

**MINUTES
PUBLIC/REGULAR CITY COUNCIL MEETING
November 12, 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 Hocking

ABSENT:

Mayor Pro-Tem Bell (arrived at 3:32 p.m.)

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Bell led the Invocation and followed with the Pledge of Allegiance to the Flag.

(4) MINUTES

- a. Workshop Meeting, October 22, 2012
- b. Regular City Council Meeting, October 22, 2012

Councilmember Trube made a motion to approve the minutes of the Workshop Meeting, October 22, 2012 and the Regular City Council Meeting, October 22, 2012. 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.

Donald Rae Kotcarich, 2701 Houston Dr. S, addressed City Council on the current ordinance regarding construction requirements on patios.

Fred Zimmerman 6147 Sunset – thanked everyone for a successful Bayou Fest. He is extremely proud of our community. The

Greg Cornett, 1310 Cedar Dr.– also stated that Bayou Fest was great and asked for assistance regarding a tree limb overhanging Cedar Drive.

(6) PUBLIC HEARING

- a. Public Hearing – 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 game rooms; 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

Public Hearing opened 6:10 p.m.

No one wished to speak at this time.
Public Hearing closed at 6:11 p.m.

b. Public Hearing – Ordinance No. **O-2012-1069** an ordinance of the City Council of the City of La Marque, Texas, amending the Code of Ordinances, City of La Marque, Texas by adding a new Section 2-150 to modify health insurance eligibility for certain retirees; repealing all ordinances or parts of ordinances or resolutions in consistent or in conflict herewith; and providing for severability.

Public Hearing opened at 6:12 p.m.
No one wished to speak at this time.
Public Hearing closed at 6:12 p.m.

(7) OLD BUSINESS

a. 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 game rooms; 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 second reading – Development Services Ana Tims

Mayor Pro-Tem Bell made a motion to approve 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 game rooms; 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.

b. Discussion/possible action – Ordinance No. **O-2012-1069** an ordinance of the City Council of the City of La Marque, Texas, amending the Code of Ordinances, City of La Marque, Texas by adding a new Section 2-150 to modify health insurance eligibility for certain retirees; repealing all ordinances or parts of ordinances or resolutions in consistent or in conflict herewith; and providing for severability. This is the second reading –City Manager C. Buttler

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1069**. Councilmember Osteen seconded the motion. Discussion followed the proposed changes to the ordinance. City Attorney Ortego indicated that the public hearing had been published prior to the additional changes. This will allow the public to voice any concerns during that time. Discussion entailed substantive changes to the proposed ordinance during the second reading. City Attorney Ortego informed Council that due to the changes that this ordinance may be considered as a first reading.

Mayor Pro-Tem Bell stated that Council had held a Workshop Meeting and proposed changes were made at the first reading. Mayor Pro-Tem Bell voiced concerns regarding the potential increase in health premiums due to these changes.

Councilmember Trube stated that that it is not fair to saddle the city with debt.

Councilmember Osteen stated that it may be wise to hold off on this issue and schedule another Workshop to ensure that Council is fully aware of the proposed changes to the ordinance.

Mayor Pro-Tem Bell is in favor of taking care of those individuals that have served our city, but is concerned of what the city is able to do financially. We must be fiscally responsible.

Mayor Pro-Tem Bell withdrew his first.
Councilmember Osteen withdrew his second to the motion.

Mayor Pro-Tem Bell made a motion to table this item.
Councilmember Trube seconded the motion. Motion to table this item passed unanimously.

c. 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

Mayor Pro-Tem Bell made a motion to approve Resolution R-2012-1189. Councilmember Osteen seconded the motion.
Councilmember Osteen informed Council that he had met with Mr. Hodge and his concerns were answered to his satisfaction.
The motion passed with 4 AYES; 1 NAY (Councilmember Trube)

(8) NEW BUSINESS

a. Discussion/possible action-accepting the quarterly investment report ending September 30, 2012- Interim Finance Director S. Kou

Councilmember Trube made a motion to accept the quarterly investment report ending September 30, 2012.
Councilmember Osteen seconded the motion. Motion passed unanimously.

b. Discussion/possible action –Resolution **R-2012-1192** of the City Council of the City of La Marque, Texas adopting an Anti-Fraud Policy designed to enforce controls and aid in the prevention and detection of fraud, theft, waste, or abuse against the City –Interim Finance Director S. Kou

Councilmember Osteen made a motion to approve Resolution No. **R-2012-1192**. Councilmember Brown seconded the motion.

City Manager Buttler informed City Council that this item is required by the auditors. This proposed policy will provide avenues for employees to follow in the event they see illegal activity.
Councilmember Trube stated that a lot of the information in the proposed policy is already outlined in the city charter or employees guide. The employees are under the direction of the City Manager.
Mayor Pro-Tem Bell echoed Councilmember Trube's concerns regarding the theme of the document and how it addresses some of the issues i.e. fighting, gambling, and drinking.
Motion passed with 4 AYES; 1 NAY (Councilmember Trube)

c. Discussion/possible action- Resolution No. **R-2012-1193** a resolution of the City Council of the City of La Marque, Texas; authorizing and directing the City Manager to submit a letter to the State Comptroller in compliance with Section 2206.11 of the Texas Government Code which requires cities and other governmental entities to submit information concerning their authority to exercise the power of eminent domain; and making other provisions related to the subject-City Manager C. Buttler

Councilmember Osteen made a motion to approve Resolution No. **R-2012-1193**. Mayor Pro-Tem Bell seconded the motion.

