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City of La Marque
Minutes
September 23, 2013

Minutes of the City Council Regular Meeting and Public Hearing of the City of La Marque, Texas that was conducted on Monday, September 23, 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 Hocking led the Invocation and led Pledge of Allegiance.

(4) MINUTES
a. Special Meeting and Budget Workshop held on August 7, 2013
b. Special Meeting and Budget Workshop held on August 19, 2013
c. Special Meeting and Budget Workshop held on August 26, 2013

** Councilmember Trube made a motion to approve the minutes of Special Meeting and Budget Workshop held on August 7, 2013, August 19, 2013 and August 26, 2013.
** Councilmember Osteen seconded the motion. Motion carried unanimously.

(5) PRESENTATION
a. Mayor Hocking presented the La Marque Lions Club with a plaque for their generous help in cleaning up the grounds, repairing and/or painting the playground equipment at Bayou and Jaycee Parks.
b. Mayor Hocking presented the following businesses with the Business Appreciation (Keep Your Light Shining Award)
   1) Texas First Bank
   1) A & A Machine Fabricators – Mr. Heineman
   1) Crescent Electric – Grady Mack
   2) Paragon Fabricators – will be delivered their award
   3) Mickeys Marine
   4) Coastal Direct – will be delivered their award

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5) Quality Automotive

(6) CITIZENS PARTICIPITATION
There were none.

(7) PUBLIC HEARING
a. Conduct Public Hearing to receive public input regarding Ordinance No. **O-2013-0013**, an ordinance amending the Code of Ordinances, Chapter 62, Traffic and Motor Vehicles, Article II, Operation of Vehicles Generally, Sec. 62-21, Stop Intersections, providing for the installation of additional stop signs at Fannin Street and Houston Drive West, making it a four-way stop intersection.

Mayor Hocking closed the Regular Meeting and opened the Public Hearing at 6:10 p.m.

No one spoke.

Mayor Hocking closed the Public Hearing and reconvened the Regular Meeting at 6:11 p.m.

(8) OLD BUSINESS
a. Discussion/possible action regarding Ordinance No. **O-2013-0011**, an ordinance adopting the FY 2013-2014 Annual Budget. **This is the second and final reading.**
** Councilmember Trube made a motion to approve Ordinance No. **O-2013-0011**, an ordinance adopting the FY 2013-2014 Annual Budget.
** Councilmember Bell seconded the motion. Motion carried unanimously.

b. 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. **This is the second and final reading.**
** Councilmember Trube 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 Osteen seconded the motion. Motion carried unanimously.

(c) Discussion/possible action regarding Ordinance No. **O-2013-0013**, an ordinance amending the Code of Ordinances, Chapter 62, Traffic and Motor Vehicles, Article II, Operation of Vehicles Generally, Sec. 62-21, Stop Intersections, providing for the installation of additional stop signs at Fannin Street an Houston Drive West, making it a four-way stop intersection. **This is the second and final reading**.

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** Councilmember Trube made a motion to approve Ordinance No. **O-2013-0013**, an ordinance amending the Code of Ordinances, Chapter 62, Traffic and Motor Vehicles, Article II, Operation of Vehicles Generally, Sec. 62-21, Stop Intersections, providing for the installation of additional stop signs at Fannin Street an Houston Drive West, making it a four-way stop intersection.

** Councilmember Osteen seconded the motion.
Councilmember Osteen asked that the intersection of Magnolia be looked into for possible additional stop signs, to help slow down the traffic. Motion carried unanimously.

(9) NEW BUSINESS

a. Discussion/possible action regarding a proposed final plat including utility layouts and revised general plan for Painted Meadows Section 3.
** Councilmember Trube made a motion to approve the proposed final plat including utility layouts and revised general plan for Painted Meadows Section 3.
** Councilmember Osteen seconded the motion. The motion carried unanimously.

b. Discussion/possible action regarding Resolution No. **R-2013-0012** to officially document the change and future usage of library funds collected for fee-based services, authorization of certain persons to spend funds authorizing the City of La Marque to take legal ownership of all equipment and/or other items donated to the library from the Friends of the La Marque Public Library.
** Councilmember Trube made a motion.
** Councilmember Brown seconded the motion
Discussion followed concerning conflicts in the wording of the resolution versus the City Charter. Separating accounts for fee-based was discussed; donations in general and whether or not donators can decide how those donations can be spent was discussed.
** Councilmember Trube withdrew her first motion.
** Councilmember Brown withdrew his motion.
** Councilmember Osteen made a motion to table this item until the resolution can be reworded.
** Councilmember Trube seconded the motion. Motion carried unanimously.

c. Discussion/possible action regarding Resolution No. **R-2013-0013**, designating members of the City Council as Representative and Official Alternate to the General Assembly of the Houston-Galveston Area Council for Year 2014.
** Councilmember Osteen made a motion to designate Mayor Bobby Hocking as the Representative and Mayor Pro-Tem Bell as Official Alternate to the General Assembly of the Houston-Galveston Area Council for Year 2014.
** Councilmember Trube seconded the motion. Motion carried unanimously.

d. Discussion/possible action regarding Resolution No. **R-2013-0014** nominating member (s) to appear on the ballot of the Board of Directors of the Galveston Central Appraisal District for two year terms, beginning January 1, 2014 through December 31, 2015.
** Councilmember Bell made a motion to nominate Gary Jones to appear on the ballot of the Board of Directors of the Galveston
** Councilmember Trube

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e. Discussion/possible action regarding a proposed Ordinance, Ordinance No. **O-2013-0014** of the City Council of the City of La Marque, Texas amending the Code of Ordinances, Appendix "A", increasing fees associated with abandoning or taking other actions concerning streets, alleys, and public ways. **This is the first reading**.
** Councilmember Trube made a motion to approve Ordinance O-2013-0014, amending the Code of Ordinances, Appendix "A", increasing fees associated with abandoning or taking other actions concerning streets, alleys, and public ways.
** Councilmember Bell seconded the motion.
Building Official Ms. Tims answered a few questions on the process of abandoning a certain streets, alleys and public ways.
Motion carried unanimously.

f. Discussion/possible action regarding required elements to be included in the Interlocal Animal Services Agreement with Galveston County.
Councilmember Osteen made a motion to approve the stipulations with the Interlocal Animal Services Agreement and consider the Agreement
Councilmember Brown seconded the motion. Motion carried unanimously.

g. Discussion/possible action to approve Cobb Fendley & Associates, Inc. to perform the engineering design services for Force-main Replacement at Hwy 3 @ Cedar Drive in the amount of $28,500.00.
** Councilmember Brown made a motion to approve Cobb Fendley & Associates, Inc. to perform the engineering design services for the Force-main replacement at Hwy. 3 @ Cedar Drive in the amount of $28,500.00.
** Councilmember Bell seconded the motion.
City Manager Carol Buttler said that earlier it was discussed whether this item coincided with the City Charter as far as being an emergency. It was determined that we could approve this company to perform the engineering services and then at the next Council meeting ratify the expenditures. Questions arose pertaining to whether references were obtained and is a retainer fee was needed and also whether or not a former interim employee's husband worked for Cobb Fendley & Associates, Inc. to which it was determined that the husband did not work for this company. Motion carried unanimously.

h. Discussion/possible action authorizing the Mayor to sign a Contract with Science Applications International Corporation (SAIC), to monitor and manage debris removal data, in the aftermath of a natural or manmade disaster to stay in compliance with FEMA guidelines.
** Motion was made by Councilmember Bell to authorize the Mayor to sign a Contract with SAIC to monitor and manage debris removal data, in the aftermath of a natural disaster to stay in compliance with FEMA guidelines
** Motion was seconded by Councilmember Brown.
Discussion followed as per who would be the "lead man" or the "go-to" on the contract and a few minor changes to be made to the addresses on the Contract.
Motion carried unanimously.

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i. Discussion/possible action regarding Resolution No. **R-2013-0015,** amending the 2013 City of La Marque investment policy for investment of municipal funds; providing for an effective date; and setting forth other related matters.
** Councilmember Osteen made a motion to adopt Resolution R-2013-0015, amending the 2013 City of La Marque investment policy for investment of municipal funds; providing for an effective date; and setting forth other related matters.
** Councilmember Trube seconded the motion. Motion carried unanimously

j. Discussion/possible action regarding Resolution No. **R-2013-0016,** amending City Purchasing Policy to be in compliance with current laws.

This item was pulled from the agenda at this time.

k. Discussion/possible action regarding Resolution No. **R-2013-0017,** authorizing certain officers of the City to sign and endorse checks and drafts of the City of La Marque bank accounts.
** Councilmember Trube made a motion regarding Resolution No. 2013-0017, authorizing s certain officers of the City to sign and endorse check and drafts of the City of La Marque bank accounts.
** Councilmember Brown seconded the motion.

A lengthy discussion followed concerning whether the Mayor being a signatory was in conflict with the City Charter; whether or not this act was considered an "administrative" duty. It was said that this same question came up last year and that the City Attorney gave an opinion that this wasn't considered an administrative duty in the sense that; at which he gave the same opinion at this time. The City Attorney said that he considered it a ministerial duty, not an administrative duty. The Mayor being the Emergency Management Official allows him to be a signer in an emergency situation.

Councilmember Bell suggested that it be stipulated within the resolution, that in the time of a natural disaster as designated by the President or the Governor of the State, the Mayor can be authorized signatory to sign checks.

Mayor Hocking asked that if the signature of the Mayor on every ordinance, resolution and every set of minutes and on any other documents be an administrative duty as well? The Mayor has been a designated signatory since his tenure as Mayor, and at this time, is in his second term. As far as day to day running of the City, he has only had to sign off on two checks in his tenure, and both were on an emergency basis.

It was further discussed after a vote was taken to slow down on the issue, and to make sure that no one on Council thought that this would be a violation of the City Charter. The concern of the possibility of weakening the Mayor in his emergency capacity was discussed.

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It was suggested that the member of City Council that is a member of the Fiscal Affairs Committee be designated as a signatory, which was declined.

The City Attorney offered to get a written opinion as to whether the Mayor signing a check is considered and administrative duty.

The question was asked of the Finance Director if in her job capacity, had a Mayor been designated as one of the signatory's' of the City or any other City, to which her reply was that a former Mayor of the City of La Marque was a signatory for the City.

** Councilmember Trube withdrew her motion.
** Councilmember Brown withdrew his motion.
** Councilmember Bell made a motion to table this item.
** Councilmember Trube seconded the motion.
Motion carried unanimously.

l. Discussion/possible action regarding Ordinance No. **O-2013-0015**, 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 the first reading.**
** Councilmember Trube made a motion to approve Ordinance No. **O-2013-0015,** 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.
** Councilmember Osteen seconded the motion.
Motion carried unanimously.

m. Discussion/possible action regarding Ordinance No. **O-2013-0016** to amend FY Budget 2012-2013 by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to individual budget accounts in certain funds. **This is the first reading**
** Councilmember Bell made a motion
** Councilmember Brown seconded the motion.

Finance Director Suzy Kou explained that this is the general practice in most cities and was a recommendation of the auditors to capture any of the unanticipated expenditures, such as payouts or a disaster that couldn't be capture during the budget process.
Motion carried unanimously.

(10) EXECUTIVE SESSION

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

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Mayor recessed the Regular Meeting and Public Hearing to go onto Executive Session at 7:23 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.

(11) CITY MANAGER REPORT – No Council Action Necessary

- Development Services
- Judicial
- Police
- Emergency Management
- Fire Department
- Public Works

Councilmembers Osteen and Trube questioned the absence of the check registers, and was told that they would receive an email during the next week and would also be included on the following agenda. Finance had been focusing on closing out last year's budget books.

Questions arose on the EMS uncollectable billings accounts (write-offs) and was informed that that item had been out to retrieve proposals and will be in a future City Council workshop soon

Councilmember Osteen asked how the SAIC were to be paid and was explained that they would control what fees were incurred and they would turning in an invoice to us to get paid for their services rendered.

(12) REQUESTS AND ANNOUNCEMENTS

Councilmember Trube thanked everyone for attending, and congratulated all the businesses on their awards.
Councilmember Brown reported that he had received a lot of good feedback from the Business Awards recipients.
Councilmember Osteen thanked everyone for attending, and reminded everyone that although the Mayor and all members of City Council didn't always agree on all items, it still not interfere with them taking care of the business in La Marque.

Mayor Hocking reminded the public to take advantage of the Service Line Warranties within the City

(13) ADJOURNMENT

** Councilmember Trube made a motion to adjourn at 8:16 p.m..
** Councilmember Osteen seconded the motion. Motion carried unanimously

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Mayor Bobby Hocking

ATTEST:

Robin Eldridge, TRMC
City Clerk