



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Minutes
September 9, 2013**

Minutes of the City Council Regular Meeting and Public Hearing of the City of La Marque, Texas that was conducted on Monday, September 9, 2013 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 Brown

Councilmember Trube

Councilmember Osteen

City Manager Buttler

City Clerk Eldridge

(3) Mayor Pro-tem Bell led the Invocation and led Pledge of Allegiance.

(4) MINUTES

a. Regular Meeting Minutes and Public Hearing held on August 12, 2013

** Councilmember Trube made a motion to approve the minutes of August 12, 2013.

** Councilmember Osteen seconded the motion. Motion carried unanimously.

(5) PRESENTATION

a. Mayor Hocking and Library Director Telishia presented a plaque to the Ladies of Philoptochos Society from Saint John Theologian Greek Orthodox Church in Webster, Texas for a donation for school supplies for the children of LMISD.

b. Mayor Hocking presented Certificates of Appreciation to the following businesses located within the City of La Marque: District D – Texas City Mayor Doyle along with Tamara and Yulanda Gilliam of Texas First Bank, Enrique and Rosa of Main Street Welding & Fab. Mayor Hocking will deliver the Certificate of Appreciation to Dean's Flowers.

Mayor Doyle thanked everyone who gives their time as public officials. He said that on behalf of Texas First Bank, that they support the City in every way.

(6) CITIZENS PARTICIPATION

There were none.



1111 Bayou
La Marque, Texas 77568
409.938.9202

(7) PUBLIC HEARING

a. Conduct Public Hearing to receive public input regarding the proposed budget FY 2013-2014 according to the City Charter, Section 6.06, 'Further consideration of budget' on proposed changes.

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:12 p.m.

Geraldine Sam stated that much of what is happening in the schools are inadequacies with the State. She asked how the City was coming along in the budget. She asked if the City would be writing off any old debts, so it can start over with brand new slate and be able to move forward and not backwards.

Mayor Hocking responded by saying write offs are used to write off debts that people owe you, and that the City of La Marque has a balanced budget. The City has 78 days of emergency funds, and that it only had 20 days last year. The ideal amount is 120 days. The City is extremely stable, not where we want it to be, not where it is going to be, but also not where it was.

Mayor Hocking closed the Public Hearing and opened the Regular Meeting at 6:18 p.m.

Mayor Hocking presented representatives of Star Kids with their Business Award at this time.

b. Conduct Public Hearing to receive public input regarding Ordinance No. O-2013-0010, an ordinance prohibiting basketball goals in the City rights-of-ways and playing basketball in City Streets.

**** Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:20 p.m.**

1) Nigel Gordon commented that the decision concerning the prohibition of basketball goals at the end of driveways and yards could possible effect hundreds of current and future citizens in the city. She asked what the effectiveness of the ordinance was. Asked what kind of activities would Council suggest for the children to do outside of their homes with such limited outdoor resources in La Marque. She asked that Council not pass this ordinance.

Discussion followed concerning children's safety and that children shouldn't be playing in the street. There are parks located within the city. It was suggested to put the basketball goals at the end of a street, where there is no traffic.

Geraldine Sam spoke against the ordinance, said that it was criminalizing the children. She said that she played in the streets and children have always played in the streets. The problem was the cars that speed down the streets. Drivers should slow down in the neighborhoods. She also mentioned that there were no parks in her area of town. Asked whether the children would be arrested or the parents would be given a ticket. Most parents can't pay all their bills and then make them pay a ticket. She continued by stating that there was no Community Center in town, and that children are ready to play outside after they have been in a classroom all day.



1111 Bayou
La Marque, Texas 77568
409.938.9202

Ms. Gordon mentioned that that football, baseball, and many other sports are played in the street besides basketball, and they aren't being addressed. Stated that she lives on the end of a street but the police officers are still called out about the basketball playing in the street. She asked how far the City was going to take this.

Mayor Hocking commented that there is a State Statute that carries stricter fines and a criminal record is involved. An ordinance would provide local control over this issue and would not impose such a large amount of a fine or as severe punishment. He agreed that there is football, baseball, street hockey along with basketball that is and has been played in the streets.

Councilmember Brown said that he hasn't heard anyone say that their children were being supervised while they were outside.

Councilmember Bell stated that all police officers use their own discretion. The fact that the harsher penalty holds more weight gives the officer more discretion and makes them think before taking action against the child or their parent. Children should be watched not only while in the street, but this should be expanded in other public places as well, and that if there is a concern with a child not being watched, rather than charge the child or the parent with a crime, Child Protective Services should be called. He believes that the ordinance is not needed, that a State Statute is already in place.

Ms. Sam continued and said that the juvenile systems are full, children need exercise, if not allowed to play basketball or any other activity in the street, what are we going to say, there are no children allowed in La Marque?

Ms. Gordon continued by saying that she called about putting basketball goals in the parking lot behind her house (Lions Club) but hasn't heard back from anyone. She stated that there are no "Children at Play" signs on her street, but that there was a "Do Not park on the Pavement" sign on her street.

Mayor Hocking said that he would support anyone leasing that church parking lot and any other parking lot to place basketball goals, anywhere other than in the street. The proposed ordinance has less restricting fines and doesn't charge the child with something that would stay on their record, as the State Statute carries a heavier charge and fine.

Councilmember Osteen asked Chief Aragon if the ordinance would be enforced if the ordinance passed and if not, would the State law be enforced.

According to the Chief Aragon, the District Attorney's Office supports the idea of a local ordinance enforcement, since it wasn't as strict as the State Statute and further stated that he has never received calls complaining about children playing soccer, baseball or any other sport in the street other than basketball, and that they will give warnings first before writing the a ticket, unless it is a haeiness crime.



1111 Bayou
La Marque, Texas 77568
409.938.9202

Councilmember Bell asked how many calls the Chief had received, to which Chief Aragon answered three or four people have called. Mr. Bell continued by saying that the proposed ordinance wasn't comprehensive enough to include all activities that children play in the street, if the motive and/or intent was to keep the children safe, it should include prohibiting any activity being played in the street.

Councilmember Trube said she has heard basketballs hitting the street as early as 6:30 a.m. and as late at 11:30 p.m. on school nights, and has also run over a basketball. The children playing in the street, have no respect of the cars, they are throwing their bikes down and not moving them out of the streets even when asked to do so.

Ms. Gordon suggested that Ms. Trube speak to the parents of those children that are in the streets. Then she asked for clarification of a 'highway' and a 'street' as it pertains to being an obstruction.

Chief read the portion of the state law that refers to both street and highway.

Ms. Sam asked each of the Councilmembers how many parks were in their districts and asked that something be built in La Marque so that children can go out and play and not have to play in the streets.

Mayor Hocking closed the Public Hearing at 6:53 p.m.

(8) OLD BUSINESS

a. Discussion/possible action regarding the proposed changes to the proposed budget FY 2013-2014 according to City Charter, Section 6.06.

Councilmember Osteen said that he is against any raises for supervisors, and that he opposes all raises and adjustments in salaries. Councilmember Trube agreed. Councilmember Bell stated that he doesn't consider those salary increases or raises, but rather adjustments in salaries based on new duties and skill sets.

Councilmember Bell stated that if this Council does not want to make any salary adjustments, he was flexible, but that every duty that goes in concert with those salary adjustments goes undone.

Mayor made a motion to approve the recommendations to the proposed Budget FY 2013-2014 excluding proposed salary adjustment items for non-collective bargaining employees. Councilmember Trube seconded the motion.

Councilmember Bell stated for the record, "I believe again with Ms. Buttler's recommendations and we are going to be here again because we are not going to be able to get these jobs done and we will be complaining to Miss Buttler that we are not running efficiently, and I want you to remember this day and this point."



1111 Bayou
La Marque, Texas 77568
409.938.9202

A question arose, as to if employees were already doing these duties then why wouldn't they continue to do them.

