



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Regular Minutes
April 13, 2015**

Minutes of the Regular Meeting of the City Council of the City of La Marque, Texas that was conducted on Monday, April 13, 2015 at 6:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) Mayor Hocking called the meeting to order at 6:00 pm.

(2) ROLL CALL

Mayor Hocking
Mayor Pro-Tem Bell
Councilmember Lane
Councilmember Brown
Councilmember Trube

City Manager Buttler
City Attorney Ortego
City Clerk Eldridge

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bell dispensed the invocation and led the Pledge of Allegiance.

(4) MINUTES

- a. City Council Workshop minutes of March 23, 2015.
- b. City Council Regular minutes of March 23, 2015.
- ** Councilmember Bell made a motion to approve the minutes.
- ** Councilmember Trube seconded. **MOTION CARRIED UNANIMOUSLY.**

(5) PRESENTATION

- a. Proclamation – Safe Digging Month (April) - Mayor Hocking read the Proclamation and presented it to Dennis Hutchinson of CenterPoint
- b. Proclamation – National Child Abuse and Prevention Month- Mayor Hocking read the Proclamation no one was present to receive this.
- c. Swearing in of Police Chief Kirk Jackson
Judge Stephen Baker administered the Oath of Office to newly appointed Police Chief Kirk Jackson and Ms. Jackson pinned him with the Police Chief Pin.

(6) CITIZEN'S PARTICIPATION

- 1. Nancy Teague, 502 Bluebonnet, "I am here for two reasons, I am here to apologize to Carol Buttler, and Councilmember Brown for being such a rude witch. I know I lost my temper with you, please forgive me, because that's not me. I was just so mad, with what we were dealing with, which I don't want to discuss the details, because you all know what it is. I



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also want to thank you the time for coming out to my house. You don't know how much I appreciate it. The main reason I am here I about two of your City employees. The Gradall worker, Joseph and the guy that was on the shovel that was out at my house today. When you have employees like that, you need to keep them. The man looked like he was born on a Gradall. They never get any credit. You all are in air conditioning, but you need to look at them. They are the ones that make you all look good. You all really need to acknowledge Joseph and Lorenzo I believe his name is. Joseph was very polite, he knew I was upset. He told me to stay calm, "Trust me, we will take care of the problem." That is exactly what he did. If it was up to me, which it is not, I would give them a raise. Because when you have City workers like them, that honestly care, you need to hold on to them. I apologize to all of you again. Mr. Brown to you to, if I was rude to you in any way, shape or form, I am asking you to please forgive me. Thank you all for letting me come up here and speak."

2. David Pennington, 924 Cypress, "I am here to talk about some drainage. Drainage ditches and five inches of rain. (He presented pictures in the form of a power point slide show, with various locations within the City, after the last few days of heavy rains in the area.) We got some rain yesterday, I don't know how many of you got out to look at what happened, but I did. He continued showing slides, "This is my front yard, and there is more water there than I had during Hurricane Allison. I know Ms. Trube brought it up a year ago, we talked to Ms. Buttler about it, she said yes, we have a drainage plan, we are working on it, but I haven't seen that plan yet. Mr. Bell told Ms. Buttler to put it on the website. I haven't seen a plan. There is not a plan. We need to do something to get these drainage ditches cleaned out; and we need to do it very quickly. We are six weeks away from hurricane season. This was only five inches of rain, what is there is eight or ten inches, twelve inches. Can you imagine how much flooding we would have in this town? We need to do something about it, I hear a lot of talk but I don't see any work being done. It's time for something to happen in this town. Thank you."
3. Don Richardson, 830 Shady Lane, "Like we were talking earlier, we have experienced some pretty substantial rains, But, on the other hand, I have seen bigger rains than what we recently received, but have never seen the accumulation of water, that we are currently experiencing on Shady Lane, even the sewers are starting to back up. We've had some instances where people are getting some raw sewage trying to back up into their house, because the water is so high, it's flooded the sewer lines and the main lines. I think this is a pretty bad health concern that we are having to deal with, when we do get these rains. I have noticed that a lot of the ditches, culverts have a lot of debris, trees, shrubs growing in front of them, on the in and outside of them and it is that way. It is all the way to Main Street where our water runs from behind Oak, behind the old La Marque Elementary, under Laurel and it bends around and goes down the power line, all that ditch work need to be mowed or cleaned up or something. The water is moving so slowly, with the five inches of rain we just got, we have problems comparing to that of a ten or fifteen inch rain. We have three floods in the last month, from five inches of rains. We have people here that are experiencing water in their homes or sewer in their homes. It's getting bad over there. I want to offer a solution. I was thinking about an experience that I had when I used to coach. We had people that were doing community services. Those people would have to do clean-up projects, it was part of



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their probationary deal. There has to be hundreds if not thousands of people that are required to do this. If it is a man power issue, where we cannot get the city employees down these drainage areas to clean them out or the equipment cannot get in there, maybe we can get people in there to do some of this; bag it all up, put it on a bobcat, and put it where the City can pick it up. I think there are a lot of options out there, if someone will get on the ball and make some calls and see if we can get something happening.”

Tony Polomo, 805 Shady Lane stated that he has been a resident of La Marque for the past twenty years. The three rains that we have had in the short month, have been totally overwhelming. We are right now pumping water out of our living room. I have called a foundation expert, a concrete man, a tree trimmer, and an engineer, which was too expensive and didn't do residential work. Right now, we are just overwhelmed. Has something changed so that the drainage is coming off of Ross back towards Oak to Shady Lane and then back across the railroad tracks then to the abandoned school on Highway 3? I noticed some mud and debris under the culverts, does the City have a vacuum truck so they come in there and clean that out? The property along the railroad tracks does that belong to the railroad, because there is overgrown weeds, trees and trash. I can see that continuous maintenance of these areas, would help to get this water moving. I would like to commend Mr. Brown and his immediate response for coming into our neighborhood and seeing this situation. Something needs to be done to help the drainage of the water before the hurricane season.

Mayor Hocking replied, “If there are a percentage of citizens within the City that do not have flood insurance, we are compiling a list, if you contact City Hall. I don't remember what the margin is, but I believe it is about 3 or 4% of the City. But if we have enough people who don't have flood insurance that were affected by this rain, FEMA will provide assistance for the repairs. So, you need to tell your neighbors. We have begun ditch cleaning with the City crews this morning, and will be hiring an outside firm because the City just doesn't have the manpower to do This is being said in an open meeting, so if this doesn't happen, that is on me, and that isn't good.”

(7) PUBLIC HEARING

- a. Conduct Public Hearing to receive public input regarding Ordinance No. **O-2015-004** amending City of La Marque Fiscal Year 2015 Budget to recognize miscellaneous funds received from Texas A & M Forest Service in the amount of \$3,015.00; East Texas Gulf Coast Regional Trauma Advisory Council in the amount of \$1,770.00; and, Texas Law Enforcement Officer Standards and Education in the amount of \$848.51 for training, equipment, or maintenance and to appropriate certain fire expenditures per contract by increasing revenue account 48-3801-00-00 by \$5,633.51 and increasing appropriation to Fire expenditure account 48-3020-06-00 by \$5,633.51 **THIS IS THE SECOND AND FINAL READING**

Mayor Hocking closed the regular meeting and opened up the public hearings at 6:24 p.m.



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No one spoke.

- b. Conduct Public Hearing to receive public input regarding Ordinance No. **O-2015-005**, amending Ordinance number 912, by deleting subsection (d) of Section 18-56, a school zone of 20 MPH when flashing along FM 1765 from centerline Cedar Drive to the centerline of Winding Way is hereby eliminated **THIS IS THE SECOND AND FINAL READING**

No one spoke.

Mayor Hocking closed the public hearings and reconvened the regular meeting at 6:26 p.m.

(8) OLD BUSINESS

- a. Discussion/possible action regarding Ordinance No. **O-2015-004** amending City of La Marque Fiscal Year 2015 Budget to recognize miscellaneous funds received from Texas A & M Forest Service in the amount of \$3,015.00; East Texas Gulf Coast Regional Trauma Advisory Council in the amount of \$1,770.00; and, Texas Law Enforcement Officer Standards and Education in the amount of \$848.51 for training, equipment, or maintenance and to appropriate certain fire expenditures per contract by increasing revenue account 48-3801-00-00 by \$5,633.51 and increasing appropriation to Fire expenditure account 48-3020-06-00 by \$5,633.51 **THIS IS THE SECOND AND FINAL READING**

** Councilmember Bell made a motion to adopt Ordinance No. O-2015-004.

** Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding Ordinance No. **O-2015-005**, amending Ordinance number 912, by deleting subsection (d) of Section 18-56, a school zone of 20 MPH when flashing along FM 1765 from centerline Cedar Drive to the centerline of Winding Way is hereby eliminated – Police Chief K. Jackson **THIS IS THE SECOND AND FINAL READING**

** Councilmember Bell made a motion to adopt Ordinance No. O-2015-005.

** Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

(9) NEW BUSINESS

- a. Discussion/possible action regarding **Ordinance No. O-2015-006**, temporarily reducing the speed limits for a portion of the Southbound mainlanes and the Northbound mainlanes of Interstate 45. **THIS IS THE FIRST READING.**

** Councilmember Bell made a motion to adopt Ordinance No. O-2015-006.

** Councilmember Trube seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding approval of an Interlocal Agreement to participate in TCPN purchasing cooperative to obtain substantial savings through volume purchasing for all city departments.



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- ** Councilmember Bell made a motion to approve an Interlocal Agreement to participate in TCPN purchasing cooperative to obtain substantial savings through volume purchasing for all city departments.
- ** Councilmember Brown seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- c. Discussion/possible action to approve an Interlocal Agreement to participate in North Texas, County of Governments (NCTCOG) purchasing cooperative to obtain savings on certain purchases.
- ** Councilmember Bell made a motion to approve an Interlocal Agreement to participate in North Texas County of Governments (NCTCOG) purchasing cooperative to obtain savings on certain purchases.
- ** Councilmember Trube seconded the motion.

Councilmember Trube asked about an administrative fee of \$125.00 mentioned in the contract and on the agenda form, it states that it is free of charge.

Finance Director Suzy Kou replied, "Based on my conversation with the representative. It is supposed to be free to join the coop group. Now, depending on which vendor you are going to go with, there could be some administrative fees associated. It is at discretion as to whether we want to go with a vendor that charges. **MOTION CARRIED UNANIMOUSLY.**

- d. Discussion/possible action regarding the cancellation of both the first regular meeting of City Council on May 11, 2015, and the second regular meeting of City Council on May 25, 2015, due to the date for canvassing the May General Election and the Memorial Day Holiday, and scheduling a Special City Council meeting for May 18, 2015.
- ** Councilmember Bell made a motion to cancel both the first regular meeting of City Council on May 11, 2015, and the second regular meeting of City Council on May 25, 2015, due to the date for canvassing the May General Election and the Memorial Day Holiday, and scheduling a Special City Council meeting for May 18, 2015.
- ** Councilmember Brown seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- e. Discussion/possible action regarding adopting Resolution No. **R-2015-008** denying a rate increase to CenterPoint Energy for the Texas Coast Division gas service.
- ** Councilmember Trube made a motion to adopt Resolution No. R-2015-008 denying a rate increase to CenterPoint Energy for the Texas Coast Division gas service.
- ** Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- f. Discussion/possible action regarding allowing the City Manager to enter into an agreement with Cobb Fendley to provide engineering services specific to the 2014-2015 Street Program not to exceed \$133,300.00.
- ** Councilmember Lane made a motion to allow the City Manager to enter into an agreement with Cobb Fendley to provide engineering services specific to the 2014-2015 Street Program not to exceed \$133,300.00.
- ** Councilmember Brown seconded the motion.



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Councilmember Trube referred to page 63, "It says program consists of asphalt overlay only, someone please refresh my memory. I know it says that there is a cost of four hundred and something thousand dollars. But what I am asking is the last time that they were here, and Councilmember Bell you will probably remember where we were discussing concrete verses asphalt, and there supposed to come back and give us a cost for possible base replacement if needed. Did we get that?"

Public Services Director Les Rumburg approached the mic and stated, "This is a little history update. We initially came before City Council with an asphalt overlay on a selection of streets that were in need of rehab. The question came up then about the need to do any additional base work. So we went back to the engineers and they came back with a cost of concrete versus asphalt overlay. At that point City Council asked for a determination of what the cost would be if rebuilding of the streets were necessary or if an overlay was the only requirement. That is the point where we are now. At the January meeting, City Council directed Cobb Fendley to prepare this report. What they are coming with you now is a request to do that engineering study. So, essentially the five streets we are looking at, we will need to be engineered to determine how much and what extent any base work will be needed and again that is what they are presenting to you tonight."

Brian Matlock of Cobb Fendley commented, "What we have here is, well the last time I was here we talked about just an overlay of the street, didn't mess with the base. What it is, is they build the top two inches, they come back they bring a machine and they lay new asphalt on top of it, whether the base is in good shape or bad shape. That is what we came back in I think December. What we have now, is, we have to come back and replace what we think is about sixty percent base repair. I can't tell you whether everything is good or bad. I will need a geotechnical to go out there and put some cores out there, and provide us with some information. Also, when we get out there in the field, it might be an additional or beyond sixty percent. But our best estimate by seeing the streets, and looking at them, is about sixty percent. That is the additional cost from the four hundred thousand in December to I believe it is a hundred and seven million now. The base repair is an expensive part of the road. That is where your road is going to last longer. That is what I believe that Council had asked staff and us to move forward into doing the base repair. If we don't need sixty percent, we won't use all sixty percent, say it's only forty percent. If that is the case we will move forward that way. That is what was prepared in the proposal, it is to the engineering only, it is not to do a study. It is to put together plans, to prepare them to be bid, to select a contractor. Then at that point the contractor will go out and do the work. That is where we are.

Mayor Hocking asked, if any money had been paid for an errant report that came back that the City didn't ask for? "So, we don't have to pay for the asphalt bid proposal that was brought back?"

Mr. Matlock replied, "We have only done some investigation hourly work. I don't believe it was for anything to provide the proposal. This is to prepare the plans. If you are speaking of



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the stuff I brought back in December, which was in the proposal phase in which we don't charge.

Councilmember Bell commented and asked, "I thought I heard it called earlier an engineering study. I thought we were looking for proposal for design. Is that what this is?"

Mr. Matlock continued, "Let me clarify, it is not a study, it is preparing plans, getting the documents ready, the full big set of plans, then we will take them out to bid, contractors will bid on the plans, then the City will select a contractor. The City has already provided the names of the roads, we took a look at them, we said here we are just going to do an overlay, we came back before Council, Council wanted to look at a base. We prepared a proposal with an overlay and a base repair, a percentage of base, what we feel that is needed and that is what we are providing now. We are going to put those plans together, get a survey, design, geotechnical, materials testing, when we get into construction, construction administration."

Councilmember Bell continued, "Mr. Matlock, we have been telling our citizens that we will begin work on the repair of the street by the beginning of summer, but on the documents provided, it states that the estimated completed time for the study and now we are saying it is not a study, is four months., which is towards the end of the summer. We have been promising that the repairs begin in the beginning of the summer. Why does it take so long?"

Mr. Matlock explained that for twelve thousand three hundred linear feet of streets to survey and provide geotechnical reports, they go out there with a machine and they core the streets this take a month to a month and a half. Our work has to be coordinated with the utility companies in the area to make sure that there is no gas, water or sewer in conflict. We also work with the City when we prepare plans for their review and make sure that we have covered everything that Council has asked for. We have a process, we have a 50% review and then a 95% review right before we go out to bid. We could probably narrow it down just a little bit but there is not narrowing, if you are trying to push a date, I will try my best to meet that date, but, it takes time, it is not a quick process."

Councilmember Bell continued with "We have missed two or three months already since there was a misconception of what this Council wanted. I am curious to know what the "preliminary opinion of probable construction cost estimate" of 1,771,730.00 is based on and how did the price go from 400,000.00 to this amount, which is an increase of 1.3 million dollars for five streets?"

Mr. Matlock answered that the estimated cost is based upon our experience with other contracts in other cities for asphalt and TXDOT numbers. We get bid numbers from other contracts. We put those numbers in with the quantities of this City's Project. The reason the price went up from \$400,000.00 to the \$4.7 million is that the base repair is the big piece of it. You are talking about not the first two inches but the six inches below that then the next six inches below that. That is what makes to road last longer. That is a big chunk and has a



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lot of asphalt or black base or stabilized sand or whatever it may be. An overlay is just a patch. This is a repair.

Discussion continued on how the six percentage was arrived at, which was said to be based on experience, and it was just an estimate, and what a typical cross-section detail is. It is the design of the road of what it will look like when complete (in layers). The providing of a representative of Cobb Fendley's on a daily or weekly basis can be described in the contract itself, and is set up by each City, in their own contracts. Options of having someone inspecting on site on an hourly rate was discussed. It was discussed that geotechnical reports for core drills would be provided as requested by Councilmember Brown. **MOTION CARRIED UNANIMOUSLY.**

(9) CITY MANAGER'S REPORT

- Development Services
- Judicial
- Police Department
- Fire Department
- Library
- Connect Transit
- Public Services
- Animal Services
- Financials

** Councilmember Trube referred to page 84, what the outcomes of the promotional of an Engineer and Captain which will finish in two weeks, page 88, she thought that a representative from the power company would be in attendance, concerning tree trimming. Her concern was that the past time a tree trimmer company came into her yard twelve feet and topped off a big maple tree of hers, which killed the tree. City Manager to verify what the norm length is. Page 108, gasoline/liquid spill in the report, she asked for details. Page 119, parts to repair mower, have witnessed that the employees aren't careful with the equipment. Was it carelessness? They will follow up. Page 123, the cost of the new website was clarified. Asked if there was any other costs associated, will be provided at the next meeting. Page 124, the OSSI connectivity fees for September 2014, October through March, asked if this was a quarterly fee. There is annual charge with the equipment fee, and the invoices were received all at once from the County. Page 135, repairs to HMAAC – was actually for asphalt. Page 146-148 financial highlights, use as a reminder to Council to keep around budget time, so that there are not as many budget amendments. This was explained by the Finance Director, depending on payroll periods the number of payrolls stay the same yearly, but the calendar dates fluctuate yearly; particularly the Election Cost, this was due to when the invoice was received. (June runoff election)

** Councilmember Bell referred to page 84, down four officers, why do we continue to struggle. That it isn't unique La Marque, some are leaving to go elsewhere, some do not complete their probationary period, and any concerns as chief with such a small tenured group of



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officers. There are several of the o longer tenured will help train and mold the younger ones. It was said to be a benefit and not a handicap.

(10) REQUESTS AND ANNOUNCEMENTS

Councilmember Trube congratulated Chief Jackson on his new position as Police Chief. Appreciated all of the citizens to get up and voice their opinions.

Councilmember Brown – echoed Ms. Trubes' comments

Councilmember Lane – Chairman Pennington the cleaning up the City the previous weekend.

Councilmember Bell – echoed congratulations to Mr. Jackson; also asked City Manager to look into an internship program to provide the Chief with resources for some of the outstanding employees that may be interested in serving in other areas of the City.

Streetlight issue on Nashby Street and a pothole on the same street

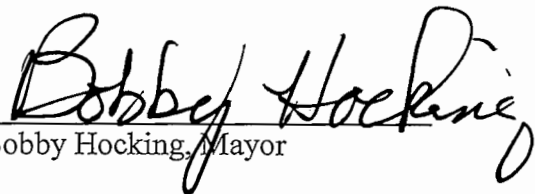
Mayor Hocking- also congratulated Chief Jackson; thanked David Pennington for the cleanup weekend and for also bringing the flooded area pictures, reminded all to call if assistance was needed through FEMA due to the recent flooding

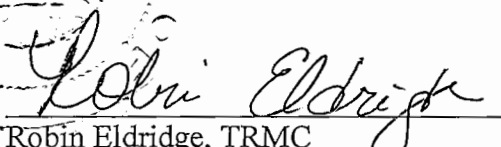
Reported that in a future meeting, the Cougar Basketball team will be honored for making it to the State playoffs. Thanked all for speaking on their flooding issues. Thanks all of Council. Said that there was a drainage plan, he has seen the plan. EDC will meet on Thursday, which will include a major city cleanup day.

(11) EXECUTIVE SESSION – There was no Executive Session

(12) ADJOURNMENT

****** Councilmember Bell made a motion to adjourn the meeting at 7:25 p.m. Councilmember Trube seconded. **MOTION CARRIED UNANIMOUSLY.**


Bobby Hocking, Mayor


Robin Eldridge, TRMC
City Clerk

CITIZENS REQUEST TO

SPEAK BEFORE COUNCIL

In ordered to be heard, this form must be completed and returned to the City Clerk five (5) minutes prior to the start of the meeting.

Date of Meeting:	4-13-15
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Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have **three (3) minutes** to express their positions. Please indicate below the agenda item number on which you wish to comment.

Council Agenda Item Number:	
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Citizens wishing to address Council regarding a topic **not** on the agenda are afforded the same amount of time during "Citizens Request for Hearing" section. Please indicate below the subject matter.

Subject on which person wishes to speak:
About city workers - incl Carol Butler

Please step to the podium as soon as you are recognized by the Mayor, stating your name and address before beginning your presentation. If you have written notes you wish to present to the Mayor and Council, please furnish an extra copy for the official files. Citizens who have questions concerning procedure or the registration form may request assistance from the City Clerk. Thank you for your cooperation.

Name:	Nancy Teague
Address:	502 Blue Bonnet Dr
Phone Number:	713-624-0858

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	

**CITIZENS REQUEST TO
SPEAK BEFORE COUNCIL**

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Subject on which person wishes to speak:	DRAINAGE PROBLEMS

Please step to the podium as soon as you are recognized by the Mayor, stating your name and address before beginning your presentation. If you have written notes you wish to present to the Mayor and Council, please furnish an extra copy for the official files. Citizens who have questions concerning procedure or the registration form may request assistance from the City Clerk. Thank you for your cooperation.

Name:	DAVID PENNINGTON
Address:	924 CYPRESS
Phone Number:	409-938-446

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	

**CITIZENS REQUEST TO
SPEAK BEFORE COUNCIL**

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Council Agenda Item Number:	
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Citizens wishing to address Council regarding a topic **not** on the agenda are afforded the same amount of time during "Citizens Request for Hearing" section. Please indicate below the subject matter.

Subject on which person wishes to speak:	DRAINAGE OF RAIN WATER

Please step to the podium as soon as you are recognized by the Mayor, stating your name and address before beginning your presentation. If you have written notes you wish to present to the Mayor and Council, please furnish an extra copy for the official files. Citizens who have questions concerning procedure or the registration form may request assistance from the City Clerk. Thank you for your cooperation.

Name:	DON RICHARDSON
Address:	830 SHADY LN
Phone Number:	409 771 4242

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	

CITIZENS REQUEST TO

SPEAK BEFORE COUNCIL

In ordered to be heard, this form must be completed and returned to the City Clerk five (5) minutes prior to the start of the meeting.

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Council Agenda Item Number:	
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Citizens wishing to address Council regarding a topic **not** on the agenda are afforded the same amount of time during "Citizens Request for Hearing" section. Please indicate below the subject matter.

Subject on which person wishes to speak:	DRAINAGE of RAIN WATER
	ON SHADY LANE 805

Please step to the podium as soon as you are recognized by the Mayor, stating your name and address before beginning your presentation. If you have written notes you wish to present to the Mayor and Council, please furnish an extra copy for the official files. Citizens who have questions concerning procedure or the registration form may request assistance from the City Clerk. Thank you for your cooperation.

Name:	TONY PALOMO
Address:	805 SHADY LANE
Phone Number:	409 935-2432

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	