



1111 Bayou
La Marque, Texas 77568
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**City of La Marque
Workshop Minutes
July 27, 2015**

Minutes of the Workshop of the City Council of the City of La Marque, Texas that was conducted on Monday, July 27, 2015 at 2:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) Mayor Hocking called the meeting to order at 2:00 pm.

(2) ROLL CALL

Mayor Hocking
Mayor Pro-Tem Bell (arrived at 2:27 p.m.)
Councilmember Lane
Councilmember Brown
Councilmember Michetich (arrived at 2:07 p.m.)
City Attorney Ortego
City Manager Buttler
City Clerk Eldridge

(3) NEW BUSINESS

Mayor Hocking deviated from the agenda to item b.

- b. Discuss and provide City Manager with direction on any potential changes to ordinances affecting high weeds/grass, mowing of various depth ditches.

City Manager Carol Buttler in lieu of all the complaints that we all have been receiving do we need to make some changes to the ordinance? Regardless of what we do it will be a cost to the citizens and to the City. Asked for some direction from Council as to whether changes need to be made or to continue to enforce the ordinance that the City has adopted.

Councilmember Lane asked, "Would it be too much of a burden to the City would take more responsibility in the upkeep of the ditches on a broader scale? As of now, there is a pretty high criteria that a ditch has to fall under to be maintained by the City."

Public Services Director Les Rumburg after clarifying that he meant the residential ditches, then stated, "It would be possible to do, but of course there are tradeoffs involved, and what do we want to give up in order to do that. All it takes is staff time. For the most part, a ditch is an extension of the yard. For us to maintain a residential ditch, to match the yard, we are going to be mowing it the same as the resident's yards are mowed. It falls back to that age old question of the difference between a swale and a ditch.



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In my definition, a ditch is designed in a typical rain event to carry that rain or runoff out of town. A swale is designed to take care of your typical storm event, and take that water as need be. I believe it is more of the City's responsibility to maintain the ditches to assure that in a non-typical heavy rain event helps get out of town and helps to alleviate flooding on a larger scale, then on a typical event.

Councilmember Lane asked, "So, the City could maintain them?"

Mr. Rumburg answered, "Yes, again we could. In the summer time, we would be mowing ditches one time a week."

Mayor Hocking, added, "May I weigh in on this? I think it is a little much, with all due respect to ask the City to mow every single ditch in La Marque. Every house I have owned in La Marque, I mowed the ditch when I mowed the yard. However, under item Section 44.7 (b) says, "ditches exceeding a depth of four feet, as determined by the City Manager or his or her designee..." I would submit that that needs to be looked at, because that is an odd statement. I would like to see some Council discussion on the ditches a that are not obviously of the depth that a normal human being can mow them with a push mower or a riding mower, that the City respond to those calls. I would also like to add that for Council consideration ...any senior citizen that calls and is struggling to mow their ditch, should also be looked at by the City Manager as a potential call from the City. So, I don't think it takes a rocket scientist to drive down, let's take Fairwood, the ditches by the old Stanley property, right across from the entrance to Borondo Pines, on a person couldn't mow that property. I would like to see for consideration to be made on any ditch that any senior citizen is unable to mow. But as far as every ditch in the City to be mowed by the City, that is just cost and time prohibited and cannot be accomplished."

Councilmember Lane continued, "I didn't mean every single ditch in La Marque. Obviously you have some owners that take care of their ditches. But in my district there are various people that call in to ask their ditch to be mowed by the City. I guess I should have clarified that."

Councilmember Brown asked the question, What I have been doing and it has worked for me is to put weed killer in the ditch, since I can't get down there and mow it any more, I don't know what it would cost for the City to do this. People may frown on it because it looks brown or terrible. We are just trying to figure out how to do it so that we can satisfy everybody in the City. Ya'll think it over, I don't know what the cost would be."

Mayor Hocking caught Mr. Michetich up on the agenda, and stated, "I just think if someone were to drive around in each of the districts and made a *list of the ditches* that couldn't be mowed unless you have the equipment to do so, So that when a person calls, and if they are a senior citizen or if they are a person who is viably handicapped, or if the ditch cannot be mowed by the resident or commercial entity, then the City could do so,



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because the City has gotten ugly, and quite frankly, I am tired of it. I want to see our City cleaned up and a big part of that is the mowing of ditches.”