Motion passed unanimously.

d. Discussion/possible action- Ordinance No. **O-2012-1070** amending Chapter 14, Building and Building regulations, Section 14-25 fee schedule, and amending Appendix A schedule of fees and charges by amending fees for electrical work permits, plumbing permit fees and adding mechanical permit fees. This is the first reading. –Development Services A. Tims

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1070**. Councilmember Brown seconded the motion.

Councilmember Osteen asked Development Services Tims regarding the calculations on page 73 on estimates in revenues. Ms. Tims stated it was a calculation error.

The motion passed unanimously.

e. Discussion/possible action - Ordinance No. **O-2012-1071** amending Chapter 71, Zoning, Section 71.-3, Administration, enforcement and fees of the Code of Ordinances, City of La Marque, Texas, to provide the establishment of fees by ordinance rather than resolution and amending Appendix A, Schedule of Fees and Charges adding rezoning classification and repealing Resolution No. 1043. This is the first reading. –Development Services A. Tims

Mayor Pro-Tem Bell made a motion to approve Ordinance No. **O-2012-1071** for the first reading.

Councilmember Trube seconded the motion. Motion passed unanimously.

f. Discussion/possible action - Auto parts for repair & service parts for all city vehicles & miscellaneous supplies in the amount of \$43,900.00 –O'Reilly Auto Parts - Public Works Director M. Morgan

Councilmember Trube made a motion to accept the proposal for auto parts for repair & service parts for all city vehicles & miscellaneous supplies in the amount of \$43,900.00. Councilmember Osteen seconded the motion. Motion passed unanimously.

g. Discussion/possible action – ratify final payment to AAA Asphalt, Inc. in the amount of \$32,249.68; authorizing the City Manager to sign all documents pertaining to the close-out of LJA Project E019-0920 2010-2011 Street Improvement Program Project 2, (Central La Marque)-Public Works Director M. Morgan

Councilmember Trube made a motion to ratify final payment to AAA Asphalt, Inc. in the amount of \$32,249.68; authorizing the City Manager to sign all documents pertaining to the close-out of LJA Project E019-0920 2010-2011 Street Improvement Program Project 2, (Central La Marque). Mayor Hocking seconded the motion.

Councilmember Brown indicated that the streets within his district are complete. These are the streets within Project 2- does not include Newman Rd.

Councilmember Osteen asked a question about the dates reflected on page 139. Council was informed that this was a typographical error.

Motion passed unanimously.

h. Discussion/possible action - final payment No. 6 retainage in the amount of \$28,743.11 to AAA Asphalt Paving, Inc.; authorizing the City Manager to sign all documents pertaining to close-out LJA Project E019-0930 2010-2011 Street Improvement Program Project 3, (East La Marque)- Public Works Director M. Morgan

Councilmember Trube made a motion to approve final payment No. 6 retainage in the amount of \$28,743.11 to AAA Asphalt Paving, Inc.; authorizing the City Manager to sign all documents pertaining to close-out LJA Project

E019-0930 2010-2011 Street Improvement Program Project 3, (East La Marque). Mayor Pro-Tem Bell seconded the motion.

Councilmember Osteen questioned the change order on page 53 and why it was not resented to City Council for action. Council was informed that the contractor had issues with the base and milling materials and at that point in construction, the materials were needed to continue the project. It is hard to quantify the amount of materials needed until the street has been dug up. Discussion followed on how this information was communicated to the city. There appears to have been a lapse in communication between the contractor, engineer and city.

Motion passed unanimously.

i. Discussion/possible action- City of La Marque Goals & Objectives for FY 2012-13

Councilmember Trube made a motion to accept the City of La Marque Goals & Objectives for FY 2012-13.

Councilmember Brown seconded the motion.

Mayor Pro-Tem Bell indicated that we need to identify revenue streams on the list.

Councilmember Trube stated that she would like to see general infrastructure closer to the top of the list.

Motion passed unanimously.

j. Discussion – Bayou Fest

Council was informed that staff time and public man works hours have been absorbed into the operating budget. Mayor Hocking stated that if it is the consensus of Council to instruct the City Manager to amend the budget to reflect 54,000 be allocated for Bayou Fest. Bayou Fest 2012 was out of the most outstanding events this year for the City of La Marque.

(9) CITY MANAGER REPORT – No Council Action Necessary

Councilmember Trube – stated that the reports looked good and asked for additional information regarding the number of citations issues on Main Street for tankers.

(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.

Councilmember Brown – enjoyed the 20th anniversary celebration.

Councilmember Trube – wished everyone a Happy Thanksgiving.

Councilmember Osteen – asked who will field questions regarding the installation of the smart meters. City Manager Buttler stated that she will field the questions.

Councilmember Osteen asked the City Manager to research an ordinance on prohibiting tractor trailers within the city. Councilmember Osteen concluded by stating that the FEMA Task Committee had no report at this time.

Mayor Pro-Tem Bell – Congratulated Chief Aragon on progress enforcing city ordinances. Mayor Pro-Tem Bell continued by stating that he supported staff on recent decisions involving a local hotel and wished everyone a Happy Thanksgiving.

Mayor Hocking - recognized several youth in the audience and asked them to introduce themselves. It is a pleasure to see our youth getting involved in local government.

(11) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 8:27 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk