

LA MARQUE CITY COUNCIL
 LA MARQUE CITY COUNCIL CHAMBERS
 1109-B BAYOU ROAD
 LA MARQUE, TEXAS 77568
REGULAR MEETING
March 28, 2011
6:00 P.M.

The La Marque City Council met in a duly-called and announced Regular Meeting on March 28, 2011. Mayor Sam called the meeting to order at 6:00 p.m. The invocation was given by Pastor Bobby Hocking. The Mayor led the pledge to the U.S. Flag and Texas Flag.

026-2011 ROLL CALL –

Present: Mayor Geraldine Sam, Mayor Pro-Tem Keith Bell, Councilmember Connie Trube, City Attorney Ellis Ortego, City Manager Eric Gage and City Clerk Carolyn E. Anderson

Department Directors: Police-Chief Randall Aragon, Buildings-Ana Tims, Finance-Karen Cooper, Public Works-Mike Morgan, Interim Fire Chief-Larry Damrell, Library Director-Cynthia Hart

027-2011 PRESENTATION –

National Public Health Week – Mayor Sam presented a proclamation to Kurt Koopmann, Public Information Officer for the Health District, declaring April 4 – 10, 2011 as National Public Health Week. Mr. Koopmann shared that Thursday, April 7th, a Public Health Information Fair will be held. The Galveston and Texas City immunizations will be given that day.

028-2011 APPROVAL OF MINUTES -

Regular Meeting of March 14, 2011

Council Member Trube made a motion to approve the minutes with the noted correction under adjournment. Mayor Pro-Tem Bell seconded. The motion passed unanimously.

029-2011 REPORT FROM CITY MANAGER –

Council Member Trube made a motion to approve the City Manager's report. Mayor Pro-Tem Bell seconded the motion. Council Member Trube gave kudos and thanks to Chief Aragon and Chief Damrell for implementing the My Life program for senior citizens. She also commended the Fire Department for starting the Children's Birthday parties. Mr. Gage stated that the My Life program will kick off next week. Wal-Mart has donated the bags that will be given out to the senior citizens, outlining any health problems. The bag will be placed in a prominent place such as the refrigerator to aid the first responders. Mr. Gage explained that the details are still being worked out for the birthday party program with the Fire Department, but that it will be rolling out in the next few weeks. Mayor Pro-Tem Bell also commended the My Life program, stating it's an innovative program for a city that is estimated to have over 30 percent senior citizens. He expressed some concerns about the logistics of the birthday party. Mr. Gage stated that the program will be first-come, first-serve, on per day per household. Mayor Pro-Tem Bell questioned how the program would work with the response schedule, including finalizing the event. Chief Damrell stated that the Department would work with the families to reschedule their event. Mayor Pro-Tem Bell asked that Chief Aragon present the CompStat program. Chief Aragon approached the podium and explained the community policing efforts of the Department. He explained that CompStat has been developed nationally. The program comes up with solutions on the front end rather than after an event. Officers have control and responsibility of their districts. The four sergeants will be responsible for their own districts for controlling and decreasing crime with solutions. A briefing will take place with the sergeants regarding

awareness and developing action plans for solutions. Chief Aragon stated that they are taking the streets back by using this initiative. Mayor Pro-Tem Bell reiterated that violent crime has been reduced in the City of La Marque by 30 percent. Mayor Pro-Tem Bell asked about any additional training. Chief Aragon stated that because he had implemented the program before, he was able to train the officers. The first briefing will start in April and there are plans to invite the Mayor to sit in and then ultimately have a citizen come in to watch. Mayor Sam asked whether the most crime is occurring in the City. Chief Aragon stated the bugs are still being worked out the new OSSI system. The Mayor asked Mr. Gage about new homes being built with grants. She asked how that process works. Mr. Gage stated that the plan approval comes through the Inspection Department but that he is not aware of how the grant program works. He asked Ms. Tims to address this. She stated that the program is with the County and that she works with the citizens to get the help they need with the program. Ms. Tims stated that these are third-party contractors and that her department does the plan reviews and inspections, just like any other home construction. The Mayor asked Ms. Cooper if her financial report included any grant funds the City receives. Ms. Cooper stated that those funds are under revenues. The Mayor commended the My Life program and the birthday parties. She questioned the liability of the fire truck. Mr. Gage stated that Chief Damrell is investigating the liability issues. The Mayor called for the vote and the motion passed unanimously.

030-2011 FIRST READING OF ORDINANCES -

Ordinance Number 1045 – An Ordinance of the City Council of the City of La Marque, Changing the Zoning Clarification of a Tract of land containing Lots 31 & 32 of Westridge, a Subdivision of Record in Vol. 254-A, Page 68 in the office of the County Clerk of Galveston County, Texas, from Single Family Residential to Mobile Home Park; Amending The Zoning Map of the City adopted on the 12th day of December 2005 by Ordinance Number 953.

Mayor Pro-Tem Bell made a motion to approve the first reading of Ordinance Number 1045. The motion was seconded by Council Member Connie Trube. The Mayor called for a vote and the motion passed unanimously.

Ordinance Number 1046 – An Ordinance of the City Council of the City of La Marque, Changing the Zoning Clarification of, a tract of land described as described as Lots Four (4), Five (5), and Six (6), in Division "T" of Cook and Stewart Subdivision a Subdivision of Galveston County, Texas according to the map or plat thereof recorded in Volume 81, Page 526 in the office of the County Clerk of Galveston County, Texas Records La Marque, Galveston County, Texas, from Single Family to General Commercial; Amending The Zoning Map of the City adopted on the 12th Day of December 2005 by Ordinance Number 953.

Council Member Connie Trube made a motion to approve the first reading of Ordinance Number 1046. Mayor Pro-Tem Bell seconded the motion. During the discussion the Mayor asked if this property is Highway 3. Ms. Tims stated that this address is 2351 Maxwell. The Mayor called for a vote and the motion passed unanimously.

Ordinance Number 1047 – An Ordinance of the City Council of the City of La Marque, Changing the Zoning Clarification of, a tract of land described as Lot 42 of Mainland Homesteads, a Subdivision in Galveston County, Texas, According to the Map or Plat thereof recorded in Volume 254-A, Page 50 and transferred to Plat Record 2, Map No. 30, all in the Map Records in the Office of the County Clerk of Galveston County, Texas Records, La Marque, Galveston County, Texas, from Single Family to General Commercial; Amending The Zoning Map of the City adopted on the 12th Day of December 2005 by Ordinance Number 953.

Council Member Trube made a motion to approve the first reading of Ordinance Number 1047. Mayor Pro-Tem Bell seconded the motion. There being no discussion, the Mayor called for a vote and the motion passed unanimously.

Ordinance Number 1048 – An Ordinance of the City Council of the City La Marque, Changing the Zoning Clarification of, a tract of land described as 2.93 acres out of the surface only of a tract of Five (5) acres out of S.F. Austin League No. 4, in Galveston County, Texas, said 2.93 acres being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes recorded in the Office of the County Clerk of Galveston County, Texas Records, La Marque, Galveston County, Texas, from Single Family to General Commercial; Amending the Zoning Map of the City adopted on the 12th Day of December 2005 by Ordinance Number 953.

Mayor Pro-Tem Bell made a motion to approve the first reading of Ordinance Number 1048. Council Member Trube seconded the motion. The Mayor asked if the address is on Highway 3. Ms. Tims clarified the address as 810 Westward. Ms. Tims stated that Highway 3 is Ordinance 1042, second reading. There being no further discussion, the Mayor called for a vote and the motion passed unanimously.

Ordinance Number 1049 – An Ordinance of the City Council of the City of La Marque repealing Ordinance 1032, an Ordinance amending Article II, City Departments, of the Code of Ordinances, City of La Marque, Texas, by adding a new section creating the Office of Public Safety Director.

The Mayor asked that Ordinance 1049 be tabled with no discussion and called for a motion. Council Member Trube made a motion that Ordinance 1049 be tabled. There being no second, the motion died for lack of a second. Mayor Pro-Tem Bell asked that the Mayor consider and discuss the ordinance for clarification of the wording of the ordinance. Mr. Ortego explained that the ordinance as stated on the agenda needs to match the drafting of the ordinance. Mayor Pro-Tem Bell made a motion to consider and discuss the ordinance. There being no second, the motion died. Ordinance 1049 dies for lack of a second motion.

031-2011

SECOND READING OF ORDINANCES – (A Public Hearing Will Be Held)
Ordinance Number 1041 – An Ordinance of the City Council of the City of La Marque, Texas, changing the zoning classification of a tract of land containing 0.882 acres of surface only of all that part of block fifty (50), Subdivision "K" of the Cook & Stewart Subdivision out of the John D Moore League, a Subdivision in Galveston County, Texas, lying on the east side of the G.H. & H. railroad right-of-way, according to the map or plat T hereof recorded in Volume 81, page 256, in the Office of the County Clerk of Galveston County, Texas, from Single Family Residential to General Commercial; amending the zoning map of the City adopted the 12th day of December 2005 by Ordinance Number 953.

Mayor Sam closed the regular meeting at 6:26 p.m. and opened the public hearing for Ordinance Number 1041. There being no one to speak during the public hearing, the Mayor closed the public hearing and opened the regular meeting at 6:27 p.m.

The Mayor called for a motion. Council Member Trube made a motion to accept Ordinance 1041. Mayor Pro-Tem Bell seconded the motion. The motion passed unanimously.

Ordinance Number 1042 - An Ordinance of the City Council of the City of La Marque, Texas, changing the zoning classification of a tract of land containing 1.0080 acres tract of land, being part of Block 4; Highland City, now known as La Marque, on the south side of the GH & HR R, in Galveston County, Texas, according to the map thereof recorded in Volume 68, page 543, in the Office of the County Clerk of Galveston, Texas, from Light Industrial to Restricted Commercial; Amending the Zoning Map of the City adopted on the 12th day of December 2005 by Ordinance Number 953.

Mayor Sam closed the regular meeting at 6:28 p.m. and opened the public hearing for Ordinance Number 1042. There being no one to speak during the public hearing, the Mayor closed the public hearing and opened the regular meeting at 6:29 p.m.

The Mayor called for a motion. Council Member Trube made a motion to accept Ordinance 1042. Mayor Pro-Tem Bell seconded the motion. During discussion the Mayor asked for clarification of the address of this property. She asked Ms. Tims if all of this portion of Hwy. 3 would be commercial. Ms. Tims explained that it is exclusively this property. There being no further discussion, the Mayor called for the vote and the motion passed unanimously.

Ordinance Number 1043 - An Ordinance Council of the City of La Marque, Texas, changing the zoning classification of a tract of land containing 1.004 acres of land out of ABST 150 JD Moore SUR PT of Lot 4 (44) Highland City, La Marque, Galveston County, Texas, according to the plat recorded in Volume 1639 Page 563 of the records of Galveston County, Texas from Light Industrial to Restricted Commercial; amending the zoning map of the City adopted the 12th day of December 2005 by Ordinance Number 953.

Mayor Sam closed the regular meeting at 6:31 p.m. and opened the public hearing for Ordinance Number 1043. There being no one to speak during the public hearing, the Mayor closed the public hearing and opened the regular meeting at 6:32 p.m.

The Mayor called for a motion. Council Member Trube made a motion to accept Ordinance 1043. Mayor Pro-Tem Bell seconded the motion. The motion passed unanimously.

Ordinance Number 1044 - An Ordinance of the City Council of the City of La Marque, Texas, changing the zoning and classification of a tract of land containing 1.666 acres of land out of Lot 43 in Mainland Homesteads a subdivision of La Marque, Galveston County, Texas, according to the plat recorded in Volume 254-A, page 50 of the records of Galveston County, Texas, from Single Family Residential to General Commercial; amending the zoning map of the City adopted the 12th day of December 2005 by Ordinance 953.

Mayor Sam closed the regular meeting at 6:33 p.m. and opened the public hearing for Ordinance Number 1044. There being no one to speak during the public hearing, the Mayor closed the public hearing and opened the regular meeting at 6:34 p.m.

The Mayor called for a motion. Council Member Trube made a motion to accept Ordinance 1044. Mayor Pro-Tem Bell seconded the motion. The motion passed unanimously.

032-2011 NEW BUSINESS

Consider, Discuss and Approve Financing of Fire Truck with Municipal Funding Solutions LLC

Council Member Trube made a motion to accept the financing with Municipal Funding Solutions LLC. Mayor Pro-Tem Bell seconded the motion. The Mayor asked Mr. Ortego about the financing. Mr. Ortego stated that the finance agreement would contain the lease-purchase agreement with a non-appropriation clause. He stated that since the last meeting Ms. Cooper has found a financing source which does have the lease-purchase agreement with a non-appropriation clause, which would save the City approximately \$20,000 in the course of the five years of the agreement. There being no further discussion, the motion passed unanimously.

Consider and Discuss hiring Professor Robert Stein, Consultant, to determine the need for redistricting as a result of the 2010 Census.

Mayor Pro-Tem Bell made a motion to consider and discuss hiring Professor Stein. Council Member Trube seconded the motion. Mayor Sam invited Professor Stein and his colleague Mr. Alford to the podium. Professor Stein stated that he has submitted a proposal to the City and that he and his firm have done consulting for the City previously regarding the districts in 1990 and 2000. He described the parameters for the need to redistrict and the different levels of recommendations in their preliminary work. Mayor Sam asked about the 5 percent rule. Mr. Alford addressed the Mayor's questions by stating that the City is not required to be exactly in population of quality across the districts but that we do have a top to bottom deviation maximum of 10 percent. So if you pick the district that is the furthest above and the one the furthest below cannot be more than a 10 percent span. Within that there is a safe legal ground that is considered to be prima facie justifiable. Outside of that, the City would have to demonstrate why it was necessary to be outside of that and still be constitutional. He stated that the first assessments are the districts outside of that top to bottom with the new census numbers. If they are, the lines would have to be redrawn. The Mayor asked how soon this would have to be done and Mr. Alford stated that it would have to be done before holding elections. The Mayor asked about the ones coming up in May and Professor Stein indicated that it could be necessary to have this work done for the May election and cleared with the Department of Justice. He indicated that the City check with the City Attorney. Mr. Ortego stated that he will be attending the TML seminar in Austin this coming Friday. Mr. Gage also stated that we are just getting notice of the need for possible redistricting. Mr. Stein indicated that if the districts are out of alignment, it could be challenged. Mayor Pro-Tem Bell asked if this is State law. Professor Stein indicated that they are not only State law but also Federal law. Mayor Pro-Tem Bell asked how long this has been State law. Mr. Alford stated that there is State law, Federal law and Constitutional requirement. Constitutional has been enforced by the Court since the early 1960s. Mayor Pro-Tem Bell referred to Tom Delay's actions in 2006 or '07. Professor Stein stated that the length of time was also held up by challenges. Professor Stein stated that this process is more of a fact-finding mission. Mayor Pro-Tem Bell asked about the 2000 Census, stating that it took the State until 2006 for the process. Mr. Alford shared his working experience with the State at the time of the last census. Mayor Pro-Tem Bell asked about the situation of an at-large seat. Mr. Alford stated that there is not an issue related to something like polling places, the City can go forward. Council Member Trube asked about the completion of the 2010 Census. Mr. Alford stated that the information was released in January of 2011. Mayor stated that she has been talking about the census since January. The Mayor stated that she has not received any formal notification. Council Member Trube asked who had notified the Mayor.

The Mayor stated that she knew it because of the news and the original work on the districts. Council Member Trube asked if it is up to individual cities to do the redistricting on their own. There is not a State or Federal law that mandates this process. Mr. Alford stated that these cases are heard immediately. He stated that the advantage is to get this done before someone tells the City to do it. Professor Stein stated it is more about due diligence. He stated the first order of business is to find out if we conform to one person, one vote. He also stated that there is the issue of minority representation on Council. He stated that the problem is not for the at-large seat, but for the districts. Mayor Pro-Tem Bell stated that La Marque has grown about 800 citizens, but we have lost residents from the center of the city and gained citizens in the western part. He stated that the 2010 Census says that the Caucasian population is 38 percent, Hispanic at 22 and African-American is at 36 percent. He asked that with those new demographics, are we still required to have minority districts? If so, how will it be designed because of the demographic shift that the City has experienced. Mr. Alford stated there are two issues that deal with two different sections of the Voting Rights Acts. The first section is the preclearance requirement call retrogression. Has the redistricting hurt the situation that existed prior? The other issue is if there is a change in the minority population, it should be investigated if the district is numerous and compact that it could control a district. That's an act of responsibility under the Voting Rights Act. There are three things that control what the City can and must do: Population quality, responsibility not to retrogress under the Voting Rights Act under the previous districts, and the third is to be looking forward to look at if we have a legal requirement to add an additional district because of the change in population. Professor Stein stated that could mean adding a seat to City Council. Mr. Alford stated that the Federal Courts cannot compel the City to increase the seats. Mayor Pro-Tem Bell gave the scenario of Candidates A and B. Candidate B files in Court. Would they declare the election invalid if the City chooses to do nothing. Professor Stein stated that they would have to be shown that it was unequal population. Possibility that the Justice Department would say the election was null and void, along with the costs of another election and representation. Council Member Trube asked that maybe Council should reconsider voting. Mr. Gage reminded that Council that there had been no meetings. Mayor Sam stated that she kept coming to Ms. Anderson to research the redistricting information. Mayor Sam brought up that there is a shift in District D. Mayor Sam asked that we have a special meeting. Mr. Gage said that he will look in to putting one together. Professor Stein stated that they could probably put something together in three to five days. Mr. Gage confirmed that the fee is \$2,000. Mr. Ortego stated that he feels that they City needs to do the initial evaluation and that he will be attending the TML seminar. Mr. Ortego stated that after that first step, we may not have to go forward. Mr. Gage stated that the fee could be handled under professional fees.

Consider, Discuss and Approve the Fee Reduction Amendment to InterLocal Tax Collection Agreement between Galveston County and the City of La Marque, creating a reduction from \$0.32 to \$0.27 beginning in the 2011 tax year.

Mayor Pro-Tem Bell mad a motion to approve the amendment. Council Member Trube seconded the motion. The motion passed unanimously.

Consider, Discuss and Appoint City Manager Eric Gage as the authorized signatory for the Disaster Recovery Planning & Development application to the CDBG 2008 Supplemental Disaster Recovery Program for Round 2 Phase 1 Funds.

Council Member Trube made a motion to authorize the appointment. Mayor Pro-Tem Bell seconded the motion. The Mayor asked if there was a reason to appoint Mr. Gage as the

signatory for the grant. Mr. Gage stated that this was an effort to maintain consistency. The Mayor stated that she could see this as a future item. The Mayor stated that the election is not until May. Council Member Trube stated that it was not a bad idea that the City Manager sign documents like this because of the consistency. Mayor Pro-Tem Bell addressed Mr. Patrick Wiltshire with David Baker's office. He stated that up to four titles could be used across elections. Mayor Pro-Tem Bell stated that if Mr. Gage is trying to have consistency, he is comfortable. Council Member Trube stated that the Finance Director and City Manager, people who will be here when council and mayors come and go since this is like day-to-day operations. Mayor Sam stated the recall election is in May, not March. She stated that at this point she is still the Mayor and is not out of office yet. Mayor Pro-Tem Bell stated that what the administration has done is to take a course that the business of the City is done despite the Council's spats and disagreements. He stated that he sees this as the administration being forced to insure that City business continues. Council Member Trube stated that personal feelings should be put aside. She is for putting policy in place that things can be signed without the City Council. Mayor Sam stated that she disagrees with this because of the fact that she has been signing these documents. She called it agreeing to disagree. Mayor Pro-Tem Bell stated that what the Council has to do is set aside any personal feelings and any feelings of people injuring them or offending them and move forward with the City. He stated that things have been said to injure the Council. He believes the administration is trying to ensure that if the Council does not have a meeting the City is still able to secure the grant funds that were in jeopardy previously. The Mayor asked if this has to be done before there is a full Council. Mayor Pro-Tem Bell stated that he feels the administration has made some decisions to ensure that the citizens are being served in case Council does not meet. Mayor Sam asked if these would still have to come before Council. Mr. Wiltshire stated that the City already has a resolution. The Mayor called for the vote. The motion passed with Mayor Pro-Tem Bell and Council Member Trube voting for the motion and Mayor Sam voting against the motion.

Consider and Discuss photographs of former City of La Marque Mayors displayed on the wall in the Council Chambers.

Mr. Gage stated that a few weeks ago he had placed this item on the agenda. He stated that he had been approached by Fox 26 News asking why he had photographs of all white mayors on the wall. He explained to the news that they were all former mayors. He stated that he had had the pictures redone and revamped and had placed them on the wall. He knows of no policy or procedures concerning the pictures. He stated that the Mayor's photograph is on the wall in the entrance to City hall, along with administration and other council. He asked for clarification and direction concerning this issue because he knows of no policy. He asked what the will of the Council is concerning the photographs. Council Member Trube stated that it has always been known to her that the wall is the place for former mayors. She believes it should continue to be a wall of honor for former mayors and not present mayors. Mayor Pro-Tem Bell stated that since he's been on Council that the pictures had been moved from the Council chambers hallway into Council Chambers. He believes that later, when the Mayor's picture is on the wall, people will see how the City has grown. He would rather see the Mayor's picture in the entrance of City Hall. The Mayor brought it up because she has been attending Council meetings since Mr. Getty was Mayor and the current mayor's picture was on the wall. She stated that she wants to be treated the same as everyone else. Mr. Gage stated that he would like for the Mayor to tell Council her preference. Mayor Pro-Tem Bell encouraged the Council and the Mayor to stop the bickering and arguing and move the City forward. Mayor Sam said that everyone has to treat everyone fairly. The Mayor stated that she agrees, but that her problem is being treated equally. The Mayor stated that it's about fairness in the City. Mayor Pro-Tem Bell shared his early days of serving on City Council. He asked that the Council go forward. After further discussion, the Mayor said that all have considered and discussed. The Mayor believes that her picture should be on the wall. Council

Member Trube stated that she does not think that the Mayor's picture deserves to be on the wall when the Mayor brought Quanell X into the City Chambers. She stated that is not fair to anyone. The Mayor, in defending herself, stated that she did not call Quanell X. She stated that he had heard that her life had been threatened. The Mayor stated that Quanell X and the Ministerial Alliance of Galveston County were with her on that day. Council Member Trube stated that it shows the Mayor's lack of trust in the La Marque Police Department. Mayor Pro-Tem Bell commended the Mayor for the work that she has done in the City. He stated that as a politician and as an elected official, the best remedy is to work hard serving the citizens that like you and serving the citizens that don't like you. He stated the best way to be treated fairly as the Mayor or Council Member is to get in there and work your tail off. He stated that the only approval is the approval of God to serve in the capacity that God has placed him in. The Mayor stated that she has worked hard and diligently for the citizens of La Marque, including working as a volunteer. Mr. Gage stated that the Mayor's picture will be wherever she wants it. The Mayor gaveled Mr. McGaffey and asked him to leave. The Mayor asked Chief Aragon to exit Mr. McGaffey out of Council Chambers.

Consider, Discuss and Accept the resignation of Mark A. Salinas from the Charter Review Committee.

Council Member Trube made a motion to accept Mr. Salinas' resignation. Mayor Pro-Tem Bell seconded the motion. The motion passed unanimously.

033-2011 CITIZEN'S REQUEST FOR HEARING –

Comments from the Public: (At this time, any person with city related business who has signed up may speak to Council. 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.)

None.

034-2011 ANNOUNCEMENTS, COMMENTS AND REQUESTS FROM COUNCIL –

Mayor Pro-Tem Bell clarified his attempt to explain the tabling of Ordinance 1049. He welcomed Cynthia Hart in her new role as librarian. The Mayor thanked all for coming out. Mayor Sam stated that her goal is to bring the City together. She also welcomed Ms. Hart as the new librarian. She thanked everyone for answering her questions.

035-2011 ADJOURNMENT –

Councilmember Trube made a motion to adjourn the meeting. Mayor Pro-Tem Bell seconded the motion and the meeting was adjourned at 8:03 p.m.

Geraldine Sam, Mayor

ATTEST:

Carolyn E. Anderson, City Clerk