

**MINUTES
REGULAR MEETING
JULY 9, 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

ABSENT:

(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. Workshop, June 25, 2012
- b. Regular City Council Meeting, June 25, 2012

Councilmember Trube made a motion to approve the minutes of Workshop, June 25, 2012 and the Regular Meeting, June 25, 2012 as written. Councilmember Osteen seconded the motion. 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.

Reverend James Daniels stated that after hearing the criteria for Citizen's Participation that he would schedule an appointment with the City Manager.

(6) OLD BUSINESS

- a. Discussion/possible action- Animal Services Interlocal Agreement with Galveston County

Councilmember Osteen made a motion to approve the Animal Services Interlocal Agreement with Galveston County. Councilmember Trube seconded the motion. There was discussion regarding staffing after-hours, animals being dropped off and situations involving wild animals. Motion passed unanimously.

- b. Discussion - City of La Marque Code of Ordinances, Chapter 5, Alarm system

Councilmember Osteen requested that this item be placed on the agenda for discussion. Councilmember Osteen stated that he had concerns with the fees and storage of permit applications. Councilmember Osteen stated that citizens are already going to the expense of purchasing an alarm system and to have added permit fees is a major concern. There was discussion regarding the initial passage of Ordinance 1018. Mayor Pro-Tem Bell stated that he was on the Council at the time and the purpose was to fund "Quick Response Unit" to monitor areas of concern. City Manager Buttler will review and update City Council on current procedures. Councilmember Osteen stated that he would like this item to be placed on a future agenda for council consideration.

(7) NEW BUSINESS

- a. Discussion/possible action – Appointing City Clerk as recommended by the City Manager

Mayor Pro-Tem Bell made a motion to appoint Zina Tedford as City Clerk based on City Manager Buttler's recommendation. Councilmember Brown seconded the motion. There was discussion regarding the interview process. City Manager Buttler stated that she had interviewed several candidates and of these candidates, Ms. Tedford has the most diverse experience and education necessary for the City Clerk position. During her interim service, Ms. Tedford has shown a level of knowledge and professionalism that is benefiting the City of La Marque's ability to continue progressing forward. Councilmember Trube expressed concerns that city hall is getting too big and would like more information before making a decision. City Manager Buttler stated that she is looking at consolidating departments and will be providing more information at the budget workshop scheduled for next week. The vote passed: AYES 4; NAYS 1 (Councilmember Trube)

- b. Discussion/possible action-Ordinance No. **O-2012-1061** an Ordinance of the City Council of the City of La Marque, Texas, amending Chapter 26, Section 26-1 (1) Code of Ordinances of the City of La Marque, Texas, to designate the Emergency Management Coordinator. This is the first reading.

Mayor Pro-Tem Bell made a motion to approve O-2012-1061. Councilmember Trube seconded the motion. Discussion followed. Mayor Pro-Tem Bell amended his motion to add verbiage, "except as provided in Section 26-1(2)." Councilmember Trube seconded the motion to amend. The amended motion passed unanimously. The vote to approve O-2012-1061 as amended passed unanimously.

- c. Discussion/possible action-Ordinance No. **O-2012-1062** an Ordinance of the City Council of the City of La Marque, Texas, amending Chapter 29, Sections 29-31 and 29-32 of the Code of Ordinances of the City of La Marque, Texas, regarding the creation of the office of Fire Marshal and appointment, duties and service of the Fire Marshal. This is the first reading.

Mayor Hocking entertained a motion on the proposed ordinance as delineated by the city clerk. Councilmember Trube so moved. Mayor Pro-Tem Bell seconded the motion. Councilmember Osteen addressed Section 2 of the proposed ordinance. The second sentence, "The Fire Marshal shall serve at the direction, control and under the will of the City Manager." Councilmember Osteen stated that it should read, "... And at the will of the City Manager".

Councilmember Osteen continued by addressing Section 29-31 of the proposed ordinance—

"The Office of Fire Marshal is hereby created. Such Office shall be considered the deputy chief of fire prevention overseeing the certified fire safety inspectors of the Fire Department. The Fire Marshal reports directly to the City Manager or the City Manager's designee."

Councilmember Osteen asked if the certified inspectors are firefighters. City Manager Buttler stated that they are firefighters. The Fire Marshal is certified in another state, but must be certified in Texas. Ms. Pierce is in process of taking the final exam.

Several firefighters are fire inspectors and the Fire Marshal can provide the necessary training in the intricate inspections. Fire Marshal does not have to be housed in the fire department, but needs to be considered part of the Fire Department. The reporting structure is to be determined by the City Manager.

Councilmember Osteen stated he had concerns that this may be in conflict with Administration 2-39(c)-the Fire Chief shall be in command and supervise control at all times the fire department, equipment and personnel.

Councilmember Osteen feels that this will allow the Fire Marshal supervisory authority over firefighters. City Manager Buttler stated she had discussed this at length with the Fire Chief and have clarified the sequence that the Fire Marshal's goal is fire prevention- oversee functions of inspections only; whereas the Fire Chief is the director and supervisor over the Fire Department. City Manager Buttler stated that an additional word,

"functions" will clarify the intent.

Mayor Pro-Tem Bell stated that along that theme, you have a Fire Marshal who is directing personnel to do one thing, the Fire Chief directing personnel to do something else and causing chaos within the department. It is possible that an individual that does not see things in perspective. If Fire Marshal ultimately reported to the Fire Chief, then all this would be moot. Question is "What is the thinking behind the placing the Fire Marshal under the supervision of the City Manager vs. the Fire Chief. It is my understanding that there were issues with the reporting structure. City Manager Buttler stated that it is our goal that the Fire Marshal report to the Fire Chief. Mayor Pro-Tem Bell requested that City Manager Buttler report back to Council with an update. Mayor Pro-Tem Bell stated that it is his belief that the Fire Marshal should report to the Fire Chief. The amendments to the ordinance 29-31 will be to insert the word, "function" and Section 29-32 will be to change the word from "under" to "at".

The proposed Ordinance O-2012-1062 shall read:

SECTION 1.

"The Office of the Fire Marshal is hereby created. Such Office shall be considered deputy chief of fire prevention overseeing the **functions** of the certified fire safety inspectors of the Fire Department. The Fire Marshal reports directly to the City Manager or the City Manager's designee."

SECTION 2.

"The Fire Marshal shall be duly qualified for the duties of the Office. The Fire Marshal shall serve at the direction, control, and **at** the will of the City Manager."

Councilmember Osteen made a motion to amend the ordinance as outlined above. Mayor Pro-Tem Bell seconded the amendment to the ordinance. The motion to amend the ordinance was approved unanimously. Vote on motion as amended passed unanimously.

d. Discussion – City of La Marque zoning fees

Councilmember Trube had requested that this item be placed on the agenda for Council discussion. Councilmember Trube informed Council that it had been brought to her attention that citizens were being charged a fee to bring items before the boards. Councilmember Trube asked City Attorney Ortego if a resolution was only "good" if the Council that had enacted the resolution were on the Council. City Attorney Ortego informed Council that a resolution is "good" until modified/changed by City Council. Councilmember Trube stated that she did not think it was fair to assess fees if the individuals had questions. Mayor Hocking stated that this item may need to be discussed during a workshop meeting. This item will be discussed at the budget workshop.

e. Discussion/possible action-Resolution No. **R-2012-1182** appointment of City of La Marque Alternate Municipal Judge-Possible Executive Session pursuant to Texas Government Code Section, 551.074, Personnel Matters

