



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Minutes
June 10, 2013**

Minutes of the City Council Regular Meeting of the City of La Marque, Texas that was conducted on Monday, June 10, 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 Administrator Buttler

City Clerk Eldridge

(3) MAYOR HOCKING LED THE INVOCATION AND THE PLEDGE OF ALLEGIANCE.

(4) MINUTES

a. Special Meeting Minutes, May 13, 2013

**Councilmember Trube moved to approve the Minutes of the Special Meeting held on May 13, 2013. Councilmember Osteen seconded the motion. Motion passed unanimously.

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(a) James Jones named himself and a few other names of former employees who have expressed to him that they feel like they were unfairly terminated from the City of La Marque. Expressed that they can't claim racism since their supervisor is of the same race. Said that anyone who steals should receive the same punishment, regardless of what color skin they have. A former employee and his wife lost their lives this past weekend. The former employee called Mr. Jones and wanted him to accompany him in returning to work to express his to someone about being wrongfully terminated. Mr. Jones said that the livelihood of this former employee was taken away when he was terminated. He said that the individual was very frustrated and stressed about it. He said that what the City is doing in the Public Works Department and the Street Department is wrong and needs to be looked at. Everybody who steals should receive the same punishment. He feels he and a few other employees have been treated unfair.



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- (b) Geraldine Sam expressed her condolences for the Hurst family. Ms. Sam asked what the City could do to improve the moral of the current City employees. She said she has received several telephone calls from employees and former employees and what is going on within the City, and she is hurt and disappointed about what she is hearing. She said that the City is losing good employees from the Police Department, Fire Department and Municipal and it isn't being equally done. Ms. Sam read an article concerning the Mayor making several local appearances and said that she also made several appearances while she was Mayor, that it is part of her job and his now, and she didn't get paid for it and neither does he. Appearances have to be made if economic development, commuter rail and other wonderful things are to come into the City. Reported that she had heard about the theft and misappropriation of funds and the mistreatment of employees and wasn't happy about that. She wants to make sure that the City is doing what it can to keep the good employees and to not risk losing them to other cities.

(6) PRESENTATION

- a. Swearing in of City Clerk Robin Eldridge.

**Municipal Court Judge Stephen W. Baker administered the Oath of Office to newly appointed City Clerk Robin Eldridge.

(7) PUBLIC HEARING

- a. To receive public input regarding proposed Ordinance No. **O-2013-005**, An Ordinance of the City Council of the City of La Marque, Texas, amending Chapter 71, Zoning, Section 71-9, Agricultural District, Code of Ordinances, City of La Marque, Texas.

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

Geraldine Sam asked for clarification of an Agricultural District, to which she was informed that two or more acres constitutes an Agricultural District.

Mayor Hocking closed the Public Hearing and reconvened the Regular Meeting at 6:13 pm.

(8) OLD BUSINESS

- a. **Councilmember Osteen made a motion to approve the second and final reading of Ordinance No. **O-2013-005**, An Ordinance of the City Council of the City of La Marque, Texas, amending Chapter 71, Zoning, Section 71-9, Agricultural District, Code of Ordinances, City of La Marque, Texas. Seconded by Councilmember Trube. Motion approved unanimously.

(9) NEW BUSINESS

- a. Robert Belt on behalf of Fraud Guard LLC, explained this program as being a product of all the experience gathered through an auditing process and capturing that information. The Fraud Button is a fraud prevention program composed of three different elements. The first element is to create an awareness campaign to inform the employees, and all of the public in general of the City's fraud policy. The second part is to have a fraud detection hotline. It is the number one thing a City can do to detect fraud. One misconception of having an audit done is that an audit only has a 3% detection rate on detecting fraud. The purpose of an audit is to determine the accuracy of a financial statement. The third



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component is to have a professional evaluation done of the complaints received. This will give the City of La Marque a reason to be proactive rather than reactive. Discussion followed on how and who the phone calls from the hotline will be routed, and the City's personnel commitment. Quarterly reports that capture all calls or tips that come through the fraud hotline showing their "real-time" will be generated. The development of a fraud policy was discussed, including the detection of the city's equipment use for personal shopping or for personal business.

****Motion was made by Councilmember Osteen to authorize the City Manager to enter into a one year agreement with Fraud Guard. Motion was seconded by Councilmember Trube. Motion carried unanimously.**

b. ****Councilmember Trube made a motion to approve Ordinance No, O-2013-006, An Ordinance of the City Council of the City of La Marque, Texas providing for the vacating, abandonment, and closing of a portion of a 60 foot street right-of-way, lying North of F. M. 519, out of the Grebb Addition Subdivision. Councilmember Osteen brought attention to a portion of the ordinance pertaining to a person opposing the abandonment whether it is partial or full. Comment was made to stay out of the two property owner's business. Discussion followed concerning the property rights of the citizens, access to the property lying north of F.M. 519 in question, land-locking, possible legal and political ramifications, and reactions from citizens. The possibility of getting the two citizens together to come to an agreement was discussed. The City Attorney participated in the discussion and gave an opinion as to the interpretation of the ordinance. Also discussed was the time limit if the Council votes in opposition, as to when it can be brought before Council again.**

The fact that the right-of way is an undeveloped open ditch was determined. Councilmember Osteen wanted it to go on record that there are four different ways to access that property; also, duly noted that Councilmember Osteen thought it to be in violation of our current 'abandonment' ordinance to approve on the first reading Ordinance 2013-006. The payment of a fee to abandon property was also discussed, but only in the instance that the second reading passed.

Seconded by Councilmember Brown. Motion passed 3 to 2. Councilmember's Osteen and Bell voting in opposition.

c. ****Councilmember Trube made a motion to approve the City Manager as the authorized representative to enter into an Agreement with the Texas Commission on Environmental Quality (TCEQ), a 10 Year Sanitary Sewer Overflows (SSO) Program. It was said that the cost of this program could possibly double in amount over the next ten years, depending on the condition of the sanitary sewer lines and what has to be done to repair them. Councilmember Osteen wanted it duly noted that after asking whether it was illegal to incur a future Council to a debt on a future Council, it was said to be technically illegal. Seconded by Councilmember Brown. Motion carried 4 to 1, with Councilmember Osteen voting in opposition.**

d. ****Councilmember Bell made a motion to enter into an agreement with the Galveston County Firefighters Association on behalf of the La Marque Fire Department for training and equipment. Seconded by Councilmember Trube. Motion carried unanimously.**

e. Discussion/possible action regarding the wording/artwork for "Keep the Light Shining" poster for local citizens/businesses. Mayor Hocking advised that the poster reads "Keep your Light Shining".



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Councilmember Bell. Councilmember Osteen suggested one poster be for the businesses and one poster for the citizens.

Motion was made amending the original motion and to use the original poster for the citizens and use the second version for the businesses.

The amended motion was amended to also include the wording, "Keep Your light Shining" on the business poster and the wording changed to read Mayor Pro-Tem Keith Bell, District A. Motion passed unanimously.

f. Discussion/possible action regarding the names included on the "Keep the Light Shining" poster for local citizens/businesses. This item was determined to be discussed in the previous item.

(10) CITY MANAGER REPORT – No Council Action Necessary

- Development Services
- Judicial
- Public Safety
- City Clerk
- Library
- Public Works
- EDC
- Financials

(11) REQUESTS AND ANNOUNCEMENTS

a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415 (b), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and
- (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.

(12) ADJOURNMENT

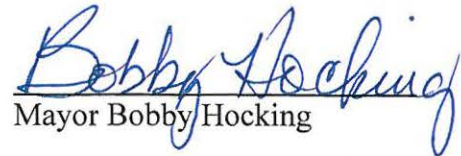
****Councilmember Trube moved to adjourn at 8:15 pm.**

Seconded by Councilmember Osteen. Motion approved unanimously.



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The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)


Mayor Bobby Hocking

ATTEST:


Robin Eldridge, TRMC
City Clerk