Mr. Rumburg state, “We make an honest effort to clean up those ditches that those can’t be mowed by citizens. We mow on a scheduled bases. It doesn’t take long for the time to come around when those ditches need to be mowed again. This year the machines have been abnormally been breaking down. We do try to mow those areas on a regular basis. But, there is a lot of areas out there where there needs to be some owner’s responsibility taken.”

More funding would need to be added if ditches were going to be contracted out, as some of the vacant lots have been.

Ms. Buttler commented, “My yard has a swale, some have a ditch, so this has been the cause of some confusion. As far as the depth of four feet, it is my understanding that in the past, staff has gone out and either eyeballed it or took a yard stick and measured, but it is either deep enough or it is not deep enough. I shouldn’t have to make that decision, it should be obvious, because then you get too selective, of who you mow for and who you don’t. I know that some of our heartburn has been with the state rights-of-ways, and I am working on that. Even then, what they do, still doesn’t solve the problem, sometimes the City has to go back behind them and clean up a mess. We could have someone come in and take care of the ditches, everyone just needs to realize there will be a cost to it. But there is a cost to blight, which is on everyone’s mind and goal list, we just need to see what to concentrate our funding on.”

Councilmember Brown said that there were some areas in his district that couldn’t be mowed with just a lawn mower, some of the grass is over his head.

Councilmember Michetich asked if there were specific examples from residents that can’t mow a ditch. “As long as you are not along Highway 3, or near that railroad track, we are taking the three, four, five or six foot ditches, I understand that, but if it is just your normal ditch out there, I have always seen it been the responsibility of the property owners, If there is something different, then lets address it as a street, or that one section rather than a one by one basis. I’d like to see some examples, and I will personally go by there and look at them.”

Mayor Hocking replied, “Mr. Michetich, I can give you two. One will be the ditch, I believe it is called Westward extension. It runs from the feeder road to 519. Going down Vauthier crossing 519, it becomes Fairwood, the ditch on the west side of the road going southbound on Fairwood, it is impossible for a homeowner to mow. I am sure there are others as you travel through that you can pinpoint.”

Mayor Hocking continued, “As I mentioned earlier, any senior citizen or disabled person should be offered help by the City. But, ditches in general, I mow mine. I have always mowed my ditch, but mine is not a steep ditch.”



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City Manager commented, "How does Council want us to handle it so that the ordinance reflects what Council wants us to do."

Mayor Hocking stated, "We can come back to this when Mayor Pro-Tem arrives."

Mayor Hocking proceeded to item c.

- c. Discuss and provide City Manager with direction on requests of Omega Bay residents.

City Manager Carol Buttler stated that staff has been meeting with the HOA of Omega Bay recently and it that over the years, the residents of Omega Bay have requested assistance from the City for various items. The residents are taxpayers and also pay a MUD tax and receive public safety services and they also pay for regular garbage. The water and sewer they pay is quite costly. Their top two to three concerns included stagnated water in their canals, due to lack of circulation. Their streets have also been a point of discussion.

In those meetings it was also discussed and questions arose as to how the subdivision was constructed without having to comply with many of the City's requirements, which was said to be an extreme disservice to the citizens that bought homes out there.

Ms. Buttler continued, "Maybe there is some type of a private/public partnership or a long term plan where the City could provide labor, materials and or equipment, or they can absorb some of the costs. We are still in the discussion stages. The representatives from the HOA are not here yet, but they will be showing up to provide an overview and provide some history as to why they are asking for City assistance for some of their bigger projects or smaller projects and ask for Councils decision for further discussion."

Mayor Hocking stated, that until the representatives and Mayor Pro-Tem Bell, who is on his way, arrive, he would go back to item a, and began to discuss it.

- a. Discuss FY 2013-2014 Comprehensive Annual Financial Report (CAFR) Audit 101.

Finance Director Suzy Kou and the City Manager had decided it would be to everyone's benefit to have a basic "let's review of the audit", "who looks at the audit", how the auditor's form their opinion based on what is in the audit, the credit rating agencies as well as other entities looking to locate here. I want the staff to understand how important the audit is, how it reflects on the city, and how to read the audit.

Finance Director Suzy Kou began by stating, "Relax, and I will do *my best to make this* a very meaningful and productive workshop for you all. CAFR stands for Comprehensive Annual Financial Report. She then reviewed and echoed what the Auditors had provided a few meetings ago, while presenting the annual audit. The two financial reports



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produced annually, are the Annual Budget and the CAFR, and continued, "The budget is a guide to lead the City from present to future. The CAFR provides facts, by looking backwards. It is a guide that will provide steps and direction as to how we can fix something that created any kind of problems that the audit picked up."

Ms. Kou further described each section of the CAFR. Independent Auditor's Letters which supplies an unmodified opinion; the Managements' Discussion Analysis, explaining the different things that occur during the audit year; Basic Financial Statements; Schedule of Revenues, Expenditures and changes in Fund Balances, long term debts and capital outlay. Reported that the City has met the ninety days reserve in the fund balance; explained Debt Service Fund, and that the City has lowered this, as recommended in the previous audit.

Mayor Hocking recessed the Workshop at 2:57 p.m.

Mayor Hocking reconvened the Workshop at 3:19 p.m.

Councilmember Bell asked who would speak to Council about the financial and fiscal health of the City if the audit is just for financial statement purposes.

Ms. Kou explained that Council sets the standards. "Previously, Council had set it at ninety days in reserve, that time length can be determined by Council. How good is good? It can go above the ninety days, we can always go higher. Every year we will strive to improve in all different areas. Where are our weaknesses and how can we get passed those weaknesses? We have room for improvement in all areas."

Finance Director and the City Manager are the persons within a City are those individuals who relate to Council how health and financially stable the City is. The Audit states if all policies and procedures are being followed.

Councilmember Bell recommended that an edition be added to the City Manager's Report, as he referred to as "kitchen table" reporting, showing the City's financial health. It was further discussed to take the analysis from the reports given in the financial reports each meeting and simplify them.

Councilmember Michetich asked if the Council could be provided borrowing capacity information for any projects that the City may deem necessary. Which was confirmed that this discussion would take place in the near future with the City's consultants.

Deficiencies in bank reconciliations not being done in a timely manner was discussed in depth as well as the reasons.

The subject of segregation of duties, a weaknesses in the audit, was also discussed in the area of the Municipal Court.



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Court Administrator Rosemary Bell commented, "I believe we have an adequate full staff in the Municipal Court at this time."

Mayor Hocking recessed the Workshop at 3:57 p.m.

Mayor Hocking reconvened the Workshop at 4:10 p.m. (picked item b. back up for Mayor Pro-Tems' benefit)

- b. Discuss and provide City Manager with direction on any potential changes to ordinances affecting high weeds/grass, mowing of various depth ditches.

Mayor Hocking stated that earlier he had suggested that if a senior citizen or handicapped person calls and is struggling with their ditch, it is something that the City Manager should look at and play close attention to. "As a general rule, if anyone alerts us to a ditch that is difficult to mow, or we know of one, we would make a note for the City Manager to act on it."

Councilmember Bell asked, "Where are we with our repeat offender's procedures those lots that are overgrown, they go through the process, we cut them and then they become over grown again inside of the next two weeks to a month."

Ms. Buttler answered, "According to the ordinance, as well as most other cities, as long as the violation is exactly the same, as the violation that the citizen was notified for, we do not have to notify them again within a twelve month period. So, if we have repeaters, we can send the mowers out. So, we are making progress on that."

Then continued, "We cannot go forward with the foreclosure process like we can on the tax liens, for the mowing liens."

Councilmember Bell asked, "If someone wanted to purchase those properties, could we waive those liens?"

Ms. Buttler answered, "Yes, we would have to make sure that the other entities that may have liens on the same property would also want to waive the fees."

Councilmember Michetich asked, "Is there a way for us to impose those costs into some sort of taxes so that it would be legal for us to foreclose on those certain properties? Maybe a mowing tax and for it to be significant enough to get their attention, per occurrence, per property, should be looked into."

Ms. Buttler agree that it is something that be looked into.

Some of the largest liens for mowing go up to three to four, or even up to seven thousand dollars.



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Further discussion included that the funds were getting low in the mowing fund and that staff needs to go back before City Council for additional funds in that line item. Also discussed was the possibility of another source of monies being transferred for this purpose from the Economic Development Corporation.

