



1111 Bayou
La Marque, Texas 77568
409.938.9202

OFFICIALLY POSTED ON THE WEB: DATE:03-07-2013 TIME: 07:30PM
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AGENDA

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting on Monday, March 11, 2013 at 6:00 p.m. at 1109-B Bayou Road for purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

(4) MINUTES (3-7)

- a. Workshop Meeting, February 25, 2013
- b. Regular Meeting, February 25, 2013

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

(6) NEW BUSINESS (8-137)

- a. Discussion/possible action – Resolution No. **R-2013-005** authorizing the City Manager to enter into an agreement with Linebarger Goggan Blair & Sampson, LLP for the collection fee in the amount of 30% of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by the municipal court serving the City and amounts in cases in which the accused has failed to appear – City Manager C. Buttler
- b. Discussion/possible action –amending the current agreement with Belt Harris, Pechacek, LLLP to expand scope of services – City Manager C. Buttler
- c. Discussion/possible action – Ordinance No. **O-2013-002** of the City of La Marque, Texas, amending Chapter 47 of the Code of Ordinances, City of La Marque, Texas, establishing regulations of geophysical mineral exploration, providing definitions, requiring permits and requiring notices. This is the first reading. – City Manager C. Buttler
- d. Discussion/possible action – Ordinance No. **O-2013-003** proposed rezoning bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas,



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reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural. This is the first reading. –
Development Services A. Tims

(7) CITY MANAGER REPORT – No Council Action Necessary (138-153)

- Administration
- Development Services
- Police
- Fire
- Emergency Management
- Judicial
- Public Works
- Economic Development Corporation

(8) REQUESTS AND ANNOUNCEMENTS

a. Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415.(b), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and
- (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.

(9) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas before 7:00 p.m. on this the 7th day of March 2013

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development)

Zina Tedford

Zina Tedford, City Clerk

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-9203, or Fax (409) 935-0401, or e-mail z.tedford@cityoflamarque.org for further information.



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Workshop Meeting | 1
Monday, February 25, 2013

**WORKSHOP
CITY COUNCIL MEETING
FEBRUARY 25, 2013**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 4:00 p.m.

(2) ROLL CALL

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

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking dispensed with the Invocation and Pledge of Allegiance at this time.

(4) WORKSHOP

a. Discussion –proposed Texas Commission on Environmental Quality Sanitary Sewer Overflows Plan of Action
City Manager Buttler indicated that this will be on the Regular Agenda this evening for action if Council feels that they have enough information to make a decision on this issue.

Public Works Director Morgan gave an overview of the events leading this presentation. Over the past 15 years, the City has performed various construction tasks to prevent sanitary sewer overflows (SSO's). Between 1998 and 2012, the City has worked diligently on sanitary sewer rehabilitation which has resulted in approximately 65,000 linear feet of sanitary sewer rehabilitation, 3500 vertical feet of manhole rehabilitation, 365 point repairs and installation of 28 new manholes. With the City's aging infrastructure, there are still signs of SSO's.

There was a sanitary sewer overflow reported to the Texas Commission on Environmental Control (TECQ). An investigation was conducted and indicated that we had another similar problem in the same location. TECQ has indicated that the city needs to correct the situation. In an effort to cooperate with TECQ and forego enforcement actions and fines, the city staff agreed to enter into the SSO's program. The program outlines a 10 year rehabilitation of the city's aging sewer system. In preparation of the program, staff took into consideration the existing grant funds available which is approximately \$752,000, In 2014/15, the fiscal impact will require securing funding of approximately \$3,500,000 for the remainder of the 10 year program.

Several types of funding options were discussed to include certificates of obligation, general obligation funds revenue bonds and borrowing from investments.

(5) ADJOURNMENT

The meeting adjourned at 5:01 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk



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Regular Meeting | 1
Monday, February 25, 2013

**MINUTES
CITY COUNCIL MEETING
FEBRUARY 25, 2013**

(1) CALL MEETING TO ORDER

Mayor Hocking called the meeting to order at 6:00 p.m.

(2) ROLL CALL

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

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Hocking led the Invocation and followed with the Pledge of Allegiance to the Flag.

(4) MINUTES

- a. Workshop Meeting, February 11, 2013
- b. Regular Meeting, February 11, 2013

Mayor Pro-Tem Bell made a motion to approve the minutes of the Workshop Meeting, February 11, 2013 and the Regular Meeting, February 11, 2013. Councilmember Osteen seconded the motion. Minutes were approved unanimously as written.

(5) CITIZEN'S PARTICIPATION

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

No one signed up to address City Council at this time.

(6) PRESENTATION

- a. Presentation –Certificates of Appreciation

At this time, Mayor Hocking asked Councilmember Trube step forward and present the certificates of appreciations to Ms. Lois Carelock and Mr. Morris Dagerath.

(7) NEW BUSINESS

- a. Presentation/discussion/possible action – authorizing the City Manager to enter into agreement - National League of Cities (NLC) Service Line Warranty Program –City Manager C. Buttler



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Regular Meeting | 2
Monday, February 25, 2013

City Manager Buttler introduced Brian Davis. Mr. Davis informed City Council that he had met with Councilmember Trube, Public Works Director Morgan and City Manager Buttler on this program and was asked to make a presentation to City Council. Mr. Davis discussed the program and fees. There are two contracts presented for Council consideration. The first contract stipulates that 12% of every dollar will be given back to the City. The second contract foregoes the 12% and discount of \$.50 is given to the participant.

Councilmember Osteen made the motion to authorize the City Manager to enter into an agreement with NLC and give the discount to the participant. Councilmember Trube seconded the motion. Motion carried with 3 AYES – 2 NAYES

(Councilmember Osteen and Councilmember Brown)

b. Discussion/possible action – authorizing the addition of one (1) Traffic Enforcement Officer and one (1) Traffic Enforcement vehicle- Police Chief R. Aragon

Mayor Pro-Tem Bell made a motion to authorize the addition of one (1) Traffic Enforcement Officer and one (1) Traffic Enforcement vehicle. Councilmember Brown seconded the motion.

Discussion was held on how successful the program has been since its inception. Councilmember Osteen stated that he did not realize the number of calls that the police department is responding to. The average is 54 calls. Councilmember Trube questioned the amount of revenue the city has received and voiced concerns about public works. During the budget, it was discussed that if the City was able to locate any funds, it would be used to add more public works employees.

The motion passed with one NAY (Councilmember Trube)

c. Discussion/possible action – Resolution **R-2013-004** submitting a grant application to the Office of the Governor, Criminal Justice Division – Police Chief R. Aragon

Mayor Pro-Tem Bell made a motion to approve R-2013-004. Councilmember Brown seconded the motion.

Councilmember Osteen stated that this grant, if awarded, would fund an additional officer and vehicle to assist with the “hot spots” within La Marque. The first year, the grant would fund a 100% and second year 80%.

The motion passed with one NAY (Councilmember Trube)

d. Presentation/discussion/possible action - Texas Commission on Environmental Quality (TCEQ)

Sanitary Sewer Overflows (SSO) Plan of Action – 10 year plan - Public Works Director M. Morgan
Public Works Director Morgan stated that this is a voluntary program for the City of La Marque which will take place over 10 years. There had been Mayor Hocking stated that this item had been the topic of discussion during the Workshop held earlier this evening.

Mayor Pro-Tem Bell made a motion to approve the TCEQ Sanitary Sewer Overflows (SSO) Plan of Action – 10 year program. Councilmember Trube seconded the motion.

Motion carried unanimously.

e. Discussion/possible action – appointments to Boards/Commissions- City Manager C. Buttler
City Council was informed of several vacancies on Boards/Commissions back in January. There is a vacancy on the Building & Standards Commission due to the resignation of Mr. Broze, a vacancy –



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alternate on the Board of Adjustments due to the passing of Mr. Rex and the Cemetery Chairman had submitted a letter to Mayor Pro-Tem Bell requesting the removal of a member due to excessive absences.

At this time, one application for the Building & Standards Commission has been received from Ms. Deanie Barrett. This is a District An appointment. Mayor Pro-Tem Bell made a motion to appoint Ms. Barrett to the Building and Standards Commission. Councilmember Trube seconded the motion. Motion carried unanimously.

f. Discussion/possible action – accept Quarterly Investment Report ending December 31, 2012-
Interim Finance Director

City Manager Buttler informed City Council that based on the information presented in the report, there is not a great deal of change based on the economy.

Councilmember Trube made a motion to accept the Quarterly Investment Report ending December 31, 2012. Mayor Pro-Tem Bell seconded the motion. Motion passed unanimously.

(8) CITY MANAGER REPORT – No Council Action Necessary

- Administration
- Development Services
- Public Safety
- Judicial
- Public Works
- Economic Development Corporation
- Finance

Councilmember Osteen asked for information regarding page 62 on LMFD training. Training was provided by Emergency Management for the administrative assistants.

Councilmember Trube voiced concerns that the Police Department is overseeing the Fire Department. City Manager Buttler indicated that the plan is to create depth within the city. Currently, there is no one to back up anyone if the need arises. The training encompasses training for law enforcement, fire department and emergency management.

Councilmember Trube asked about an ordinance on seismic testing. City Manager Buttler informed City Council that she waiting for a call back and should have an ordinance prepared for the next meeting.

Councilmember Trube stated that City Council did not receive the maintenance report on city vehicles.

Councilmember Osteen asked the reason for increase in utility revenue. Councilmember Osteen asked if there had been a fee increased. City Manager Buttler informed City Council that the fees had not been increased.

Mayor Pro-Tem Bell stated that he had noticed the library hours had been changed and asked how the hours had been determined. City Manager Buttler stated that she had met with the remaining staff and they felt that this would allow the library to maintain its accreditation and meet the needs of the community. Mayor Pro-Tem Bell asked City Manager to review the hours and see if the hours could be



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extended on Saturdays. Most of our children are in school during the week and want them to have a place where they can use their time productively on the weekends.

(9) REQUESTS AND ANNOUNCEMENTS

Mayor Pro-Tem Bell requested a proclamation on behalf of Michael Jordan on safety and awareness. Mayor Pro-Tem Bell also encouraged citizens to get involved by applying for city boards/commissions.

(10) ADJOURNMENT

Councilmember Trube made a motion to adjourn the meeting. Councilmember Osteen seconded the motion. The meeting adjourned at 8:19 p.m.

Bobby Hocking, Mayor

Zina Tedford, City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: March 11, 2013
Prepared by: cjb
Department: Administration

Agenda item: 6a
Reviewed by: *CJB*

AGENDA ITEM DESCRIPTION:

Discussion/possible action – Resolution No. **R-2013-005** authorizing the City Manager to enter into an agreement with Linebarger Goggan Blair & Sampson, LLP for the collection fee in the amount of 30% of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by the municipal court serving the City and amounts in cases in which the accused has failed to appear – City Manager C. Buttler



Attachments for Reference

- 1. Resolution No. R- 2013-005**
- 2. Proposed Contract**
- 3. Informational Brochure of Firm**

Staff Briefing:

- I was contacted by representatives from Linebarger Goggan Blair & Sampson, LLP (Linebarger) to discuss an opportunity for this firm to assist with collection of delinquent Municipal Court Fines. This national law firm is based in Texas and has several divisions that offer collection services for various types of municipal operations.
 - I included the Interim Finance Director and Court Clerk in the meeting with Mr. Hill and Mr. Groce to discuss available services, related costs, and roles of City staff and Linebarger staff.
 - The City Attorney, Finance Director, and Court Administrator reviewed the resolution / contract and proposed changes, which were agreeable to Linebarger.
 - Services are customized to each municipality and a software module already exists to interface with Incode, the current Court tracking system.
 - Collections will include any delinquencies due to code violations in addition to traffic violations.
 - Although the resolution / contract language does not specify handling of designated indigent defendants, Linebarger will not attempt to collect from anyone who does not owe the City a delinquent fine (indigent, community service, etc.)
 - For collection services, Linebarger will add 30% to court costs, which will be paid by the defendant to the City. The City will remit the 30% added fee to Linebarger as agreed in the contract, which relieves the City of any net costs for collection.
 - Judge Baker discussed with me his research of Linebarger services for area cities and was pleased with the responses.
-



CITY COUNCIL AGENDA FORM

History (if applicable):

- Over the years, City staff has diligently attempted and succeeded in obtaining delinquent dollars.
- However, the value of many warrants still is uncollected.
- Linebarger has more resources for collection services than the City.

Target Implementation: Immediately following City Council approval

Significant Action Dates:

February 2013 – Initial meeting with City staff and firm

March 3013 – City Council to consider and approve resolution
Begin process to implement collection services

Action:

☐

Ordinance

☒

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other - Contract

Cost Details:	
Budgeted	
Actual Bid	
Estimated Expenditure	N/A
Acct. Name	
Line Items #	
Other Funding	

Staff's Recommended Motion: Motion to approve Resolution No. R-2013-005 authorizing the City Manager to execute a contract with Linebarger Goggan Blair & Sampson, LLP for collection of delinquent court fees to include authority for a 30% collection fee.

Fiscal Impact: No net increased costs to City. Optimally, 14 to 18% increase in collection rate of delinquent fees.

RESOLUTION R-2013 005

The City Council of the City of La Marque, Texas, convened at a regular meeting of said Council at the City Hall of said city on the _____, 2013, when among other business, the following was transacted with a quorum of members present:

RESOLUTION AUTHORIZING COLLECTION FEE IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY, AND AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR:

- 1) AS PROMISED UNDER SUBCHAPTER A, CHAPTER 543, TRANSPORTATION CODE, OR OTHER LAW;
- 2) IN COMPLIANCE WITH A LAWFUL WRITTEN NOTICE TO APPEAR ISSUED UNDER ARTICLE 14.06(b), TEXAS CODE OF CRIMINAL PROCEDURE, OR OTHER LAW;
- 3) IN COMPLIANCE WITH A LAWFUL SUMMONS ISSUED UNDER ARTICLE 15.03(b), TEXAS CODE OF CRIMINAL PROCEDURE;
- 4) IN COMPLIANCE WITH A LAWFUL ORDER OF A COURT SERVING THE CITY; OR
- 5) AS SPECIFIED IN A CITATION, SUMMONS, OR OTHER NOTICE AUTHORIZED BY SECTION 682.002, TRANSPORTATION CODE, THAT CHARGES THE ACCUSED WITH A PARKING OR STOPPING OFFENSE,

WHEN SUCH DEBTS, ACCOUNTS RECEIVABLE AND AMOUNTS ARE MORE THAN 60 DAYS PAST DUE AND HAVE BEEN REFERRED TO AN ATTORNEY OR OTHER VENDOR FOR COLLECTION.

_____ introduced the resolution and made a motion that the same be adopted. _____ seconded the motion for adoption of the resolution. The motion, carrying with it the adoption of the resolution, prevailed by the following vote:

AYES:	_____
NAYS:	_____
ABSTENTIONS:	_____

The Mayor thereupon announced that the motion had duly and lawfully carried and that the resolution had been duly and lawfully adopted. The resolution thus adopted follows:

WHEREAS, the City of La Marque wishes to defray its costs of collection that it incurs under a contract for collection of delinquent court fines and fees between

said City and a collection firm as authorized under the provisions of Article 103.0031, Texas Code of Criminal Procedure;

WHEREAS, under said article, the governing body of said City is empowered to authorize the addition of 30% on each debt and account receivable, including fines and fees, and on each amount in cases in which the accused has failed to appear, when each is more than 60 days past due and has been referred for collection.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, SITTING AS THE GOVERNING BODY OF SAID CITY, THAT:

Section 1: THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.

Section 2: (a) A COLLECTION FEE IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE, IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE, SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY WHEN SUCH DEBT OR ACCOUNT RECEIVABLE IS MORE THEN 60 DAYS PAST DUE AND HAS BEEN REFERRED TO AN ATTORNEY OR PRIVATE VENDOR FOR COLLECTION; AND

(b) A COLLECTION FEE IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE, IN THE AMOUNT OF 30% OF AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR:

(1) AS PROMISED UNDER SUBCHAPTER A, CHAPTER 543, TRANSPORTATION CODE, OR OTHER LAW;

(2) IN COMPLIANCE WITH A LAWFUL WRITTEN NOTICE TO APPEAR ISSUED UNDER ARTICLE 14.06 (b) OR OTHER LAW;

(3) IN COMPLIANCE WITH A LAWFUL SUMMONS ISSUED UNDER ARTICLE 15.03(b), TEXAS CODE OF CRIMINAL PROCEDURE;

(4) IN COMPLIANCE WITH A LAWFUL ORDER OF A COURT SERVING THE CITY; OR

*(5) AS SPECIFIED IN A CITATION, SUMMONS, OR
OTHER NOTICE AUTHORIZED BY SECTION 682.002,
TRANSPORTATION CODE, THAT CHARGES THE ACCUSED
WITH A PARKING OR STOPPING OFFENSE,*

*WHEN SUCH AMOUNTS ARE MORE THAN 60 DAYS PAST DUE AND HAVE
BEEN REFERRED TO AN ATTORNEY OR PRIVATE VENDOR FOR
COLLECTION.*

PASSED, APPROVED and ADOPTED this ____ day of _____,
2013.

CITY OF LA MARQUE

BY: _____
Bobby Hocking
Mayor

ATTEST:

Contract for Fines and Fees Collection Services

STATE OF TEXAS

COUNTY OF GALVESTON

THIS CONTRACT (hereinafter "AGREEMENT") is made and entered into by and between City of La Marque, acting herein by and through its governing body, hereinafter styled "CLIENT", and Linebarger Goggan Blair & Sampson, LLP, hereinafter styled "FIRM".

Article I

Nature of Relationship and Authority for Contract

1.01 The parties hereto acknowledge that this AGREEMENT creates an attorney-client relationship between CLIENT and FIRM.

1.02 The CLIENT hereby employs the FIRM to provide the services hereinafter described for compensation hereinafter provided.

1.03 This AGREEMENT is entered into pursuant to and as authorized by Subsection (a) of ART. 103.0031, Texas Code of Criminal Procedure.

Article 2

Scope of Services

2.01 CLIENT agrees to employ and does hereby employ FIRM to provide specific legal services provided herein and enforce the collection of delinquent court fees and fines that are subject to this AGREEMENT, pursuant to the terms and conditions described herein. Such legal services shall include but not be limited to recommendations and legal advice to CLIENT to take legal enforcement action; representing CLIENT in any dispute or legal challenge over authority to collect such court fees and fines; defending CLIENT in litigation or challenges of its collection authority; and representing CLIENT in collection interests in bankruptcy matters as determined by FIRM and CLIENT. This AGREEMENT supersedes all prior oral and written agreements between the parties regarding court fees and fines, and can only be amended if done so in writing and signed by all parties. Furthermore, this contract cannot be transferred or assigned by either party without the written consent of all parties.

2.02 The CLIENT may from time-to-time specify in writing additional actions that should be taken by the FIRM in connection with the collection of the fines and fees that are subject to this AGREEMENT. CLIENT further constitutes and appoints the FIRM as CLIENT's attorneys to sign all legal instruments, pleadings, drafts, authorizations and papers as shall be reasonably necessary to pursue collection of the CLIENT's claims.

2.03 Fines and fees that are subject to this AGREEMENT are those that are more than sixty (60) days past due as of the effective date hereof and those that become more than sixty (60) days past due during the term hereof. As used in this section, "more than 60 days past due" has that meaning assigned by Subsection (f) of Art. 103.0031, Texas Code of Criminal Procedure [as amended by Senate Bill 782, 78th Legislature (2003), effective June 18, 2003]. The meaning assigned to the phrase "more than 60 days past due" shall, for the term and purposes of this

AGREEMENT, survive any future amendments to, or repeal of, Article 103.0031, Texas Code of Criminal Procedure, or any parts thereof.

2.04 The CLIENT agrees to provide to the FIRM data regarding any fines and fees that are subject to this AGREEMENT. The data shall be provided by electronic medium in a file format specified by the FIRM. The CLIENT and the FIRM may from time-to-time agree in writing to modify this format. The CLIENT shall provide the data to the FIRM not less frequently than bi-monthly.

2.05 The FIRM, in all communications seeking the collection of fines and fees, shall direct all payments directly to the CLIENT at an address designated by the CLIENT. FIRM shall also attempt to receive payments during telephone collection efforts. If any fines and fees are paid to the FIRM, said payments shall be expeditiously turned over to the CLIENT.

Article 3

Compensation

3.01 The CLIENT agrees to pay the FIRM as compensation for the services required hereunder thirty (30%) percent of the total amount of all the fines and fees [exclusive of any collection fee assessed by the CLIENT pursuant to Subsection (b) of Article 103.0031, Texas Code of Criminal Procedure] subject to the terms of this AGREEMENT as set forth in Section 2.03 above that are collected by the CLIENT during the term of this AGREEMENT. The collection fee stated herein does not apply to an unadjudicated offense committed prior to June 18, 2003. All compensation shall become the property of the FIRM at the time payment of the fines and fees is made to the CLIENT.

3.02 The CLIENT shall pay the FIRM by the last day of each month all compensation earned by the FIRM for the previous month as provided in this Article 3. The CLIENT shall provide an accounting showing all collections for the previous month with the remittance.

Article 4

Intellectual Property Rights

4.01 The CLIENT recognizes and acknowledges that the FIRM owns all right, title and interest in certain proprietary software that the FIRM may utilize in conjunction with performing the services provided in this AGREEMENT. The CLIENT agrees and hereby grants to the FIRM the right to use and incorporate any information provided by the CLIENT ("CLIENT Information") to update the databases in this proprietary software, and, notwithstanding that CLIENT Information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the CLIENT shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the CLIENT shall be entitled to obtain a copy of such data that directly relates to the CLIENT's accounts at any time.

4.02 The FIRM agrees that it will not share or disclose any specific confidential CLIENT Information with any other company, individual, organization or agency, without the prior written consent of the CLIENT, except as may be required by law or where such information is otherwise publicly available. It is agreed that the FIRM shall have the right to use CLIENT Information for internal analysis, improving the proprietary software and database, and generating aggregate data and statistics that may inherently contain CLIENT Information. These aggregate statistics are owned solely by the FIRM and will generally be used internally, but may

be shared with the FIRM's affiliates, partners or other third parties for purposes of improving the FIRM's software and services.

Article 5

Term and Termination

5.01 This AGREEMENT shall be effective March _____, 2013, and shall expire on March _____, 2016, unless extended as hereinafter provided.

5.02 Unless prior to sixty (60) days before the Expiration Date, the CLIENT or the FIRM notifies the other in writing that it does not wish to continue this AGREEMENT beyond its initial term, this AGREEMENT shall automatically extend for additional one year periods without the necessity of any further action by either party. In the absence of any such sixty (60) day notice by either the CLIENT or the FIRM, the AGREEMENT shall continue to automatically renew for additional and successive one-year terms in the same manner at the end of each renewal period.

5.03 If, at any time during the initial term of this AGREEMENT or any extension hereof, the CLIENT determines that the FIRM's performance under this AGREEMENT is unsatisfactory, the CLIENT shall notify the FIRM in writing of the CLIENT's determination. The notice from the CLIENT shall specify the particular deficiencies that the CLIENT has observed in the FIRM's performance. The FIRM shall have sixty (60) days from the date of the notice to cure any such deficiencies. If, at the conclusion of that sixty (60) day remedial period, the CLIENT remains unsatisfied with the FIRM's performance, the CLIENT may terminate this AGREEMENT effective upon the expiration of thirty (30) days following the date of written notice to the FIRM of such termination ("Termination Date").

5.04 Whether this AGREEMENT expires or is terminated, the FIRM shall be entitled to continue to collect any items and to pursue collection of any claims that were referred to and placed with the FIRM by the CLIENT prior to the Termination Date or Expiration Date for an additional ninety (90) days following termination or expiration. The CLIENT agrees that the FIRM shall be compensated as provided by Article 3 for any such item or pending matters during the ninety (90) day period.

Article 6

Miscellaneous

6.01 Subcontracting. The FIRM may from time-to-time obtain co-counsel or subcontract some of the services provided for herein to other law firms or entities. In such cases, the FIRM will retain supervisory control and responsibility for any services provided by such co-counsel or subcontractors and shall be responsible to pay any compensation due to any such co-counsel or subcontractor.

6.02 Integration. This AGREEMENT contains the entire AGREEMENT between the parties hereto and may only be modified in a written amendment, executed by both parties.

6.03 Representation of Other Governmental Entities. The CLIENT acknowledges and consents to the representation by the FIRM of other governmental entities that may be seeking the payment of fines and fees or other claims from the same person(s) as the CLIENT.

6.04 Notices. For purposes of sending any notice under the terms of this contract, all notices from CLIENT shall be sent to FIRM by certified United States mail, or delivered by hand or by courier, and addressed as follows:

Linebarger Goggan Blair & Sampson, LLP
Attention: Director of Client Services
The Terrace II
2700 Via Fortuna Drive
Suite 400
Austin, TX 78746

All notices from the FIRM to the CLIENT shall be sent to CLIENT by certified United States mail, or delivered by hand or by courier, and addressed as follows:

City Manager
City of La Marque
1111 Bayou Road
La Marque, TX 77568

EXECUTED ON the _____ day of _____, 2013.

By: _____
Carol J. Buttler
City Manager

Linebarger Goggan Blair & Sampson, LLP

By: _____
Richard Hill, Partner
For the FIRM

Houston Area Fees & Fines

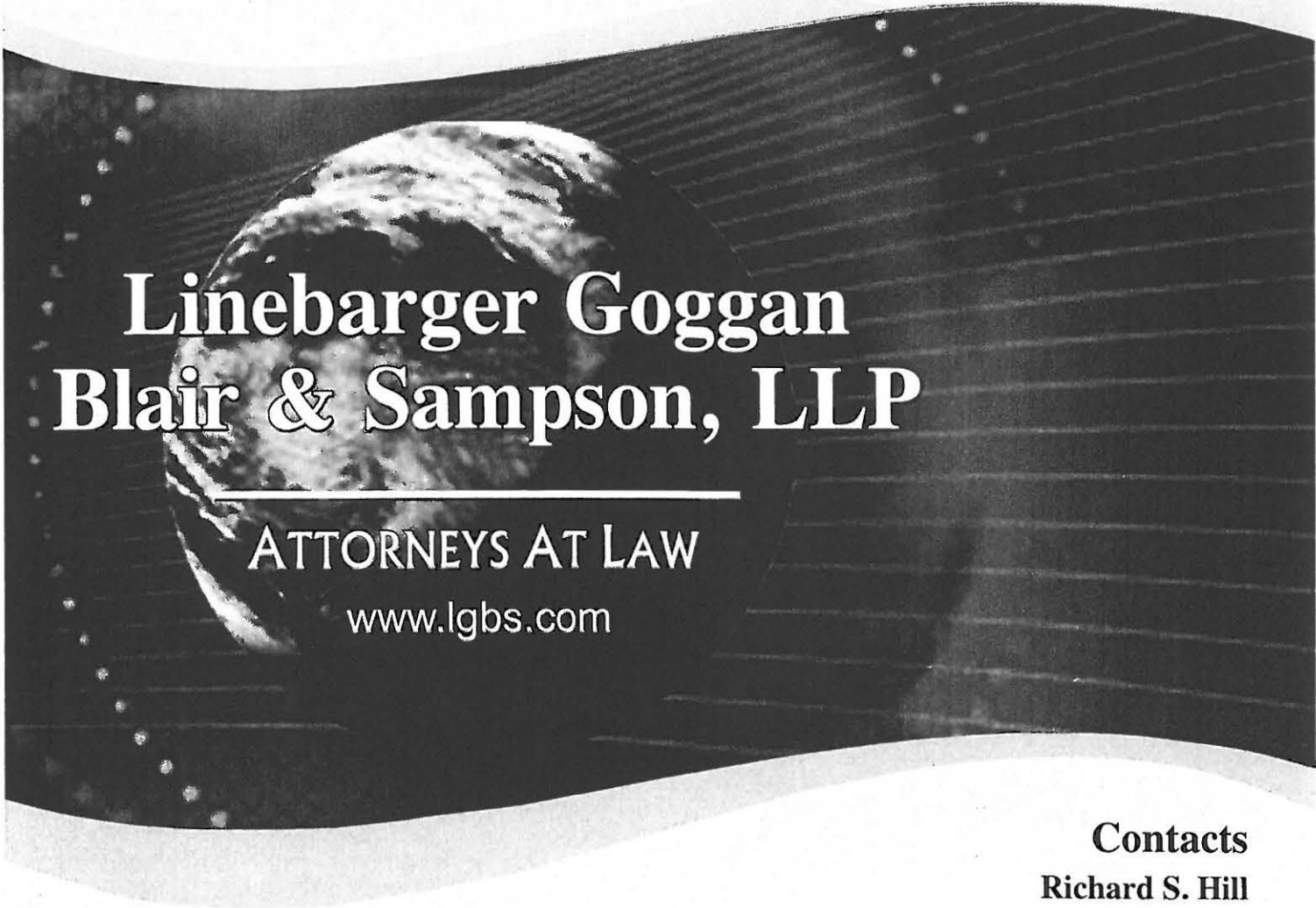
Client Listing

<u>Municipalities</u>		<u>Counties</u>
Houston	Webster	Harris
Pasadena	Stafford	Fort Bend
Baytown	League City	Liberty
Humble	Fulshear	Galveston
Dickinson	Deer Park	Matagorda
Texas City	Galveston	Jackson
Katy	Bunker Hill Village	Washington (NEW)
Missouri City	Hitchcock	
Dayton	Nassau Bay	
Brookshire	Santa Fe (NEW)	
Piney Point Village		
Kemah		
Pearland		
Wharton		
Jersey Village		
Spring Valley Village		

The clients listed above are serviced by the Houston Office Fees & Fines Division.

This is not a firm wide client listing.

Court Fees and Fines Collection Services



**Linebarger Goggan
Blair & Sampson, LLP**

ATTORNEYS AT LAW

www.lgbs.com

Contacts

Richard S. Hill
Capital Partner
713.844.3450

Bryan L. Groce
Marketing/Business
Development
713.422.7135

Court Fees & Fines Collection Services

The law firm of Linebarger Goggan Blair & Sampson, LLP (Linebarger Goggan) has assembled a highly qualified group of experienced attorneys and professional collection teams. Our fees and fines collection services offer courts new opportunities for improving collections and increasing revenue to the public coffers. We possess 37 years of experience in collecting government receivables, the most extensive array of advanced collection tools in the industry, and professional legal representation, something a general collection agency cannot offer.

Profile

- 37 years of experience in collecting government receivables
- Over 1,200 dedicated professionals, including more than 100 attorneys
- Office locations in Colorado, Delaware, Florida, Illinois, Michigan, Missouri, Nevada, New York, Ohio, Pennsylvania, Tennessee, and Texas.
- Annually file thousands of lawsuits, mail millions of demand letters, and make hundreds of thousands of collection calls
- Customized collection programs that are aggressive but fair
- Industry leader in computer systems and software support

Professional Memberships

Linebarger Goggan is a member of the American Collectors' Association in several states, which also grants our law offices in those states membership in ACA International. We are Platinum Partners with the U.S. Conference of Mayors and a corporate member of the National Association of Counties. In addition, we actively participate in a multitude of organizations throughout the country in order to support our clients and their various public interest and educational opportunities. Our professional memberships include:

National/Texas Memberships

- ACA International
- ACA Members' Attorneys Program
- CLLA – Commercial Law League of America
- USCM – United States Conference of Mayors



Providing Professional Collection Services Since 1976

www.lgbs.com

- NACO – National Association of Counties
- Texas Association of Counties
- Texas Municipal League

Court Association Support

- Texas JP & Constable Association
- Texas Justice Court Judges Association
- Texas Court Clerk Association
- Texas County & District Clerk Association
- Texas Municipal Courts Association

Experience

Since 1976, our focus has been collecting government receivables. We currently serve over 2,200 clients, including:

- State, County, and Municipal Courts and Clerks
- States, Cities, Counties, Schools, and Special Districts
- Toll Authorities
- Federal Government (authorized collection vendor)

Professional Services

Linebarger Goggan offers turn-key collection programs and full-service legal representation to our governmental entities.

Comprehensive Delinquent Collection Programs

- Fees
- Fines
- State & Local Taxes
- Tolls
- Red Light Camera Enforcement
- Service Charges
- Other Local, State and Federal Government Receivables



Legal & Support Programs

- Administrative Wage Garnishment
- Customized Mailings
- Complex Litigation
- Professional Call Centers
- Bilingual Collectors
- Community-based Educational Programs

- Delinquent Account Holder Assistance
- PCI Compliant Payment Processes
- Legislative Involvement

The hallmark of our collection program is customer service.

Fees and Fines Collection Program

Linebarger Goggan believes that a successful collection program must be multi-faceted, flexible and tailored to each client's specific needs.

Collection services commence immediately following the client's approval of a work plan developed to collect its outstanding receivables. The goal is to maximize the collection of delinquent fees and fines while maintaining full compliance with all applicable laws and regulations. The work plan is monitored on a regular basis and modified as necessary to meet the client's objectives.

Work Plan Highlights

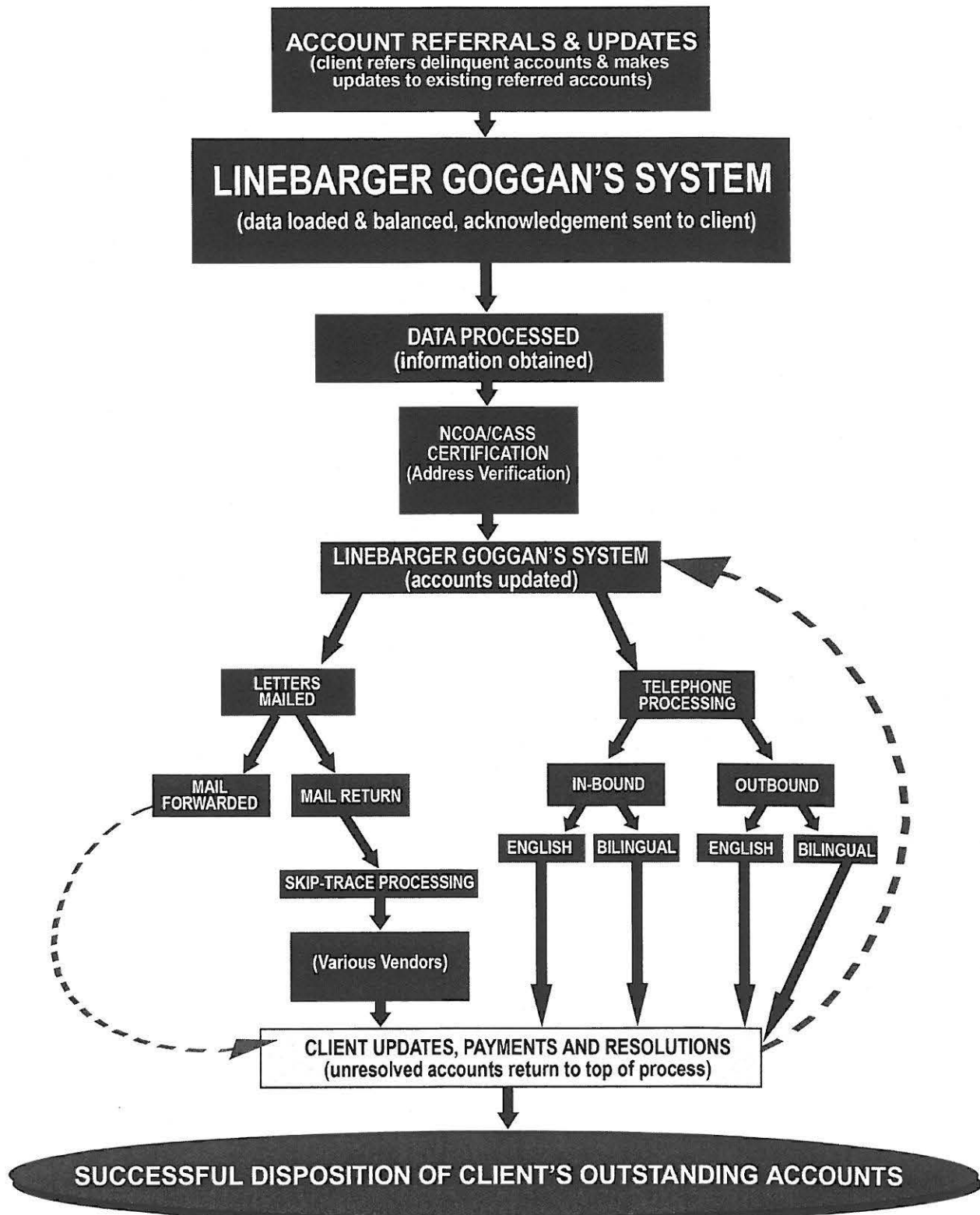
- Load the client's referral information into the firm's database, and acknowledge all accounts received.
- Confirm and/or update all available addresses for defendants prior to the first mailing using integrated skip-tracing software.
- Generate letters for newly placed accounts. Included with these mailings are all active client citations in the Linebarger Goggan database belonging to a defendant.
- Our notices clearly identify the client and contain the total amount due, including fees, fines, and collection fee, if applicable. They also warn that failure to pay the outstanding amount will result in a recommendation to the client that it use all possible enforcement mechanisms to collect the amount owed.
- Send a series of stronger, follow-up letters to those individuals who do not pay or respond as required. All collection notices will be approved by the client prior to use.
- Scan bar codes on returned mail, update the account files, and send the returned mail file to the skip-tracing unit.
- Research bad defendant addresses, using online skip-tracing tools to identify the correct telephone numbers and addresses.
- Update all defendant information and forward to the collection queue.
- Contact all accounts with valid phone numbers. Coordinated with all mailings, the telephone collectors will make repeated efforts to contact the defendant and secure full payment of their delinquent fees and fines owed to the client. Linebarger Goggan has a professional call center staff that works weekdays, nights, and Saturdays.

- Maintain a detailed activity and payment history on every account. Defendants with broken promises to pay (i.e., payment plans in default) are contacted promptly.
- Apply all legal and ethical enforcement mechanisms, as authorized and approved by the client.
- Work with the client's staff to find other methods for enhancing the collection program, such as media campaigns and warrant sweeps.
- Identify uncollectibles (deceased and/or incarcerated defendants) and return those accounts to the client with appropriate documentation and recommendations on future actions, as instructed.
- Submit management reports that provide details on collection activities.

Our clients can be assured that the collection strategies and techniques used by Linebarger Goggan will be lawful, ethical, and totally professional in manner. Furthermore, all information supplied to our firm is kept strictly confidential. Only persons directly involved in our collection program or authorized in writing by the client have access to the fees and fines data.

A flow chart offering an overview of our collection process is shown on the following page as *Figure 1*.

Figure 1. Linebarger Goggan Collection Process



Technology

Linebarger Goggan is dedicated to optimizing collection efficiency and effectiveness while upholding the highest professional standards. We pioneered the application of high technology to delinquent collections when we entered the field over three decades ago. Our representation of the largest governmental entities in states such as California, Florida, Illinois, Kansas, Pennsylvania, and Texas has led us to invest more than \$60 million to develop the very latest, most sophisticated data processing and communications technology available. We are proud to offer clients our advanced technological systems for their delinquent fees and fines programs.

Since 1976 our in-house Information Technology Group (ITG) has developed specialized applications and customized collection systems to manage a wide variety of government receivables. Linebarger Goggan's fees and fines collection program is managed using the Columbia Ultimate Business Systems, Inc. (CUBS) software, which our programming staff has adapted and customized for specialized law firm applications. We have developed easy-to-use custom features that are stable, effective, and do not interfere with basic CUBS program code. This system combines the best of a traditional collections software platform with state-of-the-art enhancements that allow Linebarger Goggan to meet our clients' growing and specific needs for sophisticated software applications.

To accomplish this task, we have focused on the automation, centralization, security, and standardization of our computer systems and collection programs. Our systems currently manage over \$10 billion worth of delinquent and current receivables of all types for our clients and track over 250,000 related lawsuits and bankruptcy cases throughout the United States. We have more than 140 programmers and technical support personnel in our firm's ITG division.

The software applications we have developed enable us to continuously meet the changing needs of the delinquent receivables collection process.



Collection Program Features

Linebarger Goggan offers our clients a turnkey solution for collecting delinquent fees and fines. Operational tasks include developing effective mailings, skip tracing, nationwide collection calls, payment processing, and providing management information to our clients via regular reports and communication with client personnel. Our service also includes all equipment (hardware and software), telecommunications devices, insurance, and security services necessary to complete collections tasks. Some of the features of the collection program that we offer our clients are:

- personalized work plans to improve your collections
- experienced attorneys to oversee all aspects of the collection operation
- nationwide locator service to find your missing defendants
- customized bilingual collection letters that get the defendants' attention
- advanced telephone collection software for management of collection call campaigns



- dedicated call center (toll-free number) staffed by professional collectors to work with your defendants
- payment processing procedures that comply with client requirements
- extensive employment of bilingual collectors who are familiar with collection laws in all 50 states
- regular performance reports approved by the client
- proprietary software and data processing technology to manage all aspects of your collection program
- legislative support on matters pertaining to collections
- legal representation in the event that a defendant files suit in an attempt to avoid collection on a delinquent case, if required by the client

Client Benefits

Linebarger Goggan's comprehensive collection programs and litigation services allow the courts to focus on dispensing justice while maintaining control over our collection activities. Our mission is to generate the maximum revenue possible with the least administrative burden to the client.

Benefits to Our Clients

- Increase your court revenue.
- Improve efficiency for your courts and law enforcement operations.
- Add the resources of a respected national law firm with hundreds of professional collection personnel to your staff without raising taxes or using tax dollars.
- Reduce your backlog of outstanding court fees and fines.
- Increase current collections by heightened awareness of aggressive delinquent collections.

Professional Recognition

- Member of the U. S. Conference of Mayors' Business Council and a Platinum Partner of USCM—a designation earned through the award of three public- private partnership awards over the span of six years. The former USCM President Mayor Douglas Palmer stated, *"any business that earns three public-private partnership awards with USCM has to be doing something right."* In 2010 we received a fourth award.
- Winner, U.S. Conference of Mayors' 2010 Award for Outstanding Achievement in partnership with the City of Port Arthur to redevelop blighted and abandoned properties in inner-city neighborhoods following Hurricane Ike. Using the firm's tax sale process, and working relationships with other affected governmental entities, Port Arthur's urban core is now undergoing new business and residential investment and renewal.
- Winner, U.S. Conference of Mayors' 2007 Award for Outstanding Achievement in partnership with the City of Houston to redevelop blighted and abandoned properties in inner-city neighborhoods. Over 1,300 properties have been acquired by the Land Assemblage Redevelopment Authority for development into affordable housing.
- Winner, U. S. Conference of Mayors' 2004 Award for Outstanding Achievement in Partnership with the City of Chicago for collecting over \$24 million in delinquent receivables in less than two years and more than \$280 million as of July 2012.
- Winner U. S. Conference of Mayors' 2001 Award for Excellence in Partnership with the City of Dallas – to date over \$1.1 billion collected in delinquent tax revenue for the city and school district of Dallas.



2007 U. S. Conference of Mayors' Award for Outstanding Achievement in Partnership with the City of Houston

Equal Opportunity Employer

Linebarger Goggan is committed to providing ownership and career opportunities for minorities and women within our law firm as well as supporting Minority and Women Business Enterprises (MWBE). We believe it is important that our organization be as diversified as the governments that we represent. We are proud of our record of hiring an ethnically and gender diverse workforce, and we continue to promote new opportunities for women and minorities throughout our law firm.



2013 Linebarger Goggan Management Committee

Why Hire Linebarger Goggan?

- Collection programs customized to your needs
- Over three decades of experience in providing legal services in the collection of delinquent government receivables
- Professional, dedicated collection operation using advanced technologies for skip tracing and defendant contact
- Exceptional customer service
- Ability to collect nationwide
- Licensed attorneys with experience in collections and legal practices

LEGISLATURE PASSES COLLECTION FEE

Texas Code of Criminal Procedure – as Amended June 2003 Provides for 30% Collection Fee

In June 2003, the Texas Governor signed Senate Bill 782 into law, amending Art.103.0031 of the Texas Code of Criminal Procedure and addressing concerns the Attorney General had raised with respect to an add-on collection fee for certain outsourced court collections. Effective immediately, county and municipal courts can assess a collection fee that is passed on to defendants for all adjudicated cases and for unadjudicated cases that occurred after June 18, 2003. The new language allows for a flat 30% fee to be added to outsourced collection efforts that meet these criteria.

This fee applies to all cases 60 days past due from the date of summons, appearance date, or judgment date as notified or ordered by the court. Prior to enforcing the 30% add-on fee, a county or city must authorize the additional fee.

The collection fee does not apply to a case that has been dismissed by a court of competent jurisdiction or to any amount that has been satisfied through time-served credit or community service. The collection fee may be applied to any balance remaining after a partial credit for time served or community service if the balance is more than 60 days past due.

For more information on our fees and fines collection services, contact Communications & Marketing Services at 800.262.7229 or visit our Web site at www.lgbs.com for a convenient local office.



CITY COUNCIL AGENDA FORM

Meeting Date: March 11, 2013
Prepared by: cjb
Department: Administration

Agenda item: 6b
Reviewed by: *CJB*

AGENDA ITEM DESCRIPTION:

Discussion/possible action –amending the current agreement with Belt Harris, Pechacek, LLLP to expand scope of services – City Manager C. Buttler



Attachments for Reference

1. Original Agreement

Staff Briefing:

- Belt Harris Pechacek, LLLP (firm) staff have been conducting on-site research of the City's records for the audit of FY2011-2012. Once the firm was hired, I confirmed Council's and my direction to perform as in-depth an audit as possible within the agreement scope.
- Because the City (during FY 20141-2012) experienced a lengthy transition period with the resignation of a Finance Director and two (2) subsequent Interim Finance Directors, I determined it is prudent and fiscally responsible to expand audit services. The City and Belt Harris Pechacek, LLLP will need to amend the current agreement to allow for an increase in fees not to exceed \$5,000.00 for agreed upon procedures.

History (if applicable):

Target Implementation: Immediately

Significant Action Dates:

September 2012 – City Council approved Belt Harris Pechacek, LLLP as the City's auditing firm for a 3-year term.

March 2013 – City Council to consider amending the current agreement to expand the scope of services.



CITY COUNCIL AGENDA FORM

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

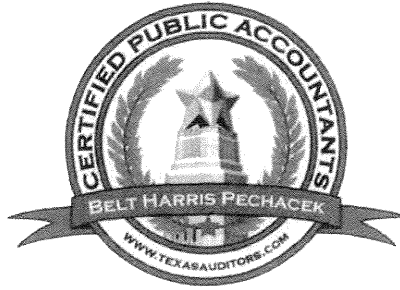
Other – Contract Amendment

Cost Details:

Budgeted	\$62,000.00
Actual Bid	
<u>Minimum</u> Estimated Expenditure	\$57,500.00 (FY2013)
Acct. Name	Independent Audit Fees
Line Items #	01-4040-02-02
Other Funding	

Staff's Recommended Motion: Motion to amend the current agreement with Belt Harris Pechacek, LLLP to expand the scope of audit services for agreed upon procedures, not to exceed \$5,000.00.

Fiscal Impact: Not to exceed \$5,000.00



Engagement Letter

September 5, 2012

Honorable Mayor and City Council
City of La Marque, Texas
1111 Bayou Road
La Marque, Texas 77568

We are pleased to confirm our understanding of the services we are to provide the City of La Marque, Texas (the "City") for the years ended September 30, 2012, 2013, and 2014. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City as of and for the years ended September 30, 2012, 2013, and 2014.

Accounting standards generally accepted in the United States provide for certain Required Supplementary Information (RSI), such as Management's Discussion and Analysis (MD&A), to accompany the City's basic financial statements.

As part of our engagement, we will apply certain limited procedures to the City's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Budgetary Comparison Schedules

We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements.

1. Schedule of Expenditures of Federal Awards

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditors' report will disclaim an opinion.

1. Introductory section
2. Statistical tables

Partners

Robert Belt, CPA
Stephanie E. Harris, CPA
Nathan Krupke, CPA

Houston

3210 Bingle Rd., Ste. 300
Houston, TX 77055
713.263.1123

Bellville

6100 Windy Hill Lane
Bellville, TX 77418
979.865.3169

Austin

100 Congress Ave., Ste. 2000
Austin, TX 78701
512.381.0222

32

All Offices

www.texasauditors.com
info@txauditors.com
713.263.1550 fax



In addition to these services –

1. We will also provide routine advisory services through phone calls, conferences or otherwise in connection with incidental matters arising during the year. These costs would be absorbed in our estimated annual fee. We encourage open lines of communication throughout the year as part of our services.
2. We will draft the financial statements, including the Management's Discussion and Analysis with input from management.
3. We will print and bind the financial reports for the City, and provide an electronic PDF copy via email and/or post all reports to the City's Auditbox account.
4. We will handle normal correspondence from grantor, regulatory, or oversight agencies related to the audit.
5. We will perform procedures to comply with the Public Funds Investment Act (Chapter 2256 local government code).
6. We will make your annual financial report conveniently accessible on our website for affiliated organizations to view provided that they accept the legal disclaimer notification.

Audit Objectives

The objective of our audit is the expression of an opinion as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on the following:

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended for the information and use of the audit committee, management, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with U.S. generally accepted auditing standards; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with Circular A-133, and other procedures we consider necessary to enable us to express such an opinion and

to render the required reports. If our opinion on the financial statements or the Single Audit compliance opinion is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for federal award program compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein.

You are responsible for management decisions and functions. As part of the audit, we will prepare a draft of your financial statements, schedule of expenditures of federal awards, and related notes. In accordance with *Government Auditing Standards*, you will be required to review and approve those financial statements prior to their issuance and have a responsibility to be in a position in fact and appearance to make an informed judgment on those financial statements. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing our services.

Management is responsible for making all financial records and related information available to us, including identifying significant vendor relationships in which the vendor has the responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review prior to the beginning of our audit fieldwork.

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits of other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also

responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, and the timing and format related thereto.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective Government Auditing Standards do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that comes to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

Audit Procedures – Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards* and OMB Circular A-133.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of test of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Audit Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any invoices selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide copies of our reports to the City; however, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits. At the conclusion of the engagement, we will provide information to management as to where the reporting packages should be submitted and the number to submit.

The audit documentation for this engagement is the property of Belt Harris Pechacek, LLLP and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to Oversight Agency for Audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Robert Belt. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the Oversight Agency for Audit. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Fees for our services are based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, typing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. The time estimates used to project our fees are based on anticipated cooperation from your personnel and management fulfilling its responsibility, as discussed previously. Our time budget for this engagement does not include addressing matters related to managements' responsibilities, such as modifications to the City's financial information, additional procedures related to alleged noncompliance with laws and regulations and similar improprieties, the City's lack of preparation for the audit, and similar matters. Such time requirements have not been included in the estimate and would be billed in addition to the fees quoted at our standard hourly rates and actual costs incurred, including legal consultations, if necessary. We will notify the appropriate party when such conditions are encountered, such as identifying schedules not prepared, out-of-balance accounts, alleged violations, etc. When possible, we will provide management with options for alleviating the conditions. If it appears the item will not be addressed by the City, we may perform procedures to address incidental matters to facilitate timely completion of the audit. To the extent possible, we will obtain approval before performing additional work for matters considered significant to the original proposed fee. Due to the nature of our work, such approval may not always be possible (i.e., we may be legally compelled by subpoena or similar request to expend additional time and incur other expenses to handle matters arising from this engagement).

As customary in the industry the price quoted is an estimate. In accordance with rules of the State Board of Public Accountancy, we cannot be bound to provide the audit for the amount estimated. However, in practice, we honor our fee quotes unless adverse conditions such as those described above are encountered. Our fee estimate for the audit of the City's financial statements for the years ended September 30, 2012, 2013, and 2014 are \$57,500, \$58,075 and \$58,655, respectively.

Our invoices for these fees will be rendered each month as work progresses and are payable within 30 days. In accordance with our firm policies, work will be suspended if your account becomes 30 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. This agreement and rights and responsibilities of this audit engagement are specifically assigned to Belt Harris Pechacek, LLLP. Notwithstanding anything contained in this engagement to the contrary, in the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal period for fees due under this engagement agreement, the City will immediately notify us in writing of such occurrence and this agreement shall terminate on the last day of the fiscal period for which appropriations have been received or made.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2009 peer review accompanies this letter.

Authorization of CPAs Disclosure

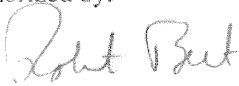
Any client certified public accountant involved with assisting us shall not be prohibited from disclosure of information required to be made available by the standards of the public accounting profession in reporting on the examination of financial statements. Management understands and provides permission to staff certificate or registration holders as required under the Rules of Professional Conduct, Texas Administrative Code, Title 22, Part 22, Chapter 501, Subchapter C, Section 501.75.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

Belt Harris Pechacek, LLP
Certified Public Accountants

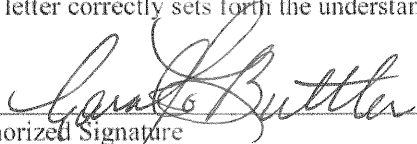
Authorized by:



Robert Belt, CPA, CGMA
Managing Partner

RESPONSE:

This letter correctly sets forth the understanding of the City of La Marque, Texas.


Authorized Signature

Carol J. Buttler
Printed Name

City Manager
Title

09/17/12
Date

BUMGARDNER, MORRISON & COMPANY, L.L.P.

MEMBER FIRM OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS *BMC* MEMBER FIRM OF THE TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

JOSEPH B. BUMGARDNER, CPA
(1911-2002)
JACK R. MORRISON, SR., CPA
(1922-1997)

CERTIFIED PUBLIC ACCOUNTANTS

JACK R. MORRISON, JR., CPA
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JEROME G. KOTZUR, CPA
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AICPA TAX DIVISION

October 29, 2009

JACK C. FITZGERALD, CPA

System Review Report

To the Partners of Belt Harris & Associates, LLLP
and the Peer Review Committee of the
Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Belt Harris & Associates, LLLP (the firm) in effect for the year ended June 30, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of Belt Harris & Associates, LLLP in effect for the year ended June 30, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Belt Harris & Associates, LLLP has received a peer review rating of *pass*.

Bumgardner, Morrison + Company, LLP



CITY COUNCIL AGENDA FORM

Meeting Date: March 11, 2013
 Prepared by: cjb
 Department: Administration

Agenda item: 6c
 Reviewed by: *CJB*

AGENDA ITEM DESCRIPTION:

Discussion/possible action – Ordinance No. **O-2013-002** of the City of La Marque, Texas, amending Chapter 47 of the Code of Ordinances, City of La Marque, Texas, establishing regulations of geophysical mineral exploration, providing definitions, requiring permits and requiring notices. This is the first reading. – City Manager C. Buttler

☒

Attachments for Reference

1. **Ordinance No. O-2013-002**
2. **Letter from Galveston County Judge Henry**

Staff Briefing:

- Although some residents of La Marque and neighboring cities received mailed notices about a permit request through the U.S. Army Corps of Engineers for geophysical mineral exploration (seismic testing), the City of La Marque received no notification.
- I notified City Council of a letter and permit information from Galveston County Judge Henry. Copies were provided in City facilities for the public.
- Councilmember Trube asked that the City Attorney and I present an ordinance for consideration to offer protective measures for La Marque residents.

History (if applicable): City of La Marque records indicate no current ordinance on file addresses geophysical mineral exploration (seismic testing).

Target Implementation: After adoption of ordinance at 2nd reading

Significant Action Dates:

February 2013 – Mayor receives letter from County Judge requesting public hearing with U.S. Army Corps of Engineers

March 2013 – City Council considers approval of first reading of ordinance

Action:

☒

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other - Contract

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Items #	
Other Funding	



CITY COUNCIL AGENDA FORM

Staff's Recommended Motion: Motion to approve the first reading of Ordinance No. O-2013-002 establishing regulations, notice, permitting, fee, and insurance requirements for geophysical mineral exploration.

Fiscal Impact: Permit fees based on one thousand dollars (\$1,000.00) for the first mile and one thousand dollars (\$1,000.00) per mile thereafter, pro-rated for any portion less than a mile.

ORDINANCE NO. O-2013-002

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS, ESTABLISHING REGULATIONS OF GEOPHYSICAL MINERAL EXPLORATION, PROVIDING DEFINITIONS, REQUIRING PERMITS AND REQUIRING NOTICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

THAT CHAPTER 47 OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS, IS HEREBY AMENDED BY ADDING A NEW SECTION _____ WHICH SHALL READ AS FOLLOWS:

“SECTION ____: GEOPHYSICAL MINERAL EXPLORATION

A. DEFINITIONS

- (1) Active equipment means energy source equipment.
- (2) Passive equipment means receiving equipment.
- (3) Building means a roofed and walled structure intended for supporting or sheltering a specific use or occupancy.
- (4) Dwelling means a house, duplex, apartment, townhouse, condominium, mobile/manufactured home, industrialized housing, or any other building occupied, intended for occupancy, or used for residential purposes.
- (5) Water Well means a bored, drilled, driven, or dug excavation utilized for the purpose of extracting groundwater from an aquifer.

B. PERMITS

- (1) Permit Required.

No person, firm, or corporation shall conduct any method of geophysical mineral exploration within the city without first having obtained a permit from the City Council.

- (2) Permit Requirements.

- (a) Application for a permit hereunder shall be made with the City Clerk. Such application shall contain the name of the applicant, address of the applicant, the geophysical methods of mineral exploration to be used, the purpose therefore, and the location and use with a map attached designating the points of use. Such application shall be accompanied by a permit fee of one thousand dollars (\$1,000.00) for the first mile and one thousand dollars (\$1,000.00) per mile thereafter, pro-rated for any portion

less than a mile. On receipt of such application by the City Clerk, the same shall be referred to the City Manager for a report as to the compliance of such application with the provisions of this Section. Such report and the application shall then be submitted to the City Council. No permit shall be issued except by the approval of the City Council.

- (b) The application for a permit shall cover a single set of lines for a single client or project. Should the applicant determine, after the permit is granted, that additional lines or extensions of existing lines are necessary, these shall be considered a new project and a new applications shall be filed, along with all required documents and fees applicable.

(3) Insurance and Bond Requirements.

- (a) Upon approval of a permit, but before issuance thereof, the applicant shall provide an insurance certificate showing insurance coverage of the applicant in amounts not less than:

Commercial General Liability: \$1,000,000 each occurrence

\$2,000,000 annual aggregate

Combined Single Limits or equivalent

Commercial Automobile Liability: \$1,000,000 each occurrence

Combined Single Limits or Equivalent

Workers' Compensation: State Statuary limits

Employers' Liability Coverage: \$500,000 Bodily Injury by Accident

\$500,000 Bodily Injury by Disease– Each Employee

\$500,000 Bodily injury by Disease– Policy Limit

Such insurance coverage shall be provided by a good and solvent insurance company authorized to do business in the State of Texas. In addition, the certificate of insurance shall name the city as additional insured with respect to operations performed under the permit.

- (b) Within 30 days of receipt of same, the applicant shall notify the city, in writing, of each claim for injuries to, or death of, persons or damages or losses to property occurring or in any way incident to, arising out of or in connection with, the operations of the applicant, its contractors, agents or representatives under this permit.
 - (c) The applicant shall provide a cash bond in the principal sum of such number of dollars as determined by the City Council, but not to be less than five thousand dollars (\$5,000.00). The amount of such bond shall be based upon the location and length of the proposed route of operations and the potential hazards involved. In addition to the cash bond, the City Council may determine the need for the applicant to post a satisfactory corporate obligation commercial bond, depending upon the location and length of the proposed route of operations and the potential hazards involved. Said bond(s) shall be posted with the City for the benefit of the City and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this section. Said bond shall become effective on or before the date the same is filed with the City Clerk and shall remain in force and effect and on deposit for at least a period of six (6) months after exploration ends. If after exploration ends and permittee has complied with all of the provisions of this section, permittee may apply for a full refund of the cash bond.
 - (d) The applicant shall agree to protect, indemnify, defend, and hold harmless the City, including its elected officials, officers, employees, agents, and representatives from and against any and all claims, demands and causes of action of every kind and character brought for or on account of any injuries, damages, or losses, real or asserted, including attorneys' fees, and any other costs and expenses incurred by the city in defending against any such claims, demands and causes of action received or sustained by any person or property on account of any negligence or gross negligence, or any act of omission, of the applicant, its employees, contractors, subcontractors, agents and representatives, arising directly or indirectly or in any way connected with the operations performed under this agreement.
- (4) Duration of Permit.

All permits issued hereunder shall expire six (6) months from the date of issuance.

(5) Terms of Permit.

- (a) Energy source equipment to be an offset distance of at least three hundred (300) feet from any water well, in-ground swimming pool, and dwelling and any building made with a concrete slab.
- (b) Written agreement to cover damage, caused by geophysical mineral exploration, to any water well, in-ground swimming pool, and dwelling and any building made with a concrete slab effective for six (6) months after completion of work.
- (c) Employ at least one (1) La Marque officer (off duty) to accompany the work crew while recording on City right-of-way.
- (d) Obtain written permission from property owners before entering upon or crossing their property.
- (e) Employ a third party engineer (specializing in seismology), to be approved by the City, who shall be on the job site during the entire period of recording to mitigate any potential damage to public or private property.
- (f) No recording shall be conducted on Sunday, nor between the hours of 8:00 p.m. and 8:00 a.m. local time.
- (g) No explosives shall be used.
- (h) The applicant shall restore any lands or rights-of-way used in its operations to its original condition, free of damage, including ruts or injury to vegetation.
- (i) The applicant shall ensure that its operations will not interfere with the free and safe flow of traffic. The applicant will prepare for approval by the Chief of Police, a traffic flow plan for the project. When operations are immediately adjacent to the pavement, all equipment shall be parked and/or operated on one (1) side of the roadway only, unless demonstrated in the traffic flow plan that another method would be safer.
- (j) Cables placed on the pavement within rights-of-way must be arranged so they do not create a hazardous condition or rumble strip effect. All cables must be securely anchored to the roadway with the materials that will not damage or puncture the pavement. Nails, spikes, and similar materials used for anchors shall not be placed inside the pavement.

- (k) Operations under the permit shall be suspended when the City's street superintendent determines that the ground conditions are such that operations would cause extensive rutting in the rights-of-way or easements. In the event that mud, gravel, rock, or debris is inadvertently tracked onto roadways in a way that creates safety hazard or potential for damage to vehicles, the operator shall immediately cease operations and clean the roadway of all mud, gravel, rock, or debris. The time for completion of operations as specified under Subsection B(4) shall be extended by one (1) day for each day operations are suspended under the provisions of this subsection.
- (l) The applicant shall furnish adequate signs, barricades, flares, flagmen, etc., as necessary, to protect the traveling public.

C. NOTICE REQUIREMENTS

- (1) No geophysical method of mineral exploration shall be used under this permit without the permittee having first notified designated City personnel, at least twenty-four (24) to forty-eight (48) hours prior to performing the actual work, of the proposed time, location of the planned use, and name and telephone number of a company representative who will be available at all times during the recording operations.
- (2) Prior to performing the actual work, the applicant shall offer, in writing to each owner, resident, and business and shall provide, if requested, a pre-damage and post-damage inspection report for all dwellings, buildings, water wells, and in-ground swimming pools located within three hundred (300) feet of its planned operations.
- (3) The applicant shall notify, by mail, each owner, resident, and business located within one thousand (1,000) feet of its planned operations not earlier than two (2) weeks but no later than forty-eight (48) hours prior to performing the actual work.
- (4) At least one (1) week but no earlier than two (2) weeks prior to commencement of exploration operations, the applicant shall place a newspaper advertisement in the local daily newspaper of general circulation in the City of not less than three (3) inches by four (4) inches explaining the work to be performed, the location of the proposed work, the anticipated time frame for exploration activity, and a toll-free number where residents may call for more information."

PASSED AND APPROVED on the first reading this the _____ day of
_____ 2013, by the La Marque City Council.

PASSED AND ADOPTED on the second and final reading this the _____ day of _____, 2013 by the La Marque City Council.

Bobby Hocking
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

cmw;03/05/2013;Z:\Cities\La Marque\seismictestord.wpd



Mark Henry

County Judge
County of Galveston

Galveston County Courthouse
722 Moody Avenue, Galveston, Texas 77550

Patricia Grady
Legal Liaison

Roxann Lewis
Executive Assistant

February 5, 2013

Natalie Rund
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

02-08-13 P03:50 IN

Re: Samson Exploration, LLC Permit Request No. SWG-2012-00906

Dear Ms. Rund,

Several Galveston County citizens have contacted the Galveston County Commissioners Court expressing concern about the Samson Exploration, LLC permit request no. SWG-2012-00906 to conduct a 3-D survey in Galveston County using explosive charges.

These citizens have expressed concern that the 3-D survey could cause damage to their homes and businesses, foundations, water wells, water and sewer lines, septic systems, bulkheads, driveways and road and bridges.

In your review of this permit request, Galveston County asks that you consider these citizens concerns and hold a public hearing. The Galveston County Commissioners Court meeting room in the County Courthouse is available for the public hearing if needed.

Very truly yours,

A handwritten signature in cursive script, likely of Mark Henry, the County Judge.

Mark Henry
County Judge

Enclosures

CC: Congressman Randy Weber
Congressional District 14
VIA: EMAIL

U.S. Senator Ted Cruz
VIA: EMAIL

Texas Railroad Commissioner Barry Smitherman
Texas Railroad Commissioner David Porter
Texas Railroad Commissioner Christi Craddick
VIA: EMAIL



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2012-00906

Date Issued: 18 January 2013

Comments

Due: 20 February 2013

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Mr. Stephen Trujillo
Samson Exploration, LLC
1300 Main Street, Suite 1900
Houston, Texas 77002
Telephone: 713-577-2038

AGENT: Ms. Jackie Gilliam
Dixie Environmental Services Company, LP
26902 Nichols Sawmill Road
Magnolia, Texas 77355
Telephone: 281-252-9799

LOCATION: The project site is located within a 731.64-square-mile area that includes wetlands, uplands, and open water habitat within and adjacent to waters of the U.S., including rivers, canals, lakes, and sloughs, in Brazoria and Galveston Counties, Texas. The project can be located on the U.S.G.S. quadrangle maps titled: Algoa, Angleton, Christmas Point, Christmas Point OE S, Danbury, Dickinson, Hitchcock, Hoskins Mound, Lake Como, Liverpool, Manvel, Mustang Bayou, Oyster Creek, Rosharon, San Luis Pass, Sea Isle, Texas City, and Virginia Point, Texas.

CENTER OF PROJECT - LATITUDE & LONGITUDE (NAD 83):
Latitude: 29.46267 North; Longitude: -95.100492 West

PROJECT DESCRIPTION: The applicant proposes to conduct a 3-D survey that requires the deployment of motion sensing devices (geophones/hydrophones or receivers), which would be placed at regular intervals of 220 feet along parallel receiver lines spaced 1,760 feet apart. Geophones would be utilized on land, and hydrophones would be utilized in open water areas and wetlands, as applicable. The applicant's plans are enclosed in 8 sheets.

The primary energy source within the project area would be explosive charges. The charge depth and configuration proposed consists of single, 110-foot-deep holes drilled at intervals of 220 feet along each source line. Source line spacing on land, in wetlands, and in the Galveston Bay complex would be 1,760 feet. Each source location on land would be loaded with an 11-pound explosive charge, and the hole would be plugged in accordance with state regulations for the prevention of commingling of surface and ground water. In water, all source points will be plugged with bentonite (natural clay) and natural drill cuttings, where feasible.

Airguns would be utilized as the energy source in the Gulf of Mexico. Airgun releases would occur at intervals of 220 feet along each source line, and source lines would be spaced 440 feet apart, parallel to one another.

The enclosed maps illustrate pre-plot locations of source (orange) and receiver (pink) points, and below is a summary of proposed survey parameters:

1. Types of equipment to be used:

- Highland Rigs (lands in majority of the project area)
- Airgun Barge (Gulf of Mexico)
- Airboat, Pontoon, or Marsh Buggy Drills (wetland areas and bays)
- Mini-excavator (pits)
- Trucks, ATVs, and UTVs
- Marsh masters for survey and recording crews
- Helicopters for recording crew

2. Diameter of drill holes: 4 inches
3. Size of energy charge: 11 pounds of explosives
4. Depth of drill holes: 110 feet
5. 220 feet between source points
6. 1,760 feet between source lines in the majority of the project area
7. 440 feet between source lines in the Gulf of Mexico
8. 220 feet between receiver points
9. 1,760 feet between receiver lines

Surveying within the project area is scheduled to meet the timing requirements set forth by the U.S. Fish and Wildlife Service (USFWS) and National Wildlife Refuge, and would consist of survey crews marking the proposed sites for source holes and receiver points. This would be accomplished using GPS, inertial, and/or conventional surveying methods, and hand-clearing of vegetation would be necessary along source and receiver lines within some portions of the project area. Clearing of vegetation may be necessary to obtain line-of-sight for conventional surveying and/or to allow for the safe passage of crews along seismic lines. Vegetation cutting would consist of brush, small trees, and branches, and would be accomplished through the use of chainsaws or machetes. Cutting would be limited to the minimum amount necessary to accomplish objectives.

Drilling would follow surveying and would be accomplished using highland drilling rigs on land; airboat drills, marsh buggy drills, or other lightweight equipment in wetlands, and airboat drills or pontoon drills in West Bay, as appropriate. During this phase of operations, drills would maneuver from source point to source point utilizing the route of least resistance. No mechanized clearing would be conducted ahead of the drilling equipment. Small trees and shrubs may be impacted in the paths of the drills. In some areas, use of mini-excavators to dig small pits may be necessary to obtain or temporarily store water for drilling.

One single hole would be drilled to 110 feet at each source point location, loaded with an 11-pound explosive charge, and holes on land would be plugged with bentonite in accordance with agency requirements for the prevention of commingling of surface and ground water. The diameter of a drilled hole is approximately 4 inches.

Drilling would be followed by recording operations. Land-based recording operations would be supported by helicopter to minimize impacts. Helicopters would lower cache bags containing equipment along the receiver lines, and crews would deploy this equipment along the receiver lines. Recording operations in open water and wetlands would be conducted using vessels. Depth of water and/or presence of natural resources [e.g. oysters and submerged aquatic vegetation (SAV)] would dictate the type and draft of the vessel used. For example, while most vessels will be outboard driven, airboats may be used in marsh areas or in areas of shallow water containing SAV, and equipment would consist of hydrophones.

Recording equipment would consist of geophones/hydrophones, cables, and data recording boxes (set directly on the ground or on floats in open water). Once enough equipment is laid out to complete a recording patch, the recording crew would proceed with airgun operations, and the detonation of shot holes.

For operations involving drilled shot holes, the charge in each hole would be remotely detonated, one at a time, and the resulting energy wave recorded. Crew members would travel through the area, hook a shooting pack up to each electronic detonating wire (cap), and detonate each charge.

Airgun operations would consist of a single airgun barge traveling along source lines, emitting energy in the form of compressed air at each source point location in the Gulf of Mexico. The compressed air released into the water column generates energy that reflects downward to the subsurface formations. This energy reflects off of the subsurface formations and is recorded at the surface with hydrophones.

Clean-up would be conducted in conjunction with operations. After charges are detonated and recording is completed in each swath (area between two receiver lines), all equipment, trash, and flagging would be completely removed from the area.

It is estimated that approximately eight months will be required to complete operations within the entire project area. However, there will not be a constant presence in any one area for the duration of the project. Operations would progress from west to east throughout the project area. As lines are completed on one side of the recording patch, equipment is picked up and moved to the other side.

Impacts from drilling and detonation of shot holes are minimal. Similarly, impacts from equipment travel in wetland areas are typically minimal, short-term, and localized to the source and receiver lines. Vegetation typically recovers along the lines within one to two growing seasons. Samson would be utilizing equipment best suited to the habitat in which the company is working in order to minimize impacts [i.e. airboats would likely be used in wetland areas containing standing water; lightweight, tracked buggies would likely be used in higher, more vegetated wetland areas; articulating drill buggies (highland rigs) would be used in upland areas, pontoon drills would likely be used in the bay, etc.].

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's project plans are enclosed in 8 sheets, project design features for protection of sensitive resources (Attachment A) in 3 sheets, the calculation of impacts (Attachment B) in 3 sheets and the alternative analysis (Attachment C) in 2 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS:

The Texas Railroad Commission will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with the program.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The proposed activity has the potential to impact historic properties within the permit area. Therefore, the applicant is requested to produce a detailed Sensitive Area Avoidance Plan for the proposed seismic project.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Preliminary information indicates that the proposed project area encompasses areas designated by the USFWS as critical habitat for the Piping plover (*Charadrius melodus*). Additionally, five federally-listed threatened or endangered sea turtles could potentially occur in the project area. As a result, informal consultation with the USFWS and the National Marine Fisheries Service (NMFS) will be initiated to assess the effects on endangered species within the project area.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **20 February 2013**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our File Number, **SWG-2012-00906**, and should be submitted to:

Natalie Rund
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-6384 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

ALTERNATIVES ANALYSIS GREENS LAKE 3D SWG-2012-00906

Background

Samson Exploration, LLC (Samson), a subsidiary of Samson Energy Company, LLC, is a privately-held oil and gas exploration and production with its headquarters in Tulsa, Oklahoma, a division office in Houston, Texas and principal field office in Liberty, Texas. Samson Energy Company, LLC was formed in December 2011 to continue the development and growth of the oil and gas assets retained by the Schusterman family following the sale of Samson Investment Company to KKR & Co. after 40 years of profitable growth. These assets are located in the Gulf Coast areas of Texas & Louisiana and the Deepwater Gulf of Mexico.

Samson Energy is well capitalized with highly experienced exploration and development teams. This enables the company to invest in its significant asset plays and further expand its portfolio of energy investments. Samson remains focused on providing a rewarding workplace for our employees, profitably growing its business, operating in a safe, environmentally responsible manner, working well with our lessees and surface owners, and giving back to the local communities.

Samson is planning the acquisition of 3D seismic data over areas in Brazoria and Galveston Counties, Texas, and it intends to retain the proprietary survey data to explore the project area and produce any commercial quantities of hydrocarbons discovered in an environmentally responsible and prudent fashion.

Alternatives Analysis

Samson considered several alternatives for accomplishing project objectives during the development of the proposed amendment to the Permit. They are as follows:

1. Conducting the survey using different equipment and methodology: Samson considered utilizing airguns rather than explosives as a source of energy in West Bay to increase spatial coverage over oyster reefs, as the GLO and TPWD has required lesser offset distances from oyster reefs in the past for airgun operations than for explosive charges. Airgun operations would have consisted of a single airgun barge traveling along source lines, emitting energy in the form of compressed air at each source point location. The compressed air released into the water column generates energy that reflects downward to the subsurface formations. This energy reflects off of the subsurface formations and is recorded at the surface with hydrophones. Samson determined that such proposed methodology would not provide Samson with the level of data quality necessary to image the subsurface formations that Samson is targeting. Therefore, this was not a feasible alternative for Samson.

2. Including all areas of interest to Samson in the project outline, regardless of habitat type: Samson's area of interest includes sensitive lands to the east and north of the proposed project outline, including North Deer Island Bird Sanctuary, Galveston Island State Park, Texas City Prairie Preserve, Pierce Marsh Preserve and Restoration Project, John M. O'Quinn Estuarial Corridor, Virginia Point Prairie, and Scholes International Airport at Galveston. Ideally, Samson would like to image these areas; however, doing so would increase the likelihood of direct, indirect, and cumulative impacts to the aforementioned environmentally sensitive areas. Samson determined that this alternative, although preferred from a technical standpoint, is not the most desirable alternative from a resource management standpoint; therefore, Samson modified the project outline to exclude these areas in an effort to minimize impacts to sensitive resources.

3. Proposed Alternative-Amending Samson's Original Greens Lake 3D project outline to exclude environmentally sensitive areas to the east and north and include additional areas of interest for Samson to the west: In the interest of resource protection and impact minimization, Samson's original project outline was amended to exclude sensitive lands in the northern and eastern portions of the area of interest, as indicated in Alternative 2, and to include additional areas of interest to the northwest of the original outline, which consist mostly of rural lands with no known designation as sensitive habitat. Samson's proposed project will allow them to image a large portion of the area of interest, while minimizing impacts to sensitive resources on Galveston Island and mainland areas in Brazoria and Galveston Counties. This alternative represents the least impact feasible alternative for Samson.

CALCULATIONS OF IMPACTS GREENS LAKE 3D SWG-2012-00906

Potential Project Impacts from Drilling Operations

Based on National Wetlands Inventory and topographic maps, 75,330.50 acres of the Greens Lake 3D project area are located in wetlands, 132,685.47 acres are located in open water, and 252,350.4 acres are located in upland areas (see attached map). There are 9,102 pre-plot source points located in wetlands, 30,470 in open water (4,718 shot holes in the Galveston Bay Complex, 2,838 in other open waters, and 22,914 airgun points in the Gulf of Mexico), and 28,007 in uplands [See map titled **Greens Lake 3D Project Pre-Plot with National Wetland Inventory (NWI) Data**].

Shot holes would be drilled at source point locations in wetland, open water, and upland areas. Shot holes proposed for this project are 110 feet deep and approximately 4 inches in diameter [See sketch titled **Cross-Section View of Single 110 ft. Shothole**]. Holes would be plugged in accordance with Railroad Commission of Texas Rule 100 and any drill cuttings (native soil) that are not returned to the hole would be spread in a thin layer around the surface of the hole.

If water is not readily available for drilling in wetland areas, water pits may have to be excavated to facilitate drilling. Should the excavation of water pits become necessary, the pits would be approximately 24 inches wide, by 48 inches long, and 24 inches deep [See sketch titled **Water Pit Excavated for Drilling**]. The pits would be dug using mini-excavators or backhoes mounted on either drilling or support equipment (i.e. airboats, marsh buggies, or swamp buggies) and the material excavated from the each pit would be returned to the hole and the area restored to pre-project contours upon completion of drilling of each hole.

The table below provides information on the volumes of material that could potentially be excavated from upland, wetland, and open water areas, the amount of fill (native soil) that could potentially be deposited in upland, wetland, and open water areas, and the acreages of uplands and wetlands that could potentially be affected by excavation and/or fill.

Habitat Type	Number of Source Points (Pre-Plot) in each Habitat Type	Cubic Yards of Native Soil Excavated from Drill Holes and Water Pits	Acres Affected by Excavation of Shot holes and Water Pits	Cubic Yards of Fill Material (Native Soil)	Acres Affected by Fill Material (Native Soil)
Wetlands	9,102	7,463.64	1.66	3,231.21	10.50
Uplands	28,007	9,942.48	0.06	9,942.48	32.30
Open Water (less Gulf of Mexico)	7,556	2,682.38	0.015	2,682.38	N/A

Calculations of Native Soil Excavated

To determine the amount of material that would be excavated from shot holes in wetland, open water and upland areas, the soil volume calculations of drill cuttings that would be removed from the hole and the amount of material that would be excavated from water pits (wetland areas only) and multiplied these figures by the number of holes estimated in each habitat type, as appropriate.

Approximately 0.355 cubic yards of drill cuttings would be excavated from each hole during drilling. This number was derived by calculating the volume of a cylinder ($V = \pi r^2 h$; $V = 3.14 \times 2 \text{ inches}^2 (4) \times 1,320 \text{ inches}$; $16,579.2 \text{ inches}^3 = 0.355 \text{ cubic yards}$). Additionally, approximately 0.465 cubic yards of native material ($V = \pi r^2 h/2$; $V = 3.14 \times 24 \text{ inches}^2 (576) \times 24 \text{ inches} \div 2$; $21,703.68 \text{ inches}^3 = 0.465 \text{ cubic yards}$) would be excavated from each water pit that is necessary in wetland areas.

This being the case, the number of drill holes proposed for location in wetland areas (9,102) was multiplied by 0.82 (the sum of the two) to calculate the volume (cubic yards) of material excavated in wetlands (7,463.64 cubic yards). Calculations of volume of native material excavated were based on the assumption that a pit would be dug at each shot hole location in wetland areas. This is not a likely scenario. If water is readily available for drilling at the shot hole location, a pit would not be necessary; therefore, figures provided in the table above represent the most conservative scenario.

Pits would not be necessary in upland or open water areas; therefore, the number of drill holes proposed for upland (28,007) and open water areas (7,556) was multiplied only by 0.355 (volume from shot holes) to calculate the volume (cubic yards) of material excavated in these habitat types (9,942.48 and 2,682.38 cubic yards, respectively).

Calculation of Acres Affected by Excavation

Only approximately 0.000002 acres of surface area is affected by the excavation of each 4 inch diameter drill hole, and approximately 0.00018 acres of surface area is affected by the excavation of each 24 inch x 48 inch water pit. Figures provided in the table for acres affected by excavation were calculated using these acreages, based on the same principles described above.

Calculation of Volumes of Fill

Volume (cubic yards) of fill material was calculated by multiplying 0.355 (cubic yards of drill cuttings excavated from each drill hole) by the number of holes in each habitat type. The numbers reflected in the table represent the most conservative scenario, assuming that the entirety of 0.355 cubic yards is removed from the hole and no native material is returned to the hole. This is not a true representation of fill. In wetland and open water areas, the substrate is softer and less consolidated than that of upland areas; therefore, much of the native material gets displaced to the sides of the hole during drilling rather than dispersed at the surface of the hole, so less than 0.355 cubic yards of material would result in fill in the surrounding area or water column. Additionally, reasonable efforts will be made to return drill cuttings to each respective source location (shot hole) on land-based portions of the project area; therefore, less than 0.355 cubic yards would result in fill. Estimates of fill included in the table are higher than those actually anticipated as a result of operations.

The volume of material excavated from pits in wetlands was not added to the volume of fill material reported in wetlands, as this native material is returned to its original location (pit) upon completion of the drilling of each hole and the pit location is restored to pre-project contours.

Calculation of Area Affected by Deposition of Drill Cuttings

The area affected by the deposition of drill cuttings around each hole is approximately 50.24 square feet, assuming a circle with a radius of 4 feet [See sketch titled **Area of Deposition of Drill Cuttings**]. This figure was multiplied by the number of drill holes in wetland and upland areas to calculate the acreage of fill for these habitat types. Area affected in open water areas would be highly variable depending on the amount of material actually released into the water column, the character of the sediment, water quality parameters, currents, tides, etc.; therefore, no estimate of area affected is included for open water areas.

Although the sediment removed from shot holes in open water areas may be discharged elsewhere as a result of current-driven sediment transport, complete natural backfilling of the hole will result in no net loss to water bottoms. Because of the soft nature of the substrate present within wetland and open water areas within the Greens Lake 3D project area, very little material is discharged at the surface of the hole. As the hole is drilled, the majority of the displaced material is compacted either outside the perimeter of the hole or downward toward the bottom of the hole. Approximately 0.355 cubic yards of native soil would be displaced in this manner during the drilling of each hole; however, as soon as the drill pipe is removed from the hole, the surrounding material collapses back into the hole column, naturally filling the hole in, without a need for artificial plugging.

**PROJECT DESIGN FEATURES FOR PROTECTION OF
SENSITIVE RESOURCES
GREENS LAKE 3D
SWG-2012-00906**

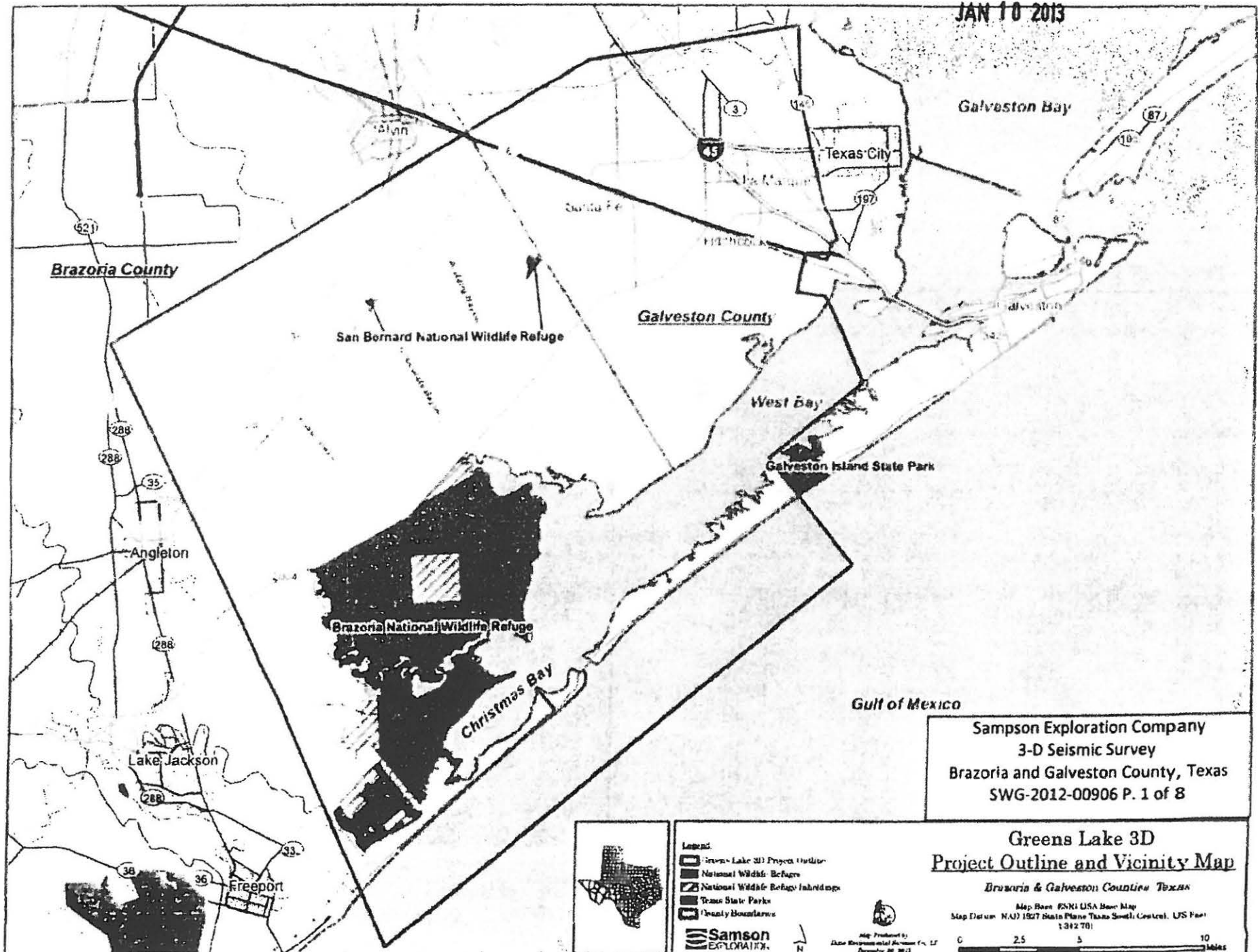
- Samson Exploration, LLC (Samson) will coordinate with resource agencies to develop a plan of operations that will minimize impacts to sensitive resources.
- Samson will conduct operations in accordance with all applicable conditions of United States Army Corps of Engineers (USACE) Permit SWG-2012-00906 for the Greens Lake 3D, as well as any additional permit requirements that are incorporated into the requested amendment to the afore-mentioned permit for protection of resources.
- Samson will obtain a permit from the Texas General Land Office (GLO) for state submerged lands and waters and conduct operations in accordance with all GLO permit requirements.
- Samson will prepare an avoidance plan for the project area. This plan will be submitted to the Texas Historical Commission (THC) and the USACE's archaeologist for approval.
- Samson will offset source points at least 50 meters from any known or designated archaeological sites and cemeteries.
- Samson will offset source points from high probability areas unless an archaeological survey is conducted in these areas and any site located as a result of the survey is avoided. Sources in high probability areas will be avoided on private lands whose owners have refused cultural survey.
- Samson will offset source points 400 feet from any known or designated oyster reefs, unless an exception to this buffer distance is approved by the GLO in coordination with Texas Parks and Wildlife Department (TPWD).
- Samson will offset source and receiver points at least 1,000 feet from active rookeries during the nesting season (February 15-September 1).
- Samson will offset source and receiver points from any known locations of threatened and endangered species in accordance with agency requirements.
- Samson will offset source points from streams and the Gulf Intracoastal Waterway.

- Samson will be offset source points from beaches, 1,000 feet seaward and 600 feet landward from the dune line to minimize impacts to nesting sea turtle and recreational users. Samson will coordinate with USFWS and TPWD to develop a monitoring program for location of sea turtle nests during the nesting season (April-September, with peak April-July) and to determine an appropriate offset distance for source holes should any nests be identified within the project area.
- Samson will make least impact equipment selections based on habitat type and substrate conditions.
- Samson will utilize the route of least resistance along source and receiver lines, to the extent practicable, in order to minimize impacts to vegetation and soils.
- Samson will use open water areas for access to the extent practicable.
- Samson will utilize airboats rather than propeller driven boats in any known or visible areas containing sea grass beds.
- Samson will utilize lightweight drilling equipment (i.e. airboats, airboat drills, marsh buggies, marsh buggy drills) in wetland areas to minimize impacts.
- Samson will minimize the number of passes along source and receiver lines to greatest extent practicable.
- Samson will instruct equipment operators to offset paths of vehicles in wetland areas slightly with each pass in order to minimize the likelihood of compaction.
- Samson will re-contour and fill the shot holes to pre-project contours.
- Samson will utilize helicopters for support of recording operations on land to minimize impacts.
- Samson will provide third party monitors in accordance with USFWS requirements to help ensure compliance with SUP conditions within the Brazoria National Wildlife Refuge lands.
- Samson will provide biological monitors while working in areas containing tidal flats. The monitors will have stop work authority. If a piping plover is sighted within the vicinity of the work area, all work will cease until the plover leaves the area.
- Samson will provide third party observers in accordance with GLO permit requirements to ensure appropriate offsets from sensitive resources like oyster reefs, bird rookeries, seagrass beds etc., as well as to assess finfish impacts in bays and bayous. A qualified GLO-approved biologist will be present with each shooter in state waters to assess impacts to fish. Impacts will be recorded by species and size class and reported to the

GLO and TPWD on a weekly basis, with a final summary report provided at the end of operations. The biologists will also observe waters surrounding each source hole for the presence/absence of sea turtles or marine mammals. If a sea turtle or marine mammal is spotted in the vicinity of any source hole, detonation of the hole will be delayed until the animal leaves the exclusion zone.

- Samson will implement several mitigation measures for the protection of marine mammals and sea turtles in the Gulf of Mexico, including ramping up with the airgun boats with low pressure prior to firing at desired pressures and having NMFS-approved observers at all times during operations scanning a maximum 500-meter watch zone for presence/absence of species. The observers will scan from either the gunboat or the chase boat(s). If protected species are observed within this watch zone, operations will be halted until the species of concern moved out of the area, with the exception of bottlenose dolphins (*Tursiops truncatus*). As long observers do not note any unusual or erratic dolphin behavior, during either observation, ramp-up, or operational phases of the project, ramp-up and/or operations will continue. If the airgun is shut down for more than 20 minutes, ramp up procedures will have to occur again prior to firing the airguns at the desired pressure. Ramp-ups will not be limited to daytime hours.
- Observers will also record any notable finfish impacts resulting from airgun operations, though typical scare tactics and finfish monitoring techniques utilized in the bays are not feasible with airgun operations in the Gulf, based on previous project experience.
- Samson will consult with US Coast Guard, GLO, and TPWD to notify all offshore and bay fisheries of the project specifications and schedules to have the least amount of interference of shrimping and oyster harvesting seasons including NOAA Bulletins and Notices to Mariners.
- Samson will utilize communicator boats within the project area and take measures to have high visibility of equipment on the water to reduce interactions between fishermen and seismic operators.

JAN 10 2013



Sampson Exploration Company
3-D Seismic Survey
Brazoria and Galveston County, Texas
SWG-2012-00906 P. 1 of 8

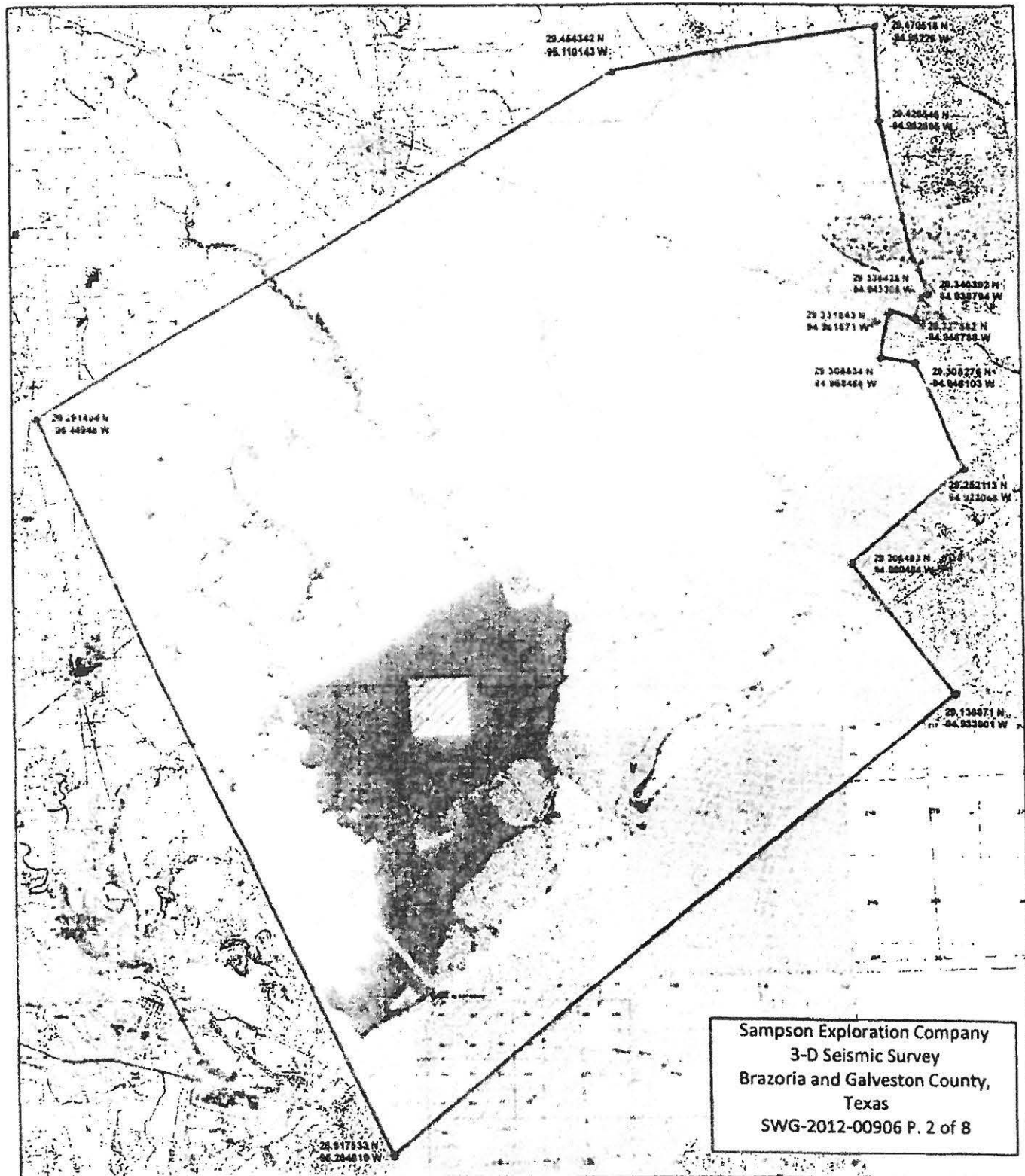
Greens Lake 3D Project Outline and Vicinity Map

Brazoria & Galveston Counties, TEXAS

Map Base: ESRI USA Base Map
Map Datum: NAD 1983 State Plane Texas South Central, US Feet
1342701

Map Produced by: Samson Exploration Co., L.P.
December 20, 2012

DEC 31 2012



- Legend**
- Corner Coordinates
 - ▭ Greens Lake 3D Project Outline
 - ▨ National Wildlife Refuge
 - ▨ Brazoria National Wildlife Refuge
 - ▨ Inholding
 - ▨ San Bernard National Wildlife Refuge

**Greens Lake 3D
Project Outline**

Brazoria & Galveston Counties, Texas

Map Date: 1/24/12 & 1/10/12
Map Datum: NAD 1983 State Plane Texas South Central Zone F
Coordinates Displayed on Decimal Degrees
256,000

0 1.5 3 6 9 Miles

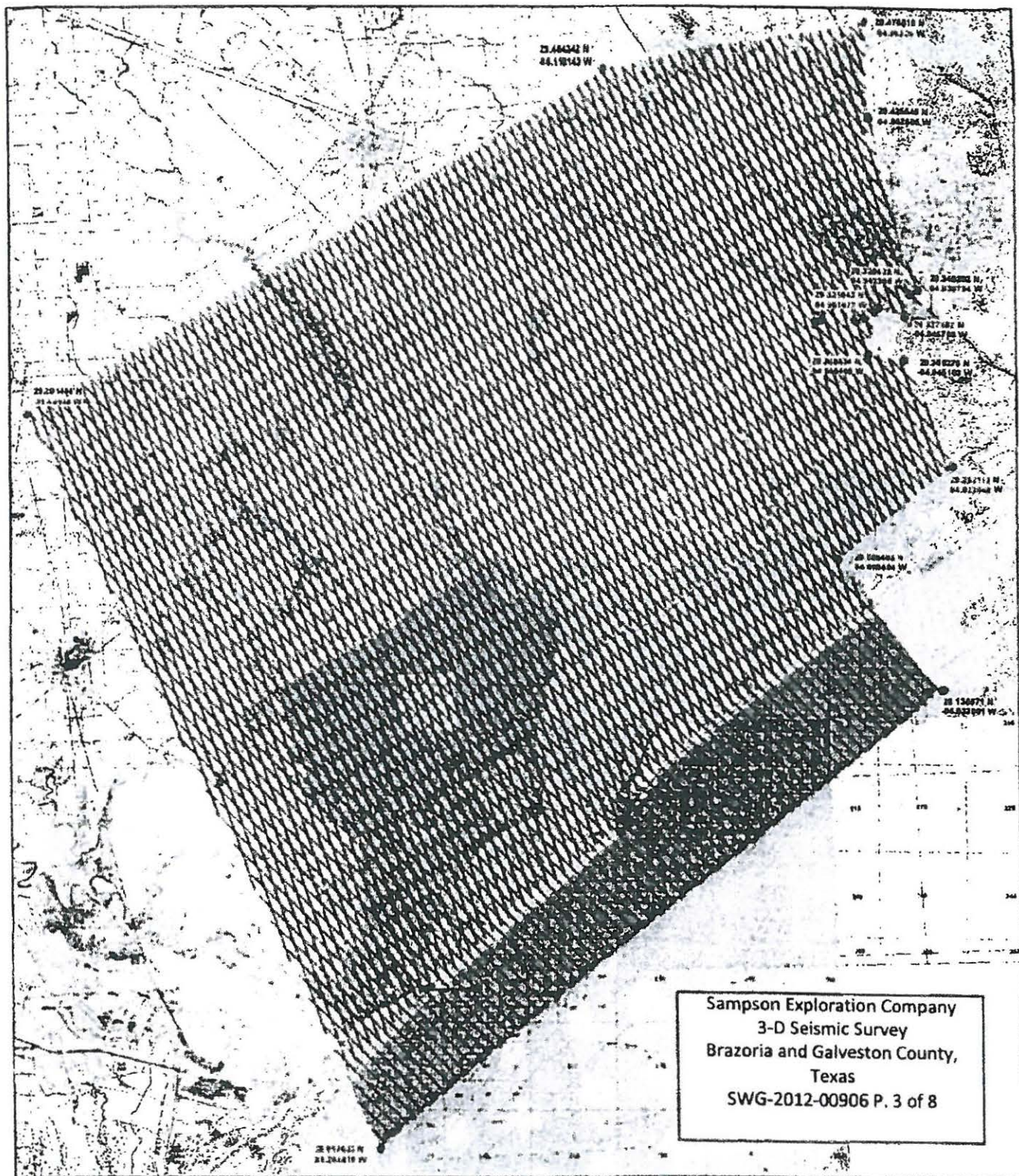
**Samson
EXPLORATION**



Map Produced by
Texas Environmental Services Co. LP
November 2012



DEC 31 2012



Legend

- Corner Coordinates
- Pre-Plot Source Points
- Pre-Plot Receiver Points

National Wildlife Refuges

Brazoria National Wildlife Refuge

Inholding

San Bernard National Wildlife Refuge

**Greens Lake 3D
Project Pre-Plot Locations**
Brazoria & Galveston Counties, Texas

Map Date: 1/24/12 & 1/10/12. UTM Zone 18Q. UTM Zone 18Q. UTM Zone 18Q.
Map Datum: NAD 1983 State Plane Texas South Central US Foot
Coordinates Displayed in Decimal Degrees
1:250,000

0 1.25 2.5 5 7.5 Miles

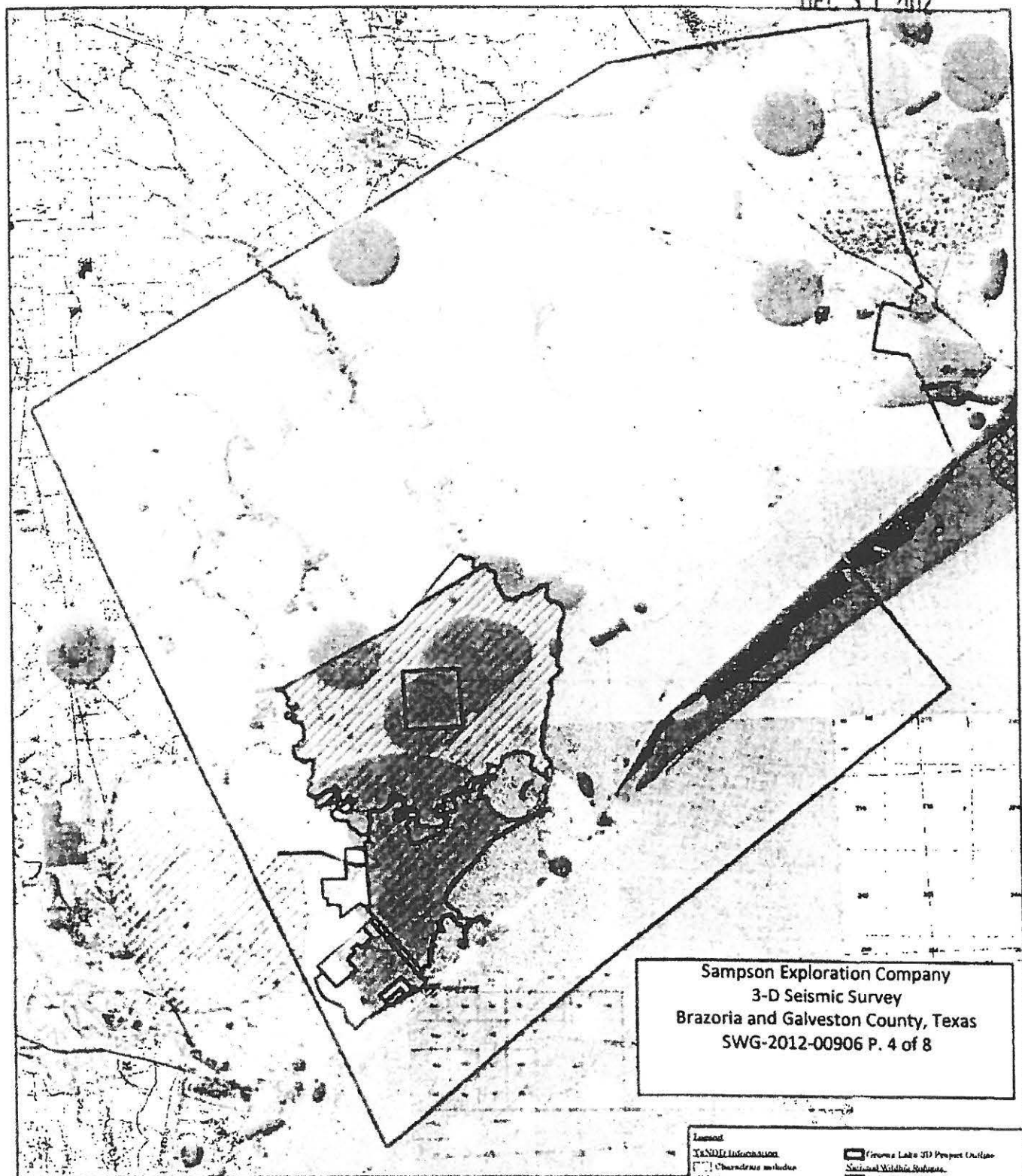
Samson
EXPLORATION



Map Produced by
Data Environmental Services Co. LP
November 20 2012



DEC 31 2012



Sampson Exploration Company
3-D Seismic Survey
Brazoria and Galveston County, Texas
SWG-2012-00906 P. 4 of 8

**Greens Lake 3D
Project Outline with
Texas Natural Diversity Database (TxNDD) Information**
Brazoria & Galveston Counties, Texas

Map Date: 1/24/12 & 1/10/12 Data from: <http://www.tnec.org>
Map Datum: NAD 83 State Plane Texas North Central 12N Foot
Coordinates Displayed in Decimal Degrees
1:250,000

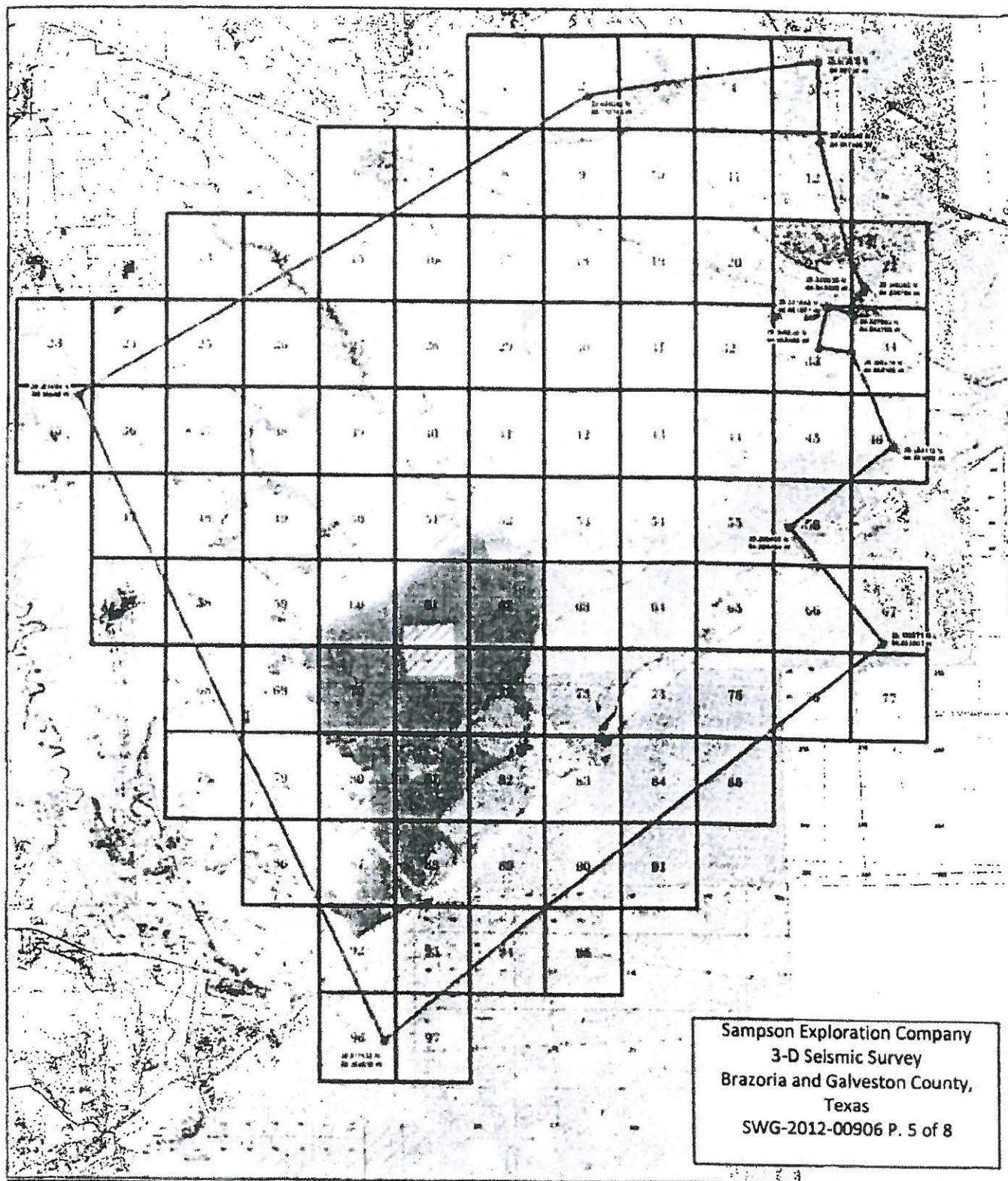
**Sampson
EXPLORATION**



Map Produced by
David Environmental Services, Inc. LLP
November 20, 2012

- Legend**
- TxNDD Information**
- Charadrius mexicanus
 - Charadrius mexicanus
 - Migratory Nighthawk (Falco) Site
 - Lepidochelys kempii
 - Molothrus ater (Red-winged Blackbird)
 - Tyto alba (Great Horned Owl)
 - Turdus migratorius (American Robin)
 - Merula migratoria (Black Cherry)
 - Hesperornis regalis (Whooping Crane)
 - Halimastur intermedius
 - Rallieria
 - Sonotrochus
- Greens Lake 3D Project Outline**
- National Wildlife Refuge
 - Refuge National Wildlife Refuge
 - Inholding
 - New Bedford National Wildlife Refuge

DEC 31 2012



- Legend**
- Corner Coordinates
 - ▭ Greens Lake 3D Project Outline
 - National Wildlife Refuges**
 - ▨ Brazoria National Wildlife Refuge
 - ▤ Inholding (Brazoria National Wildlife Refuge)
 - ▦ San Bernard National Wildlife Refuge

**Greens Lake 3D
Grid Map**

Brazoria & Galveston Counties, Texas

Map Base: 1:24K & 1:10K DTHs from <http://www.texas.gov>
Map Datum: NAD 1983 State Plane Texas South Central US Feet
Projections: Unprojected in Decimal Degrees
1:24K UTM

0 2.5 5 10 Miles

Samson
EXPLORATION

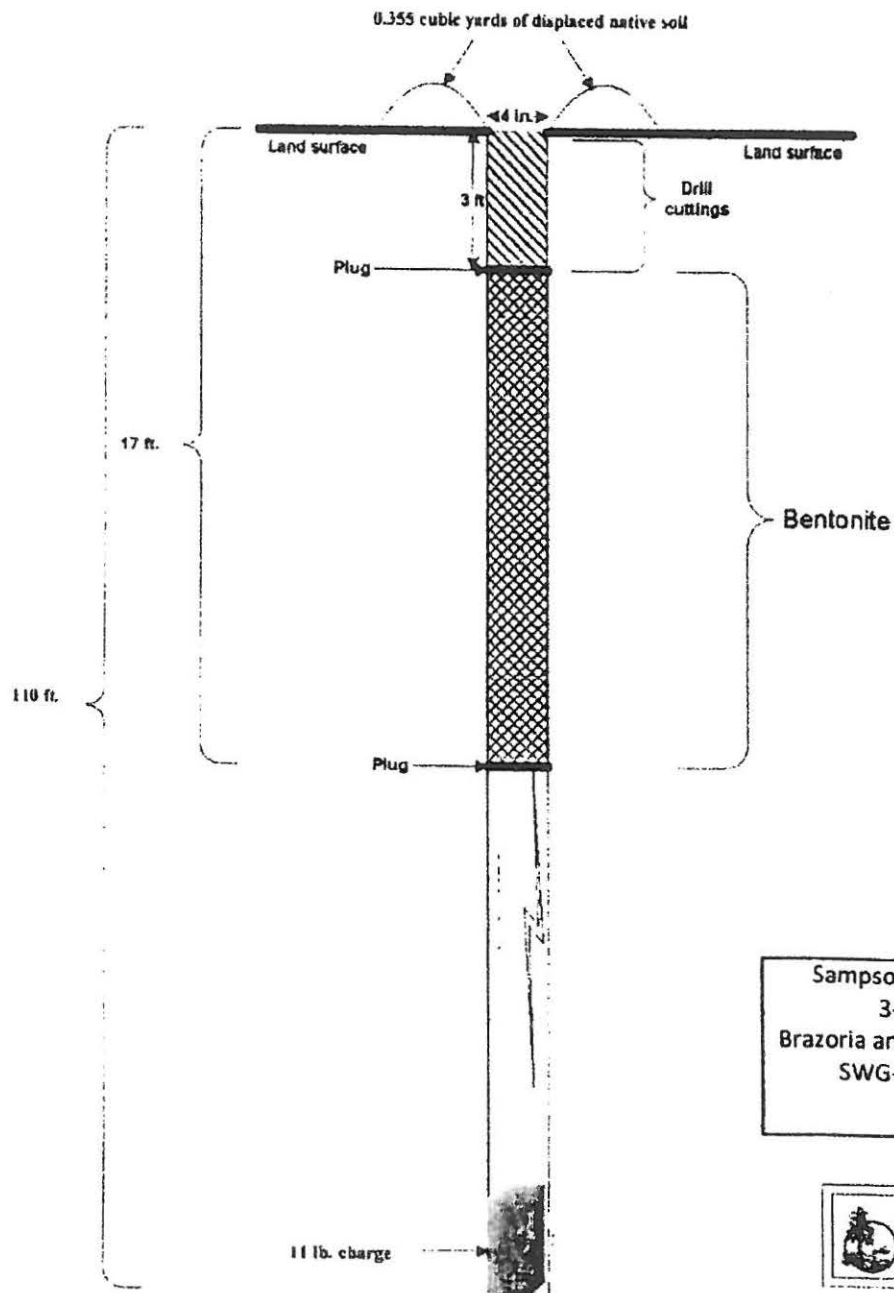


Map Produced by
The Environmental Services Co. LP
December 20, 2012



DEC 31 2012

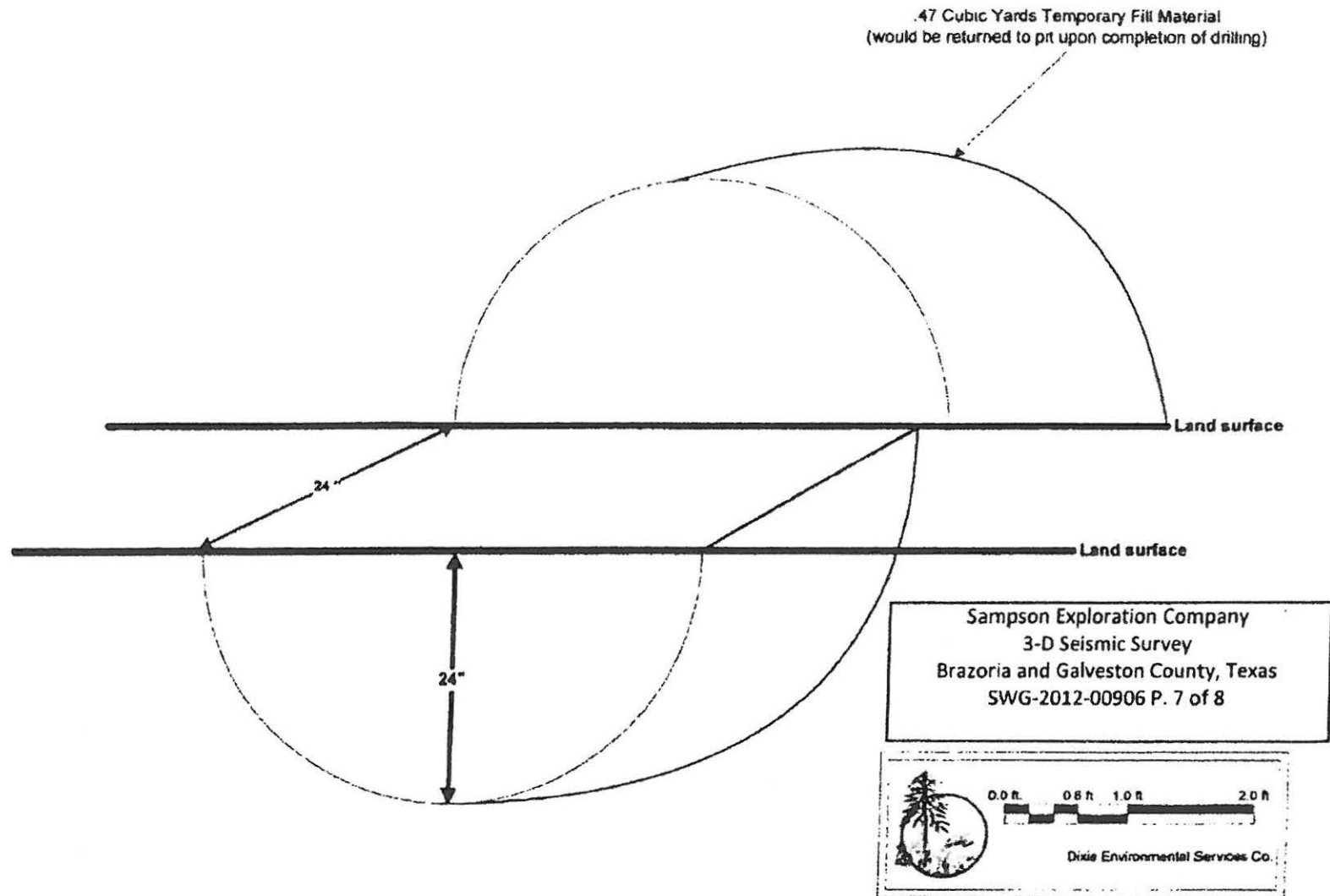
Cross Section View of Single, 110 ft Shothole



Sampson Exploration Company
3-D Seismic Survey
Brazoria and Galveston County, Texas
SWG-2012-00906 P. 5 of 8

NOT TO SCALE
Dixie Environmental Services Co.

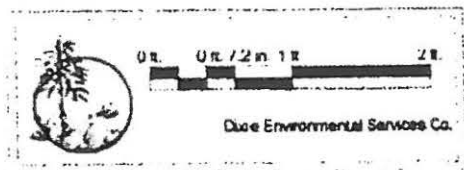
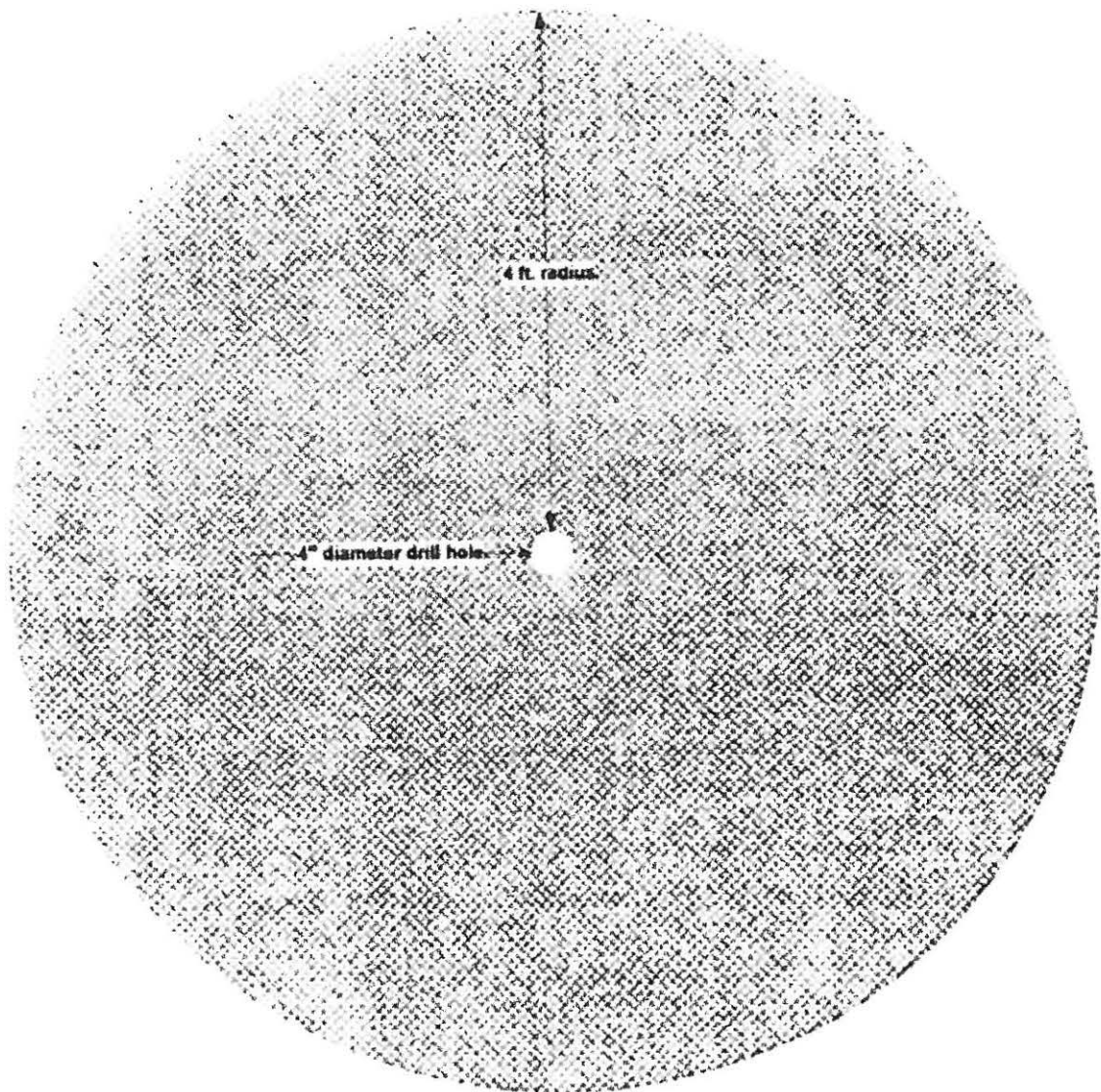
Water Pit Excavated for Drilling



DEC 31 2012

DEC 31 2012

Area of Deposition of Drill Cuttings



Sampson Exploration Company
3-D Seismic Survey
Brazoria and Galveston County, Texas
SWG-2012-00906 P. 8 of 8



CITY COUNCIL AGENDA FORM

Meeting Date: March 11, 2013

Agenda item: 6d

Prepared by: Ana Tims

Reviewed by: CJB

Department: Development Services

AGENDA ITEMS DESCRIPTION:

Discussion/Possible action –Ordinance No. O-2013-003 proposed rezoning of the property described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THENCE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural. This is first reading.



Attachments for Reference

- 1. Proposed Ordinance O-2013-003 and exhibits.**
- 2. Copy of the rezoning application.**
- 3. Copy of Survey of the property dated Sept. 1974.**
- 4. Copy of Survey of the property dated Dec 2012.**
- 5. Minutes- Planning and Zoning Commission Regular Meeting held December 11, 2013**
- 6. Minutes -Planning and Zoning Commission Regular Meeting held February 12, 2013**
- 7. Copy of Legal notice for public hearing sent to residents within a 200 foot radius.**



CITY COUNCIL AGENDA FORM

Staff Briefing:

1. Development Services received an application for re-zone for the property on November 6, 2012.
2. The Planning and Zoning Commission held a meeting on December 12, 2012 in which the owner of the property was not present. The commission decided to table the item and give the owner an opportunity to present his case.
3. The Planning and Zoning Commission meeting held February 12, 2013. At this meeting the Commission agreed to propose to City Council denying the proposal for rezoning of the property described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THENCE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural.

History (if applicable):

November 6, 2012 -owner of the property applied for the variance.

December 11, 2012- the re-zone was heard in a public hearing. The owner was not present and the commission decided to table the item to give the owner an opportunity to present his case.

February 12, 2013 -the Planning and Zoning Commission held a public hearing and recommended denying the of the re-zoning request.



CITY COUNCIL AGENDA FORM

Target Implementation:

None

Significant Action Dates:

None Applicable

Action:

☒

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

Cost Details: N/A

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name	
Line Item #	
Other Funding	

Staff's Recommended Motion:

The Planning & Zoning Commission is recommending the request be denied on the proposed rezoning of the property described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural.

Fiscal Impact: N/A

City of La Marque
Application for Property Rezoning

Date of Application 11-06-2012 Fee Received 275⁰⁰

Name of Agent Owner Phone _____

Address 10600 Southdown Trace Apt. 1510, Houston Tx. 77034

Name of Owner Osman Shaoukat Phone 281-650-0610

Address R131382

Property Description: see attached meets and bounds

Address _____

Addition _____ Block: _____ Lots _____

Plat of Area Attached yes Metes and Bounds Attached yes

APPLICATION CHECKLIST

[] CERTIFIED PROPERTY OWNERS WITHIN 200-FEET OF THE PROPERTY-LISTS
PRINTED MORE THAN TWO WEEKS PRIOR TO APPLICATION SUBMITTAL MAY NOT BE
ACCEPTED

[]

(CENTRAL APPRAISAL DISTRICT (CAD) 600 GULF FREEWAY (EXIT 13-CENTURY
BOULEVARD EXIT) 409-935-1980 (409-935-1980) ext 421 Kassi

[] SITE PLAN (TO SCALE) WITH EXISTING IMPROVEMENTS, DEVELOPMENTS, AND
PROPERTY LINES [8-1/2X11] IF LARGER THAN 8-1/2X11. PLEASE FOLD TO APPROPRIATE
SIZE)

[] SURVEY (TO SCALE) (2 COPIES)

[] CURRENT TAX RECEIPTS-COUNTY TAX OFFICE, 722 MOODY (766-2481)

[] TITLE REPORT (IF LAND WAS PURCHASED WITHIN THE LAST 60 DAYS)

[] NON-REFUNDABLE APPLICATION FEE (PAYABLE TO THE CITY OF LA MARQUE)

(A) 0 to less than 25 acres:

1. \$250.00 plus \$25.00 per each type of zoning requested on a tract of land; or
2. \$400.00 if planned unit development

(B) 25 to less than 50 acres:

1. \$300 plus \$25.00 per each type of zoning requested on a tract of land; or
2. \$450.00 if planned unit development

(C) 50 to less than 75 acres:

Change Ag. use from Single family

1. \$350.00 plus \$25.00 per each type of zoning requested on a tract of land: or

2. \$500.00 if planned unit development

(D) 75 to less than 100 acres:

1. \$400.00 plus \$25.00 per each type of zoning requested on a tract of land: or

2. \$550.00 if planned unit development

(E) 100 acres and over:

1. \$450.00 plus \$25.00 per each type of zoning requested on a tract of land : or

2. \$600.00 if planned unit development

*** Office Use Only ***

Present Zone R-1 Zone Requested Ag

Public Hearing 8 2-12-13

Informal Discussion yes

Purpose Requested To have animals on the prop.
possibly build a house down the line

Submitted to Planning and Zoning Commission:

Date 2-12-13

Approved _____ Denied ☒ Other _____

Comments Community surrounding parcel
was very active

Public Hearing Scheduled City Council 3-11-13

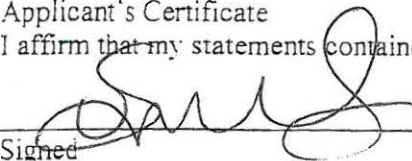
Approved _____ Denied _____ Other _____

Comments _____

Final Disposition _____

Applicant's Certificate

I affirm that my statements contained in the Application are true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to be 'Samuel', is written over the first signature line.

Signed

Signed

Signed

City of La Marque

1111 Bayou Rd., La Marque TX 77568

(409)938-9204

Receipt Number: 201200815**Date:** 11/06/2012
Name:**Canceled:****Cashier:** EGRUNDMANN**Payer/Payee**Shaukat , Osman
R131382
La Marque TX 77568

Tracking Number	Parcel	Fee Description	Fee Amount	Amount Paid	Fee Balance
RZ2012-002 R131382 La Marque Re Zone	R131382	REZONING CLASSIFICATION FEE 01-3300 (REZONING)	\$275.00	\$275.00	\$0.00

Total: \$275.00

Payment Method	Reference Number	Payment Amount
CASH		\$275.00
	Total:	\$275.00



Galveston Central Appraisal District

9850 Emmett F. Lowry Expressway, Ste. A, Texas City, TX 77591, (866) 277-4725
Data on this Web site represents Preliminary 2013 Information [CLICK HISTORY FOR VALUES](#)

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[News](#)
[FAQ](#)
[Searches](#)

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- [Account Search](#)
- [Owner Search](#)
- [Address Search](#)

[Property Data](#)

- [Detail Sheet](#)

- [History](#)
- [Datasheet](#)

[Other](#)

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- [Neighborhoods](#)
- [Abstracts](#)
- [Subdivisions](#)
- [ARB Rules](#)
- [ONLINE Protest Info](#)
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- [Directory](#)


[History](#)

[Plat Map](#)

[GIS Map](#)

[Datasheet](#)

[Protest](#)

[Notifications](#)

Owner Information

Owner ID: **O0067986**
Owner Name: **SHAUKAT, OSMAN**
Owner Address: **10600 SOUTHDOWN TRACE TRL APT #1510**
HOUSTON, TX 77034
Property Address:

Parcel Information

Legal Description: **ABST 2 PAGE 9 S F AUSTIN SUR TR 235 6.000 ACRES**
Neighborhood: **0002.1(0002.1 - Austin, S F)**
Acreage: **6.000**
Cross Reference: **0002-0235-0000-000**
Undivided Interest: **100%**

Exemption Codes:

Entity Codes: **GGA (Galveston County)**
J05 (Mainland College)
S14 (Hitchcock Isd)
C32 (La Marque City)
RFL (Co Road & Flood)
D02 (Drainage #2)

Deed Type: **Warranty Deed/vendors Lien**

Deed Book:

Deed Page: **2012060241**

Map Page: **283-A**

Links:

[Click here](#) to view your 2012 certified values and prior history.

Land				
ID	Type	SPTB	Acres	Market
Land1	UN (Undeveloped)	D5 (Non-qualified Ag Land)	6	Unavailable



A recent version of Adobe Acrobat Reader is required to view PDF documents. Acrobat Reader is a free program available [here](#).

EXHIBIT "A"

Commencing at the Southwest corner of the Thomas Caldwell Tract, as described in deed of record in Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in Cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in the Records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre tract shown on said plat;

Thence North $89^{\circ}02'$ East along the South line of said Bell tract, a distance of 311.7 feet to the Southeast corner of said Bell 6 acre tract;

Thence North $1^{\circ}00'$ West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell 6 acre tract;

Thence South $89^{\circ}00'$ West, along the North Line of the said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell by deed of November 10, 1949, rec in Vol. 859, page 366, Galveston County Deed Records, in all a distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract;

Thence South $0^{\circ}58'21''$ East a distance of 831.0 feet along the West line of the said Bell tract to the place of beginning, and containing 6.944 acres, more or less.

LEGEND:

AC. - ACRES
A/C. - AIR CONDITION
A.E. - AERIAL EASEMENT
B.L. - BUILDING LINE
B.D. - BUILDING
B.O. - BOLLARD
CB - CATCH BASIN
CONC. - CONCRETE
COV'D. - COVERED
CP - CRUMPLED PIPE
ELEC. - ELECTRIC
ESMT. - EASEMENT
FD - FIRM CODE
FH - FIRE HYDRANT
FND. - FOUND
GM - GAS METER

HCCF - HARRIS COUNTY CLERKS FILE
HCCR - HARRIS COUNTY DEED RECORDS
HLRP - HOUSTON LIGHTING & POWER
I.P. - IRON PIPE
I.R. - IRON ROD
LP - LIGHT POST
MH - MANHOLE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCING
PP - POWER POLE
PS - PARKING SPACES
PTP - PINCHED TOP PIPE
R.O.W. - RIGHT OF WAY
RR - RAILROAD
SAN. - SANITARY
SP - SERVICE POLE
SQ. FT. - SQUARE FEET

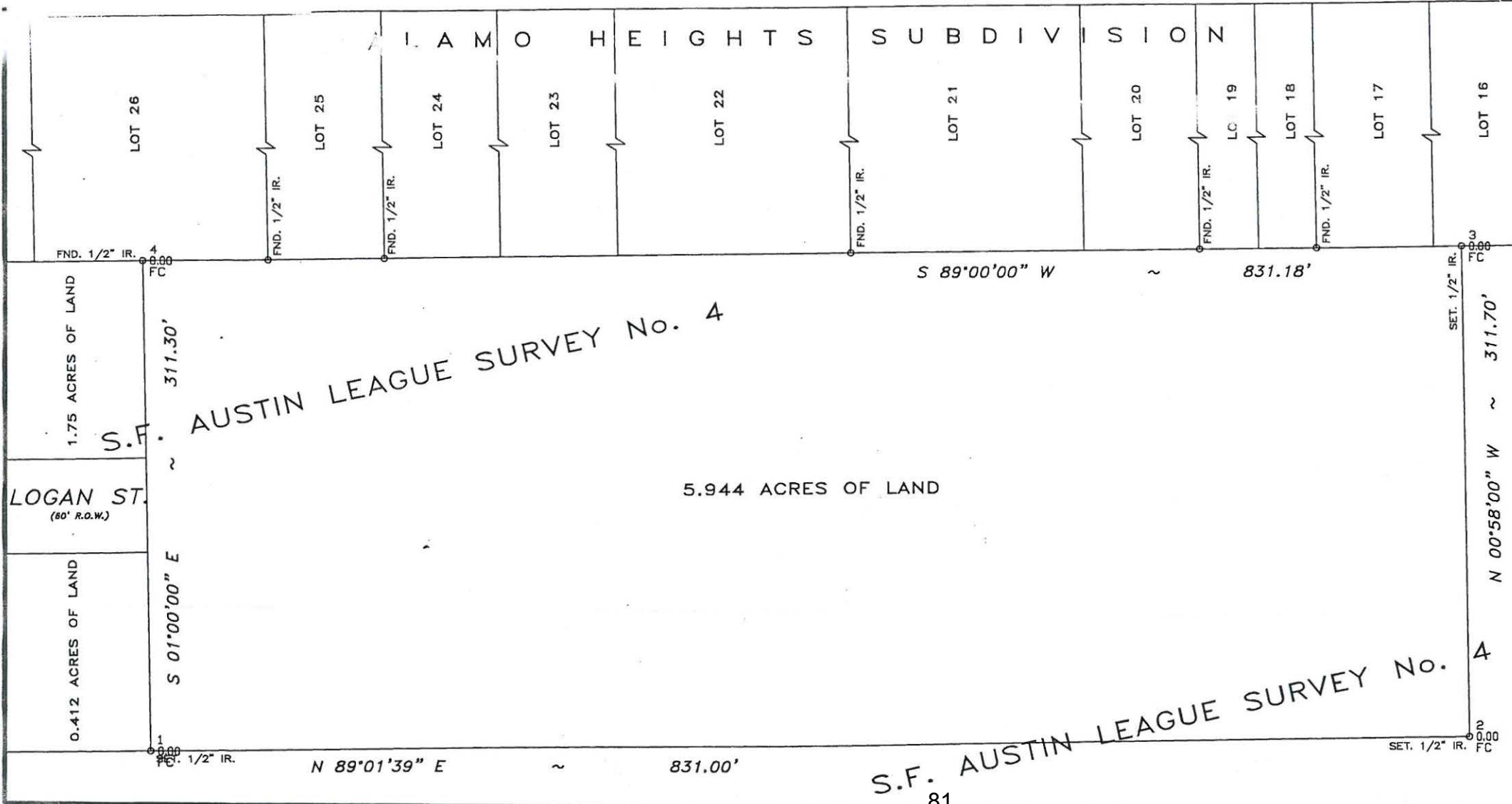
S.S.E. - SANITARY SEWER EASEMENT
STM. - STORM
STM.S.E. - STORM SEWER EASEMENT
SWBT - SOUTHWESTERN BELL TELEPHONE
TEL. - TELEPHONE
TLP - TRAFFIC LIGHT POLE
TSB - TRAFFIC SIGNAL BOX
U.E. - UTILITY EASEMENT
WM - WATER METER
WV - WATER VALVE
W.F. - WROUGHT IRON FENCE
CONCRETE
COVERED CONCRETE
OHP. - OVERHEAD POWER LINES
WOOD FENCE
WROUGHT IRON FENCE

ALL BUILDING LINES AND EASEMENTS ARE PER
RECORDED PLAT UNLESS OTHERWISE SHOWN.
THIS SURVEY IS CERTIFIED FOR THIS
TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO
ADDITIONAL INSTITUTIONS OR SUBSEQUENT
OWNERS.
BUILDER MUST VERIFY ALL BUILDING LINES,
EASEMENTS, BUILDING LINE RESTRICTIONS (DEED
RESTRICTIONS, ETC.) AND ZONING ORDINANCES,
IF ANY,
THAT MAY AFFECT SUBJECT PROPERTY, BEFORE
STARTING CONSTRUCTION.



1. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES OR OTHER MATTERS OF RECORD NOT SHOWN HEREON.
2. PROPERTY SUBJECT TO SUBDIVISION CONVENTS, CONDITIONS AND RESTRICTIONS BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD.
3. FENCES DO NOT FOLLOW PROPERTY LINES AS SHOWN.
4. THIS SURVEY WAS DONE WITH OUT THE BENEFIT OF A TITLE REPORT.

DUROUX DRIVE
(60' R.O.W.)



SURVEY OF

5.994 ACRES OF LAND
OUT AND PART OF THE S.F.
AUSTIN LEAGUE SURVEY No. 4, IN
GALVESTON COUNTY, TEXAS.
AS MORE FULLY DESCRIBED BY
METES AND BOUNDS

OWNER: SHAUKAT, OSMAN

ADDRESS: 0 LOGAN STREET
LA MARQUE, TEXAS, 77568



F/W: 12-24-12

GF No.:

Title Co.:

Mort.Co.:

FLOOD INFORMATION

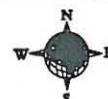
SUBJECT PROPERTY IS
LOCATED IN A FEDERAL INSURANCE
ADMINISTRATION DESIGNATED FLOOD
HAZARD AREA AND IS IN ZONE
A3
MAP No. 485486
PANEL 0020 D DATED: 02/16/1983
This information is based on graphic
plotting only. We do not assume
responsibility for exact determination.

I HEREBY CERTIFY THAT THIS SURVEY REPRESENTS THE RESULT
OF A SURVEY MADE ON THE GROUND ON THE 24TH DAY OF DECEMBER, 2012
THIS SURVEY IS ONLY CERTIFIED FOR SURVEY TRANSACTIONS.

GEORG R. LANDZABAL R.P.L.S.

Scassurvey
Field Crew Draftsmen Technicians

TEL: (832) 721 0595 FAX: (281) 501 20957
2640 FOUNTAIN VIEW DR. SUITE 218
HOUSTON TEXAS 77057
survey.cas@gmail.com / cassurvey.com



GGC
SURVEY, PLLC
Land Surveying Engineers
4418 Zimney Court
Sugar Land, Texas 77479

C12-1210

**PLANING AND ZONING COMMISSION
REGULAR MEETING
December 11, 2012**

1. CALL TO ORDER

The meeting was called to order at 4:07 p.m. by Dickey Stanley

2. ROLL CALL

PRESENT:

Mike Castelline
Norman Koneman
Dickey Stanley

ABSENT:

Annette Callis

STAFF PRESENT:

Erica Grundmann, Permit Clerk
Ana Tims, Building Official

3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Commission dispensed with the Invocation. Building Official Tims led the Pledge of Allegiance to the Flag.

4. APPROVAL OF MINUTES

Special Meeting of November 13, 2012

Commissioner Koneman made a motion to approve the minutes. Commissioner Castelline seconded the motion. The minutes were approved as written.

5. CITIZENS PARTICIPATION

No one signed up to address the Commission at this time.

6. NEW BUSINESS

a. Discussion/Possible action-proposed rezone for a property described as ABST 2 PAGE 9 SF AUSTIN SUR TR 235 6.00 ACRS better described by metes and bounds from (R-1) single family residential to (AG) agricultural use; possible recommendation to City Council.

Owner of the property Osman Shaukat was not present at the meeting.

Les Howard presented a survey of the property and asked about the easement going through it. Staff made copies of the survey and the commission informed Mr. Howard that they will look further into it.

Mrs. Wilkens reported that she is concerned with the odors that an agricultural setting would bring to the area. Mrs. Wilkens added that the owner has begun cutting trees down on the property.

Patricia DeQuiral stated that the property is an eyesore now and that there will be a barbwire fence installed around it and that there are torn down trees and piles of wood. Mrs. DeQuiral also added that they are mowing at midnight.

Mrs. Wilkin asked if there would be a change in the appraisal of the properties nearby. Mrs. Tims informed her that that is not governed by the city and would be a question for the central appraisal district. Mrs. Wilkin added that in 2012 there was a new house that was built and backed into the property. She also added that the homes there are all single houses and she wants to keep it that way.

Patricia DeQuiral stated that having houses in that area is fine, "but do not bring animals" Commissioner Castelline responded that he did not know if they were bringing animals, or crops. Commissioner Stanley asked if anyone knew what the owner was doing.

Odell Wilkins stated that he did not know what was coming in but he does not want chickens or cows. He also stated that he wants it to remain a residential area. Commissioner Koneman added that he does not think we should approve a nuisance. Commissioner Stanley stated to the board that they were going to give the owner the opportunity to come in one more time and explain to the commission what his plans are for the property.

Patricia DeQuiral stated that the property owner knew about the meeting. Odell Wilkins stated that he spoke with the property owner in the morning and he mentioned the meeting. Mr. Wilkins also added that he is a property owner and that he has rights.

Mr. Messina asked if there was something that could be done to clarify where the property line sits between the property in question and his property. Mrs. Tims informed the board that this was not in the jurisdiction of this commission. Commissioner Castelline informed the citizens present that the man can clear his property; he just cannot put animals in it. Commissioner Stanley also suggested to those present that if someone is trespassing on their property they need to call the police department.

Commissioner Castelline added that the property has been staked, but is really overgrown; he also added that it looks like it is being surveyed and has flags on the south side.

Commissioner Stanley made a motion to table the item for next month's meeting Commissioner Castelline seconded the motion and the motion passed unanimously.

7. REQUESTS AND ANOUNCEMENTS

Commissioner Stanley requested that the agenda item of citizen's participation be moved to the end of the meeting.

8. ADJOURNMENT –

Commissioner Castelline made a motion to adjourn the meeting. Commissioner Konneman seconded the motion. The meeting adjourned at 4: 29p.m.

Dickey Stanley

**PLANING AND ZONING COMMISSION
REGULAR MEETING
February 12, 2013**

1. CALL TO ORDER

The meeting was called to order at 4:04 p.m. by Dickey Stanley

2. ROLL CALL

PRESENT:

Mike Castelline
Norman Koneman
Dickey Stanley
Annette Callis
Chris Colombo

ABSENT:

Arrived at 4:16 p.m.

STAFF PRESENT:

Ellis Ortego, City Attorney
Carol Buttler, City Manager
Zina Tedford, City Clerk
Ana Tims, Building Official

3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Commission dispensed with the Invocation and Pledge of Allegiance was presented by commissioner Konneman.

4. APPROVAL OF MINUTES

No minutes were approved.

5. CITIZENS PARTICIPATION

No one signed up to address the Commission at this time.

6. NEW BUSINESS

Public Hearing Opened at 4:12 p.m.

- a. Public Hearing - proposed re-zone for a property described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to

which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural.

Juan Lopez stated that he was a resident at 1420 Duroux he also stated that he is attending the meeting to see what the request is about.

Osman Shaukat owner of the property with the proposed rezone request stated that he wants to clear the place and fence around it. Mr. Osman also added that he wants to grow organic fruits and vegetables and have horses and other animals within 300 feet of other residences.

Commissioner Stanley asked about the comments that were made against it at the last meeting. Commisioner added that he recalled concerns about the machinery used on the property and damages to other property owners that had not been addressed by Mr. Shaukat owner of the property that is being proposed to re-zone.

Osman Shaukat owner of the property with the proposed rezone request stated that this had been done by his contractor.

Commisioner Stanley stated that there were also other concerns from the citizens in the area.

Osman Shaukat owner of the property with the proposed rezone request stated that he intends to have one horse and a couple of goats on the property.

Commissioner Stanley asked for a list of people who complained about the proposal.

Ana Tims, Building Official gave him the minutes for the December 11, 2012 meeting.

Commissioner Castelline stated that he recalled complaints about animals, and crops. Commissioner Catelline also added that he has concerns about the

rezoning and the definition of agricultural under the zoning ordinance particularly what is allowed under this designation and what can the next property owner do if re-zoned.

Osman Shaukat owner of the property with the proposed rezone request stated that he is not planning to sell the property. Mr. Shaukat added that his long term plan was to build a house on the property but that is not possible right now.

Commissioner Colombo asked what prohibited Osman Shaukat owner of the property with the proposed rezone request from having a garden.

Ana Tims, Building Official stated that there are no regulations on gardening.

Mr. Lopez stated that he came to the public meeting because he was confused and thought that his property was going to be negatively affected.

Commissioner Stanley asked Mr. Lopez "How do you feel about it?"

Mr. Lopez stated that he felt "good" now that he understood.

Pearl Tejada stated that the letter did not make sense and she wants to know what was going to happen. Mrs. Tejada also added that crops and animals sound fine to her and she now feels at ease.

Mr. Wilkins asked the commissioners how we knew if Mr. Shaukat owner of the property with the proposed rezone request would hold to his word.

Commissioner Stanley stated that there is really no way and that in an agriculturally zoned parcel you have very little restrictions.

Mrs. Wilkins added that Mr. Shaukat owner of the property with the proposed rezone request had been burning debris in the property and this has been a nuisance to the neighborhood.

Osman Shaukat owner of the property with the proposed rezone request stated that he had a permit and that Chief Wideman from the fire department had been there when the inspection to issue the permit was conducted.

Commissioner Callis stated that she was in the dark and that she did not know where this property was located.

Commissioner Castelline described to her where the property was located.

Mrs. Wilkins stated that her main concern with animals is odors coming from animals as well as diseases.

Osman Shaukat owner of the property with the proposed rezone request stated that the health department will enforce vaccinations for the animals and that he will keep them contained in a fence.

Mrs. Wilkins asked what would be done if the animals get out of the fence.

Osman Shaukat owner of the property with the proposed rezone request explained the type of fence that he would be installing and the safety precautions he was taking to ensure that the animals would not get out.

Mr. Wilkins added if he would add goats as well.

Mrs. Wilkins added that the properties in the neighborhood had always been in the nature of single family residential.

Charles Messino explained how his property was adjacent to Mr. Shaukat owner of the property with the proposed rezone request and Mr. Messino added that he has no desire to live in an agricultural area and is unsure about what would happen 25 years from now. Mr. Messino explained that he is raising his children at this time.

Osman Shaukat owner of the property with the proposed rezone request stated that he wants to "work it out" with neighbors.

Charles Messino asked Osman Shaukat owner of the property with the proposed rezone request what would happen when he sold the property.

Osman Shaukat owner of the property with the proposed rezone request stated that he could not predict what was going to happen in the future.

Charles Messino stated that he is not in favor of the rezone.

Patricia Dequire who lives at 1408 Duroux asked what did Mr. Shaukat owner of the property with the proposed rezone request wanted to do with the food stores.

Osman Shaukat owner of the property with the proposed rezone request stated that he will build on the property when he can afford it and at that time he will either more or remove the food stores and the animals.

Patricia Dequire stated that she bought in that area because it was a residential property.

Commissioner Callis asked if this was against ordinance in this area, and how did you get a deed restriction for the area.

Ana Tims Building Official requested the City attorney explain the answer.

Ellis Ortego, City Attorney explained how deed restrictions come about when subdivisions are established.

Commissioner Stanley stated that a deed restriction had to be placed when a property is subdivided.

Charles Messino stated that he bought his property because it had no deed restrictions.

Mrs. Tejeda stated that at this time there are coyotes there and that she would much rather have horses and goats than coyotes.

Mrs. Smith asked what the impact would be on property values.

Commissioner Castelline stated that agricultural taxes are less than residential.

Osman Shaukat owner of the property with the proposed rezone request stated that his property value would not decrease for five years and that at that time he could apply for an agricultural exception.

Commissioner Callis stated that no one needed a permit to grow a garden, but that animals can carry diseases. She also added that a deed restriction needs to be placed on the property.

City Attorney Ellis Ortego stated that deed restrictions are created when the property is subdivided and that they are by plat on record. If there is no plat on record then Mr. Shaukat owner of the property with the proposed rezone request has enough land to create his own subdivision and add deed restrictions to it.

Mrs. Lopez stated that there are too many empty houses in la Marque.

Commissioner Calis agreed with his statement.

Mrs. Wilkins asked if her property would be changed to agricultural as well.

Commissioner Colombo stated that Mrs. Wilkins was not part of the 6 acres therefore it would not have a change if the proposed re-zone was approved.

Commissioner Castelline asked if notices were sent out to all adjacent property owners.

Ana Tims, Building Official stated that all property owners within 200 feet of the proposed property to be re-zoned had been notified.

Joe Masick stated that he built a new house there in 2006 and he did not want it to be agricultural.

- b. **Public Hearing – proposed re-plat for properties described as 1.7693 acre tract described as being a tract or parcel of land containing 0.5785 acre of land or 25,200 square feet, located in the Dougherty Tract, Stephen F. Austin League Survey, No 4, Galveston County, Texas; Said 0.5785 acre tract being out of and part of Lot “G” of Super City Subdivision No. 3 a subdivision duly of record in Volume 254-A, Page 68 in the Map Records of Galveston County (G.C.M.R.) Texas; said 0.5785 acre tract of record in the name of Sylvia Nayoda Krchnak in Galveston County Clerks File (G.C.C.F.) Number 8705380; Said 0.5785 acre tract being more particularly described as follows: COMMENCING at ½ inch rod found for both the northwest corner of aforesaid lot “G” and the herein described tract, and being the intersection of the south Right-of-Way(R.O.W.) line of Texas Avenue (F.M. 1765) and the east R.O.W. line of Byrd Street; THENCE, coincident the east R.O.W. line of aforesaid Byrd Street, South 00 degree 43 minutes 00 seconds East, a distance of 247.00 feet to a 5/8 inch iron rod with “Gruller” cap set for the northwest corner and POINT OF BEGINNING of the herein described tract; THENCE, through and across aforesaid Lot “G”, North 89 degrees 17 minutes 00 seconds East, a distance of 210.00 feet top a 5/8 inch rod with “Gruller” cap set for the northeast corner of the herein described tract, being on the west R.O.W. line of a 60 foot road of record in aforesaid subdivision; THENCE coincident the west R.O.W. line of aforesaid 60 foot road and the east line of aforesaid Lot “G”, South 00 degrees 43 minutes 00 seconds East, a distance of 120.00 feet to a 5/8 inch rod with “Gruller” cap set for the southeast corner of the herein described tract, being on the north line of a called 2.386 acre tract of record in the name of Alvin Jr. & carol Conrad in G.C.C.F. Number 2005014242; THENCE coincident the north line of aforesaid 2.386 acre tract and the south line of the herein described tract, South 89°17’00” seconds. West at a distance of 180.53 feet pass the northwest corner of said 2.386 acre tract, and continue for an overall distance of 210.00 feet to a 5/8 inch rod with “Gruller” cap set for the southwest corner of the herein described tract, being on the east R.O.W. line of aforesaid Byrd Street; THENCE coincident the east R.O.W. line of aforesaid Byrd Street, North 00°43’ 00” West, a distance of 120.00 feet to the POINT OF BEGINNING and containing .05785 acre of land.**

Ana Tims, Building Official described to the commission the location of the proposed re-plat. As well as the plat that is proposed to have a development.

Commissioner Stanley asked if anyone was present to speak on the behalf of the re-plat. No one answered.

Commissioner Konemann asked clarification if what they wanted to do is split the parcel into two lots.

Mr. Messina stated that it sounded good to him.

Public hearing was closed at 4:48 p.m.

7. REQUESTS AND ANNOUNCEMENTS

- a. Discussion/Possible Action - proposed re-zone for a property described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural; Possible recommendation to City Council.**

Commissioner Koneman made a motion to deny the petition to re-zone the property to agricultural. Commissioner Colombo seconds the motion and the motion opened for discussion. Commissioner Colombo asked if the description/ definition of agricultural could be changed. Ellis Ortego, City Attorney stated that it had to be changed via ordinance. The motion was voted on as a denial and was passed unanimously.

- b. **Discussion/Possible Action**– proposed re-plat for properties described as 1.7693 acre tract described as being a tract or parcel of land containing 0.5785 acre of land or 25,200 square feet, located in the Dougherty Tract, Stephen F. Austin League Survey, No 4, Galveston County, Texas; Said 0.5785 acre tract being out of and part of Lot “G” of Super City Subdivision No. 3 a subdivision duly of record in Volume 254-A, Page 68 in the Map Records of Galveston County (G.C.M.R.) Texas; said 0.5785 acre tract of record in the name of Sylvia Nayoda Krchnak in Galveston County Clerks File (G.C.C.F.) Number 8705380; Said 0.5785 acre tract being more particularly described as follows: COMMENCING at ½ inch rod found for both the northwest corner of aforesaid lot “G” and the herein described tract, and being the intersection of the south Right-of-Way(R.O.W.) line of Texas Avenue (F.M. 1765) and the east R.O.W. line of Byrd Street; THENCE, coincident the east R.O.W. line of aforesaid Byrd Street, South 00 degree 43 minutes 00 seconds East, a distance of 247.00 feet to a 5/8 inch iron rod with “Gruller” cap set for the northwest corner and POINT OF BEGINNING of the herein described tract; THENCE, through and across aforesaid Lot “G”, North 89 degrees 17 minutes 00 seconds East, a distance of 210.00 feet top a 5/8 inch rod with “Gruller” cap set for the northeast corner of the herein described tract, being on the west R.O.W. line of a 60 foot road of record in aforesaid subdivision; THENCE coincident the west R.O.W. line of aforesaid 60 foot road and the east line of aforesaid Lot “G”, South 00 degrees 43 minutes 00 seconds East, a distance of 120.00 feet to a 5/8 inch rod with “Gruller” cap set for the southeast corner of the herein described tract, being on the north line of a called 2.386 acre tract of record in the name of Alvin Jr. & carol Conrad in G.C.C.F. Number 2005014242; THENCE coincident the north line of aforesaid 2.386 acre tract and the south line of the herein described tract, South 89°17’00” seconds. West at a distance of 180.53 feet pass the northwest corner of said 2.386 acre tract, and continue for an overall distance of 210.00 feet to a 5/8 inch rod with “Gruller” cap set for the southwest corner of the herein described tract, being on the east R.O.W. line of aforesaid Byrd Street; THENCE coincident the east R.O.W. line of aforesaid Byrd Street, North 00°43’ 00” West, a distance of 120.00 feet to the POINT OF BEGINNING and containing .05785 acre of land; Possible recommendation to City Council.

Commissioner Konemman made a motion to approve the re-plat. Commissioner Castelline seconds the motion and the motion passed unanimously.

8. CHAIRMAN REPORT

Commissioner Stanley stated that he did not have a report.

9. REQUESTS AND ANNOUNCEMENTS

Commissioner Colombo requested that the agricultural section in the zoning ordinance be reviewed.

10. ADJOURNMENT –

Commissioner Callis made a motion to adjourn the meeting. Commissioner Castelline seconded the motion. The meeting adjourned at 4: 55p.m.

Dickey Stanley



CITY OF LA MARQUE
PROPERTY OWNER PUBLIC NOTICE
REZONING REQUEST

January 23, 2013

This PUBLIC NOTICE is in accordance with Section 26, AMENDMENTS, Subsection D. PUBLIC HEARING AND NOTICE, of the City of La Marques's Zoning Ordinance. An application for rezoning has been received by the Planning and Zoning Commission. If land is under your ownership or care, as listed with the City of La Marque Tax Records, within 200 feet of the property that is being considered for rezoning this is your OFFICIAL NOTICE.

The area under consideration for rezoning is ABST 2 PAGE 9 S F AUSTIN SUR 235 6.000 ACRS. better described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat;

THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract;

THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract;

THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract;

THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less

The current zoning is (R-1) Single Family Residential. The proposed zoning is (AG) Agricultural.

This is your OFFICIAL NOTICE that the La Marque Planning and Zoning Commission will conduct a PUBLIC HEARING, on **February 12, 2013 at 4:00 PM**, in the Council Chambers of City Hall, 1109-B Bayou Rd., concerning the above rezoning request.

Your comments, if any will be heard at this time. If you are unable to attend, and wish to comment, you may call, write or e-mail a.tims@ci.la-marque.tx.us to the City of La Marque Development Services Department at the following:

City of La Marque
Development Services Department
1111 Bayou Rd.
La Marque, TX 77568
409-938-9204

Respectfully,

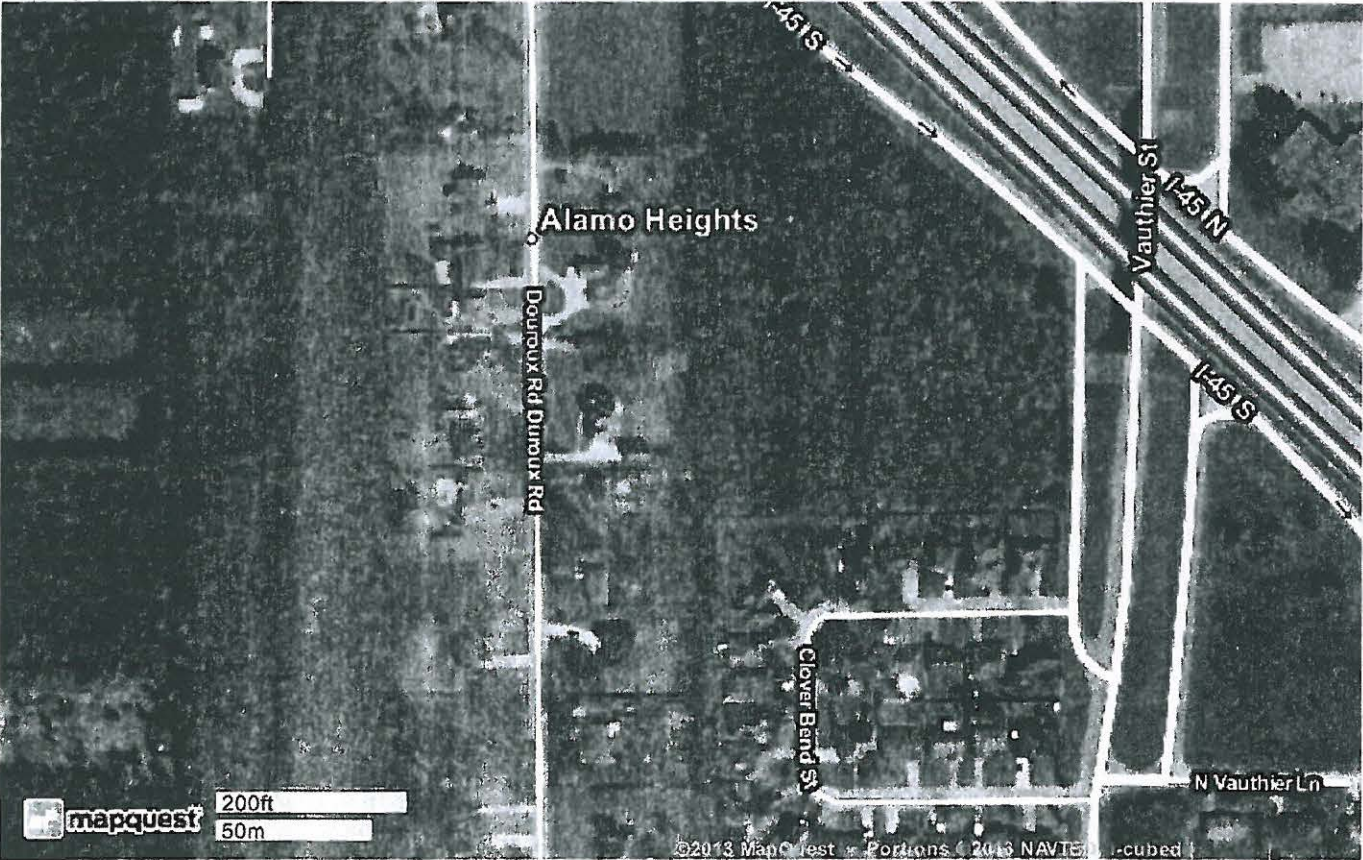


Ana Tims
Building Official/ Code Enforcement Officer
City of La Marque



Map of:
[1300-1399] Logan St
La Marque, TX 77568

Notes



©2013 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)

Anna Ortego

From: "Ana Tims" <a.tims@ci.la-marque.tx.us>
Date: Tuesday, February 26, 2013 11:09 AM
To: "Zina Tedford" <z.tedford@ci.la-marque.tx.us>; "ztedford" <ztedford@satx.rr.com>; <ellis@ortego-law.com>; <anna@ortego-law.com>; "City Attorney" <cityattorney@ci.la-marque.tx.us>
Attach: Ordinance on re-zone logan (will recomend denial).doc
Subject: Ordinance on re-zone logan (will recomend denial)

Attached is a copy of a proposed ordinance for rezoning, however the P & Z will recommend that the petition be denied. Please review and give me your thoughts

2/26/2013

-ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A Tract of Land *more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof*
commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THENCE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89°00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres **IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS**
FROM PUBLIC TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953

WHEREAS, Osman Shaukat (the "Applicant") purchased the tract of land described as *in Exhibit "A"*
~~Tract of Land commencing at the southwest corner of the Thomas Caldwell Tract, as~~
described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THENCE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89°00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, in the Office of the County Clerk of Galveston County, Texas (the "Property") generally situated in the corporate city limits of the City of La Marque, Texas (the "City"); and *Described in Exhibit "A"*

WHEREAS, the Property presently has a zoning classification of Single Family Residential under Chapter 71: Zoning of the Code of Ordinances of the City of La Marque; and

WHEREAS, the applicant has made application to the City to change such zoning classification of said property from Single Family Residential to Agricultural as authorized by the City's Zoning Ordinance; and

WHEREAS, the City Council of the City has conducted, in time and manner and after the notice required by law and Chapter 71: Zoning of the Code of Ordinances of the City of La Marque, a public hearing on such request in classification; and

WHEREAS, the La Marque City Council now deems it appropriate to grant such requested change in classification;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS that:

Section 1. The facts and the matters set forth in the preamble on this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the certain tract of land described as ~~A Tract of Land commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East in Galveston County, Texas, better described in "Appendix A", in the Office of the County Clerk of Galveston County, Texas~~ is hereby changed from Single Family Residential to Agricultural as authorized by the Chapter 71: Zoning of the Code of Ordinances of the City of La Marque.

Section 3. The zoning map of the City, adopted on the 12th day of December, 2005 by Ordinance number 953, shall be revised and amended to show the zoning reclassification of said tract of land as provided in Section 2 hereof, with the appropriate reference to the number and effective date of this Ordinance and brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the change in zoning classification of the tract described in Section 2 hereof.

Section 5. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or the provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the first reading this the ____ day of _____, 2013.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the second and last reading this the ____ day of _____, 2013.

Bobby Hocking
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

Exhibit "A"
~~APPENDIX A~~

Commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat;

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-ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A Tract of Land commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof FROM PUBLIC TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953

WHEREAS, Osman Shaukat (the "Applicant") purchased the tract of land **described in Exhibit "A"** recorded in the Office of the County Clerk of Galveston County, Texas (the "Property") generally situated in the corporate city limits of the City of La Marque, Texas (the "City"); and

WHEREAS, the Property described in Exhibit "A" presently has a zoning classification of Single Family Residential under Chapter 71: Zoning of the Code of Ordinances of the City of La Marque; and

WHEREAS, the applicant has made application to the City to change such zoning classification of said property from Single Family Residential to Agricultural as authorized by the City's Zoning Ordinance; and

WHEREAS, the City Council of the City has conducted a public hearing on such request in classification , in time and manner and after the notice required by law and Chapter 71: Zoning of the Code of Ordinances of the City of La Marque; and

WHEREAS, the La Marque City Council now deems it appropriate to grant such requested change in classification;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS that:

Section 1. The facts and the matters set forth in the preamble on this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the certain tract of land described in Exhibit "A" recorded in the Office of the County Clerk of Galveston County, Texas is hereby changed from Single Family Residential to Agricultural as authorized by the Chapter 71: Zoning of the Code of Ordinances of the City of La Marque.

Section 3. The zoning map of the City, adopted on the 12th day of December, 2005 by Ordinance number 953, shall be revised and amended to show the zoning reclassification of said tract of land as provided in Section 2 hereof, with the appropriate reference to the number and effective date of this Ordinance and brief description of the nature of the change.

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PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the first reading this the ____ day of _____, 2013.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the second and last reading this the ____ day of _____, 2013.

Bobby Hocking
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

EXHIBIT A

Commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat;

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City of La Marque
Application for Property Rezoning

Date of Application 11-06-2012 Fee Received 275⁰⁰

Name of Agent Owner Phone _____

Address 10600 Southdown Trace Apt. 1510, Houston Tx. 77034

Name of Owner Osman Shaoukat Phone 281-650-0610

Address R131382

Property Description: see attached meets and bounds

Address _____

Addition _____ Block: _____ Lots _____

Plat of Area Attached yes Metes and Bounds Attached yes

APPLICATION CHECKLIST

[] CERTIFIED PROPERTY OWNERS WITHIN 200-FEET OF THE PROPERTY-LISTS
PRINTED MORE THAN TWO WEEKS PRIOR TO APPLICATION SUBMITTAL MAY NOT BE
ACCEPTED

[]

(CENTRAL APPRAISAL DISTRICT (CAD) 600 GULF FREEWAY (EXIT 13-CENTURY
BOULEVARD EXIT) 409-935-1980 (409-935-1980) ext 421 Kassi

[] SITE PLAN (TO SCALE) WITH EXISTING IMPROVEMENTS, DEVELOPMENTS, AND
PROPERTY LINES [8-1/2X11] IF LARGER THAN 8-1/2X11. PLEASE FOLD TO APPROPRIATE
SIZE)

[] SURVEY (TO SCALE) (2 COPIES)

[] CURRENT TAX RECEIPTS-COUNTY TAX OFFICE, 722 MOODY (766-2481)

[] TITLE REPORT (IF LAND WAS PURCHASED WITHIN THE LAST 60 DAYS)

[] NON-REFUNDABLE APPLICATION FEE (PAYABLE TO THE CITY OF LA MARQUE)

(A) 0 to less than 25 acres:

1. \$250.00 plus \$25.00 per each type of zoning requested on a tract of land; or
2. \$400.00 if planned unit development

(B) 25 to less than 50 acres:

1. \$300 plus \$25.00 per each type of zoning requested on a tract of land; or
2. \$450.00 if planned unit development

(C) 50 to less than 75 acres:

Change Ag. use from Single family

1. \$350.00 plus \$25.00 per each type of zoning requested on a tract of land: or

2. \$500.00 if planned unit development

(D) 75 to less than 100 acres:

1. \$400.00 plus \$25.00 per each type of zoning requested on a tract of land: or

2. \$550.00 if planned unit development

(E) 100 acres and over:

1. \$450.00 plus \$25.00 per each type of zoning requested on a tract of land : or

2. \$600.00 if planned unit development

*** Office Use Only ***

Present Zone R-1 Zone Requested Ag

Public Hearing 8 2-12-13

Informal Discussion yes

Purpose Requested To have animals on the prop.
possibly build a house down the line

Submitted to Planning and Zoning Commission:

Date 2-12-13

Approved _____ Denied ☒ Other _____

Comments Community surrounding parcel
was very active

Public Hearing Scheduled City Council 3-11-13

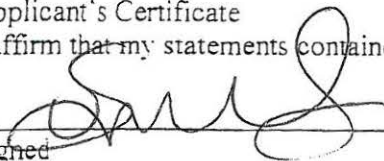
Approved _____ Denied _____ Other _____

Comments _____

Final Disposition _____

Applicant's Certificate

I affirm that my statements contained in the Application are true and correct to the best of my knowledge.


Signed _____

Signed _____

Signed _____

City of La Marque

1111 Bayou Rd., La Marque TX 77568

(409)938-9204

Receipt Number: 201200815**Date:** 11/06/2012
Name:**Canceled:****Cashier:** EGRUNDMANN**Payer/Payee**Shaukat , Osman
R131382
La Marque TX 77568

Tracking Number	Parcel	Fee Description	Fee Amount	Amount Paid	Fee Balance
RZ2012-002 R131382 La Marque Re Zone	R131382	REZONING CLASSIFICATION FEE 01-3300 (REZONING)	\$275.00	\$275.00	\$0.00

Total: \$275.00

Payment Method	Reference Number	Payment Amount
CASH		\$275.00
	Total:	\$275.00



Galveston Central Appraisal District

9850 Emmett F. Lowry Expressway, Ste. A, Texas City, TX 77591, (866) 277-4725
Data on this Web site represents Preliminary 2013 Information CLICK HISTORY FOR VALUES

Home

General Information

News

FAQ

Searches

- Property ID Search
- Account Search
- Owner Search
- Address Search

Property Data

- Detail Sheet
- History
- Datasheet

Other

- Taxing Units
- Neighborhoods
- Abstracts
- Subdivisions
- ARB Rules
- ONLINE Protest Info
- New Homestead Info
- Tax Code
- Calendar
- Property Codes
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- PROTEST VIDEO
- Legislative Updates
- Forms
- GIS Map Viewer
- County Tax Office
- GIS Shape Files
- PDF Map Index
- NBHD Map Index
- 3D Aerial Photos
- Links
- Contact Us
- 2012 Certified Roll
- Directory

Property Detail Sheet (R131382)



History



Plat Map



GIS Map



Datasheet



Protest



Notifications

Owner Information

Owner ID: O0067986
Owner Name: SHAUKAT, OSMAN
Owner Address: 10600 SOUTHDOWN TRACE TRL APT #1510
HOUSTON, TX 77034
Property Address:

Parcel Information

Legal Description: ABST 2 PAGE 9 S F AUSTIN SUR TR 235 6.000 ACRES
Neighborhood: 0002.1(0002.1 - Austin, S F)
Acreage: 6.000
Cross Reference: 0002-0235-0000-000
Undivided Interest: 100%

Exemption Codes:

Entity Codes: GGA (Galveston County)
J05 (Mainland College)
S14 (Hitchcock Isd)
C32 (La Marque City)
RFL (Co Road & Flood)
D02 (Drainage #2)

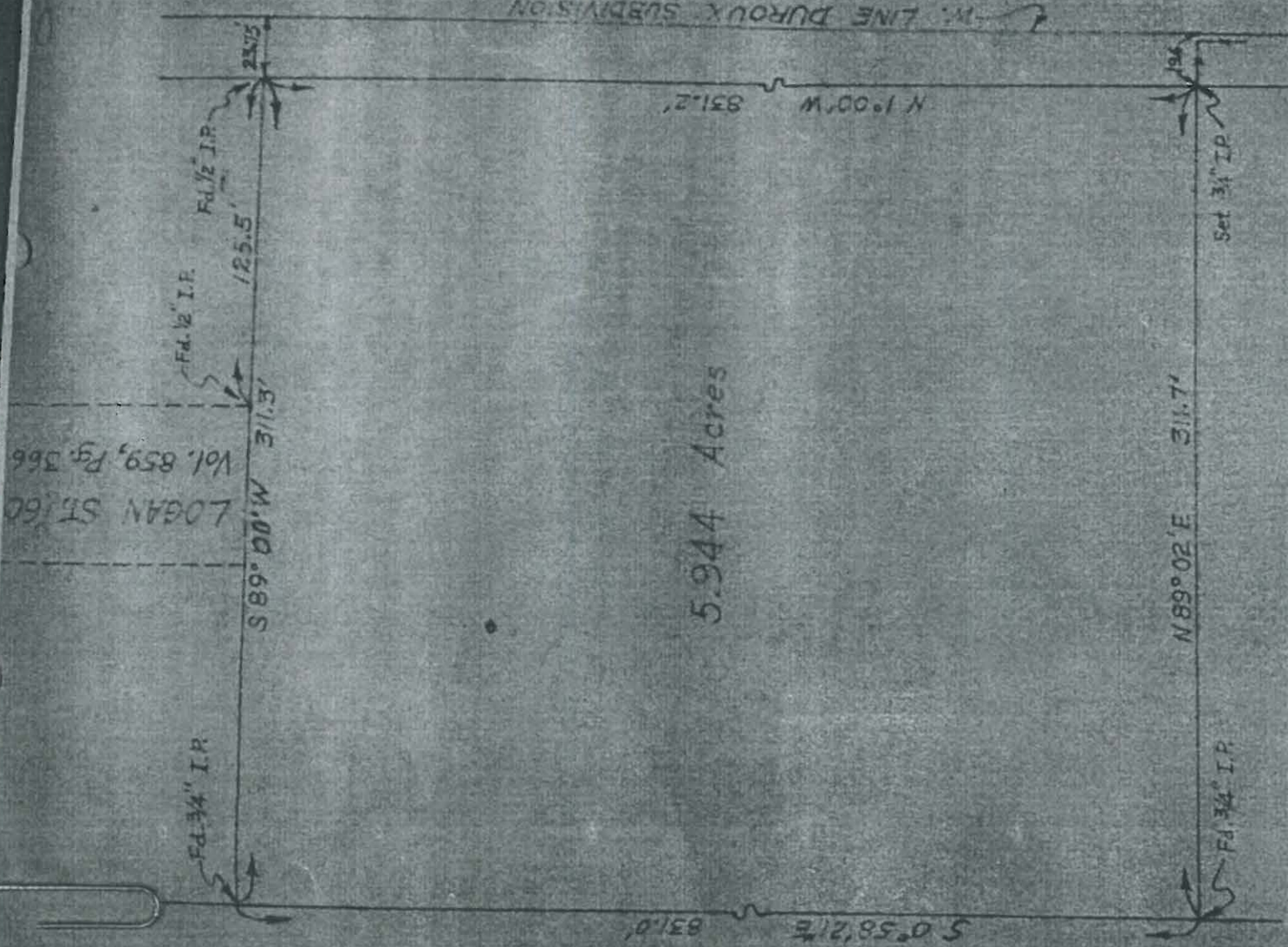
Deed Type: Warranty Deed/vendors Lien
Deed Book:
Deed Page: 2012060241
Map Page: 283-A
Links:

[Click here](#) to view your 2012 certified values and prior history.

Land				
ID	Type	SPTB	Acres	Market
Land1	UN (Undeveloped)	D5 (Non-qualified Ag Land)	6	Unavailable



A recent version of Adobe Acrobat Reader is required to view PDF documents. Acrobat Reader is a free program available [here](#).



A SURVEY OF PART OF THE S. F. AUSTIN LEAGUE SURVEY NO. 4 IN GALVESTON COUNTY, TEXAS, AS MORE FULLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A"

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping or improvements, easements or right of way, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

Scales: 1 inch = 60 feet

Dated this the 9th day of Sept. 1974

EXHIBIT "A"

Commencing at the Southwest corner of the Thomas Caldwell Tract, as described in deed of record in Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in Cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in the Records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre tract shown on said plat;

Thence North $89^{\circ}02'$ East along the South line of said Bell tract, a distance of 311.7 feet to the Southeast corner of said Bell 6 acre tract;

Thence North $1^{\circ}00'$ West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell 6 acre tract;

Thence South $89^{\circ}00'$ West, along the North Line of the said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell by deed of November 10, 1949, rec in Vol. 859, page 366, Galveston County Deed Records, in all a distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract;

Thence South $0^{\circ}58'21''$ East a distance of 831.0 feet along the West line of the said Bell tract to the place of beginning, and containing 6.944 acres, more or less.

LEGEND:

AC. - ACRES
A/C. - AIR CONDITION
A.E. - AERIAL EASEMENT
B.L. - BUILDING LINE
B.D. - BUILDING
B.O. - BOLLARD
CB - CATCH BASIN
CONC. - CONCRETE
COV'D. - COVERED
CP - CRIMPED PIPE
ELEC. - ELECTRIC
ESMT. - EASEMENT
FD - FIRM CODE
FH - FIRE HYDRANT
FND. - FOUND
GM - GAS METER

HCCF - HARRIS COUNTY CLERKS FILE
HCCR - HARRIS COUNTY DEED RECORDS
HMRP - HOUSTON MAP RECORDS
HMRP - HOUSTON LIGHTING & POWER
I.P. - IRON PIPE
I.R. - IRON ROD
LP - LIGHT POST
MH - MANHOLE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCING
PP - POWER POLE
PS - PARKING SPACES
PTP - PINCHED TOP PIPE
R.O.W. - RIGHT OF WAY
RR - RAILROAD
SAN. - SANITARY
SP - SERVICE POLE
SQ. FT. - SQUARE FEET

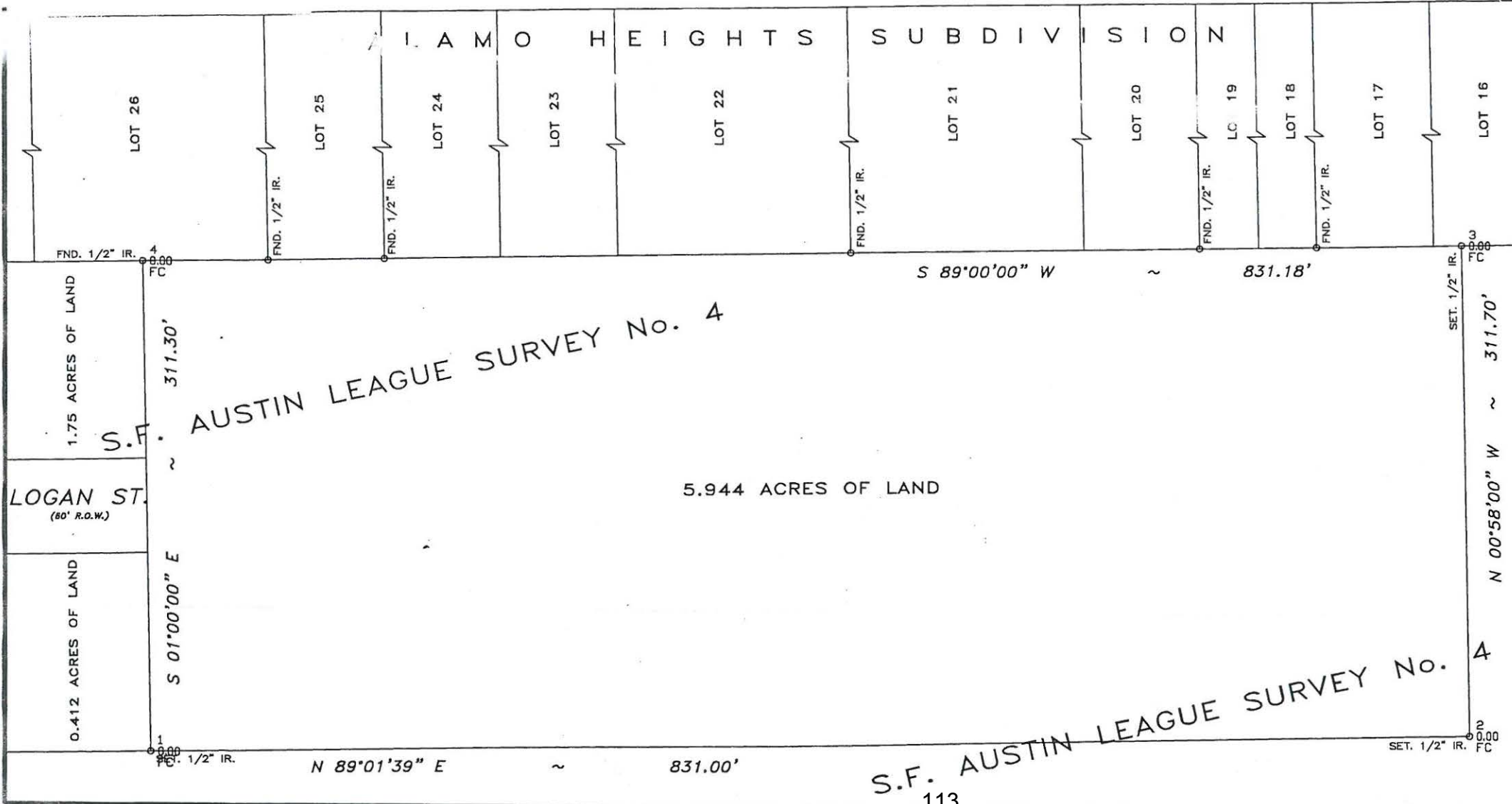
S.S.E. - SANITARY SEWER EASEMENT
STM. - STORM
STM.S.E. - STORM SEWER EASEMENT
SWBT - SOUTHWESTERN BELL TELEPHONE
TEL. - TELEPHONE
TLP - TRAFFIC LIGHT POLE
TSB - TRAFFIC SIGNAL BOX
U.E. - UTILITY EASEMENT
WM - WATER METER
WV - WATER VALVE
WVF - WATER VALVE FENCE
WVF - WROUGHT IRON FENCE
CONCRETE
COVERED CONCRETE
OHP - OVERHEAD POWER LINES
WOOD FENCE
WROUGHT IRON FENCE

ALL BUILDING LINES AND EASEMENTS ARE PER
RECORDED PLAT UNLESS OTHERWISE SHOWN.
THIS SURVEY IS CERTIFIED FOR THIS
TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO
ADDITIONAL INSTITUTIONS OR SUBSEQUENT
OWNERS.
BUILDER MUST VERIFY ALL BUILDING LINES,
EASEMENTS, BUILDING LINE RESTRICTIONS (DEED
RESTRICTIONS, ETC.) AND ZONING ORDINANCES,
IF ANY,
THAT MAY AFFECT SUBJECT PROPERTY, BEFORE
STARTING CONSTRUCTION.



1. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES OR OTHER MATTERS OF RECORD NOT SHOWN HEREON.
2. PROPERTY SUBJECT TO SUBDIVISION CONVENTS, CONDITIONS AND RESTRICTIONS BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD.
3. FENCES DO NOT FOLLOW PROPERTY LINES AS SHOWN.
4. THIS SURVEY WAS DONE WITH OUT THE BENEFIT OF A TITLE REPORT.

DUROUX DRIVE
(60' R.O.W.)



SURVEY OF

5.994 ACRES OF LAND
OUT AND PART OF THE S.F.
AUSTIN LEAGUE SURVEY No. 4, IN
GALVESTON COUNTY, TEXAS.
AS MORE FULLY DESCRIBED BY
METES AND BOUNDS

OWNER: SHAUKAT, OSMAN

ADDRESS: 0 LOGAN STREET
LA MARQUE, TEXAS, 77568



F/W: 12-24-12

GF No.:

Title Co.:

Mort.Co.:

FLOOD INFORMATION

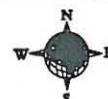
SUBJECT PROPERTY IS
LOCATED IN A FEDERAL INSURANCE
ADMINISTRATION DESIGNATED FLOOD
HAZARD AREA AND IS IN ZONE
A3
MAP No. 485486
PANEL 0020 D DATED 02/16/1983
This information is based on graphic
plotting only. We do not assume
responsibility for exact determination.

I HEREBY CERTIFY THAT THIS SURVEY REPRESENTS THE RESULT
OF A SURVEY MADE ON THE GROUND ON THE 24TH DAY OF DECEMBER, 2012
THIS SURVEY IS ONLY CERTIFIED FOR SURVEY TRANSACTIONS.

GEORGE R. LANDZABAL R.P.L.S.

Scassurvey
Field Crew Draftsmen Technicians

TEL: (832) 721 0595 FAX: (281) 501 20957
2640 FOUNTAIN VIEW DR. SUITE 218
HOUSTON TEXAS 77057
survey.cas@gmail.com / cassurvey.com



GGC
SURVEY, PLLC
Land Surveying Engineers
4418 Timmerly Court
Sugar Land, Texas 77479

C12-1210

**PLANING AND ZONING COMMISSION
REGULAR MEETING
December 11, 2012**

1. CALL TO ORDER

The meeting was called to order at 4:07 p.m. by Dickey Stanley

2. ROLL CALL

PRESENT:

Mike Castelline
Norman Koneman
Dickey Stanley

ABSENT:

Annette Callis

STAFF PRESENT:

Erica Grundmann, Permit Clerk
Ana Tims, Building Official

3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Commission dispensed with the Invocation. Building Official Tims led the Pledge of Allegiance to the Flag.

4. APPROVAL OF MINUTES

Special Meeting of November 13, 2012

Commissioner Koneman made a motion to approve the minutes. Commissioner Castelline seconded the motion. The minutes were approved as written.

5. CITIZENS PARTICIPATION

No one signed up to address the Commission at this time.

6. NEW BUSINESS

a. Discussion/Possible action-proposed rezone for a property described as ABST 2 PAGE 9 SF AUSTIN SUR TR 235 6.00 ACRS better described by metes and bounds from (R-1) single family residential to (AG) agricultural use; possible recommendation to City Council.

Owner of the property Osman Shaukat was not present at the meeting.

Les Howard presented a survey of the property and asked about the easement going through it. Staff made copies of the survey and the commission informed Mr. Howard that they will look further into it.

Mrs. Wilkens reported that she is concerned with the odors that an agricultural setting would bring to the area. Mrs. Wilkens added that the owner has begun cutting trees down on the property.

Patricia DeQuiral stated that the property is an eyesore now and that there will be a barbwire fence installed around it and that there are torn down trees and piles of wood. Mrs. DeQuiral also added that they are mowing at midnight.

Mrs. Wilkin asked if there would be a change in the appraisal of the properties nearby. Mrs. Tims informed her that that is not governed by the city and would be a question for the central appraisal district. Mrs. Wilkin added that in 2012 there was a new house that was built and backed into the property. She also added that the homes there are all single houses and she wants to keep it that way.

Patricia DeQuiral stated that having houses in that area is fine, "but do not bring animals" Commissioner Castelline responded that he did not know if they were bringing animals, or crops. Commissioner Stanley asked if anyone knew what the owner was doing.

Odell Wilkins stated that he did not know what was coming in but he does not want chickens or cows. He also stated that he wants it to remain a residential area. Commissioner Koneman added that he does not think we should approve a nuisance. Commissioner Stanley stated to the board that they were going to give the owner the opportunity to come in one more time and explain to the commission what his plans are for the property.

Patricia DeQuiral stated that the property owner knew about the meeting. Odell Wilkins stated that he spoke with the property owner in the morning and he mentioned the meeting. Mr. Wilkins also added that he is a property owner and that he has rights.

Mr. Messina asked if there was something that could be done to clarify where the property line sits between the property in question and his property. Mrs. Tims informed the board that this was not in the jurisdiction of this commission. Commissioner Castelline informed the citizens present that the man can clear his property; he just cannot put animals in it. Commissioner Stanley also suggested to those present that if someone is trespassing on their property they need to call the police department.

Commissioner Castelline added that the property has been staked, but is really overgrown; he also added that it looks like it is being surveyed and has flags on the south side.

Commissioner Stanley made a motion to table the item for next month's meeting Commissioner Castelline seconded the motion and the motion passed unanimously.

7. REQUESTS AND ANOUNCEMENTS

Commissioner Stanley requested that the agenda item of citizen's participation be moved to the end of the meeting.

8. ADJOURNMENT –

Commissioner Castelline made a motion to adjourn the meeting. Commissioner Konneman seconded the motion. The meeting adjourned at 4: 29p.m.

Dickey Stanley

**PLANING AND ZONING COMMISSION
REGULAR MEETING
February 12, 2013**

1. CALL TO ORDER

The meeting was called to order at 4:04 p.m. by Dickey Stanley

2. ROLL CALL

PRESENT:

Mike Castelline
Norman Koneman
Dickey Stanley
Annette Callis
Chris Colombo

ABSENT:

Arrived at 4:16 p.m.

STAFF PRESENT:

Ellis Ortego, City Attorney
Carol Buttler, City Manager
Zina Tedford, City Clerk
Ana Tims, Building Official

3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Commission dispensed with the Invocation and Pledge of Allegiance was presented by commissioner Konneman.

4. APPROVAL OF MINUTES

No minutes were approved.

5. CITIZENS PARTICIPATION

No one signed up to address the Commission at this time.

6. NEW BUSINESS

Public Hearing Opened at 4:12 p.m.

- a. Public Hearing - proposed re-zone for a property described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to

which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural.

Juan Lopez stated that he was a resident at 1420 Duroux he also stated that he is attending the meeting to see what the request is about.

Osman Shaukat owner of the property with the proposed rezone request stated that he wants to clear the place and fence around it. Mr. Osman also added that he wants to grow organic fruits and vegetables and have horses and other animals within 300 feet of other residences.

Commissioner Stanley asked about the comments that were made against it at the last meeting. Commisioner added that he recalled concerns about the machinery used on the property and damages to other property owners that had not been addressed by Mr. Shaukat owner of the property that is being proposed to re-zone.

Osman Shaukat owner of the property with the proposed rezone request stated that this had been done by his contractor.

Commisioner Stanley stated that there were also other concerns from the citizens in the area.

Osman Shaukat owner of the property with the proposed rezone request stated that he intends to have one horse and a couple of goats on the property.

Commissioner Stanley asked for a list of people who complained about the proposal.

Ana Tims, Building Official gave him the minutes for the December 11, 2012 meeting.

Commissioner Castelline stated that he recalled complaints about animals, and crops. Commissioner Catelline also added that he has concerns about the

rezoning and the definition of agricultural under the zoning ordinance particularly what is allowed under this designation and what can the next property owner do if re-zoned.

Osman Shaukat owner of the property with the proposed rezone request stated that he is not planning to sell the property. Mr. Shaukat added that his long term plan was to build a house on the property but that is not possible right now.

Commissioner Colombo asked what prohibited Osman Shaukat owner of the property with the proposed rezone request from having a garden.

Ana Tims, Building Official stated that there are no regulations on gardening.

Mr. Lopez stated that he came to the public meeting because he was confused and thought that his property was going to be negatively affected.

Commissioner Stanley asked Mr. Lopez "How do you feel about it?"

Mr. Lopez stated that he felt "good" now that he understood.

Pearl Tejada stated that the letter did not make sense and she wants to know what was going to happen. Mrs. Tejada also added that crops and animals sound fine to her and she now feels at ease.

Mr. Wilkins asked the commissioners how we knew if Mr. Shaukat owner of the property with the proposed rezone request would hold to his word.

Commissioner Stanley stated that there is really no way and that in an agriculturally zoned parcel you have very little restrictions.

Mrs. Wilkins added that Mr. Shaukat owner of the property with the proposed rezone request had been burning debris in the property and this has been a nuisance to the neighborhood.

Osman Shaukat owner of the property with the proposed rezone request stated that he had a permit and that Chief Wideman from the fire department had been there when the inspection to issue the permit was conducted.

Commissioner Callis stated that she was in the dark and that she did not know where this property was located.

Commissioner Castelline described to her where the property was located.

Mrs. Wilkins stated that her main concern with animals is odors coming from animals as well as diseases.

Osman Shaukat owner of the property with the proposed rezone request stated that the health department will enforce vaccinations for the animals and that he will keep them contained in a fence.

Mrs. Wilkins asked what would be done if the animals get out of the fence.

Osman Shaukat owner of the property with the proposed rezone request explained the type of fence that he would be installing and the safety precautions he was taking to ensure that the animals would not get out.

Mr. Wilkins added if he would add goats as well.

Mrs. Wilkins added that the properties in the neighborhood had always been in the nature of single family residential.

Charles Messino explained how his property was adjacent to Mr. Shaukat owner of the property with the proposed rezone request and Mr. Messino added that he has no desire to live in an agricultural area and is unsure about what would happen 25 years from now. Mr. Messino explained that he is raising his children at this time.

Osman Shaukat owner of the property with the proposed rezone request stated that he wants to "work it out" with neighbors.

Charles Messino asked Osman Shaukat owner of the property with the proposed rezone request what would happen when he sold the property.

Osman Shaukat owner of the property with the proposed rezone request stated that he could not predict what was going to happen in the future.

Charles Messino stated that he is not in favor of the rezone.

Patricia Dequire who lives at 1408 Duroux asked what did Mr. Shaukat owner of the property with the proposed rezone request wanted to do with the food stores.

Osman Shaukat owner of the property with the proposed rezone request stated that he will build on the property when he can afford it and at that time he will either more or remove the food stores and the animals.

Patricia Dequire stated that she bought in that area because it was a residential property.

Commissioner Callis asked if this was against ordinance in this area, and how did you get a deed restriction for the area.

Ana Tims Building Official requested the City attorney explain the answer.

Ellis Ortego, City Attorney explained how deed restrictions come about when subdivisions are established.

Commissioner Stanley stated that a deed restriction had to be placed when a property is subdivided.

Charles Messino stated that he bought his property because it had no deed restrictions.

Mrs. Tejeda stated that at this time there are coyotes there and that she would much rather have horses and goats than coyotes.

Mrs. Smith asked what the impact would be on property values.

Commissioner Castelline stated that agricultural taxes are less than residential.

Osman Shaukat owner of the property with the proposed rezone request stated that his property value would not decrease for five years and that at that time he could apply for an agricultural exception.

Commissioner Callis stated that no one needed a permit to grow a garden, but that animals can carry diseases. She also added that a deed restriction needs to be placed on the property.

City Attorney Ellis Ortego stated that deed restrictions are created when the property is subdivided and that they are by plat on record. If there is no plat on record then Mr. Shaukat owner of the property with the proposed rezone request has enough land to create his own subdivision and add deed restrictions to it.

Mrs. Lopez stated that there are too many empty houses in la Marque.

Commissioner Calis agreed with his statement.

Mrs. Wilkins asked if her property would be changed to agricultural as well.

Commissioner Colombo stated that Mrs. Wilkins was not part of the 6 acres therefore it would not have a change if the proposed re-zone was approved.

Commissioner Castelline asked if notices were sent out to all adjacent property owners.

Ana Tims, Building Official stated that all property owners within 200 feet of the proposed property to be re-zoned had been notified.

Joe Masick stated that he built a new house there in 2006 and he did not want it to be agricultural.

- b. **Public Hearing – proposed re-plat for properties described as 1.7693 acre tract described as being a tract or parcel of land containing 0.5785 acre of land or 25,200 square feet, located in the Dougherty Tract, Stephen F. Austin League Survey, No 4, Galveston County, Texas; Said 0.5785 acre tract being out of and part of Lot “G” of Super City Subdivision No. 3 a subdivision duly of record in Volume 254-A, Page 68 in the Map Records of Galveston County (G.C.M.R.) Texas; said 0.5785 acre tract of record in the name of Sylvia Nayoda Krchnak in Galveston County Clerks File (G.C.C.F.) Number 8705380; Said 0.5785 acre tract being more particularly described as follows: COMMENCING at ½ inch rod found for both the northwest corner of aforesaid lot “G” and the herein described tract, and being the intersection of the south Right-of-Way(R.O.W.) line of Texas Avenue (F.M. 1765) and the east R.O.W. line of Byrd Street; THENCE, coincident the east R.O.W. line of aforesaid Byrd Street, South 00 degree 43 minutes 00 seconds East, a distance of 247.00 feet to a 5/8 inch iron rod with “Gruller” cap set for the northwest corner and POINT OF BEGINNING of the herein described tract; THENCE, through and across aforesaid Lot “G”, North 89 degrees 17 minutes 00 seconds East, a distance of 210.00 feet top a 5/8 inch rod with “Gruller” cap set for the northeast corner of the herein described tract, being on the west R.O.W. line of a 60 foot road of record in aforesaid subdivision; THENCE coincident the west R.O.W. line of aforesaid 60 foot road and the east line of aforesaid Lot “G”, South 00 degrees 43 minutes 00 seconds East, a distance of 120.00 feet to a 5/8 inch rod with “Gruller” cap set for the southeast corner of the herein described tract, being on the north line of a called 2.386 acre tract of record in the name of Alvin Jr. & carol Conrad in G.C.C.F. Number 2005014242; THENCE coincident the north line of aforesaid 2.386 acre tract and the south line of the herein described tract, South 89°17’00” seconds. West at a distance of 180.53 feet pass the northwest corner of said 2.386 acre tract, and continue for an overall distance of 210.00 feet to a 5/8 inch rod with “Gruller” cap set for the southwest corner of the herein described tract, being on the east R.O.W. line of aforesaid Byrd Street; THENCE coincident the east R.O.W. line of aforesaid Byrd Street, North 00°43’ 00” West, a distance of 120.00 feet to the POINT OF BEGINNING and containing .05785 acre of land.**

Ana Tims, Building Official described to the commission the location of the proposed re-plat. As well as the plat that is proposed to have a development.

Commissioner Stanley asked if anyone was present to speak on the behalf of the re-plat. No one answered.

Commissioner Konemann asked clarification if what they wanted to do is split the parcel into two lots.

Mr. Messina stated that it sounded good to him.

Public hearing was closed at 4:48 p.m.

7. REQUESTS AND ANNOUNCEMENTS

- a. **Discussion/Possible Action - proposed re-zone for a property described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less to be changed from Single Family Residential to Agricultural; Possible recommendation to City Council.**

Commissioner Koneman made a motion to deny the petition to re-zone the property to agricultural. Commissioner Colombo seconds the motion and the motion opened for discussion. Commissioner Colombo asked if the description/ definition of agricultural could be changed. Ellis Ortego, City Attorney stated that it had to be changed via ordinance. The motion was voted on as a denial and was passed unanimously.

- b. **Discussion/Possible Action**– proposed re-plat for properties described as 1.7693 acre tract described as being a tract or parcel of land containing 0.5785 acre of land or 25,200 square feet, located in the Dougherty Tract, Stephen F. Austin League Survey, No 4, Galveston County, Texas; Said 0.5785 acre tract being out of and part of Lot “G” of Super City Subdivision No. 3 a subdivision duly of record in Volume 254-A, Page 68 in the Map Records of Galveston County (G.C.M.R.) Texas; said 0.5785 acre tract of record in the name of Sylvia Nayoda Krchnak in Galveston County Clerks File (G.C.C.F.) Number 8705380; Said 0.5785 acre tract being more particularly described as follows: COMMENCING at ½ inch rod found for both the northwest corner of aforesaid lot “G” and the herein described tract, and being the intersection of the south Right-of-Way(R.O.W.) line of Texas Avenue (F.M. 1765) and the east R.O.W. line of Byrd Street; THENCE, coincident the east R.O.W. line of aforesaid Byrd Street, South 00 degree 43 minutes 00 seconds East, a distance of 247.00 feet to a 5/8 inch iron rod with “Gruller” cap set for the northwest corner and POINT OF BEGINNING of the herein described tract; THENCE, through and across aforesaid Lot “G”, North 89 degrees 17 minutes 00 seconds East, a distance of 210.00 feet top a 5/8 inch rod with “Gruller” cap set for the northeast corner of the herein described tract, being on the west R.O.W. line of a 60 foot road of record in aforesaid subdivision; THENCE coincident the west R.O.W. line of aforesaid 60 foot road and the east line of aforesaid Lot “G”, South 00 degrees 43 minutes 00 seconds East, a distance of 120.00 feet to a 5/8 inch rod with “Gruller” cap set for the southeast corner of the herein described tract, being on the north line of a called 2.386 acre tract of record in the name of Alvin Jr. & carol Conrad in G.C.C.F. Number 2005014242; THENCE coincident the north line of aforesaid 2.386 acre tract and the south line of the herein described tract, South 89°17’00” seconds. West at a distance of 180.53 feet pass the northwest corner of said 2.386 acre tract, and continue for an overall distance of 210.00 feet to a 5/8 inch rod with “Gruller” cap set for the southwest corner of the herein described tract, being on the east R.O.W. line of aforesaid Byrd Street; THENCE coincident the east R.O.W. line of aforesaid Byrd Street, North 00°43’ 00” West, a distance of 120.00 feet to the POINT OF BEGINNING and containing .05785 acre of land; Possible recommendation to City Council.

Commissioner Konemman made a motion to approve the re-plat. Commissioner Castelline seconds the motion and the motion passed unanimously.

8. CHAIRMAN REPORT

Commissioner Stanley stated that he did not have a report.

9. REQUESTS AND ANNOUNCEMENTS

Commissioner Colombo requested that the agricultural section in the zoning ordinance be reviewed.

10. ADJOURNMENT –

Commissioner Callis made a motion to adjourn the meeting. Commissioner Castelline seconded the motion. The meeting adjourned at 4: 55p.m.

Dickey Stanley



CITY OF LA MARQUE
PROPERTY OWNER PUBLIC NOTICE
REZONING REQUEST

January 23, 2013

This PUBLIC NOTICE is in accordance with Section 26, AMENDMENTS, Subsection D. PUBLIC HEARING AND NOTICE, of the City of La Marques's Zoning Ordinance. An application for rezoning has been received by the Planning and Zoning Commission. If land is under your ownership or care, as listed with the City of La Marque Tax Records, within 200 feet of the property that is being considered for rezoning this is your OFFICIAL NOTICE.

The area under consideration for rezoning is ABST 2 PAGE 9 S F AUSTIN SUR 235 6.000 ACRS. better described by metes and bounds as commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat;

THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract;

THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract;

THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract;

THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, more or less

The current zoning is (R-1) Single Family Residential. The proposed zoning is (AG) Agricultural.

This is your OFFICIAL NOTICE that the La Marque Planning and Zoning Commission will conduct a PUBLIC HEARING, on **February 12, 2013 at 4:00 PM**, in the Council Chambers of City Hall, 1109-B Bayou Rd., concerning the above rezoning request.

Your comments, if any will be heard at this time. If you are unable to attend, and wish to comment, you may call, write or e-mail a.tims@ci.la-marque.tx.us to the City of La Marque Development Services Department at the following:

City of La Marque
Development Services Department
1111 Bayou Rd.
La Marque, TX 77568
409-938-9204

Respectfully,

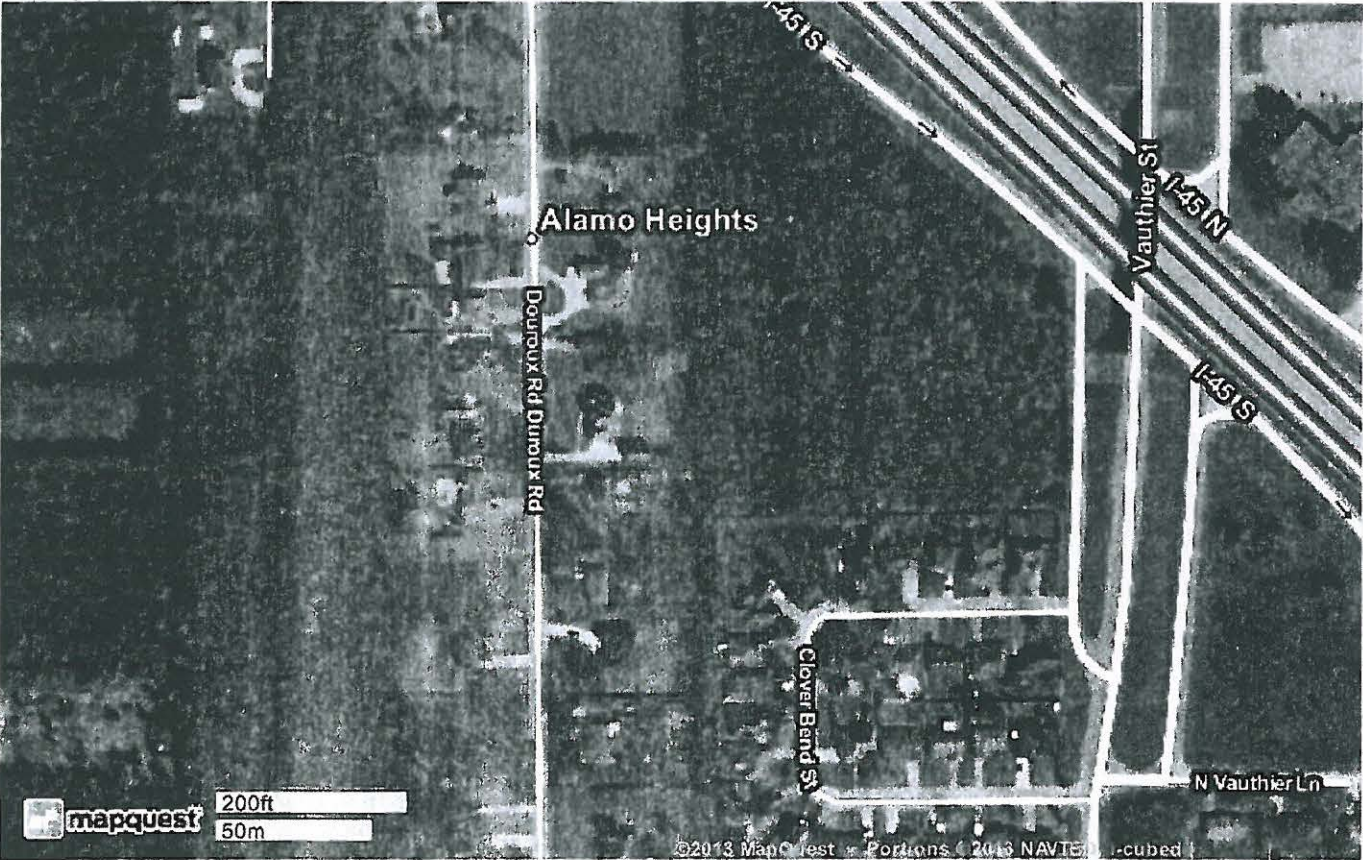


Ana Tims
Building Official/ Code Enforcement Officer
City of La Marque



Map of:
[1300-1399] Logan St
La Marque, TX 77568

Notes



©2013 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)

Anna Ortego

From: "Ana Tims" <a.tims@ci.la-marque.tx.us>

Date: Tuesday, February 26, 2013 11:09 AM

To: "Zina Tedford" <z.tedford@ci.la-marque.tx.us>; "ztedford" <ztedford@satx.rr.com>; <ellis@ortego-law.com>; <anna@ortego-law.com>; "City Attorney" <cityattorney@ci.la-marque.tx.us>

Attach: Ordinance on re-zone logan (will recomend denial).doc

Subject: Ordinance on re-zone logan (will recomend denial)

Attached is a copy of a proposed ordinance for rezoning, however the P & Z will recommend that the petition be denied. Please review and give me your thoughts

2/26/2013

-ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A Tract of Land *more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof*
commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THENCE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89°00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres **IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS**
FROM PUBLIC TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953

WHEREAS, Osman Shaukat (the "Applicant") purchased the tract of land described as *in Exhibit "A"*
~~Tract of Land commencing at the southwest corner of the Thomas Caldwell Tract, as~~
described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THENCE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89°00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East a distance of the said Bell tract to the place of the beginning, and containing 5.944 acres, in the Office of the County Clerk of Galveston County, Texas (the "Property") generally situated in the corporate city limits of the City of La Marque, Texas (the "City"); and *Described in Exhibit "A"*

WHEREAS, the Property, presently has a zoning classification of Single Family Residential under Chapter 71: Zoning of the Code of Ordinances of the City of La Marque; and

WHEREAS, the applicant has made application to the City to change such zoning classification of said property from Single Family Residential to Agricultural as authorized by the City's Zoning Ordinance; and

WHEREAS, the City Council of the City has conducted, in time and manner and after the notice required by law and Chapter 71: ^{Zoning} ~~Zoning~~ of the Code of Ordinances of the City of La Marque, ^{and} ~~a public hearing on such request in classification;~~ and

WHEREAS, the La Marque City Council now deems it appropriate to grant such requested change in classification;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS that:

Section 1. The facts and the matters set forth in the preamble on this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the certain tract of land described as ^{in E phel "A"} ~~A Tract of Land commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat; THENCE North 89°02' East along the South line of said Bell tract, a distance of 311.7 feet to the Southwest corner of said Bell 6 acre tract; THECE North 1°00' West along the East line of said Bell 6 acre tract a distance of 831.2 feet to the Northeast corner of said Bell acre tract; THENCE South 89° 00' West, along the North Line of said Bell 6 acre tract, at a distance of 125.5 feet pass the most Southerly East corner of the Public Roadway dedicated by Van Caldwell Deed Records, in all distance of 311.3 feet to the Northwest corner of the said Bell 6 acre tract; THENCE South 0°58' 21" East in Galveston County, Texas, better described in "Appendix A", in the Office of the County Clerk of Galveston County, Texas is hereby changed from Single Family Residential to Agricultural as authorized by the Chapter 71: Zoning of the Code of Ordinances of the City of La Marque.~~

Section 3. The zoning map of the City, adopted on the 12th day of December, 2005 by Ordinance number 953, shall be revised and amended to show the zoning reclassification of said tract of land as provided in Section 2 hereof, with the appropriate reference to the number and effective date of this Ordinance and brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the change in zoning classification of the tract described in Section 2 hereof.

Section 5. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or the provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the first reading this the ____ day of _____, 2013.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the second and last reading this the ____ day of _____, 2013.

Bobby Hocking
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

Exhibit "A"
~~APPENDIX A~~

Commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat;

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-ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A Tract of Land commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof FROM PUBLIC TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER 2005 BY ORDINANCE NUMBER 953

WHEREAS, Osman Shaukat (the "Applicant") purchased the tract of land **described in Exhibit "A"** recorded in the Office of the County Clerk of Galveston County, Texas (the "Property") generally situated in the corporate city limits of the City of La Marque, Texas (the "City"); and

WHEREAS, the Property described in Exhibit "A" presently has a zoning classification of Single Family Residential under Chapter 71: Zoning of the Code of Ordinances of the City of La Marque; and

WHEREAS, the applicant has made application to the City to change such zoning classification of said property from Single Family Residential to Agricultural as authorized by the City's Zoning Ordinance; and

WHEREAS, the City Council of the City has conducted a public hearing on such request in classification , in time and manner and after the notice required by law and Chapter 71: Zoning of the Code of Ordinances of the City of La Marque; and

WHEREAS, the La Marque City Council now deems it appropriate to grant such requested change in classification;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS that:

Section 1. The facts and the matters set forth in the preamble on this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the certain tract of land described in Exhibit "A" recorded in the Office of the County Clerk of Galveston County, Texas is hereby changed from Single Family Residential to Agricultural as authorized by the Chapter 71: Zoning of the Code of Ordinances of the City of La Marque.

Section 3. The zoning map of the City, adopted on the 12th day of December, 2005 by Ordinance number 953, shall be revised and amended to show the zoning reclassification of said tract of land as provided in Section 2 hereof, with the appropriate reference to the number and effective date of this Ordinance and brief description of the nature of the change.

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Section 5. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or the provision hereof other than the part declared to be invalid or unconstitutional; and the City council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the first reading this the ____ day of _____, 2013.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the second and last reading this the ____ day of _____, 2013.

Bobby Hocking
City of La Marque, Texas

ATTEST:

Zina Tedford, City Clerk

EXHIBIT A

Commencing at the southwest corner of the Thomas Caldwell Tract, as described in deed of record on Vol. 127, page 256, in the office of the County Clerk of Galveston County, Texas, said point being an old fence corner post and so indicated on the plat attached to the judgment entered in cause No. 73,452, styled Van Caldwell vs. Estella Phelps, et al, in the 10th Judicial District Court of Galveston County, Texas, which judgment and plat appear in Volume 833, pages 404-407, in deed records of Galveston County, Texas, reference to which plat is here made, same being also the Southwest corner of the Ollie Bell, et al, 6 acre shown on said plat;

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**To act in the best interest of the City
To consistently demonstrate respect to Staff
To invest our resources effectively for our future
To handle our disagreements/conflicts in a
Respectful manner that keeps our Image
Positive with the public and each other**

TO: Honorable Mayor Hocking and City Councilmembers
FROM: Carol Buttler, City Manager
DATE: March 11, 2013
SUBJECT: City Manager Report – February 2013

a. Administration

- Clean City Commission – Spring Clean up 2013 (serving food on City Hall parking lot for workers) – April 13, 2013
- LM Police Academy Alumni Barbeque, Community Room (cooking on City Hall parking lot – April 13, 2013
- Recycling- Beginning this Spring, La Marque residents will have the option to participate in a program, which will include a 65-gallon wheeled cart for recyclables. No additional expense to residents. Residents should receive a postcard of details by mail.

b. Judicial

- Court staff has been busy with warrant round-up. Postcards were mailed resulting in heavy phone inquiries. Since we began keeping stats on 2-18-13, we have cleared 480 warrants with the total face value of \$91,356.66. Of that total amount, we have collected \$46,036.56. Final stats will be reported after warrant round-up ends on 3-10-13.

c. Public Safety

• Personnel:

LMPD:

There is one (1) Police Officer vacancy. The hiring list is depleted. A Civil Service examination has been scheduled for March 14, 2013.

LMFD:

There is one (1) Firefighter vacancy. A hiring decision has been made: an offer is being conveyed to the applicant.

• Training:

LMPD:

The following personnel completed training courses: K-9 Officer Mike Kelemen, *Annual K-9 Recertification Course*, Telecommunicator Amber Bramlett, *Telecommunicator Critical Thinking Course*, Sergeant Marcus Cravens *Basic Human Trafficking Course*, Telecommunicators Tina Crawford, Melissa Lockhart, and Kristen McDani *Refresher Course*. (TDD/TTY is a communications device for residents who are hearing impaired.)

LMFD:

Various “hands-on” and web based training completed. Field training continues for recently hired personnel. FF/PM Reed completed the *Hazardous Materials Technician* certification exam through the Texas Commission on Fire Protection. FF/PM Ellis

passed his *Basic Structural Firefighter* Certification exam through the Texas Commission on Fire Protection. FF/PM Goff and Merryman passed the “mega-code”: they are now fully functional/solo Paramedics. (Mega-code is a “hands-on/practical exercise” type of examination.)

Operations:

LMPD:

Litter pickup operations conducted by Captain Roy now also includes community service workers removing signs from the rights-of-way and utility poles. Additionally, Warren Robicheaux is contacting individuals that posted such signs and warning them that this is a violation of our city ordinance and punishable by a fine up to \$500. Information on those contacted is being documented and they are advised that a repeat offense will result in a citation.

LMFD:

First full months of hydrants: 88 completed. Medic 1 sent to Frazier’s Ambulance for maintenance regarding an airbags leak.

- **Emergency Management Coordinator (EMC) Operations:**

Operation Storm Ready Tabletop exercise was conducted at the Galveston County Office of Emergency Management (GCOEM). The exercise was well attended by most of our county’s municipal and major oil refinery EMC representatives. Our city’s attendees included: Chief Aragon, Lieutenants Gilchrist and Jackson, Chief Aragon’s Administrative Assistant, Charlene Warren, PW Director Mike Morgan and his Administrative Assistant Cyndi Efird, and FF/PM William Reed. Follow-up exercises and operations (preparing us for “hurricane season”) are scheduled as follows: 4-3-13—Operation Storm Ready--Concept of Operations Meeting; 5-1-13—Operation Storm Ready—0900-1200--Dress Rehearsal at GCOEM; 5-29-13—Operation Storm Ready—0900-1700—Response Exercise at GCOEM; 5-30-13—Operation Storm Ready—0900-1700—Reentry/Recover Exercise at GCOEM; 5-31-13—Operation Storm Ready—0900-1700—After Action Review GCOEM.

- Chief Aragon (Emergency Management Coordinator [EMC]) has coordinated a “Hurricane Preparedness Town Hall Meeting” for Tuesday, May 07, 2013 6:00 PM-7:00 PM at the La Marque Community Room.

Galveston County Emergency Management Coordinator, David Popoff, will be the main/guest speaker. Attending from Police staff will be Chief Randall Aragon, Charlene Todaro and Kyle Hunter (La Marque's Deputy EMC). Chief Aragon will be asking City Council members and me to attend.

EMC office will: 1) widely advertise this event; 2) show a hurricane video; 3) distribute handouts; and 4) answer questions as necessary. Chief Aragon will also ask Kyle Hunter to film this for Channel 16 and our city’s website.

d. Public Works

- **CDBG projects**
- **CDBG Round 1 Disaster Project**

Long & Son – General Land Office Grant Project Magnolia Water Plant – Staff has submitted all documents to the Finance Department for final payment. Additionally, adjustments are being made to the PO to reflect the Change Orders approved by Council.

- **CDBG Round 2.1 Disaster Project**

Bid Specification books were received from LJA Engineering on February 6th. The books were forwarded to the City Attorney’s office for legal review on February 14th and returned on February 25th. Staff contacted LJA Engineering notifying them with authorization to move forward. Staff is doing a final review of the books. There will be a Pre-Bid meeting on March 28th. Additionally, staff has prepared forms for temporary working easements. These forms will be forwarded to the City Attorney for review and

certified copies will be mailed to residents within the construction areas. These temporary working easements grants the City contractor additional room outside of the existing easements for construction work.

Schedule for Round 2.1	Advertise	Bid Opening	Award	Construction Start	Construction Finish
Waterline Interconnect	3/12/2013	4/2/2013	4/22/2013	5/15/2013	12/31/2013
Sewer Line Improvements	3/26/2013	4/16/2013	5/13/2013	6/8/2013	2/23/2014

- **CDBG Round 2.2 Disaster Project**

LJA Engineering has completed the geotechnical and surveying work and has moved to the design phase of the three projects of Round 2.2. Below is a tentative project schedule.

Schedule for Round 2.2	Advertise	Bid Opening	Award	Construction Start	Construction Finish
Water Facilities	9/24/2013	10/17/2013	11/6/2013	12/4/2013	10/9/2014
Sewer Facilities	9/24/2013	10/17/2013	11/6/2013	12/4/2013	10/9/2014
Street Improvements	9/24/2013	10/17/2013	11/6/2013	12/4/2013	10/9/2014

- **CDBG Non-Disaster Sewer Grant**

The contract documents for KSA Engineering were signed and forwarded back, giving permission to begin the design work of the project. The environmental engineering service has conducted their investigation of the construction site. There were questions raised pertaining to the vacated County Health Facilities located on Oak Street. City staff forwarded the completed environmental review conducted by Terracon for The Goodman Corporation on the Health Department Facilities. This information satisfied the questions pertaining to the environmental audit being conducted for the sewer rehabilitation work.

- **Sam's Store Construction Site** – All of the storm water site compaction and vegetation have been established allowing the BMP's to be removed. The City has received the acceptance letter from Galveston County Drainage District # 2 stating that DD2 is taking ownership of the outfall ditch located behind Sam's. City staff is in the process of final close-out inspections and acceptance of water, sewer and storm water facilities within City rights-of-way.
- **Attorney General's Office** – City staff was contacted on February 25th, all construction work was complete pertaining to the installation of water, sewer and storm facilities. The Public Works Department is reviewing photographs of construction. The contractor failed to notify Public Works to conduct inspections through the construction phase. The sub-contractor and general contractor, Five Tyler, had all of staff's contact information for notification.
- **TXDOT - FM 2004 @ FM 1765 Lane Improvement Project** - The project has started and is moving forward.
- **Hall's Super Highway Development 3600 Gulf Freeway** – City staff received a certified letter on February 11th from New Hope Bible Church. In the letter, the Board of Directors and the congregation have not come to a formal decision allowing for a new easement along the west property line for the above development. The land developer at

3600 Gulf Freeway was notified of this new decision from the Church. The developer is now consulting his attorney with regards to this matter.

- **TCEQ - 10 Year Sewer System Evaluation Program** – Staff forwarded the approved plan to TCEQ on February 26th to Region 12 Houston. The Houston office conducted a preliminary review of the program, found the program acceptable and forwarded it to the Austin office for final review on February 28th.
- **TCEQ Inspection of Wastewater Treatment Plant** – State inspection was conducted on February 27th. The inspector reviewed all of the prior year operational procedures and records including sludge disposal information for 2012. On February 28th, TCEQ returned and conducted inspections on seven out of the City's 21 Lift Stations. This Lift Station inspection is a new program being implemented by the state agency. Staff will receive an existing interview noting any deficiencies found during this two-day inspection.
- **Family Dollar** – City Staff has received preliminary plans for location within the City. Staff is providing CEI Engineering and Associates with specifications for construction of concrete roadway and utility infrastructure requirements.
- **Stage 1 Drought** – The City of La Marque has rescinded Stage 2 Drought Contingency requirements as of January 25, 2013. We are maintaining Stage 1 requirements at this time.

February 1-28, 2013 Water Usage Amounts

28 day average 2.18 million gallons a day- 78% of capacity

Peak day usage was 2.44 million gallons a day- 88% of capacity

Minimum day usage was 1.90 million gallons a day- 68% of capacity

e. Economic Development Corporation

- Sam's Club will host its grand opening on March 21, 2013 (scheduled for 8:30 a.m.).
- Crawford Electric Supply Company is currently retrofitting the former Price Star building located at 714 Highway 3.
They plan to use 18,000 square feet and lease the remainder of the building (roughly 24,000 square feet). By year three, they anticipate gross sales to be in the neighborhood of \$10,000,000. Additionally, it is anticipated that 8-10% of sales will be retail sales. They plan to open in March.
- Director Getty is working with Chairman Crowder to develop a survey for La Marque businesses to fill out and return.
To increase participation, the EDC may consider a prize drawing (example: three or four, \$250 gift cards to Sam's Club).
- EDC is still working with a couple of developers that have plans to develop property within the City of La Marque.

Beginning Date.....: 02/01/2013
Ending Date.....: 02/28/2013
by Citation date

Agency.....: POLICE DEPARTMENT
Officer.....: All

Type of Offense.....: All

Special Flag.....:

Entered By.....: All

Total by Race/Sex.....: Yes

Sort By.....: Officer Badge

PD POLICE DEPARTMENT

515 CRAVENS, MARCUS

Totals for Officer

Number of Citations for Officer.....:	1
Number of Violations for Officer.....:	3
Amount of Fines/Fees Assessed.....:	\$976.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$976.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	1
Female	0
Unknown	0
Number of Citations by Race	
Black	1

520 PRICE, GEFFORY

Totals for Officer

Number of Citations for Officer.....:	19
Number of Violations for Officer.....:	20
Amount of Fines/Fees Assessed.....:	\$5,613.96
Amount of Paid/Bond Applied.....:	\$1,543.96
Amount Outstanding.....:	\$4,070.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1
Number of Citations by Sex	
Male	13
Female	6
Unknown	0
Number of Citations by Race	
Black	4
White	15

530 KELEMEN, MIKE

Totals for Officer

Number of Citations for Officer.....:	17
Number of Violations for Officer.....:	20
Amount of Fines/Fees Assessed.....:	\$7,312.50
Amount of Paid/Bond Applied.....:	\$1,759.50
Amount Outstanding.....:	\$5,553.00

Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	2
Number of Citations by Sex	
Male	7
Female	10
Unknown	0
Number of Citations by Race	
Black	9
White	8

534 KING, CONAN

Totals for Officer

Number of Citations for Officer.....:	11
Number of Violations for Officer.....:	13
Amount of Fines/Fees Assessed.....:	\$3,325.07
Amount of Paid/Bond Applied.....:	\$483.07
Amount Outstanding.....:	\$2,842.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	2
Number of Citations by Sex	
Male	8
Female	3
Unknown	0
Number of Citations by Race	
Black	2
White	6
Asian	1
HISPANIC	2

536 HUNTER, DAVID

Totals for Officer

Number of Citations for Officer.....:	27
Number of Violations for Officer.....:	36
Amount of Fines/Fees Assessed.....:	\$8,345.70
Amount of Paid/Bond Applied.....:	\$1,387.49
Amount Outstanding.....:	\$6,958.21
Number of Citations to Juveniles.....:	1
Number of Citations to Minors.....:	5
Number of Citations by Sex	
Male	17
Female	9
Unknown	1

Number of Citations by Race

Black	14
White	10
HISPANIC	1
Unknown	1

538 WALTON, H

Totals for Officer

Number of Citations for Officer.....:	5
Number of Violations for Officer.....:	5
Amount of Fines/Fees Assessed.....:	\$1,829.00
Amount of Paid/Bond Applied.....:	\$107.00
Amount Outstanding.....:	\$1,722.00
Number of Citations to Juveniles.....:	0

Number of Citations to Minors.....:	1
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Number of Citations by Sex

Male	2
Female	3
Unknown	0

Number of Citations by Race

Black	2
White	3

539 DAY, J

Totals for Officer

Number of Citations for Officer.....:	4
Number of Violations for Officer.....:	4
Amount of Fines/Fees Assessed.....:	\$1,622.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$1,622.00
Number of Citations to Juveniles.....:	0

Number of Citations to Minors.....:	0
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Number of Citations by Sex

Male	2
Female	2
Unknown	0

Number of Citations by Race

Black	2
White	2

540 GUZMAN, JESSE

Totals for Officer

Number of Citations for Officer.....:	164
Number of Violations for Officer.....:	236
Amount of Fines/Fees Assessed.....:	\$56,633.85
Amount of Paid/Bond Applied.....:	\$10,068.37
Amount Outstanding.....:	\$46,565.48
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	16
Number of Citations by Sex	
Male	99
Female	65
Unknown	0
Number of Citations by Race	
Black	65
White	93
Asian	1
HISPANIC	1
Unknown	2
American Indian	1
MIDDLE EASTERN	1

543 RODRIGUEZ,G

Totals for Officer

Number of Citations for Officer.....:	2
Number of Violations for Officer.....:	2
Amount of Fines/Fees Assessed.....:	\$436.00
Amount of Paid/Bond Applied.....:	\$164.00
Amount Outstanding.....:	\$272.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	2
Female	0
Unknown	0
Number of Citations by Race	
Black	2

544 LIVELY,AMBER

Totals for Officer

Number of Citations for Officer.....:	8
Number of Violations for Officer.....:	9
Amount of Fines/Fees Assessed.....:	\$2,610.00
Amount of Paid/Bond Applied.....:	\$20.00
Amount Outstanding.....:	\$2,590.00

Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	1
Number of Citations by Sex	
Male	4
Female	4
Unknown	0
Number of Citations by Race	
Black	1
White	7

545 SAMUELSON, SHELBY

Totals for Officer

Number of Citations for Officer.....:	7
Number of Violations for Officer.....:	11
Amount of Fines/Fees Assessed.....:	\$2,883.00
Amount of Paid/Bond Applied.....:	\$457.00
Amount Outstanding.....:	\$2,426.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	4
Female	3
Unknown	0
Number of Citations by Race	
Black	1
White	3
Asian	1
HISPANIC	2

548 DRICKS, RICHARD

Totals for Officer

Number of Citations for Officer.....:	15
Number of Violations for Officer.....:	22
Amount of Fines/Fees Assessed.....:	\$5,336.21
Amount of Paid/Bond Applied.....:	\$1,158.21
Amount Outstanding.....:	\$4,178.00
Number of Citations to Juveniles.....:	1
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	4
Female	11
Unknown	0

Number of Citations by Race

Black	7
White	8

550 BEST,A

Totals for Officer

Number of Citations for Officer.....:	13
Number of Violations for Officer.....:	20
Amount of Fines/Fees Assessed.....:	\$5,633.91
Amount of Paid/Bond Applied.....:	\$305.91
Amount Outstanding.....:	\$5,328.00
Number of Citations to Juveniles.....:	3

Number of Citations to Minors.....:	0
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Number of Citations by Sex

Male	9
Female	4
Unknown	0

Number of Citations by Race

Black	8
White	4
HISPANIC	1

551 CLARK,JESSICA

Totals for Officer

Number of Citations for Officer.....:	5
Number of Violations for Officer.....:	5
Amount of Fines/Fees Assessed.....:	\$2,553.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$2,553.00
Number of Citations to Juveniles.....:	0

Number of Citations to Minors.....:	0
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Number of Citations by Sex

Male	0
Female	5
Unknown	0

Number of Citations by Race

Black	1
White	4

Totals for Agency

Number of Citations for Agency.....:	298
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Number of Violations for Agency.....:	406
Amount of Fines/Fees Assessed.....:	\$105,110.20
Amount of Paid/Bond Applied.....:	\$17,454.51
Amount Outstanding.....:	\$87,655.69
Number of Citations to Juveniles.....:	5
Number of Citations to Minors.....:	28
Number of Citations by Sex	
Male	172
Female	125
Unknown	1
Number of Citations by Race	
Black	119
White	163
Asian	3
HISPANIC	7
Unknown	3
American Indian	1
MIDDLE EASTERN	1

Grand Totals

Total Number of Citations.....:	298
Total Number of Violations.....:	406
Total Amount of Fines/Fees Assessed:	\$105,110.20
Total Amount of Paid/Bonds Applied..:	\$17,454.51
Amount Outstanding.....:	\$87,655.69
Total Number of Citations Juveniles..:	5
Total Number of Citations Minors.....:	28
Total Number of Citations by Sex	
Male	172
Female	125
Unknown	1
Total Number of Citations by Race	
Black	119
White	163
Asian	3
HISPANIC	7
Unknown	3
American Indian	1
MIDDLE EASTERN	1

Beginning Date.....: 02/01/2013
Ending Date.....: 02/28/2013
by Citation date
Agency.....: POLICE DEPARTMENT
Officer.....: All
Type of Offense.....: All
Special Flag.....:
Entered By.....: All
Total by Race/Sex.....: Yes
Sort By.....: Officer Badge

PD POLICE DEPARTMENT

545 SAMUELSON, SHELBY

Totals for Officer

Number of Citations for Officer.....:	3
Number of Violations for Officer.....:	5
Amount of Fines/Fees Assessed.....:	\$0.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$0.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	2
Female	1
Unknown	0
Number of Citations by Race	
Black	2
White	1

548 DRICKS, RICHARD

Totals for Officer

Number of Citations for Officer.....:	1
Number of Violations for Officer.....:	1
Amount of Fines/Fees Assessed.....:	\$0.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$0.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	1
Female	0
Unknown	0
Number of Citations by Race	
White	1

550 BEST, A

Totals for Officer

Number of Citations for Officer.....:	2
Number of Violations for Officer.....:	2
Amount of Fines/Fees Assessed.....:	\$0.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$0.00

Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	0
Female	2
Unknown	0
Number of Citations by Race	
Black	2

551 CLARK, JESSICA

Totals for Officer

Number of Citations for Officer.....:	1
Number of Violations for Officer.....:	1
Amount of Fines/Fees Assessed.....:	\$0.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$0.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	1
Female	0
Unknown	0
Number of Citations by Race	
White	1

Totals for Agency

Number of Citations for Agency.....:	7
Number of Violations for Agency.....:	9
Amount of Fines/Fees Assessed.....:	\$0.00
Amount of Paid/Bond Applied.....:	\$0.00
Amount Outstanding.....:	\$0.00
Number of Citations to Juveniles.....:	0
Number of Citations to Minors.....:	0
Number of Citations by Sex	
Male	4
Female	3
Unknown	0
Number of Citations by Race	
Black	4
White	3

Grand Totals

Total Number of Citations.....:	7
Total Number of Violations.....:	9
Total Amount of Fines/Fees Assessed:	\$0.00
Total Amount of Paid/Bonds Applied..:	\$0.00
Amount Outstanding.....:	\$0.00
Total Number of Citations Juveniles.:	0
Total Number of Citations Minors.....:	0
Total Number of Citations by Sex	
Male	4
Female	3
Unknown	0
Total Number of Citations by Race	
Black	4
White	3