City Manager Ms. Buttler explained that employees are doing what they can in eight hours but additional duties were given to some employees and hoped that they would be rewarded for taking on those additional responsibilities. It was suggested that this item to come back before Council after taking a look at the budget after the first of the year or six months or so for this subject to be reconsidered.

Mr. Bell continued to say that under another administration, the City Manager gave a salary adjustment to an employee after he was given an additional job title and additional duties beyond the scope of his original job description and that he believes that this current City Manager is only trying to do the same. He said that the City needs to be saying the same to all employees including those employees that are unionized.

Mayor Hocking suggested entering the stipulation to continue to run lean and mean another year to build up revenue and the emergency fund to 90 to 100 days and then see about giving each employee some type of salary adjustment, hopefully in the following years' budget.

Motion carried 4 to 1, with Councilmember Bell voting in opposition.

b. Discussion/ possible action regarding Ordinance No. **O-2013-0011**, an ordinance adopting the FY 2013-2014 Annual Budget. **This is the first reading.**

** Councilmember Bell made a motion to approve Ordinance adopting the FY 2013-2014 Annual Budget. Councilmember Trube seconded the motion. Motion carried unanimously.

c. Discussion/possible action regarding Ordinance No. **O-2013-0012**, an ordinance levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2013-2014 Fiscal Tax Year; providing for appropriating each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

** Councilmember Osteen made a motion to approve Ordinance No. **O-2013-0012**, an ordinance levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2013-2014 Fiscal Tax Year; providing for appropriating 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.

d. Discussion/possible action regarding Ordinance No. **O-2013-0010**, an ordinance prohibiting basketball goals in the City rights-of-ways and playing basketball in City streets.

** Councilmember Trube made a motion to approve Ordinance **O-2013-0010**, an ordinance prohibiting basketball goals in the City rights-of-ways and plating basketball in the City streets.

** Councilmember Osteen seconded the motion. Motion carried by a vote of 4 to 1, with Councilmember Bell voting in opposition.



1111 Bayou
La Marque, Texas 77568
409.938.9202

e. Discussion/ possible action regarding Resolution No. **R-2013-0011**, for consideration to submit to the Texas Municipal League at the Annual Conference that would allow municipalities the option of an official newspaper or an official website for the publication of official notices required by law.

** Motion was made by Councilmember Brown to adopt Resolution No. **R-2013-011**, for consideration to submit to the Texas Municipal League at the Annual Conference that would allow municipalities the option of an official newspaper or an official website for the publication of official notices required by law.

** Motion was seconded by Councilmember Bell.

Councilmember Osteen is against the City of La Marque not posting in a newspaper, but will support other cities given the choice of where to publicize their notices.

Motion carried unanimously.

(9) AWARDING OF BIDS

a. Discussion/possible action awarding bid #LM 05-13 and #LM 04-13 for EMS supplies and EMS medications to Bound Tree, low bidder, in the amount of \$10,325.44.

** Councilmember Osteen made a motion to award bid #LM 05-13 and #LM 04-13 for EMS supplies and EMS medications to Bound Tree, low bidder in the amount of \$10, 325.44.

** Councilmember Trube seconded the motion. Motion carried unanimously.

b. Discussion/possible action awarding bid #LM 03-13 for Liquid Chlorine, Calcium Hypochlorite and Sulfur Dioxide to DXI Industries, Inc. lowest qualified bidder in the amount of \$37,493.00.

** Councilmember Trube made a motion to award bid #LM 03-13 for Liquid Chlorine, Calcium Hypochlorite and Sulfur Dioxide to DXI Industries, Inc. lowest qualified bidder in the amount of \$37, 493.00.

** Councilmember Brown seconded the motion. Motion carried unanimously.

c. Discussion/possible action awarding bid #LM 06-13 for Fuel to Bay Oil Company, lowest qualified bidder not to exceed the City's total budget of \$214, 900.00.

** Councilmember Trube made a motion to award bid #LM 06-13 for Fuel to Bay Oil Company, lowest qualified bidder not to exceed the City's total budget of \$214, 900.00.

