

CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING

AGENDA

WEDNESDAY, JULY 20, 2022 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL
1801 9th Ave. N.
Texas City, TX 77590

PLEASE NOTE: Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request to speak, please do so in advance of the meeting by filling out a Request To Address Commission form. All in attendance are required to remove hats and/or sunglasses (dark glasses) during meetings and to also silence all cell phones and electronic devices.

(1) ROLL CALL

(2) INVOCATION

(3) PLEDGE OF ALLEGIANCE

(4) PROCLAMATIONS AND PRESENTATIONS

(a) Service Awards

Christopher Land	Police	07/23/2012	10 years
William Leach	Waste Water Treatment Plant	07/09/2012	10 years
Juan Cervantes	Public Works	07/30/2007	15 years
Timothy Herd	Police	07/19/2007	15 years
Ralph Cardona	Police	07/17/2007	15 years
Stephanie Lewis	Police	07/09/2007	15 years

(5) REPORTS

(a) Marketing and Communications Department

(b) Financial Quarterly Report

(6) PUBLIC HEARING

(a) Requesting approval of the second public hearing for the 2022 CDBG Annual Action Plan.

- (b) Chris LeBoeuf requests to rezone property located at 5029 FM 646 from "O" (OPen Space) to "F" (Light Industrial).
- (c) John Denton request to rezone property located at 921 Texas Avenue from "IBD" (Industrial Business District) to "E" (General Business).

(7) PRELIMINARY ZONING APPROVAL

- (a) Consider and take action on the Zoning Change Request from Chris LeBoeuf to rezone the property at 5029 FM 646, Texas City, TX from District "O" (Open Space) to District "F" (Light Industrial) to open Liberty Flare, LLC.
- (b) Consider and take action on the Zoning Change Request from John Denton to rezone the property at 921 Texas Avenue, Texas City, TX from District "IBD" (Industrial Business District) to District "E" (General Business) to open and operate 4 Nights Bar & Lounge, an entertainment venue.

(8) PUBLIC COMMENTS

(9) CONSENT AGENDA

- (a) Approve City Commission Minutes for June 6, 2022 meeting. (City Secretary)
- (b) Consider and take action on Resolution No. 2022-064, acceptance of up to \$8,012,770.00 allocated by the Texas General Land Office and distributed by Houston Galveston Area Council (H-GAC) for the Regional Mitigation Program. (Management Services)
- (c) Consider and take action on Resolution No. 2022-065, establishing the Regular City Commission meeting on September 7, 2022, as the date for a Public Hearing to discuss and review amendments to the Land Use assumptions, Capital Improvements Plan, and Utility Impact Fees associated with the City's Water and Sewer Capital Recovery Program. (City Engineer)
- (d) Consider and take action on Resolution No. 2022-066, approving and awarding Bid No. 2020-084 Gasoline and Diesel Annual Contract. (Public Works)

(10) REGULAR ITEMS

- (a) Consider and take action on Ordinance No. 2022-15, permanently rezone the property at 3415 25th Avenue North, Texas City, from District "A-1" (Single Family Residential) to District "E" (General Business) to develop the property with one single-store 4500 sq. ft. retail building as a convenience store with 5 fuel pumps (Exxon) and with capabilities for retail lease space. Being 0.689 acres, Lot 1 of Lollis-Gebhart S/D. (City Engineer)

(11) COMMISSIONERS' COMMENTS

(12) MAYOR'S COMMENTS

(13) 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, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON JUNE 15, 2022, PRIOR TO 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

RHOMARI LEIGH
CITY SECRETARY

CITY COMMISSION REGULAR MTG

(4) (a)

Meeting Date: 07/20/2022

July 2022 Service Awards

Submitted For: Jennifer Price, Human Resources

Submitted By: Susan Sensat, Human Resources

Department: Human Resources

Information

ACTION REQUEST

Service Awards

Christopher Land	Police	07/23/2012	10 years
William Leach	Waste Water Treatment Plant	07/09/2012	10 years
Juan Cervantes	Public Works	07/30/2007	15 years
Timothy Herd	Police	07/19/2007	15 years
Ralph Cardona	Police	07/17/2007	15 years
Stephanie Lewis	Police	07/09/2007	15 years

BACKGROUND (Brief Summary)

Monthly, the City acknowledges those individuals that have significant work anniversary's with the City of Texas City.

RECOMMENDATION

It is the recommendation of the Human Resources Department to acknowledge those individuals that have significant work anniversary's with the City of Texas City.

Fiscal Impact

CITY COMMISSION REGULAR MTG

(5) (b)

Meeting Date: 07/20/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Financial Quarterly Report

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

Staff Report

Staff Report

**CITY OF TEXAS CITY
INVESTMENT REPORT
FOR THE QUARTER ENDING JUNE 30, 2022**

The City's Investment Policy requires the Director of Finance to submit quarterly reports to the City Commission.

A summary of the transactions in the portfolio for the quarter ending June 30, 2022 are as follows:

	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>
INVESTMENTS-BEG. OF PERIOD	\$ 87,143,128	\$ 84,833,804
INVESTMENT PURCHASES/ADDITIONS/TRANSFERS IN	16,500,452	16,500,452
INVESTMENT MATURITIES/DELETIONS/TRANSFERS OUT	(11,500,467)	(11,500,467)
AMORTIZATION(PREMIUM/DISCOUNT)	-	-
CHANGE IN FAIR MARKET VALUE	-	(597,108)
INVESTMENTS-END OF PERIOD	<u>\$ 92,143,113</u>	<u>\$ 89,236,681</u>
Interest received quarter ending 06-30-22	\$ 91,166	\$ 91,166
INVESTMENTS-END OF PERIOD PLUS INTEREST	<u><u>\$ 92,234,279</u></u>	<u><u>\$ 89,327,847</u></u>

**CITY OF TEXAS CITY
INVESTMENT REPORT
FOR THE QUARTER ENDING JUNE 30, 2022**

Portfolio Composition:

Certificates of Deposit (CDARS)	5.60%
Bank Deposits	10.39%
Treasury Securities	5.38%
Agency Securities	78.63%

Benchmark Rate of Return:

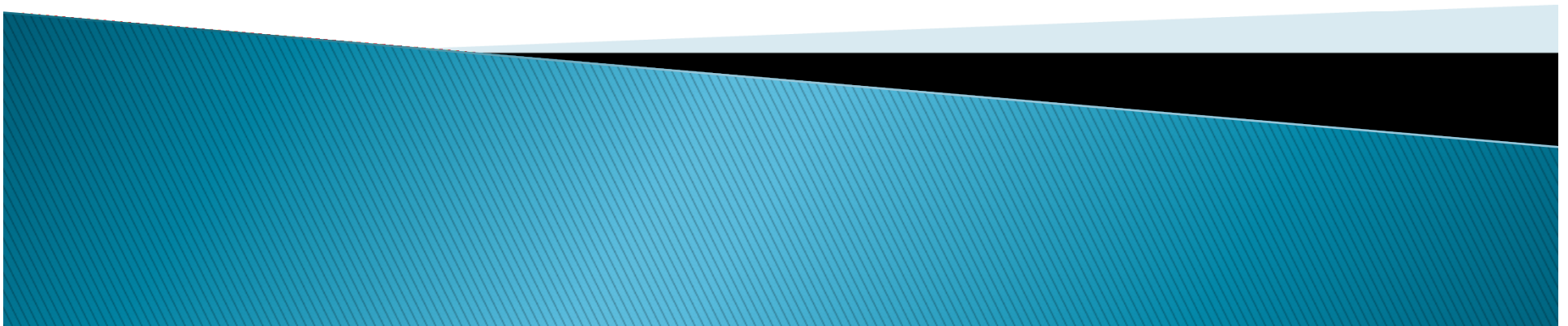
	@ 06/30/2022	@ 03/31/2022	@ 12/31/2021	@ 09/30/2021
1 Year Treasury Rate	2.80	1.63	0.38	0.09
6 Month T-Bill Rate	2.44	1.02	0.19	0.05
3 Month T-Bill Rate	1.66	0.51	0.06	0.04
City's Portfolio	0.66	0.38	0.32	0.32

Weighted Average Maturity of Portfolio:

556.49 days

City of Texas City

Financial Highlights
As of June 30, 2022



GENERAL FUND REVENUES

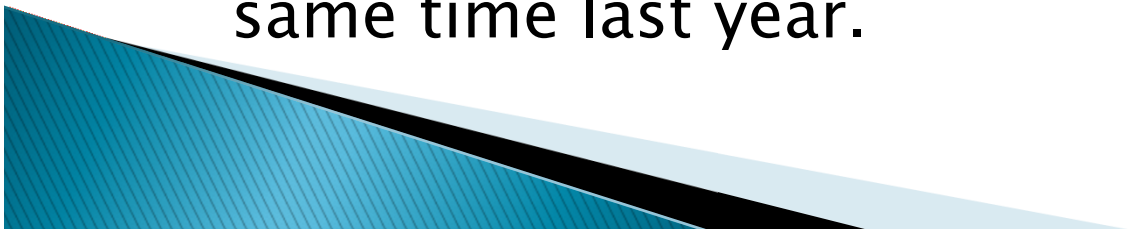
\$45,658,953 which is 73.5% of budgeted revenues

GENERAL FUND EXPENDITURES

\$53,166,248 which is 68.3% of budgeted Expenditures. \$8.5 million of the \$53.2 million is for fire station #4.

NET REVENUES OVER/(UNDER) EXPENDITURES

(\$7,507,295) compared to \$4,505,090 at the same time last year.



UTILITY REVENUE FUND REVENUES

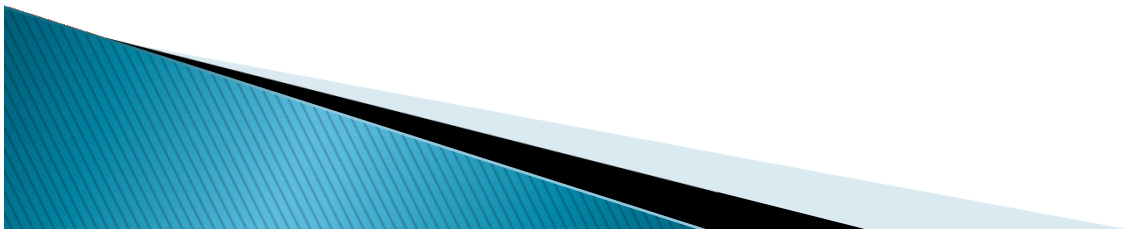
\$13,691,220 which is 68.9% of budgeted revenues

UTILITY REVENUE FUND EXPENDITURES

\$11,746,667 which is 43% of budgeted expenditures. Included in this \$11.7 million, are capital (depreciable) expenditures of \$2.6 million.

NET REVENUES OVER/(UNDER) EXPENDITURES

\$1,944,553 compared to \$826,068 at the same time last year.



PROPERTY TAX COLLECTIONS

General Fund: \$25,460,281 net of refunds

Debt Service Fund: \$3,594,240 net of refunds

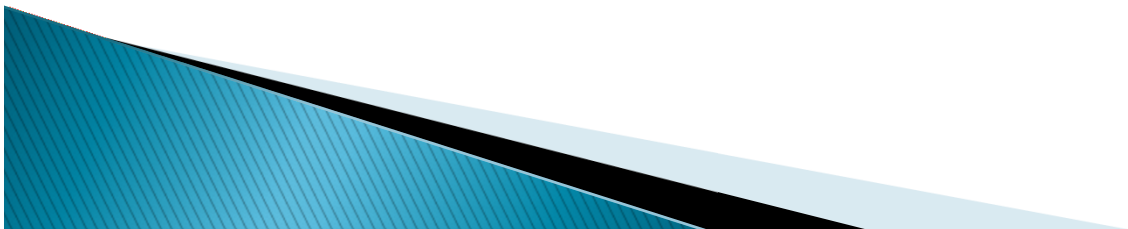
This is a total decrease of \$851,673, over June 2021 year to date collections.

SALES TAX COLLECTIONS

General Fund: \$9,192,362, net of refunds

TCEDC: \$3,064,121, net of refunds

This is a decrease of \$846,477 and \$282,159, respectively, compared to June 2021.



CITY COMMISSION REGULAR MTG

(6) (a)

Meeting Date: 07/20/2022

CDBG 2022-2023 Annual Action Plan 2nd Public Hearing

Submitted For: Titilayo Smith, Community Development, Housing Autho

Submitted By: Titilayo Smith, Community Development, Housing Autho

Department: Community Development, Housing Autho

Information

ACTION REQUEST

Requesting approval of the second public hearing for the 2022 CDBG Annual Action Plan.

BACKGROUND (Brief Summary)

The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. Each year the City must submit an annual Action Plan to HUD, reporting on how that year's funding allocation for CDBG entitlement grant will be to achieve the goals outlined in the Five-Year Consolidated Plan. Community Development staff will gather input from citizens and consultations to prepare the draft Action Plan. There shall be two public hearings to receive citizen input on the community needs, including funding allocations. Community Development staff will gather public input and statistical data to prepare the draft Action Plan. The draft Action Plan will be available for 30 days for public comment after reasonable notice (at least 2 weeks) to the public is given. The Community Development staff will be given the opportunity to make recommendations to the Mayor, City Commission and the Director of Community Development. When approved by the Mayor and City Commission, the Action Plan will be submitted to HUD.

RECOMMENDATION

Fiscal Impact

CITY COMMISSION REGULAR MTG

(6) (b)

Meeting Date: 07/20/2022

Rezoning request from Chris LeBoeuf for 5029 FM 646 - Liberty Flare

Submitted For: Veronica Carreon, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Chris LeBoeuf requests to rezone from "O" (Open Space) to "F" (Light Industrial) to open Liberty Flare, LLC Administrative and Operational Activities

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

5029 FM 646 - Liberty Flare - Staff Report

5029 FM 646 - Liberty Flare - Aerial View

5029 FM 646 - Liberty Flare - Street View

Zoning Commission Minutes 06-07-22

City of Texas City
Engineering & Planning
Memo

To: Zoning Commission – for meeting on 6/7/2022

From: Kim Golden, P.E., Engineering & Planning

cc:

Date: June 1, 2022

Re: Request to rezone 5029 FM 646 from “O” Open Space to “F” Light Industrial to open Liberty Flare, LLC Administrative and Operational Activities.

Background: Applicant, Liberty Flare, LLC, acquired Liberty Tower & Flare, Inc. in April 2019 and seeks to consolidate all operations and administrative functions at the subject location. 5029 FM 646. Its business has operated in Bacliff Texas for over 40 years and consists of mostly field services performed on customer’s sites in refineries and chemical plants. It estimates less than 4% of its \$7.7million annual revenue will be generated at the site. Post COVID it has 25 employees, reduced from its typical staffing level of 40 pre-COVID. It projects staffing to increase to 50 as the market continues to improve.

Existing conditions: The 1.872 acre site has three existing structures and frontage on FM 646. Existing conditions at the site may not be code compliant. Any non-compliant conditions will be addressed through the development plan review process.

Existing zoning: The subject location is currently zoned “O” Open Space, as an en globo zoning designation made at the time of annexation. This is the first request for re-zoning of the subject location since annexation and is provoked by the change in ownership. The adjacent properties on both sides also have the en globo designation of District “O”, but the property at 5008 FM 646 was re-zoned to District P-I, Planned Industrial in 2019. The rezoning to P-I was approved to allow the construction of a new warehouse for the storage of industrial tools.

Applicant seeks rezoning as District F Light Industrial which is intended to provide for light manufacturing, wholesale and warehousing operations in an enclosed area. These uses are not of the variety to emit excessive noise, vibration, smoke or odor.

GATEWAY OVERLAY DISTRICT: The subject property is also subject to the requirements of Secs 160.065-160.069 Gateway Overlay District. This district requires 100% masonry construction, that all fences be masonry, that all utilities be underground, and a minimum of 15% landscaping, and other screening requirements.

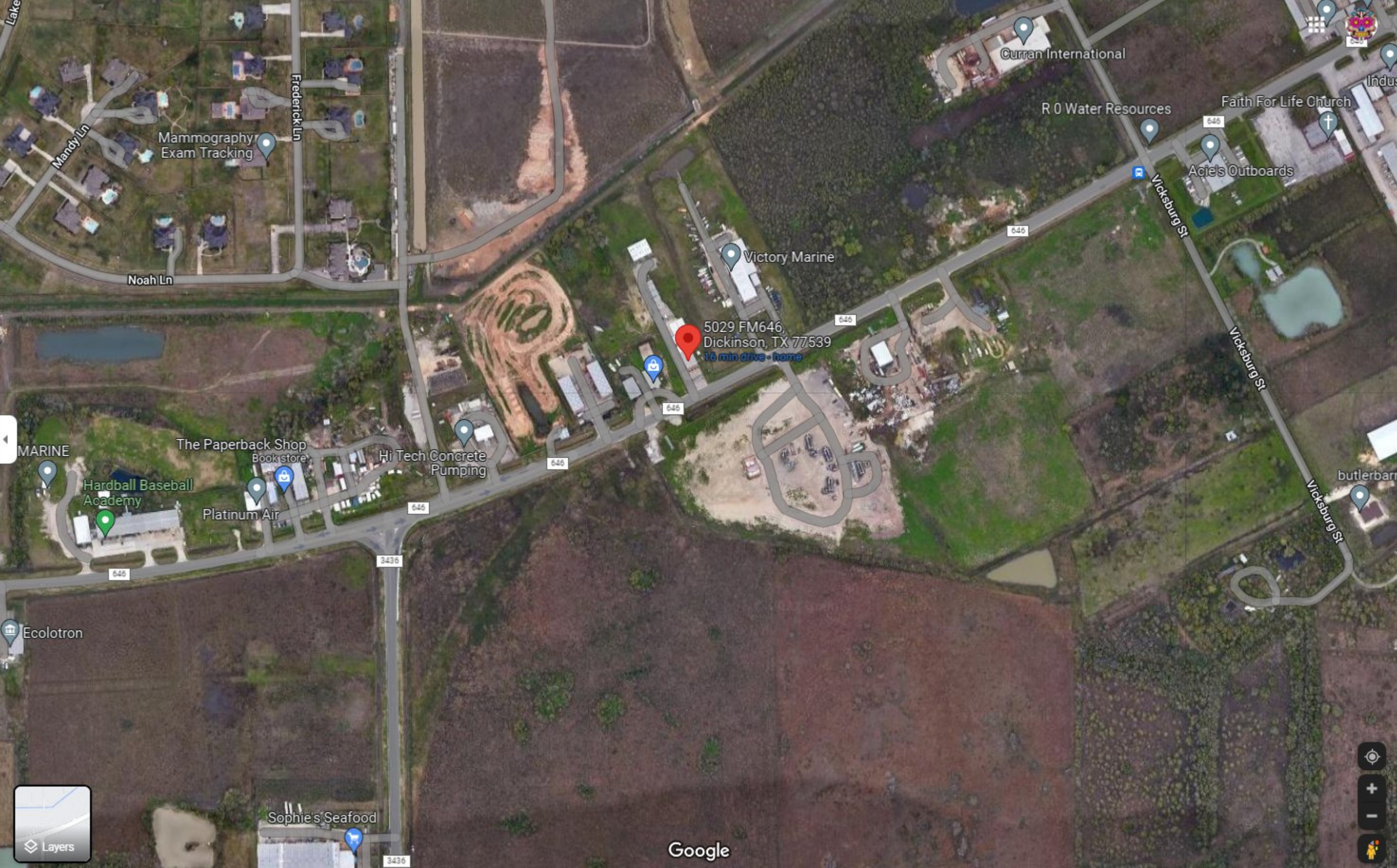
LAND USE PLAN: The current land use plans show the subject area as developing within the guidelines of the "Activity Corridor" which include: "These uses are primarily region serving and include malls, commercial, and open display retailing, wholesale, distributing and warehousing operations, restricted light industry, business offices, hotels and motels, and higher density residential development."

Existing infrastructure: There is sufficient vehicular access from FM 646. Water and Sewer Services are NOT currently available from the Texas City Municipal systems.

Analysis: Although the requested rezoning to F Light Industrial is appropriate for the intended use to open Liberty Flare, LLC Administrative and Operational Activities, a rezoning to P-I Planned Industrial would be more appropriate for the location on a Gateway Corridor as previously approved for 5008 FM 646 which is 219 ft west of the subject location. District P-I will be the recommended designation for future applications in this area along FM 646. The requirements of the Gateway Overlay Districts will apply to the location regardless of other zoning designations. The anticipated use is consistent with the Land Use Plan and within the guideline of the "Activity Corridor".

As previously noted, there may be several non-compliant code conditions at the existing site. Re-zoning can be recommended and approved subject to the reconciliation of the non-compliant code conditions through the development plan review and building permitting processes. Recommending the zoning change does not pre-approve or grandfather in any existing non-compliant code conditions. The development plan review and building permitting processes are independent and will commence after City Commission acts upon the request for rezoning.

Staff have no objection to the requested rezoning to District F, but recommends a rezoning to District P-I Planned Industrial as more appropriate to the area and the totality of the circumstances. .



Mammography Exam Tracking

Curran International

R O Water Resources

Faith For Life Church

Acie's Outboards

Victory Marine

5029 FM646,
Dickinson, TX 77539
16 min drive - home

The Paperback Shop
Book store

Hi Tech Concrete
Pumping

MARINE

Hardball Baseball
Academy

Platinum Air

Ecolotron

Sophie's Seafood

butlerbar



Google



5029 FM646

Dickinson, Texas



Google

Street View - Oct 2019



© 2022 Google



Google

ZONING COMMISSION JUNE 7, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, June 7, 2022 at 5:15 p.m. Zoning Commission members present: Co-Chairman Gary Potter, Thelma Bowie, Aric Owens and Bruce Clawson. Staff members present were: Kimberly Golden, Veronica Carreon and Iverson Williams (Summer Intern). Guests were: John Denton, Derrick Vaughn, Andrew Narvaez, Beatriz Narvaez, Abel Garza, Jayla Weatherspoon and Jason Kieschnick.

Co-Chairman Potter indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of May 17, 2022 was made by Bruce Clawson/Thelma Bowie. All other members present voted aye.

Co-Chairman Potter stated that the order of items would change and the first item to be discussed would be Item No. 2, and then Item No. 1.

ITEM NO. 1 Consider and take action on a request from Chris LeBoeuf to rezone the property at 5029 FM 646, Texas City, TX from District “O” (Open Space) to District “F” (Light Industrial) to open Liberty Flare, LLC. (Action)

Ms. Golden stated that the property at 5029 FM 646 is currently zoned District “O” (Open Space), which was the zoning it obtained at the time of annexation by the city. This means when those annexed areas are brought in from an unincorporated area into an incorporated area they are brought in as “O”. This is the first time an application was submitted to do something with the property. This property could fit District “F”, and at the time the Applicant came in staff performed a quick review of the request and actually recommended District “*F”. After looking at the request a little more carefully through the review process, staff found that District “P-” (Planned Industrial) would be a better fit for everything that is going on in this area. Ms. Golden found that one of the properties 5008 FM 646 which is about 200’ from the Applicant’s property was rezoned to District “P-” in 2019. Because it’s located in the Gateway Overlay District, the Applicant will be required to comply with those requirements, whether it’s zoned “F” or “P-”. Ms. Golden conferred with the City Attorney about this, and he stated that since the notice has gone out properly in terms of what the Applicant actually asked for and as long as this is being discussed in a public meeting, and then referred to City Commission, the Zoning Commission can consider a recommendation to classify as District P-I (Planned Industrial). When the notice for City Commission is published, then it can be presented as “P-” and notice will be in order, if the Zoning Commission chooses to follow staff recommendation. From a user standpoint, the Applicant’s intended use will be compliant with either classification – “F” Light Industrial, or P-I “Planned Industrial”. It’s from the Planning and Zoning standpoint and best practices to have consistent precedence for when the near-by properties come in for a zoning change.

Mr. Clawson then asked about a certain location on the exhibit and asked if it was part of the property, to which Mr. Jason Kieschnick, a representative for the Applicant, replied that it was not, and he was not sure what it was.

Kieschnick then asked what the difference is between District “F” and District “P-I”, to which Ms. Golden replied that District “P-I” is a little more evolved zoning practice in that it allows more discretion to work with the Applicant in terms of aesthetics and in the combination of uses that can be there. Whereas District “F” is just light industrial – metal buildings, chain link fences, etc. Because it is on the gateway corridor the extra enhancements of the district apply anyway, so District “P-I” is the better fit for that consideration. Mr. Kieschnick asked if the different zoning would allow more uses, to which Ms. Golden stated it would allow the city more leeway to make things work together.

There were no further questions from the commissioners.

A motion was made by Bruce Clawson/Thelma Bowie to open the Public Hearing. All other members voted aye.

PUBLIC HEARING: There were no comments from the public, for or against, no questions or further discussion.

A motion was made by Bruce Clawson/Aric Owens to close the Public Hearing. All other members voted aye.

There being no other action in the Public Hearing, a motion was made by Bruce Clawson/Thelma Bowie to recommend approval to the City Commission for the zoning change to District “P-I” designation for 5029 FM 646. All other members present voted aye.

ITEM NO. 2 Consider and take action on a request from John Denton to rezone the property at 921 Texas Avenue, Texas City, TX from District “IBD” (Industrial Business District) to District “E” (General Business) to open and operate 4 Nights Bar & Lounge, an entertainment venue. (Action)

Ms. Golden stated that the property is located at 921 Texas Avenue and is in District “IBD” (Industrial Business District). The IBD is one of the districts that the city has implemented for a transformational purpose. The IBD zoning classification is intended to make the land uses in the district transition to industrial businesses and other uses in support of the heavy industrial complex, which is further south. Texas City is unique in that it does have a substantial assembly of the true heavy industry and it has been very progressive in recognizing that there should be a transition zone from that heavy industrial to a general business district. Many years ago the City Commission adopted the Industrial Business District which is more restrictive as compared to the other districts because it is intended to be transformational and create change. It has a requirement that 50% of the area be impervious and landscaped. It also restricts uses to businesses that support heavy industry. The Applicant’s proposed use as an entertainment venue is not compliant the purpose of the district or the principle uses allowed by the Zoning Ordinance in the IBD District. The use was “grandfathered” in because it was in use by the owner at the time of the zoning change, but when the use changes the “grandfathering” goes away. The fact that there is a different person wanting to use this site for a non-conforming use provokes the requirement for a zoning change. The new owner/user cannot continue to operate it as a non-conformance use without a zoning change. As a leased property, the owner has an obligation to lease the property for uses which conform to the requirements of the zoning district. One Letter of Objection has been received from the adjacent

property opposing the zoning change. Because of the clear intent of the City Commission in adopting the restrictive IBD zoning district, and the way it has been administered consistently over time, as well as through current administrative processes within the Planning & Zoning department, now, staff is not recommending approval of the zoning change to District E, but is recommending the site retain the IBD designation.

Mr. Bruce Clawson read from the Letter of Objection that quoted, “no warehousing or manufacturing, or treatment of products or equipment, shall be permitted...” and asked where that quote might be coming from because he is not familiar with it. Ms. Golden replied that the owner may be quoting from the principal uses in District “E” (General Business). The objector [who operates an existing warehouse which is complaint with the IBD District] is saying that approving the District E rezoning would be approving a non-compatible use right next to his property. Co-Chairman Potter asked if the building [which is the subject of the application] sold or what has changed, to which Ms. Golden replied that it is requiring a new Certificate of Occupancy (CO). When the owner or lessee has changed it requires a new CO. Mr. Aric Owens then asked why the owner isn’t requesting the rezoning. Ms. Golden replied that the owner has consented to and is part of the application.

The Applicant, Mr. John Denton, then stated that he is interested in buying the building from the owner, Mr. Andrew Narvaez, and would like to bring something nice to the Texas City area. With all the new development coming in, he believes that the city needs a venue like this. He helped raise money for the golf course recently. He stated he is a good upstanding citizen. When he saw the building, he called Mr. Narvaez and they made an agreement that Mr. Denton would buy the building from him, but when they found out that the zoning had changed that was when he came to Engineering & Planning to find out the status on it. For this reason, the sale was halted until he can find out if he can get the zoning changed. This building has been a bar for 25 years and only closed due to COVID. He pointed out two restaurants that were in close vicinity [on the north side of Texas Ave] and believes that his block just happens to be where the city is trying to keep the area as the industrial part of it. His opinion is the building has been a club for 25 years, they haven’t had any issues, it hasn’t changed ownership and it only closed due to COVID. He is trying to come in and redo it and make this a “taj mahal” and is willing to spend \$250,000 to make a new place, redo the parking lot and interior of the building, and change some of the aesthetics on the outside of the building. He is inclined to say this should be done and it would be good for the city.

Mr. Clawson stated that he is struggling with this, because all through this district they have literally forced people not to fix their houses if it is greater than 50% of the value of their home. They have sat down with the industries and said “you wanted the buffer/green zone, you got it” and they [the industries] have bought the houses. For the last 20 or 30 years, they have gone about changing that area to light industrial and they just don’t want anybody in there other than industrial people because of the industries that are there. He doesn’t know why the board should make exception of this. Mr. Denton stated that this building was not destroyed, like a lot of the houses in this area, which he opined is a blast area and that’s why they did not want them rebuilt again. He added that this club is made of cinderblock that has lasted through some blasts. There are also 4 additional businesses that have opened in the area [on the north side of Texas Ave.]. He believes

that the building is on the corner where the IBD starts, which Mr. Clawson replied that it is the fact that he is located on the south side of Texas Avenue, which is all IBD.

Co-Chairman Potter stated that one of the complaints from the neighbor across the street was about activities at the location – fights and gunfire that apparently left bullets in his roof. Mr. Denton replied that those events happened with the previous owner and he could not say anything about what happened in the past. He stated that he did not frequent the place when it was a club. He stated Mr. Narvaez said it had been a club for 25 years so he thought it would be a good entertainment complex. It is right around the corner from 6th Street North, where there is not a lot of parking like he would have at his business. He also mentioned Bourbon Street down the street [north of Texas Ave] and stated that it is a bar. He does not intend to have any issues due to the type of clientele he will allow.

Mr. Narvaez then stated back in 2000 when the zoning was changed to industrial, he had to go before city council for the lessee at that time, and they were worried about the same issues happening. Mr. Narvaez stated to council that if there were any problems at the location, he would evict the lessee. He added that he hasn't had any problems, nor was he ever notified of any trouble. He stated that he was never informed of a zoning change to industrial business. This location has always been a club and then asked who the Letter of Objection was from. Co-Chairman Potter replied that the letter was from Bamko Surplus which claims there are holes in his roof because of gunfire during the operation of the club. Mr. Denton asked if Bamko Surplus filed a police report and then asked if the letter was received without being verified. Co-Chairman Potter replied that a Public Hearing Notice was sent to surrounding property owners and ask if they have any problems with the zoning change. This particular owner stated that he is not in favor of it. Mr. Narvaez stated again that he would not put up with anything and that's why the city council passed it last time. He endangered himself at one point by evicting a lessee.

Ms. Golden stated that this is the difficult part of Land Use Regulation, but the city has been very consistent about transforming this particular district. As Mr. Clawson stated, there are people coming in every day with houses in the area and they are surprised that they can't do anything with them, as far as a residential uses. The owners can use them in line with the permitted uses so a building could be leased for a compliant or conforming use. It's not that it can't be used at all, it just can't be used for a non-compliant use such as an entertainment venue.

There were no further questions from the Commissioners.

A motion was made by Bruce Clawson/Aric Owens to open the Public Hearing. All other members voted aye.

PUBLIC HEARING: There were no comments from the public, for or against, no questions or further discussion.

There being no other action in the Public Hearing, a motion was made by Bruce Clawson/Thelma Bowie to close the Public Hearing. All other members voted aye.

There were no questions or further discussion from the Commissioners.

A motion was made by Aric Owens/Bruce Clawson to deny the request to rezone the property at 921 Texas Avenue from District "IBD" (Industrial Business District) to District "E" (General Business) based on the information provided in their

packet, and at the meeting, because it does not conform to the City's current zoning standards.

Mr. Clawson stated to the applicant's that the Zoning Commission is bound by the rules of this zoning. The IBD has been a work in progress for 30 years and has to continue. It is not them; it is about the work that needs to be done and has to get done. He added that Ms. Golden has a good point – it's not about the building, it's about the use of the building and he believes that is important. Mr. Owens agreed with Mr. Clawson – it's not the people, it's about the rules and tools they have to base their decisions on. It's not that he doesn't support the project, he can't see how it fits within the parameters of the city requirements. Mr. Narvaez then asked how to go about appealing this to which Co-Chairman Potter stated they would go over that after the motion was completed.

All other members present voted aye. [Zoning change request denied]

Co-Chairman Potter reminded the applicant that they are a committee of volunteers, they are not elected officials. The final decision resides with City Commission. The applicant has a right to take this to them and ask them to reconsider, but they will know from Zoning Commission that they voted and denied the request. Mr. Narvaez replied that they were told ahead of time that this would happen. He added that they would go step-by-step; meet with the commissioners; and then move forward with a lawsuit. Ms. Golden stated that per the procedure in the Zoning Ordinance the application does not automatically progress to City Commission. Because the Zoning Commission has denied it, the applicant has to ask specifically, in writing, for the appeal to go to City Commission and that request has to come within the next 10 days to Engineering & Planning. Once it is received, there is an advertising requirement and to meet that requirement, it's possible the appeal could go before City Commission at the 2nd meeting in July.

ITEM NO. 3 Other business. (Any conceptual development proposal requesting to come before the Planning Board)

Co-Chairman Potter asked if there was any other business to which there was none. **A motion was made by Bruce Clawson/Thelma Bowie to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Planning Board at its meeting on _____.

CITY COMMISSION REGULAR MTG

(6) (c)

Meeting Date: 07/20/2022

Rezoning Request from John Denton for 921 Texas Avenue - 4 Nights Bar & Lounge

Submitted For: Veronica Carreon, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

John Denton requests to rezone from "IBD" (Industrial Business District) to "E" (General Business) to open an entertainment venue.

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

921 Texas Avenue - Staff Report

921 Texas Avenue - Aerial View

921 Texas Avenue - Street View

Zoning Commission Minutes 06-07-22

City of Texas City
Engineering & Planning
Memo

To: Zoning Commission – for meeting on 6/7/2022

From: Kim Golden, P.E., Engineering & Planning

cc:

Date: June 1, 2022

Re: Request to rezone 921 Texas Ave from “IBD” Industrial Business District” to “E” General Business to open and operate an entertainment venue – 4 Nights Bar & Lounge

Background: Applicant, John Denton, seeks to lease and operate the subject location as an entertainment venue, the 4 Nights Bar & Lounge.

Existing conditions: The 0.789 acre lot has an existing structure which has operated as a bar/lounge as a non-conforming use for many years. Its use as a bar/lounge predates the designation of the area as District “IBD” – Industrial Business District. The property is bounded on the north by Texas Ave (F.M. 1765). Texas Avenue is the northern boundary of the IBD. Existing conditions at the site may not be code compliant. Any non-compliant conditions will be addressed through the development plan review process.

Existing zoning: The subject location is currently zoned District “IBD” - Industrial Business District. The area adjacent to the site on the east, west and south boundaries is also zoned IBD. “The IBD is located adjacent to and north of the heavy industrial complex south of FM 1765 (Texas Ave). It is intended to promote high quality light industrial development that provides services dependent and complimentary to the adjacent heavy industry complex. It is recognized that certain special standards relative to land use, setbacks, signage and the like are appropriate for the area.” 160.046(A).

The property across Texas Ave is zoned District F – Light Industrial which is “intended to provide for light manufacturing, wholesale and warehousing operations in an enclosed area. These uses are not of the variety to emit excessive noise, vibration, smoke or odor.” 160.041(A).

Applicant seeks rezoning as District E – General Business which is intended to provide for an extensive variety of enclosed retail and commercial services to serve the overall needs of the

community. 160.035(A). Taverns, night clubs, and dance halls are allowable principal uses in District E. 160.035(B)(10).

GATEWAY OVERLAY DISTRICT: The subject property is also subject to the requirements of Secs 160.065-160.069 Gateway Overlay District. This district requires 100% masonry construction, that all fences be masonry, that all utilities be underground, and a minimum of 15% landscaping, and other screening requirements.

LAND USE PLAN: The current land use plans show the subject area as developing within the guidelines of the "Industrial Transition Zone". "Any proposed development within the Industrial Transition Zone should be limited to nonresidential uses. Typical land uses for this zone could consist of outdoor storage, office professional, commercial and industrial warehousing. This zone will require enhanced performance standards, i.e., setbacks, parking, landscaping, and screening. The intent for the enhanced performance standards is to provide reasonable aesthetics and visual screening to the industrial land use south of 5th Avenue South.

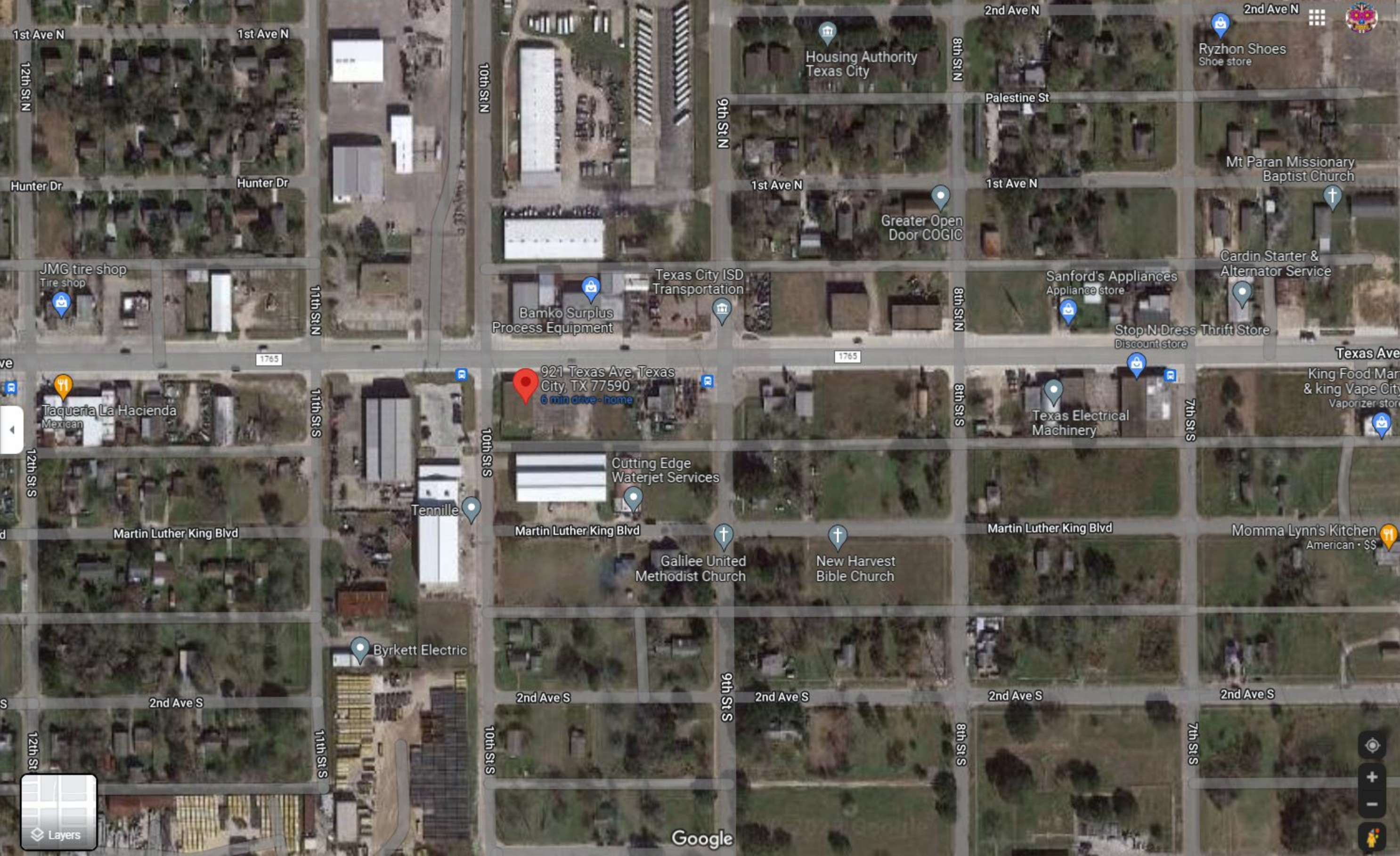
Objections from adjacent property owners; In response to the notice of hearing letter sent to adjacent property owners, staff received objections based upon (i) the general business designation being in direct conflict with existing uses as warehousing and manufacturing and treatment of products or equipment as stated in the zoning ordinance; (2) history of bullet holes in the roof from incidents at the previous entertainment venue; and (3) history of fights, littering and parking on adjacent properties from previous operation of the entertainment venue.

Analysis: The IBD is intended to be a transformational district. The existing heavy industrial district south of Texas Ave/FM1765 has a compelling impact on the surrounding land uses. Texas City through its City Commission adopted the IBD as a tool to control the development of property near the existing heavy industry. The IBD is intended to promote **high quality light industrial development** by imposing strict restrictions on the uses allowed within the district.

The existing use does not comply with the allowed principal uses of the existing IBD District, nor does it comply with the applicable land use regulations which require 50% of the area of the lot to be landscaped. The existing site does not have any landscaping. The Fire Marshall does not recommend the rezoning of properties in the IBD for assembly uses such as an entertainment venue. The Utilities director notes that water service is currently provided by a service to the rear of the building. A two inch service is not usually considered adequate for fire protection of an assembly use of any significant occupancy. The Chief Building Official notes the existing building may not be code compliant and will have to be brought into compliance with current codes if the re-zoning is approved. Full set of stamped plans will be required for building permitting. The development plan review and building permitting are independent processes separate from the rezoning. The rezoning will not grandfather the existing structure into compliance with applicable building codes.

Although the subject location has operated as an entertainment venue for years, it appears to have done so as a non-conforming use which pre-dates the zoning of the district as IBD. Non-conforming uses expire when the use changes or is abandoned. The subject location no longer qualifies as a non-conforming use because the operator of the use is changing and requires a new certificate of occupancy.

Staff recommends DENIAL of the request for zoning change because (1) allowing the uses of the General Business District in the area is contrary to the transformative intent of the IBD District; (2) the use as an entertainment venue and assembly space is not compatible with the purpose of the IBD to promote the development of high quality light industrial uses which are depended and complimentary to the adjacent heavy industrial complex; (3) there is a history of actual conflicts between the incompatible uses as evidenced by the letter of objection received from an adjacent property owner; (4) the existing building is not compliant with the area regulations of the IBD relating to landscaping and open space. .



Housing Authority
Texas City

Mt Paran Missionary
Baptist Church

Greater Open
Door COGIC

Cardin Starter &
Alternator Service

JMG tire shop
Tire shop

Texas City ISD
Transportation

Sanford's Appliances
Appliance store

Bamko Surplus
Process Equipment

Stop N Dress Thrift Store
Discount store

921 Texas Ave, Texas
City, TX 77590
6 min drive - home

Texas Ave
King Food Mar
& king Vape City
Vaporizer store

Taqueria La Hacienda
Mexican

Texas Electrical
Machinery

Cutting Edge
Waterjet Services

Momma Lynn's Kitchen
American • \$\$

Tennille

Galilee United
Methodist Church

New Harvest
Bible Church

Martin Luther King Blvd

Martin Luther King Blvd

Byrkett Electric

2nd Ave S

2nd Ave S

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2nd Ave S



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Map navigation controls including a compass, a zoom-in (+) button, and a zoom-out (-) button.

Google

ZONING COMMISSION JUNE 7, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, June 7, 2022 at 5:15 p.m. Zoning Commission members present: Co-Chairman Gary Potter, Thelma Bowie, Aric Owens and Bruce Clawson. Staff members present were: Kimberly Golden, Veronica Carreon and Iverson Williams (Summer Intern). Guests were: John Denton, Derrick Vaughn, Andrew Narvaez, Beatriz Narvaez, Abel Garza, Jayla Weatherspoon and Jason Kieschnick.

Co-Chairman Potter indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of May 17, 2022 was made by Bruce Clawson/Thelma Bowie. All other members present voted aye.

Co-Chairman Potter stated that the order of items would change and the first item to be discussed would be Item No. 2, and then Item No. 1.

ITEM NO. 1 Consider and take action on a request from Chris LeBoeuf to rezone the property at 5029 FM 646, Texas City, TX from District “O” (Open Space) to District “F” (Light Industrial) to open Liberty Flare, LLC. (Action)

Ms. Golden stated that the property at 5029 FM 646 is currently zoned District “O” (Open Space), which was the zoning it obtained at the time of annexation by the city. This means when those annexed areas are brought in from an unincorporated area into an incorporated area they are brought in as “O”. This is the first time an application was submitted to do something with the property. This property could fit District “F”, and at the time the Applicant came in staff performed a quick review of the request and actually recommended District “*F”. After looking at the request a little more carefully through the review process, staff found that District “P-” (Planned Industrial) would be a better fit for everything that is going on in this area. Ms. Golden found that one of the properties 5008 FM 646 which is about 200’ from the Applicant’s property was rezoned to District “P-” in 2019. Because it’s located in the Gateway Overlay District, the Applicant will be required to comply with those requirements, whether it’s zoned “F” or “P-”. Ms. Golden conferred with the City Attorney about this, and he stated that since the notice has gone out properly in terms of what the Applicant actually asked for and as long as this is being discussed in a public meeting, and then referred to City Commission, the Zoning Commission can consider a recommendation to classify as District P-I (Planned Industrial). When the notice for City Commission is published, then it can be presented as “P-” and notice will be in order, if the Zoning Commission chooses to follow staff recommendation. From a user standpoint, the Applicant’s intended use will be compliant with either classification – “F” Light Industrial, or P-I “Planned Industrial”. It’s from the Planning and Zoning standpoint and best practices to have consistent precedence for when the near-by properties come in for a zoning change.

Mr. Clawson then asked about a certain location on the exhibit and asked if it was part of the property, to which Mr. Jason Kieschnick, a representative for the Applicant, replied that it was not, and he was not sure what it was.

Kieschnick then asked what the difference is between District “F” and District “P-I”, to which Ms. Golden replied that District “P-I” is a little more evolved zoning practice in that it allows more discretion to work with the Applicant in terms of aesthetics and in the combination of uses that can be there. Whereas District “F” is just light industrial – metal buildings, chain link fences, etc. Because it is on the gateway corridor the extra enhancements of the district apply anyway, so District “P-I” is the better fit for that consideration. Mr. Kieschnick asked if the different zoning would allow more uses, to which Ms. Golden stated it would allow the city more leeway to make things work together.

There were no further questions from the commissioners.

A motion was made by Bruce Clawson/Thelma Bowie to open the Public Hearing. All other members voted aye.

PUBLIC HEARING: There were no comments from the public, for or against, no questions or further discussion.

A motion was made by Bruce Clawson/Aric Owens to close the Public Hearing. All other members voted aye.

There being no other action in the Public Hearing, a motion was made by Bruce Clawson/Thelma Bowie to recommend approval to the City Commission for the zoning change to District “P-I” designation for 5029 FM 646. All other members present voted aye.

ITEM NO. 2 Consider and take action on a request from John Denton to rezone the property at 921 Texas Avenue, Texas City, TX from District “IBD” (Industrial Business District) to District “E” (General Business) to open and operate 4 Nights Bar & Lounge, an entertainment venue. (Action)

Ms. Golden stated that the property is located at 921 Texas Avenue and is in District “IBD” (Industrial Business District). The IBD is one of the districts that the city has implemented for a transformational purpose. The IBD zoning classification is intended to make the land uses in the district transition to industrial businesses and other uses in support of the heavy industrial complex, which is further south. Texas City is unique in that it does have a substantial assembly of the true heavy industry and it has been very progressive in recognizing that there should be a transition zone from that heavy industrial to a general business district. Many years ago the City Commission adopted the Industrial Business District which is more restrictive as compared to the other districts because it is intended to be transformational and create change. It has a requirement that 50% of the area be impervious and landscaped. It also restricts uses to businesses that support heavy industry. The Applicant’s proposed use as an entertainment venue is not compliant the purpose of the district or the principle uses allowed by the Zoning Ordinance in the IBD District. The use was “grandfathered” in because it was in use by the owner at the time of the zoning change, but when the use changes the “grandfathering” goes away. The fact that there is a different person wanting to use this site for a non-conforming use provokes the requirement for a zoning change. The new owner/user cannot continue to operate it as a non-conformance use without a zoning change. As a leased property, the owner has an obligation to lease the property for uses which conform to the requirements of the zoning district. One Letter of Objection has been received from the adjacent

property opposing the zoning change. Because of the clear intent of the City Commission in adopting the restrictive IBD zoning district, and the way it has been administered consistently over time, as well as through current administrative processes within the Planning & Zoning department, now, staff is not recommending approval of the zoning change to District E, but is recommending the site retain the IBD designation.

Mr. Bruce Clawson read from the Letter of Objection that quoted, “no warehousing or manufacturing, or treatment of products or equipment, shall be permitted...” and asked where that quote might be coming from because he is not familiar with it. Ms. Golden replied that the owner may be quoting from the principal uses in District “E” (General Business). The objector [who operates an existing warehouse which is complaint with the IBD District] is saying that approving the District E rezoning would be approving a non-compatible use right next to his property. Co-Chairman Potter asked if the building [which is the subject of the application] sold or what has changed, to which Ms. Golden replied that it is requiring a new Certificate of Occupancy (CO). When the owner or lessee has changed it requires a new CO. Mr. Aric Owens then asked why the owner isn’t requesting the rezoning. Ms. Golden replied that the owner has consented to and is part of the application.

The Applicant, Mr. John Denton, then stated that he is interested in buying the building from the owner, Mr. Andrew Narvaez, and would like to bring something nice to the Texas City area. With all the new development coming in, he believes that the city needs a venue like this. He helped raise money for the golf course recently. He stated he is a good upstanding citizen. When he saw the building, he called Mr. Narvaez and they made an agreement that Mr. Denton would buy the building from him, but when they found out that the zoning had changed that was when he came to Engineering & Planning to find out the status on it. For this reason, the sale was halted until he can find out if he can get the zoning changed. This building has been a bar for 25 years and only closed due to COVID. He pointed out two restaurants that were in close vicinity [on the north side of Texas Ave] and believes that his block just happens to be where the city is trying to keep the area as the industrial part of it. His opinion is the building has been a club for 25 years, they haven’t had any issues, it hasn’t changed ownership and it only closed due to COVID. He is trying to come in and redo it and make this a “taj mahal” and is willing to spend \$250,000 to make a new place, redo the parking lot and interior of the building, and change some of the aesthetics on the outside of the building. He is inclined to say this should be done and it would be good for the city.

Mr. Clawson stated that he is struggling with this, because all through this district they have literally forced people not to fix their houses if it is greater than 50% of the value of their home. They have sat down with the industries and said “you wanted the buffer/green zone, you got it” and they [the industries] have bought the houses. For the last 20 or 30 years, they have gone about changing that area to light industrial and they just don’t want anybody in there other than industrial people because of the industries that are there. He doesn’t know why the board should make exception of this. Mr. Denton stated that this building was not destroyed, like a lot of the houses in this area, which he opined is a blast area and that’s why they did not want them rebuilt again. He added that this club is made of cinderblock that has lasted through some blasts. There are also 4 additional businesses that have opened in the area [on the north side of Texas Ave.]. He believes

that the building is on the corner where the IBD starts, which Mr. Clawson replied that it is the fact that he is located on the south side of Texas Avenue, which is all IBD.

Co-Chairman Potter stated that one of the complaints from the neighbor across the street was about activities at the location – fights and gunfire that apparently left bullets in his roof. Mr. Denton replied that those events happened with the previous owner and he could not say anything about what happened in the past. He stated that he did not frequent the place when it was a club. He stated Mr. Narvaez said it had been a club for 25 years so he thought it would be a good entertainment complex. It is right around the corner from 6th Street North, where there is not a lot of parking like he would have at his business. He also mentioned Bourbon Street down the street [north of Texas Ave] and stated that it is a bar. He does not intend to have any issues due to the type of clientele he will allow.

Mr. Narvaez then stated back in 2000 when the zoning was changed to industrial, he had to go before city council for the lessee at that time, and they were worried about the same issues happening. Mr. Narvaez stated to council that if there were any problems at the location, he would evict the lessee. He added that he hasn't had any problems, nor was he ever notified of any trouble. He stated that he was never informed of a zoning change to industrial business. This location has always been a club and then asked who the Letter of Objection was from. Co-Chairman Potter replied that the letter was from Bamko Surplus which claims there are holes in his roof because of gunfire during the operation of the club. Mr. Denton asked if Bamko Surplus filed a police report and then asked if the letter was received without being verified. Co-Chairman Potter replied that a Public Hearing Notice was sent to surrounding property owners and ask if they have any problems with the zoning change. This particular owner stated that he is not in favor of it. Mr. Narvaez stated again that he would not put up with anything and that's why the city council passed it last time. He endangered himself at one point by evicting a lessee.

Ms. Golden stated that this is the difficult part of Land Use Regulation, but the city has been very consistent about transforming this particular district. As Mr. Clawson stated, there are people coming in every day with houses in the area and they are surprised that they can't do anything with them, as far as a residential uses. The owners can use them in line with the permitted uses so a building could be leased for a compliant or conforming use. It's not that it can't be used at all, it just can't be used for a non-compliant use such as an entertainment venue.

There were no further questions from the Commissioners.

A motion was made by Bruce Clawson/Aric Owens to open the Public Hearing. All other members voted aye.

PUBLIC HEARING: There were no comments from the public, for or against, no questions or further discussion.

There being no other action in the Public Hearing, a motion was made by Bruce Clawson/Thelma Bowie to close the Public Hearing. All other members voted aye.

There were no questions or further discussion from the Commissioners.

A motion was made by Aric Owens/Bruce Clawson to deny the request to rezone the property at 921 Texas Avenue from District "IBD" (Industrial Business District) to District "E" (General Business) based on the information provided in their

packet, and at the meeting, because it does not conform to the City's current zoning standards.

Mr. Clawson stated to the applicant's that the Zoning Commission is bound by the rules of this zoning. The IBD has been a work in progress for 30 years and has to continue. It is not them; it is about the work that needs to be done and has to get done. He added that Ms. Golden has a good point – it's not about the building, it's about the use of the building and he believes that is important. Mr. Owens agreed with Mr. Clawson – it's not the people, it's about the rules and tools they have to base their decisions on. It's not that he doesn't support the project, he can't see how it fits within the parameters of the city requirements. Mr. Narvaez then asked how to go about appealing this to which Co-Chairman Potter stated they would go over that after the motion was completed.

All other members present voted aye. [Zoning change request denied]

Co-Chairman Potter reminded the applicant that they are a committee of volunteers, they are not elected officials. The final decision resides with City Commission. The applicant has a right to take this to them and ask them to reconsider, but they will know from Zoning Commission that they voted and denied the request. Mr. Narvaez replied that they were told ahead of time that this would happen. He added that they would go step-by-step; meet with the commissioners; and then move forward with a lawsuit. Ms. Golden stated that per the procedure in the Zoning Ordinance the application does not automatically progress to City Commission. Because the Zoning Commission has denied it, the applicant has to ask specifically, in writing, for the appeal to go to City Commission and that request has to come within the next 10 days to Engineering & Planning. Once it is received, there is an advertising requirement and to meet that requirement, it's possible the appeal could go before City Commission at the 2nd meeting in July.

ITEM NO. 3 Other business. (Any conceptual development proposal requesting to come before the Planning Board)

Co-Chairman Potter asked if there was any other business to which there was none. **A motion was made by Bruce Clawson/Thelma Bowie to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Planning Board at its meeting on _____.

CITY COMMISSION REGULAR MTG

(7) (a)

Meeting Date: 07/20/2022

Consider and take action on the Zoning Change Request from Chris LeBoeuf for 5029 FM 646 - Liberty Flare

Submitted For: Veronica Carreon, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Consider and take action on the Zoning Change Request from Chris LeBoeuf to rezone the property at 5029 FM 646, Texas City, TX from District "O" (Open Space) to District "F" (Light Industrial) to open Liberty Flare, LLC.

BACKGROUND (Brief Summary)

Applicant, Liberty Flare, LLC, acquired Liberty Tower & Flare, Inc. in April 2019 and seeks to consolidate all operations and administrative functions at the subject location. 5029 FM 646. Its business has operated in Bacliff Texas for over 40 years and consists of mostly field services performed on customer's sites in refineries and chemical plants. It estimates less than 4% of its \$7.7million annual revenue will be generated at the site. Post COVID it has 25 employees, reduced from its typical staffing level of 40 pre-COVID. It projects staffing to increase to 50 as the market continues to improve.

RECOMMENDATION

On Tuesday, June 7, 2022, the Zoning Commission voted 4-0 to recommend approval of the rezoning from District "O" (Open Space) to District "P-I" (Planned Industrial). Motion carried.

Staff have no objection to the requested rezoning to District "F", (Light Industrial), but recommend a rezoning to District "P-I" (Planned Industrial) as more appropriate to the area and the totality of the circumstances.

Fiscal Impact

CITY COMMISSION REGULAR MTG

(7) (b)

Meeting Date: 07/20/2022

Consider and take action on the Zoning Change Request from John Denton for 921 Texas Avenue - 4 Nights Bar & Lounge

Submitted For: Veronica Carreon, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Consider and take action on the Zoning Change Request from John Denton to rezone the property at 921 Texas Avenue, Texas City, TX from District "IBD" (Industrial Business District) to District "E" (General Business) to open and operate 4 Nights Bar & Lounge, an entertainment venue (appeal from recommendation of the Zoning Commission to deny the rezoning request).

BACKGROUND (Brief Summary)

Applicant, John Denton, seeks to lease and operate the subject location as an entertainment venue, the 4 Nights Bar & Lounge.

RECOMMENDATION

On Tuesday, June 7, 2022, the Zoning commission voted 4-0 to recommend denial of the rezoning from District "IBD" (Industrial Business District) to District "E" (General Business). Motion carried.

Staff recommends DENIAL of the request for zoning change because (1) allowing the uses of the General Business District in the area is contrary to the transformative intent of the IBD District; (2) the use as an entertainment venue and assembly space is not compatible with the purpose of the IBD to promote the development of high quality light industrial uses which are depended and complimentary to the adjacent heavy industrial complex; (3) there is a history of actual conflicts between the incompatible uses as evidenced by the letter of objection received from an adjacent property owner; (4) the existing building is not compliant with the area regulations of the IBD relating to landscaping and open space.

Fiscal Impact

CITY COMMISSION REGULAR MTG

(9) (b)

Meeting Date: 07/20/2022

Accept Funds Allocated through the HGAC MOD (Method of Distribution)

Submitted For: Jon Branson, Management Services

Submitted By: Jon Branson, Management Services

Department: Management Services

Information

ACTION REQUEST

Authorize the acceptance of up to \$8,012,770 allocated by the Texas General Land Office and distributed by Houston Galveston Area Council (H-GAC) for the Regional Mitigation Program.

BACKGROUND (Brief Summary)

In order to receive up to \$8,012,770 allocated for the program, it is recommended by HGAC that each entity officially involve their respective governing bodies in the decision to accept or decline the funds. For that reason, this agenda item is before you for your consideration.

RECOMMENDATION

It is the recommendation of the Management Services Department for the City Commission to officially accept the Texas General Land Office funds via HGAC in the amount of up to \$8,012,770, and authorize the Mayor to sign the acceptance letter attached hereto.

Fiscal Impact

Attachments

Resolution

HGAC MOD Acceptance

RESOLUTION NO. 2022-064

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF UP TO \$8,012,770.00 ALLOCATED BY THE TEXAS GENERAL LAND OFFICE AND DISTRIBUTED BY HOUSTON GALVESTON AREA COUNCIL (H-GAC) FOR THE REGIONAL MITIGATION PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, in order to receive up to \$8,012,770 allocated for the program, it is recommended by HGAC that each entity officially involve their respective governing bodies in the decision to accept or decline the funds; and

WHEREAS, it is the recommendation of the Management Services Department for the City Commission to officially accept the Texas General Land Office funds via HGAC in the amount of up to \$8,012,770.00, and authorize the Mayor to sign the acceptance letter attached hereto and labeled **Exhibit “A.”**

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 authorizes the Mayor to sign the acceptance letter attached, as set out in **Exhibit “A”**, attached hereto, to accept the Texas General Land Office funds via HGAC in the amount of up to \$8,012,770.00

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 20th day of July 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney



HOUSTON-GALVESTON AREA COUNCIL
OFFICE OF THE EXECUTIVE DIRECTOR

June 30, 2022

RECEIVED
JUL 08 2022

BY:

Hon. Dedrick Johnson
Mayor
City of Texas City
PO Box 2608
Texas City, TX 77592-2608

RE: Regional Mitigation Program – Houston-Galveston Area Council MOD Funding Notification

Dear Mayor Johnson:

The Texas General Land Office (GLO) allocated \$488,762,000.00 to the Houston-Galveston Area Council (H-GAC) to develop a method of distribution (MOD) for the Regional Mitigation Program as part of the State of Texas Community Development Block Grant Mitigation (CDBG-MIT) Action Plan as amended. Through the preliminary H-GAC MOD posted for public comment, City of Texas City is included as a potential recipient of funding in the amount of \$8,012,700.00. This amount is subject to change as the public participation process is completed and until final MOD approval by the GLO.

Due to CDBG-MIT grant requirements, the state is required to reach a certain threshold tied to benefitting low- and moderate-income (LMI) persons, therefore \$4,006,350.00 of your funding must be used for projects that benefit LMI persons in your community. Some State Most Impacted & Distressed (MID) counties and cities with HUD MID ZIP codes received both State MID and HUD MID allocations. Amounts from HUD MID allocations can only be applied to projects benefitting the HUD MID areas. For those cities and counties whose combined HUD MID and State MID allocations are greater in total than \$900,000.00, but whose allocation in either the individual State MID or HUD MID allocation is less than \$900,000.00, the allocation for the ineligible category was added to their eligible category.

Total Allocation	Total LMI Amount	Total HUD MID Allocation	Total State MID Allocation
\$8,012,700.00	\$4,006,350.00	\$8,012,700.00	\$ 0.00

The MOD is currently posted for public comment online at <https://www.h-gac.com/community-development-block-grant-mitigation-funds>. H-GAC will accept oral and written comments on the conditionally approved preliminary MOD until Thursday, July 28, 2022, at 5 p.m.

To accept or decline the funds allocated through the MOD, please sign and return the attached form to H-GAC by August 5, 2022. Once the GLO approves the final MOD, the GLO will post application information at <https://recovery.texas.gov/mitigation/programs/regional-mitigation/index.html>.

Please note that declining to participate in the COG MOD may exclude City of Texas City if there are any future allocations or reallocations of funds through the Regional Mitigation Program. It is recommended each entity officially involve their city council, county commissioners court or other governing board in the decision to accept or decline funds.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck Wemple', with a stylized flourish at the end.

Chuck Wemple

cc: Hon. Jami Clark



To accept or decline the funds allocated through the Houston-Galveston Area Council conditionally approved preliminary Method of Distribution, please sign and return this form to H-GAC by August 5, 2022.

- You may sign this form and return it by mail to: Houston-Galveston Area Council, Attn: Cheryl Mergo, P.O. Box 22777, Houston, TX 77227-2777
- You may sign this form and return an electronic (scanned) copy by email to cdbgmitigation@h-gac.com
- You may hand-deliver this form during regular business hours to Houston-Galveston Area Council, Attn: Cheryl Mergo, 3555 Timmons Lane, Suite 100, Houston, Texas 77027
- You may hand-deliver this form to H-GAC staff during a Public Hearing from 5:30 to 7:30 p.m. June 21, at H-GAC
- You may complete this form online at <https://form.jotform.com/221773540415048>

I, _____, the designated official of _____:
Print Name Print Entity Name

Acknowledge and **accept funding** through the Regional Mitigation Program.

Acknowledge and **decline funding** through the Regional Mitigation Program.

Designated Official Signature

Date

CITY COMMISSION REGULAR MTG

(9) (c)

Meeting Date: 07/20/2022

Public Hearing for Update to Land Use Assumptions, Capital Improvement Program and Impact Fees

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

A RESOLUTION ESTABLISHING THE REGULAR CITY COMMISSION MEETING ON SEPTEMBER 7, 2022 AS THE DATE FOR A PUBLIC HEARING TO DISCUSS AND REVIEW AMENDMENTS TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND UTILITY IMPACT FEES ASSOCIATED WITH THE CITY’S WATER AND SEWER CAPITAL RECOVERY PROGRAM

BACKGROUND (Brief Summary)

Section 395.053, Texas Local Government Code, directs and states that a governing body of the political subdivision shall adopt an order setting a public hearing to discuss and review the update of the land use assumptions and the capital improvement plan and utility impact fees. State law requires the plan to be updated at least every 5 years. Texas City last updated its plan in June 2017.

Section 395.058 of the Texas Local Government Code, directs the governing body of the political subdivision to appoint an advisory committee to advise and assist in adopting land use assumptions; and also provides that the planning and zoning commission may serve as such advisory committee. The Planning Board and the Zoning Commission, meeting jointly, have served as the advisory committee for previous updates of the land use assumptions and capital improvements plan and well qualified to do so.

RECOMMENDATION

The City of Texas City Engineer and Director of Transportation and Planning recommends approving the Public Hearing to be held on September 7, 2022, at 5:00 p.m., in the City Hall Kenneth Nunn City Commission Room and recommends appointing the members of the Planning Board and the Zoning Commission to serve jointly as the advisory committee to review and provide comments regarding land use assumptions and capital improvements plan updates and utility impact fees associated with the City’s water and sewer Capital Recovery Program.

Fiscal Impact

Attachments

Resolution

CIP Public Hearing



RESOLUTION NO. 2022-065

A RESOLUTION ESTABLISHING THE REGULAR CITY COMMISSION MEETING ON SEPTEMBER 7, 2022 AS THE DATE FOR A PUBLIC HEARING TO DISCUSS AND REVIEW AMENDMENTS TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND UTILITY IMPACT FEES ASSOCIATED WITH THE CITY'S WATER AND SEWER CAPITAL RECOVERY PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 395.053, Texas Local Government Code, directs and states that a governing body of the political subdivision shall adopt an order setting a public hearing to discuss and review the update of the land use assumptions and the capital improvement plan and utility impact fees. State law requires the plan to be updated at least every 5 years. Texas City last updated its plan in June 2017; and

WHEREAS, Section 395.058 of the Texas Local Government Code, directs the governing body of the political subdivision to appoint an advisory committee to advise and assist in adopting land use assumptions; and also provides that the planning and zoning commission may serve as such advisory committee. The Planning Board and the Zoning Commission, meeting jointly, have served as the advisory committee for previous updates of the land use assumptions and capital improvements plan and well qualified to do so; and

WHEREAS, it is the recommendation of the City Engineer and Director of Transportation and Planning Department recommends approving the Public Hearing to be held on September 7, 2022, at 5:00 p.m., in the City Hall Kenneth Nunn City Commission Room and recommends appointing the members of the Planning Board and the Zoning Commission to serve jointly as the advisory committee to review and provide comments regarding land use assumptions and capital improvements plan updates and utility impact fees associated with the City's water and sewer Capital Recovery Program.

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 establishes the Regular City Commission meeting on September 7, 2022, as the date for a Public Hearing to discuss and review amendments to the Land Use assumptions, Capital Improvements Plan, and Utility Impact Fees associated with the City's Water and Sewer Capital Recovery Program.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 20th day of July 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

RESOLUTION NO. 22-___

A RESOLUTION ESTABLISHING THE REGULAR CITY COMMISSION MEETING ON SEPTEMBER 7, 2022 AS THE DATE FOR A PUBLIC HEARING TO DISCUSS AND REVIEW AMENDMENTS TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND UTILITY IMPACT FEES ASSOCIATED WITH THE CITY'S WATER AND SEWER CAPITAL RECOVERY PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 395.053, Texas Local Government Code, directs and states that a governing body of the political subdivision shall, within 60 days after that date it receives the update of the land use assumptions and the capital improvement plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan; and,

WHEREAS, pursuant to Section 395.053 of the Texas Local Government Code it is in the best interest of the City to hold said public hearing to discuss and review amendments to the Land Use Assumptions and Capital Improvement Plan; and

WHEREAS, Section 395.058 of the Texas Local Government Code, directs the governing body of the political subdivision to appoint an advisory committee to advise and assist in adopting land use assumptions; and also provides that the planning and zoning commission may serve as such advisory committee.

WHEREAS, the Planning Board and the Zoning Commission, meeting jointly, have served as the advisory committee for previous updates of the land use assumptions and capital improvements plan and are deemed well qualified to do so by the City Commission.

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 sets and approves the Public Hearing to be held on September 7, 2022 at 5:00 p.m., in the City Hall Kenneth Nunn City Commission Room to discuss and review amendments to the Land Use Assumptions and Capital Improvements Plan and Utility Impact fees associated with the City's water and sewer Capital Recovery Program.

SECTION 2: That the City Commission of the City of Texas City, Texas does hereby appoint the members of the Planning Board and the Zoning Commission to serve jointly as the an advisory committee to review and provide comments regarding land use assumptions and capital improvements plan updates and utility impact fees associated with the City's water and sewer Capital Recovery Program.

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

adoption.

PASSED AND ADOPTED this _____th day of July, 2022

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(9) (d)

Meeting Date: 07/20/2022

2022-021 Gasoline and Diesel Annual Contract

Submitted For: Mike McKinley, Public Works

Submitted By: Mike McKinley, Public Works

Department: Public Works

Information

ACTION REQUEST

Approve and award Bid # 2020-084 Gasoline and Diesel Annual Contract.

BACKGROUND (Brief Summary)

A notice to bidders was advertised on June 8th & 15th, 2022 and bid packets were sent to local area vendors. Two (2) bids were received and opened on June 28, 2022 at 10:00. The lowest unit fixed differential price bidder was Sun Coast Resources, Inc., unfortunately, their bid came with a list of "Exceptions/Deviations" that were **not** in the City's best interest and therein deemed unacceptable. One of which was that in times of emergency (like hurricanes), fuel would be delivered on a "best efforts basis". Our delivery expectations are spelled out clearly in the bid documents and have not changed since 2008.

I have attached a copy of those exceptions for your review.

The second bid, though not the lowest unit fixed differential price, is considered the best overall value to the City as there were no exceptions or deviations to the bid documents. The name of this company is Texas Fueling Services Inc..

This is an annual contract and funds are available via budget line item.

A bid tabulation is also attached for your review.

RECOMMENDATION

It is the recommendation of the Public Works Department to award Bid # 2022-021 Gasoline and Diesel Annual Contract to Texas Fueling Services, Inc. for the unit fixed differential prices bid and that the Mayor be authorized to execute a contract on behalf of the City Commission.

Thank you.

Fiscal Impact

Attachments

Resolution

Exhibit A

Exhibit B

RESOLUTION NO. 2022-066

A RESOLUTION AWARDING BID NO. 2020-084 GASOLINE AND DIESEL ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on June 8, 2022, and June 15, 2022, a Notice to Bidders was advertised and bid packets were made available to area vendors for Bid No. 2020-084 Gasoline and Diesel Annual Contract; and

WHEREAS, the bids were opened on June 28, 2022, and it is the recommendation of the Public Works Department that the bid be awarded to Texas Fueling Services Inc., Houston, Texas, for the total unit prices bid.

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

SECTION 1: That the City Commission hereby accepts the contract by Texas Fueling Services Inc. for Bid No. 2020-084 Gasoline and Diesel Annual Contract.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with Texas Fueling Services Inc. for the respective unit price bid in **Exhibit "A,"** as 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 20th day of July 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

EXCEPTIONS/ DEVIATIONS

THE CITY OF TEXAS CITY

Bid # 2022-021 Gasoline and Diesel Annual Contract

(Revised July 12, 2022)

Sun Coast Resources, Inc.'s ("SCRI"), bid and all signatures contained therein are subject to the following exceptions/ deviations.

Special Conditions

1. Page 3, Section 12 – Delivery: SCRI does not foresee any issue with a 48-hour response, outside of emergencies or times of peril. However, emergency response is a separate service from regular fuel delivery. SCRI has an extensive emergency response department within its company which has been recognized nationally for our work with first responders during all the major storms over the past 10 plus years. SCRI also has a contract with the State of Texas to provide fuel to first responders during periods of peril. In the event there is a need for the Emergency Response Program, this would be subject to a separate contract. In the absence of such an agreement, any delivery would be made on a best-efforts basis, in as timely a fashion as reasonably possible. Additionally, it is against SCRI's policy to agree to pay costs of cover or any other consequential damages. As such, SCRI requests that the last paragraph of §12 be edited to read as follows:

“Supplier shall **use best efforts to** deliver fuel covered in this proposal, to the location stated at the time the order is placed, within 48 hours **maximum** after the Owner places an order. In the event that the delivery is not made within this specified time, the Owner reserves the right to purchase said material in the open market, **without liability to Supplier**. Deliveries shall be made on a net gallon basis, temperature corrected to sixty (60) degrees Fahrenheit. **Notwithstanding anything to the contrary, neither party shall be responsible for incidental, consequential, special, or punitive damages, hereunder, including without limitation, costs of cover.**”

2. Page 4, Section 14 – Termination of Agreement: For the reasons stated above, regarding emergencies and times of peril, and because 1.) the last paragraph of §14 conflicts with the time period provided in §12 (24-hours vs. 48-hours); and 2.) because the City already has the right to terminate the contract and award it to another bidder, with 30-days notice (making this portion redundant), SCRI requests that the last paragraph of §14 be deleted in its entirety.

Bid Form

3. Pages 1-2, Sections 1, 3(b), & 3(c) – “Contract Documents”: SCRI cannot agree to terms which it has not been expressly provided. Because the City never defines what it means by “Contract Documents” or what is intended to be contained therein, **to the extent** the City intends to include any terms and/or conditions that were not expressly provided in the 21-page “2022-021 Bid Docs.pdf” document, SCRI takes exception and requests that such requirement be removed. SCRI reserves its rights to negotiate any other terms or conditions not contained within the express terms of the 2022-021 Bid Docs.pdf.

6405 Cavalcade Street • Building 1 • Houston, Texas 77026 • 800-677-FUEL (3835) • 713-844-9600
[.suncoastresources.com](http://suncoastresources.com)

4. Page 4, Proposed New Section 8 – Force Majeure: Because there is no force majeure provision, SCRI proposes the following force majeure language be added to the last page of the Bid Form, as §8.

“Except for payment obligations, neither Party shall be liable for any delay or inability to carry out any of its obligations hereunder when such delay or inability is due to a Force Majeure event. Force Majeure includes, but is not limited to, any acts of God; fires; hurricanes; floods; wars; terrorism; pandemics; strikes; civil unrest; product allocation issues; labor shortages; supply shortages; any cause outside of Contractor’s reasonable control that causes a commercial impracticability of its performance; or any other causes not reasonably within the control of the Party claiming such inability.”

BID TABULATION

Bid # 2022-021 Gasoline and Diesel Annual Contract

Bid Opening: Tuesday, June 28, 2022 at 10:00 a.m.

ITEM #	DESCRIPTION	Vendor	Vendor	Vendor
		APACHE	SUNCOAST	Texas Fueling
1	Gasoline 87 Octane Unleaded Large Lot Transport – 4,000+	No Bid	+ \$0.005/gal	+ \$0.245/gal
2	Gasoline 87 Octane Unleaded Medium Lot Bobtail – 1,000- 3,999	No Bid	+ \$0.1298/gal	+ \$0.445/gal
3	Gasoline 87 Octane Unleaded Small Lot Bobtail – 0-999	No Bid	+ \$0.3500/gal	+. \$0.645/gal
4	No. 2 Ultra Low Sulfur Diesel TxLED Large Lot Transport 4,000	No Bid	+ \$0.005/gal	+ \$0.245/gal
5	No. 2 Ultra Low Sulfur Diesel TxLED Medium Lot Bobtail – 1,000- 3,999	No Bid	+ \$0.1298/gal	+ \$0.445/gal
6	No. 2 Ultra Low Sulfur Diesel TxLED Small Lot Bobtail – 0-999	No Bid	+ \$0.3500/gal	+ \$0.645/gal

CITY COMMISSION REGULAR MTG

(10) (a)

Meeting Date: 07/20/2022

permanently rezone the property at 3415 25th Avenue North, Texas City

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Consider approval of an ordinance to permanently rezone the property at 3415 25th Avenue North, Texas City, from District "A-1" (Single Family Residential) to District "E" (General Business) to develop the property with one single-store 4500 sq. ft. retail building as a convenience store with 5 fuel pumps (Exxon) and with capabilities for retail lease space. Being 0.689 acres, Lot 1 of Lollis-Gebhart S/D.

BACKGROUND (Brief Summary)

The City Commission held a public hearing and gave the subject property preliminary rezoning approval on November 17, 2021. The Planning Board gave Development Plan approval to said development on May 16, 2022. The Building Official advises a building permit has been requested on June 30, 2022 to construct the convenience store and fuel pumps in accordance with the application for the zoning change. The preliminary zoning approval is ready to be made permanent and the zoning classification for the subject location changed to District "E" (General Business) and the zoning map amended accordingly.

RECOMMENDATION

Based on the records of the Building Official, the City Engineer/Director of Transportation & Planning recommends approval of the ordinance to make the rezoning permanent.

Fiscal Impact

Attachments

Ordinance

3415 25th Ave No - Aerial Map

ORDINANCE NO. 2022-15

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE ZONING ORDINANCE, TO PERMANENTLY REZONE PROPERTY FOR RAHIM MAKNOJIA FROM DISTRICT “A-1” (SINGLE FAMILY RESIDENTIAL) TO DISTRICT “E” (GENERAL BUSINESS)” BEING 0.689 ACRES, LOT 1 OF LOLLIS – GEBHART S/D, 3415 25TH AVENUE NORTH, TEXAS CITY, GALVESTON COUNTY, TEXAS; ORDERING SAID CHANGES MADE ON THE CITY ZONING MAP; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; DISPENSING WITH THE CHARTER 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.

WHEREAS, proper notice has been given and public hearing was held regarding the rezoning of 3415 25th Avenue North, Texas City, and given preliminary approval by the City Commission on November 17, 2021; and

WHEREAS, in accordance with the Section 160.106(D)(3) the Building Official hereby provides notice that the applicant has requested a building permit for the requested uses so the preliminary zoning approval is ready to be made permanent; and

WHEREAS, it is the considered opinion of the City Commission that said Zoning Ordinance be amended and changed to permanently rezone said property.

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

SECTION 1: That certain property described as being 0.689 acres, Lot 1 of Lollis-Gebhart S/D, 3415 25th Avenue North, Texas City, Galveston County, Texas currently zoned as District “A-1” (Single Family Residential), is hereby permanently rezoned and classified as District “E” (General Business) to develop the property with one single-story 4500 sq. ft. retail building as a convenience store with 5 fuel pumps and with capabilities for retail lease space.

SECTION 2: That the City Engineer shall designate said changes from District “A-1” (Single Family Residential) to District “E” (General Business), as hereinabove provided, on the original zoning map, as amended, and on the duplicate copy thereof kept in the Office of the City Planning Board.

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. 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 the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

PASSED AND ADOPTED this 20th day of July 2022.

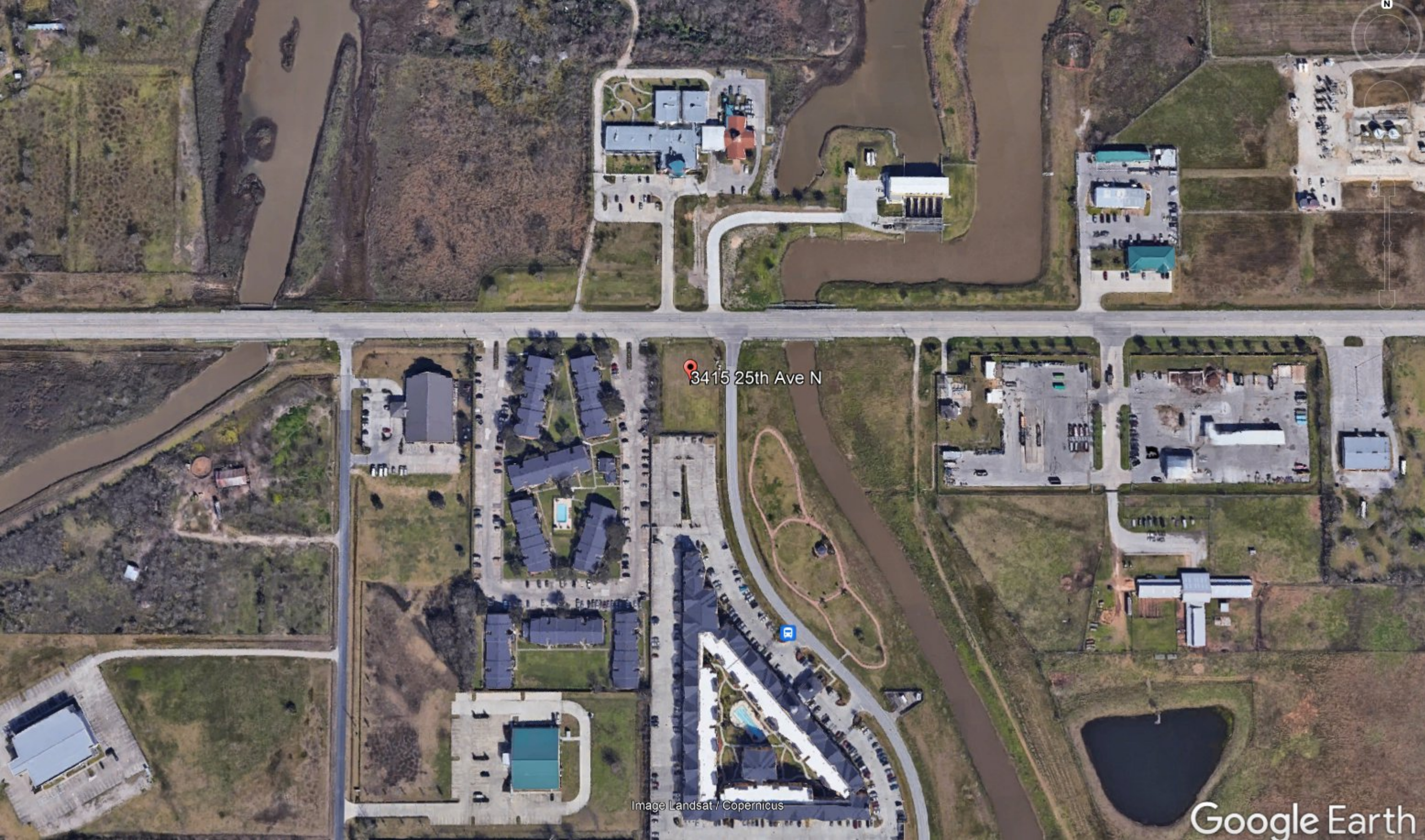
Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney



3415 25th Ave N

Image Landsat / Copernicus

Google Earth