

OCTOBER 8, 2012

**MINUTES
OCTOBER 8, 2012
PUBLIC/REGULAR MEETING**

(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 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, September 24, 2012

Councilmember Trube made a motion to approve the minutes of the Public Hearing/Regular City Council Meeting held September 24, 2012. Mayor Pro-Tem Bell 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.

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

(6) PUBLIC HEARING

- a. Public Hearing – amending the FY 2011-12 Budget

Geraldine Sam, 2412 Stonewall, asked for the clarification on the amendment. City Manager Buttler stated the purpose of the budget amendment is to pay the debt payments for the 2011 General Obligation Refunding bonds issuance. The refunding of the bonds was taken before Council in September 26, 2011 and Council had adopted the 2011-12 budgets without the debt payments for this issue.

(7) OLD BUSINESS

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

Councilmember Trube made a motion to approve O-2012-1067 for the second reading. Councilmember Osteen seconded the motion. Motion passed unanimously.

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(8) NEW BUSINESS

- a. Discussion/possible action-authorizing the City Manager to execute a contract with Republic Services Inc. for Solid Waste Collection Services –City Manager C. Buttler

Mayor Pro-Tem Bell made a motion to authorizing the City Manager to execute a contract with Republic Services Inc. for Solid Waste Collection Services. Councilmember Trube seconded the motion. Motion passed unanimously.

- b. Discussion/possible action -City Manager Review and Employment Contract. Possible Executive Session pursuant to Texas Government Code Section, 551.074, Personnel Matters –City Manager C. Buttler

The Open meeting closed at 6:08 p.m.

The Open meeting reconvened at 6:23 p.m.

Mayor Pro-Tem Bell made a motion to approve an employment contract with Carol Buttler, City Manager. Councilmember Brown seconded the motion. Motion passed unanimously.

- c. Discussion/possible action – cancelling the second Regular City Council Meetings of November 26, 2012 and December 24, 2012 due to holidays- City Manager C. Buttler

Mayor Pro-Tem Bell made a motion to approve cancelling the second Regular City Council Meetings of November 26, 2012 and December 24, 2012 due to holidays. Councilmember Osteen seconded the motion. Motion passed unanimously.

- d. Discussion/possible action - Authorizing the City Manager to enter into an agreement with East Texas Gulf Coast Regional Trauma Advisory Council (RAC-R) - Fire Chief T. Weidman

Mayor Pro-Tem Bell made a motion authorizing the City Manager to enter into an agreement with East Texas Gulf Coast Regional Trauma Advisory Council (RAC-R). Councilmember Trube seconded the motion. Councilmember Osteen questioned the date of the contract. Capt. Gonzales informed Council after discussions with RAC-C; it appeared the best option was to start the contract concurrent with the city budget. There is a \$100 annual fee. Councilmember Osteen indicated that departments need to stay within their respective budget. Motion passed unanimously.

- e. Discussion/possible action – Ordinance No. **O-2012-1068** an ordinance of the City of La Marque, Texas, repealing Chapter 17, Article III, Coin-Operated amusement machines, of the Code of Ordinances, City of La Marque, Texas, and in its place adopting a new Chapter 17, Article III, Coin-Operated amusement machines, providing for definitions; providing for occupation tax; requiring a receipt to be attached to the machine, providing for exemptions; providing that illegal machines are not authorized; providing that skill or pleasure coin-operated machines are prohibited near schools; regulating amusement redemption machines and gamerooms; and amending Appendix A, schedule of fees and charges, coin operated amusement machines, to increase the license fee for each machine, payment of fee and issuance of a license regulating Article III, Coin-Operated machines. This is the first reading. –Development Services A. Tims

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1068**. Mayor Hocking seconded the motion.

At the request of City Council, the Planning & Zoning Commission reviewed new policies for amusement redemption machines and game rooms within the City of La Marque. The Planning & Zoning Commission voted to recommend the proposed ordinance to City Council. The proposed ordinance includes:

- a decrease in distance for game rooms from 500 feet to 300 feet from a daycare, church, or school

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- additional security requirements to include surveillance cameras and a panic alarm
- an increase of the yearly permit fee

Councilmember Trube asked if this ordinance would regulate 8-liners. Development Services Tims stated that this ordinance would repeal any of the current ordinance or amendments to the ordinance. The regulations in place have not been modified.

Councilmember Osteen voiced concerns on decreasing the distance from 500 feet to 300 feet. Mayor Pro-Tem Bell voiced concerns regarding the number of convenience stores that have machines. The general public is having to being subjected every time they frequent a convenience store. According to the ordinance, alcohol should be not allowed; we are in conflict with ordinance. In an effort to streamline the area where individuals play, would prefer decreasing the distance.

General discussion followed regarding the definition of amusement and number of machines that constitute a game room. There was discussion that this may be an item for a workshop meeting.

Mayor Hocking indicated that City Council has several options in this situation:

1. Amend the proposed ordinance
2. Proceed with the proposed ordinance
3. Withdraw motions and motion to table for workshop meeting

Mayor Pro-Tem Bell reminded City Council that under Council direction, staff had been given a directive NOT to raise taxes. We, as Council, need to be creative on how the city raises revenue. The Council can either be creative or raise taxes.

Mayor Pro-Tem Bell withdrew his motion. Mayor Hocking withdrew his second.

Mayor Pro-Tem Bell made a motion this item. Councilmember Osteen seconded the motion. Item is tabled.

- f. Discussion/possible action – agreement with Galveston County Health District for Water Pollution Control and Abatement –Public Works Director M. Morgan

Mayor Pro-Tem Bell made a motion to enter into an agreement with Galveston County Health District for Water Pollution Control and Abatement. Councilmember Osteen seconded the motion. Motion passed unanimously.

- g. Discussion/possible action – Resolution No. **R-2012-1190** authorizing the submission of a Texas Community Development Block Program application to the Texas Department of Agriculture –Public Works Director M. Morgan

Mayor Pro-Tem Bell made a motion to approve Resolution No. **R-2012-1190** authorizing the submission of a Texas Community Development Block Program application to the Texas Department of Agriculture. Mayor Hocking seconded the motion.

Councilmember Trube asked if this grant would require the city hire specific groups. Public Management David Baker stated that is a \$350,000 grant with a \$70,000 grant match. The grant application is for water line improvements within the low to moderate income locations within the City. Motion passed unanimously.

- h. Discussion/possible action – Resolution No. **R-2012-1191** establishing Section 3 Policy Community Development Block Grant (CDBG) Program–Public Works Director M. Morgan

Mayor Pro-Tem Bell made a motion to approve Resolution No. **R-2012-1191** establishing Section 3 Policy Community Development Block Grant (CDBG) Program. Councilmember Brown seconded the motion. Public Management David Baker presented City Council with the requirements for compliance with the General Land Office-SECTION 3 Policy – shall be as follows:

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"Using an effective program under Section 3 of the Housing and Urban Development Act of 1968 may help members of protected classes gain economic opportunities necessary to allow them to exercise fair housing choice."

There has been a big push by HUD concerning Section 3 to insure that employment opportunities are available to low income residents of La Marque. The Texas General Land Office has adopted a Section 3 Plan and asked all sub-recipients of Round 2.1 and 2.2 Disaster Recovery Projects to adopt this plan as well. The deadline is October 10, 2012

The Section 3 Plan only applies to federally funded programs and does not impact the hiring practices of the City. This will primarily apply to any construction contractors hired by the city to perform the construction on 2.1 and 2.2 CDBG DR projects.

Councilmember Trube asked on clarification on this item. Councilmember Trube voiced concerns that this policy will mandate who the city can hire. Public Management David Baker informed Council that this policy does not mandate who the city hires, it states that the City encourages contractors to hire La Marque residents/businesses(based on income) if qualified to perform the job.

Motion carried with 1 NAY (Councilmember Brown)

- i. Discussion/possible action – Resolution **R-2012-1189** 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 –City Manager C. Buttler

Consensus of City Council to proceed in Open meeting.

Mayor Pro-Tem Bell made a motion to approve Resolution **R-2012-1189**. Councilmember Brown seconded the motion.

Mr. Hodge has requested an opportunity to present the revised contract to Council.

Resolution R-2012-1187 was passed by City Council at the City Council Meeting held September 10, 2012. The contracts submitted for two other entities had been rejected by the Comptroller's office. Mr. Hodge informed Council that in an effort to expedite the contract, he had submitted the revisions to Council. The rejected contracts occurred shortly after the La Marque City Council meeting

The language in the resolution has been changed per the request of the comptroller to follow the exact language of the statute.

Mr. Hodge stated the changes would not change the substance of the contract.

Councilmember Osteen stated that he disagreed and noted a significant number of changes in the proposed contract. Councilmember Osteen continued by pointing out the change in hourly rate for one of the attorneys. Mr. Hodge indicated that this is an oversight and would be corrected. Councilmember Osteen stated that one should be able to maintain trust with an attorney and this does not make him feel comfortable. Discussion followed on the number of changes; Mr. Hodge apologized and stated that he should have provided a detailed listing of the proposed changes.

Mayor Pro-Tem Bell withdrew his motion. Councilmember Brown withdrew his second.

Mayor Pro-Tem Bell made a motion to table this item. Councilmember Trube seconded the motion. Item was tabled.

(9) CITY MANAGER REPORT – No Council Action Necessary

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Councilmember Trube- that Council had only received detailed stats for the judicial report. City Manager Buttler stated that detailed department reports are presented to City Council at the second meeting of the month. City Council had requested that judicial provide additional detailed information at the first meeting.

Councilmember Trube-asked Chief Aragon about the number of vacancies at the police department. Chief Aragon indicated that the police department has two vacancies with are currently being processed based on civil service requirements. A civil service examination has been held in September and 5 individuals passed the examination. There are 4 vacancies at the fire department and are accepting applications.

Councilmember Osteen – asked for an update on Newman Rd. City Manager Buttler stated the report should be completed in approximately 30 days.

(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 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 salutary 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 salutary 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.

Mayor Pro-Tem Bell – congratulated Ms. Buttler on the contract.

Mayor Pro-Bell – stated that he understood that National Night Out was successful.

Councilmember Osteen - congratulated Ms. Buttler on the contract and asked the contract be placed on website.

Mayor Hocking thanked Councilmember Osteen for bringing this item up. For the record, City Manager Buttler received a better than average score on her review and the contract is reasonable to both parties.

Councilmember Trube – congratulated Ms. Buttler and it is good to be back home.

Councilmember Trube – also reminded everyone of the upcoming Battle Drag event.

Councilmember Brown – welcomed Councilmember Trube back. Councilmember Brown also thanked Ms. Buttler and wished all a Happy Columbus day.

Mayor Hocking- echoed Councilmember Trube's comments on the Battle Drag event. Mayor Hocking congratulated City Manager Buttler and congratulated City Manager Buttler on the purchase of her new home which is indicative of her commitment to this city. Mayor Hocking also thanked the City Council on their service to city. Mayor Hocking concluded by stating that he is proud to be part of this Council. Mayor Hocking reminded everyone of the Bayou Fest taking place at Highland Bayou Park. Bayou Fest is free admission and free parking event.

(11) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 8:22 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk

