous progress has been made, however, the program has been put under scrutiny and there is people's property at jeopardy. He believes that it is prudent as a council to request a stop, and have city administration review the process. Mayor Bell is requesting a table on this item to give the city time to review the allegations being made.

City Manager Garcia stated that an internal investigation has been done, however, Mayor states that the council has not received any information regarding as such.

Councilmember Carlson made a motion that the council does not approve Resolution No. R-2022-0084. Councilmember Yancy seconded the motion.

Councilmember McAuliffe requested that the item be tabled as there are more details that need to be reviewed. Mayor Bell agreed with Councilmember McAuliffe, noting that the company has not had the opportunity to refute the allegations that have been made.

Councilmember Carlson amended his motion and made a motion to table the item for one month. Councilmember Yancy seconded. MOTION PASSED UNANIMOUSLY.

10.V. Resolution No R-2022-0085

Mayor Bell requested that the record reflect that this is an agreement with the La Marque Police Officer's Association.

Councilmember McAuliffe shared her gratitude for the addition of mental health services in both agreements and also identified that most of the agreement content is the same as before with the exception of some areas and the COLA percentages. She shared concerns regarding the removal of disciplinary documents regarding more serious areas such as sexual misconduct, etc. It was clarified by City Attorney Knebel that there are very specific terms regarding removals.

Mayor Pro Tem Compian made a motion to approve Resolution No. R-2022-0085. Councilmember McAuliffe seconded the motion. MOTION PASSED UNANIMOUSLY.

10.VI. Resolution No. R-2022-0086

International Association of Firefighters Local 3282 President Jody Martinez thanked the City for a pleasant negotiation session.

Mayor Pro Tem Compian and Mayor Bell thanked both teams for coming to negotiations with an open mind and care. Mayor Pro Tem stated that this felt like a "hometown" process.

Councilmember Carlson suggested a friendly addition to the contract in Article 32 Promotional Exams Section 3, to include "as long as they are certified to those positions as outlined in the job descriptions".

Article 26 conflicts, Section 1. "...only regular house cleaning and maintenance tasks will be conducted during City's holidays and weekends" but follows by saying "training hours are from 8-12 on Saturday"

Councilmember Carlson expressed heartburn regarding some of the terms that are not included in the contract.

A discussion regarding the ability to proceed with the line of questioning as it pertains to the noticed agenda item ensued, it was cautioned that these items were not negotiated on and are not included in the agreement. However, they could be brought up at a later date for discussion if the council so chooses.

Councilmember Carlson shared his displeasure with the council in its entirety not being apart of the negotiating team.

Councilmember Carlson made a motion to table.

Councilmember McAuliffe asked about the ramifications of tabling the agreement. Staff clarified that while there are holdover provisions of the previous agreement, there is a tentative agreement on the table.

MOTION TO TABLE FAILS DUE TO LACK OF A SECOND.

Mayor Pro Tem Compian made a motion to adopt Resolution No. R-2022-0086. Councilmember McAuliffe seconded the motion.

Both Councilmember Carlson and Mayor Pro Tem Compian discussed heartburn with the negotiation process and the full council not being included. The Union was open to meeting with a second team to discuss amendments as necessary.

MOTION PASSED WITH 4 AYES AND 1 NAY (CARLSON)

Councilmember McAuliffe thanked the union for their grace in this process.

11. CITY MANAGER REPORT

11.I. Library Accreditation

Library Director Amy Miller shared that the library has maintained an accredited program for the next year.

***Councilmember Carlson exited the room at 8:13 p.m.*

11.II. Light Study Update

City Manager Garcia gave a brief light study update, while the goal was to transition 100 lights to LEDs, we were able to achieve over that amount, after receiving an update from Texas New Mexico Power contrary to the reports in the agenda documents.

***Councilmember Carlson returned at 8:19 p.m.*

11.III. Off-System Bridge Replacement Program

Public Works Director Rick Sailer gave a brief overview of the City of La Marque's project for the Off-System Bridge Replacement Program.

12. APPOINTMENTS

City Clerk Kierra Nance announced that there are many appointment terms that are expiring in December 2022, she urged both the council and the public to have anyone who is interested or who they believe would be a good candidate for a board or commission position to complete an application.

13. NEW BUSINESS

13.I. Volunteer Appreciation Dinner

Mayor Bell acknowledged the importance of honoring those city leaders that we have lost in the past year. He shared that honoring Mr. Brown's legacy through the renaming of this event would be fitting as he lived a life of volunteerism up through his 80s.

Mayor also suggested "adding some fun" allowing the community, through digital surveys, to vote on

their favorite committee each year to be "Committee of the Year".

This event would be a way to honor a great public servant and encourage our community to volunteer.

13.II. Capital Improvements Plan Advisory Committee

City Manager requested approval for an official ad hoc committee for continued focus group work regarding the city's Capital improvement Plan.

13.III. Preliminary Plat

This location will become a major chain carwash.

This item was postponed.

13.IV. 113 Union

This item was postponed.

13.V. Items For The Good Of The Order

Councilmember McAuliffe shared her excitement for Trunk or Treat on October 27, 2022.

Mayor Pro Tem Compian spoke of last Saturday's Night Out Event, says it was amazing, shared sentiments of his time meeting some residents, and also discussed his time at the annual TML Conference.

Councilmember Carlson thanked the volunteers this past weekend at Bobby Beach Park, re-announced city events, and asked everyone to be cautious of "little ghouls and goblins" this Halloween. He asked City Manager for a cost estimate of striping the streets as some of them have completely eroded away.

Councilmember Yancy stated that people are obsessed with our progress, and there is a lot of it. She also requested an Ad Hoc Committee for youth services. One of the amazing things about the City of La Marque previously was that the city had it's own identity. Thanked all of those standing up for righteousness and staying positive. Encouraged everyone to vote. Shared a story from a former citizen sharing appreciation for the lighting on Lake Road.

Mayor Bell also had an amazing time at TML. He is glad that he had the opportunity to witness the safe city update and reminded the community of the fact that crime is down, and kudos to the La Marque Police Department for that. He also acknowledged the National Night Out events of October 4, 2022. He also shared his sentiments of building relationships with areas of the community such as Horizon Meadows and Omega Bay, and their eagerness to be apart of the city. He also reminded people to vote.

13.V.i. City Events

City Manager Garcia announced the upcoming event in the city and gave brief recaps of events passed.

14. EXECUTIVE SESSION

***Mayor Pro Tem exited the room at 8:56 p.m.*

***Mayor Bell recessed the Regular Meeting at 8:57 p.m.*

14.I. Section 551.071 (Consultation With Attorney)

14.II. Section 551.071 (Consultation With Attorney)

15. ACTIONS TAKEN FROM EXECUTIVE SESSION

***Mayor Bell closed the Executive Session and reconvened the Regular Meeting at 9:23 p.m.*

15.I. Section 551.071 (Consultation With Attorney)

No action taken on this item.

15.II. Section 551.071 (Consultation With Attorney)

Councilmember McAuliffe made a motion to approve the settlement in this case. Councilmember Carlson seconded the motion. MOTION PASSED UNANIMOUSLY.

16. ADJOURNMENT

Mayor Pro Tem Compaina made a motion to adjourn. Council member Carlson seconded. MOTION PASSED UNANIMOUSLY.

***Meeting was adjourned at 9:25 p.m.*