

**REGULAR CITY COUNCIL
MINUTES
SEPTEMBER 10, 2012**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6 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 Pro-Tem Bell led the Invocation and Mayor Hocking followed with the Pledge of Allegiance to the Flag.

(4) MINUTES

a. Public Hearing/Regular City Council Meeting, August 27, 2012

Mayor Pro-Tem Bell made a motion to approve the minutes as written. Councilmember Trube seconded. The minutes were approved as written.

(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.

No one signed up to address City Council at this time.

(6) PRESENTATION

a. Proclamation –National POW/MIA Recognition Day

Mayor Hocking presented a proclamation to Veterans of Foreign Wars District 16 in observance of POW/MIA which will be held September 22nd.

(7) NEW BUSINESS

a. Discussion/possible action-proposed re-plat of 10 acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas

Mayor Pro-Tem Bell made a motion to approve the re-plat of 10 acres part of the Steven F Austin League No. 4. Abstract 297 in Galveston County, Texas and being out of the tract of land described in a deed to George Bofysil, Jr. recorded in volume 3195, Page 634 in the Office of the County Clerk of Galveston County, Texas. Councilmember Trube seconded the motion.

Councilmember Osteen asked if the re-plat is 7 acres or 10 acres. EDC Director Getty stated that the re-plat will consist of 10 acres (7 acres –ECD and 3 acres –La Marque).

Mayor Pro-Tem Bell stated this proposed project will house the Attorney General's office which is relocating to this area due to the recent census numbers. This project will bring approximately 40 new jobs to our area. The motion carried unanimously.

b. Discussion/possible action – appointments Federal Emergency Management Agency (FEMA) Task Force Committee

Mayor Hocking nominated Councilmember Osteen to serve on this committee. Mayor Pro-Tem Bell seconded the motion. Motion carried unanimously. Councilmember Osteen nominated Mayor Pro-Tem Bell to serve on this committee. Councilmember Trube seconded the motion. Motion carried unanimously.

The Federal Emergency Management Agency (FEMA) Task Force Committee will consist of:
Councilmember Osteen
Mayor Pro-Tem Bell
City Manager Buttler
Interim Finance Director Suzy Kou
Emergency Management Coordinator Jennifer Pierce

c. Discussion/possible action - Resolution No. **R-2012-1184** authorizing city officials as signatories for City of La Marque transactions
Councilmember Brown made a motion to approve to discuss **R-2012-1184**. Mayor Pro-Tem Bell seconded the motion.
Councilmember Trube asked if we had any records of the past authorizations.
Councilmember Osteen voiced concerns the appointment of elected city officials to this resolution. The Charter states that elected officials (Mayor) does not have any administrative duties.
Mayor Pro-Tem Bell stated the Mayor is designated as the Emergency Management Director and in an emergency situation, the city may not have any other options and we need to be able to keep the city operational.
City Attorney Ortego stated that this is an administrative function and not a violation of the city charter.
Mayor Pro-Tem Bell made a motion to approve Resolution **R-2012-1184**. Mayor Hocking seconded the motion. Motion passed unanimously.

d. Discussion/possible action – Resolution No. **R-2012-1185** amending authorized City of La Marque representatives to delegate to a public funds investment pool (TexPool) and the authority to invest funds and act as a custodian of investments

Mayor Pro-Tem Bell made a motion to approve Resolution No. **R-2012-1185** amending authorized City of La Marque representatives to delegate to a public funds investment pool (TexPool) and the authority to invest funds and act as a custodian of investments. Councilmember Osteen seconded the motion. The motion passed unanimously.

e. Discussion/possible action – Resolution No. **R-2012-1186** adopting an investment policy and authorizing the Director of Finance to engage in certain financial transactions on behalf of the City of La Marque

Councilmember Trube made a motion to approve Resolution No. **R-2012-1186** adopting an investment policy and authorizing the Director of Finance to engage in certain financial transactions on behalf of the City of La Marque. Councilmember Osteen seconded the motion. Motion passed unanimously.

f. Discussion/possible action – accept quarterly investment report ending June 30, 2012

Mayor Pro-Tem Bell made a motion to accept quarterly investment report ending June 30, 2012. Councilmember Trube seconded the motion. The motion passed unanimously.

g. Discussion/possible action – authorizing the City Manager to enter into an agreement with Belt, Harris, Pechacek, LLLP for auditing the City of La Marque financial statements for fiscal years ending 2012, 2013 and 2014

Mayor Pro-Tem Bell made a motion authorizing the City Manager to enter into an agreement with Belt, Harris, Pechacek, LLLP for auditing the City of La Marque financial statements for fiscal years ending 2012, 2013 and 2014. Mayor Hocking seconded the motion.

