

**CITY OF TEXAS CITY  
REGULAR CALLED CITY COMMISSION MEETING**

**AGENDA**

**WEDNESDAY, DECEMBER 15, 2010 - 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM - CITY HALL  
1801 9th Ave. N.  
Texas City, TX 77590**

**(1) INVOCATION**

**(2) PLEDGE OF ALLEGIANCE**

**(3) PROCLAMATIONS AND PRESENTATIONS**

**(a) Service Awards**

Randy Johnston	Police	10 years
Melencio Villarreal	Police	10 years
Michael Fields	Public Works	10 years

**Retirements**

Salvador Figueroa	25 years, 3 Months of Service
Mucio Ramos	20 years, 7 Months of Service

**(4) PUBLIC HEARING**

- (a)** Michael Mitrowski request to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct a warehouse and lease building for industrial tools; being 2.082 acres out of Block 40, Clifton Land & Production Co. Survey; located at 5008 FM 646. (Planning)

**(5) PRELIMINARY ZONING APPROVAL**

- (a)** Consider Michael Mitrowski request to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct a warehouse and lease building for industrial tools. (Planning)

**(6) CONSENT AGENDA**

- (a)** Consider approval of the minutes from the December 1, 2010 regular called City Commission meeting.

- (b) Resolution No. 10-128 approving the Vital Statistics Department of the City of Texas City operations to be turned over to the Galveston County Health District. (Management Services)
- (c) Resolution No. 10-129 approving the purchase and delivery of one (1) Ford F750 Regular Cab with Smith Tank Water System through the Texas Association of School Board (TASB). (Purchasing)
- (d) Resolution No. 10-130 approving the purchase and delivery of seven (7) 2011 Ford 3/4 ton trucks and one (1) 2011 Ford Hybrid SUV from Helfman Ford. (Purchasing)

**(7) REGULAR ITEMS**

- (a) Consider approval of Ordinance No. 10-31 requesting to amend the City of Texas City's fiscal year 2010-11 budget to accommodate the purchase of four (4) vehicles. (Finance)
- (b) Consider approval of Ordinance No. 10-32 abandoning a 60' x 440.95' portion of 19th Avenue North as shown in the plat of the A.W. Clarke Subdivision No. 8. Said abandonment being an unimproved right-of-way located just west of 29th Street.
- (c) Consider approval of Ordinance No. 10-33 amending the City of Texas City Code of Ordinances , Chapter 62; Section 62-7 Health and Sanitation, by removing the word "beverage."

**(8) PUBLIC COMMENTS**

**(9) MAYOR'S COMMENTS**

**(10) COMMISSIONERS' COMMENTS**

**(11) ADJOURNMENT**

**NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.**

**NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.**

**I CERTIFY THAT THE ABOVE NOTICE OF THE MEETING WAS POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS ON DECEMBER 10, 2010 AT 5:00 P.M.**

**/S/NICHOLAS J. FINAN**  
**NICHOLAS J. FINAN**  
**CITY SECRETARY**

**DATED: DECEMBER 10, 2010**

**CITY COMMISSION AGENDA**

**Date: 12/15/2010**

Service Awards & Retirements

**Submitted By:** Rachel Wyatt, Human Resources

**Department:** Human Resources

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**Information**

**ACTION REQUEST (Brief Summary)**

Randy Johnston-10 Years-Police

Melencio Villarreal-10 Years-Police

Michael Fields-10 Years-Public Works

Salvador Figueroa-Retirement-25 Years, 3 Months of Service

Mucio Ramos-Retirement-20 Years, 7 Months of Service

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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## **CITY COMMISSION AGENDA**

**Date: 12/15/2010**

Rezoning Public Hearing for Matthew Mitrowski

**Submitted By:** Jean Vincent, Inspections

**Department:** Planning

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### **Information**

#### **ACTION REQUEST (Brief Summary)**

Public Hearing for Michael Mitrowski to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct warehouse and lease building for industrial tools. Being 2.082 acres out of Block 40, Clifton Land & Production Co. Survey. Located at 5008 FM 646.

#### **BACKGROUND**

This request went before the Zoning Commission on November 16, 2010. After hearing all pertinent information the Commission unanimously voted approval of the request. The request is not in conflict with the Land Use Plan or the Zoning Ordinance.

#### **ANALYSIS**

#### **ALTERNATIVES CONSIDERED**

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### **Attachments**

Link: [Zoning Minutes](#)

Link: [Memo-Mitrowski](#)

Link: [Public Hearing Notice](#)

Link: [Rezoning Application](#)

Link: [Mitrowski Site Plan](#)

Link: [Mitrowski google map](#)

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## ZONING COMMISSION MINUTES

November 16, 2010

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, November 16, 2010 at 5:15 p.m. Board members present were: Chairman, Tom Medlin; James Horan; Perry O'Brien; Bert Dahl; Yvonne Chatelain and Gilbert Torres. Staff members present were: Donald Carroll, Doug Kneupper and Brian Falk. Citizens present were: Michelle Gonzales, Veronica Seivwright, Destiny Anaele, Mmusi Ntseane, Aileen Cox, Abel Alvarez, Matthew Mitrowski, Larry Edrozo, Paul Gonzales, Betty & Eddie Cornish, Drew Holbrook, Lynn & Larry Leonhardt, Robert & Liz Buchanan, Elida Matthews, Melencio Villarreal, Mary C. Davila, Mike & Dee Clough, Jody & Tiffany Beard, Terri Hensarling, Barbie Tucker, Maria Eliaz, Monica Cassin, Barbara Clay, John Van Atta and Amy B. Mannie.

Chairman Medlin welcomed everyone and explained the procedures for the Public Hearing.

**APPROVAL OF MINUTES.** The minutes from the October 5, 2010 meeting were approved on a motion by Bert Dahl/Jim Horan. All members present voted aye.

**ITEM NO. 1** Matthew Mitrowski request to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct a warehouse for industrial tools. Being 2.082 acres out of Blk. 40, Clifton Land & Production Co. Survey. Located at 5008 FM 646. Mr. Carroll stated that 10 property owners were notified of the rezoning intent. No correspondence has been received. Mr. Carroll then read the comments from the various department heads. The comments were as follows: Planning Director, "No objection to the request to rezone to "P-". Staff has coordinated with the applicant to obtain a better understanding of the development intent. "P-I" is a good fit. It is not in conflict with Land Use Plan or Zoning Ordinance". Fire Marshal, "No objections". Building Official, "No objections". City Engineer, "Land Use Plan indicates "Activity Corridor" for this area. Proposed "P-I" rezoning fits well with Land Use Plan. No city utilities are available. Drainage to TXDOT roadway will require on-site detention. Lot size can support well and septic. Additional City approvals include a subdivision plat and a detailed site plan." Public Works, "No objections". Mr. Carroll indicated Mr. Mitrowski was present to speak on behalf of the proposal. **A motion was then made by Bert Dahl/James Horan to open the Public Hearing. All members present voted aye.** Mr. Mitrowski then addressed the commission and provided an overview of the development proposal. He stated his intent was to construct 2 buildings to buy and sell industrial tools. They would be brought in and taken out by trucks and all tools would be stored within the buildings. Mr. Carroll stated the Staff had met with Mr. Mitrowski as they were not clear at the beginning of what his intent was. Mr. Carroll then stated that "P-I" (Planned Industrial) was the highest and best use industrial use of the property. He continued that the basic intent was for warehousing out of one building and leasing the second building. Mr. Mitrowski stated that was an accurate assessment of the proposed use. He would lease the second building until he could financially operate

both buildings. Mr. Carroll stated this use would compliment the existing businesses in the area. There was no further discussion and **a motion to close the Public Hearing was made by Jim Horan/Bert Dahl. All members present voted aye.** Chairman Medlin then asked if there was further discussion. **A motion was then made by Bert Dahl/Gilbert Torres to approve the rezoning request. All members present voted aye.**

**ITEM NO. 2** Veronica Seivwright/Jerry Stripling request to rezone from "A" (Single Family Residential) to "S-P" (Site Plan) to operate an adult assisted living center. Being part of Lot 124 (124-6), Jemison's Addition. Located at 2924 29<sup>th</sup> St. No. Mr. Carroll indicated that 9 property owners were notified within 200' and on the request of the Planning Board, 25 additional property owners were notified of the rezoning intent. To date, 3 letters of opposition have been received and 2 letters were returned undeliverable. Mr. Carroll then read the letters of opposition from Robert & Elizabeth Buchanan, Betty & Eddie Cornish and Abel Alvarez and Aileen Cox (copy attached). Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: City Engineer, "Requires approximately 1800 sq. ft. of landscaping; doesn't appear this is being met. Parking lot needs to be a paved, dust-free surface. Otherwise, no objections". Planning Director, "No objection to the rezoning intent. The proposal must meet all provisions established in Section 40-49 subsection (1) (12)( C). Assisted Living facilities are protected under Federal statutes. The City has the authority to regulate location distances among these type of facilities and the number of clients -tenants allowed (six)." Public Works, "No comment". Fire Marshal, "No objections; however, 24 hour residential care homes are required to have an automatic fire sprinkler system (information only)." Utilities Director, "No objections". Building Official, "No objections". Mr. Carroll indicated the information regarding this request was already provided with the packet to the members. Chairman Medlin asked about the 6 clients. He stated it was his understanding that it was only 4. Mr. Carroll indicated this was included in the zoning provisions provided. He would find the exact information for Chairman Medlin and provide it for clarification. **A motion was then made by James Horan/Gilbert Toress to open the Public Hearing . All members present voted aye.** Chairman Medlin then asked for the applicant or her representative to speak. Mr. Larry Edrozo, representing the applicant and the property owners, then addressed the members. He stated Ms. Seivwright would oversee the facility and could provide detail answers to any questions. Mr. Edrozo continued by providing an overview of the proposal. He stated it will be an adult day care and residential care home. The would be overseen by the Texas Department of Aging and Disability Services. Ms. Seivwright would have to seek approval from this agency; however, she wanted to get zoning approval first. Mr. Edrozo stated that Mr. Stripling, the owner, was seriously ill and would have to be going into an assisted living facility himself. The hours of operation would be 7 a.m. to 3 p.m. and these clients would not be totally handicapped or mentally challenged to the extent they could not do anything for

themselves. Residents would require limited assistance. He stated all this information was provided in the business plan already provided to the Zoning Commission members. Ms. Seivwright then stated she appreciated the concerns of the surrounding property owners; however, she wants to provide a needed service. This would be a safe environment where the clients can get the help and support they need. Mr. Carroll then addressed the Chairman and members and stated he had not located the provision that set the cap of 6 residents for the assisted living portion of the request; however, he could with certainty state this was the maximum number of clients that could live at the facility. The questions from the members were then answered by Mr. Edrozo and Mr. Carroll. Chairman Medlin then asked for those in opposition to speak. He asked they speak one at a time and state their name and address. Michelle Gonzales of 2729 29<sup>th</sup> St. No.; Barbie Tucker of 2907 31<sup>st</sup> Ave.; Monica Cassin; Robert Buchanan of 2825 32<sup>nd</sup> Ave. No.; Abel Alvarez; Mary Davila; Maria Eliaz, 2910 31<sup>st</sup> Ave. No.; Lynn Leonhardt; Betty Cornish; and Destiny Anaele spoke in opposition to the request. Ms. Seivwright addressed questions raised by those in opposition. Chairman Medlin then stated he believed the largest concern was not the residents who would be living there but concerns about the day care operation where 20 to 30 people being there. The concern was the traffic would be increased due to people dropping off clients and picking them up. He asked Ms. Seivwright about the parking and fencing - what will be done. Ms. Seivwright stated the parking lot would be paved and fencing would be installed around the facility. Chairman Medlin asked if that would enclose the entire facility and she stated only the portion around the building, not the front portion. She indicated the proposed location of the fencing on the drawing for the members. Ms. Seivwright answered questions concerning the number of employees, the number of parking spaces for staff, background checks for employees, etc. After discussion, **a motion was made by James Horan/Bert Dahl to close the public hearing. All members present voted aye.** Chairman Medlin thanked all those who came and stated he appreciated their participation. He further stated the City and Commission has State and Federal guidelines that they must abide by and Ms. Seivwright will also have to comply with those requirements. Mr. Torres stated he felt that this is a residential area and he felt that it should remain residential. **A motion was then made by Gilbert Torres/Bert Dahl to deny the rezoning request. All members except James Horan and Tom Medlin voted aye. The motion to deny the rezoning request was approved.** Chairman Medlin then informed the applicant she has the right to appeal to the City Commission and told her to get with Mr. Carroll for the process to do that.

There was no further business to discuss and a **motion was made by Gilbert Torres/Bert Dahl to adjourn. All members present voted aye.**

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Tom Medlin, Chairman

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Donald Carroll, Secretary

**TO:** Mayor Doyle and City Commissioners  
**FROM:** Don Carroll, City Planner  
**DATE:** December 1, 2010  
**RE:** Matthew Mitrowski Rezoning Request

This request came before the Zoning Commission on November 16, 2010. Ten property owners were notified of the intent to rezone. There was no opposition to the rezoning intent. The request is located in an "Activity Corridor" on the Land Use Plan and this is a good fit with other developments in the area. After review of all pertinent information, the Zoning Commission voted to recommend approval of this request. This request is not in conflict with the Land Use Plan or Zoning Ordinance for the City. Please reference the minutes from the November 16, 2010 meeting for further details discussed during the Public Hearing.

DRC:jv

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of Texas City will hold a **Public Hearing** on **Wednesday, December 15, 2010 at 5:00 p.m.** in the Kenneth T. Nunn Room, City Hall, 1801 9<sup>th</sup> Avenue North, Texas City, Texas 77590. The purpose of the Public Hearing is to hear citizen's opinion in favor of or in opposition to the City of Texas City rezoning requests.

**REQUEST BY:** Matthew Mitrowski requests to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct a warehouse for industrial tools.

**BEING:** Being 2.082 acres out of Block 40, Clifton Land & Production Co. Survey.

**LOCATED :** At 5008 FM 646. .

Any citizen wishing to voice his or her opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to this rezoning request, you must submit valid reasons for opposition in writing to the City Commission of Texas City, P.O. Drawer 2608, Texas City, TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing in the City Commission.

/s/Don Carroll  
Don Carroll, City Planner  
City of Texas City

DATED: November 19, 2010



# CITY OF TEXAS CITY

Transportation & Planning Dept  
928 5<sup>th</sup> Ave North  
Texas City, Texas 77590  
409.643.5951  
Fax 409.949.3001

## DEVELOPMENT APPLICATION

### APPLICATION TYPE

PLEASE CHECK APPROPRIATE BOX BELOW

- |                                                   |                                        |                                                  |
|---------------------------------------------------|----------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> Replat        | <input type="checkbox"/> Subdivision Master Plan |
| <input type="checkbox"/> Detailed Site Plan       | <input type="checkbox"/> Minor Plat    | <input type="checkbox"/> ROW Abandonment         |
| <input type="checkbox"/> Preliminary Plat         | <input type="checkbox"/> Amending Plat |                                                  |
| <input type="checkbox"/> Final Plat               | <input type="checkbox"/> Vacating Plat |                                                  |

See appropriate checklist and fee schedule for minimum submittal requirements for each application

### PROPERTY INFORMATION

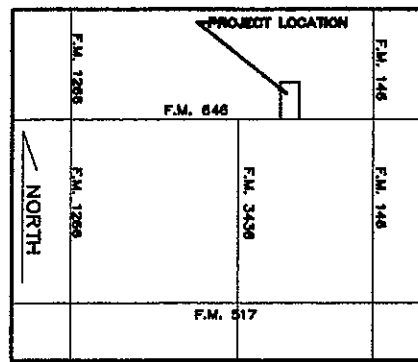
Project Name: KRM FM-646  
 Project Address or Location: 5008 FM646 Texas City  
 Legal Description: ~~1.302~~ ACRES OUT OF BLOCK 40 CLIFFTON LAKES & PRODUCTION SILVERDALE  
 Proposed No. of Lots: 2.082 ~~0~~ Gross Acreage: 1.302  
 Existing Zoning: OPEN Proposed Zoning: "PT" Planned-  
 Existing Use: undeveloped land Proposed Use: Light Industrial Warehouse  
for storage of industrial tools

### APPLICANT & OWNER INFORMATION

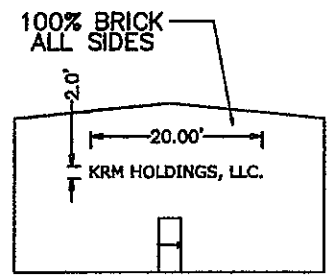
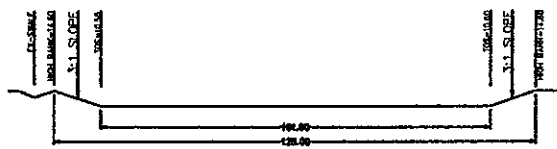
Name of Applicant: Matthew Mitrowski  
(print or type)  
 Signature: [Signature] Company: KRM Holdings LLC  
 Address: 1924 Mandy Ln.  
 City: League City State: Texas Zip: 77573  
 E-mail: M.Mitrowski@AOL.com Ph: 281-844-4658 Fax: 713-944-1060  
 Name of Property Owner: Matthew Mitrowski Stan Armentor  
(print or type)  
 Signature: [Signature] Company: Winstorm Plus Engineering Inc.  
 Address: 4823 FM-446 East  
 City: Texas City State: TX Zip: 77539  
 E-mail: winstorm Plus Engineering Ph: 281-339-2182 Fax: 281-339-1690  
 (The property owner may submit a notarized letter of authorization in lieu of a signed application)

### For Department Use Only

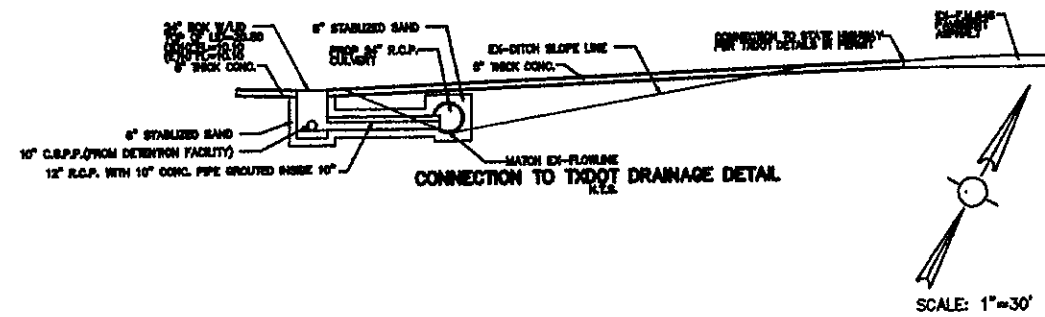
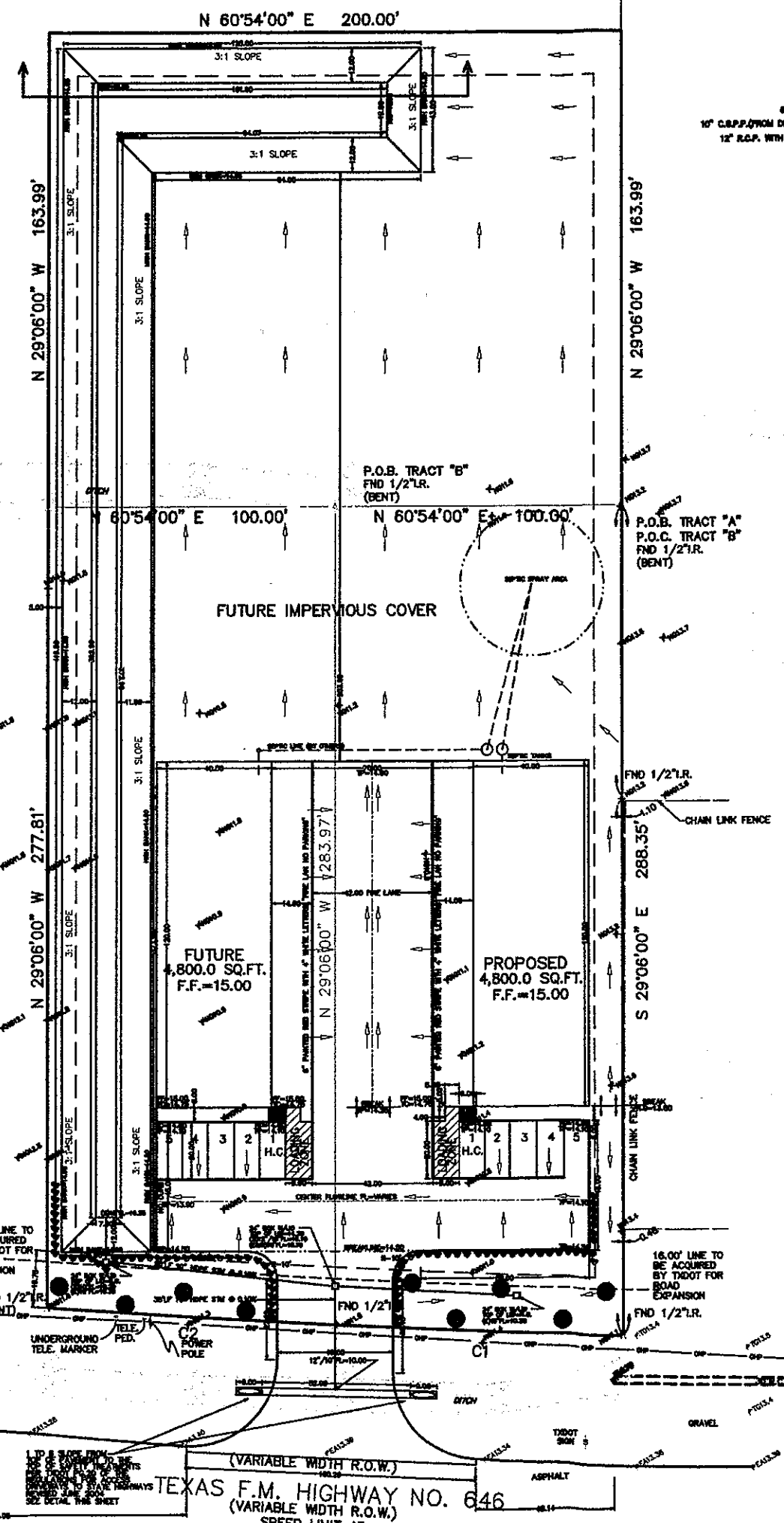
Date Received: 9-28-10 Fee Paid: \$ 300.<sup>00</sup>  
 Accepted by: [Signature]



VICINITY MAP  
N.T.S.



SIGN DETAIL



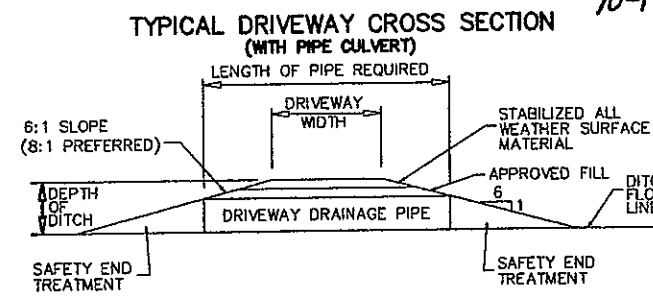
**DRAINAGE CALCULATIONS FOR COMMERCIAL WAREHOUSE ON 5008 EAST F.M. 646, BAILEY, TX**  
**DRAINAGE CALCULATIONS (EXISTING FOR GALVESTON COUNTY)**  
 TOTAL DEVELOPED DRAINAGE AREA = 1.30 AC.  
 TOTAL ACRES COVERED BY BUILDINGS & DRIVEWAYS AREAS = 0.00 AC.  
 $Q = C \cdot P \cdot (A) \cdot (I)$  2-YR EXISTING PER TxDOT  
 $Q = 0.11 \cdot (1.0) \cdot (1.30) = 0.143$  CFS (2YR TxDOT)  
 $Q = 2.98$  CFS (2YR ALLOWABLE DISCHARGE TO TxDOT)  
 $Q = C \cdot P \cdot (A) \cdot (I)$  100-YR EXISTING PER TxDOT  
 $Q = 1.25 \cdot (1.0) \cdot (1.30) = 1.625$  CFS (100-YR TxDOT)  
 $Q = 5.679$  CFS (100-YR ALLOWABLE DISCHARGE TO TxDOT)  
**DRAINAGE CALCULATIONS FOR COMMERCIAL WAREHOUSE ON 5008 EAST F.M. 646, BAILEY, TX**  
**DRAINAGE CALCULATIONS (PLANNED)**  
 TOTAL DEVELOPED DRAINAGE AREA = 1.30 AC.  
 TOTAL ACRES COVERED BY BUILDINGS & DRIVEWAYS AREAS = 1.10 AC.  
 STORAGE = 0.60' ADV.  
 $0.65 \cdot 1.10 = 0.715$  AC/FT  
 STORAGE = 0.715 AC/FT REQUIRED  
 DETENTION VOLUME REQUIRED  
 $0.715 \cdot 43560 = 31,145.40$  CUBIC FEET REQUIRED DETENTION VOLUME  
**DETENTION VOLUME PROVIDED**  
 TOP AREA OF DETENTION = 12,039.74 SQ.FT.  
 BOTTOM AREA OF DETENTION = 3,423.79 SQ.FT.  
 TOTAL CU.FT. OF DETENTION = 12039.74 - 3423.79 = 15,463.53 / 2 = 7731.76  
 $7731.76 \cdot \text{AVG. DEPTH } 4.2 = 32,473.39$  CUBIC FEET OF DETENTION  
**DETENTION VOLUME PROVIDED = 32,473.39 CU.FT. / 0.63 AC/FT**  
 OUTFALL THROUGH 10 INCH DIA PIPE WITH RESTRICTOR = 6" DIA PIPE  
 RESTRICTOR = 3 FT AREA OF 6" PIPE A = 2 SQ FT  
 PIPE COEFFICIENT C = 0.8  
 OUTFALL RATE  $Q = C \cdot A \cdot (2g \cdot H)^{0.5}$   
 $Q = 0.8 \cdot 2 \cdot (2 \cdot 32.2 \cdot 1.7)^{0.5}$   
 $Q = 1.674$  CFS PROPOSED DISCHARGE AMOUNT  
 $1.674 \cdot 3600 = 6026$  CF/HR  
 TIME TO DRAIN DETENTION SWALE  
 $= 32473.39 / 6026 = 5.38$  HOURS TOTAL VOLUME TO DRAIN

**PARKING TABULATION**  
 CITY REQUIRES ~ 1 SPACE FOR EVERY 250 SQ.FT. RETAIL SPACE  
 CITY REQUIRES ~ 1 SPACE FOR EVERY 1000 SQ.FT. WAREHOUSE SPACE  
 RETAIL BUILDING = 0.0 SQ.FT.  
 WAREHOUSE BUILDING = 4,800.00 SQ.FT.  
 TOTAL SPACES REQUIRED = 5 SPACES  
 TOTAL SPACES PROVIDED = 5 SPACES

**LANDSCAPE GREEN SPACE CALCULATION:**  
 TOTAL DEVELOPMENT AREA = 2.082 AC. / 90,691.92 SQ.FT.  
 15% OF TOTAL AREA = 31,891.99 SQ.FT. REQUIRED GREEN SPACE  
 GREEN SPACE PROVIDED (DETENTION PONDS NOT INCLUDED)  
 TOTAL GREEN SPACE PROVIDED:  
 31,891.99 SQ.FT.  
 OR 35% OF TOTAL LOT AREA.

**TREE CALCULATION:**  
 1-TREE FOR EVERY 30' OF FRONTAGE  
 246.83 OR 250/30 = 8.33 TREES REQUIRED  
 9 TREES REQUIRED  
 9 SAVANNAH HOLLIES PROVIDED

**LAND CALCULATION FOR REZONING**  
 1. 1.306 ACRES ~ Abst. 164, Page 10, Block 39 Clifton Land & Production Company Sub.  
 2. 0.776 ACRES ~ Abst. 164, Page 10, Block 39 Edward Payne Survey  
 TOTAL ACRES FOR REZONING = 2.082 ACRES  
 REZONING FROM (O) OPEN TO (PI) PLANNED INDUSTRIAL



TYPICAL DRIVEWAY CROSS SECTION (WITH PIPE CULVERT)

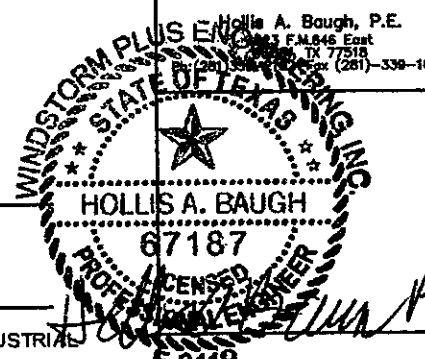
LEGEND.

TOS	TOE OF SLOPE
TOL	TOP OF LID (STORM)
CGPP	CORRUGATED PLASTIC
HB	HIGH BANK (TOP OF BERM)
FF	FINISHED FLOOR
TC	TOP OF CURB
TP	TOP OF PAVEMENT
FL	FLOWLINE
BL/E	BREAKLINE ELEVATION
DF	DRAINAGE FLOW ARROW
E	EXISTING ELEVATIONS
DA	DRAINAGE AREA BOUNDARY
X	SYMBOL FOR FABRIC FENCE (SEE SHEET 3)

**WINDSTORM + PLUS ENGINEERING SERVICE**  
 Windstorm + Inspections  
 Construction & Drainage Plans

Issue Date: \_\_\_\_\_

No.	Date	Description
1	11/11/08	SHOW MORE DETENTION FOR SITE, NOT DEVELOPED LAND
2	8/02/10	SHOW DRIVEWAY DISTANCES TO EXISTING DRIVEWAYS FROM PROP.
3	8/15/10	CHANGE SIZE OF BLDG. PER MR. MITROWSKI TO 4,800.00 SQ.FT.
4	7/19/10	ONE 18.00' TO TxDOT FOR FUTURE ROAD EXPANSION
5	8/13/10	PURCHASE ANOTHER 0.70 AC TO BRING PROPERTY TOTAL TO 2.082 AC



MATT MITROWSKI  
 KRM HOLDINGS, LLC WAREHOUSE  
 5009 F.M. 646 EAST  
 TEXAS CITY, TEXAS

Project Name:	WAREHOUSE DEVELOPMENT	
Sheet Title:	ZONING PLAN	
Designed By:	SWA	Drawn By: SWA
Checked By:	HAB	Date: 10/19/2010
Scale:	1 : 30/24X36 1 : 50/11X17	SHEET 3 OF 8

TEXAS F.M. HIGHWAY NO. 646  
 (VARIABLE WIDTH R.O.W.)  
 SPEED LIMIT 45



Imagery Date: Mar 13, 2010

29:29:38.98" N

© 2010 Google

95:00:20.74" W elev 15 ft

©2010 Google

Eye alt 3358 ft

**CITY COMMISSION AGENDA**

**Date: 12/15/2010**

Rezoning Public Hearing for Mitrowski

**Submitted By:** Jean Vincent, Inspections

**Department:** Planning

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**Information**

**ACTION REQUEST (Brief Summary)**

Public Hearing for Michael Mitrowski to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct warehouse and lease building for industrial tools. Being 2.082 acres out of Block 40, Clifton Land & Production Co. Survey. Located at 5008 FM 646. .

**BACKGROUND**

This request went before the Zoning Commission on November 16, 2010. After hearing all pertinent information the Commission unanimously voted approval of the request. The request is not in conflict with the Land Use Plan or the Zoning Ordinance.

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Zoning Minutes](#)

Link: [Memo-Mitrowski](#)

Link: [Public Hearing Notice](#)

Link: [Rezoning Application](#)

Link: [Mitrowski Site Plan](#)

Link: [Mitrowski google map](#)

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## ZONING COMMISSION MINUTES

November 16, 2010

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, November 16, 2010 at 5:15 p.m. Board members present were: Chairman, Tom Medlin; James Horan; Perry O'Brien; Bert Dahl; Yvonne Chatelain and Gilbert Torres. Staff members present were: Donald Carroll, Doug Kneupper and Brian Falk. Citizens present were: Michelle Gonzales, Veronica Seivwright, Destiny Anaele, Mmusi Ntseane, Aileen Cox, Abel Alvarez, Matthew Mitrowski, Larry Edrozo, Paul Gonzales, Betty & Eddie Cornish, Drew Holbrook, Lynn & Larry Leonhardt, Robert & Liz Buchanan, Elida Matthews, Melencio Villarreal, Mary C. Davila, Mike & Dee Clough, Jody & Tiffany Beard, Terri Hensarling, Barbie Tucker, Maria Eliaz, Monica Cassin, Barbara Clay, John Van Atta and Amy B. Mannie.

Chairman Medlin welcomed everyone and explained the procedures for the Public Hearing.

**APPROVAL OF MINUTES.** The minutes from the October 5, 2010 meeting were approved on a motion by Bert Dahl/Jim Horan. All members present voted aye.

**ITEM NO. 1** Matthew Mitrowski request to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct a warehouse for industrial tools. Being 2.082 acres out of Blk. 40, Clifton Land & Production Co. Survey. Located at 5008 FM 646. Mr. Carroll stated that 10 property owners were notified of the rezoning intent. No correspondence has been received. Mr. Carroll then read the comments from the various department heads. The comments were as follows: Planning Director, "No objection to the request to rezone to "P-". Staff has coordinated with the applicant to obtain a better understanding of the development intent. "P-I" is a good fit. It is not in conflict with Land Use Plan or Zoning Ordinance". Fire Marshal, "No objections". Building Official, "No objections". City Engineer, "Land Use Plan indicates "Activity Corridor" for this area. Proposed "P-I" rezoning fits well with Land Use Plan. No city utilities are available. Drainage to TXDOT roadway will require on-site detention. Lot size can support well and septic. Additional City approvals include a subdivision plat and a detailed site plan." Public Works, "No objections". Mr. Carroll indicated Mr. Mitrowski was present to speak on behalf of the proposal. **A motion was then made by Bert Dahl/James Horan to open the Public Hearing. All members present voted aye.** Mr. Mitrowski then addressed the commission and provided an overview of the development proposal. He stated his intent was to construct 2 buildings to buy and sell industrial tools. They would be brought in and taken out by trucks and all tools would be stored within the buildings. Mr. Carroll stated the Staff had met with Mr. Mitrowski as they were not clear at the beginning of what his intent was. Mr. Carroll then stated that "P-I" (Planned Industrial) was the highest and best use industrial use of the property. He continued that the basic intent was for warehousing out of one building and leasing the second building. Mr. Mitrowski stated that was an accurate assessment of the proposed use. He would lease the second building until he could financially operate

both buildings. Mr. Carroll stated this use would compliment the existing businesses in the area. There was no further discussion and **a motion to close the Public Hearing was made by Jim Horan/Bert Dahl. All members present voted aye.** Chairman Medlin then asked if there was further discussion. **A motion was then made by Bert Dahl/Gilbert Torres to approve the rezoning request. All members present voted aye.**

**ITEM NO. 2** Veronica Seivwright/Jerry Stripling request to rezone from "A" (Single Family Residential) to "S-P" (Site Plan) to operate an adult assisted living center. Being part of Lot 124 (124-6), Jemison's Addition. Located at 2924 29<sup>th</sup> St. No. Mr. Carroll indicated that 9 property owners were notified within 200' and on the request of the Planning Board, 25 additional property owners were notified of the rezoning intent. To date, 3 letters of opposition have been received and 2 letters were returned undeliverable. Mr. Carroll then read the letters of opposition from Robert & Elizabeth Buchanan, Betty & Eddie Cornish and Abel Alvarez and Aileen Cox (copy attached). Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: City Engineer, "Requires approximately 1800 sq. ft. of landscaping; doesn't appear this is being met. Parking lot needs to be a paved, dust-free surface. Otherwise, no objections". Planning Director, "No objection to the rezoning intent. The proposal must meet all provisions established in Section 40-49 subsection (1) (12)( C). Assisted Living facilities are protected under Federal statutes. The City has the authority to regulate location distances among these type of facilities and the number of clients -tenants allowed (six)." Public Works, "No comment". Fire Marshal, "No objections; however, 24 hour residential care homes are required to have an automatic fire sprinkler system (information only)." Utilities Director, "No objections". Building Official, "No objections". Mr. Carroll indicated the information regarding this request was already provided with the packet to the members. Chairman Medlin asked about the 6 clients. He stated it was his understanding that it was only 4. Mr. Carroll indicated this was included in the zoning provisions provided. He would find the exact information for Chairman Medlin and provide it for clarification. **A motion was then made by James Horan/Gilbert Toress to open the Public Hearing . All members present voted aye.** Chairman Medlin then asked for the applicant or her representative to speak. Mr. Larry Edrozo, representing the applicant and the property owners, then addressed the members. He stated Ms. Seivwright would oversee the facility and could provide detail answers to any questions. Mr. Edrozo continued by providing an overview of the proposal. He stated it will be an adult day care and residential care home. The would be overseen by the Texas Department of Aging and Disability Services. Ms. Seivwright would have to seek approval from this agency; however, she wanted to get zoning approval first. Mr. Edrozo stated that Mr. Stripling, the owner, was seriously ill and would have to be going into an assisted living facility himself. The hours of operation would be 7 a.m. to 3 p.m. and these clients would not be totally handicapped or mentally challenged to the extent they could not do anything for

themselves. Residents would require limited assistance. He stated all this information was provided in the business plan already provided to the Zoning Commission members. Ms. Seivwright then stated she appreciated the concerns of the surrounding property owners; however, she wants to provide a needed service. This would be a safe environment where the clients can get the help and support they need. Mr. Carroll then addressed the Chairman and members and stated he had not located the provision that set the cap of 6 residents for the assisted living portion of the request; however, he could with certainty state this was the maximum number of clients that could live at the facility. The questions from the members were then answered by Mr. Edrozo and Mr. Carroll. Chairman Medlin then asked for those in opposition to speak. He asked they speak one at a time and state their name and address. Michelle Gonzales of 2729 29<sup>th</sup> St. No.; Barbie Tucker of 2907 31<sup>st</sup> Ave.; Monica Cassin; Robert Buchanan of 2825 32<sup>nd</sup> Ave. No.; Abel Alvarez; Mary Davila; Maria Eliaz, 2910 31<sup>st</sup> Ave. No.; Lynn Leonhardt; Betty Cornish; and Destiny Anaele spoke in opposition to the request. Ms. Seivwright addressed questions raised by those in opposition. Chairman Medlin then stated he believed the largest concern was not the residents who would be living there but concerns about the day care operation where 20 to 30 people being there. The concern was the traffic would be increased due to people dropping off clients and picking them up. He asked Ms. Seivwright about the parking and fencing - what will be done. Ms. Seivwright stated the parking lot would be paved and fencing would be installed around the facility. Chairman Medlin asked if that would enclose the entire facility and she stated only the portion around the building, not the front portion. She indicated the proposed location of the fencing on the drawing for the members. Ms. Seivwright answered questions concerning the number of employees, the number of parking spaces for staff, background checks for employees, etc. After discussion, **a motion was made by James Horan/Bert Dahl to close the public hearing. All members present voted aye.** Chairman Medlin thanked all those who came and stated he appreciated their participation. He further stated the City and Commission has State and Federal guidelines that they must abide by and Ms. Seivwright will also have to comply with those requirements. Mr. Torres stated he felt that this is a residential area and he felt that it should remain residential. **A motion was then made by Gilbert Torres/Bert Dahl to deny the rezoning request. All members except James Horan and Tom Medlin voted aye. The motion to deny the rezoning request was approved.** Chairman Medlin then informed the applicant she has the right to appeal to the City Commission and told her to get with Mr. Carroll for the process to do that.

There was no further business to discuss and a **motion was made by Gilbert Torres/Bert Dahl to adjourn. All members present voted aye.**

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Tom Medlin, Chairman

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Donald Carroll, Secretary

**TO:** Mayor Doyle and City Commissioners  
**FROM:** Don Carroll, City Planner  
**DATE:** December 1, 2010  
**RE:** Matthew Mitrowski Rezoning Request

This request came before the Zoning Commission on November 16, 2010. Ten property owners were notified of the intent to rezone. There was no opposition to the rezoning intent. The request is located in an "Activity Corridor" on the Land Use Plan and this is a good fit with other developments in the area. After review of all pertinent information, the Zoning Commission voted to recommend approval of this request. This request is not in conflict with the Land Use Plan or Zoning Ordinance for the City. Please reference the minutes from the November 16, 2010 meeting for further details discussed during the Public Hearing.

DRC:jv

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City Commission of Texas City will hold a **Public Hearing** on **Wednesday, December 15, 2010 at 5:00 p.m.** in the Kenneth T. Nunn Room, City Hall, 1801 9<sup>th</sup> Avenue North, Texas City, Texas 77590. The purpose of the Public Hearing is to hear citizen's opinion in favor of or in opposition to the City of Texas City rezoning requests.

**REQUEST BY:** Matthew Mitrowski requests to rezone from "O" (Open Space) to "P-I" (Planned Industrial) to construct a warehouse for industrial tools.

**BEING:** Being 2.082 acres out of Block 40, Clifton Land & Production Co. Survey.

**LOCATED :** At 5008 FM 646. .

Any citizen wishing to voice his or her opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to this rezoning request, you must submit valid reasons for opposition in writing to the City Commission of Texas City, P.O. Drawer 2608, Texas City, TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing in the City Commission.

/s/Don Carroll  
Don Carroll, City Planner  
City of Texas City

DATED: November 19, 2010



# CITY OF TEXAS CITY

Transportation & Planning Dept  
928 5<sup>th</sup> Ave North  
Texas City, Texas 77590  
409.643.5951  
Fax 409.949.3001

## DEVELOPMENT APPLICATION

### APPLICATION TYPE

PLEASE CHECK APPROPRIATE BOX BELOW

- |                                                   |                                        |                                                  |
|---------------------------------------------------|----------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> Replat        | <input type="checkbox"/> Subdivision Master Plan |
| <input type="checkbox"/> Detailed Site Plan       | <input type="checkbox"/> Minor Plat    | <input type="checkbox"/> ROW Abandonment         |
| <input type="checkbox"/> Preliminary Plat         | <input type="checkbox"/> Amending Plat |                                                  |
| <input type="checkbox"/> Final Plat               | <input type="checkbox"/> Vacating Plat |                                                  |

See appropriate checklist and fee schedule for minimum submittal requirements for each application

### PROPERTY INFORMATION

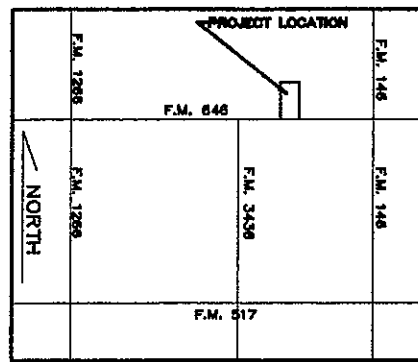
Project Name: KRM FM-646  
 Project Address or Location: 5008 FM646 Texas City  
 Legal Description: ~~1.302~~ ACRES OUT OF BLOCK 40 CLIFFTON LAKE & PRODUCTION SILVERDALE  
 Proposed No. of Lots: 2.082 ~~0~~ Gross Acreage: 1.302  
 Existing Zoning: OPEN Proposed Zoning: "PT" Planned-  
 Existing Use: undeveloped land Proposed Use: Light Industrial Warehouse  
for storage of industrial tools

### APPLICANT & OWNER INFORMATION

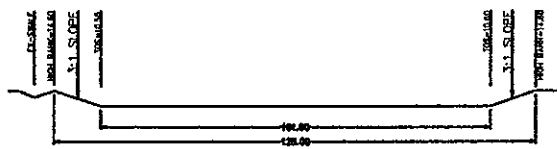
Name of Applicant: Matthew Mitrowski  
(print or type)  
 Signature: [Signature] Company: KRM Holdings LLC  
 Address: 1924 Mandy Ln.  
 City: League City State: Texas Zip: 77573  
 E-mail: M.Mitrowski@AOL.com Ph: 281-844-4658 Fax: 713-944-1060  
 Name of Property Owner: Matthew Mitrowski Stan Armentor  
(print or type)  
 Signature: [Signature] Company: Winstorm Plus Engineering Inc.  
 Address: 4823 FM-446 East  
 City: Texas City State: TX Zip: 77539  
 E-mail: winstorm Plus Engineering Ph: 281-339-2182 Fax: 281-339-1690  
 (The property owner may submit a notarized letter of authorization in lieu of a signed application)

### For Department Use Only

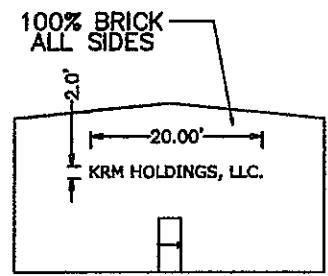
Date Received: 9-28-10 Fee Paid: \$ 300.<sup>00</sup>  
 Accepted by: [Signature]



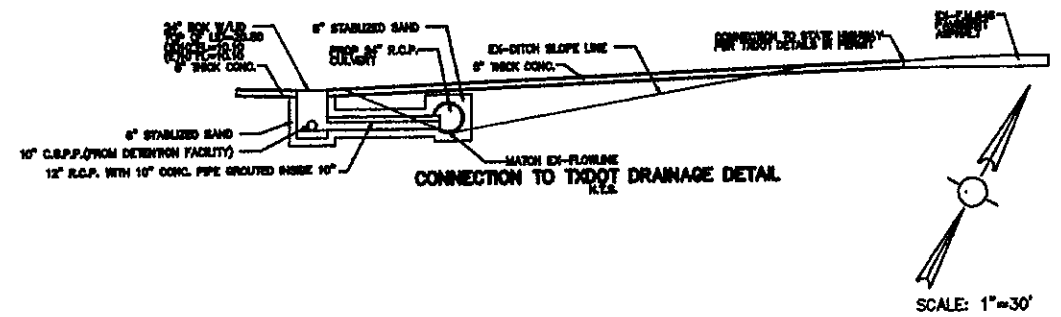
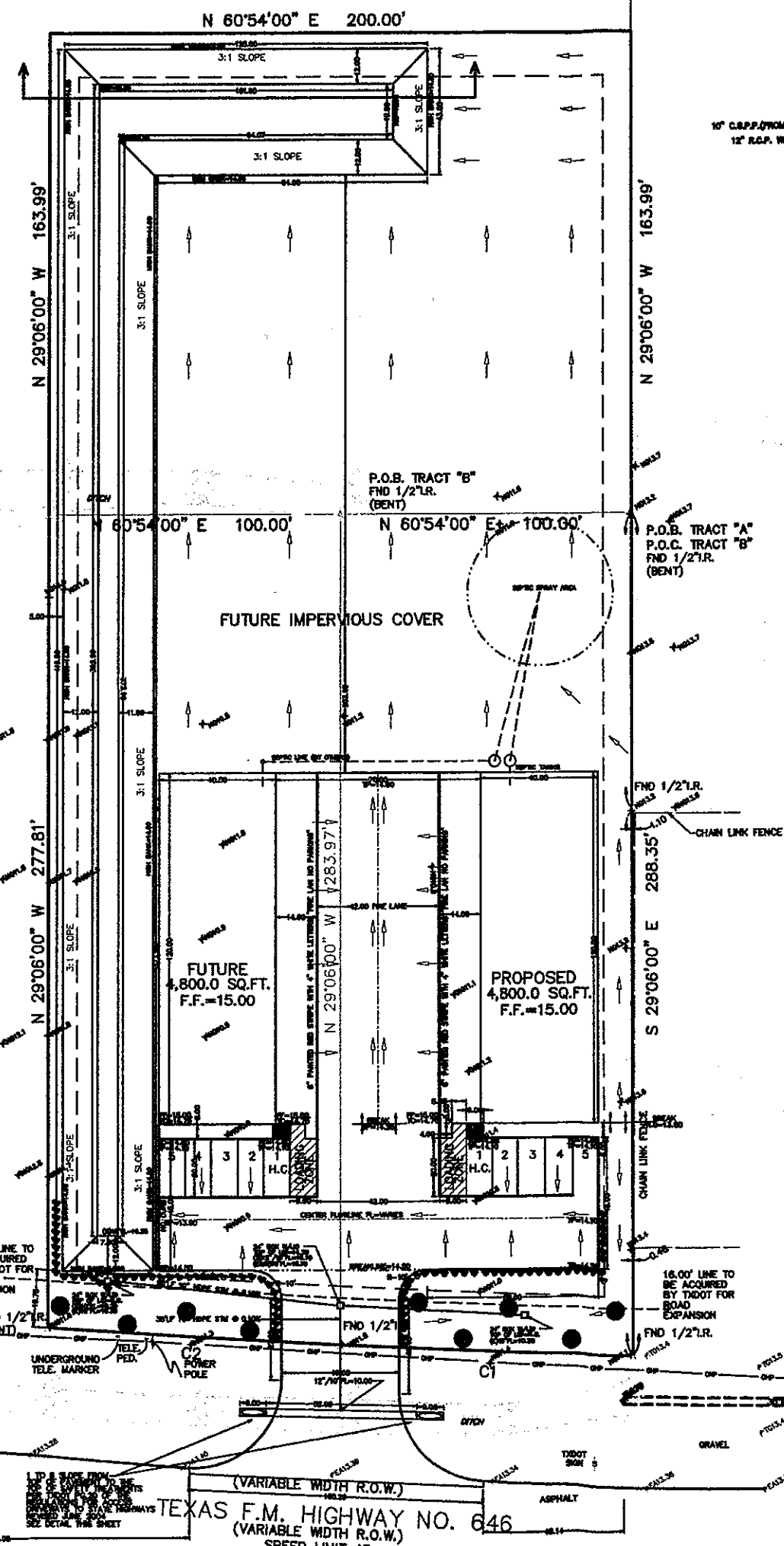
VICINITY MAP  
N.T.S.



FND 1/2" R. 100.00'



SIGN DETAIL



CONNECTION TO TxDOT DRAINAGE DETAIL

SCALE: 1"=30'

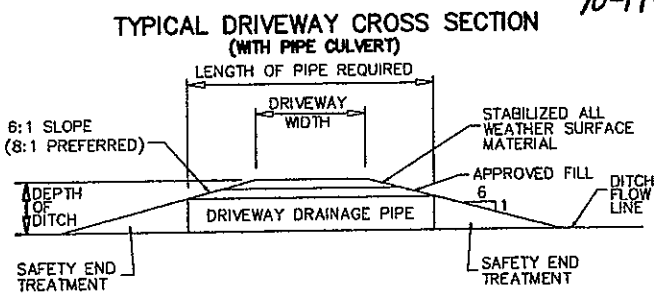
**DRAINAGE CALCULATIONS FOR COMMERCIAL WAREHOUSE ON 5008 EAST F.M. 646, BAILEY, TX**  
**DRAINAGE CALCULATIONS (EXISTING FOR GALVESTON COUNTY)**  
 TOTAL DEVELOPED DRAINAGE AREA = 1.30 AC.  
 TOTAL ACRES COVERED BY BUILDINGS & DRIVEWAYS AREAS = 0.00 AC.  
 $Q = C \cdot P \cdot (A)^{0.76}$  2-YR EXISTING PER TxDOT  
 $Q = 0.11 \cdot (1.0) \cdot (1.30)^{0.76} = 0.11 \cdot 1.0 \cdot 1.0 = 0.11$  CFS (2YR TxDOT)  
 $Q = 2.98$  CFS (2YR ALLOWABLE DISCHARGE TO TxDOT)  
 $Q = C \cdot P \cdot (A)^{0.76}$  100-YR EXISTING PER TxDOT  
 $Q = 1.25 \cdot (1.0) \cdot (1.30)^{0.76} = 1.25 \cdot 1.0 \cdot 1.0 = 1.25$  CFS (100-YR TxDOT)  
 $Q = 5.679$  CFS (100-YR ALLOWABLE DISCHARGE TO TxDOT)  
**DRAINAGE CALCULATIONS FOR COMMERCIAL WAREHOUSE ON 5008 EAST F.M. 646, BAILEY, TX**  
**DRAINAGE CALCULATIONS (PLANNED)**  
 TOTAL DEVELOPED DRAINAGE AREA = 1.30 AC.  
 TOTAL ACRES COVERED BY BUILDINGS & DRIVEWAYS AREAS = 1.10 AC.  
 STORAGE = 0.60' ADV.  
 $0.65 \cdot 1.10 = 0.715$  AC/FT  
 STORAGE = 0.715 AC/FT REQUIRED  
 DETENTION VOLUME REQUIRED  
 $0.715 \cdot 43560 = 31,145.40$  CUBIC FEET REQUIRED DETENTION VOLUME  
**DETENTION VOLUME PROVIDED**  
 TOP AREA OF DETENTION = 12,039.74 SQ.FT.  
 BOTTOM AREA OF DETENTION = 3,423.79 SQ.FT.  
 TOTAL CU.FT. OF DETENTION = 12039.74 + 3423.79 = 15,463.53 / 2 = 7731.76  
 $7731.76 \cdot \text{AVG. DEPTH } 4.2 = 32,473.39$  CUBIC FEET OF DETENTION  
**DETENTION VOLUME PROVIDED = 32,473.39 CU.FT. / 0.63 AC/FT**  
 OUTFALL THROUGH 10 INCH DIA PIPE WITH RESTRICTOR = 6" DIA PIPE  
 RESTRICTOR = 3 FT AREA OF 6" PIPE A = 2 SQ FT  
 PIPE COEFFICIENT C = 0.8  
 OUTFALL RATE  $Q = C \cdot A \cdot (2g \cdot H)^{0.5}$   
 $Q = 0.8 \cdot 2 \cdot (2 \cdot 32.2 \cdot 1.7)^{0.5}$   
 $Q = 1.674$  CFS PROPOSED DISCHARGE AMOUNT  
 $1.674 \cdot 3600 = 6026$  CF/HR  
 TIME TO DRAIN DETENTION SWALE  
 $= 32473.39 / 6026 = 5.38$  HOURS TOTAL VOLUME TO DRAIN

**PARKING TABULATION**  
 CITY REQUIRES ~ 1 SPACE FOR EVERY 250 SQ.FT. RETAIL SPACE  
 CITY REQUIRES ~ 1 SPACE FOR EVERY 1000 SQ.FT. WAREHOUSE SPACE  
 RETAIL BUILDING = 0.0 SQ.FT.  
 WAREHOUSE BUILDING = 4,800.00 SQ.FT.  
 TOTAL SPACES REQUIRED = 5 SPACES  
 TOTAL SPACES PROVIDED = 5 SPACES

**LANDSCAPE GREEN SPACE CALCULATION:**  
 TOTAL DEVELOPMENT AREA = 2.082 AC. / 90,691.92 SQ.FT.  
 15% OF TOTAL AREA = 31,891.99 SQ.FT. REQUIRED GREEN SPACE  
 GREEN SPACE PROVIDED (DETENTION PONDS NOT INCLUDED)  
 TOTAL GREEN SPACE PROVIDED:  
 31,891.99 SQ.FT.  
 OR 35% OF TOTAL LOT AREA.

**TREE CALCULATION:**  
 1-TREE FOR EVERY 30' OF FRONTAGE  
 246.83 OR 250/30 = 8.33 TREES REQUIRED  
 9 TREES REQUIRED  
 9 SAVANNAH HOLLIES PROVIDED

**LAND CALCULATION FOR REZONING**  
 1. 1.306 ACRES ~ Abst. 164, Page 10, Block 39 Clifton Land & Production Company Sub.  
 2. 0.776 ACRES ~ Abst. 164, Page 10, Block 39 Edward Payne Survey  
 TOTAL ACRES FOR REZONING = 2.082 ACRES  
 REZONING FROM (O) OPEN TO (PI) PLANNED INDUSTRIAL



TYPICAL DRIVEWAY CROSS SECTION (WITH PIPE CULVERT)

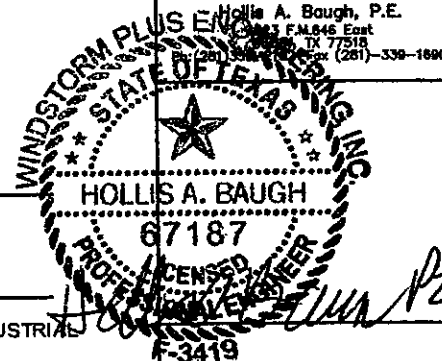
LEGEND.

TOS	TOE OF SLOPE
TOL	TOP OF LID (STORM)
CGPP	CORRUGATED PLASTIC
HB	HIGH BANK (TOP OF BERM)
FF	FINISHED FLOOR
TC	TOP OF CURB
TP	TOP OF PAVEMENT
FL	FLOWLINE
BL/E	BREAKLINE ELEVATION
DF	DRAINAGE FLOW ARROW
X	EXISTING ELEVATIONS
---	DRAINAGE AREA BOUNDARY
X --- X	SYMBOL FOR FABRIC FENCE (SEE SHEET 3)

**WINDSTORM + PLUS ENGINEERING SERVICE**  
 Windstorm + Inspections  
 Construction & Drainage Plans

Issue Date: \_\_\_\_\_

No.	Date	Description
1	11/11/08	SHOW MORE DETENTION FOR SITE, NOT DEVELOPED LAND
2	8/02/10	SHOW DRIVEWAY DISTANCES TO EXISTING DRIVEWAYS FROM PROP.
3	8/15/10	CHANGE SIZE OF BLDG. PER MR. MITROWSKI TO 4,800.00 SQ.FT.
4	7/19/10	ONE 18.00' TO TxDOT FOR FUTURE ROAD EXPANSION
5	8/13/10	PURCHASE ANOTHER 0.70 AC TO BRING PROPERTY TOTAL TO 2.082 AC



MATT MITROWSKI  
 KRM HOLDINGS, LLC WAREHOUSE  
 5009 F.M. 646 EAST  
 TEXAS CITY, TEXAS

Project Name:	WAREHOUSE DEVELOPMENT		
Sheet Title:	ZONING PLAN		
Designed By:	SWA	Drawn By:	SWA
Checked By:	HAB	Date:	10/19/2010
Scale:	1 : 30/24X36 1 : 50/11X17	Sheet:	SHEET 3 OF 8

TEXAS F.M. HIGHWAY NO. 646  
 (VARIABLE WIDTH R.O.W.)  
 SPEED LIMIT 45



Imagery Date: Mar 13, 2010

© 2010 Google

29°29'38.98" N 95°00'20.74" W elev 15 ft

©2010 Google

Eye alt 3358 ft

**CITY COMMISSION AGENDA**

**Date: 12/15/2010**

December 1, 2010 City Commission Minutes

**Submitted By:** Susan Sensat, Administration

**Department:** Administration

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**Information**

**ACTION REQUEST (Brief Summary)**

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [12-1-2010 CC Minutes](#)

Link: [Coast Guard ltr](#)

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REGULAR CALLED CITY COMMISSION MEETING

MINUTES

WEDNESDAY, DECEMBER 1, 2010 – 5:00 P.M.  
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

**A Regular Called Meeting of the City Commission** was held on **Wednesday, December 1, 2010, at 5:00 P.M.** in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas, with the following in attendance: Mayor Matthew T. Doyle; Commissioners: Mike Land, Donald Singleton, Scooter Wilson, Dee Ann Haney, Dedrick Johnson and Rick Wilkenfeld.

The **Mayor** called upon **Pastor Daniel Keur, Trinity Baptist Church**, to offer the **Invocation. Commissioner Wilkenfeld** led all present in the **recitation of the Pledge of Allegiance.**

**PROCLAMATIONS AND PROMOTIONS**

Mayor Doyle commended the Youth in Government students and mentioned it was the 54<sup>th</sup> year the City has held Youth in Government day.

Mayor asked Assistant Fire Chief David Zacherl to introduce Captain Strickhausen, Engineer Greg Garrett and Firefighter James Gaus as well as Lieutenant Commander Watson, executive officer of the United States Coast Guard Marine Safety Unit currently of Galveston. Commander Watson was asked to read the letter of appreciation.

Commander Watson introduced himself as executive officer second in command with the United States Coast Guard Marine Safety Unit Galveston, but as of December 13, 2010, it will officially become Marine Safety Unit Texas City. Commander Elliott was called away to a meeting in Dallas and Commander Watson was taking his place. Commander Watson read the letter of appreciation attached here to the minutes Exhibit "A." The letter outlines the heroic efforts of Captain Strickhausen, Engineer Greg Garrett and Firefighter James Gaus as they assisted the Coast Guard in a dangerous situation during a rescue attempt of three drowning victims on October 3, 2010 in waters off the Texas City Dike.

Captain Stephen Strickhausen spoke and said this was truly an honor for himself and his crew but felt it was a bigger honor for us to be able to give back to an organization like the Coast Guard that does give so much to the citizens of our wonderful country.

Mayor mentioned on December 13, 2010 at 1:30 the Coast Guard currently named Marine Safety Unit of Galveston will change their name to Marine Safety Unit of Texas City and will officially be housed in Texas City off FM 2004 near the Mall of the Mainland.

Emken Linton, Chairman of the Centennial Celebration Executive Committee, spoke about the Centennial Celebration. He mentioned that a forty member Executive Committee was formed. There are several sub-committees such as the history, communications, fundraising, events and volunteer committees. Anyone can volunteer on-line. The City will host events for 10 months marking the 100 year anniversary. This Thursday the City holds its annual Christmas Parade with a Centennial theme and the New Year's Eve party will

kick-off the 10 month celebration. Each month during the 10 months a decade will be presented. The history committee has already provided a pictorial history on stand-up panels that will be displayed in the Nessler Center and Doyle Convention Center. The school district is involved and there are events planned so that everyone can find some way to participate. Check the website to cover all the events culminating in a Football Game on Friday, September 16 and a Gala on Saturday, September 17.

Mayor thanked Emken Linton for his past service, present service and future service to the City.

### **CONSENT AGENDA**

- a. Consider approval of the minutes from November 17, 2010 regular called City Commission Meeting.
- b. Resolution No. 10-126 approving the purchase and delivery of one (1) Doosan Hydraulic Crawler Long Beach Excavator through the Texas Association of School Boards (TASB).

#### RESOLUTION NO. 10-126

A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF ONE DOOSAN HYDRAULIC CRAWLER LONG REACH EXCAVATOR THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB), A TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, FOR PUBLIC WORKS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- c. Resolution No. 127 awarding a six (6) month contract for Liquid Asphalt.

#### RESOLUTION NO. 10-127

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A SIX (6) MONTH CONTRACT FOR LIQUID ASPHALT TRANSPORT LOADS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Haney made a MOTION to APPROVE CONSENT AGENDA items a., b. and c.; the motion was SECONDED by Commissioner Wilkenfeld. All present voted AYE. MOTION CARRIED.

### **REGULAR ITEMS**

- a. Consider approval of Ordinance No. 10-30 requesting to amend the City of Texas City's fiscal year 2010-11 budget to accommodate the purchase of a long arm excavator.

Laura Boyd mentioned a budget amendment is needed to appropriate funds for the purchase of the long arm excavator in the amount of \$189,536.00. The excavator being replaced was scheduled for replacement this fiscal year from the capital equipment replacement fund.

ORDINANCE NO. 10-30

AN ORDINANCE AMENDING ORDINANCE NO. 10-21, ADOPTING THE 2010-2011 FISCAL YEAR BUDGET FOR APPROPRIATION OF FUNDS FOR THE PURCHASE OF A LONG ARM EXCAVATOR; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Johnson made a MOTION to APPROVE Ordinance No. 10-30 requesting to amend the City of Texas City's fiscal year 2010-11 budget to accommodate the purchase of a long arm excavator; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.

**PUBLIC COMMENTS**

No public comment.

**MAYOR'S COMMENTS**

Mayor announced the Christmas parade is Thursday, December 2, the lineup will be at Godard Park and travels to the Convention Center down 21<sup>st</sup> Street.

December 5 at 2:00 p.m. is the Carver Park opening. There will be chip beef sandwiches.

December 15, 2010 at 4:00 p.m. will be Commissioners' photos.

**COMMISSIONERS' COMMENTS**

No Commissioners' comments.

Having no further business, Commissioner Land made a MOTION to ADJOURN at 5:15 p.m.; the motion was SECONDED by Commissioner Johnson. All present voted AYE. MOTION CARRIED.

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MATTHEW T. DOYLE, MAYOR

ATTEST:

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Susan Sensat, Deputy City Secretary  
12-1-2010

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commanding Officer  
United States Coast Guard  
Marine Safety Unit Galveston

P.O. Box 0149  
Galveston, TX 77553  
Phone: (409) 766-5400  
Fax: (409) 766-5415

5216  
October 24, 2010

Captain Ebert  
Texas City Fire Department  
825 10<sup>th</sup> Street North  
Texas City, TX 77590

Dear Captain Ebert,

On behalf of the U.S. Coast Guard, I want to sincerely thank Captain Steve Strickhausen, Fire Fighter Greg Garrett, and Fire Fighter James Gaus for their responsiveness and decisive actions during a Search and Rescue operation near the Texas City Dike on October 3<sup>rd</sup>, 2010.

While on a law enforcement patrol in Texas City, our law enforcement team discovered two young girls and their father in a life threatening situation. After calling in additional air and surface assets, two of our officers entered the water in an attempt to rescue the swimmers that had been caught in a rip current. During this rescue attempt, one of our officers was overcome by the strong current and pulled away from shore. The quick actions by Captain Strickhausen and his boat crew ensured our officer was safely recovered and prevented the situation from becoming far worse.

Thank you again for your service to our community and for your selfless responsiveness in our time of need.

Sincerely,

A handwritten signature in black ink that reads "James E. Elliott". The signature is fluid and cursive, with a large initial "J" and "E".

J. E. ELLIOTT  
Commander, U. S. Coast Guard  
Commanding Officer

**CITY COMMISSION AGENDA**

**Date: 12/15/2010**

Approval of Resolution to Allow Galveston County Health District to perform Vital Statistic Services for the City of Texas City

**Submitted By:** Nick Finan, Management Services

**Department:** Management Services

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**Information**

**ACTION REQUEST (Brief Summary)**

Consider approval of Resolution approving the Vital Statistics Department of the City of Texas City operations to be turned over to the Galveston County Health District.

**BACKGROUND**

Previously, the City Council approved a resolution for the mayor move forward on developing a program for the City of Texas City to turn over the Vitals Statistics services to the Galveston County Health District. Staff of both entities have been working with the state on an implementation plan. The plan is as follows. The Galveston County Health Districts Local Registrar will become the Local Registrar for all of the County including Texas City (currently, she is already the Local Registrar for all of the other cities and the county with only the City of Texas City operating a Vital Statistic service outside of her authority). The City of Texas City will continue to provide the service in City Hall and pay the County Health District \$25/hour for roughly 2 to 4 hours of work the Local Registrar performs for the City. The City will continue to collect fees and provide all other services with its personnel and pay or reimburse the State for the fees it charges to perform the Vital Statistics. Once the County completes its new annex in roughly a year, the Health District will move into the new facility, which is located within the city limits of Texas City, and take over all operations and collect all fees and pay all fees to the State. The City will officially be out of the Vital Statistic service arena and will no longer offer the services at City Hall, reducing duplicity with the county.

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Res 10-128](#)

Link: [Exhibit A](#)

---

## RESOLUTION NO. 10-128

### **A RESOLUTION AUTHORIZING GALVESTON COUNTY HEALTH DISTRICT TO PERFORM VITAL STATISTIC SERVICES FOR THE CITY OF TEXAS CITY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the City Council previously approved, by Resolution No. 10-082, the development of a program for the City to turn over its vital statistic services to the Galveston County Health District (“GCHD”);

**WHEREAS**, the program, as set out in the letter from GCHD attached hereto as Exhibit “A”, would allow for the Galveston County Health District Local Registrar, who is presently the Registrar for the County and all cities within the County, with the exception of Texas City, to become the Local Registrar for the City of Texas City;

**WHEREAS**, when the County completes the new annex facility, in approximately one year, the GCHD will move into the new facility, located within Texas City limits, and assume all operations, collection of fees and payment of fees to the State, at which time the City of Texas City will no longer offer vital statistic services; and

**WHEREAS**, the Galveston County Health District and the City of Texas City desire to enter into an Interlocal Agreement for the Local Registrar of GCHD to be designated as vital statistics registrar for the City, under the terms and conditions set forth in the Interlocal Agreement attached hereto as Exhibit “B”, and made a part hereof for all intents and purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the Commission approves the Interlocal Agreement authorizing the consolidation of Vital Statistic records between the City of Texas City and the Galveston County Health District.

**SECTION 2:** That the Mayor is authorized to execute the Interlocal Agreement in the form attached hereto as Exhibit “B”, and made a part hereof for all intents and purposes.

**SECTION 3:** That this Resolution shall be in full force and effect from and after its passage and adoption.

**PASSED AND ADOPTED this 15<sup>th</sup> day of December, 2010.**

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Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Ronald F. Plackemeier  
City Attorney

# GALVESTON COUNTY HEALTH DISTRICT

*4C's Clinics, Public Health Programs, Galveston E.M.S.*

Harlan "Mark" Guidry, MD, MPH  
Chief Executive Officer & Health Authority



Warren J. Holland III  
Chief Operating Officer

[www.gchd.org](http://www.gchd.org)

November 1, 2010

Mr. Nicholas Finan  
Executive Director of Management Services/City Secretary  
1801 9th Avenue North  
Texas City, Texas 77592-2608

Dear Mr. Finan:

Galveston County Health District proposes that the City of Texas City pays an hourly rate of \$25 to the Health District for services rendered by local registrar, Alma Garcia. Alma will work no more than 5 hours a day for 3 days a week until the records can be brought up to date. This should take no longer than 3 weeks. Thereafter, the local registrar will work no more than 4 hours a week to maintain records and generate reports.

Mrs. Garcia duties will entail generating reports needed for City of Texas City, Texas Department of State Health Services (DSHS) Vital Statics, State Comptroller's office, and other requested reports; and bringing back log vital statistic records current, such as filing home births via Texas Electronic Registrar, attaching medical amendments, submitting birth and death records to DSHS and train City of Texas City staff to carry out other vital statistic related activities in the daily operation, if needed.

The Health District looks forward to this collaboration of eventually merging the vital statistic records into one entity. If you have any questions please contact me at 409.938.2401.

Sincerely,

  
W. Jay Holland  
Chief Operating Officer

## **CITY COMMISSION AGENDA**

**Date: 12/15/2010**

Purchase and delivery of one Ford F750 Regular Cab with Smith Tank Water System and one Ford F750 Regular Cab

**Submitted By:** Rita Williams, Purchasing

**Department:** Purchasing

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### **Information**

#### **ACTION REQUEST (Brief Summary)**

Approve the purchase and delivery of one Ford F750 Regular Cab with Smith Tank Water System, for the total contract price of \$83,825.80, and one Ford F750 Regular Cab, for the total contract price of \$59,934.80 through the Texas Association of School Board (TASB), a Texas Local Government Purchasing Cooperative.

The delivering dealer is Philpott Motors, in Nederland.

The contract customized product pricing summaries are attached for your review.

#### **BACKGROUND**

The equipment will be utilized by Public Works - Street and Bridge.

#### **ANALYSIS**

It is my recommendation to award the purchase and delivery of the two (2) F750 Regular Cabs through the Texas Association of School Board (TASB), a Texas Local Government Purchasing Cooperative, for the total contract price of \$143,760.60.

Thank you.

#### **ALTERNATIVES CONSIDERED**

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### **Attachments**

Link: [Res 10-129](#)

Link: [Exhibit A](#)

Link: [Exhibit B](#)

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**RESOLUTION NO. 10-129**

**A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF ONE FORD F750 REGULAR CAB WITH SMITH TANK WATER SYSTEM AND ONE FORD F75 REGULAR CAB THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB), A TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, FOR PUBLIC WORKS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, the Purchasing Coordinator is recommending that the City purchase one (1) Ford F750 Regular Cab with Smith Tank Water System for \$83,825.80 and one (1) Ford F750 Regular Cab for \$59,934.80, through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for a total purchase price of \$143,760.60, as set out on Exhibit "A", attached hereto and made a part hereof;

**WHEREAS**, the vehicles and equipment will be utilized by Public Works – Street and Bridge; and

**WHEREAS**, the delivering dealer is Philpott Motors, Nederland, Texas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the City Commission of the City of Texas City, Texas, hereby approves the purchase and delivery of one (1) Ford F750 Regular Cab with Smith Tank Water System for \$83,825.80 and one (1) Ford F750 Regular Cab for \$59,934.80, through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative.

**SECTION 2:** That the Mayor is hereby authorized to negotiate and execute any documentation necessary for the purchase and delivery of the vehicles and equipment through the Texas Association of School Boards (TASB), a Texas Local Government Purchasing Cooperative, for Public Works Department, for the total contract price of \$143,760.60.

**SECTION 3:** That this Resolution shall be in full force and effect from and after its passage and adoption.

**PASSED AND ADOPTED this 15th day of December, 2010.**

---

Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Ronald F. Plackemeier  
City Attorney





**CITY COMMISSION AGENDA**

**Date: 12/15/2010**

Bid # 2011-234 Seven (7) 2011 Model 3/4 Ton Pick Up Trucks and One (1) 2011 Model Hybrid SUV

**Submitted By:** Rita Williams, Purchasing  
**Department:** Purchasing

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**Information**

**ACTION REQUEST (Brief Summary)**

Approve and award Bid # 2011-234 for the purchase and delivery of Seven (7) 2011 Model 3/4 Ton Pick Up Trucks and one (1) 2011 Model Hybrid SUV; to be utilized by the following departments:

Specification "A" - (2) Recreation & Tourism \$36,380.00, (1) Public Works \$18,190.00 and (1) Utilities \$18,190.00.  
Specification "B" - (1) Sanitation \$18,875.00.  
Specification "C" - (1) Sanitation \$20,550.00.  
Specification "D" - (1) Public Works \$20,700.00.  
Specification "E" - (1) Fire \$27,250.00.

**BACKGROUND**

On November 5, 2010, nine (9) bid packets were mailed to area vendors. A bid tabulation is attached for your review.

Bids opened Tuesday, November 30, 2010.

**ANALYSIS**

The low responsible bid meeting all specifications was received from Helfman Ford, in Stafford, for the total bid amount of \$160,135.00.

It is my recommendation to award the purchase and delivery of the seven (7) 3/4 ton pick up trucks and one (1) Hybrid SUV to Helfman Ford, for the total bid amount of \$160,135.00

Thank you.

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Res 10-130](#)

Link: [Exhibit A](#)

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**RESOLUTION NO. 10-130**

**A RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF SEVEN 2011 3/4 TON TRUCKS AND ONE FORD HYBRID SUV; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, on November 5, 2010, nine bid packets were mailed to area vendors for the purchase and delivery of seven (7) 2011 3/4 Ton trucks and one (1) 2011 Hybrid SUV to be utilized as follows:

Specification "A":	(2) Recreation & Tourism	\$36,380.00
	(1) Public Works	\$18,190.00
	(1) Utilities	\$18,190.00
Specification "B":	(1) Sanitation	\$18,875.00
Specification "C":	(1) Sanitation	\$20,550.00
Specification "D":	(1) Public Works	\$20,700.00
Specification "E":	(1) Fire	\$27,250.00

**WHEREAS**, bids opened on November 30, 2010, and the lowest bid received meeting all specifications was received from Helfman Ford for the total bid amount of \$160,135.00, as set out on the bid tabulation attached hereto as Exhibit "A", and made a part hereof for all intents and purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the successful bidder for the purchase and delivery of seven (7) 2011 3/4 Ton trucks and one (1) 2011 Hybrid SUV is Helfman Ford in Stafford, Texas.

**SECTION 2:** That the Mayor is hereby authorized to enter into a contract with Helfman Ford for the purchase and delivery of seven (7) 2011 3/4 Ton trucks and one (1) 2011 Hybrid SUV, Bid No. 2011-230, for the unit prices set and total bid amount of \$160,135.00, as set out in Exhibit "A", attached hereto and incorporated herein for all intents and purposes.

**SECTION 3:** That this Resolution shall be in full force and effect from and after its passage and adoption.

**PASSED AND ADOPTED this 15th day of December, 2010.**

---

Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Ronald F. Plackemeier  
City Attorney

## BID TABULATION

**BID #2011-234**

**Seven (7) 2011 Model ¾ Ton Pick Up Trucks and  
One (1) 2011 Model Hybrid SUV**

Bid Opening: Tuesday, November 30, 2010 @ 2:00 p.m.

SPECIFICATIO N	Helfman Ford Stafford, Texas	Tommie Vaughn Motors, Inc. Houston, Texas	Philpott Motors Nederland, Texas	Caldwell Country Caldwell, Texas	McRee Ford Dickinson, Texas	Sam Pack's Five Star Ford Carrollton, Texas
<b>"A"</b>	<b>\$18,190.00 x 4 = \$72,760.00 2011 Ford F250 75-90 days</b>	\$18,104.00 x 4 = \$72,760.00 2011 Ford F250 XL 45-75 days	\$18,482.00 x 4 = \$72,760.00 2011 Ford F250 90-120 days	\$18,656.00 x 4 = \$72,760.00 2011 Ford F250 90 days	\$18,776.60 x 4 = \$72,760.00 2011 Ford F250 60-70 days	\$18,703.00 x 4 = \$72,760.00 2011 Ford F250 120 days
<b>"B"</b>	<b>\$18,875.00 2011 Ford F250 75-90 days</b>	\$18,874.00 2011 Ford F250 XL 45-75 days	\$19,162.00 2011 Ford F250 90-120 days	\$19,420.00 2011 Ford F250 90 days	\$19,556.60 2011 Ford F250 60-70 days	\$19,383.00 2011 Ford F250 120 days
<b>"C"</b>	<b>\$20,550.00 2011 Ford F250 75-90 days</b>	\$20,966.00 2011 Ford F250 XL 45-75 days	\$20,814.00 2011 Ford F250 90-120 days	\$21,040.00 2011 Ford F250 90 days	\$21,208.60 2011 Ford F250 60-70 days	\$20,990.00 2011 Ford F250 120 days
<b>"D"</b>	<b>\$20,700.00 2011 Ford F250 75-90 days</b>	\$21,156.00 2011 Ford F250 XL 45-75 days	\$20,984.00 2011 Ford F250 90-120 days	\$21,190.00 2011 Ford F250 90 days	\$21,378.60 2011 Ford F250 60-70 days	\$21,190.00 2011 Ford F250 1200 days
<b>"E"</b>	<b>\$27,250.00 2011 Ford Escape 75-90 days</b>	\$27,591.00 2011 Ford Escape 60-75 days	\$27,463.00 2011 Ford Escape 90-120 days	\$27,557.00 2011 Ford Escape 120 days	\$27,766.18 2011 Ford Escape 60-70 days	\$27,788.00 2011 Ford Escape 150 days
<b>TOTAL BID</b>	<b>\$160,135.00</b>	\$161,003.00	\$162,351.00	\$163,831.00	\$165,016.38	\$164,163.00

**CITY COMMISSION AGENDA****Date: 12/15/2010**

Consider approval of a request to amend the City of Texas City's fiscal year 2010-11 budget.

<b>Submitted For:</b>	Laura Boyd, Finance	<b>Submitted By:</b>	Laura Boyd, Finance
<b>Department:</b>	Finance		

**Information****ACTION REQUEST (Brief Summary)**

Consider approval of a request to amend the City of Texas City's fiscal year 2010-11 budget.

**BACKGROUND**

A budget amendment is needed to appropriate funds for the purchase of two 3/4 ton pick up trucks, one Ford F750 regular cab truck with Smith Water Tank System, and one Ford F750 regular cab truck as described above in the consent agenda. The two 3/4 ton pick up trucks were scheduled to be replaced this fiscal year from the capital equipment replacement fund but were not requested at the time of budget preparation. The two F750 trucks will be funded from the undesignated fund balance in the capital equipment replacement fund.

The F750 with Smith Water Tank System less amount allotted for scheduled replacement of water tank truck equals the amount of the budget amendment. (\$83,825.80 less \$16,320.00 equals \$67,505.80)

The F750 less amount allotted for scheduled replacement of E350 van that does not need to be replaced equals the amount of the budget amendment. (\$59,934.80 less \$19,362.00 equals \$40,572.80)

**ANALYSIS**

Budget amendment is as follows:

**Capital Equipment Replacement Fund:**

602-301-55020-Operating Vehicles & Equipment	\$36,380.00	
602-000-79999-Undesignated Fund Balance		(\$36,380.00)
602-301-55020-Operating Vehicles & Equipment	\$67,505.80	
602-000-79999-Undesignated Fund Balance		(\$67,505.80)
602-301-55020-Operating Vehicles & Equipment	\$40,572.80	
602-000-79999-Undesignated Fund Balance		(\$40,572.80)

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**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Ord 10-31](#)

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**ORDINANCE NO. 10-31**

**AN ORDINANCE AMENDING ORDINANCE NO. 10-21, ADOPTING THE 2010-2011 FISCAL YEAR BUDGET FOR APPROPRIATION OF FUNDS FOR THE PURCHASE OF A 3/4 TON F750 REGULAR CAB TRUCK AND A 3/4 TON F750 REGULAR CAB TRUCK WITH SMITH WATER TANK SYSTEMS; DIRECTING THE CHIEF EXECUTIVE OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET IN THE OFFICE OF THE GALVESTON COUNTY CLERK AND THE STATE COMPTROLLER'S OFFICE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, by Ordinance No. 10-21, the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2010-2011;

**WHEREAS**, a budget amendment is needed to appropriate funds for the purchase of a 3/4 Ton F750 regular cab truck and a 3/4 Ton F750 regular car truck with a Smith Water Tank;

**WHEREAS**, the two trucks were scheduled to be replaced this fiscal year from the capital equipment replacement fund but were not requested at the time of budget presentation;

**WHEREAS**, the two trucks will be funded from the undesignated fund balance in the capital equipment replacement fund;

**WHEREAS**, the F750 with Smith Water Tank System, less amount allocated for scheduled replacement of water tank truck, equals the amount of the budget amendment (\$83,825.80 less \$16,320.00 equals \$67,505.80); and

**WHEREAS**, the F750, less amount allocated for scheduled replacement of E350 van that does not need to be replaced equals the amount of the budget amendment (\$59,934.80 less \$19,362.00 equals \$40,572.80).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2:** That the budget for Fiscal Year 2010-2011 of the City of Texas City, Texas, is hereby amended as follows:

<b><u>Capital Equipment Replacement Fund:</u></b>	
<b>602-301-55020 – Operation Vehicles &amp; Equipment</b>	<b>\$36,380.00</b>
<b>602-000-79999 – Undesignated Fund Balance</b>	<b>&lt; \$36,380.00 &gt;</b>

<b>602-301-55020 – Operating Vehicles &amp; Equipment</b>	<b>\$67,505.80</b>
<b>602-000-79999 – Undesignated Fund Balance</b>	<b>&lt; \$67,505.80 &gt;</b>
<b>602-301-55020 – Operating Vehicles &amp; Equipment</b>	<b>\$40,572.80</b>
<b>602-000-79999 – Undesignated Fund Balance</b>	<b>&lt; \$40,572.80 &gt;</b>

**SECTION 3:** That the Chief Executive Officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk and the State Comptroller’s Office.

**SECTION 4:** That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

**SECTION 5:** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

**PASSED AND ADOPTED this 15th day of December, 2010.**

\_\_\_\_\_  
 Matthew T. Doyle, Mayor  
 City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 Nicholas J. Finan  
 City Secretary

\_\_\_\_\_  
 Ronald F. Plackemeier  
 City Attorney

**CITY COMMISSION AGENDA****Date: 12/15/2010**

19th Ave Abandonment

**Submitted For:** Don Carroll  
**Department:** Transportation and Planning

**Submitted By:** Edna  
Patterson,  
Transportation  
and Planning

**Information****ACTION REQUEST (Brief Summary)**

Iris Thompson requests to abandon a 60' x 440.95' (.6074 acres) R.O.W. for street, utilities and drainage Right-of-Way being a 0.6074 acre (26457 Sq Ft.) tract of land out of and a part of 19th Avenue North (60' R.O.W.) as shown in the plat of the A.W. Clarke Subdivision No. 8, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 6, Page 12, of the Galveston County Map Records, said 0.6074 acre tract located 19th Avenue west of 29th street.

**BACKGROUND**

The Planning Board of the City of Texas City met in a regularly scheduled meeting on Monday, November 15, 2010 at 5:00 p.m. At that time they reviewed the abandonment request as submitted. Staff provided the Board with comments and letters from the utility providers and the City stating "no objections" to the request. A Public Hearing Notice ran in the newspaper and all property owners within the 200' of the request were notified. After a brief discussion, a motion to approve the abandonment request was made and all members present voted aye.

**ANALYSIS****ALTERNATIVES CONSIDERED****Attachments**Link: [Ord 10-32](#)Link: [Thompson Google](#)Link: [Thompson Plan Min](#)Link: [Thompson Legal&Survey](#)Link: [Thompson Application](#)

## ORDINANCE NO. 10-32

**AN ORDINANCE APPROVING IRIS THOMPSON'S REQUEST FOR ABANDONMENT OF A 60' x 440.95' (.6074) ACRES) R.O.W. FOR STREET, UTILITIES AND DRAINAGE RIGHT-OF-WAY IN TEXAS CITY, GALVESTON COUNTY, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR SAID PROPERTY, UPON REQUEST; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

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**WHEREAS**, Iris Thompson requests abandonment of a 60' x 440.95' (.6074 acres) R.O.W. for street, utilities and drainage right-of-ways being a 0.6074 acre (26457 Sq. Ft.) tract of land out of and a part of 19<sup>th</sup> Avenue North (60' R.O.W.) as shown in the plat of the A. W. Clarke Subdivision No. 8, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 6, Page 12, of the Galveston County Map Records, said 0.6074 acre tract located at 19<sup>th</sup> Avenue, west of 29<sup>th</sup> Street;

**WHEREAS**, the Planning Board met in a regularly scheduled meeting on Monday, November 15, 2010, at 5:00 p.m. At that time the abandonment request was reviewed as submitted and staff provided the Board with comments and letters from the utility providers and the City stating "no objections" to the request;

**WHEREAS**, a Public Hearing Notice ran in the newspaper and all property owners within the 200' of the request were notified; and

**WHEREAS**, based upon the responses and comments from these entities and the property owner, the City finds it to be in the best interest of the City to vacate and abandon said right-of-way.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That the City Commission of the City of Texas City finds it in the best interest of the City to vacate and abandon the 60' x 440.95' R.O.W. described by metes and bounds as follows:

A 0.6074 acre (26457 Sq. Ft.) tract of land out of and a part of 19<sup>th</sup> Avenue North (60' R.O.W.) as shown in the plat of the A. W. Clarke Subdivision No. 8, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 6, Page 12, of the Galveston County Map Records, said 0.6074 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 19<sup>th</sup> Avenue North, same being the northeast corner of a tract conveyed to Larry A. Newman in G.C.C.F. 7601111 and being in the west line of Westhaven Terrace Subdivision, a subdivision in Galveston

County, Texas, according to the map or plat thereof recorded in Volume 9, Page 85, of the Galveston County Map Records;

THENCE S88°03'25"W along and with the south line of said 19<sup>th</sup> Avenue North, same being the north line of said Newman tract, a distance of 440.95 feet to the southwest corner of the tract herein described;

THENCE N01°56'35"W, a distance of 60.00 feet to the northwest corner of the tract herein described and being in the south line of Lot 1, of said A. W. Clarke Subdivision No. 8;

THENCE N88°03'25"E along and with the south line of Lots 1 thru 12 of said A. W. Clarke Subdivision No. 8, a distance of 440.95 feet to the northeast corner of the tract herein described and being in the west line of said Westhaven Terrace Subdivision;

THENCE S01°56'35"E along and with the west line of said Westhaven Terrace Subdivision, a distance of 60.00 feet to the Point of Beginning.

Basis of Bearing: Grid North Texas State Plane Coordinate System, Nad83, South Central Zone.

**SECTION 2:** That the above-described property is hereby declared abandoned, and the responsibility of the City to maintain said property is hereby terminated.

**SECTION 3:** That the City of Texas City hereby retains unto itself any existing public and private utility easements on said property, if any.

**SECTION 4:** That the Mayor is hereby authorized to execute Quitclaim Deeds, if requested, by any abutting property owners.

**SECTION 5:** That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

**SECTION 6:** That this Ordinance shall be passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

**PASSED AND ADOPTED this 15th day of December, 2010.**

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Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

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Nicholas J. Finan  
City Secretary

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Ronald F. Plackemeier  
City Attorney



## PLANNING BOARD MINUTES

November 15, 2010

The Planning Board of the City of Texas City met in a regularly scheduled meeting on Monday, November 15, 2010 at 5:00 p.m. Board members present were: Mayor Doyle, Jose Boix, and Dickie Campbell. Staff members present were: Doug Kneupper, and Edna Patterson. Citizens present were Edward Quintero, Iris Long, Ed Long, and Sally Cedotal.

Jose Boix presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

**APPROVAL OF MINUTES.** A motion to approve the minutes of November 1, 2010 was made by Mayor Doyle/ Dickie Campbell. All members present voted aye.

**ITEM NO. 1.** Iris Thompson requests to abandon a 60' x 440.95' (.6074 acres) R.O.W. for street, utilities and drainage Right-of-Way being a 0.6074 acre (26457 Sq Ft.) tract of land out of and a part of 19<sup>th</sup> Avenue North (60' R.O.W.) as shown in the plat of the A.W. Clarke Subdivision No. 8, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 6, Page 12, of the Galveston County Map Records, said 0.6074 acre tract located 19<sup>th</sup> Avenue west of 29<sup>th</sup> street (Action). A memo from Mr. Carroll was provided to the Board stating the following, "This abandonment request by Iris Thompson has been reviewed by Staff during several of our Staff Development Review meetings held every Tuesday. After conferring with the Building Official, Fire Marshal, and City Engineer the abandonment request meet with no objections. Newspaper Public Hearing Notices were run and notices were mailed to the property owners within 200'. No property owners within the limits of the proposed abandonment have expressed opposition to this intent. One letter in support of the abandonment was received from a property owner. Letters were received from all the utility companies stating "no objections' to the abandonment." Mr. Carroll was not in attendance. Mr. Kneupper addressed the Board and advised that as shown on the map (attached) this portion of 19<sup>th</sup> Avenue is situated between a ditch and a subdivision with out a way to connect to the existing 19<sup>th</sup> Avenue Street. Responses have been received from all the utility providers as well as the City's Public Works Department stating they have no objection to the abandonment request. Mr. Kneupper advised the Board that Mrs. Long was available to answer any questions concerning the request. Mayor Doyle asked if any of the citizens present had any objections or concerns. Mr. Quintero (2926 19<sup>th</sup> Avenue North) asked, "What is the address of this property?" Mr. Kneupper replied that this is unimproved open land and therefore has no address only the legal description. After a brief discussion, a motion to approve the abandonment request was made by Dickie Campbell/Mayor Doyle. All members present voted aye.

**ITEM NO. 2. Other Business. - Non-action**

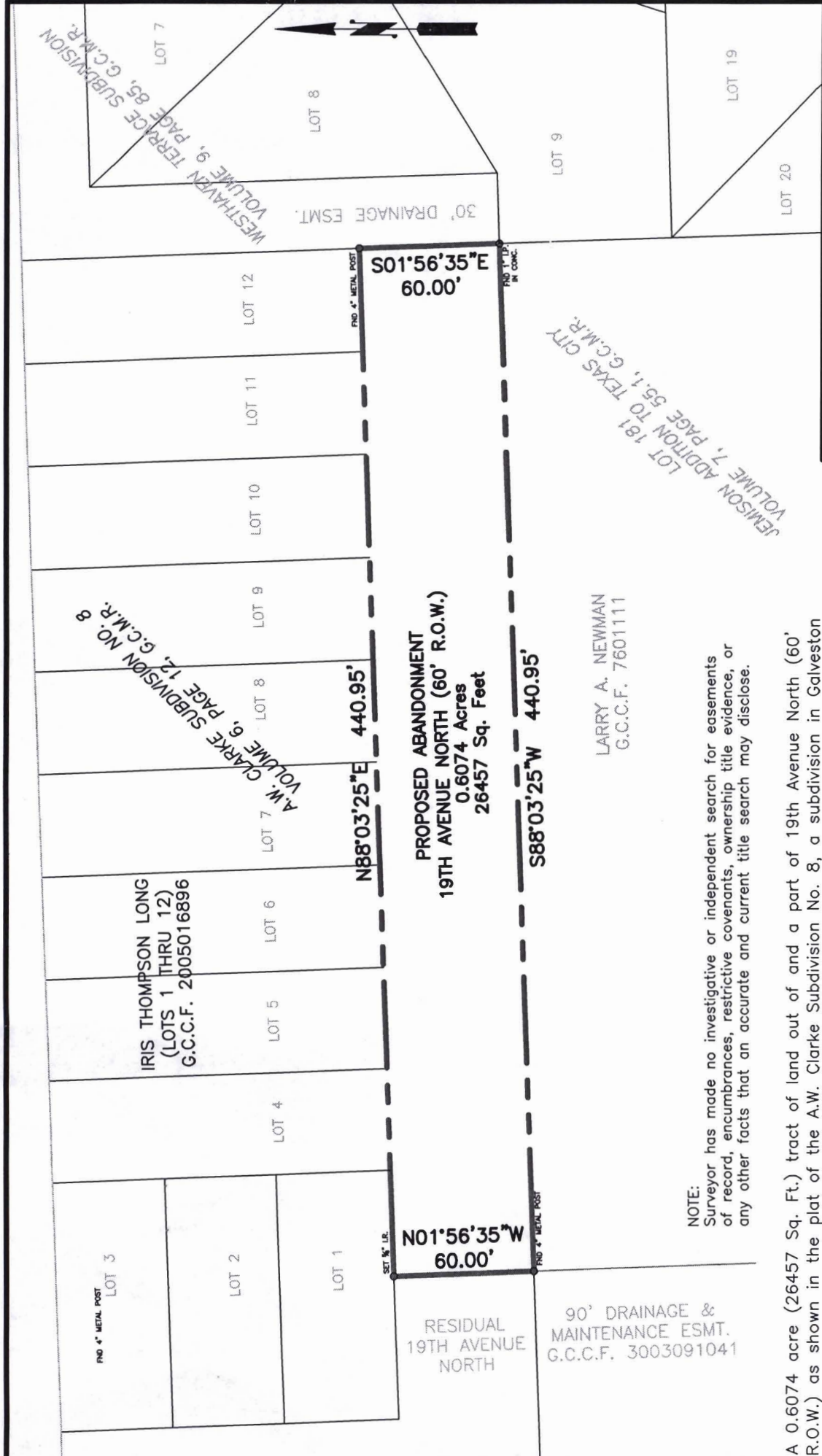
Mayor Doyle asked Mr. Kneupper as to status of the fence variance request from last meeting. Mr. Kneupper replied that the applicant has not responded.

Mayor Doyle also asked about the Seivwright Site Plan Rezoning request that the Board reviewed at the November 1 meeting. Mr. Kneupper advised the Board that the request would be reviewed by the Zoning Commission on November 16 and that the area of notification had been expanded. Several property owners have expressed that they would be in attendance to ask questions about some concerns.

There being no further business to discuss a motion to adjourn was made by Mayor Doyle/Dickie Campbell. All members present voted aye.

  
Donald R. Carroll, Secretary

\_\_\_\_\_  
Jose Boix, Chairperson



DATE: 09-22-2010  
SCALE: 1" = 60'  
PROJECT NO. 1891 19th Avenue Abandonment

**ELLIS SURVEYING SERVICES**

8419 Emmett F. Lowry  
Texas City, Texas 77591  
Tel.: 409-938-8700  
Fax: 866-678-7685



NOTE:  
Surveyor has made no investigative or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

LARRY A. NEWMAN  
G.C.C.F. 7601111

A 0.6074 acre (26457 Sq. Ft.) tract of land out of and a part of 19th Avenue North (60' R.O.W.) as shown in the plat of the A.W. Clarke Subdivision No. 8, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 6, Page 12, of the Galveston County Map Records, said 0.6074 acre tract being more particularly described by metes and bounds on attached Exhibit "A" being made a part of and hereto.

I, the undersigned, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that this survey was made on the ground of the property legally described hereon and is true and correct to the best of my knowledge and belief.

*Robert D. Ellis*

Robert D. Ellis, R.P.L.S.  
Tx. Reg. No. 4006

Basis of Bearing: Grid North Texas State Plane  
Coordinate System, NAD83, South Central Zone

## EXHIBIT "A"

A 0.6074 acre (26457 Sq. Ft.) tract of land out of and a part of 19th Avenue North (60' R.O.W.) as shown in the plat of the A.W. Clarke Subdivision No. 8, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 6, Page 12, of the Galveston County Map Records, said 0.6074 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said 19th Avenue North, same being the northeast corner of a tract conveyed to Larry A. Newman in G.C.C.F. 7601111 and being in the west line of Westhaven Terrace Subdivision, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 9, Page 85, of the Galveston County Map Records;

THENCE S88°03'25"W along and with the south line of said 19th Avenue North, same being the north line of said Newman tract, a distance of 440.95 feet to the southwest corner of the tract herein described;

THENCE N01°56'35"W, a distance of 60.00 feet to the northwest corner of the tract herein described and being in the south line of Lot 1, of said A.W. Clarke Subdivision No. 8;

THENCE N88°03'25"E along and with the south line of Lots 1 thru 12 of said A.W. Clarke Subdivision No. 8, a distance of 440.95 feet to the northeast corner of the tract herein described and being in the west line of said Westhaven Terrace Subdivision;

THENCE S01°56'35"E along and with the west line of said Westhaven Terrace Subdivision, a distance of 60.00 feet to the Point Of Beginning.

Basis of Bearing: Grid North Texas State Plane Coordinate System, Nad83, South Central Zone





# CITY OF TEXAS CITY

Transportation & Planning Dept  
928 5<sup>th</sup> Ave North  
Texas City, Texas 77590  
409.643.5951  
Fax 409.949.3001

## DEVELOPMENT APPLICATION

### APPLICATION TYPE

PLEASE CHECK APPROPRIATE BOX BELOW

- |                                             |                                        |                                                     |
|---------------------------------------------|----------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Zoning Change      | <input type="checkbox"/> Replat        | <input type="checkbox"/> Subdivision Master Plan    |
| <input type="checkbox"/> Detailed Site Plan | <input type="checkbox"/> Minor Plat    | <input checked="" type="checkbox"/> ROW Abandonment |
| <input type="checkbox"/> Preliminary Plat   | <input type="checkbox"/> Amending Plat |                                                     |
| <input type="checkbox"/> Final Plat         | <input type="checkbox"/> Vacating Plat |                                                     |

See appropriate checklist and fee schedule for minimum submittal requirements for each application

### PROPERTY INFORMATION

Project Name: Abandonment of unopened 19<sup>th</sup> Avenue North

Project Address or Location: located 19<sup>th</sup> Avenue west of 29<sup>th</sup> street

Legal Description: 60' x 440.95' (.6074 acres) R.O.W. for street, utilities and drainage Right-of-Way being a 0.6074 acre (26457 Sq Ft.) tract of land out of and a part of 19<sup>th</sup> Avenue North (60' R.O.W.) as shown in the plat of the A.W. Clarke Subdivision No. 8, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 6, Page 12, of the Galveston County Map Records, said 0.6074 acre tract

Proposed No. of Lots: N/A Gross Acreage: \_\_\_\_\_

Existing Zoning: N/A Proposed Zoning: \_\_\_\_\_

Existing Use: Vacant Land Proposed Use: \_\_\_\_\_

### APPLICANT & OWNER INFORMATION

Name of Applicant: Iris Thompson - LONG (print or type)

Signature: [Signature] Company: \_\_\_\_\_

Address: 7415 Ave E 1/2

City: Santa Fe, TX State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: irisrt@sbcglobal.net Ph: \_\_\_\_\_ Fax: \_\_\_\_\_

Name of Property Owner: Iris Thompson-Long (print or type)

Signature: [Signature] Company: \_\_\_\_\_

Address: Same as above

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_ Ph: \_\_\_\_\_ Fax: \_\_\_\_\_

(The property owner may submit a notarized letter of authorization in lieu of a signed application)

### For Department Use Only

Date Received: 10/18/10 Fee Paid: \$ 300.00

Accepted by: [Signature]

**CITY COMMISSION AGENDA**

**Date: 12/15/2010**

Amendment of Code of Ordinances Section 62.7 Health and Sanitation

Carla Costello,  
Police  
Department

**Submitted For:** Robert Burby  
**Department:** Police Department

**Submitted By:**

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**Information**

**ACTION REQUEST (Brief Summary)**

Amending the Code of Ordinance Section 62.7 - Health and Sanitation:  
removal of the word 'beverage'.

**BACKGROUND**

**ANALYSIS**

**ALTERNATIVES CONSIDERED**

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**Attachments**

Link: [Ord 10-33](#)

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**ORDINANCE NO. 10-33**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, CHAPTER 62 HEALTH AND SANITATION, ARTICLE I, BY AMENDING SECTION 62-7, "GLASS BEVERAGE CONTAINERS PROHIBITED IN CERTAIN AREAS"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.**

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**WHEREAS**, the City of Texas City, Texas, is a home-rule city; and,

**WHEREAS**, there is a need to amend the Code of Ordinances, Chapter 62, Health and Sanitation, Article I, In General, Section 62-7, "Glass beverage containers prohibited in certain areas"; and

**WHEREAS**, the City of Texas City, Texas, seeks to amend The Code of Ordinances of the City of Texas City, Chapter 62, Health and Sanitation, Article I, In General, Section 62-7, "Glass beverage containers prohibited in certain areas" to remove the word "beverage."

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:**

**SECTION 1:** That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 62, Health and Sanitation, Article I, In General, Section 62-7, is amended as follows:

"Sec. 62-7. Glass ~~beverage~~ containers prohibited in certain areas.

- (a) It shall be unlawful for any person to use or possess any glass ~~beverage~~ container in any area situated upon the Texas City Dike, "Texas City Dike" (known as Dike Road), and Skyline Drive from Dike Road to the Galveston County flood control gate, in its entire length, together with areas adjacent thereto on both sides.
- (b) The provisions of subsection (a) of this section shall not apply where any such glass ~~beverage~~ container is used or possessed inside a motor vehicle or within the enclosed perimeter of a business establishment."

**SECTION 2:** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable.

**SECTION 3:** That it is further provided that, in the event any section, clause, sentence, paragraph or part of this Ordinance shall be for any reason adjudged by any court of competent

jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5:** That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

**SECTION 6:** That the City Secretary is hereby directed, in accordance with Article III of the City Charter, to publish this ordinance, by caption only, in one issue of the official paper, and obtain proof of such publication made by the printer or publisher of such paper. An affidavit made by said printer or publisher before some officer authorized by law to administer oaths, and filed with the person performing the duties of City Secretary shall be prima facie evidence of such publication and promulgation of such ordinance in courts of the state. The ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided.

**PASSED AND ADOPTED this 15th day of December, 2010.**

\_\_\_\_\_  
Matthew T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicholas J. Finan  
City Secretary

\_\_\_\_\_  
Ronald F. Plackemeier  
City Attorney