** Councilmember Bell seconded the motion. Motion carried with a 4 to 1 vote, with Councilmember Osteen abstaining.

d. Discussion/possible action awarding bid #LM 07-13 for Hot Mix Asphalt/Cold Mix Cold Lay (CMCL) to Century Asphalt, Ltd., only qualified bidder not to exceed City budgeted funds in the amount of \$27, 250.00.

** Councilmember Bell made a motion to award bid #LM 07-13 for Hot Mix Asphalt/Cold Mix Cold Lay (CMCL) to Century Asphalt, LTD, only qualified bidder not to exceed City budgeted funds in the amount of \$27, 250.00.

** Councilmember Brown seconded the motion. Motion carried unanimously.



1111 Bayou
La Marque, Texas 77568
409.938.9202

e. Discussion/possible action awarding bid #LM 08-13 for Limestone to Vulcan Construction Materials LP, lowest qualified bidder not to exceed City budgeted funds in the amount of \$22,750.00.

** Councilmember Bell made a motion to award bid #LM 08-13 for Limestone to Vulcan Construction Materials LP, lowest qualified bidder not to exceed City budgeted funds in the amount of \$22,750.00.

** Mayor Hocking seconded the motion. Motion carried unanimously.

f. Discussion/possible action awarding bid #LM 10-13 for Sludge Disposal to Terra Renewal, lowest qualified bidder meeting all specifications in the amount of \$91,125.00

** Councilmember Osteen, made a motion to award bid #LM 10-13 for Sludge Disposal to Terra Renewal, lowest qualified bidder meeting all specifications in the amount of \$91,125.00.

** Councilmember Trube seconded the motion. Motion carried unanimously.

g. Discussion/possible action awarding bid #LM 11-13 for Water and Sewer Supplies to ACT Pipe and Supply as the bidder meeting all specifications not to exceed the City's total Budget of \$85,260.00.

** Councilmember Brown made a motion to award bid #LM 11-13 for Water and Sewer Supplies to ACT Pipe and Supply as the bidder meeting all specifications not to exceed the City's total Budget of \$85,260.00.

** Councilmember Trube seconded the motion. Motion carried unanimously.

h. Discussion/possible action awarding bid #LM 14-13 for Odor and Corrosion Control to Siemen's Industry, Inc., only qualified bidder not to exceed the City's total budget of \$107,000.00

** Mayor Hocking made a motion to award bid #LM 14-13 for Odor and Corrosion Control to Siemen's Industry, Inc., only qualified bidder not to exceed the City's total budget of \$107,000.00

Councilmember Bell seconded the motion. Motion carried unanimously.

(10) NEW BUSINESS

a. Discussion/possible action regarding Ordinance No. **O-2013-0013**, an ordinance amending Chapter 62, Article II, Section 62-21 of the Code of Ordinances relating to stop intersections, providing for the installation of additional stop signs at the intersection of Fannin Street and Houston Drive West, making it a four-way stop.

** Councilmember Bell made a motion to approve Ordinance No. **O-2013-0013**, an ordinance amending Chapter 62, Article II, Section 62-21 of the Code of Ordinances relating to stop intersections, providing for the installation of additional stop signs at the intersection of Fannin Street and Houston Drive West, making it a four-way stop.

** Councilmember Trube seconded the motion. Motion carried unanimously.

b. Discussion/possible action regarding the approval of a Write-off Policy on utility billing revenues and liens revenue per fiscal year 2012, as per audit recommendation.



1111 Bayou
La Marque, Texas 77568
409.938.9202

** Councilmember Trube made a motion to approve a Write-off Policy on utility revenues and liens revenue per fiscal year 2012, as per audit recommendation.

** Councilmember Brown seconded the motion.

Discussion followed with Finance Director Suzy Kou asking that Council either table this item or approve with an amendment, she stated that according to the auditor on the 'lien' portion of the audit, that those in excess of ninety-days (90) should be written off. Questions were asked about the uncollectible utility bills (water), which have never been written off. The balance will not go away, and the City will not turn down any money that is owed, regardless of whether it goes toward one that has been written-off. It will just be written off of the books, but the money would still be owed.

** Councilmember Trube made a motion to amend this item to include the ninety-day (90) policy change in language as delineated by the Finance Director.

** Councilmember Brown seconded the motion.

Councilmember Bell questioned how the unpaid utility bills are presently being paid.

Lora Worthy advised that most of them are collected upon and paid, but some remain on the books, and to her knowledge none have never been written off.

c. Discussion/possible action regarding the approval of a Grant Administration Policy per fiscal year 2012, as per audit recommendation.

Mayor Hocking asked for an explanation. Finance Director explained that after the last audit it was recommended to put some procedures in place in relation to grant administration, in terms of grant money coming in and/or local matching. To also have better record of keeping track and leaving audit trails. We are asking to get a set of procedures in place.

**Councilmember Trube made a motion to approve a Grant Administration Policy per fiscal year 2013, as per audit recommendation, as amended.

** Councilmember Bell seconded the motion.

Discussion followed concerning the wording to reflect that all grants are to be first reviewed by the City Manager, which didn't appear to be included in this proposed Grant Administration Policy.

Councilmember Bell made a motion to amend number 2, to strike the word 'agreements' and replace with the word 'submissions'.

Councilmember Bell made a motion to amend 10c, 'The Grant Review Process, letter b, sentence number 2, that says all grant agreements, I would like to strike the word 'agreements' and replace with the word 'submissions'. The amendment to the policy in 10c would include language in any and all relative sentences and paragraphs that would give the City Manager the opportunity to look at any grant before it goes forward for procurement.

**Councilmember Trube seconded the motion. Motion carries unanimously.

(11) EXECUTIVE SESSION



1111 Bayou
La Marque, Texas 77568
409.938.9202

- a. Council may adjourn into Executive Session in accordance with the Texas Government Code Section 551.071, – Consultation with Attorney regarding legal issues concerning collective bargaining contracts for the Police and Fire Departments

Mayor recessed the Regular Meeting and Public Hearing to go onto Executive Session at 7:46 p.m.

Mayor reconvened the Regular Meeting and Public Hearing at 8:07 p.m.

- b. Consideration/possible action on items discussed in Executive Session
There was no action taken in the Executive Session.

(12) CITY MANAGER REPORT

- Administration
- Judicial
- Police
- Fire
- Library
- Public Works

Councilmember Trube said that all of the all reports were not included for the Fire Department. She requested response times for the Fire Department portion. She said that an email reflected it took 16 minutes for the Fire Department to get to the recent apartment fire. Interim Fire Chief Grimm said that he would check into that, because the Fire Department has on an average a five minute response time.

Councilmember Osteen referred to the Judicial report, there was \$33,000.00 typo in calculations, which will be corrected, and a corrected report will be forwarded on.

(13) REQUESTS AND ANNOUNCEMENTS

Councilmember Trube thanked everyone for attending.

Councilmember Osteen also thanked everyone for attending.

Mayor Hocking thanked all citizens and businesses and Mayor Doyle from Texas City for attending and for wearing a Cougar jersey for the past several years.

(14) ADJOURNMENT

** Councilmember Trube moved to adjourn at 8:12 p.m.

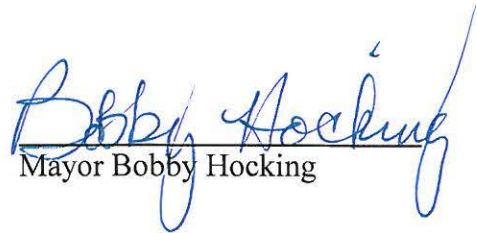
** Seconded by Councilmember Osteen. Motion approved unanimously.



1111 Bayou
La Marque, Texas 77568
409.938.9202

ATTEST:


Robin Eldridge, TRMC
City Clerk


Mayor Bobby Hocking