



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Regular Minutes
September 22, 2014**

Minutes of the Regular Meeting of the City Council of the City of La Marque, Texas that was conducted on Monday, September 22, 2014 at 6:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) Mayor Hocking called the meeting to order at 6:00 pm.

(2) ROLL CALL

Mayor Hocking
Mayor Pro-Tem Bell
Councilmember Lane
Councilmember Brown
Councilmember Trube

City Manager Buttler
City Attorney Ortego
City Clerk Eldridge

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking dispensed the invocation and led the Pledge of Allegiance

(4) MINUTES

- a. City Council Regular Meeting Minutes of September 8, 2014
 - b. City Council Budget Workshop Meeting Minutes of August 4, 2014
 - c. City Council Budget Workshop Meeting Minutes of August 5, 2014
- ** Councilmember Trube made a motion to approve the Regular Meeting Minutes of September 8, 2014; Workshop Meeting Minutes of August 4, 2014; and City Council Budget Workshop Meeting Minutes of August 5, 2014. Councilmember Bell seconded. MOTION CARRIED UNANIMOUSLY**

(5) PRESENTATION

There were no presentations

(6) CITIZEN'S PARTICIPATION

1. Geraldine Sam she has noticed some economic development into the inner city. Noticed a lot of empty buildings in the inner city. She sees a lot of residential property being rezoned to commercial along Highway 3, but would like to see more being done within the inner city to bring in more business. Would like to see a more diversity in the music at Bayou Fest.

(7) PUBLIC HEARING

- a. Conduct a second Public Hearing to receive public input regarding Ordinance No. O-2014-



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0016, levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2014 Tax Fiscal Year; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Mayor Hocking recessed the Regular Meeting and called the Public Hearings at 6:03 p.m.

1. Geraldine Sam asked if the city were to lower the taxes this year, will it have to raise the taxes within the next couple of years to balance the city's finances?

Mayor Hocking stated that this was an item on the agenda to vote on.

- b. Conduct a second Public Hearing to receive public input regarding Ordinance No. **O-2014-0015**, making appropriations for the support of the City of La Marque for the fiscal year beginning October 1, 2014 and ending September 30, 2015 appropriating money to a sinking fund to pay interest and principal due on the city's indebtedness; and adopting the annual budget for the City of La Marque for 2014-2015 fiscal year.

1. Geraldine Sam asked if the budget will catch the city back up on some of the bills that have been paid late.

Mayor Hocking explained that the late payments were due to bookkeeping, not lack of funds, and that the change in personnel took care of this.

- c. Conduct Public Hearing to receive public input regarding Ordinance No. **O-2014-0017**, 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, per Contract.

1. Geraldine Sam spoke against raising solid waste collection charges. The water bills are already high enough.

- d. Conduct Public Hearing to receive public input regarding Ordinance No. **O-2014-0018**, amending Ordinance 840 relating to Utility Billing due dates and charges.

1. Geraldine Sam asked what the impact will have to those citizens that are on a fixed income.

City Manager Carol Buttler addressed the question and explained that this will not change for those customers that come into the building and pay their bills, they will still have until 5:00 p.m. The only thing that this will affect is, those that pay online and through direct pay, by allowing them a few more hours to pay.

- e. Conduct Public Hearing to receive public input regarding Ordinance No. **O-2014-0019**, amending Chapter 68, Article V, Section 68-138 (b), of the Code of Ordinances, City of La Marque, Texas, to adopt, without revisions, the original Drought Contingency Plan.



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No one spoke.

Mayor Hocking closed the Public Hearings and reconvened the Regular Meeting at 6:08 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2014-0016**, levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2014 Tax Fiscal Year; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. **THIS IS THE SECOND AND FINAL READING**

****** Councilmember Lane made a motion to adopt Ordinance No. **O-2014-0016**, levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2014 Tax Fiscal Year; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. Councilmember Trube seconded the motion. **MOTION CARRIED UNANIMOUSLY, WITH A VOTE OF 5 AYES AND 0 NAYES.**

Councilmember	Brown	Aye
Councilmember	Trube	Aye
Councilmember	Lane	Aye
Councilmember	Bell	Aye
Mayor	Hocking	Aye

- b. Discussion/possible action regarding Ordinance No. **O-2014-0015**, making appropriations for the support of the City of La Marque for the fiscal year beginning October 1, 2014 and ending September 30, 2015 appropriating money to a sinking fund to pay interest and principal due on the city's indebtedness; and adopting the annual budget for the City of La Marque for 2014-2015 fiscal year. **THIS IS THE SECOND AND FINAL READING**

****** Councilmember Trube made a motion to adopt Ordinance No. **O-2014-0015**, making appropriations for the support of the City of La Marque for the fiscal year beginning October 1, 2014 and ending September 30, 2015 appropriating money to a sinking fund to pay interest and principal due on the city's indebtedness; and adopting the annual budget for the City of La Marque for 2014-2015 fiscal year.

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

- c. Discussion/possible action regarding adopting Ordinance No. **O-2014-0017**, 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, per Contract. **THIS IS THE SECOND AND FINAL READING**

****** Councilmember Bell made a motion to adopt Ordinance No. **O-2014-0017**, 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, per Contract.

****** Councilmember Trube seconded the motion. **MOTION CARRIED UNANIMOUSLY.**



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- d. Discussion/possible action regarding adopting Ordinance No. **O-2014-0018**, amending Ordinance 840, relating to Utility Billing due dates and charges. **THIS IS THE SECOND AND FINAL READING**
- ** Councilmember Bell made a motion to adopt Ordinance No. **O-2014-0018**, amending Ordinance 840, relating to Utility Billing due dates and charges.
- ** Councilmember Trube seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- e. Discussion/possible action regarding adopting Ordinance No. **O-2014-0019**, amending Chapter 68, Article V, Section 68-138 (b), of the Code of Ordinances, City of La Marque, Texas, to adopt, without revisions, the original Drought Contingency Plan. **THIS IS THE SECOND AND FINAL READING**
- ** Councilmember Lane made a motion to adopting Ordinance No. **O-2014-0019**, amending Chapter 68, Article V, Section 68-138 (b), of the Code of Ordinances, City of La Marque, Texas, to adopt, without revisions, the original Drought Contingency Plan.
- ** Councilmember Brown seconded the motion.

Councilmember Trube had a question about Section Four pertaining to 'critical customers'. It was noted, that if action is taken at this meeting, Councilmember Trube is requesting that this item be brought back in the near future, in a workshop discuss some discrepancies and consider amending the Drought Contingency Plan.

MOTION CARRIED UNANIMOUSLY.

(9) AWARD OF BIDS/CONTRACTS AND AGREEMENTS

- a. Discussion/possible action regarding award of Bid #LM 04-14 to DXI Industries, Inc. for Liquid Chlorine, Calcium Hypochlorite & Sulfur Dioxide, in the amount of \$38,534.00.
- ** Councilmember Trube made a motion to award of Bid #LM 04-14 to DXI Industries, Inc. for Liquid Chlorine, Calcium Hypochlorite & Sulfur Dioxide, in the amount of \$38,534.00.
- ** Councilmember Lane seconded the motion.

Councilmember Bell expressed concerns of the number of qualified bids received and asked what is being done to attract qualified bidders.

Interim Public Works Director Les Rumburg explained that the process is routine, and that in previous cities he has worked in, he has had the same responses through the formal bidding process. It was agreed that a survey could be informally done to see if the surrounding cities are also having a low number of responses. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding award of Bid #LM 07-14 to Apache Oil Company for Fuel in the amount of \$230,000.00.
- ** Councilmember Lane made a motion to award Bid #LM 07-14 to Apache Oil Company for Fuel in the amount of \$230,000.00.
- ** Councilmember Bell seconded the motion.

Councilmember Trube asked how the cost of fuel is estimated.



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Les Rumburg explained that the city pays the market rate, but that this amount fluctuates and this includes the mark up rate. **MOTION CARRIED UNANIMOUSLY.**

- c. Discussion/possible action regarding award of Bid #LM 08-14 to Century Asphalt, Ltd, for Hot Mix Asphalt/Cold Mix Cold Lay (CMCL), not to exceed \$27,250.00.
 - ** Councilmember Trube made a motion to award Bid #LM 08-14 to Century Asphalt, Ltd, for Hot Mix Asphalt/Cold Mix Cold Lay (CMCL), not to exceed \$27,250.00.
 - ** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- d. Discussion/possible action regarding award of Bid #LM 09-14 to Vulcan Construction Materials, LP, for Limestone, not to exceed \$22,750.00.
 - ** Councilmember Trube made a motion to award Bid #LM 09-14 to Vulcan Construction Materials, LP. for Limestone, not to exceed \$22,750.00.
 - ** Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- e. Discussion/possible action regarding award of Bid #LM 11-14 to Sprint Waste Services L.P., for Sludge Disposal in the amount of \$ 93,625.00.00.
 - ** Councilmember Bell made a motion to award Bid #LM 11-14 to Sprint Waste Services L.P., for Sludge Disposal in the amount of \$ 93,625.00.00.
 - ** Councilmember Trube seconded the motion.

Councilmember Brown asked where all the sludge came from. Mr. Rumburg explained and said the amount last year was close to the same as this year. **MOTION CARRIED UNANIMOUSLY.**

- f. Discussion/possible action regarding award of Bid #LM 12-14 to HD Supply, for Water & Sewer Supplies, not to exceed \$85,260.00.
 - ** Councilmember Trube made a motion to award Bid #LM 12-14 to HD Supply, for Water & Sewer Supplies, not to exceed \$85,260.00.
 - ** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- g. Discussion/possible action regarding award of Bid #LM 13-14 to Evoqua Water Technologies, LLC, for Odor and Corrosion Control, not to exceed the City's total budget of \$107,000.00.
 - ** Councilmember Trube made a motion to award Bid #LM 13-14 to Evoqua Water Technologies, LLC, for Odor and Corrosion Control, not to exceed the City's total budget of \$107,000.00.
 - ** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- h. Discussion/possible action regarding authorizing O'Reilly Auto Parts as the City's Repair & Service Parts Supplier under the Buy Board Contract for all City Vehicles & Miscellaneous Supplies in the amount of \$31,850.00.



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- ** Councilmember Trube made a motion to authorize O'Reilly Auto Parts as the City's Repair & Service Parts Supplier under the Buy Board Contract for all City Vehicles & Miscellaneous Supplies in the amount of \$31,850.00.
- ** Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

- i. Discussion/possible action to authorize the City Manager to execute a contract with the County of Galveston Commissioners' Court to provide fire protection services to unincorporated areas of Galveston County commencing October 1, 2014, and running through September 30, 2015, in return for payment in the amount of twenty two thousand five hundred dollars and no/100 (\$22,500.00).
- ** Councilmember Trube made a motion to authorize the City Manager to execute a contract with the County of Galveston Commissioners' Court to provide fire protection services to unincorporated areas of Galveston County commencing October 1, 2014, and running through September 30, 2015, in return for payment in the amount of twenty two thousand five hundred dollars and no/100 (\$22,500.00).
- ** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

(10) NEW BUSINESS

- a. Discussion/possible action regarding the recommendation of the Planning and Zoning Commission to adopt Ordinance No. **O-2014-0020** of the City of La Marque, Texas changing the zoning classification from R-1 Single family residential to C-1 General Commercial as recommended by the Planning and Zoning Commission of a tract of land described as lot 1 of the Lilly Thomas Subdivision, a Subdivision in Galveston County, Texas according to the recorded in Volume 238, Page 37, all in the map records in the office of the County Clerk of Galveston County, Texas; amending the zoning map of the City adopted the 12th day of December 2005 by Ordinance number 953. **THIS IS THE FIRST READING**

Councilmember Trube made a motion to adopt Ordinance No. **O-2014-0020** of the City of La Marque, Texas changing the zoning classification from R-1 Single family residential to C-1 General Commercial as recommended by the Planning and Zoning Commission of a tract of land described as lot 1 of the Lilly Thomas Subdivision, a Subdivision in Galveston County, Texas according to the recorded in Volume 238, Page 37, all in the map records in the office of the County Clerk of Galveston County, Texas; amending the zoning map of the City adopted the 12th day of December 2005 by Ordinance number 953.

Councilmember Lane seconded the motion.

Jesus Mendiola, 1924 Nashby answered a few questions or concerns that Councilmember Bell had that included what types of products that would be housed (oils, transmission fluids, antifreeze, etc.), but had no problem in keeping the original integrity of the neighborhood, since there was a mechanic shop in that same location in the past.

Ana Tims, Development Services Director further explained that the property was initially zoned commercial. Then rezoned as single family residence, and then a small house or garage apartment was constructed. Mr. Mendiola asked to run a small business at that location, which would have to be zoned back to commercial. The question arose of whether the plans were to



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have an insulation or an installation business at that location. It was cleared up to read as a garage door installation. Mr. Mendiola said that he has a few mechanics that he will be employing.

MOTION CARRIED WITH A VOTE OF 4 TO 1, WITH COUNCILMEMBER BROWN OPPOSING.

- b. Discussion/possible action regarding Resolution No. **R-2014-0023**, amending Resolution No. **R-2014-0016**, calling for and establishing the procedures for a Special Election for proposed Charter amendments to be held on Tuesday, November 4, 2014.
 - ** Councilmember Lane made a motion to adopt Resolution No. **R-2014-0023**, amending Resolution No. R-2014-0016, calling for and establishing the procedures for a Special Election for proposed Charter amendments to be held on Tuesday, November 4, 2014.
 - ** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- c. Discussion/possible action regarding Resolution No. **R-2014-0024**, designating a Representative and Alternate to the Houston-Galveston Area Council 2015 General Assembly.
 - ** Councilmember Trube made a motion to re-nominate Mayor Hocking as Representative and Councilmember- Mayor Pro-tem Bell as the Alternate to the Houston-Galveston Area Council General Assembly. **MOTION CARRIED UNANIMOUSLY.**
- d. Discussion/possible action regarding Resolution No. **R-2014-0025**, suspending the October 1, 2014, effective date, for the maximum period permitted by law, of CenterPoint Energy Houston Electric LLC's application to amend its rate schedules to permit the City time to study the request.

City Manager Carol Buttler provided background to this item that included the reason for the rate increase as proposed by CenterPoint, which is for an additional type of LED lighting, without any additional data to support the increase.

 - ** Councilmember Bell made a motion to adopt Resolution No. **R-2014-0025**, suspending the October 1, 2014, effective date, for the maximum period permitted by law, of CenterPoint Energy Houston Electric LLC's application to amend its rate schedules to permit the City time to study the request.
 - ** Councilmember Trube seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- e. Discussion/possible action to authorize the Fire Department to proceed with disposition of surplus property as described in the attachment by online public auction.
 - ** Councilmember Trube made a motion to authorize the Fire Department to proceed with disposition of surplus property as described in the attachment by online public auction
 - ** Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- f. Discussion/possible action regarding award of bid to Fun Abounds (MWBE) under the BuyBoard contract for playground equipment in the amount of \$34,557.00.
 - ** Councilmember Trube made a motion to award bid to Fun Abounds (MWBE) under the BuyBoard contract for playground equipment in the amount of \$34,557.00.



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** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

g. Review and accept the 2014 City of La Marque investment policy for investment of municipal funds per Public Funds Investment Act.

** Councilmember Lane made a motion to accept the 2014 Investment Policy for investment of municipal funds per Public Funds Investment Act.

** Councilmember Brown seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

h. Discussion/possible action regarding Ordinance No. **O-2014-0021** amending the FY 2013-2014 Budget by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to individual budget accounts in certain funds.

** Councilmember Lane made a motion to adopt Ordinance No. **O-2014-0021** amending the FY 2013-2014 Budget by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to individual budget accounts in certain funds.

** Councilmember Trube seconded the motion.

Finance Director Ms. Kou explained to Councilmember Trube the need for the amendment. There were three items, previously approved, but now amending the budget to reflect the items, including the generator, the website, and new phone system. Which will not be purchased until all the final numbers are in. **MOTION CARRIED UNANIMOUSLY.**

(11) CITY MANAGER'S REPORT (no action needed)

- Development Services
- Police/OEM
- Fire/EMS
- Public Works
- Financials

** Councilmember Trube referred to page 208, Public Works administration activity report, she got a different balance. Bus stops total seems to be off (page 210); page 222- A chart had been created that reflects the GLO-CDBG projects and their status, and will email this to Council shortly. Page 229 on register- door hangers for water bills were warnings for possible leaks. Cell phone bill and I-pad expenditure, City Manager will get back to City Council as to whose it is. She has noticed that the reports are getting smaller. The donuts (on Fridays) are supposed to be paid for by the ECD. Also asked about City logo shirts.

(12) REQUESTS AND ANNOUNCEMENTS (This item was taken out of order and before the Executive Session)

Councilmember Trube said that she would like the agenda be given to her on Wednesday or Thursday instead of Fridays. Is sorry to see Ms. Ana Tims leave the City she has been an asset.

Councilmember Lane also thanked Ms. Tims on her job and that she will be truly missed.



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Councilmember Bell concurred with Councilmember Lane, and said that he wants what is best for her. And that she will be missed.

Mayor Hocking would like to see her receive a standing ovation.

Ms. Tims received a standing ovation.

(13) EXECUTIVE SESSION

Mayor Hocking recessed the Regular Meeting and went into Executive Session at 7:18 p.m.

1. 551.071(Consultation with Attorney) – Discuss negotiations with the La Marque Police Association
2. 551.071 (Consultation with Attorney) – Discuss negotiations of Contract with Ellis Ortego, for legal services provided to the City as the City Attorney

(14) Discussion/possible action on items in the Executive Session:

Mayor Hocking reconvened the Regular Meeting at 7:52 p.m.

1. Discussion/possible action regarding negotiation of contract with the La Marque Police Association

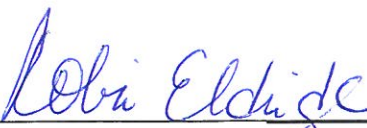
Motion was made by Councilmember Trube to approve contract with the La Marque Police Association as proposed, including a health reimbursement account for any officer not selecting dependent coverage, and 50% of the health insurance premium for any officer selecting child and/or family dependent coverage.” Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

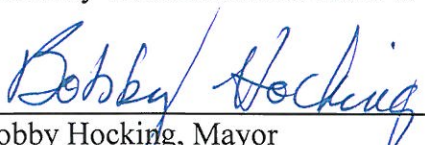
2. Discussion/possible action regarding Contract with Ellis Ortego, for legal services provided to the City as the City Attorney

Motion was made by Councilmember Trube to approve \$35,000.00 in back pay, dating back several years, as per City Attorney Ellis Ortegos’ contract. Councilmember Lane seconded the motion. Motion carried unanimously.

(15) ADJOURNMENT

Councilmember Trube made a motion and was seconded by Councilmember Lane to adjourn the meeting 7:55 p.m.


Robin Eldridge, TRMC


Bobby Hocking, Mayor



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City Clerk

**CITIZENS REQUEST TO
SPEAK BEFORE COUNCIL**

In order to be heard, this form must be completed and returned to the City Clerk five (5) minutes prior to the start of the meeting.

Date of Meeting:	9-22-54
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Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have **three (3) minutes** to express their positions. Please indicate below the agenda item number on which you wish to comment.

Council Agenda Item Number:	
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Citizens wishing to address Council regarding a topic **not** on the agenda are afforded the same amount of time during "Citizens Request for Hearing" section. Please indicate below the subject matter.

Subject on which person wishes to speak:

Please step to the podium as soon as you are recognized by the Mayor, stating your name and address before beginning your presentation. If you have written notes you wish to present to the Mayor and Council, please furnish an extra copy for the official files. Citizens who have questions concerning procedure or the registration form may request assistance from the City Clerk. Thank you for your cooperation.

Name:	Geraldine Sam
Address:	2412 Stonewall
Phone Number:	La Marque, TX 77528

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	