Mayor Pro-Tem Bell made a motion to approve R-2012-1182 as outlined in the agreement. Councilmember Trube seconded the motion. Councilmember Osteen had a question on the agreement Section 4.3, Termination- and stated that the contracts between the Alternate Municipal Judge and Prosecutor should be consistent regarding the number of days. Councilmember Osteen made a motion to amend Section 4.3, Termination to reflect 60 days. Councilmember Trube seconded the amendment. Motion to amend R-2012-1182 passed unanimously. Motion to approve Resolution R-2012-1182 as amended passed unanimously.

f. Discussion/possible action-Resolution No. **R-2012-1183** appointment of City of La Marque Municipal Prosecutor- Possible Executive Session pursuant to Texas Government Code Section, 551.074, Personnel Matters

Councilmember Trube made the motion to approve R-2012-1183. Councilmember Brown seconded the motion. Councilmember Osteen asked Mr. Barfield several questions regarding the percentage of citations dismissed. Mr. Barfield stated that there were a number of reasons that call for dismissal of citations and number of cases based on the state law and plea bargain.

Mr. Barfield referenced Section 2.6, "This time shall be compensated at \$50 per hour." Mr. Barfield indicated that he bills his other cities to bill \$100 per hour vs. \$50 per hour. Mr. Barfield stated that most of his contracts are based on fiscal year Oct. 1 – Sept. 30. If the city would like to shorten or extend the contract term to make the agreement coincide with fiscal year, Mr. Barfield would be amenable.

Councilmember Osteen referenced Section 2.6 of the agreement, "Contractor shall meet with the City Council, Police Chief, City Clerks and/or City Manager upon request to discuss procedures with the Municipal Court." Councilmember Osteen stated that this should require the City Manager's approval.

City Manager Buttler stated that Section 2.6 could be amended to, "Contractor shall meet with Police Chief and City Clerks with the approval of the City Manager. This time shall be compensated at the rate of \$100 per hour.

Councilmember Trube made a motion to amend R-2012-1183. Mayor Pro-Tem Bell seconded the amendment. The vote was unanimously. Mayor Hocking called for the vote on the amended resolution. The vote was unanimous.

- g. Discussion/possible action – contract with DP2 Billing Solutions for the service of outsourcing the printing and mailing of utility bills

City Manager Buttler asked Interim Finance Director (IFD) Wessels to present this item to Council. IFD Wessels stated the City of La Marque has historically sent out water bills via postcards. The practice of sending out "past due" bills on postcards has widely been considered a violation of the privacy act. Several surrounding cities have recently switched to modern style utility bills. Councilmember Osteen asked how postcards violated the privacy act. The postcards reflect individual information. Councilmember Osteen also expressed concerns regarding the term of the contract and the termination clause. Councilmember Trube voiced concerns regarding additional expense and that this item is being brought before Council before the budget is presented. Council is held accountable to the citizens. Discussion followed regarding postage, training and travel. Mayor Hocking made a motion to table this item. Mayor Pro-Tem Bell seconded the motion. This item was tabled with a unanimous vote.

(8) CITY MANAGER REPORT – No Council Action Necessary

Mayor Pro-Tem Bell asked City Manager Buttler to ensure the City Marshal's policy on use of a taser is in place.

(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

Councilmember Brown – La Marque shined in today's newspaper and look forward to a good year. Councilmember Brown concluded by welcoming Ms. Tedford.

Councilmember Trube – requested information on the community service workers and costs to the city.

Councilmember Osteen –welcomed Ms. Tedford aboard and commented on Neumann Rd.

Mayor Pro-Tem Bell – stated that he walked the street and requested an update on completed streets. Mayor Pro-Tem Bell welcomed Carl Wessels to La Marque.

Mayor Hocking – thanked Carl for this presentation. Mayor Hocking congratulated Ms. Tedford on her appointment and thanked City Council for working together. Mayor Hocking concluded by informing all present

that a native son of La Marque passed away. Mr. Dennis Payne, former Councilmember, passed away and the City of La Marque will pay its respects accordingly.

(10) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the meeting. The meeting adjourned at 8:17 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk