



1111 Bayou
La Marque, Texas 77568
409.938.9202

**City of La Marque
Regular Meeting Minutes
July 13, 2015**

Minutes of the Special Meeting of the City Council of the City of La Marque, Texas that was conducted on Monday, July 13, 2015 at 600 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 Michetich (sworn in to office at this meeting)
City Attorney Ortego
City Manager Buttler
City Clerk Eldridge

(3) INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Pro-Tem administered the invocation and led the Pledge of Allegiance

(4) MINUTES

a. Minutes of Regular Meeting of June 22, 2015

b. Minutes of Special Meeting of July 1, 2015

** Councilmember Lane made a motion to approve the Regular minutes of June 22, 2015 and the Special Meeting minutes of July 1, 2015

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

(5) CITIZEN'S PARTICIPATION

1. Nancy Polk, Chairman of the Clean City Commission expressed that she would like for City Council to consider accepting applications to fill the two vacancies on the Clean City Commission.

2. Geraldine Sam began by stating that she supports the La Marque Police Department. She further said that she had spoken with other law enforcement agencies, concerning a recent incident that involved La Marque along with a neighboring Police Department, and that the officers followed protocol. "I will not live in an anarchy state, where any Police Officer is afraid to do their job on the streets of La Marque. We cannot have them afraid to stop anybody. We have some good officers here in the City of La Marque. I don't want to live in a town where our Police Department is afraid to pull someone over. I am here to say that I support our Police Department."



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3. Elizabeth Ferguson asked City Council to address the issues with the trash collection. There are times, when a scheduled pickup does not occur for several weeks at a time. "This is obviously unacceptable. I pay my bill every time; and they're getting paid every time, I assume so, I am asking for you to look and see if they are in violation of their contract or what the issue is. The City offices are doing an outstanding job of addressing the complaints, and addressing them with the trash collectors, but nothing is happening. So week after week, myself, and my family are spending hours calling to try to get this issue resolved. I am just asking that you look at the contract to make sure that when the trash goes to the street, it gets picked up."

Mayor Hocking stated the fact that the City is reviewing the contract and have had a serious talk with the head management of Republic Waste and that this issue is expected to be resolved pretty quickly.

(6) ELECTION INFORMATION

- a. Administer Oath of Office/Anti-Bribery Statement to newly elected Official - Robert Michetich for Councilmember District "C"
Mayor Hocking administered the Oath of Office and Anti-Bribery Statement to Robert Michetich the newly elected Councilmember for District "C". Councilmember Michetich took his seat on the dais.
- b. Discussion/possible action regarding the appointment of the Mayor Pro-Tem.
** Councilmember Lane made a motion to appoint Keith Bell as Mayor Pro-Tem
** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

(7) NEW BUSINESS - AUDIT

- a. Discussion/possible action regarding Resolution No. **R-2015-0024** ratifying the City of La Marque FY Budget 2013-2014 by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to individual budget accounts in certain funds as set forth in "Exhibit A."

** Councilmember Bell made a motion to adopt Resolution No. R-2015-0024.
** Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**
- b. Discussion/possible action regarding accepting the City of La Marque and the La Marque Economic Development Corporation Audited Comprehensive Annual Financial Report as of Fiscal Year 9/30/2014.

** Councilmember Bell made a motion to accept the City of La Marque and the La Marque Economic Development Corporation Audited Comprehensive Annual Financial Report
** Councilmember Michetich seconded.

Robert Belt, of Belt Harris Pechacek, LLP distributed the Annual Financial Report of Fiscal Year 9.30.3014.



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He began by explaining that the financial statements that were being distributed were based on the budget amendment that was just passed in the previous item. He then referred to page 9 of the report and stated, "I am very pleased to report that it is a very clean unqualified or modified opinion, which is a highest level of assurance, as your auditors that we can express. Then he referred to page 34, the Statement of Revenues, Expenditures and Changes in Fund Balance is based upon the modified base of accounting, the same base by which the budget is adopted. He reviewed the amounts of the beginning and ending balances in the funds. "Typically, it is better to have ninety days of your operating budget on hand. In years passed the City's fund balance was a little on the low side, however, coming up on three million dollars, the fund balance is very healthy as comparison in the years passed, so the City should be commended." He then pointed out the different fund balances on 41.

Further speaking, "One of the main things that I wanted to point out, that I don't typically speak about, is that this year, GASB (Government Accounting Standards Board) adopted a new change that impacts governments throughout the United States, requiring all governments to record their pension liability on their financial statements, for the first time. The reason for me pointing this out is that many governments have very large pension liabilities. The City of La Marque participates in the Texas Municipal Retirement System, which is a very sound system, and fairly conservatively managed. The City is in very good shape from a pension liability standpoint."

Further discussion included the recommendation of a policy to be adopted that would clarify the portion of the City Charter so that everyone is on the same page, allowing the City Manager to move money within the General Fund, not just restricted within the department itself, and make these changes throughout the year.

Councilmember Bell asked if the City Council was under a time frame as to when the audits had to be accepted, since the audits (s) were just distributed at this meeting.

The discussion that followed included that a draft copy could have went out prior to tonight; and the reason to have the budget amendment before the audit item on the agenda itself.

Councilmember Bell asked, "Will it be possible to allow the City Council time to digest this document before acting on it?"

Mr. Belt answered, "There is a timing element involved here, in that typically, the financial statement should be issued by June 30th. There are some Grantor agencies that require this time frame.

Finance Director Suzy Kou stated, "In terms of taking action and accepting it, to meet the grants deadlines. We are a few weeks behind. If you have concerns, we can always have workshops for you to ask whatever questions. This is just accepting the audit."



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Councilmember Bell referred to page 10, in reference to the timeliness in reconciling being primarily centered on the credit card processing company that the City uses and the fact that the processing company was bought out by another company. "How does this fact play into the reconciliation of cash accounts?"

Mr. Belt explained that cash accounts are considered bank accounts, not necessarily legal tender in the sense of "cash."

Further discussion included the transitional time period within the finance department involving fraud (outside), new employee, segregation of duties within the Municipal Court, all of which are seeing progress since the conduction of this audit. It was further recommended that the City needs a formal process, which is underway in achieving this.

Councilmember Bell stated, "I would like for both of these reports to come back before us for discussion. Because I don't want to do the citizens of La Marque a disservice by not being able to thoroughly talk about those things that are in this report. But at the same time, I do not want to stop process, we realize there are deadline to meet."

It was suggested that this will be one of the items on the Workshop on Monday on the 27th of July. **MOTION CARRIED UNANIMOUSLY.**

- c. Discussion/possible action regarding Resolution **No. R-2015-0025** clarifying the meaning of "AGENCY" as used in Article VIII Section 8.07 of City Charter and adopting the 2015 City of La Marque financial policies to conform to current laws and regulations; providing for an effective date, and setting forth other related matters.

** Councilmember Bell made a motion to adopt Resolution No. R-2015-0025.

** Councilmember Michetich seconded. **MOTION CARRIED UNANIMOUSLY.**

- d. Discussion/possible action regarding renewing a contract with Belt Harris Pechacek, LLLP to perform City's annual financial audits and Single Audits as well as the La Marque EDC annual financial audits for fiscal years ending 9/30/2015, 9/30/2016 and an option to extend one additional fiscal year ending 9/30/2017.

** Councilmember Bell made a motion renewing a contract with Belt Harris Pechacek, LLLP to perform City's annual financial audits and Single Audits as well as the La Marque EDC annual financial audits for fiscal years ending 9/30/2015, 9/30/2016 and an option to extend one additional fiscal year ending 9/30/2017.

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

(8) PUBLIC HEARING

- a. Conduct Public Hearing to hear public comments regarding Ordinance No. **O-2015-0013** amending Sec. 2- 7, Library Department, Sec. 2-48, Library Theft, Repealing Article VI. Library Board, and in its place adopting a new Article VI. Library Advisory Board, Establishing Requirements or membership, Board Officers, Terms of Office, Quorum and Meetings, and Duties.



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Mayor Hocking closed the Regular Meeting and opened the Public Hearings at 6:49 p.m.

- b. Conduct Public Hearing to hear public comments regarding Ordinance No. **O-2015-0014** amending City of La Marque Fiscal Year 2015 Budget to recognize miscellaneous funds received from Texas A & M Forest Service in the amount of \$2,890.00; and, East Texas Gulf Coast Regional Trauma Advisory Council in the amount of \$354.00 for vehicle/building maintenance, equipment, or training and increasing revenue account 48-3801-00-00 by \$3,244.00 and increasing appropriation to Fire expenditure account 48-3020-06-00 by \$3,244.00.

Geraldine Sam spoke, "There are two questions on this. Tonight you all got an Audit Report and I was concerned because citizens always get a chance to look at the audit report before you all do all of what you did on voting, I want to know whether we will be able to get a copy?"

Mayor conveyed that she was incorrect in that the audit does not go out to the public before being presented to Council and that it will be available online for the public.

Ms. Sam continued and asked how the previous budget amendment would affect the just presented audit.

Ms. Kou clarified by stating that the presented audit covered the period up through September 2014, and that this will be in the next audit.

Mayor Hocking closed the Public Hearings and opened the Regular Meeting at 6:54 p.m.

(9) OLD BUSINESS

- a. Discussion/possible action regarding adopting Ordinance No. **O-2015-0013**, amending Sec. 2-47, Library Department, Sec. 2-48, Library Theft, Repealing Article VI. Library and in its place adopting a new Article VI. Library Advisory Board, Establishing Requirements for Membership, Board Officers, Terms of Office, Quorum and Meetings, Duties. **THIS IS THE SECOND AND FINAL READING**

** Councilmember Bell made a motion to adopt Ordinance No. O-2015-0013.

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

- b. Discussion/possible action regarding Ordinance No. **O-2015-0014** amending City of La Marque Fiscal Year 2015 Budget to recognize miscellaneous funds received from Texas A & M Forest Service in the amount of \$2,890.00; and, East Texas Gulf Coast Regional Trauma Advisory Council in the amount of \$354.00 for vehicle/building maintenance, equipment, or training and increasing revenue account 48-3801-00-00 by \$3,244.00 and increasing appropriation to Fire expenditure account 48-3020-06-00 by \$3,244.00. **THIS IS THE SECOND AND FINAL READING**



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- ** Councilmember Bell made a motion to adopt Ordinance No. O-2015-0014.
- ** Councilmember Lane seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

(10) NEW BUSINESS- OTHER

- a. Discussion/possible action regarding Ordinance No. **O-2015-0015**, amending City of La Marque Fiscal Year 2015 Budget by decreasing Fund Balance Fire Reserve Account 48-2401-00-00 in the amount of \$29,119.81 and increasing appropriation to Fire Expenditure Account 48-7040-06-00 by \$5,176.50 and Fire Expenditure Account 48-2060-06-00 by \$13,840.62 and Fire Expenditure Account 48-3020-06-00 by \$10,102.69 for Repair & Maintenance of Buildings and Furnishings and acquisition of Small Tools. **THIS IS THE FIRST READING.**

- ** Councilmember Lane made a motion to adopt Ordinance No. O-2015-015.
- ** Councilmember Brown seconded the motion.

Chief Grimm explained that this item is moving monies from last year's budget into this year's budget, which is grant monies from Galveston County. **MOTION CARRIED UNANIMOUSLY.**

- b. Discussion/possible action regarding Resolution No. **R-2015-0026**, authorizing Dow Hydrocarbons and Resources, LLC to construct a second, twelve inch (12) pipeline route through sections of the City.
- ** Councilmember Bell made a motion to adopt Resolution No, R-2015-0026
- ** Councilmember Michetich seconded the motion.

Councilmember Brown said "The pipelines will be tested at 3,240 lbs. psi. The working pressure is going to be 2,160 psi. The strength of the pipe itself is 77,000 lbs. So, we shouldn't have any problems."