Mr. Belt addressed City Council on this item regarding his firm's experience with municipal experience. Discussion involved the terms of the contract and fees. Councilmember Brown asked if it was possible to table this item and get additional information. The consensus of Council is a need to address this item this evening due to time constraints. The budget year is ending and there is prep work that needs to be started. Councilmember Osteen informed Mr. Belt that City Council does not want any issues sugar coated. The Council wants a true picture of the City's financial condition. Mayor Pro-Tem Bell echoed these comments. Motion passed unanimously.

h. Discussion/possible action – Ordinance No. **O-2012-1064** making appropriations for the support of the City of La Marque for the fiscal year beginning October 1, 2012 and ending September 30, 2013 appropriating money to a sinking fund to pay interest and principal due on the city's indebtedness; and adopting the annual enterprise and general fund budgets for the City of La Marque for 2012-2013 fiscal year. This is the first reading.

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1064** making appropriations for the support of the City of La Marque for the fiscal year beginning October 1, 2012 and ending September 30, 2013 appropriating money to a sinking fund to pay interest and principal due on the city's indebtedness; and adopting the annual enterprise and general fund budgets for the City of La Marque for 2012-2013 fiscal year. This is the first reading. Councilmember Osteen seconded the motion. Discussion involved. Motion carried unanimously.

i. Discussion/possible action – Ordinance No. **O-2012-1065** levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2012 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 first reading.

Mayor Hocking asked City Clerk Tedford to read the ordinance aloud. Mayor Hocking stated that this ordinance in layman's terms states that the City of La Marque is NOT raising taxes.

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1065** levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2012 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 first reading. Councilmember Osteen seconded the motion. The motion passed unanimously.

j. Discussion/possible action – Ordinance No. **O-2012-1066** adding "Open-Air Markets" to Section 71-4 of the City of La Marque Ordinances Definitions and Section 71-13 Paragraph (C)(1) General Commercial subparagraph (64) of the City of La Marque Code of Ordinances. This is first reading.

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1066** adding "Open-Air Markets" to Section 71-4 of the City of La Marque Ordinances Definitions and Section 71-13 Paragraph (C)(1) General Commercial subparagraph (64) of the City of La Marque Code of Ordinances. This is first reading. Councilmember Osteen seconded the motion. Councilmember Trube voiced concerns regarding the potential for "garage sales" situations. City Manager Buttler indicated that specific criteria for "Open-Air Markets" will be established and implemented. Motion passed unanimously.

k. Discussion/possible action – Resolution **R-2012-1187** of the City Council of the City of La Marque, Texas, approving a legal services agreement with Hodge Law Firm, P.L.L.C., and Tylka Law Center, P.C and Law Offices of A. Craig Eiland P.C.; providing for incorporation of premises and pending an effective date, seeking compensation and other relief arising from windstorm damage caused by Hurricane Ike. Possible Executive Session pursuant to Texas Government Code, Section 551.071 –Consultation with Attorney regarding pending or contemplated litigation or a matter

Councilmember Osteen stated that he did not see a need to have an executive session on this item. Mr. Hodge addressed City Council regarding this item. There was discussion regarding the contact and maximum fees not to exceed 42 %(35% fees and 7% expenses). Mr. Hodge stated that the State Comptroller must approve the contract between the firm and the city.

Mayor Pro-Tem Bell made a motion to approve Resolution **R-2012-1187** of the City Council of the City of La Marque, Texas, approving a legal services agreement with Hodge Law Firm, P.L.L.C., and Tylka Law Center, P.C and Law Offices of A. Craig Eiland P.C.; providing for incorporation of premises and pending an effective date, seeking compensation and other relief arising from windstorm damage caused by Hurricane Ike with the additional clause in Section 12 –the client will not be responsible for any fees if the attorney withdraws from the case. Mayor Hocking seconded the motion.
AYES: 4 NAYES: 1 (Councilmember Trube)

I. City Manager Review – Possible Executive Session pursuant to Texas Government Code Section, 551.074, Personnel Matters
Mayor Hocking stated at this time, City Council will adjourn and go into Executive Session to conduct the City Manager Review.
Mayor Hocking closed the Open meeting at 8:00 p.m.
Mayor Hocking reconvened the Open meeting at 11:14 p.m.

(8) CITY MANAGER REPORT – No Council Action Necessary

There were no comments on the City Manager's report.

(9) 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

There were no requests and announcements.

(10) ADJOURNMENT

Councilmember Osteen made a motion to adjourn the meeting. Mayor Pro-Tem Bell seconded the motion. The meeting adjourned at 11:15 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk
