LA MARQUE CITY COUNCIL
LA MARQUE CITY COUNCIL CHAMBERS
1109-B BAYOU ROAD
LA MARQUE, TEXAS 77568
REGULAR MEETING
July 11, 2011
6:00 P.M.

The La Marque City Council met in a duly-called and announced Regular Meeting on July 11, 2011. Mayor Pro-Tem Bell called the meeting to order at 6:05 p.m. The invocation was given by Mayor Pro-Tem Keith Bel . Mayor Pro-Tem Bell led the pledge to the U.S. Flag and Texas Flag.

085-2011 **ROLL CALL –**

Present: Mayor Pro-Tem Keith Bell, Councilmember Connie Trube, Councilmember James Osteen, City Attorney Ellis Ortego, City Manager Eric Gage and City Clerk Carolyn E. Anderson

Department Directors: Police-Chief Randall Aragon, Public Works-Mike Morgan, Fire Chief-Larry Damrell, Finance Director-Karen Cooper, Inspection Department-Ana Tims, IT-Kyle Hunter, Library-Cynthia Hart, Fire Marshal-Jennifer Pierce, Human Resources-Robert Beagan, EDC Director-Alex Getty

086-2011 **PRESENTATION –**

Judge Lonnie Cox, Judge of the 56^{th} District Court, administered the oaths of office to Mayor Bobby Hocking and Council Member District D Clent Brown. The newly-elected officials took their seats at the Council Bench. Councilmember Brown asked for the floor to share his sentiments and wishes as a newly-elected official.

087-2011 **APPROVAL OF MINUTES -**

<u>Special Meeting of June 7, 2011</u>

Council Member James Osteen made a motion to approve the minutes of June 7, 2011. Council Member Connie Trube seconded. The motion passed unanimously.

<u>Special Meeting of June 13, 2011</u>

Council Member James Osteen made a motion to approve the minutes of June 13, 2011. Council Member Connie Trube seconded. The motion passed unanimously.

<u>Regular Meeting of June 30, 2011</u>

Council Member James Osteen made a motion to approve the minutes of June 30, 2011. Council Member Connie Trube seconded. The motion passed unanimously.

088-2011 **REPORT FROM CITY MANAGER –**

Mayor Pro-Tem Keith Bell made a motion to approve the City Manager's report. Council Member Connie Trube seconded the motion. Council Member Trube commended the Department Heads for their reports. Council Member Osteen thanked Mr. Gage for the work his staff had done on the agenda packet. Mayor Pro-Tem Bell asked Mr. Gage for a clarification on the drought situation. He also asked about the Fire Department calls exceeding 10 minutes and the geographical areas for these calls. Mr. Gage expressed his concern to some of the response times. He stated that Chief Damrell has decreased the response times and that these issues are being addressed and corrected. Mr. Gage shared that the future Council might need to address the need for a fire station on the west side. Mr. Gage introduced two new members to City staff, Mr. Robert Besgan, the new Human Resources Director, and Jennifer Pierce, the new Fire Marshal. There being no further discussion, the motion to approve the City Manager's report passed unanimously.

089-2011 CITIZENS' REQUEST FOR HEARING –

Comments from the Public: (At this time, any person with city related business who has signed up may speak to Council. 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.)

Citizens' Request for Hearing: Mrs. Janie Freeborn – #2 Studio Drive, La Marque
Mrs. Freeborn expressed her concern for the billing cycle for the water bills. She expressed that she is being billed twice in one month at times. She said that she feels she will be paying for water and sewer 13 times in less than one year. She outlined the number of days in previous billing cycles. She expressed that she came before City Council to make them aware of the billing problems.

090-2011 FIRST READING OF ORDINANCES -

Ordinance Number 1051 – **An Ordinance Amending Chapter 8, Article I of the Code of Ordinances of the City of La Marque, Texas; by Adding a New Section to be known as Section 8.16 Prohibiting the Chaining or Tethering of Dogs and Mandating that Dog Enclosures Must Provide 150 Square Feet of Space.**

Council Member Trube made a motion to approve the first reading of Ordinance Number 1051. The motion was seconded by Council Member James Osteen. Mayor Pro-Tem Bell asked for a clarification on the types of enclosures less than 150 square feet. Mayor Hocking called for a vote and the motion passed unanimously. Mr. Gage explained that the ordinance is mainly designed to protect children against aggressive dogs. Council Member asked about case-by-case situations. Mr. Gage explained that with the ordinance in place, the action taken will be at the discretion of the officer. Mr. Ortego suggested referencing Chapter 8, Article I for the details of the fines that could be imposed. Chief Aragon stated that the fine *** ck. E-mail. Council Member Brown asked for clarification on the number of dogs. Mayor Hocking called for the vote and the motion passed unanimously.

091-2011 NEW BUSINESS -

Consider, Discuss and Approve the Appointment of a Mayor Pro-Tem

Mayor Hocking asked for nominations by Council Members, beginning with District A. Mayor Pro-Tem Bell stated that he would like to remain as Mayor Pro-Tem for the remaining ten-month term and nominated himself. Council Member Brown seconded the motion. Mayor Hocking asked that the City Clerk conduct a roll-call vote.

Vote:
Ayes (Council Members Brown, Trube, Osteen and Mayor Hocking)
Nays (None)
The motion passed unanimously.

Consider, Discuss and Approve Property Tax – Split Payment Option that provides property owners paying property taxes in two payments, with one part due December 1st and remaining balance due July 1st Without Penalties and Interest.

Mayor Pro-Tem Bell made a motion to accept the split payment option, seconded by Council Member Trube. Mr. Gage introduced Karen Cooper, Finance Director, to present the specifics of the agenda item. Ms. Cooper explained that property owners who do not have an escrow account would be given the option to split the payments into two payments without accruing interest or penalties, the first payment being due on December 1st and the second payment due July 1st. She stated that she had been asked to research if there would be a loss in income to the City. She stated that there possibly could be a projected loss of penalties and interest of approximately $36,000 per year. However if the property owners did not pay the tax, the City would eventually receive the tax money or the property would be sold. She felt that providing the split tax option would give the property owners a break. She stated that she only knows of one other city opting out of the program. Councilmember Osteen felt it would help a lot of the citizens. Mayor Pro-Tem Bell asked about opting out and possibly creating an office that would have to deal with collecting the taxes. Ms. Cooper stated that might be an option, but that she would not recommend it. She explained the extra charges that might incur from opting out of the program. Mayor Pro-Tem Bell stated that he is definitely in favor of the split tax payments. There being no further discussion, Mayor Hocking called for the vote and the motion passed unanimously.

Consider, Discuss and Approve Recommendation for Award of LJA Project No. E019-0910 Construction of 2010-2011 Street Improvement Program Project 1 (West La Marque) to the low bidder AAA Asphalt Paving, Inc., of Houston, TX in the amount of $532,581.95.

Mayor Pro-Tem Bell made a motion to approve awarding the bid to LJA Construction in the amount of $532,581.95. Council Member Trube seconded the motion. Mayor Pro-Tem Bell asked for clarification on the three phases of the projects. Public Works Director Mike Morgan addressed the question, stating that his department tried to expedite the project by letting three contracts at the same time so that three contractors could have been doing everything at the same time. One vendor, however, could possibly be awarded all of the contracts. Mr. Morgan stated that he projects a four-month completion schedule. Mr. Morgan stated that there are 54 (corrected 55) streets in the total project. There being no further discussion, Mayor Hocking called for the vote and the motion passed unanimously.

Consider, Discuss and Approve Recommendation for Award of LJA Project No. E019-0920 Construction of 2010-2011 Street Improvement Program Project 2 (Central La Marque) to the low bidder AAA Asphalt Paving, Inc., of Houston, TX in the amount of $615,579.00.

Mayor Pro-Tem Bell made a motion to approve awarding the bid to LJA Construction in the amount of $615,570.00. Council Member Trube seconded the motion. There being no discussion, Mayor Hocking called for the vote. The motion passed unanimously.

Consider, Discuss and Approve Recommendation for Award of LJA Project No. E019-0930 Construction of 2010-2011 Street Improvement Program Project 3 (East La Marque) to the low bidder AAA Asphalt Paving, Inc., of Houston, TX in the amount of $484,301.40.

Council Member Trube made a motion to approve awarding the bid to LJA Construction in the amount of $484,301.40, seconded by Mayor Pro-Tem Bell. There being no discussion, Mayor Hocking called for the vote. The motion passed unanimously.

Consider and Discuss Final Payment for Cedar Drive Improvements IH-45 to SH 3 – Cost Over-Runs and Under-Runs

Mayor Hocking invited Public Works Director Mike Morgan to the podium. Mr. Morgan explained the final close-out of the project. He explained that he 51,000-dollar over-run was the result of cost per basis on some items. Some areas fell under the final amounts. Mayor Hocking asked if the final was less than 2% of the total project. Mr. Morgan stated that by his calculation it came out to 1.5%. Mayor Hocking asked if the amount was about right for the size of the project. Mr. Morgan stated that it was in line. Council Member Trube also stated that the project was completed ahead of schedule.

Consider, Discuss and Approve Galveston County Animal Services Revision of the Animal Services Inter-Local Agreement Due to Increased Costs

Mayor Hocking read a brief narrative outlining the details of the revision. Council Member Osteen made a motion to approve Option No. 1. Council Member Brown seconded the motion. Council Member Trube expressed her concerns about problems with the lack of Animal Services over weekends and their need to increase costs. Council Member Osteen noted that he came up with a 3567.00-dollar mistake when he worked the formulas on Option 1. On Option 2, he visited with Mr. Gage about the benefits of this option. He feels that the City would be contributing 60 percent and Animal Control Services 40 percent. He feels both options are identical. He would like further explanation on the 3567.00-dollar error. He suggested that Mr. Gage set up a meeting with Animal Services to get a further explanation of the numbers and get a finished product to present to City Council. Mayor Pro -Tem Bell shared his concerns of the projected 18 percent increase of $73,500. He suggested that the City could possibly look at providing these services in-house. Mayor Hocking called for the vote and the motion failed unanimously.

Consider Discuss and Approve a Contract for Professional Services – Redistricting as a Result of the 2010 Census.

Council Member Trube made a motion, seconded by Council Member Osteen. Mr. Ortego suggested that since there are two firms to consider, that the Council open the floor for discussion, and then based on that discussion a motion to select one of the two firms. Mayor Hocking read the narrative of the agenda item. Mayor Hocking asked that the motion be amended. Council Member withdrew his second to the original motion. Council Member Trube withdrew her original motion and made a motion that Council hire Knight & Partners to complete the redistricting process. A discussion followed concerning the timeline and costs of the project. Mr. Ortego stated that he also attended the TML seminar concerning redistricting and is familiar with Knight & Partners as very experienced lawyers in the redistricting process and would recommend the firm. Mayor Hocking called for the vote and the motion passed unanimously.

Consider, Discuss and Approve Resolution No. 1163 – A Resolution of the City of La Marque, Texas, Finding that CenterPoint Energy Entex's (CenterPoint's or Company's) Cost of Service Adjustment Filing; Within the City Should be Denied

Council Member Osteen made a motion, seconded by Council Member Trube to approve Resolution 1163. Mr. Ortego made a clarification in the language of the document that the word "ordained" should read "resolved." There being no further discussion, the motion passed unanimously.

092-2011 ANNOUNCEMENTS, COMMENTS AND REQUESTS FROM COUNCIL –

Council Member Brown gave thanks and recognition to all of the staff and department heads for their commitment and service to the City. Council Member Trube thanked all of those in attendance and congratulated Council Member Brown and Mayor Hocking. She looks forward to moving on with City business. Mayor Pro-Tem Bell thanked all for attending. He sent wishes to Officer Currington in his retirement. He shared his hopes for the Council to move forward and expressed his wishes to work with current Council and his thanks to former Council members in attendance. Mayor Hocking stated that he looks forward to working with his colleagues and moving the City forward. He invited all to the reception following the meeting.

093-2011 ADJOURNMENT –

Council Member Trube made a motion to adjourn the meeting. The meeting was adjourned at 7:14 p.m.

Bobby Hocking, Mayor

ATTEST:

City Clerk