MOTION CARRIED UNANIMOUSLY.

- c. Discussion/possible action regarding the approval to solicit bids to outsource printing and mailing of Utility Billings.
- ** Councilmember Lane made a motion for the approval to solicit bids to outsource printing and mailing of Utility Billings.
- ** Councilmember Bell seconded the motion.

Council member Lane spoke, "Outsourcing our utility billing for printing will save the City \$14,000.00 over a two year time period. In addition to the savings, the City's communication with the citizens will be enhanced. The flexibility of utilizing a bigger canvass will be to our advantage. For instance, an 8 1/2 X 11 piece of paper can be folded three ways, we will also have to option to insert things, like the Kiwanis' selling of peaches. This concept is not exclusive to La Marque, there are nine municipalities in the area that have chosen to utilize the 8 1/2 X 11 format and outsourcing the printing and postage also." **MOTION CARRIED UNANIMOUSLY.**



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- d. Discussion/possible action regarding Ordinance No. **O-2015-0016**, amending City of La Marque Fiscal Year 2015 Budget by decreasing Fund Balance PEG Account 88-2401-00-00 in the amount of \$33,000.00 and increasing appropriation to PEG Expenditure Account 88-7040-08-00 by \$33,000.00, decreasing Library Memorial Fund Balance 06-2401-00-00 in the amount of \$10,000.00 and increasing appropriation to Library Memorial Expenditure Account 06-7040-08-00 by \$10,000.00 and increasing Donations Fund revenue account 51-3816-00-00 by \$4,000.00 and increasing appropriation to Donations Fund expenditure account 51-7040-08-00 by \$4,000.00 – Library Director A. Miller **THIS IS THE FIRST READING.**
- ** Councilmember Lane made a motion to adopt Ordinance No. O-2015-0016.
** Councilmember Bell seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- e. Review and discuss proposed calendar for future City Council budget meetings and public hearings.

City Manager stated, “I will be proposing the budget on July 30th.”

Finance Director S. Kou reviewed the budget calendar and added, “We don’t have a lot of flexibility because of the Tax Code and our Charter and the Local Government Code. The reason we have a separate date to adopt a tax rate, according to code, we cannot adopt the tax rate and have the budget public hearing on the same evening. We are also required now, not to notify just by newspaper, but also on Channel 16, and website. So, we will need time to do all of this. There is a little flexibility in August for the budget workshop dates. We have the first or the second week in August. We need to first receive information from the County in order to determine whether or not we will need two public hearings. If the proposed tax rate exceeds the lower of the effective tax rate, or the rollback, then it requires two public hearings. We will continue to work together with the County Tax Office, and hopefully we will have some information then have Council conduct a Special meeting to set the public hearings, if necessary.

Mayor Hocking “So, you are asking City Council to pretty much clear our calendars for the month of August.” Which was said that this will be helpful, no Wednesdays, beginning around 1:00 p.m. and to go as late as they wish to meet.

(11) CITY MANAGER’S REPORT

- Judicial
- Police Department
- Fire Department
- Library
- Financial
- Administration



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Mayor Hocking deviated from the agenda due to the Executive Session and took this item at this time.

(12) REQUESTS AND ANNOUNCEMENTS

- ** Councilmember Brown said he is thankful that the new Councilmember is on board.
- ** Councilmember Lane welcomed Councilmember Michetich on board and reported the La Marque Aid and Guidance will be hold their 60th Year Anniversary Fund Raiser in Texas City and the Doyle Center on September 26th, and is selling tickets.
- ** Councilmember Bell congratulated Mr. Michetich and welcomed him on board and said “We are excited about working with you. If there is anything I can do to help you, please feel free to let me know.” Reported that he attended an event last Thursday night, that involved a prominent Pastor’s wife who was involved in what is called a felony stop. She did not commit a crime, nor was involved in any way. “Those kind of stops can be disconcerting by nature. The officers making those stops have to be involved in a heightened level of alertness and have to do their jobs in such a way that if you are unfamiliar with what they are doing, it could possibly bring fear and apprehension to you as a citizen or as a person that is involved in that process.”

