

## AGENDA

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Regular Meeting on Monday, April 9, 2012 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) APPROVAL OF MINUTES (2-7)**

- a. Workshop Meeting, March 26, 2012
- b. Public/Regular City Council Meeting, March 26, 2012

**(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) PRESENTATION (8-10)**

- a. Proclamation – April Child Abuse Prevention and Awareness Month
- b. Presentation – La Marque Clean City Commission – Poster and Essay Contest
- c. Presentation – Youth in Government

**(7) NEW BUSINESS (11-62)**

- a. Discussion/possible action on appointments to the Fire Department Collective Bargaining Committee
- b. Discussion/possible action on cancelling the May 28, 2012 Regular City Council Meeting-Memorial Day
- c. Discussion/possible action of Ordinance No. **O-2012-1059** of the City Council of the City of La Marque, Texas providing for the vacating, abandonment, and closing of a portion of a 60-foot street right-of-way, lying north of FM519, out of the Greb Addition. This is the first reading.
- d. Presentation - La Marque Police Officer Association

**(8) CITY MANAGER REPORT – No Council Action Necessary (63-68)**

**(10) ADJOURNMENT**

**CERTIFICATION:**

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas before 5:00 p.m. on this 5th day of April 2012

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Zina Tedford, Interim 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 [cityclerk@ci.la-marque.tx.us](mailto:cityclerk@ci.la-marque.tx.us) for further information.

**MINUTES  
WORKSHOP MEETING  
26 MARCH 2012**

**(1) CALL MEETING TO ORDER**

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

**(2) ROLL CALL**

**PRESENT:**

Councilmember Brown  
Councilmember Osteen  
Mayor Pro-Tem Bell  
Mayor Hocking

**ABSENT:**

Councilmember Trube (arrived 5:33 p.m.)

**(3) INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**(4) WORKSHOP**

a. Discussion of the final report for the audit for FY 2010-11

Mayor Hocking asked Finance Director Karen Cooper to present this item. Ms. Cooper introduced Ms. Elizabeth Iles and Leslie Wilkes with Null-Lairson, P.C. Ms. Iles presented a copy of the draft audit for FY 2010-11 to City Council. This was an updated copy which reflects and actuarial projection on employee benefits. Ms. Iles continued with the letter of transmittal- which provides background on the City, City profile, economic outlook and demographics. Councilmember Osteen questioned the information in the letter of transmittal, it is misleading. Councilmember Osteen stated that there is no tremendous growth, there is conflicting information regarding unemployment. Page 45 indicates – 8.5% unemployment and page 71 indicates 9%. Ms. Iles stated that it was their goal to obtain the most recent demographic information for the audit period. Councilmember Osteen stated that he wants a true outlook on the City of La Marque. Mayor Hocking stated that with Council consensus, that the letter of transmittal be rewritten to reflect a true outlook of the city. Ms. Iles stated that the City of La Marque had received a Certificate of Achievement in 2010. Page II states that the independent audit report reflects an unqualified opinion. Ms. Iles pointed out there are three types of opinions:

- 1 – Unqualified Opinion - highest rating possible
- 2- Qualification Opinion - scope limitation
3. – Adverse Opinion – considered to be negative due to material misstatement.

Page 7 – Management Discussion and Analysis which is a narrative and overview of financial activity for the City of La Marque.

Councilmember Osteen that the audit reflects that net assets have decreased by \$1 million dollars, sales tax decreased by \$106,000 and expenses have increased.

Mayor Pro-Tem Bell noted that there was a drop in number of citations.

City Manager Buttler stated that staff will review all factors that have contributed to a loss of revenue.

Councilmember Osteen stated that he will be looking at the upcoming proposed budget closely.

During the discussion regarding the Utility Fund, Councilmember Osteen stated that the water and sewer should be separated to show revenues and expenditures for each.

Councilmember Osteen questioned the unfunded liability on page 72. Ms. Iles stated that this was part of GASB 45.

Mayor Pro-Tem Bell had a question on page 164, section 10.01. City Manager Buttler stated that this has been corrected with the creation of a Grant Administration Team. The team consists of Public Works Director Mike Morgan, Accountant I-Jake Morales, Police Lt. Jackson and Emergency Management Coordinator/Fire Marshal Jennifer Pierce. City Manager Buttler stated that these departments are more likely to apply for grants.

Councilmember Osteen expressed concerns about not having operating funds if there is an emergency and the unfunded liability. These items cannot be ignored. The financial situation does not look good when revenues are decreasing.

Mayor Hocking stated that there are possibilities in the works, but agree with Councilmember Osteen regarding one million dollar shortfall.

Mayor Pro-Tem Bell stated that the tax base is declining, but encouraged all citizens not to be so quick to shut the door on revenue sources. We cannot shut out opportunity which may increase our tax base. We need to move forward to the next phase and look at the entire process.

Mayor Hocking thanked City Council, staff and Ms. Iles and Ms. Wilkes.

**(5) ADJOURNMENT**

Councilmember Osteen made a motion to adjourn the meeting. Councilmember Brown seconded the motion. The meeting adjourned at 5:42 p.m.

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Bobby Hocking, Mayor

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Zina Tedford, Interim City Clerk

**MINUTES  
PUBLIC HEARING/REGULAR MEETING  
26 MARCH 2012**

**(1) CALL MEETING TO ORDER**

Mayor Hocking called the meeting to order at 6:03 p.m.

**(2) ROLL CALL**

**PRESENT:**

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

**(3) INVOCATION AND PLEDGE OF ALLEGIANCE**

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

At this time, Mayor Hocking deviated from the agenda and proceeded with agenda items 7b, c, and d. Proclamations.

**(4) APPROVAL OF MINUTES**

a. Regular City Council Meeting, March 12, 2012

Mayor Pro-Tem Bell moved to approve the minutes as written. Councilmember Osteen seconded. The minutes passed unanimously.

**(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.

SSgt. Walter West addressed his concerns regarding the Fire Department.

**(6) PUBLIC HEARING**

Public Hearing- Ordinance No. **O-2012-1058**, an Ordinance of the City Council of the City of La Marque, Texas, amending Chapter 14, Buildings and Regulations, of the Code of Ordinances of the City of La Marque, Texas, by repealing Sec. 14-60, Electrical Board Generally, of Article III, Electrical; Repealing Sec. 14-61, Appeal from Action of Electrical Board, of Article III, Electrical; and Repealing Sec. 14-188, Plumbing Board, of Article IV, Plumbing

The public hearing opened at 6:21 p.m.

No citizens spoke during the public hearing.

The public hearing closed at 6:24 p.m.

**(7) PRESENTATION**

- a. Introduction of new city employees
- b. Proclamation - Galveston County Food Bank Day – April 29, 2012
- c. Proclamation - Parkinson's Awareness Month – April 2012
- d. Proclamation - National Public Safety Telecommunicates Week – April 8-14, 2012

Mayor Hocking deviated from the agenda to item 4-Approval of Minutes.

**(8) OLD BUSINESS**

a. Discussion/possible action of Ordinance No. **O-2012-1058**, an Ordinance of the City Council of the City of La Marque, Texas, amending Chapter 14, Buildings and Regulations, of the Code of Ordinances of the City of La Marque, Texas, by repealing Sec. 14-60, Electrical Board Generally, of Article III, Electrical; Repealing Sec. 14-61, Appeal from Action of Electrical Board, of Article III, Electrical; and Repealing Sec. 14-188, Plumbing Board, of Article IV, Plumbing. This is the second reading.

Councilmember Brown made a motion to approve Ordinance No. O-2012-1058 for the second reading. Councilmember Osteen seconded the motion. Motion passed unanimously.

**(9) NEW BUSINESS**

a. Discussion/possible action of accepting the audit for FY 2010-11

Councilmember Osteen made a motion to accept the audit for FY 2010-11 with the changes to the transmittal letter that will provide a true picture of the City of La Marque. Councilmember Brown seconded the motion. Motion passed unanimously.

b. Discussion/possible action on proposed pipeline route through a section of Highland Bayou Park

Parks Board Chairman McGaffey and representatives from Mustang Pipeline and Dow Chemicals presented this item to City Council. Parks Board Chairman McGaffey informed Council that the Parks Board had received a request from Mustang Pipeline and Dow Chemical to survey Highland Bayou Park for a project that would consist of a 12-inch pipeline for the transportation of propane from Dow Hydrocarbons and Resources LLC (DHRLLC) storage facility at Stratton Ridge, Brazoria County, to a DHRLL facility in Texas City.

Specifics to Highland Bayou Park, DHRLL proposes constructing the pipeline 5-Feet (5') southerly of and adjacent to an existing 6" DHRLL pipeline, and located within the current easement DHRLL already possesses and maintains, so as not to encroach any additional park space.

The Parks Board met on March 15<sup>th</sup> to discuss the request and voted to recommend that City Council approve the request to survey Highland Bayou Park for the proposed pipeline route.

Councilmember Brown asked several questions regarding safety requirements.

Council was assured that if the project comes to fruition, all plans and specifications would be presented to Council. The proposed pipeline would meet or exceed federal guidelines regarding all environmental and safety requirements.

Mayor Pro-Tem Bell stated that Councilmember Brown's questions were extremely helpful. Mayor Pro-Tem Bell asked if an outside agency would conduct the inspections. Council was informed that inspections would be conducted by the Army Corp of Engineers and the City.

Councilmember Osteen made a motion to approve the request to survey Highland Bayou Park for a proposed pipeline route through a section of Highland Bayou Park. Councilmember Trube seconded the motion. Motion passed unanimously.

c. Discussion/possible action on Planning & Zoning Commission's recommendation on proposed rezone for a property described as ABST 2, S F AUSTIN SUR TR 66 1.603 ACRES; 304 Newman from (R-1) single family residential to (C-1) general commercial

Mayor Pro-Tem Bell made a motion to deny the request to rezone property described as ABST 2, S F AUSTIN SUR TR 66 1.603 ACRES; 304 Newman from (R-1)single family residential to (C-1) general commercial. Councilmember Trube seconded the motion. Discussion involved the owner's plans to store flammable material tanks on-site and concerns regarding the close proximity of an elementary school and senior living apartment complex. Motion to deny proposed rezone for a property described as ABST 2, S F AUSTIN SUR TR 66 1.603 ACRES; 304 Newman from (R-1)single family residential to (C-1) general commercial passed unanimously.

Mayor Hocking deviated from the agenda to item 7a-introduction of new city employees.

At this time, Development Services Director Ana Tims introduced Linda Knippa- Code Enforcement Clerk. Public Works Director Mike Morgan introduced Valentin Garcia –Plant Operator III. City Council welcomed the new city employees.

d. Discussion/possible action of appointment of a Chairman to the Board of Adjustments

Councilmember Osteen made a motion to appoint C.J. Leggett as Chairman to the Board of Adjustments. Councilmember Trube seconded the motion. Motion passed unanimously.

e. Discussion/possible action on authorizing the City to enter into a license agreement with Alejandro Medellin for use of certain property in Mahan Park

Parks Board Chairman McGaffey presented this item to City Council. Chairman McGaffey informed Council that Mr. Medellin had been in discussions with the Parks Board for the use of Fields 1, 2, 3 & 4 and the concession stand. After discussions, the Parks Board recommended City Council approve the lease agreement with Alejandro Medellin. Mr. Medellin also addressed City Council. Mr. Medellin is excited about the opportunity to bring this activity to the youth of the area. Councilmember Osteen asked if this agreement will interfere with a family wanting to enjoy the park. Mr. Medellin stated that it is their intent to work with individuals wishing to use the park. Mayor Pro-Tem Bell asked questions regarding leagues and tournaments. Mr. Medellin informed Council that it is their goal to bring in leagues and tournaments to the area. Mayor Pro-Tem Bell also asked about funding for children that may not be able to afford his fees. Mr. Medellin informed Council that there are many avenues to assist the families in paying the fees.

Mayor Pro-Tem Bell made a motion to authorize the City to enter into a license agreement with Alejandro Medellin for use of certain property in Mahan Park. Councilmember Trube seconded the motion. The motion passed unanimously.

#### **(10) CITY MANAGER REPORT – No Council Action Necessary**

Councilmember Trube asked about the availability of on-line training.

There was discussion regarding individuals living within the city limits of La Marque and the school district. Councilmember Trube asked for more detail on page 254- the types of fires listed in the report, page 264- public works report indicates man hours but not the number of employees and page 288- inquired as to the expense paid to Texas Municipal League. Councilmember Trube was informed by Mayor Hocking that this was a conference for Elected Officials which addressed Emergency Management Preparedness for City Officials. Mayor Hocking continued by stating that he and Councilmember Brown had attended and it was very informative. The Mayor of Bastrop was the guest speaker and addressed how his community handled the wildfires that destroyed 18,000 homes and the loss of life.

Councilmember Osteen had a question regarding a check paid to the IRS – was this a payment for penalty? City Manager Buttler stated that staff would research and provide the information to City Council.

Mayor Pro-Tem Bell stated that he appreciated the comments by Councilmembers Trube and Osteen regarding employees living within the city. Mayor Pro-Tem Bell continued by stating that he thinks it is important for citizens that city leaders reside close to the city, if not within the city, in order to be empathic to the needs of the citizens. This is very important to his constituents.

Mayor Pro-Tem Bell asked several questions regarding Intermedix regarding a proposed meeting and if the billing issues had been resolved. The meeting has not taken place and Finance Director Cooper informed Council that the billing issues involve several entities and staff has been assured that the billing has been re-filed. City Manager Buttler informed City Council that the request for proposals is ready and staff is preparing to solicit for proposals.

#### **(11) 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

Councilmember Brown – congratulated Mr. Payne. Thanked Ms. Cooper and staff for the audit. Councilmember Brown also thanked his fellow Councilmembers and Mayor for a job well done. The City is moving forward.

Councilmember Trube – apologized for missing the workshop meeting. Councilmember Trube also stated that she appreciates Ms. Iles and all department heads for their reports.

Councilmember Osteen –thanked all the citizens for being at the meeting. Citizens need to know what is going on. Councilmember Osteen concluded by stating that he is a strong advocate of Open Government.

Mayor Pro-Tem Bell – welcomed our new employees. Extended his appreciation to Finance Director Karen Cooper and Ms. Iles for the presentation of the audit. It is not good news, but we got the truth, and that is good news. Mayor Pro-Tem Bell thanked the Parks Board for their presentations of the agenda items pertaining to the pipeline survey and parks use agreement. Let's move forward.

Mayor Hocking – concurred with Council comments regarding Finance Director Cooper and Ms. Iles presentation of the audit. Mayor Hocking thanked Council for the Workshop Meeting.

**(12) ADJOURNMENT**

Councilmember Trube made a motion to adjourn the meeting. Councilmember Brown seconded the motion. The meeting adjourned at 7:15 p.m.

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Bobby Hocking, Mayor

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Zina Tedford, Interim City Clerk



## CITY COUNCIL AGENDA FORM

Meeting Date: 4-9-12

Agenda item: 6a, b, & c

Prepared by: zt

Reviewed by: \_\_\_\_\_

Department: Admin

### AGENDA ITEM DESCRIPTION:

- a. Proclamation – April Child Abuse Prevention and Awareness Month  
Galveston County Children's Services Board has requested the presentation of this proclamation. The partnership between local governmental entities of Galveston County and the Children's Services Board is critical to bringing awareness to our communities and promoting the prevention of child abuse and neglect through education and training.
- b. Presentation – La Marque Clean City Commission – Poster and Essay Contest  
Clean City Commission Chairman David Pennington will be at the meeting to present awards to the winners of the Poster and Essay Contest
- c. Presentation – Youth in Government  
Mayor and City Council will present the certificates to students for their participation in "Youth in Government". This is a structured community outreach program with La Marque ISD, while giving La Marque High School seniors a better understanding of our local government.

☒ **Attachments for Reference**

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☒

Proclamation

☒

Special Presentation

☐

Finance Report

☐

Public Hearing

☐

Other

### **Cost Details:**

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

Staff's Recommended Motion:

Fiscal Impact: n/a





## CITY COUNCIL AGENDA FORM

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**Office of the Mayor  
City of La Marque**

# ***PROCLAMATION***

**WHEREAS**, children are the embodiment of innocence and our hope for the future, and every child deserves to grow up in a nurturing environment, free from harm and fear. Sadly, however, child abuse is a reality, a problem we must relentlessly combat through awareness, education and action; and

**WHEREAS**, every responsible person will agree that even one abused child is one too many, but still our state's child protection caseloads are evidence of the shameful fact that child abuse is a widespread issue in Texas; and

**WHEREAS**, Over 60,000 children were confirmed victims of child abuse and neglect in Texas just last year, and over 3,000 children living in Galveston County were reported to be victims of child abuse or neglect; and

**WHEREAS**, when abuse or neglect occurs, we have a duty to report it to the appropriate authorities. All responsible citizens must do what is necessary to resolve this insidious issue; and

**WHEREAS**, there are many ways we can make a difference. Through education and awareness like parenting programs, programs that strengthen families, learning the signs of abuse, teaching young children about appropriate touches, sharing information with teens about healthy dating, offering a helping hand to stressed out/fatigued parents, reporting suspected abuse, all these initiatives, discourage child abuse; and

**WHEREAS**, to significantly impact Child Abuse, partnerships must be established between citizens, agencies, schools, religious organizations, law enforcement, and business communities to work together and make every effort to promote programs that benefit children and strengthen families.

**NOW, THEREFORE**, we, the Mayor and City Council by virtue of our authority vested by the City of La Marque, Texas do hereby proclaim, proclaim April, 2012 as

## **Child Abuse Prevention and Awareness Month**

in the City of La Marque, and encourage all citizens to join us in renewing our commitment to preventing child abuse and neglect and to promote the safety and well-being of our county's children.

In official recognition whereof, I hereby affix my signature and the seal of La Marque, Texas this the 9<sup>th</sup> day of April, 2012.

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Bobby Hocking, Mayor



## CITY COUNCIL AGENDA FORM

Meeting Date: 4-9-12

Agenda item: 7a

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Department: Administration

### AGENDA ITEM DESCRIPTION:

a. Discussion/possible action o appointments to the Fire Department Collective Bargaining Negotiating Committee

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### **Attachments for Reference**

### Staff Briefing:

The last appointment of this committee occurred in June 2009. Former Council appointments were Councilmember Trube and former Councilmember Barrett.

History (if applicable): \_\_\_\_\_

Target Implementation: \_\_\_\_\_

Significant Action Dates: \_\_\_\_\_

### Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

### **Cost Details:**

|                              |  |
|------------------------------|--|
| <b>Budgeted</b>              |  |
| <b>Actual Bid</b>            |  |
| <b>Estimated Expenditure</b> |  |
| <b>Acct. Name</b>            |  |
| <b>Line Item #</b>           |  |
| <b>Other Funding</b>         |  |

Staff's Recommended Motion:

Fiscal Impact: n/a

## **REGULAR MEETING LA MARQUE CITY COUNCIL**

The La Marque City Council met in a duly called and announced Special Meeting on June 8, 2009. Mayor Sam called the meeting to order at 6:00 p.m. Family Minister Chuck Robberts of Highland Baptist Church led the Invocation and Councilmember Trube led the Pledge to the U.S. Flag and Mayor Sam led the Pledge to the Texas Flag.

**194-2009 ROLL CALL** — Present Mayor Geraldine Sam, Mayor Pro-Tem Keith Bell, Councilmember Larry Mann, Councilmember Connie Trube, Councilmember Deanie Barrett, City Manager Eric Gage, City Attorney Ellis Ortego and Interim-City Clerk Janet Solis,

Department Directors: Finance-Karen Cooper, Police-Chief Richard Price, IT-Kyle Hunter, Fire-Chief Todd Zacherl, EDC-Alex Getty, Public Works-Mike Morgan and Library-Kathy Nixon

**195-2009 APPROVAL OF MINUTES —**

**196-2009 Workshop Meeting of May 11, 2009  
Regular Meeting of May 11, 2009  
Special Meeting of May 14, 2009  
Special Meeting of May 14, 2009**

Councilmember Barrett made a motion to approve the minutes as circulated. Councilmember Mann seconded the motion and the motion passed unanimously.

**197-2009 PRESENTATION -**

Elizabeth Isle of Null-Larison gave the Audit Report for City of La Marque. Mayor Pro-Tem Bell asked if there was an internal audit control of the water department and stated that the water department has had several issues with the way that the water payments are handled and has there been a policy enforced. City Manager Gage and Ms. Cooper indicated that they are working on the changes.

Quarterly Report of the Clean City Commission was given by Dorothy Jeffcoat. Mike Duhon, President of Clean City Commission was not able to attend the City Council meeting.

A Proclamation was given to Sam Collins for Juneteenth Day.

**198-2009 CITIZENS REQUEST FOR HEARING —**

Fay Rene Curry — 6709 Concord Drive, Hitchcock, Texas 77563, spoke on the operating hours for vendors pertaining to the city ordinance number and would like to request from City Council to extend the vendors' operating hours.

Mrs. Gertrude Mayeaux Richardson — 121 Orange Street, La Marque, Texas 77568, Concern of an extension letter that she received from the water company on Friday, June 5, 2009. Ms. Gertrude did not understand the payment due to the fact that the bill was several years old. Ms. Gertrude said that she spoke with Ms. Worthy and was informed by Ms. Worthy that if the bill is not paid by the 12th of June, 2009 the water meter will be removed.

C.J. Leggett, 1225 Kirsten, La Marque, Texas 77568, said that he called the City on the explanade that was located on his street and thanked City Manager Gage for the quick response on the repairs.

## **199-2009 REPORT FROM CITY MANAGER –**

Councilmember Barrett made a motion to accept the City Manager's Report as presented. Councilmember Mann seconded the motion and the motion passed unanimously.

Councilmember Barrett commended Fire Chief Todd Zacherl for all the hard work he did during Hurricane Ike and for getting FEMA to help the City with funding for restorations.

Councilmember Barrett commended Court Clerk Janet Solis and Judicial Department for the hard work in collecting revenue and over the budget revenue from last year.

Councilmember Barrett thanked Karen Cooper for a great job on breaking down the revenue report.

Councilmember Barrett was inquiring about the sub-standard structures and that there were no addresses on his report to identify the structures, Building Official Terry Keys was not present at the Council meeting. Councilmember Barrett expressed her concerns that we are heading towards the end of this year's budget and still our City has not demo any structures this year.

Councilmember Trube stated that she witnessed two mowers coming down her street and she watched as one stood by and watched the other city employee work. Councilmember Trube expressed her concerns of high gas prices.

Councilmember Mann asked how long before we get the new tractor that will replaced the one that caught on fire. Mike Morgan stated that he has ordered the tractor and it should arrive in three weeks.

Councilmember Mann asked about a bond that was pasted last election from the county and he would like City Manager to bring Council update. City Manager Gage said that the county will be hiring someone to allocate the funds and that Chief Zacherl attended the meeting and information that was given in the meeting was included in the council packets.

Mayor Pro-Tem Bell stated that he would like to help the citizen from Orange St. with her questions on the water bill. He asked Finance Director Karen Cooper to explain why she received a bill from several years ago. Ms. Cooper stated that the water department is in the process of entering all the unpaid accounts into the system and in the right section of the system and that the system is now tracking down and matching old accounts with new accounts. Ms. Cooper stated that she was unaware that the citizen did not know of the City's payment plan option.

City Manager Gage explained the payment plan option to City Council, the citizens who have a large amount can divide the amount into four payments. City Manager Gage also stated to City Council that the \$593,000.00 was unpaid water bill from citizens and that the water department is trying to collect the outstanding water usages amount. Mr. Gage stated that the City is working with the citizens on payment options before they turn the bill to the collection agencies and the municipal court. Mayor Pro-Tem Bell asked Mr. Gage if the citizens open a water account under an assume name or in their spouse's names. Mr. Gage answered yes. Mayor Pro-Tem Bell stated when the new water account was open the old account under the other name was never paid. Mr. Gage stated that when the water account information was switched over to another system the information was entered into the system incorrectly and now that Ms. Cooper has found the error and is in the process of correcting, the water department is finding that the new accounts have been opened under another name.

Mayor Pro-Tem Bell stated to Chief Price that he had several questions concerning the Police Department Taser policy. Mayor Pro-Tem Bell asked when the Police Department implemented the Taser policy.

Chief Price responded on April of 2005 the Police Department received money from the Fifty Club of La Marque for the purchase of four Tasers and the policy was put into effect at that time. Training of the Tasers began in September 2005 and the officers were trained in Texas City. Chief Price said it was not mandatory to take the training unless you were caring a Taser and that some officers did not want to train, because they did not want to get Taser. Mayor Pro-Tem Bell asked if the still have four Tasers and Chief Price responded yes. Chief Price said that the officers check out the Tasers daily as they arrive on shift. Chief Price stated that the Police Department does not have enough money to purchase a Taser for each officer. Mayor Pro-Tem Bell asked how many officers were trained with the Tasers. Chief Price said eight officers. Mayor Pro-Tem Bell asked if Chief Price knew the amount of Taser incidents that have occurred in the past year. Chief Price said not in the past year and that he can go back and look in the beginning when the program was started in September 2005. To Chief Price knowledge the Taser has been utilized thirty or forty times and that twenty where probes. When Chief Price say probes he means that they were actually fired and the Taser probe hit someone. Chief Price also said that ten were dry stun and dry stun is pain compliance. Chief Price also said that four times Taser guns have been used on animals and that one was a coyote and three pit bulls. Mayor Pro-Tem Bell said that within the pass month the Tasers has been used three times and that the report does not reflect the incident on Main Street or the incident that the City Manager alerted Council. Chief Price said the incident regarding Officer Cravens; the officer had no choice but to use the Taser. Chief Price also stated that the Lieutenants are working on setting up training and a policy for dealing with mentally ill people or people who are under drug influence. Mayor Pro-Tem Bell announce to Chief Price that he will be calling for an independent review of all Police and Fire Policies to make sure that we are all following the county and state standards.

Mayor Pro-Tem Bell also asked Chief Price if there is still an on going investigation on the City cold cases.

Mayor Sam expressed her concern to Mr. Gage with outstanding water bills that are several years past due. Mr. Gage stated that the City will continue to collect on the past due water accounts and offer the citizens' payment plan. He also stated that the City is willing to work with our citizens and stated that the City will process unpaid water bills through the Municipal Court in order to collect the outstanding amounts.

Mayor Sam asked Mr. Getty if he could explain to the citizens of La Marque if we are going to be getting a grocery store in town. Mr. Getty stated at this time we have commissioned an outfit to recruit retailers. He has been working on finding locations that will suitable

Mayor Sam also stated to Ms. Nixon that Councilmember Barrett and I will be participating in the reading program this summer at the Library. The rewards will be eating at McDonalds.

Mayor Sam asked were was the Building Official on demolition. Terry Key was not present to answer her question. Mr. Gage said that he has ask Terry Keys to give him an update on demolition and that he is trying to locate some of the (R) numbers that are in the report. Mr. Gage has ask Terry Key to move forward quickly with the demolitions

Mayor Sam thanked the City Manager Eric Gage, Interim City Clerk Janet Solis, Todd Zacherl and Patty Rees for helping.

## **200-2009 NEW BUSINESS –**

### **201-2009 Consider, Discuss and Approve Fiscal Year 2007-2008 Comprehensive Audit Report**

Councilmember Mann made a motion to accept the Fiscal Year 2007-2008 Comprehensive Audit Report. Mayor Pro-Tem Bell seconded the motion and the motion passed unanimously.

### **202-2009 Consider, Discuss and Approve a Representative to the Houston-Galveston Area Council**

Mayor Pro-Tem Bell made a motion to appoint a Representative to the Houston-Galveston Area Council Councilmember Mann to be the primary Representative and Councilmember Barrett as the alternate. Councilmember Trube seconded the motion and the motion passed unanimously.

### **203-2009 Consider, Discuss and Approve Appointing a Negotiating Committee for Fire Collective Bargaining**

Councilmember Mann made a motion to Appoint a Negotiating Committee for Fire Collective Bargaining Councilmember Barrett and Councilmember Trube Councilmember Mann amended is motion to also include Mr. Gage as part of the Negotiating Committee. Mayor Pro-Tem Bell seconded the motion and the motion passed unanimously.

### **204-2009 Consider, Discuss and Approve Intermedix Technologies Contract**

Councilmember Barrett made a motion to Approve Intermedix Technologies Contract. Councilmember Mann seconded the motion and the motion passed unanimously.

**205-2009     Consider, Discuss and Approve Resolution Number 1111 of the City of La Marque Regarding a Finance Contract for the Purpose of Procuring "TICKET WRITERS"**

Councilmember Barrett made a motion to Approve Resolution Number 1111 of the City of La Marque Regarding a Finance Contract for the Purpose of Procuring "TICKET WRITERS". Councilmember Mann seconded the motion and the motion passed unanimously.

**206-2009     Consider, Discuss and Approve Resolution Number 1112 Amending Authorized Representatives of the La Marque Industrial Development Corporation**

Councilmember Barrett made a motion to Approve Resolution Number 1112 Amending Authorized Representative of the La Marque Industrial Development Corporation. Councilmember Mann seconded the motion and the motion passed unanimously.

**207-2009     Consider, Discuss and Approve Budget Amendment for Public Works in the Street Department Budget Number 2009-009**

Mayor Pro-Tem Bell made a motion to Approve Budget Amendment for Public Works in the Street Department Budget Number 2009-009. Councilmember Barrett seconded the motion and the motion passed unanimously.

**208-2009     EXECUTIVE SESSION  
Section 551.074 of the Government Code – Personnel Matters – Appointment of City Manager**

Mayor Sam closed the meeting at 7:07 p.m. and the City Council convened into executive session.

City Council reconvened at 7:43 p.m. and Mayor Sam re-opened the Regular Meeting.

Councilmember Barrett made a motion to hire Eric Gage as City Manager with a salary of \$86,000 per year, \$500 car allowance, longevity pay and employee medical insurance effective July 1, 2009. Councilmember Mann seconded the motion and the motion passed unanimously.

**209-2009     ANNOUNCEMENTS, COMMENTS AND REQUESTS FROM COUNCIL –**

Councilmember Barrett thanked everyone for attending council and congratulated the new City Manager Eric W. Gage. Councilmember Barrett also thanked Todd Zacherl, Janet Solis and their departments for all the hard work.

Councilmember Trobe thanked everyone for attending and requested from the City Manager a report of the mowers from the Public Works Department.

Councilmember Mann thanked everyone for attending and congratulated the new City Manager Eric W. Gage.



Mayor Pro-Tem Bell requested from the City Manager that a standard operational report policy from the Fire Department and Police Department. He also thanked everyone for attending.

Mayor Sam thanked everyone for attending and invited them back to City Council meeting.

**210-2009 AJOURNMENT –**

Councilmember Trube made a motion to adjourn the meeting at 8:17 p.m. Councilmember Mann seconded the motion to adjourn.

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Geraldine Sam,  
Mayor

ATTEST:

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Janet M. Solis,  
Interim-City Clerk



## CITY COUNCIL AGENDA FORM

Meeting Date: 4-9-12

Agenda item: 7b

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Department: Administration

### AGENDA ITEM DESCRIPTION:

b. Discussion/possible action on cancelling the May 28, 2012 Regular City Council Meeting-Memorial Day

☐

### **Attachments for Reference**

#### Staff Briefing:

Staff is requesting cancellation of the Regular City Council Meeting scheduled for May 28, 2012 due to Memorial Day holiday.

History (if applicable):

Target Implementation:

Significant Action Dates:

#### Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

#### **Cost Details:**

|                              |  |
|------------------------------|--|
| <b>Budgeted</b>              |  |
| <b>Actual Bid</b>            |  |
| <b>Estimated Expenditure</b> |  |
| <b>Acct. Name</b>            |  |
| <b>Line Item #</b>           |  |
| <b>Other Funding</b>         |  |

Staff's Recommended Motion:

Fiscal Impact: n/a



## CITY COUNCIL AGENDA FORM

Meeting Date: April 9, 2012

Agenda item: 7c

Prepared by: Ana Tims

Reviewed by: \_\_\_\_\_

Department: Development Services

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### AGENDA ITEM DESCRIPTION:

Discussion/Possible action on the proposed abandonment of part of a 60-foot Street Right of-Way, Lying North of F.M. 519 out of Greb Addition.



#### **Attachments for Reference**

- 1. City of La Marque Code of Ordinances Sections 56-4 & 56-5**
- 2. Proposed Ordinance 0-2012-1059**
- 3. Abandonment of street, alley, easement checklist.**
- 4. Copy of City of La Marque release form mailed to all abutting property owners.**
- 5. Copy of e-mail to Ton Vaught, representative of Paul Covey- notification of the Planning and Zoning Commission meeting scheduled on February 18, 2012**
- 6. Application submitted on January 3, 2012 for the abandonment of part of a 60-foot Street Right of Way, Lying North of F.M. 519 out of Greb Addition.**
- 7. Minutes Planning and Zoning Special Meeting held on February 28, 2012**

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#### **Staff Briefing:**

The City of La Marque received a petition to abandon part of a 60-foot right-of-way Lying North of F.M. 519 out of Greb Addition. The Planning and Zoning Commission held a Special Meeting on February 28, 2012. At the meeting, the Planning and Zoning Commission voted to recommend that City Council approve the proposed abandonment of part of a 60-foot Street Right-of-Way, Lying North of F.M. 519 out of Greb Addition.

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#### **History (if applicable):**

1. January 3, 2012 -The City of La Marque received a petition proposing the abandonment of part of a 60-foot Street Right-of-Way, Lying North of F.M. 519 out of Greb Addition.
2. February 16, 2012 -City Attorney Ellis Ortego reviewed a release form sent to all abutting, and non-abutting property owners.
3. February 16, 2012 -Tom Vaught representative of Paul Covey (owner of two parcels that are adjacent to the portion of ROW that is NOT proposed to be abandoned) was notified of the Planning and Zoning Commission hearing that was held on February 28, 2012.



## CITY COUNCIL AGENDA FORM

4. February 21, 2012 -release forms were mailed to both abutting property owners of the right-of-way. RJR Realty abutting to both sides of the part that is to be abandoned and on one side of the portion that is to remain open and Paul Covey abutting one side of the portion that is to be open.
5. February 24, 2012 -a representative for RJR realty signed certifying the delivery of the release form and notice of the hearing.
6. February 28, 2012 -a representative for Paul Covey signed certifying the delivery of the release form and notice of the hearing.
7. February 29, 2012 City Attorney Ellis Ortego reviewed proposed ordinance No. 0-2012-1059.

Target Implementation:

April 23, 2012

Significant Action Dates:

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:

Staff recommends an action to be taken on the proposed abandonment of part of a 60 foot Street Right of Way, Lying North of F.M. 519 out of Greb Addition.

Fiscal Impact: To be determined based on appraisal, which is in progress.

### Sec. 56-4. - Abandonment, etc., of streets and alleys.

(a)

All persons desiring to have the city exercise its powers regarding abandoning, altering, closing and vacating streets, alleys and other public ways and portions thereof, shall file their petition with the city clerk, in writing, directed to the city council. Such petition shall contain a description of the street, alley or portion thereof, and attached to said request shall be a list of all owners abutting said street, alley or portion thereof, together with the last known address of all such owners. In the event that all abutting property owners do not join in said petition, a statement shall be attached to said request showing the reason



## CITY COUNCIL AGENDA FORM

for nonparticipation of those who have not signed. The city clerk shall make the city tax rolls available to any petitioner under this section for the purpose of determining the names and address of all abutting property owners, and the tax rolls shall be conclusive as to the names of the abutting property owners for the purpose of this section.

(b)

Upon filing of such request and payment of the fee as hereinafter provided, the city clerk shall mail notices of said request and release forms by certified mail, return receipt requested, to all abutting property owners, and all utility companies (phone, electric, gas, cable, water and sewer). Any person filing such petition shall deposit with the city clerk, upon said filing, a sum of money in the amount as is determined from time to time by ordinance. Said sum shall be used to pay for the mailing of notices of said request and release forms. The requirements of this subsection shall apply equally to section 56-5, concerning the abandonment of easements.

(c)

In the event the petition requests that only a portion of a through street, alley or public way which is open to public access from either direction is to be abandoned, altered, closed or vacated, then it shall be necessary for the petitioner to provide the city clerk with the names and last known mailing addresses of all abutting property owners both for the portion to be closed and for that portion which is to remain open in either direction up to the next intersection with another street, alley or public way. Notices and release forms will be mailed to all such abutting property owners for the closed and open portions of said street, alley or public way as provided in subsection (b) above.

(d)

Said petition shall be submitted to the planning commission for its recommendation to the city council at its next regularly scheduled meeting, provided at least 30 days have lapsed from the date said request was filed. The planning commission shall be allowed no more than 30 days to formulate its recommendation to council.

(e)

Streets or alleys, whether owned by the city or whether such streets or alleys are designated by easements only, when abandoned shall then belong properly to the owner or owners of the abutting property. In order to abandon any street or alley, all property owners abutting said street or alley shall have consented to the abandonment, or such abandonment shall not be approved by the city council. No street or alley shall be abandoned until payment of a fee as determined from time to time by ordinance or the appraised market value of the street or alley based upon at least one bona fide appraisal selected by the city at the petitioner's expense, whichever is greater; and after abandonment of such street or alley the city will deliver a quitclaim deed to the owners as to their proportionate ownership interest, upon payment of their proportionate share of the market value of the street, alley or public way. The determination of market value or proportionate ownership going to the abutting property owner of any street or alley shall ultimately be determined by the city council, and such determination shall be final. The preparation of all transfer documents shall be at the expense of petitioner. Recipients of such deeds shall be required to record their deeds with the county clerk and to render the acquired property to the central appraisal district.

(f)

This section shall not be construed to give any person the vested right to compel the city to abandon or vacate a street or alley.

*(Code 1972, § 16-4; Ord. No. 564; Ord. No. 713, § 1)*



## CITY COUNCIL AGENDA FORM

### Sec. 56-5. - Abandonment of easement.

(a)

Upon the payment of (i) a fee in an amount as determined from time to time by ordinance or (ii) the appraised market value of the easement based on not less than one appraisal, whichever is greater, and after abandonment of the easement, the city will deliver a quitclaim deed to the owners of the fee simple title thereto. The determination of market value of any easement as fixed by city council shall be final.

(b)

This section shall not be construed to give any person the vested right to abandon or dispose of any easement.

*(Code 1972, § 16-5; Ord. No. 564)*

**ORDINANCE NO. 0-2012-1059**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, PROVIDING FOR THE VACATING, ABANDONEMENT, AND CLOSING OF A PORTION OF A 60-FOOT STREET RIGHT-OF-WAY, LYING NORTH OF F.M. 519, OUT OF THE GREB ADDITION**

**WHEREAS**, The City Council of City of La Marque, Texas, finds that said portion of a 60 foot right-of- way as a street lying North of F.M. 519 described in Exhibit A was dedicated as a street right-of-way but never opened; and

**WHEREAS**, there is no longer any public need for the City of La Marque, Texas to retain ownership of nor perform maintenance on said portion of a 60 foot right, of way, lying North of F.M. 519; and

**WHEREAS**, on January 3, 2012 R.J.R. Realty, Inc filed a petition for abandonment with the City of La Marque, Texas, in accordance with La Marque Code of Ordinances Section 56-4 and 56-5; and

**WHEREAS**, on February 28, 2012, the Planning and Zoning Commission of the City of La Marque, Texas recommended approval of the petition filed by R.J.R. Realty, Inc; and

**WHEREAS**, the burden of continued maintenance and the risk of liability which would be incurred by the City of La Marque, Texas, exceed any benefit to the City of La Marque, Texas from continued ownership; and

**WHEREAS**, R.J.R. Realty, Inc .Has agreed to fulfill it's obligations under Section 56-4 and 56-5 of the City of La Marque, Texas' Code of ordinances including payment to the City of La Marque, Texas of the fair market value of the abandoned portion of a 60-foot right-of-way, lying North of F.M. 519 as a precondition of its receipt of a quit claim deed memorializing the abandonment.

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

That the portion of a 60-foot right-of-way, lying North of F.M. 519 is hereby vacated, abandoned and closed to be sold to R.J.R. Realty, Inc via quitclaim deed in exchange for payment to the City of La Marque, Texas an amount equal to the fair market value of portion of a 60-foot right-of-way, lying North of F.M. 519.

**PASSED AND APPROVED** by the City Council of the City of La Marque,  
Texas, on the first reading this the\_\_\_\_day of \_\_\_\_\_, 2012.

**PASSED AND APPROVED** by the City Council of the City of La Marque,  
Texas, on the second and last reading this the\_\_\_\_day of  
\_\_\_\_\_, 2012.

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Bobby Hocking  
City of La Marque, Texas

ATTEST:

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Zina Tedford, Interim-City Clerk

Approved as to form:

---

Ellis Ortego, City Attorney



EXHIBIT A  
TRACT DESCRIPTION

DESCRIPTION OF A 60 FOOT IN WIDTH ROAD RIGHT OF WAY LYING BETWEEN THE SOUTH 97.335 FEET OF LOTS 60 AND 61, OF GREB ADDITION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, AND BEING THE SOUTH 97.335 FEET OF A 60 FOOT IN WIDTH ROAD RIGHT OF WAY, LYING IN NORTH OF THE NORTHE RIGHT OF WAY LINE OF F.M. 51, 80 FOOT RIGHT OF WAY;

BEGINNING at the Southwest corner of Lot 60, of Greb Addition, a Subdivision in Galveston County, Texas, according to the Map recorded in Volume 238, Page 70, in the Galveston County Records, said point lying in the North Right of Way line of F.M. 519, 80 foot Right of Way and said point lying in the East Right of Way line of a 60 foot in width Road Right of Way;

THENCE S89°17'W, across said 60 foot Right of Way and along the North Right of Way and along the North Right of Way line of F.M. 519 (Main Street), 80 foot Right of Way, a distance of 60.00 feet to a point for corner, said point being the southeast corner of Lot 61, of Greb Addition and said point lying in the West Right of Way line of said 60 foot Right of Way;

THENCE N00°43'W, along the West right of way line of said 60 foot Road and the East line of Lot 61, a distance of 97.335 feet, to a point for corner;

THENCE N89°17'00"E, across said 60 foot Road, a distance of 60.00 feet, to a point for corner, in the East Right of Way line of said 60 foot Road and the West line of Lot 60, of Greb Addition;

THENCE  $SO0^{\circ}43'E$ , along the East Right of Way line of said 60 foot Road and along the West line of Lot 60, of Greb Addition, a distance of 97.335 feet, to the Place of Beginning and containing 5.840.10 square feet, more or less.



1111 Bayou Road  
La Marque, Texas 77568  
409.938.9202

LA MARQUE PLANNING AND ZONING COMMISSION ABANDONEMENT OF STREET,  
ALLEY, EASEMENT, ETC CHECKLIST

Abandonments of streets, Alleys, etc are governed by city Ordinance Section 56-4

Property to be abandoned 60 ft. Right of Way lying North of FM 519

1. Petition submitted to the city clerk in writing on Sec 56-4 (a) January 3, 2012 ☒
2. Petition is directed to City Council Sec 56-4(a) ☒
3. Petition has the description of the property to be abandoned Sec 56-4 (a) ☒
4. There is a list of all abutting owners and their addresses. Sec 56-4 (a) ☒

3197164 Covey, Paul  
RJR Realty LTD  
City of La Marque

5. Petition of abutting owners Sec 56-4 (a) ☒
6. Attachment showing why abutting owners are not joining in petition Sec 56-4(a) N/A ☒
7. \$25.00 fee has been paid Sec 56-4 (b) Appendix A (fee) ☒
8. Release forms mailed by certified mail to all abutting property owners Sec 56-4 (b) ☒
9. Release forms mailed by certified mail to all utility companies Sec 56-4 (b) N/A ☒
10. If only a portion of the street is requested to be abandoned that has public access from either direction petitioner must provide the City Clerk with the names for both the portion that is to be closed and the portion that is to be opened to the next intersection Sec 56-4

(c)

RJR Realty LTD  
City of La Marque  
Paul Covey 3197164

11. Notices and release forms have been mailed to the owners of the closed and open portions of said street Sec 56-4 (c) ☒
12. Petition was submitted to the planning commission for it's recommendation to the city council at it's next regular scheduled meeting Sect 56-4 (d) ☒
13. 30 days have lapsed from the date the request was filed Sec 56-4 (d) ☒
14. Planning and zoning commission formulated their response in less than 30 days ☒
15. Fee determined by city ordinance / market value Sec 56-4 (e) ☐
16. Market value appraisal made by bonifide appraiser selected by the city Sec 56-4 (d) ☐
17. Fee is paid to include market value, payment of appraisal, and payment to prepare Quitclaim deed Sec 56-4 (e) ☐
18. Quitclaim Deed delivered to new owners Sec 56-4 (e) ☐

La Marque, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 56 -  
STREETS AND SIDEWALKS >> ARTICLE I. - IN GENERAL >>.

## ARTICLE I. - IN GENERAL

Sec. 56-1 - Certain ordinances relating to streets not affected by Code.  
Sec. 56-2 - Penalty for violations of chapter.  
Sec. 56-3 - Fee for placing culvert pipe by city.  
Sec. 56-4 - Abandonment, etc., of streets and alleys.  
Sec. 56-5 - Abandonment of easement.  
Secs. 56-6—56-28 - Reserved.

### Sec. 56-1. - Certain ordinances relating to streets not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed as repealing or otherwise affecting the validity of any ordinance:

- (1) Dedicating, accepting, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street or other public way in the city;
  - (2) Relating to municipal street maintenance agreements with the state; or
  - (3) Establishing or prescribing grades for streets in the city;
  - (4) Relating in any manner to street improvements and assessments therefor;
- and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(Code 1972, § 16-1)

### Sec. 56-2. - Penalty for violations of chapter.

Any person convicted of violating any provision of this chapter shall be punished as prescribed in section 1-7 of this Code.

(Code 1972, § 16-1.1)

### Sec. 56-3. - Fee for placing culvert pipe by city.

- (a) In order to maintain uniform drainage grades and pipe sizes, the city will establish the proper pipe size and set culvert pipe on all street rights-of-way.
- (b) The fee for culvert pipe placement will be as determined from time to time by ordinance.

(Code 1972, § 16-3)

### Sec. 56-4. - Abandonment, etc., of streets and alleys.

- (a) All persons desiring to have the city exercise its powers regarding abandoning, altering, closing and vacating streets, alleys and other public ways and portions thereof, shall file their petition with the city clerk, in writing, directed to the city council. Such petition shall contain a description of the street, alley or portion thereof, and attached to said request shall be a list of all owners abutting said street, alley or portion thereof, together with the last known address of all such owners. In the event that all abutting property owners do not join in said petition, a statement shall be attached to said request showing the reason for nonparticipation of those who have not signed. The city clerk shall make the city tax rolls available to any petitioner under this section for the purpose of determining the names and address of all abutting property owners, and the tax rolls shall be conclusive as to the names of the abutting property owners for the purpose of this section.
- (b) Upon filing of such request and payment of the fee as hereinafter provided, the city clerk shall mail notices of said request and release forms by certified mail, return receipt requested, to all abutting property owners, and all utility companies (phone, electric, gas, cable, water and sewer). Any person filing such petition shall deposit with the city clerk, upon said filing, a sum of money in the amount as is determined from time to time by ordinance. Said sum shall be used to pay for the mailing of notices of said request and release forms. The requirements of this subsection shall apply equally to section 56-5, concerning the abandonment of easements.
- (c) In the event the petition requests that only a portion of a through street, alley or public way which is open to public access from either direction is to be abandoned, altered, closed or vacated, then it shall be



necessary for the petitioner to provide the city clerk with the names and last known mailing addresses of all abutting property owners both for the portion to be closed and for that portion which is to remain open in either direction up to the next intersection with another street, alley or public way. Notices and release forms will be mailed to all such abutting property owners for the closed and open portions of said street, alley or public way as provided in subsection (b) above.

- (d) Said petition shall be submitted to the planning commission for its recommendation to the city council at its next regularly scheduled meeting, provided at least 30 days have lapsed from the date said request was filed. The planning commission shall be allowed no more than 30 days to formulate its recommendation to council.
- (e) Streets or alleys, whether owned by the city or whether such streets or alleys are designated by easements only, when abandoned shall then belong properly to the owner or owners of the abutting property. In order to abandon any street or alley, all property owners abutting said street or alley shall have consented to the abandonment, or such abandonment shall not be approved by the city council. No street or alley shall be abandoned until payment of a fee as determined from time to time by ordinance or the appraised market value of the street or alley based upon at least one bona fide appraisal selected by the city at the petitioner's expense, whichever is greater; and after abandonment of such street or alley the city will deliver a quitclaim deed to the owners as to their proportionate ownership interest, upon payment of their proportionate share of the market value of the street, alley or public way. The determination of market value or proportionate ownership going to the abutting property owner of any street or alley shall ultimately be determined by the city council, and such determination shall be final. The preparation of all transfer documents shall be at the expense of petitioner. Recipients of such deeds shall be required to record their deeds with the county clerk and to render the acquired property to the central appraisal district.
- (f) This section shall not be construed to give any person the vested right to compel the city to abandon or vacate a street or alley.

(Code 1972, § 16-4; Ord. No. 564; Ord. No. 713, § 1)

#### **Sec. 56-5. - Abandonment of easement.**

- (a) Upon the payment of (i) a fee in an amount as determined from time to time by ordinance or (ii) the appraised market value of the easement based on not less than one appraisal, whichever is greater, and after abandonment of the easement, the city will deliver a quitclaim deed to the owners of the fee simple title thereto. The determination of market value of any easement as fixed by city council shall be final.
- (b) This section shall not be construed to give any person the vested right to abandon or dispose of any easement.

(Code 1972, § 16-5; Ord. No. 564)

#### **Secs. 56-6—56-28. - Reserved.**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LA MARQUE, TEXAS, PROVIDING FOR THE  
VACATING, ABANDONEMENT, AND CLOSING OF A  
PORTION OF A 60 FOOT STREET RIGHT OF WAY,  
LYING NORTH OF F.M. 519, OUT OF THE GREB  
ADDITION**

**WHEREAS**, The City Council of City of La Marque, Texas, finds that said portion of a 60 foot right of way as a street lying North of F.M. 519 described in Exhibit A was dedicated as a street right of way but never opened; and

**WHEREAS**, there is no longer any public need for the City of La Marque, Texas to retain ownership of nor perform maintenance on said portion of a 60 foot right, of way, lying North of F.M. 519; and

**WHEREAS**, on January 3, 2012 R.J.R. Realty, Inc filed a petition for abandonment with the City of La Marque, Texas, in accordance with La Marque Code of Ordinances Section 56-4 and 56-5; and

**WHEREAS**, on February 28, 2012, the Planning and Zoning Commission of the City of La Marque, Texas recommended approval of the petition filed by R.J.R. Realty, Inc; and

**WHEREAS**, the burden of continued maintenance and the risk of liability which would be incurred by the City of La Marque, Texas, exceed any benefit to the City of La Marque, Texas from continued ownership; and

**WHEREAS**, R.J.R. Realty, Inc .Has agreed to fulfill it's obligations under Section 56-4 and 56-5 of the City of La Marque, Texas' Code of ordinances including payment to the City of La Marque, Texas of the fair market value of the abandoned portion of a 60 foot right, of way, lying North of F.M. 519 as a precondition of its receipt of a quit claim deed memorializing the abandonment.

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

That the portion of a 60 foot right, of way, lying North of F.M. 519 is hereby vacated, abandoned and closed to be sold to R.J.R. Realty, Inc via quitclaim deed in exchange for payment to the City of La Marque, Texas an amount equal to the fair market value of portion of a 60 foot right, of way, lying North of F.M. 519.

**PASSED AND APPROVED** by the City Council of the City of La Marque,  
Texas, on the first reading this the \_\_\_\_ day of \_\_\_\_\_, 2012.

**PASSED AND APPROVED** by the City Council of the City of La Marque,  
Texas, on the second and last reading this the \_\_\_\_ day of  
\_\_\_\_\_, 2012.

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Bobby Hocking  
City of La Marque, Texas

ATTEST:

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Zina Tedford, Interim-City Clerk

Approved as to form:

---

Ellis Ortego, City Attorney



EXHIBIT A  
TRACT DESCRIPTION

DESCRIPTION OF A 60 FOOT IN WIDTH ROAD RIGHT OF WAY LYING BETWEEN THE SOUTH 97.335 FEET OF LOTS 60 AND 61, OF GREB ADDITION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, AND BEING THE SOUTH 97.335 FEET OF A 60 FOOT IN WIDTH ROAD RIGHT OF WAY, LYING IN NORTH OF THE NORTHE RIGHT OF WAY LINE OF F.M. 51, 80 FOOT RIGHT OF WAY;

BEGINNING at the Southwest corner of Lot 60, of Greb Addition, a Subdivision in Galveston County, Texas, according to the Map recorded in Volume 238, Page 70, in the Galveston County Records, said point lying in the North Right of Way line of F.M. 519, 80 foot Right of Way and said point lying in the East Right of Way line of a 60 foot in width Road Right of Way;

THENCE S89°17'W, across said 60 foot Right of Way and along the North Right of Way and along the North Right of Way line of F.M. 519 (Main Street), 80 foot Right of Way, a distance of 60.00 feet to a point for corner, said point being the southeast corner of Lot 61, of Greb Addition and said point lying in the West Right of Way line of said 60 foot Right of Way;

THENCE N00°43'W, along the West right of way line of said 60 foot Road and the East line of Lot 61, a distance of 97.335 feet, to a point for corner;

THENCE N89°17'00"E, across said 60 foot Road, a distance of 60.00 feet, to a point for corner, in the East Right of Way line of said 60 foot Road and the West line of Lot 60, of Greb Addition;

THENCE  $SO0^{\circ}43'E$ , along the East Right of Way line of said 60 foot Road and along the West line of Lot 60, of Greb Addition, a distance of 97.335 feet, to the Place of Beginning and containing 5.840.10 square feet, more or less.

12425 Highway 6  
P. O. Box 419  
Santa Fe, TX 77510  
Phone: (409) 925-3509  
Fax: (409) 925-3500

## Law Office of ELLIS J. ORTEGO

### FAX

**DATE:** February 29, 2012

**TO:** Ana Tims

**FROM:** Ellis J. Ortego and Anna

**FAX:** 935-0401

**PHONE #:** (409)925-3509

**RE:** Draft of Ordinance Abandoning  
Right of Way

**PAGES:** 2 (Including Cover)

If you do not receive all pages listed above, please contact our office as soon as possible at (409) 925-3509.

Comments:

Attached please find the corrections to the draft of the above referenced ordinance. If you have any questions, please call. Thanks

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or the entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by phone immediately and return the faxed message to us at the above address via the U.S. Postal Service.

2-29-2012

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LA MARQUE, TEXAS, PROVIDING FOR THE  
VACATING, ABANDONMENT, AND CLOSING OF A  
PORTION OF A 60 FOOT STREET RIGHT OF WAY,  
LYING NORTH OF F.M. 519, OUT OF THE GREB  
ADDITION

*City Council of*  
WHEREAS, The City of La Marque, Texas, finds that said portion of a 60  
foot right of way lying North of F.M. 519 described in Exhibit A. *was*  
*dedicated as a street right of way for the Greb Addition; and*  
WHEREAS, there is no longer any public need for the City of La Marque,  
Texas to retain ownership of nor perform maintenance on said portion of a 60  
foot right, of way, lying North of F.M. 519 ; *and*

WHEREAS, on January 3, 2012 R.J.R. Realty, Inc filed a petition for  
abandonment with the City of La Marque, Texas, in accordance with La  
Marque Code of Ordinances Section 56-4 and 56-5; *and*

WHEREAS, on February 28, 2012, the Planning and Zoning Commission of  
the City of La Marque, Texas recommended approval of the petition filed by  
R.J.R. Realty, Inc. ; *and*

WHEREAS, the burden of continued maintenance and the risk of liability  
which would be incurred by the City of La Marque, Texas, exceed any benefit  
to the City of La Marque, Texas from continued ownership; *and*

WHEREAS, R.J.R. Realty, Inc. *has* agreed to fulfill it's obligations under  
Section 56-4 and 56-5 of the City of La Marque, Texas' Code of ordinances  
including payment to the City of La Marque, Texas, of the fair market value of  
the abandoned portion of a 60 foot right, of way, lying North of F.M. 519 as a  
precondition of its receipt of a quit claim deed memorializing the  
abandonment.

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

*and*  
That the portion of a 60 foot right, of way, lying North of F.M. 519 is  
hereby vacated, abandoned and closed to be sold to R.J.R. Realty, Inc via  
quitclaim deed in exchange for payment to the City of La Marque, Texas, an  
amount equal to the fair market value of portion of a 60 foot right, of way,  
lying North of F.M. 519. *of*

HP Color LaserJet CM2320nf MFP

## Fax Confirmation Report

City of La Marque, TX  
4099350401  
Feb-29-2012 2:05PM

| Job  | Date      | Time      | Type    | Identification | Duration | Pages | Result |
|------|-----------|-----------|---------|----------------|----------|-------|--------|
| 1747 | 2/29/2012 | 2:04:47PM | Receive | 409 925 3500   | 0:52     | 2     | OK     |

FROM: LawOfficeOfEllis J. Ortego FAX NO: 409 925 3500 Feb. 29 2012 01:09PM P1

12425 Highway 6  
P. O. Box 419  
Santa Fe, TX 77510  
Phone: (409) 925-3509  
Fax: (409) 925-3500

Law Office of  
ELLIS J. ORTEGO

### FAX

DATE: February 29, 2012

TO: Ann Tims

FROM: Ellis J. Ortego and Anna

FAX: 935-0401

PHONE #: (409) 925-1509

RE: Draft of Ordinance Abandoning  
Right of Way

PAGES: 2 (Including Cover)

If you do not receive all pages listed above, please contact our office as soon as possible at (409) 925-3500

#### Comments:

Attached please find the corrections to the draft of the above referenced ordinance. If you have any questions, please call. Thank!

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or the entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by phone immediately and return the transmitted message to us at the above address via the U.S. Postal Service.

HP Color LaserJet CM2320nf MFP

## Fax Confirmation Report

City of La Marque, TX  
4099350401  
Feb-16-2012 6:23PM

| Job  | Date      | Time      | Type    | Identification | Duration | Pages | Result |
|------|-----------|-----------|---------|----------------|----------|-------|--------|
| 1711 | 2/16/2012 | 6:22:37PM | Receive | 409 925 3500   | 0:43     | 2     | OK     |

FROM: LawOfficeOfEllis J. Ortega FAX NO: 409 925 3500 Feb.: 16 2012 05:25PM P1

12425 Highway 6  
P. O. Box 419  
Santa Fe, TX 77510  
Phone: (409) 925-3509  
Fax: (409) 925-3500

Law Office of  
ELLIS J. ORTEGO

### FAX

DATE: February 16, 2012

TO: Anna Tims

FROM: Ellis J. Ortega and Anna

FAX: 935-0401

PHONE #: (409)925-3509

RE: Release Form

PAGES: 2 (Including Cover)

If you do not receive all pages listed above, please contact our office as soon as possible at (409) 925-3509.

#### Comments:

Attached is a copy of the Release Form with changes as per your request.

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or the entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by phone immediately and return the facsimile message to us at the above address via the U.S. Postal Service.



12425 Highway 6  
P. O. Box 419  
Santa Fe, TX 77510  
Phone: (409) 925-3509  
Fax: (409) 925-3500

## Law Office of ELLIS J. ORTEGO

### FAX

**DATE:** February 16, 2012

**TO:** Ana Tims

**FROM:** Ellis J. Ortego and Anna

**FAX:** 935-0401

**PHONE #:** (409)925-3509

**RE:** Release Form

**PAGES:** 2 (Including Cover)

If you do not receive all pages listed above, please contact our office as soon as possible at (409) 925-3509.

Comments:

Attached is a copy of the Release Form with changes as per your request.

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or the entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by phone immediately and return the faxed message to us at the above address via the U.S. Postal Service.



1111 Bayou Road  
La Marque, Texas 77568  
409.938.9202

**CITY OF LA MARQUE****RELEASE FORM**  
*ohay*  
*C*

*Consent to the abandonment of*

I \_\_\_\_\_ hereby ~~release~~ Part of a 60 foot right of Way, Lying North of F.M. 519 in accordance with Chapter 56, Section 4, Subsection B and C of the City of La Marques's Ordinance.

I \_\_\_\_\_ do not wish to participate in the petition of the abandonment of Part of a 60 foot right of Way, Lying North of F.M. 519 in accordance with Chapter 56, Section 4, Subsection A in the City of La Marques's Ordinance. My reason for non-participation is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date of signature





1111 Bayou Road  
La Marque, Texas 77568  
409.938.9202

## CITY OF LA MARQUE RELEASE FORM

I \_\_\_\_\_ hereby consent to the abandonment of Part of a 60 foot right of Way, Lying North of F.M. 519 in accordance with Chapter 56, Section 4, Subsection B and C of the City of La Marques's Ordinance.

I \_\_\_\_\_ do not wish to participate in the petition of the abandonment of Part of a 60 foot right of Way, Lying North of F.M. 519 in accordance with Chapter 56, Section 4, Subsection A in the City of La Marques's Ordinance. My reason for non-participation is:

---

---

---

---

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date of signature



1111 Bayou Road  
La Marque, Texas 77568  
409.938.9202

February 21, 2012

RE: Abandonment request part of a of Part of a 60 foot Street Right of Way, Lying North of F.M. 519, Out of Greb Addition

Dear Property Owner:

This PUBLIC NOTICE is in accordance with Chapter 56, Article 1, Section 4, Subsections B and C, PUBLIC HEARING, RELEASE FORM AND NOTICE, of the City of La Marques's Code of Ordinance. An application for abandonment on Part of a 60 foot right of Way, Lying North of F.M. 519 has been received by the La Marque City Clerk. Land under your ownership or care, as listed with the Electric Company, is abutting the portion of street that is being considered for abandonment.

The Planning and Zoning Commission will conduct a PUBLIC HEARING, on **February 28, 2012 at 4:00 PM**, in the Council Chambers of City Hall, 1109-B Bayou Rd., for public comment.

If you are unable to attend, and wish to comment, you may call, write or e-mail me at the City of La Marque Inspection Department.

A release is required prior to abandonment Please fill out the attached release form and return it to the following address. If you need any additional information please contact me at 409-938-9206.

City of La Marque  
Inspection Department  
1111 Bayou Rd.  
La Marque, TX 77568  
409-938-9206  
a.tims@ci.la-marque.tx.us

Sincerely,

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

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RJR Realty LTD  
12703 Eastex Parkway  
Houston, TX 77039

P#2 2-28-12 abandon

2. Article Number

(Transfer from service label)

7011 2970 0000 5282 0396

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Jose L. Lopez*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

*TARA CYNTHIA LUTSEY*

C. Date of Delivery

*2/24/12*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

Domestic Mail Only; No Insurance Coverage Provided

 For delivery information, visit our website at [www.usps.com](http://www.usps.com)
**OFFICIAL USE**

Postage

\$

Certified Fee

 Return Receipt Fee  
(Endorsement Required)

 Restricted Delivery Fee  
(Endorsement Required)

Total Postage &amp; Fees

\$ 5.54

*2-28-12*  
Postmark  
Here

Sent To

*RJR Realty LTD*

 Street, Apt. No.,  
or PO Box No.

*12703 Eastex Parkway*

City, State, ZIP+4

*Houston, TX 77039*

PS Form 3800, August 2006

See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 Domestic Mail Only; No Insurance Coverage Provided  
 For delivery information visit our website at www.usps.com®

**OFFICIAL USE**

|                                                   |        |
|---------------------------------------------------|--------|
| Postage                                           | \$     |
| Certified Fee                                     |        |
| Return Receipt Fee<br>(Endorsement Required)      |        |
| Restricted Delivery Fee<br>(Endorsement Required) |        |
| Total Postage & Fees                              | \$ 554 |

2-28-12

Sent To  
 Paul Covey  
 Street, Apt. No.  
 or PO Box No. P.O. Box 461406  
 City, State, ZIP+4 San Antonio, TX 78246

PS Form 3800, August 2006 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                                                                              | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/>           x <i>Paul Covey</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)<br/> <i>Paul Covey</i></p> <p>C. Date of Delivery<br/> <i>2/28/12</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>           If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><b>REC'D MAR 01 2012</b></p> |
| <p>1. Article Addressed to:<br/>           Paul Covey<br/>           P.O. Box 461406<br/>           San Antonio, TX 78246</p>                                                                                                                                                                                              | <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>                                                                                                                                       |
| <p>2. Article Number<br/>           (Transfer from service label)<br/>           7011 2970 0000 5282 0402</p>                                                                                                                                                                                                              | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>                                                                                                                                                                                                                                                                                                                                                                |
| <p>P-2 2-28-12 Abandonment</p>                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                        |

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**Ana Tims**

---

**From:** Ana Tims  
**Sent:** Thursday, February 16, 2012 9:31 AM  
**To:** 'tomvaught@att.net'  
**Subject:** Abandonment of part of a 60 foot Street Right of Way, Lying North of F.M. 519, Out of Greb Addition.  
**Attachments:** Zoning Agenda Meeting February 28, 2012.doc; Zoning Agenda Workshop Meeting February 28, 2012.doc

Tom:

It was great talking to you this morning. As we discussed this morning I have received a petition to abandon part of the street that abuts Mr. Coveys property on IH 45. I am attaching a copy of the agendas for both the special meeting, and the workshop. Could you give me your feedback on this abandonments. This is much like the request that was proposed for the same right of way a few months back. Again thanks for all your help.

Sincerely

Ana Tims  
Building Official Code Enforcement Officer  
Office 409-938-9206  
Fax 409-908-0549

2/16/2012



## Ana Tims

---

**From:** Thomas Vaught [tomvaught@att.net]  
**To:** Ana Tims  
**Sent:** Thursday, February 16, 2012 11:35 AM  
**Subject:** Return Receipt (displayed) - Abandonment of part of a 60 foot Street Right of Way, Lying North of F.M. 519, Out of Greb Addition.

Your message

**To:** tomvaught@att.net  
**Subject:** Abandonment of part of a 60 foot Street Right of Way, Lying North of F.M. 519, Out of Greb Addition.  
**Sent:** 2/16/2012 9:31 AM

was read on 2/16/2012 11:35 AM.

# **JAMES W. GARTELL, JR.**

**GULF COAST ENGINEERING  
AND SURVEYING**

**CONSULTING ENGINEER - SURVEYOR**

**P.O. BOX 382 LA MARQUE, TEXAS 77568  
409/935-2462 TEXAS CITY 281/488-6969 HOUSTON  
409/935-9367 FAX**

January 3, 2012

Ms. Carol Butler  
City Manager  
City of La Marque  
1111 Bayou Road  
La Marque, TX 77568  
(409) 938-9202 (O)

RE: Request City of La Marque Abandonment of Part of a 60 foot Street Right of Way, Lying North of F.M. 519, Out of Greb Addition, Section 56-4(c).

Dear Ms. Butler:

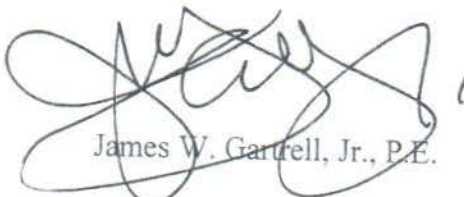
The owner, RJR Realty, Inc., of the property adjoining the Easterly and Westerly sides of the 60 foot Road Right of Way, under Deeds of Record, Film Code 2010030233 and Film Code 2010030233, hereby requests the City of La Marque abandon the South 97.335 feet of said unopened 60 foot Right of Way lying North of F.M. 519.

The highest and best use of the property is to abandon same to the adjoining property.

Attached please find a location map, plat and description of the requested abandonment.

Please call if you have any questions or need any additional information.

Sincerely,



James W. Gartell, Jr., P.E.

JWG/kbw

December 22, 2011

TRACT DESCRIPTION

DESCRIPTION OF A 60 FOOT IN WIDTH ROAD RIGHT OF WAY LYING BETWEEN THE SOUTH 97.335 FEET OF LOTS 60 AND 61, OF GREB ADDITION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, AND BEING THE SOUTH 97.335 FEET OF A 60 FOOT IN WIDTH ROAD RIGHT OF WAY, LYING NORHT OF THE NORTH RIGHT OF WAY LINE OF F.M. 519, 80 FOOT RIGHT OF WAY;

BEGINNING at the Southwest corner of Lot 60, of Greb Addition, a Subdivision in Galveston County, Texas, according to the Map recorded in Volume 238, Page 70, in the Galveston County Records, said point lying in the North Right of Way line of F.M. 519, 80 foot Right of Way and said point lying in the East Right of Way line of a 60 foot in width Road Right of Way;

THENCE S89°17'W, across said 60 foot Right of Way and along the North Right of Way line of F.M. 519 (Main Street), 80 foot Right of Way, a distance of 60.00 feet to a point for corner, said point being the Southeast corner of Lot 61, of Greb Addition and said point lying in the West Right of Way line of said 60 foot Road Right of Way;

THENCE N00°43'W, along the West right of way line of said 60' Road and the East line of Lot 61, a distance of 97.335 feet, to a point for corner;

THENCE N89°17'00"E, across said 60 foot Road, a distance of 60.00 feet, to a point for corner, in the East Right of Way line of said 60 foot Road and the West line of Lot 60, of Greb Addition;

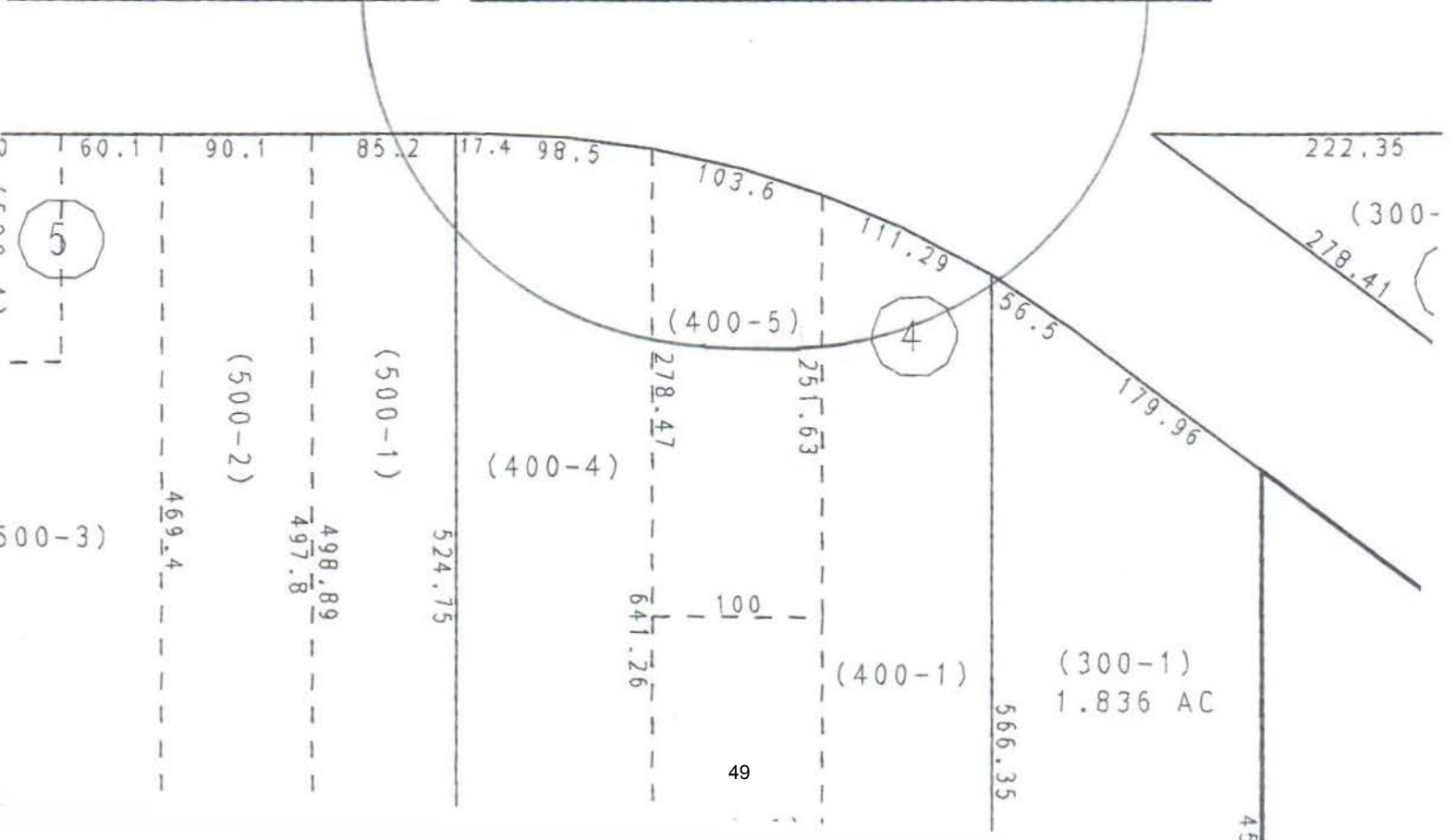
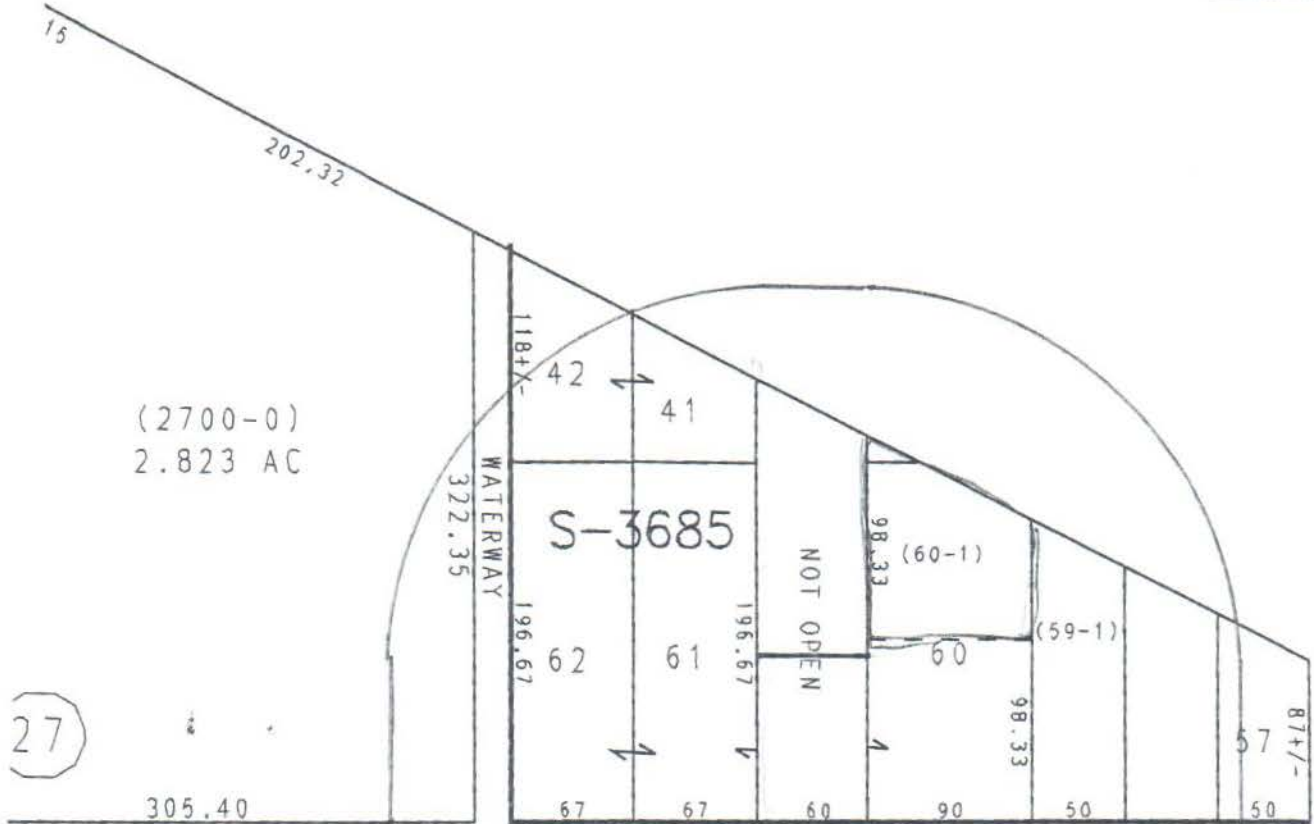
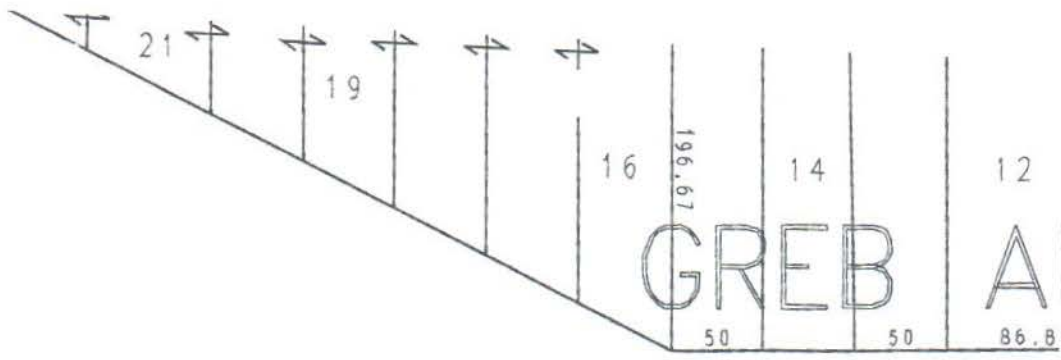
THENCE S00°43'E, along the East Right of Way line of said 60 foot Road and along the West line of Lot 60, of Greb Addition, a distance of 97.335 feet, to the Place of Beginning and containing 5.840.10 square feet, more or less.

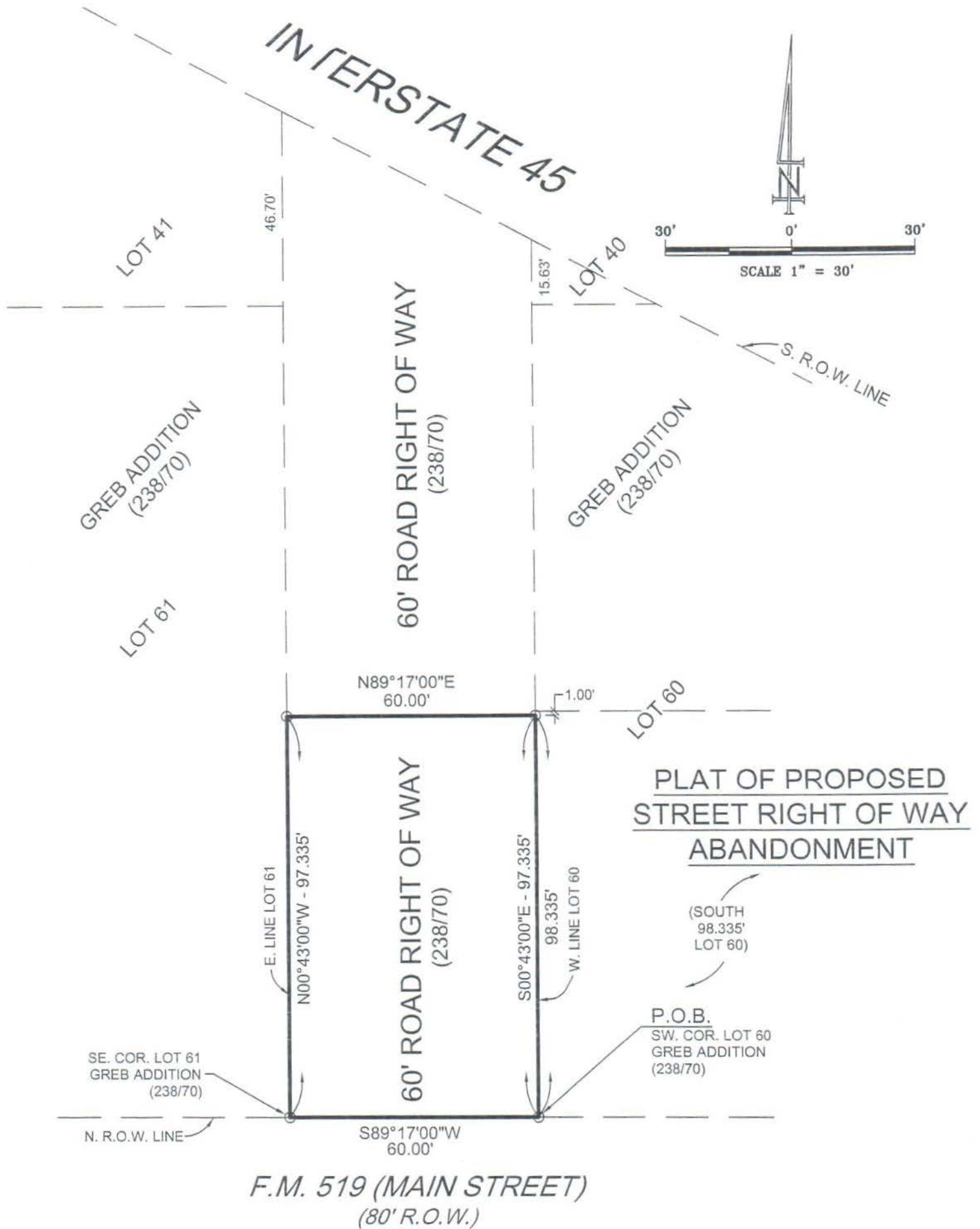
c:\mydocs\jobs\firstclasstoursgreb.doc

**JAMES W. GARTRELL, JR.**

GULF COAST ENGINEERING  
AND SURVEYING







**JAMES W. GARTRELL, JR.**

GULF COAST ENGINEERING  
AND SURVEYING

CONSULTING ENGINEER - SURVEYOR

P.O. BOX 382 LA MARQUE, TEXAS 77568

409/935-2462 TEXAS CITY 281/488-6969 HOUSTON

| Yrel               | R#      | Name                         | Address                                         | LegalDescription                                                      | SiteAddress                    |
|--------------------|---------|------------------------------|-------------------------------------------------|-----------------------------------------------------------------------|--------------------------------|
| 2775-0007-2700-000 | R195819 | RJR REALTY LTD               | 12703 EASTEX FWY HOUSTON, TX 77039              | ABST 150 J D MOORE SUR BLK 27 DIV G COOK & STEWART SUB                | 2714 MAIN, LA MARQUE, TX 77568 |
| 2775-0018-0300-001 | R196390 | BUILDING BLOCKS ACADEMY      | 2619 MAIN LA MARQUE, TX 77568                   | ABST 150 PAGE 4 & 7 W PT OF BLK 3 (300-1) DIV R COOK & STEWART SUB    | 2619 MAIN, LA MARQUE, TX 77568 |
| 2775-0018-0400-001 | R196394 | BRANDSMA, CLARENCE & JOHANNA | 2621 MAIN ST LA MARQUE, TX 77568                | ABST 150 PAGE 4 & 7 E PT OF BLK 4 (400-1) DIV R COOK & STEWART SUB    | 2621 MAIN, LA MARQUE, TX 77568 |
| 2775-0018-0400-004 | R196397 | SHELTON, CLARENCE T          | 2213 POST OFFICE ST #RIGALVESTON, TX 77550-1925 | ABST 150 PAGE 4 & 7 W PT OF BLK 4 (400-4) DIV R COOK & STEWART SUB    | 2701 MAIN, LA MARQUE, TX 77568 |
| 2775-0018-0500-001 | R196398 | ALEXANDER, BARRY             | 11415 32ND STREET SANTA FE, TX 77510            | ABST 150 J D MOORE SUR E PT OF BLK 5 (500-1) DIV R COOK & STEWART SUB | 2709 MAIN, LA MARQUE, TX 77568 |
| 3685-0000-0040-000 | R197152 | COVEY, PAUL S                | PO BOX 461406 SAN ANTONIO, TX 78246-1406        | ABST 150 PAGE 4 S PT OF LOT 40 (40-1) GREB ADDN                       |                                |
| 3685-0000-0041-000 | R197153 | RJR REALTY LTD               | 12703 EASTEX FWY HOUSTON, TX 77039              | ABST 150 PAGE 4 S PT OF LOTS 41 & 42 (41-1) GREB ADDN                 |                                |
| 3685-0000-0057-000 | R197160 | RJR REALTY LTD               | 12703 EASTEX FWY HOUSTON, TX 77039              | ABST 150 PAGE 4 S PT OF LOT 57 (57-1) GREB ADDN                       |                                |
| 3685-0000-0058-000 | R197161 | RJR REALTY LTD               | 12703 EASTEX FWY HOUSTON, TX 77039              | ABST 150 PAGE 4 S PT OF LOT 58 (58-1) GREB ADDN                       |                                |
| 3685-0000-0059-001 | R197162 | RJR REALTY LTD               | 12703 EASTEX FWY HOUSTON, TX 77039              | ABST 150 PAGE 4 S PT OF LOT 59 (59-1) GREB ADDN                       |                                |
| 3685-0000-0061-000 | R197163 | RJR REALTY LTD               | 12703 EASTEX FWY HOUSTON, TX 77039              | ABST 150 PAGE 4 LOTS 61 & 62 & S 1/2 OF LOT 60 (61-1) GREB ADDN       |                                |
| 3685-0000-0060-001 | R197164 | COVEY, PAUL S                | PO BOX 461406 SAN ANTONIO, TX 78246-1406        | ABST 150 PAGE 4 N 1/2 OF LOTS 60 (60-1) GREB ADDN                     |                                |
| 2775-0018-0400-005 | R380908 | HOOVER, DANIEL H             | 7406 STEWART ST #HITCHCOCK, TX 77563            | ABST 150 J D MOORE SUR PT OF BLK 4 (400-5) DIV R COOK & STEWART SUB   | 2631 MAIN, LA MARQUE, TX 77568 |

city of LM

1016730043 - 20, MK1TC

STEWART TITLE COMPANY



2010030233

13 PGS

GENERAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

---

Date: June 17 2010

Grantor: Mileane Ohlund  
1124 First St  
LA MARQUE, TX 77568

Charles G. Robinson  
8028 Center St  
HITCHCOCK, TX 77563

Theodore E. Robinson  
8201 Center St  
HITCHCOCK, TX 77563

Harry W. Robinson  
9306 Woodlawn Dr  
HITCHCOCK, TX 77563

Annie Mae Robinson Gustafson  
8121 Center St  
HITCHCOCK, TX 77563

Grace Cambiano  
7521 Memorial Dr.  
HITCHCOCK, TX 77563

John B. Gibson, Jr.  
401 Dallas St S.E.  
GRAVETTE, AR 72736

Mileane Elizabeth Gibson Cato  
P.O. Box 502  
HITCHCOCK, TX 77563

Dewey Norton Gibson  
7913 N. Martin Luther King  
HITCHCOCK, TX 77563



**Jerry Norton Robinson as Independent Co-Executor of the Estate of Norton Frank Robinson, Jr., Deceased and as Co-Trustee of the Robinson Family Trust**

8103 Center St  
HITCHCOCK, TX 77563

**Norma Kay Robinson Pollard as Independent Co-Executor of the Estate of Norton Frank Robinson, Jr., Deceased and as Co-Trustee of the Robinson Family Trust**

8103 Center St  
HITCHCOCK, TX 77563

**Grantee:** RJR Realty, Ltd.

**Grantee's Mailing Address:**

12703 Eastern Freeway  
HOUSTON, TX 77039

**Consideration:** Cash and other good and valuable consideration

**Property (including any improvements):**

Part of Lots Forty-One (41), Forty-Two (42), Fifty-Seven (57), Fifty-Eight (58), Fifty-Nine (59), Lots Sixty-One (61), Sixty-Two (62) and the South part of Lot Sixty (60), of Greb Addition, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 238, page 70, in the Office of the County Clerk of Galveston County, Texas, by metes and bounds on **EXHIBIT "A"** attached hereto and made a part hereof

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:**

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not, all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property, and taxes for 2010, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, GRANTS, SELLS, and CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim

613223

April 6, 2006

TRACT ONE  
TRACT DESCRIPTION

DESCRIPTION OF A 0.8554 ACRE TRACT BEING PART OF LOTS 41 AND 42, ALL OF LOTS 61 AND 62, OF GLOB ADDITION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS;

BEGINNING at the Southwest corner of Lot 62, of Glob Addition, a Subdivision in Galveston County, Texas, according to the Plat recorded in Volume 238, Page 70, of the Galveston County Records, said point lying in the North right of way line of Main Street (F.M. 519) 80 foot right of way and in the East line of a 20 foot in width "Waterway";

THENCE from said Beginning Point  $N0^{\circ}43'W$ , along the West line of Lot 62 and Lot 42, at a distance of 196.67 feet, pass the Northwest corner of Lot 62 and the Southwest corner of Lot 42, in all, a distance of 312.76 feet, to a set  $3/8"$  iron rod for corner in the South right of way line of I.S. 45, 300 foot right of way;

THENCE  $S63^{\circ}20'21"E$ , across Lots 42 and 41 and along the South right of way line of I.S. 45, 300 foot right of way, a distance of 150.90 feet, to a set  $3/8"$  iron rod for corner, in the East line of Lot 41 and the West right of way line of a 60 foot in width North-South City of La Marque Road lying in Glob Addition;

THENCE  $S0^{\circ}43'E$ , along the East line of Lots 41 and 61 and along the West right of way line of said 60 foot Road right of way, at a distance of 46.70 feet, cross the Southeast corner of Lot 41, same being the Northeast corner of Lot 61, in all, a distance of 243.37 feet, to a set  $3/8"$  iron rod for corner at the Southeast corner of Lot 61, said point lying in the North right of way line of Main Street (F.M. 519), 80 foot right of way;

THENCE  $S89^{\circ}17'W$ , along the South line of Lots 61 and 62 and the North right of way line of Main Street (F.M. 519), 80 foot right of way, at a distance of 67.00 feet, cross the Southwest corner of Lot 61, same being the Southeast corner of Lot 62, in all, a distance of 134.00 feet to a set  $3/8"$  iron rod at the Place of Beginning and containing 0.8554 acre, more or less, 37,261 square feet.

3009-STC/TC/KLECKA  
#06206584  
P. COVEY  
ROBINSON



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Page 7 of 3

**JAMES W. GARTRELL, JR.**

GULF COAST ENGINEERING  
AND SURVEYING

CONSULTING ENGINEER - SURVEYOR

P.O. BOX 304 LA MARQUE, TEXAS 77586

PHONE 409-344-7444 FAX 409-344-7444



618323

April 6, 2006

TRACT TWO  
TRACT DESCRIPTION

DESCRIPTION OF A 0.64 ACRE TRACT BEING PART OF LOTS 57, 58, 59 AND 60, OF GREB ADDITION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS;

BEGINNING at the Southeast <sup>W Lot</sup> corner of Lot 60, of Greb Addition, a Subdivision in Galveston County, Texas, according to the Plat recorded in Volume 238, Page 70, of the Galveston County Records, said point lying in the North right of way line of Main Street (F.M. 519) 80 foot right of way and in the East line of a 60 foot in width North-South Road lying in Greb Addition;

THENCE from said Beginning Point N0°43'W, along the West line of Lot 60 and the East right of way line of said 60 foot road right of way, a distance of 98.335 feet, to a set 3/8" iron rod for corner, at the Northwest corner of the South one-half of Lot 60;

THENCE N89°17'E, along the North line of the South one-half of Lot 60, a distance of 90.00 feet, to a set 3/8" iron rod for corner;

THENCE N0°49'W, along the East line of Lot 60, a distance of 67.355 feet, to a set 3/8" iron rod, lying in the South right of way line of I.S. 45, 300 foot right of way;

THENCE S63°20'21"E, across Lots 59, 58 and 57 and along the South right of way line of I.S. 45, 300 foot right of way, a distance of 168.92 feet, to a set 3/8" iron rod in the East line of Lot 57;

THENCE S0°43'E, along the East line of Lot 57 and along the South right of way line of I.S. 45, a distance of 88.00 feet, to a set 3/8" iron rod for corner, being the Southeast corner of Lot 57 and said point lying in the North right of way line of Main Street (F.M. 519), 80 foot right of way;

THENCE S89°17'W, along the South line of Lots 57, 58, 59 and 60 and along the North right of way line of Main Street (F.M. 519), 80 foot right of way, a distance of 240.00 feet, to a set 3/8" iron rod at the Place of Beginning and containing 0.64 acre, more or less, 27,878 square feet.

3009-STC/TC/KLBCKA  
#06206584  
P. COVBY  
ROBINSON



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Page 3 of 3

**JAMES W. GARTRELL, JR.**GULF COAST ENGINEERING  
AND SURVEYINGCONSULTING ENGINEER - SURVEYOR  
P.O. BOX 383 LA MARQUE, TEXAS 77806

409/836-1481 TEXAS CITY 281/488-8989 HOUSTON



April 6, 2006

**TRACT TWO**  
**TRACT DESCRIPTION**

DESCRIPTION OF A 0.64 ACRE TRACT BEING PART OF LOTS 57, 58, 59 AND 60, OF GREG ADDITION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS;

<sup>WLT</sup>  
BEGINNING at the Southeast corner of Lot 60, of Greg Addition, a Subdivision in Galveston County, Texas, according to the Plat recorded in Volume 238, Page 70, of the Galveston County Records, said point lying in the North right of way line of Main Street (F.M. 519) 80 foot right of way and in the East line of a 60 foot in width North-South Road lying in Greg Addition;

THENCE from said Beginning Point N0°43'W, along the West line of Lot 60 and the East right of way line of said 60 foot road right of way, a distance of 98.335 feet, to a set 3/8" iron rod for corner, at the Northwest corner of the South one-half of Lot 60;

THENCE N89°17'E, along the North line of the South one-half of Lot 60, a distance of 90.00 feet, to a set 3/8" iron rod for corner;

THENCE N0°43'W, along the East line of Lot 60, a distance of 67.355 feet, to a set 3/8" iron rod, lying in the South right of way line of I.S. 45, 300 foot right of way;

THENCE S63°20'21"E, across Lots 59, 58 and 57 and along the South right of way line of I.S. 45, 300 foot right of way, a distance of 168.92 feet, to a set 3/8" iron rod in the East line of Lot 57;

THENCE S0°43'E, along the East line of Lot 57 and along the South right of way line of I.S. 45, a distance of 88.00 feet, to a set 3/8" iron rod for corner, being the Southeast corner of Lot 57 and said point lying in the North right of way line of Main Street (F.M. 519), 80 foot right of way;

THENCE S89°17'W, along the South line of Lots 57, 58, 59 and 60 and along the North right of way line of Main Street (F.M. 519), 80 foot right of way, a distance of 240.00 feet, to a set 3/8" iron rod at the Place of Beginning and containing 0.64 acre, more or less, 27,878 square feet.

3009-STC/TC/KLECKA  
#06206584  
P. COVEY  
ROBINSON



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Page 3 of 3

**JAMES W. GARTRELL, JR.**GULF COAST ENGINEERING  
AND SURVEYING

CONSULTING ENGINEER - SURVEYOR

P.O. BOX 883 LA MARQUE TEXAS 77608

409/236-2462 TEXAS CITY 281/488-6988 HOUSTON

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2010030233

June 22, 2010 03 58 54 PM

FEE \$60 00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS

**PLANING AND ZONING COMMITTEE  
SPECIAL MEETING  
February 28, 2012**

**MEMBERS THAT WERE PRESENT:**

Dickey Stanley  
Mike Castelline  
Norman Koneman  
C.J. Leggett

**STAFF THAT WAS PRESENT:**

Carol Buttler, City Manager  
Ana Tims, Building Official  
Erica Grundmann, Permit Clerk  
Jennifer Pierce, Fire Marshal

**OTHERS THAT WERE PRESENT:**

Pastor Robert "Trey" Dowdy  
Jessica Torres  
Burnett Pochahontas  
Marlow Dowdy  
Darren Hurley  
Tom Vaught

1. **CALL TO ORDER** at 4:02 p.m.

2. **ROLL CALL**

All members of the commission were present except for Vice-Chair Peggy Phillips and Annette Calis.

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Presented by Pastor Robert "Trey" Dowdy

4. **APPROVAL OF MINUTES**

Regular Meeting of January 12, 2012. Mr. Stanley made a motion to approve the minutes. C.J. Leggett Seconds the motion and the motion passed unanimously.

5. **CITIZENS PARTICIPATION**

Mr. Konneman asked if anyone wanted to speak on any appropriate matter. No citizens requested to speak.



## 6. NEW BUSINESS

### ii. Discussion/Possible action on the proposed abandonment of Part of a 60 foot Street Right of Way, Lying North of F.M. 519, Out of Greb Addition

Mr. Koneman stated that everyone had seen the plat. Mr. Leggett made a motion to discuss the item. Mr. Stanley seconds the motion. The motion passed unanimously. The motion opened for discussion. Mr. Koneman stated that the proposal was to abandon the section of the 60 foot right of way that faces Main Street, and the rest of it will remain as it is. Mr. Konneman asked if there were any comments on that. Mr. Leggett. Asked if they abandon that portion what would happen to the rest. Mr. Konneman stated that the other section will remain as it is and accessible to any parties that desire to use any part of that road. Mr. Konneman asked if there was a motion to approve, or disapprove the recommendation of abandoning that short stretch of land. Mr. Stanley made a motion to approve the 60 foot abandonment of the right of way on the south of a 60 foot Street Right of Way, Lying North of F.M. 519, Out of Greb Addition part. Mr. Castelline seconds the motion. Mr. Konneman asked for any other comments. City attorney Ellis Ortego stated that he understands that one of the adjoining property owners is opposed to the abandonment.

Mr. Koneman stated "Where did he go? I don't see him. Oh there he goes." Mr. Koneman pointed out the section that Mr. Paul Covey owns. He also added that Mr. Covey was opposed to the abandonment. Mr. Konneman stated that on the property there was a sign. He added that Mr. Covey was complaining that he did not have adequate ingress or egress. He pointed out the frontage road and the freeway as related to the property. He also added that there was ingress and egress to the property. Mr. Konneman also added that Mr. Gartrell who represents the other interested party stated that as a concession they are leaving of the property open therefore the request to seek only a portion of the right of way to be abandoned. Mr. Ortego asked if they would require a curb cut in the frontage road. Mr. Konneman stated that it should require an entry permit to the frontage road. Mr. Koneman also pointed out the water way that has already be abandoned. Mr. Koneman stated that the proposal is an attempt to reach a compromise between the two parties. Mr. Konneman also added that in the workshop earlier that day it was thought to be a reasonable compromise. Mr. Ortego asked if it was in fact a compromise. Tom Vaught representative for Paul Covey shook his head indicating "No" Mr. Konneman stated that there was a big sign on the property. Mr. Koneman also asked if the city received any revenue from the sign. Mrs. Tims informed the board that at this time the sign has not been developed. Mrs. Tims also added that due to our ordinance regulations the sign would not be able to be developed until the existing billboard is removed. Mr. Koneman also added that the complaint is that there is no ingress or egress. Mr. Konneman added that he drove to the property and that between there and Vauthier there are many enterprises that are in the same situation. Mr. Konemman also added that it was a bit tight for him, but that the Vauthier access was approximately a mile away.

Mr. Koneman also added that McDonalds had the same situation. Mr. Ortego stated that was all he had to say. Mr. Konemman asked again for any other comments. No one spoke. Mr. Koneman asked for a vote. Mr. Leggett abstained from voting, and Mr. Castelline, Mr. Stanley, and Mr. Konemman voted to approve. The motion passed.

**b. Discussion/Possible action on the proposed rezone for a property described as ABST 2 S F AUSTIN SUR TR 66 1.603 ACRES; 304 Newman from (R-1) single family residential to (C-1) general commercial**

Mrs. Tims presented to the board that the property was located at 304 Newman. She also added that the owner wanted to store butane tanks. She also added that Fire Marshall Mrs. Pierce had prepared a presentation for the board. Mr. Koneman asked how close where there residences? Mrs. Tims informed the commission that there were residences adjacent to the property as well as an apartment complex that caters to seniors and mainland Preparatory Academy. Mr. Koneman asked what percentage of the road was commercial. Mrs. Tims informed the board that everything from IH 45 to the property was already zoned commercial. She also added that this is the reason it would not be spot zoning. Mrs. Tims asked the board that they look at the maps in their packet. Mr. Stanley pointed out Mainland preparatory academy and asked if that was the school. Mr. Leggett asked what where they doing with the tanks. Mrs. Tims informed that board that the owner at this time only states that they are storing the empty tanks on the property. It was noted that the petitioner was not present at the meeting.

Mrs. Pierce presented applicable codes. She added that flammable storage and cylinder storage was allowed in the city; however the code does not interpret cylinders as empty or with residue. She added that in addition with the close proximity to the school and to a community that is comprised largely of a population that would have difficulties during a disaster and adding the proximity to the freeway did not make it an ideal location for the property. She presented the fire code to the commissioners and informed that that the tanks have not been inspected, and that the property did not meet minimum standards of protection. Mrs. Pierce also added that as the Fire Marshall and the Emergency Management Coordinator she could not recommend the re-zoning for the purpose of storing gas cylinders.

Mr. Koneman stated that he was not at all in favor of the approval due to the explosive and flammable materials. He added that an industrial area would be better suited for it. Mrs. Tims read a letter opposing to the proposed chance.

Mr. Koneman asked what the city policy was for storing butane tanks across those areas. Mr. Ortego responded that this was the reason it was before Planning and Zoning, and that the next step is for city council to determine if this is the best use of the property or not. Mr. Konemman asked if there would be any liability to the City. Commissioners asked who the letter was from. Mrs. Tims informed the board that it was from Nayoda Fisher, who has a parcel that has not been addressed. Mr. Stanley asked if the re-zoning did not occur did the tanks have to be removed. Mrs. Pierce



stated that at the time the tanks were improperly placed. Mr. Konerman stated that it was a high risk for the kids. Mr. Stanley made a motion to reject the re-zoning of the property. Mr. Leggett seconds the motion and the motion passed unanimously.

**c. Discussion/Possible action on the proposed revision of City Ordinance  
Section 71-21 (a) *Screening elements (3) residential districts (a &b)***

Mrs. Tims presented to the board that Barry Alexander owner of A-Z fencing proposed to change the minimum size of screening from 6 feet to a larger size to allow for rot boards to be placed under the pickets on newly installed fences. Mr. Konemann asked if he was asking to a variance. Mr. Tims informed the commissioners that he was requesting a change in ordinance. Mr. Stanley stated that it was a reasonable request. Mr. Leggett stated that the specific height should be increased to 7 feet. Mr. Leggett made a motion to approve the increase of the maximum height of a residential fence to seven feet. Mr. Stanley seconds the motion and the motion passed unanimously.

**d. Discussion/Possible action to approve a re-plat of the properties located at  
ABST 150 PAGE 1 S 62.5 FT OF LOT D (0-401) SHANNON TRACT ; 1705  
Brooksire; R308396 and ABST 150 PAGE 1 LOT 7 SHANNON TRACT;  
R199646**

There was a discussion on the item from the commissioners. Mrs. Tims informed the commissioners that the re-plat is needed to allow the construction of a new home for Mrs. Pocahontas Jessica Torres presented before the commissioners the proposal to allow Mrs. Pocahontas to be eligible for a grant. Mrs. Tims stated that the two properties would be adjoined to make one. The new home would have a Kansas frontage. Stanley made a motion to approve the re-plat, Mr. Leggett seconds the motion and the motion passed unanimously.

**7. REQUESTS AND ANOUNCEMENTS**

There were no requests from the commissioners

**8. ADJOURNMENT -**

Mr. Leggett made a motion to adjourn at 4:39 P.M. Mr. Stanley seconds the motion and the motion passed unanimously.

  
\_\_\_\_\_  
Normann Konnerman





## CITY COUNCIL AGENDA FORM

Meeting Date: 4-9-12

Agenda item: 7d

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Department: Admin

### AGENDA ITEM DESCRIPTION:

d. Presentation - La Marque Police Officer Association

☐

### **Attachments for Reference**

### Staff Briefing:

Forrest Gandy, President, LMPA submitted a request to address City Council regarding the Charter Amendment Proposition 21 and manpower issues affecting the La Marque Police Department.

This item does not require any action from City Council.

History (if applicable):

Target Implementation:

Significant Action Dates:

Action:

☐

Ordinance

☐

Resolution

☐

Proclamation

☐

Special Presentation

☐

Finance Report

☐

Public Hearing

☒

Other

### **Cost Details:**

|                              |  |
|------------------------------|--|
| <b>Budgeted</b>              |  |
| <b>Actual Bid</b>            |  |
| <b>Estimated Expenditure</b> |  |
| <b>Acct. Name</b>            |  |
| <b>Line Item #</b>           |  |
| <b>Other Funding</b>         |  |

Staff's Recommended Motion:

Fiscal Impact: n/a

**CITY OF LA MARQUE  
INTER-DEPARTMENTAL  
COMMUNICATION**

TO: Honorable Mayor Hocking and City Councilmembers  
FROM: Carol Buttler, City Manager  
DATE: April 9, 2012  
SUBJECT: City Manager Report – March, 2012

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Council indicated a preference to receive a report at both Council meetings each month. At the first meeting of the month, staff will provide you narratives of information acquired since the previous meeting. At the second meeting of the month, staff will continue to provide you the data charts plus narratives of information that occurred between Council meetings.

**a. Finance Department**

- Since the resignation announcement from the Finance Director, the finance and utility billing staff have been working closely with Ms. Cooper to ensure a smooth transition during the recruitment stage of her replacement.
- The back payment of \$44,954.47 from Medicare has been direct deposited to our account. The deposit reflects payments for January, February and part of March. We are back in current status and should receive payments regularly in the future.
- The purchasing staff is reviewing purchasing policies from other cities to see how they handle purchase orders within their city. A staff study will be submitted to me with their findings and recommendations.
- The accounting staff met with Regions Bank Treasury Management to discuss zero balance accounting, check processing and signature card updates.

**b. Development Services Department (Building Inspection & Code Enforcement)**

- The Development Services Department staff continues to work diligently with inspection of structures throughout our city. However after evaluating permit tallies for the month of March 2011 and current month of March 2012 it is evident that there has been a decrease in construction within our city. Example: the month of March only one single family home has been permitted whereas last year there were six.
- Code Enforcement  
Our Code Enforcement team welcomes the opportunity to abate dilapidated structures. At this time, the Galveston County Housing Department is evaluating if any La Marque applications are eligible for a grant that would pay for the demolition. If the structures are not eligible, they will be demolished with the monies allocated by Council for this fiscal year. Staff is obtaining hold harmless agreements from owners who want to participate in the voluntary demolition program.

At this time, there is a strong focus on obtaining procuring bids for voluntary demolition and clearing of unmaintained property after the recent rainfalls.

c. **Judicial Department**

- The City Marshal picked up the new vehicle budgeted last week and is currently working on getting the radio installed.
- The City Marshal attended the Texas Marshal Conference for training and learned of a new approach to locate defendants. The Texas Workforce Commission provides this service to law enforcement agencies only. We are checking into utilizing this service. We will update you once staff completes their research.
- The City Marshal has designed a “Most Wanted” poster that will be published in future issues of The Police News at no cost to the City. However, our list is currently online (thepolicenews.net).
- The Court Clerk continues to search the Court database to locate old warrants with no identifiers for defendants and pull those files for dismissal by the prosecutor. Apprehension and prosecution due to no identifiers and the passage of time makes successful prosecution highly unlikely. Thus far 341 cases totaling \$92,711.25 have been dismissed and staff is only halfway through the files.
- The Court personnel continue daily collection processes.

d. **Library**

- Our first-ever Spring Break event was a huge success! The Chicken Dog show in the community room had 51 attendees. We used the event as a marketing opportunity for the Summer Reading Program.  
The library building may have termites. One inspector said we did, and a second said there were termites in the shrubbery next to the library only. Another inspector will conduct a site visit and advise.

e. **Public Safety**

- **Personnel:**

**LMPD:**

Newly hired Telecommunicator Justin Williams started work on 3-29-12: no vacancies exist.

**LMFD:**

Administrative Assistant has been hired (Phyllis Booker) and will start work April 3, 2012.

- **Training:**

**LMPD:** Justin Williams – Tele-communicator  
David Hunter – Police Officer

**LMFD:** Phyllis Booker, Administrative Assistant

- **Operations:**

**LMPD:**

Department is currently working executing the “Hazmat Action Plan” which includes numerous positive actions that will enhance enforcement operations along FM 519.

**LMFD:**

Chief Weidman is arduously working on his “45-Day Assessment of Operations” to be completed mid-May.

Fire hydrant maintenance (flow testing) will commence on April 4, 2012. LMFD will complete an average of 40 hydrants each month. Once such inspections commence, it will be reported monthly to City Council.

**f. Public Works**

- We lifted Stage II water use restrictions. Based on information from staff, I recommended that we remain in water conservation mode by following Stage I water use restrictions. This information is reflected on the City’s website, Channel 16, City Hall and the Library.

**g. Emergency Management Coordinator/Fire Marshal**

- Office of Emergency Management  
Recently the Office of Emergency Management assisted during the tanker incident that occurred just off the Gulf Freeway at 519. Both EMC Pierce and Assistant EMC Hunter provided assistance for the duration of the event. Following this event, EMC Pierce is following up to ensure the sign prohibiting hazardous cargo is replaced on 519.

The Coast Guard contacted EMC Pierce on Thursday, March 22nd to notify the City that five barrels of crude oil had been dropped into the Highland Bayou. EMC Pierce remained in contact with the Coast Guard and those on scene. Fortunately, the spill was able to be confined to the area near Highway 6 in Hitchcock.

On Tuesday, March 27th EMC Pierce responded to the Emergency Operations Center in Texas City due to a leak at BP. Through the use of a ground flare, BP was able to control the leaking hydrofluoric acid. There were no injuries or fatalities reported.

- Office of the Fire Marshal  
The Fire Marshal's office has been working with LMISD to maintain a safe environment at the many school board meetings that have been scheduled recently.

On Wednesday, March 28th, Fire Marshal Pierce conducted the first Juvenile Firesetters Intervention class since her arrival in La Marque. While open to the public, most attendees are court appointed to attend.

- Grants  
Fire Marshal Pierce continues to meet with auditors on the final three audits from the Hurricane Ike projects. Additionally, Fire Marshal Pierce is working to close out a grant project funding the TELEX system and an antenna mast. To date, half of this

project has been completed. We are awaiting payment for the first project before completing the second project. This project is to be completed by July 31, 2012.

**h. EDC**

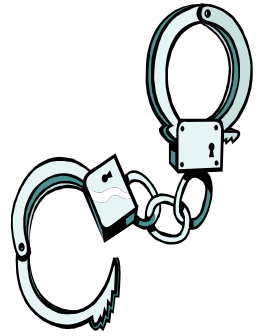
- The Sam's Club property should start being cleared on April 15th
- The EDC Director showed the "Tejas" building again last week and the prospect appears promising.
- The EDC Director is working with a business on an expansion prospect
- The EDC Director is promoting La Marque to retailers.

# **JUDICIAL DEPARTMENT**





# LA MARQUE'S MOST WANTED



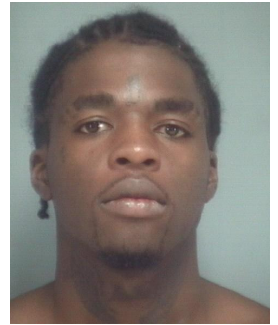
DUANE CHARLES PARKER  
DOB: 05/01/1963  
LKA: SANTA FE, TX



GLORIA JEAN AGUILAR  
DOB: 03/30/1970  
LKA: HITCHCOCK, TX



KRYSTAL NICHERA HOLMES  
DOB: 06/28/1981  
LKA: LA MARQUE, TX



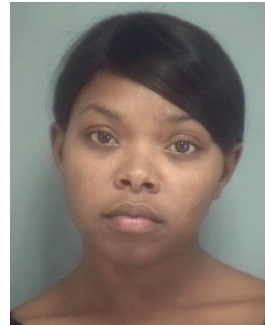
TROY DEMETRIS PORTER  
DOB: 06/16/1992  
LKA: LA MARQUE, TX



BRIAN KEITH JONES  
DOB: 04/14/1981  
LKA: LA MARQUE, TX



CHANCEYA MARSHAU CALDWELL  
DOB: 02/25/1981  
LKA: TEXAS CITY, TX



RACHEL KAYE GAMBLE  
DOB: 08/29/1985  
LKA: LA MARQUE, TX



DONTONYA GREENWOOD  
DOB: 10/30/1971  
LKA: LA MARQUE, TX

**THESE INDIVIDUALS HAVE OUTSTANDING  
WARRANTS IN THE CITY OF LA MARQUE.**