

Monday, August 27, 2012

**MINUTES
PUBLIC HEARING/REGULAR MEETING
AUGUST 27, 2012**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6:00 p.m.

(2) ROLL CALL

PRESENT:

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

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the Invocation and followed with the Pledge of Allegiance to the Flag.

(4) MINUTES

- a. Public Hearing/Regular City Council Meeting, August 13, 2012
- b. Workshop Meeting, August 23, 2012

Councilmember Osteen made a motion to approve the minutes as written. Councilmember Trube seconded the motion and asked that minutes reflect Council discussion.

(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.

Marilyn Jewell, 2407 Duroux- addressed City Council regarding the Library. Ms. Jewell stated that her husband left a portion of his estate to the Library. The books gave them so much pleasure during a difficult time.

(6) PUBLIC HEARING

- a. Public Hearing –Proposed Budget FY 2012-2013

Mayor Hocking closed the Open meeting at 6:06 p.m.

The Public Hearing on the Proposed Budget FY 2012-2013 opened at 6:06 p.m.

No one spoke at the public hearing.

Public Hearing closed at 6:06 p.m.

(7) PRESENTATION

a. Shaun Hodge, P.L.L.C., Law Offices of A. Craig Eiland, P.C., and Tylka Law Center, P.C. Attorney legal services in seeking damages, compensation and other relief arising from windstorm damage caused by Hurricane Ike

Mr. Hodge thanked City Council for the opportunity to come before them. Mr. Hodge stated that he had met with City Manager and staff regarding additional damages the city may be owed. The deadline is approaching soon. Councilmember Osteen voiced concerns as to why would the City be interested in collecting funds from something that happened 4 years ago. How is it possible to identify damages that occurred during the hurricane. Mr. Hodge informed Council that there is a way to identify damages that occurred during the hurricane.

Monday, August 27, 2012

Councilmember Trube questioned the fee for these services. Mr. Hodge continued by stating that his firm would like to present a proposal which is strictly monitored by the State Comptroller's office. There is a specific contract which restricts the fee to 35% or billable hours whichever is less. Mr. Hodge stated that Council may wish to discuss this item in a Executive Session.

Councilmember Osteen stated that he had not heard of any issues in collecting damages for the city.

Councilmember Trube - stated that Council should have been informed and voiced concerns regarding communications . City Manager Buttler informed Council that staff has received requests from a couple of firms seeking agreements with the city. Mr. Hodge and his team met with staff and performed a cursory inspection and indicated that the City may be entitled to additional monies. Mr. Hodge offered to make a presentation to Council this evening on the subject. If Council is in consensus, Mr. Hodge will attend the next meeting to discuss the agreement with Council.

Mayor Pro-Tem Bell stated that if the City is owed monies that we should pursue.

Councilmember Brown - stated that Council should allow Mr. Hodge present his firm's proposal at the next meeting.

(8) NEW BUSINESS

a. Discussion/possible action – authorizing an amendment to the agreement with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program

Mayor Pro-Tem Bell made a motion to authorize an amendment to the agreement with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program. Councilmember Trube seconded the motion. City Manager Buttler asked Court Administrator Snyder to present this amendment to the Council.

Ms. Snider informed Council that the City currently has a contract with DPS which requires the city to report compliance within 5 business days. The 82nd Legislative Session amended Section 706.005 of the Transportation Code which now requires courts to notify DPS immediately when no cause exists to continue to deny renewal of a person's driver license. This is the only change to the contract.

There was general discussion regarding the definition of the word "immediately" and potential consequences if the court failed to report "immediately". The City Attorney will provide a clarification on the word "immediately".

Ms. Snider assured Council that the court has reported to DPS immediately and have not had any problems. The vote to approve authorizing an amendment to the agreement with the Texas Department of Public Safety (DPS) for the Failure to Appear (FTA) program passed unanimously.

b. Discussion/possible action – authorizing the City Manager to negotiate an agreement between the City of La Marque and Republic Services, Inc. for refuse services

Councilmember Osteen made a motion to authorize the City Manager to negotiate an agreement between the City of La Marque and Republic Services, Inc. for refuse services. Councilmember Trube seconded the motion. Councilmember Trube stated that in the past, a city councilmember has served on the committee.

Councilmember Trube questioned why it is different this time. City Manager Buttler indicated that in her experience, the City Manager has worked with the contractors and briefed Council as needed during negotiations.

The final document is presented to Council for consideration. The city currently has an option to renew the contract and have asked Republic Services Inc. to present a clean contract. The contract has been amended so many times, that it does not reflect what services we are currently receiving.

Councilmember Trube stated that she has problems with this and objects when someone makes changes without consulting Council. This is La Marque. Councilmember Trube stated that she had informed City Manager Buttler that she had an individual that would like to present what they can do for the city.

Mayor Pro-Tem Bell thanked Councilmember Trube for expressing her concerns regarding the lack of communication.

Councilmember Osteen voiced concerns about having another company come out and address Council when Republic Services, Inc has already proposed a renewal. The proposed agreement is in the packet and open record. Councilmember Osteen made a motion to amend his motion to add Councilmember Trube to the committee. Mayor Hocking seconded the motion.

The vote was unanimous to approve the amendment to appoint Councilmember Trube to the committee.

Monday, August 27, 2012

The vote was unanimous to approve the original motion authorizing the City Manager to negotiate an agreement between the City of La Marque and Republic Services, Inc.

(9) CITY MANAGER REPORT – No Council Action Necessary

Councilmember Osteen - stated that there is a correction to Development Service, page 58 which appears to be a miscalculation. The total number should be 1128 not 1049.

Councilmember Osteen - asked Judicial, page 61 and 62 are duplicated. Ms. Snyder stated that the correct pages were provided to Council earlier this evening.

Mayor Hocking asked for an update on the progress of the traffic officer.

Councilmember Trube asked about gas leak/spill reported on page 73 and asked that additional information be provided to Council. Chief Weidman informed Council that the situations were minor. Any major incidents/updates will be reported to City Manager Buttler. City Manager Buttler will then distribute to Council.

Councilmember Osteen inquired as to the status of the financial reports/check register. City Manager Buttler informed Council that due to the transition in the Finance Department and inaccuracies that were discovered in the reports, we are starting from scratch. The reports/registers will be ready for the next meeting. There was discussion regarding the Finance Director position. City Manager Buttler informed Council that Mr. Wessells would not be returning due to health issues. Ms. Kou has agreed to assist in the interim. Mayor Pro-Tem Bell thanked Mr. Wessells for his assistance.

(10) 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

Mayor Pro-Tem Bell thanked everyone for coming to the meeting. Mayor Pro-Tem Bell also expressed his appreciation to City Manager Buttler and staff for their efforts in the preparation of the budget.

Councilmember Osteen - asked City Manager Buttler to have the Economic Development Director to report on the Bayou Fest Budget. Councilmember Osteen also asked for an update on the EMS billing. Councilmember Osteen asked that the City Manager's review be placed on the next agenda.

Councilmember Trube - discussed her concerns that there are some individuals that will not let the past go.

Councilmember Brown - echoed Councilmember Trube's comments.

Mayor Hocking - recognized Scout Logan Marshall, Troop 244 who is working in this 1st Class rank. Mayor Hocking indicated that he had been on a conference call with staff regarding Isaac. It appears that Isaac is headed towards New Orleans and keep everyone in our prayers. It is possible that we will get rain and please monitor the website and Channel 16 for updates.

(11) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 7:31 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk