

**MINUTES  
PUBLIC HEARING/REGULAR  
SEPTEMBER 24, 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. Regular City Council Meeting, September 10, 2012**

Councilmember Trube made a motion to approve the minutes as written. Councilmember Osteen seconded the motion. Minutes were approved 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.

Geraldine Sam, 2412 Stonewall, addressed City Council regarding her concerns on the budget deficits and unaccounted FEMA funds.

City Manager Buttler stated that the proposed budget for FY 2012-13 is balanced as requested by Council and there is a proposed budget amendment on this agenda which will balance the current budget issues. City Manager Buttler stated that it would not be appropriate to address the FEMA until the task force has had an opportunity to meet.

**(6) PUBLIC HEARING**

a. Ordinance No. **O-2012-1064** an ordinance 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

Public Hearing opened at 6:05 a.m.

Geraldine Sam, 2412 Stonewall, inquired as to the purpose of the sinking fund to pay interest and principal due on the city's indebtedness.

City Manager Buttler stated that the total tax rate of 0.51436 will remain the same. Ms. Sam was informed that a portion of the tax rate (I&S), 0.106242 are funds allocated to pay the interest on the city's obligations. The proposed tax rate is the same rate as last year. The tax rate will not increase.

Public hearing closed at 6:10 p.m.



b. Ordinance No. **O-2012-1065** an ordinance levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2012-2013 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

Public Hearing opened at 6:11 p.m.  
Geraldine Sam, 2412 Stonewall, asked for clarification on the proposed tax rate. Ms. Sam was informed that the City current tax rate of 0.51436 will remain the same.

Public Hearing closed at 6:14 p.m.

c. Ordinance **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

Public Hearing opened at 6:14 p.m.

Geraldine Sam, 2412 Stonewall, asked if this proposed ordinance addressed garage sales. Ms. Sam was informed that the proposed ordinance will address Open-Air Markets in General Commercial zones.

Public Hearing closed at 6:17 p.m.

**At this time, Mayor Hocking deviated from the agenda and moved to agenda item 8e and 8f.**

## **(7) OLD BUSINESS**

a. Discussion/possible action – Ordinance No. **O-2012-1064** an ordinance 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 second reading.

Councilmember Trube made a motion to approve Ordinance No. **O-2012-1064** an ordinance 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. Mayor Pro-Tem Bell seconded the motion.

Councilmember Trube - page 52 regarding the Emergency Management Coordinator - indicated that she did not see payroll for this position. City Manager Buttler indicated at this time there are no plans to fill the position. With the budget constraints, City Manager Buttler stated the duties will be redistributed among current staff which includes Kyle Hunter, Assistance Emergency Manager Coordinator, Chief Aragon and Lt. Jackson.

There was discussion regarding the FEMA Task Force and the upcoming meeting.

Councilmember Trube – asked about the utility fund and payroll for the department. Discussion following the initial budget had proposed the transfer of staff from accounting to utility department.



Discussion followed regarding the proposed \$40,000 for envelopes for water bills. This will be adjusted to reflect Council direction.

Councilmember Osteen – asked about the purpose for fuel in the utility account. The fuel is for the meter readers.

Councilmember Trube – asked about a line item in the budget for library donations. City Manager Buttler is in the process of meeting with staff and waiting for a complete report.

Councilmember Trube – asked if the number of hours listed in HR were for comp time, Council was informed that the amount is for workers compensation.

Cemetery board was moved to the City Manager's budget.

Council budget had been adjusted to reflect the contingency funds being removed and placed under the City Manager's budget.

Discussion on professional fees and City Manager Buttler informed Council that these funds are being utilized for pay for the interim position.

Discussion followed in the importance of the equipment replacement funds. City Manager Buttler stated the importance of providing employees with the proper tools to perform their jobs.

Councilmember Osteen – page 43 – indicated the numbers were incorrect. Review of the page indicated a formula error and it will be corrected

Supplemental annuities were moved.

The motion to pass Ordinance No. **O-2012-1064** passed unanimously.

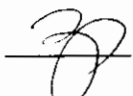
b. Discussion/possible action – Ordinance No. **O-2012-1065** an ordinance levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2012-2013 Tax Fiscal Year; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. This is the second reading.

Councilmember Trube made a motion to approve Ordinance No. **O-2012-1065** an ordinance levying ad valorem taxes for use and operation of the municipal government of the City of La Marque, Texas for the 2012-2013 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. Councilmember Osteen seconded the motion.

Mayor Hocking stated for the record, the City of La Marque is NOT raising taxes.  
Motion passed unanimously.

c. Discussion/possible action -proposed ordinance **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 second reading

Councilmember Trube made a motion to approve proposed ordinance **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. Councilmember Brown seconded the motion.



Councilmember Osteen asked for clarification on can or cannot be sold in an enclosed building.. City Manager Buttler informed Council that staff is in the process of preparing a policy for the city. This will be taken into consideration before an Open-Air Market will be approved for business. Mayor Pro-Tem Bell indicated that this proposed ordinance is a "hollowed-out" ordinance and a policy needs to be prepared as soon as possible outlining the what the parameters will be.  
Motion passed unanimously

## **(8) NEW BUSINESS**

a. Discussion/possible action –Resolution **No. R-2012-1188** designating members of the City Council as Representative and Official Alternate to the General Assembly of the Houston-Galveston Area Council for year 2013

Councilmember Osteen nominated Mayor Hocking to serve as the Representative to the General Assembly of the Houston-Galveston Area Council. Councilmember Brown seconded the motion.

Councilmember Trube nominated Mayor Pro-Tem Bell to serve as the Official Alternate to the General Assembly of the Houston-Galveston Area Council. Councilmember Osteen seconded the motion.  
Motions passed unanimously.

b. Discussion/possible action – appointment(s) to Boards and Commissions  
Councilmember Osteen made a motion to appoint Mr. Kurt Koopman to the Cemetery Board. Mayor Pro-Tem Bell seconded the motion. Motion passed unanimously.

Councilmember Brown made a motion to appoint Christopher Lane to the Planning & Zoning Commission. Councilmember Trube voiced concerns regarding the appointment due to a charter requirement which states that the appointee must own real property within the city.  
Discussion followed and Councilmember Brown withdrew his motion. Mayor Pro-Tem Bell indicated that if it if an appointee does not meet charter/ordinance requirements and it was proven, any actions taken by the appointee could be challenged in court.  
Mayor Pro-Tem Bell made a motion to table this item. Councilmember Trube seconded the motion. Agenda item was tabled.

c. Discussion/possible action –authorizing the City Manager to enter into an agreement with Rust-Ewing Insurance as service provider to the City of La Marque for employee benefit services for a one year term beginning September 24, 2012  
Councilmember Trube made a motion to authorize the City Manager to enter into an agreement with Rust-Ewing Insurance as service provider to the City of La Marque for employee benefits services for a one year term. Mayor Pro-Tem Bell seconded the motion. Discussion followed regarding the term and City Manager Buttler informed Council that the agreement would be effective upon Council approval. There is no current contract.  
Motion passed unanimously.

d. Discussion/possible action – employee group health insurance

Councilmember Trube made a motion to approve the employee group health insurance. Mayor Pro-Tem Bell seconded the motion.  
Bob Senter and Craig Watts, Rust-Ewing, presented the proposals to City Council. Based on the city's loss ratio this year, Rust-Ewing was able to negotiate a much better plan with no increase.  
Blue Cross/Blue Shield presented a renewal of 9.36%  
TML was not competitive



United Health Care was the best option and with negotiations resulted in a richer plan for the employees. The Plan will include a wellness program with incentives. Mr. Watts indicated that every effort was taken to ensure to balance what the city can afford and provide a quality health plan for the employees. Rust-Ewing made a recommendation to award the employee group health insurance to United Health Care Plan T67-P, Option 3.

Mayor Pro-Tem Bell made a motion to amend his motion to reflect awarding the employee group health insurance to United Health Care Plan T67-P, Option 3. Councilmember Trube seconded the amendment to the motion.

Vote on amendment to the motion was unanimous.

Vote on original motion as amended was unanimous.

e. Discussion/possible action – City of La Marque and La Marque Fire Fighters Collective Bargaining Agreement

Mayor Pro-Tem Bell made a motion to approve the Collective Bargaining Agreement between the City of La Marque and the La Marque Fire Fighters. Councilmember Trube seconded the motion. The motion passed unanimously.

f. Discussion/possible action – City of La Marque and La Marque Police Association modifying their collective bargaining agreement executed November 11, 2011

Mayor Pro-Tem Bell made a motion to approve the collective bargaining agreement executed November 11, 2011 between the City of La Marque and the La Marque Police Association. Councilmember Trube seconded the motion. Motion passed unanimously.

Mayor Hocking deviated back to agenda item Old Business.

g. Discussion/possible action – Ordinance No. **O-2012-1067** amending the FY 2011-12 budget. This is the first reading.

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1067** amending the FY 2011-12 budget. Councilmember Trube seconded the motion. Motion passed unanimously.

h. Discussion/possible action – LM 02-12 Liquid Chlorine, Calcium Hypochlorite & Sulfur Dioxide to DXI Industries in the amount of \$38,275.40

Mayor Pro-Tem Bell made a motion to approve LM 02-12 Liquid Chlorine, Calcium Hypochlorite & Sulfur Dioxide to DXI industries in the amount of \$38,275.40. Mayor Hocking seconded the motion. There was clarification on number of bids received, bids received two (2). Motion passed unanimously.

i. Discussion/possible action – LM 05-12 to Apache Oil Company in the amount of \$214,400.00

Councilmember Trube made the motion to approve– LM 05-12 to Apache Oil Company in the amount of \$214,400.00. Councilmember Osteen seconded the motion. Motion passed unanimously.

j. Discussion/possible action – LM 06-12 Hot Mix Asphalt / Cold Mix Cold Lay (CMCL) in the amount of \$53,300.00

Councilmember Trube made a motion to approve LM 06-12 Hot Mix Asphalt / Cold Mix Cold Lay (CMCL) in the amount of \$53,300.00. Mayor Pro-Tem Bell seconded the motion. Councilmember Brown asked if the materials were for potholes/repair of water leaks. The materials are minor street repairs. Councilmember also asked if the



materials were shipped in stages and Council was informed that the materials are shipped in stages as needed. Motion passed unanimously.

k. Discussion/possible action – LM 07-12 to Vulcan Construction Materials, LP in the amount of \$30,012.00

Mayor Pro-Tem Bell made a motion to approve LM 07-12 to Vulcan Construction Materials, LP in the amount of \$30,012.00. Councilmember Trube seconded the motion. Motion passed unanimously.

l. Discussion/possible action – LM 08-12 Lubricating Oil to Pumpelly Oil Acquisition LLC in the amount of \$22,821.80

Councilmember Trube made a motion to approve LM 08-45 Lubricating Oil to Pumpelly Oil Acquisition in the amount of \$22,821.80. Mayor Pro-Tem Bell seconded the motion. Councilmember Osteen stated that there approximately a \$124.00 bid difference between the low bidder and the current provider. Councilmember Osteen asked if it would be more feasible to stay with the current provider, since they are already in place. Council was informed that the bid should go to the lowest responsible bid and if there are no concerns with the low bidder, the bid should be awarded accordingly. Motion passed unanimously.

m. Discussion/possible action - LM 09-12 Sludge Removal to Terra Renewal in the amount of \$93,625.00

Mayor Pro-Tem Bell made a motion to approve LM 09-12 Sludge Removal to Terra Renewal in the amount of \$93,625.00. Councilmember Trube seconded the motion.

n. Discussion/possible action - LM 10-12 Water and Sewer Supplies to Ferguson Waterworks in the amount of \$100,000.00

Mayor Pro-Tem Bell made a motion to approve LM 10-12 Water and Sewer Supplies to Ferguson Waterworks in the amount of \$100,000.00. Councilmember Trube seconded the motion. Motion passed unanimously.

#### **(9) CITY MANAGER REPORT – No Council Action Necessary**

Councilmember Osteen asked for additional information regarding National Night Out which will be held October 2nd.

#### **(10) REQUESTS AND ANNOUNCEMENTS**

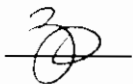
a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests

Councilmember Brown - announced the 2nd Annual Western Celebration on September 29, 2012 at the Bell Museum, 117 Bell Drive.

Councilmember Trube - thanked everyone that came out to the meeting.

Councilmember Osteen - asked for an update on Newman Rd.

Mayor Pro-Tem Bell - thanked Councilmember Brown for the announcement for the 2nd Annual Western Celebration on September 29, 2012 at the Bell Museum. Mayor Pro-Tem Bell also thanked Mr. Lane for his application and suggested modifications to the application process. Mayor Pro-Tem Bell concluded by asking code enforcement to make a site visit to the property located at Texas Ave/Westward St.



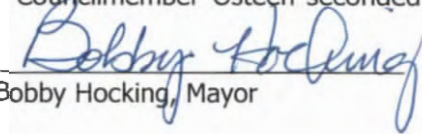
Mayor Hocking - announced that he had delivered two La Marque Cougar jerseys- one to the Mayor of Texas City and one to TJ Aulds.

Mayor Hocking thanked the citizens of La Marque, fellow Councilmembers, City Manager, and staff for a job well done. The budget is now balanced with no tax increase.

**(11) ADJOURNMENT**

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 7:42 p.m.

  
Zina Tedford, City Clerk

  
Bobby Hocking, Mayor