For this current year, \$40,000.00 was budgeted for mowing. If possible, they would like to increase this line item in the proposed budget. The question arose whether there were any other sources available to help get the mowing liens paid off, such as small claims court. It was said that a few have gone through the sheriffs' sale, and the city was trying to bid on those; the possibility of exploring other avenues in which to recoup the money from liens or acquire the property was briefly discussed. The requirement of having brush bundled by the citizens, vs. purchasing a grapple truck was also touched on. It was said that the solid waste company would be on the agenda the regular meeting later this evening.

- c. Discuss and provide City Manager with direction on requests of Omega Bay residents.

Gwen Megale, president of the Homeowners Association of Omega Bay spoke, "I have lived in Omega Bay for the past thirteen years and have heard from residents over the years, the same thing, we live in La Marque, but we get precious little from them. I would like for us to move together and develop a true partnership together, so that we can feel like we are true citizens of the City. Currently, we pay taxes to the city and we pay taxes to Mud 12 for our water. Several years ago, we contracted for garbage pickup. At that time, an Interlocal Agreement was signed. We also receive Police and Fire services from the City. What we really want is some help with the streets. I have seen documentation where this issue has been visited and revisited time and time again, but we never seem to get anywhere. I guess what we are looking for is a commitment from the City that says that you all will do everything possible to see what can be done.

Further discussion also included the inadequate, inconsistent trash pickup services. Trash in the canals, causing the water to remain stagnated, or lack of water because it is plugged with trash. It was said that the responsibility of the canals were primarily within the Army Corps of Engineers and Mud 12 control. There was talk of the possibility of some dredging not only in Omega Bay but also in Bayou Vista, to take place, but the project for Omega Bay has been stalled; they continued to keep the canals in Bayou Vista dredged; the idea of borrowing the jet truck from the City, to get the canal opened up, if there is no water in the canals, the property values could go down. Mud 12 would be contacted directly before any work to be done.

Mayor Hocking asked, "Do you think a letter from the City with the full weight of the City Council to the Army Corps of Engineers and or Mud 12 would be helpful? I would be willing without objection from Council to get with Councilmember Michetich and find out what exactly has transpired, and put the force of Council and the City itself behind such letter."



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Councilmember Brown said the he would like to see the City of La Marque have better communications with Omega Bay. “You would be surprised if everyone worked together what you can do.”

Councilmember Bell asked Ms. Megale if she had an annual history of what they spent on street maintenance. To which she said that she could get that for him and that typically, they try to do street projects twice a year, and spend anywhere from twenty thousand to forty thousand dollars each time. They also do pot-hole filling.

Ms. Megale continued, “It truly needs an overlay around the whole perimeter of the subdivision. Just looking at the perimeter, we are looking at about one hundred and forty thousand dollars, which does not include the side streets, which also need patching.”

Ms. Megale answered whether or not they had those kinds of funds, and she said that they could squeeze that, but it puts them dangerously near the bottom. With the amount of homeowners in Omega Bay, they collect around \$68,000.00 per year.

The question was asked by Councilmember Bell, “Was it ever clarified whether there would be an issue with the City providing some sort of repair to those streets. Do we have to own them?”

The issue is that they are not standard size in order for us to be able to repair and it is required that 100% of the homeowners would have to transfer the valid streets and including in some cases portions of their property to be standardized over to the City. It was briefly discussed to have a special district designated, because of their uniqueness, an agreement for the standards be brought down to their street sizes in order for the City to help with their repair and the possibility of some type of public/private partnership.

Another issue that Omega Bay brought up was that they feel like they are being double taxed. They pay the City of La Marque for water and sewer taxes for infrastructure and they pay Mud 12 taxes also. One concept discussed would be for the City to contract their water services from Mud 12. Mud 12 is collecting and servicing their sewer as well, so another idea would be to take over the lift station and pay Mud 12 to treat sewage, and we would bill Omega Bay. Essentially, they would be paying the City of La Marque for water and sewer services.

Mayor Hocking thanked the representatives for attending and voicing their concerns and that staff and the City Attorney will be working to find solutions to their concerns.

(4) ADJOURNMENT

It was the consensus of City Council to adjourn the meeting at 4:59 p.m.



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Bobby Hocking
Bobby Hocking, Mayor

ATTEST:

Robin Eldridge
Robin Eldridge, City Clerk