Mr. Bell further explained that several members of staff, along with the City Manager and City Manager and Police Chief attended a Town Hall type discussion this past Thursday night. Then he thanked each one for attending. Ended by saying, “We want to make sure that we project as City leaders that we value our Officers in a way, that they are irreplaceable, and that we know that they are out each and every day doing the best they can to ensure the safety of our citizens, as well, we want to value those responses from those members of our community if they feel personally any pain or any concern with how they are treated by our law enforcement. It is not an either or proposition, but both side have validity. We need to continue this dialogue. We need to continue these types of events so that we can continue to move forward with what in my opinion, is a good police force, a great administrative staff and Chief and Assistant Chief and also a vibrant community that is led by our very own Mayor Hocking and our very own City Manager Mrs. Carol Buttler.”

Mayor Hocking stated, “Thank you for the comments. Welcome Councilmember Michetich. I, too, concur with what Mayor Pro-Tem has said tonight. That was a meeting that was much needed. I make it a point, as I am sure all of Council does, I and Mayor Pro-Tem were not at that meeting representing the City, but also as Pastors. We were in another Pastor’s House of God, so that there was certain protocol that we had to expect and respect. Our Police Officers are and were exemplary in the way that they handled this stop. There had been a drive-by shooting, this car met the description, this stop was a few minutes after the shooting, it was a case of trying to find out who perpetrated this crime. It is important to walk in love and understanding. I have sense then spoke with the officers involved and let them know how highly we regard them.



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I would like to break now for an Executive Session. There will cake and punch after the Executive Session.”

Councilmember Michetich stated, “I would like to thank everyone for all of your support, and for those of you who didn’t know me or that may have voted for me or did not, I hope I can show you that this Council will do the right thing. We will move La Marque forward in a direction that everyone will like. I will be leaning on all of you for assistance.”

(13) EXECUTIVE SESSION

Council will adjourn into Executive Session in accordance with the Texas Government Code Section: City Council will adjourn into Executive Session in accordance with the Texas Government Code Section 551.071 (Consultation with Attorney/Closed Meeting) - Discuss summons received regarding William Bunch, et al vs. New Hope Bible Church, Et al

Mayor Hocking adjourned into Executive Session at 7:21 p.m.

Mayor Hocking reconvened the Regular Meeting at 7:49 p.m.

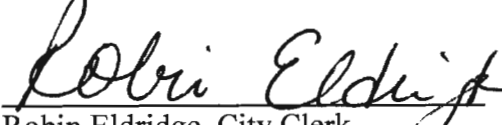
- (14)** Discussion/possible action regarding any action to be taken from the Executive Session Councilmember Lane made a motion to authorize the City Attorney to send a response letter to Mr. Bunch’s attorney and follow up with any additional items as he deems necessary Councilmember Michetich seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

(15) ADJOURNMENT

Councilmember Bell made a motion to adjourn the meeting. Councilmember Lane seconded. **MOTION CARRIED UNANIMOUSLY.**


Bobby Hocking, Mayor

ATTEST:


Robin Eldridge, City Clerk

CITIZENS REQUEST TO

SPEAK BEFORE COUNCIL

In order 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:	July 13, 2015
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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:	When action will be taken for applications to Clean City Commission. There are currently two vacancies
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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 Polk - Chairman
Address:	1503 Brazos Ave.
Phone Number:	409-539-1395

If speaking on behalf of an organization:

Name of Organization:	
Speaker's Official Capacity:	La Marque Clean City Commission

**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:	July 13, 2015
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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:	Police department Code Enforcement of Code enforce
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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:

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:	Geraldine San
Address:	2412 Stonewall Lm.
Phone Number:	409-9356069

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.

Date of Meeting:	07/13/15
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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:	#5
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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:	Trash collection
	Issues

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:	Elizabeth Ferguson
Address:	1511 Dalian St.
Phone Number:	(713) 419-8296

If speaking on behalf of an organization:

Name of Organization:	N/A
Speaker's Official Capacity:	