

CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING

AGENDA

WEDNESDAY, SEPTEMBER 7, 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) Accept Patriot Award from the Department of Defense.
 - (b) Presentation of the Updated Land Use Assumptions, Capital Improvements Plan and Impact Fees for Water and Sewer Utilities by ARKK Engineers.
- (5) REPORTS
 - (a) Lowry Fitness Center (Recreation and Tourism)
- (6) PUBLIC HEARING
 - (a) Receive comments from the Public regarding update of the Land Use Assumptions, Capital Improvements Plan and Impact Fees for water and sewer utilities.
 - (b) Receive comments from the public regarding Sherman Jones request to rezone property located at 2828 Texas Avenue from District "F-1" (Outdoor Industrial) to District "E" (General Business) to open and operate Kingdom Wings, a drive-thru restaurant. (Tabled August 3, 2022).

- (c) Receive comments from the public regarding Jimmy Vo request to rezone property located at 615 State Highway 3 from District “A” (Single Family Residential) and District “F” (Light Industrial) to District “D” (Neighborhood Services) to construct On Track 111, LLC – a convenience store and fuel station. (Tabled on August 3, 2022).

(7) PRELIMINARY ZONING APPROVAL

- (a) Consider and take action on the Zoning Change Request from Sherman Jones for 2828 Texas Avenue - Kingdom Wings with Heavenly Flavors (a drive-thru only restaurant) to change from existing District F-1 (Outdoor Industrial) to District E (General Business).
- (b) Consider and take action regarding Jimmy Vo request to rezone property located at 615 State Highway 3 from District “A” (Single Family Residential) and District “F” (Light Industrial) to District “D” (Neighborhood Services) to construct On Track 111, LLC – a convenience store and fuel station.

(8) PUBLIC COMMENTS

(9) CONSENT AGENDA

- (a) Approve City Commission Minutes for August 17, 2022 meeting. (City Secretary)
- (b) Consider and take action on Resolution No. 2022-079, authorizing the Mayor to execute a one-year agreement between the County of Galveston and the City of Texas City Mutual Aid. (Fire Department)
- (c) Consider and take action on Resolution No. 2022-080, approving the submission of a grant for ballistic shields. (Police Department)
- (d) Consider and take action on Resolution No. 2022-081, approving and awarding Bid No. 2022-417 Asbestos Abatement/ Demolition of Old Reception Hall Building at First Presbyterian Church located at 11122 7th Street North, Texas City. (Purchasing)
- (e) Consider and take action on Resolution No. 2022-083 approving the issuance of Lago Mar Development Authority contract to issue Tax Revenue Bonds. (Management Services)
- (f) Consider and take action on Resolution No. 2022-084, approving and awarding Bid No. 2022-024 Right - of- Way Tree Trimming Annual Contract. (Public Works)

(10) REGULAR ITEMS

- (a) Consider and take action on Ordinance No. 2022-19, amending the Texas City Code of Ordinance, Chapter 40, to permanently rezone various properties. (Transportation and Planning)
- (b) Consider and take action on Ordinance No. 2022-20, amending the Texas City Code of Ordinance Title XI. Business Regulations, Chapter 112, Vehicles For Hire, Section: Automobile Wreckers to update information contained in the Code and to correct Scrivener's errors. (Fire Department)
- (c) Consider and take action on Ordinance No. 2022-21, amending Chapter 150 "Building Regulations; Construction" related to additional authority regarding substandard structures. (Fire Department)
- (d) Consider and take action on Resolution No. 2022-082, approval of a one-year payment to Motorola Solutions Premier One System for the Texas City Police Department's records management and dispatch services in the amount of \$701, 865.00. (Police Department)
- (e) Consider and take action on Resolution No. 2022-085, approving updates to the Land Use Assumptions, Capital Improvements Plan, and Impact Fees for Water & Sewer Utilities. (Transportation and Planning)

(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 SEPTEMBER 2, 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: 09/07/2022

Presentation of Patriot Award

Submitted For: Jon Branson, Management Services

Submitted By: Jon Branson, Management Services

Department: Management Services

Information

ACTION REQUEST

Accept Patriot Award from the Department of Defense.

BACKGROUND (Brief Summary)

The Patriot Award is given to individuals who show support to service men and women through a wide range of measures including but not limited to, flexible schedules, time off prior to and after deployment, caring for families and for granting leaves of absences.

RECOMMENDATION

It is recommended that the Honorable Mayor, Dedrick D. Johnson accept the Patriot Award.

Fiscal Impact

CITY COMMISSION REGULAR MTG**(4) (b)****Meeting Date:** 09/07/2022

Presentation of the Update to the Land Use Assumptions, Capital Improvements Plan and Impact Fees for Water & Sewer Utilities

Submitted For: Kim Golden, Transportation and Planning**Submitted By:** Veronica Carreon, Transportation and Planning**Department:** Transportation and Planning

Information**ACTION REQUEST**

Presentation of the Update to the Land Use Assumptions, Capital Improvements Plan and Impact Fees for Water and Sewer Utilities by ARKK Engineers.

BACKGROUND (Brief Summary)

The last Capital Recovery Plan Update was approved by City Commission in 2017. The Texas Local Government Code, Title 12, Planning and Development, Subtitle C, Chapter 395 requires the review and update of the Plan at least every 5 years. The update provides a general overview of the entire Capital Recovery Plan with specific detailed information about the Land Use Assumptions (anticipated growth), and the Capital Improvements Plan (facilities needed to serve growth) including existing facilities with reserve or excess capacity to serve new growth.

RECOMMENDATION

N/A

Fiscal Impact**Attachments**Report



DEVELOPMENT IMPACT FEE ASSESSMENTS

Year 2022 Update

August 15, 2022

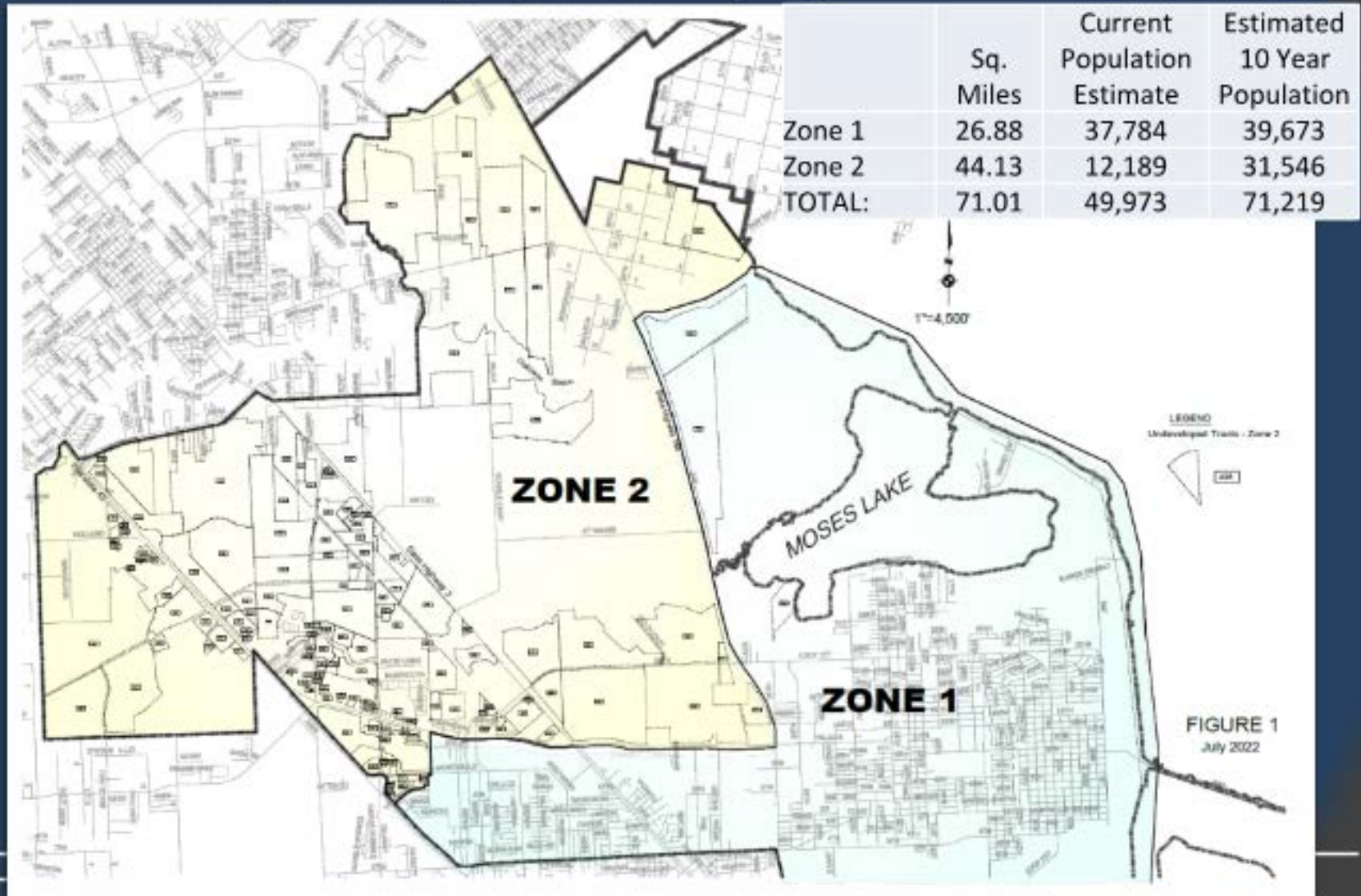


Impact Fees

- New Connections to the City's water and wastewater system are assessed a connection fee
- The purpose of the fee is allow the City to recapture the cost of providing water and wastewater service.
- The process is performed in accordance with Texas State Law (Texas Local Government Code Title 12 Chapter 395)
- Must be updated at least every 5 years
- Last update was in Year 2017

Proposed Changes to the Current Plan

A. Updated population projections



Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

- Water System
- Wastewater System

Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

— 2017 Plan: Water System 30 Year Plan

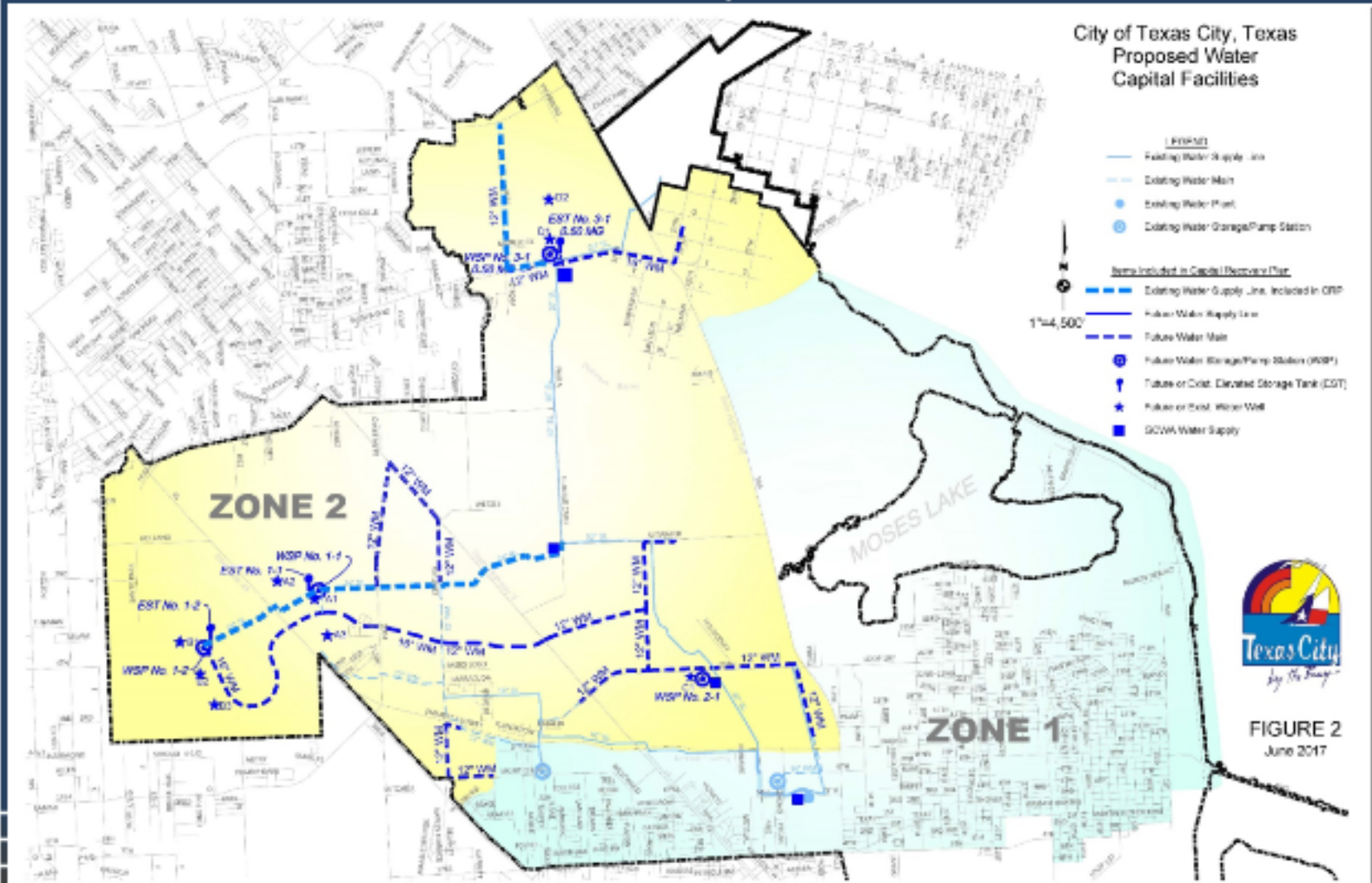
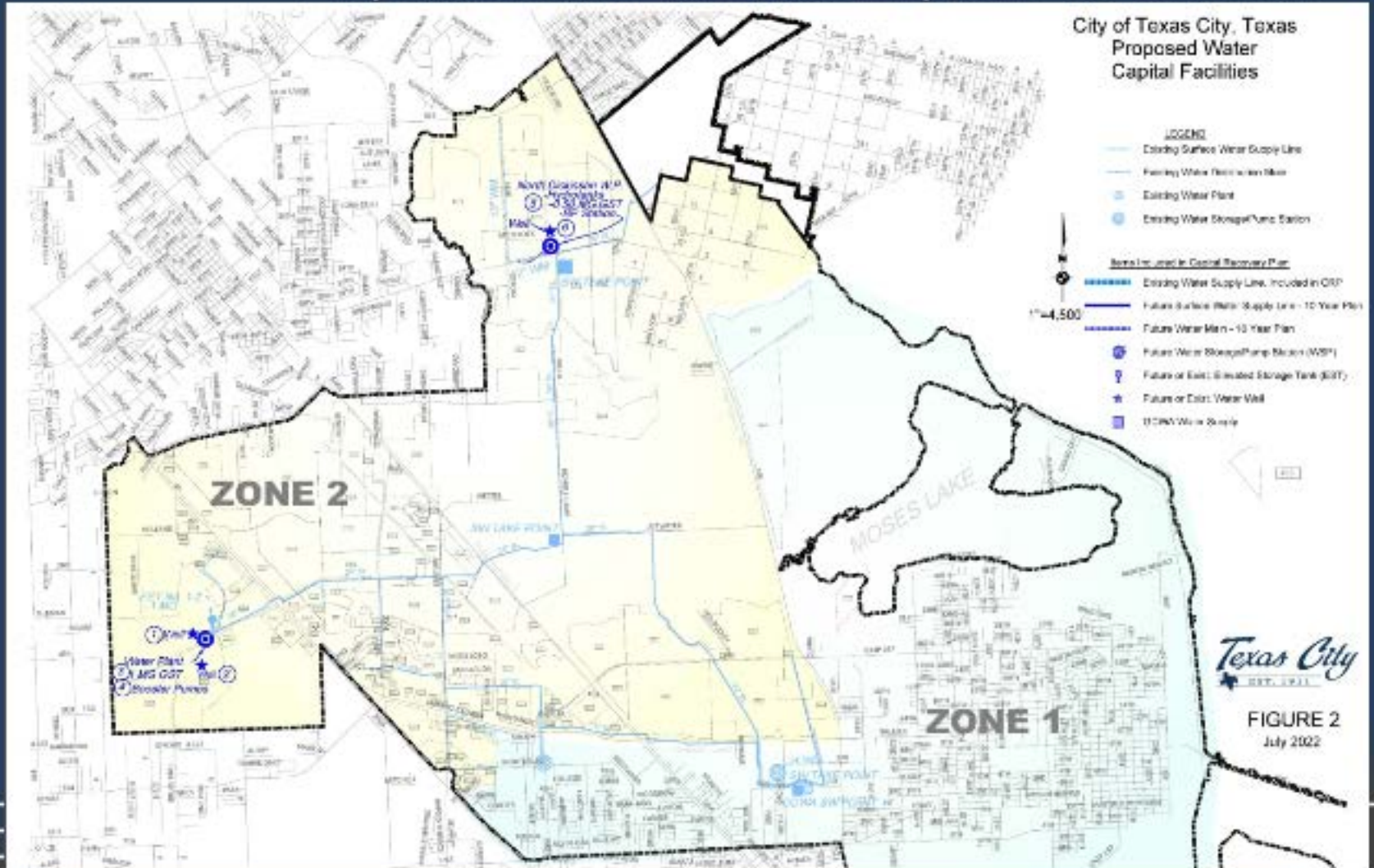


FIGURE 2
June 2017

B. Updated Capital Improvement Plan

– Proposed 2022 Plan: Water System 10 Year Plan



Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

— 2017 Plan: Wastewater System 30 Year Plan

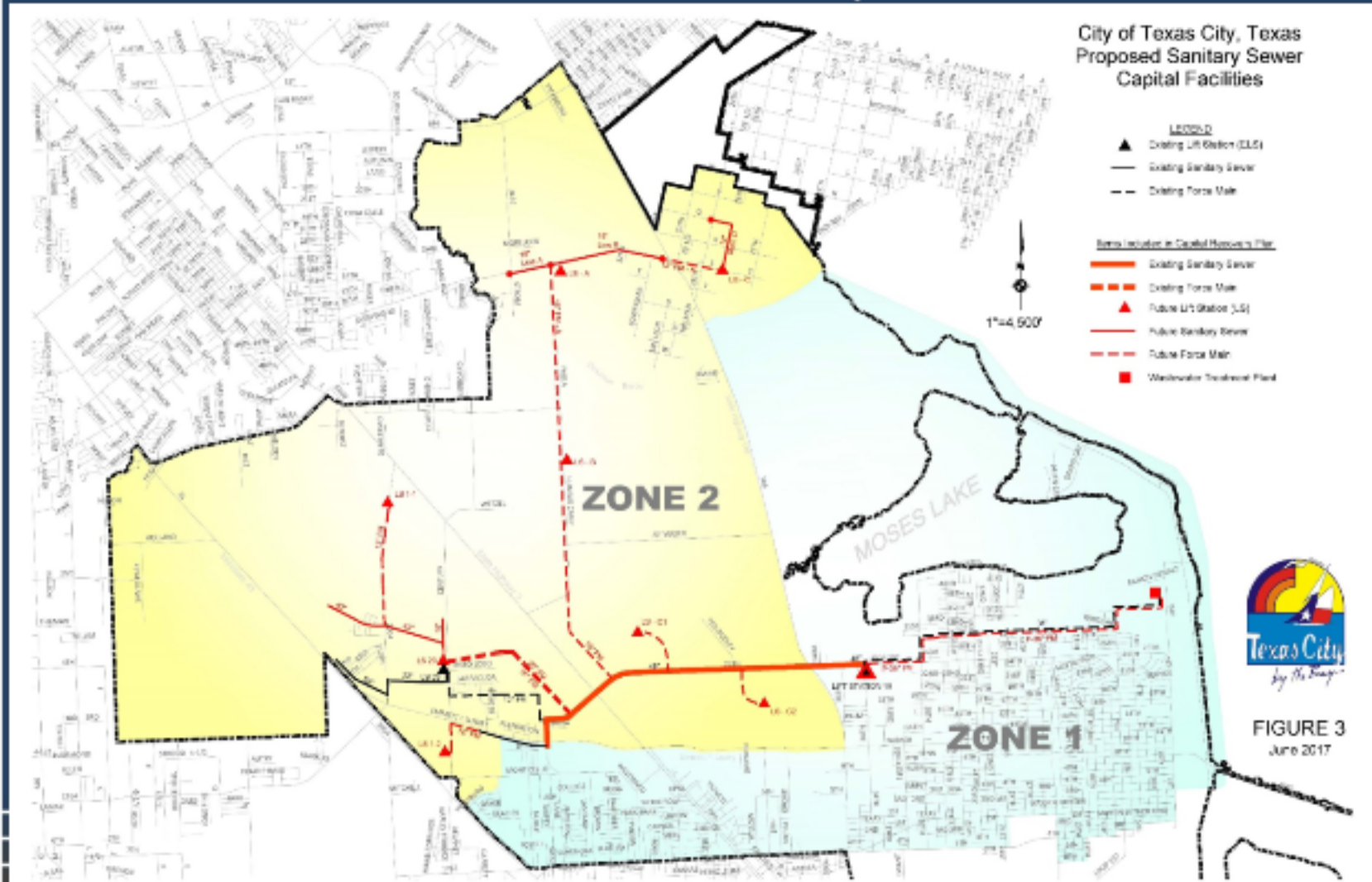
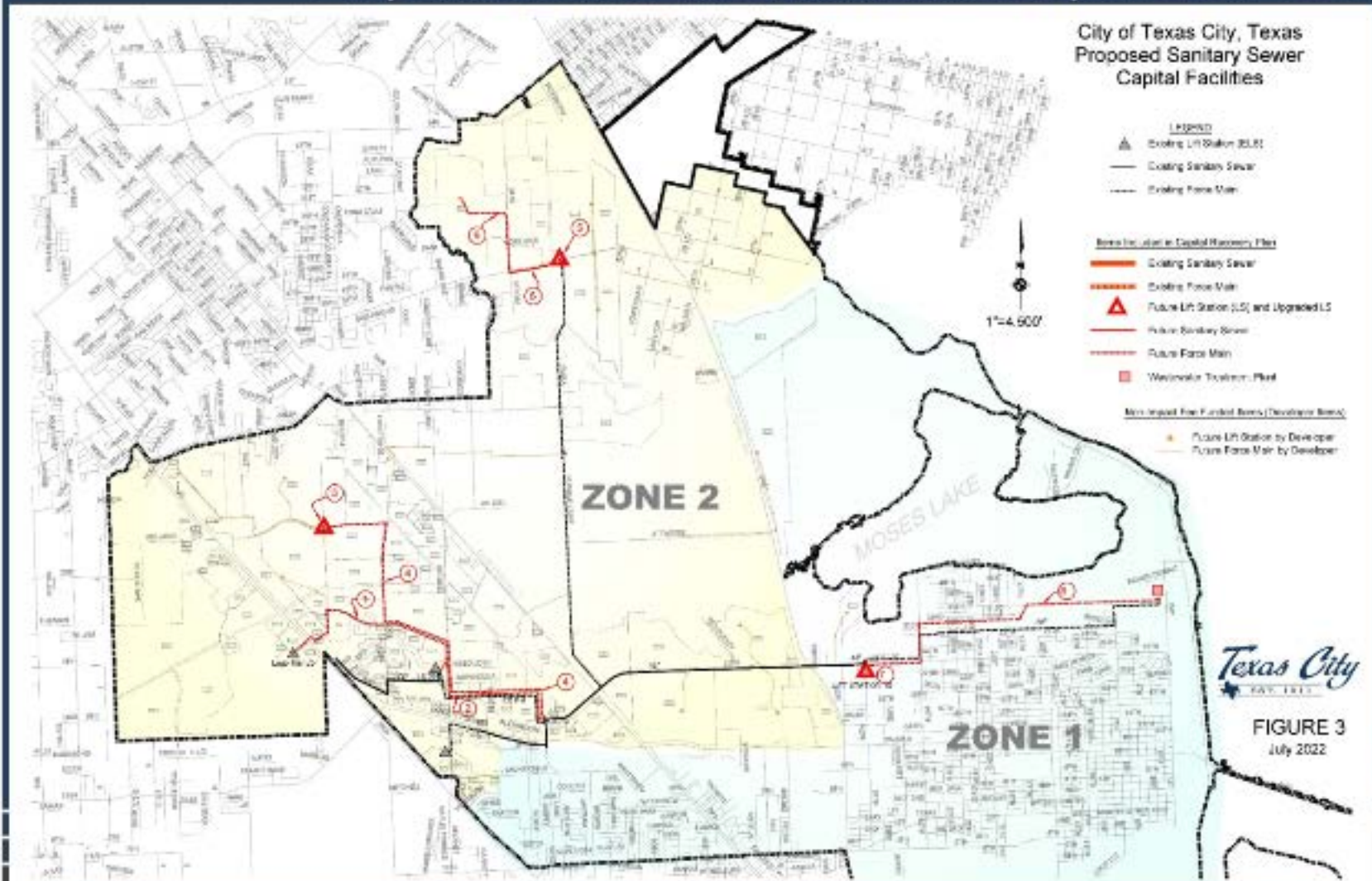


FIGURE 3
June 2017

Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

— Proposed 2022 Plan: Wastewater System 10 Yr. Plan



Proposed Changes to the Current Plan

C. Updated all Construction Cost Estimates for Water and Wastewater Capital Improvements

Changes Include:

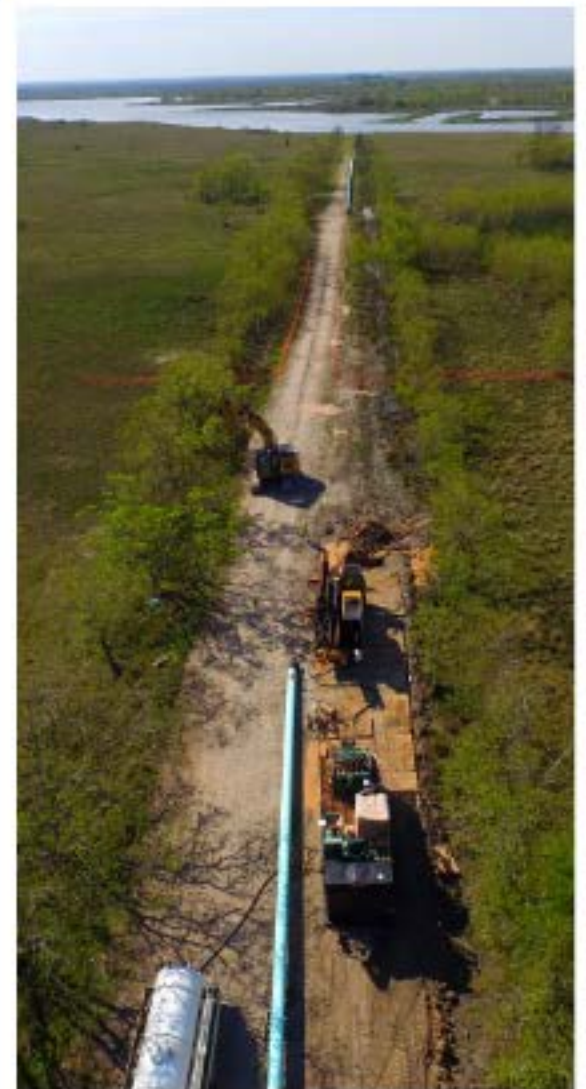
- Updating Cost Estimates to reflect improvements that were funded and constructed in the previous period
- Focus on 10-year water and wastewater needs in calculating the Capital Recovery Fees



Lago Mar Elevated Tank (2021-2022)



Lift Station 29 (2019)



Northeast Force Main (2018)

Proposed Changes to the Current Plan

- D. Calculated the Maximum Impact Fees that could be charged per Connection and recommended a Proposed Impact Fee

ZONE #		Current Fee	2022 Update Max Fee	Proposed Fee
1	Water	\$700	\$1,034	\$1,000
	Wastewater	\$860	\$1,437	\$1,435
		\$1,560	\$2,471	\$2,435
2	Water	\$2,500	\$2,858	\$2,800
	Wastewater	\$2,700	\$3,919	\$3,875
		\$5,200	\$6,777	\$6,675

Proposed Changes to the Current Plan

E. Updated Fee Tables for all Meter Sizes

— Proposed Fee Table:

<u>Meter Size:</u>	<u>Factor</u>	<u>Water and Wastewater Fee:</u>	
		<u>Zone 1</u>	<u>Zone 2</u>
5/8" - 3/4"	1.00 ESFC's	\$2,435	\$6,675
1"	1.67 ESFC's	\$4,058	\$11,125
1.5"	3.33 ESFC's	\$8,117	\$22,250
2"	5.33 ESFC's	\$12,987	\$35,600
3"	10.67 ESFC's	\$25,973	\$71,200
4"	16.67 ESFC's	\$40,583	\$111,250
6"	33.33 ESFC's	\$81,167	\$222,500
8"	53.33 ESFC's	\$129,867	\$356,000
10"	76.67 ESFC's	\$186,683	\$511,750
12"	176.67 ESFC's	\$430,183	\$1,179,250

QUESTIONS AND ANSWERS

CITY COMMISSION REGULAR MTG

(5) (a)

Meeting Date: 09/07/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Lowry Fitness Center (Recreation and Tourism)

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

Staff Report



WELCOME TO THE LOWRY FITNESS CENTER

Parks, Rec. & Tourism
DEPARTMENT



CITY OF TEXAS CITY

DEPARTMENT OF RECREATION & TOURISM

MEMBERSHIP RATES & FEES

Annual Membership	Resident	Non-Resident
Adult (ages 18-54)	\$125.00	\$200.00
Senior (ages 55+)	\$60.00	\$135.00
Youth (ages 6-17)	\$75.00	\$80.00

Annual Family Membership Includes: (2) adult memberships ages 18+ ages (2) youth memberships 17 under ages	Resident ONLY \$315.00
Each additional youth member	\$40.00

Daily Guest Pass	Fees
Guest (rates apply to all ages)	\$10.00

Additional	Fees
Annual Locker Rental (tall)	\$75.00
Annual Locker Rental (short)	\$50.00
Daily Lock Rental	\$ 0.25
Replacement Membership Badge	\$10.00

Youth Hours

All members under the age of 18 must adhere to the following hours:

TCISD in session, Monday—Friday, 3:00—9:00pm

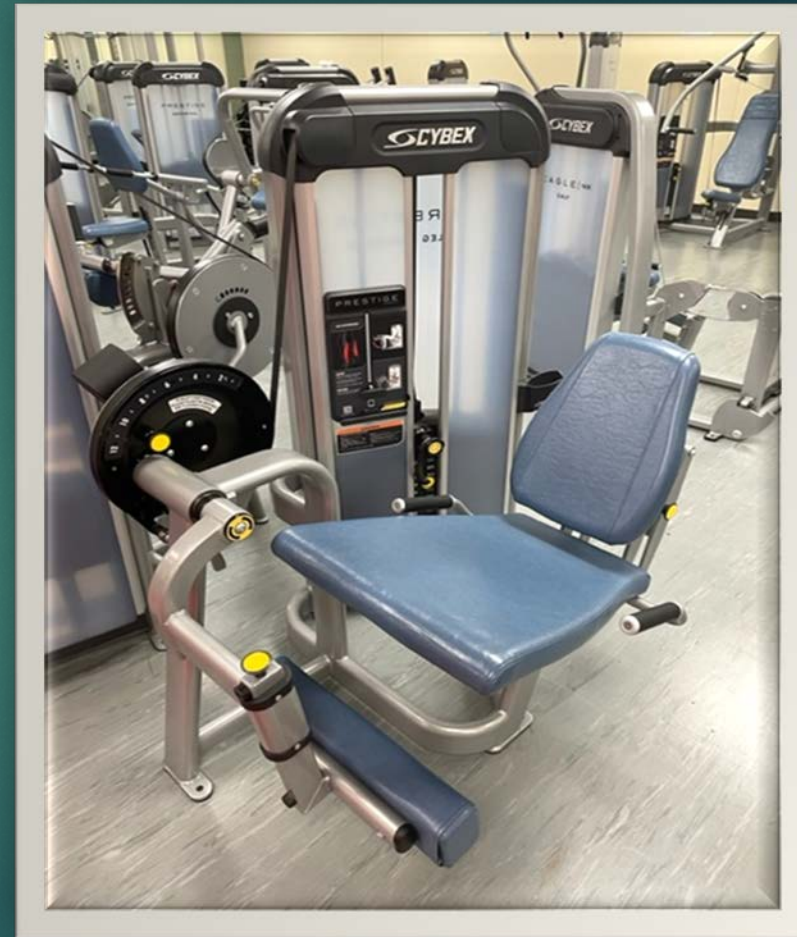
TCISD out of session, Monday—Friday, 1:00—9:00pm

Year Around, Saturday 9:00am—6:00pm

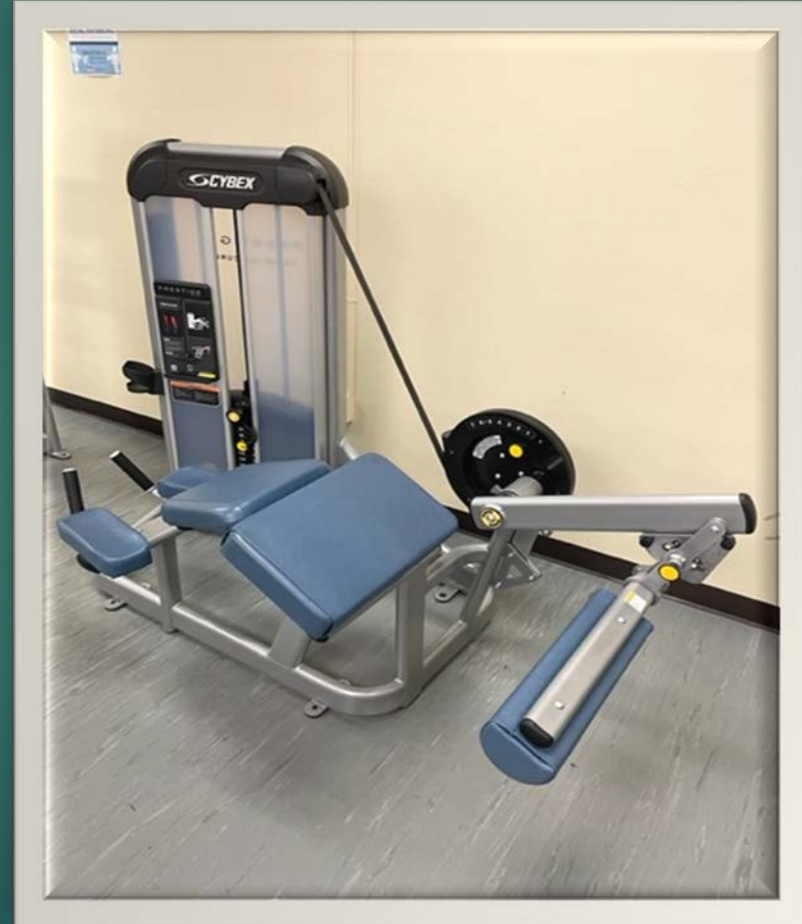
Weight Room



Quadriceps



Hamstrings



Chest



QR Code



Cable Crossover Machine

- *Latissimus Dorsi (Lats)
- *Triceps
- *Biceps
- *Shoulders
- *Pectoralis (Pecs/Chest)



Smith Machine

- *Quadriceps (Quads)
- *Pectoralis (Pecs/Chest)
- *Lower Back
- *Latissimus Dorsi (Lats)
- *Shoulders
- *Calves



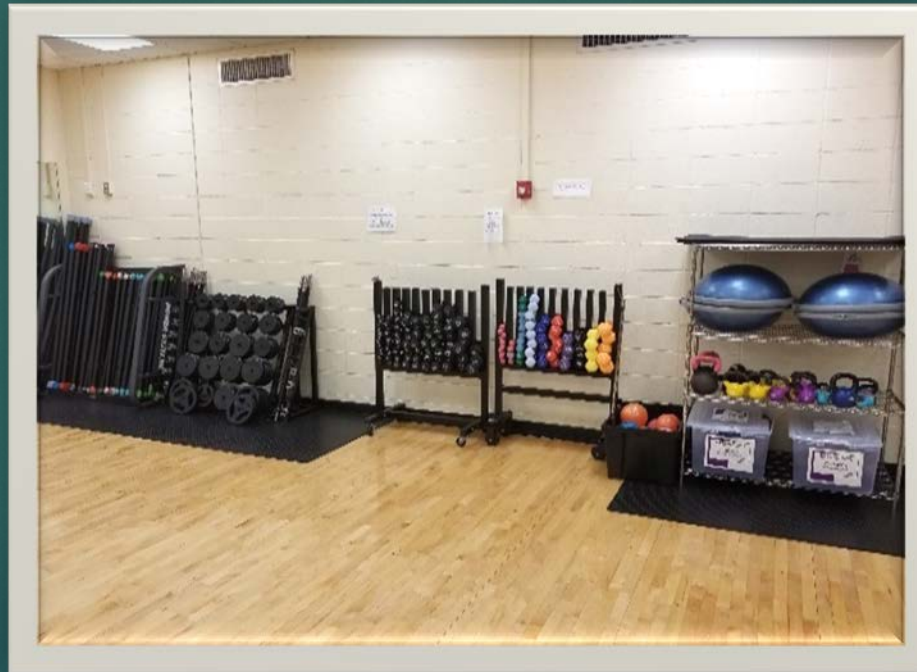
Cardio Machines



Cardio Machines



Aerobic Room



3 YEAR ACTIVE MEMBERSHIP PROFILE

3-Year Span

685

876

2421

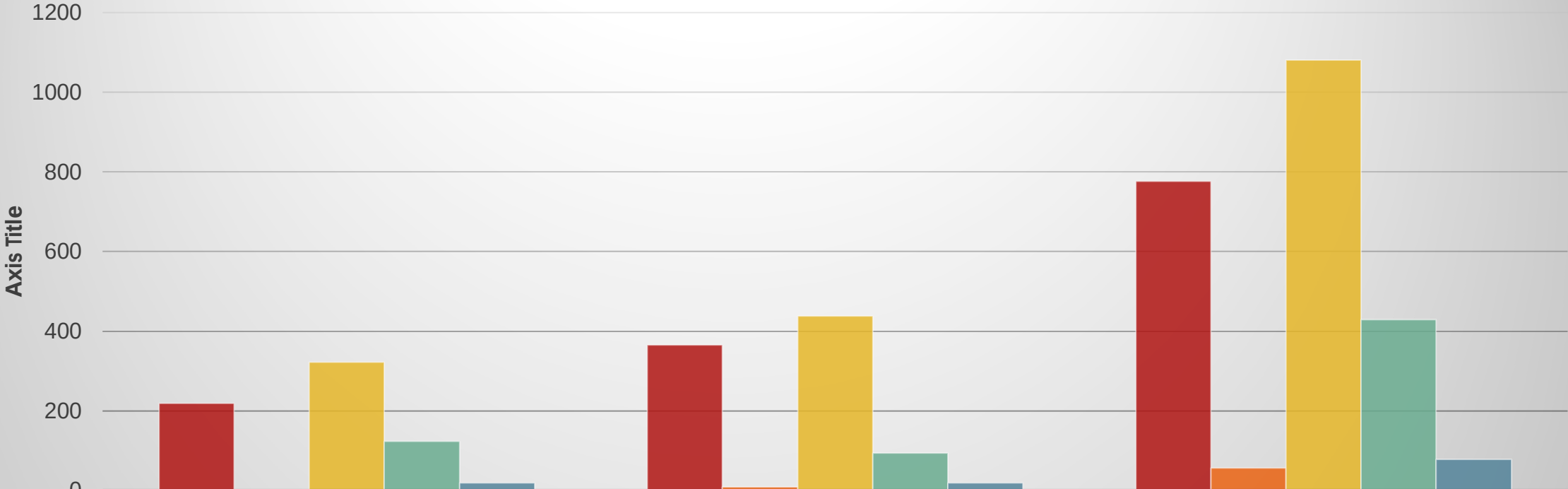
2019-2020 (685 ACTIVE MEMBERS)

2020-2021 (876 ACTIVE MEMBERS)

2021-2022 (2421 ACTIVE MEMBERS)

Membership Breakdown

Active Members

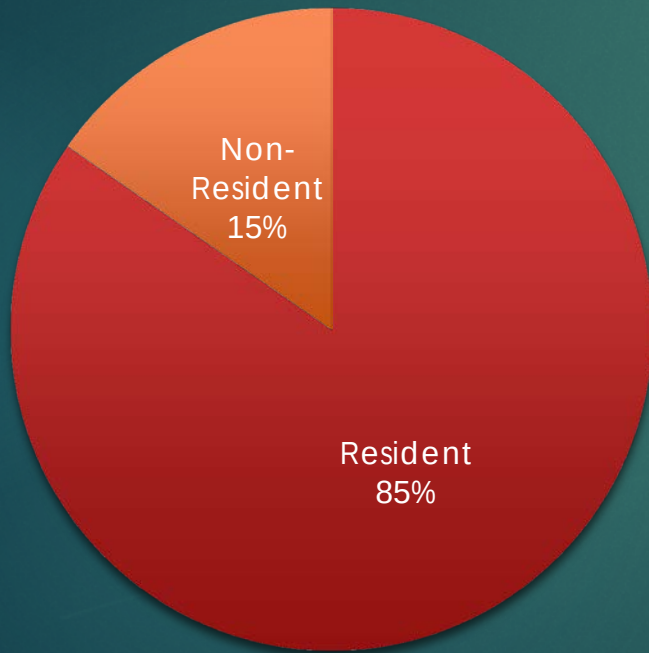


	Oct. 1, 2019-Sep. 30, 2020 (685 Members)	Oct. 1, 2020-Aug. 25, 2021 (925 Members)	Oct. 1, 2021-Aug. 19, 2022 (2421 Members)
Adult	219	365	777
Family	1	9	56
Seniors	322	438	1081
Silver Sneakers	124	94	429
Youth	19	19	78

MEMBERSHIP PROFILE

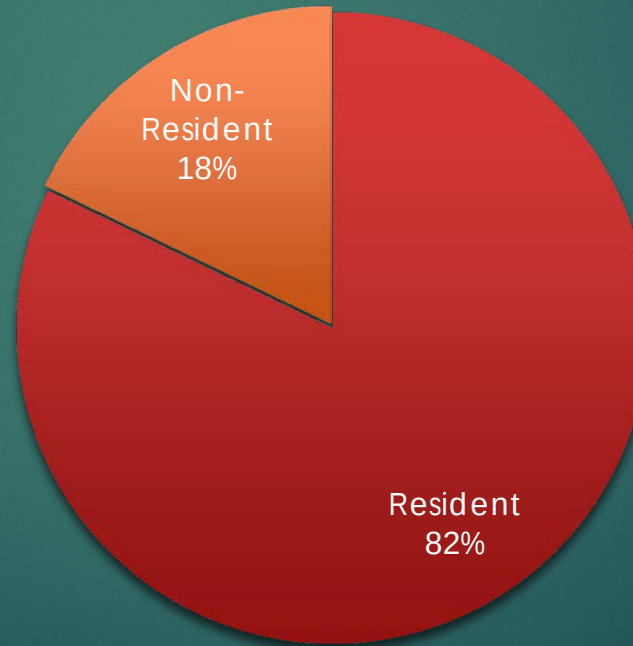
Resident/Non-Resident Breakdown

**Oct. 1, 2019-Aug. 27, 2020
(554) Members)**



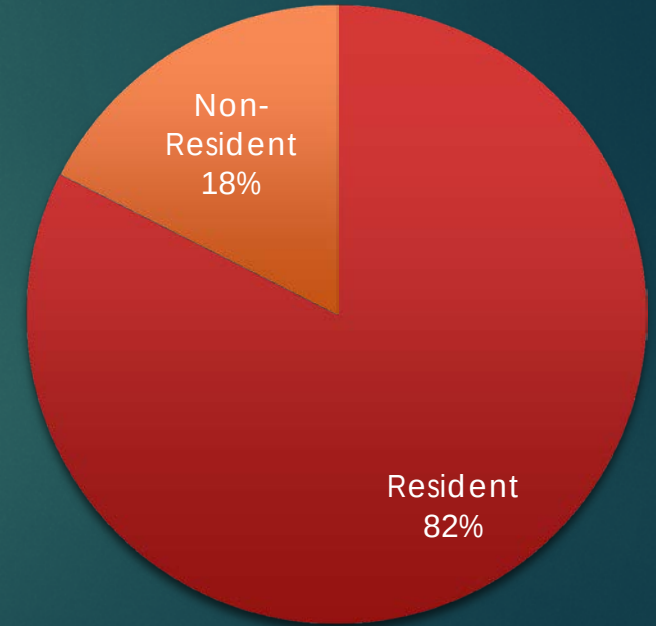
■ Resident-469 ■ Non-Resident-85

**Oct. 1, 2020-Aug. 25,
2021
(830 Members)**



■ Resident-682 ■ Non-Resident-148

**Oct. 1, 2021-Aug. 19,
2022
(1,992 Members)**



■ Resident ■ Non-Resident

CLASS AVERAGE ATTENDANCE

<u>Class</u>	<u>Instructor</u>	<u>Classes per week</u>	<u>Average Attendance per class</u>
Yoga/Pilates	Lisa Hodges	2	15-20
Zumba®	Kim Gerhardt	3	25
Silver Sneakers Boom	Maria Ramos	2	15-20
Hi/Lo Impact Cardio	Maria Ramos	1	20-25
Step Aerobics	Maria Ramos	1	25
Aqua Fitness	Gale Devona	3	30-35
Body Fit & Tone	Gale Devona	2	20-25
Chair Fit	Gale Devona	1	15-20
Spin & Trim	Elva Vasquez	2	10
Spin & Trim	Lauren Garcia	2	8



“The Body Achieves What The Mind Believes”

QUESTIONS??

CITY COMMISSION REGULAR MTG**(6) (a)****Meeting Date:** 09/07/2022

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**

Receive comments from the Public regarding update of the land use assumptions, capital improvements plan and impact fees for water and sewer utilities.

BACKGROUND (Brief Summary)

The last Capital Recovery Plan Update was approved by City Commission in 2017. The Texas Local Government Code, Title 12, Planning and Development, Subtitle C, Chapter 395 requires the review and update of the Plan at least every 5 years. The update provides a general overview of the entire Capital Recovery Plan with specific detailed information about the Land Use Assumptions (anticipated growth), and the Capital Improvements Plan (facilities needed to serve growth) including existing facilities with reserve or excess capacity to serve new growth. .

RECOMMENDATION

The Citizen Advisory Committee recommends to the City Commission, adoption of the Land Use Assumptions, Capital Improvements Plan, and water and wastewater Impact Fees as presented.

Fiscal Impact

CITY COMMISSION REGULAR MTG**(6) (b)****Meeting Date:** 09/07/2022

Tabled from the August 3, 2022 meeting - Rezoning request from Sherman Jones - 2828 Texas Avenue - Kingdom Wings with Heavenly Flavors

Submitted For: Kim Golden, Transportation and Planning**Submitted By:** Veronica Carreon, Transportation and Planning**Department:** Transportation and Planning

Information**ACTION REQUEST**

Receive comments from the public regarding Sherman Jones request to rezone property located at 2828 Texas Avenue from District "F-1" (Outdoor Industrial) to District "E" (General Business) to open and operate Kingdom Wings, a drive-thru restaurant. (Tabled August 3, 2022).

BACKGROUND (Brief Summary)

Applicant, Sherman Jones, is the pastor of the religious assembly called Betmidrash which operates at 2828 Texas Ave on Saturdays only, 11:30 am – 4pm. The location is currently zoned District "F-1" (Outdoor Industrial). The applicant seeks to add a drive thru window to expand the food service which is already operating as Kingdom Wings with Heavenly Flavors without a permit from a room converted to a kitchen as an ancillary use of the church.

RECOMMENDATION

Zoning Commission recommends approval in a split vote 2 to 1. Staff have no objection to the requested rezoning to District E- General Business, provided the City Commission recognizes the use as a church is not compliant with the requested re-zoning, nor is it compliant with the existing zoning. Any approval should be conditioned upon the site being made compliant with the requirements of the Gateway Overlay District, especially the requirement for landscaping; and, provided the use is buffered from the adjacent residential use with an appropriate fence or screening wall of 100% masonry content.

Fiscal Impact**Attachments**

Staff Report

Aerial View

Street View

Proposed Site Plan

Minutes

City of Texas City Engineering & Planning Memo

To: Zoning Commission – for meeting on 6/21/2022

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

cc: Doug Kneupper, P.E., Consulting Engineer

Date: June 10, 2022

Re: Request to rezone 2828 Texas Ave from District F (Light Industrial) to District E (General Business) to operate a drive-thru take out only food service from an existing building in use as a place of worship on Saturdays.

Background: Applicant, Sherman Jones, is the pastor of the religious assembly called Betmidrash which operates at 2828 Texas Ave on Saturdays only, 11:30 am – 4pm. The location is currently zoned District F – Light Industrial. The applicant seeks to add a drive thru window to expand the food service which is already operating as Kingdom Wings with Heavenly Flavors without a permit from a room converted to a kitchen as an ancillary use of the church.

Existing conditions: The approximate 0.50 acre lot has an existing building and paved parking which is operating as a church for religious assembly one day per week. A room in the church building was converted to a kitchen as an ancillary use of the church. However, the Chief Building Official learned the kitchen was operating daily as a food service. Such operation as a principal use is not compliant with the existing zoning – District F Light Industrial. The applicant seeks to expand the food service to include drive-thru take out food service. This expansion of use will require the modification of the existing exterior of the building to add a drive-thru window. It appears the existing paved area may be sufficient for the drive-thru driveway.

Existing zoning: The subject location is currently zoned “F-1” Outdoor Industrial. The location is bounded on the south by Texas Ave, and the District IBD – Industrial Business District, which is directly south of Texas Ave. The property is bounded on the east and west by properties zoned “F-1” – Outdoor Industrial. The property is bounded on the north by property zoned District “C” – Multifamily Residential. All surrounding properties are fully developed and in compliance with the current zoning designations.

District F-1 Outdoor Industrial “is intended to provide for light industrial uses which are predominantly operated outdoors. Because of the potential visual and noise impacts of the uses permitted in the district, additional buffering may be required for protection of adjacent areas.” District E General Business is intended to provide for an extensive variety of enclosed

retail and commercial services to serve the overall needs of the community. Due to the variety and potential intensity of these uses, they should be located along major transportation corridors and be appropriately buffered from residential areas.

Applicant seeks rezoning to District E – General Business for the purpose of operating a take out food service with drive-thru window. There is nothing in the application to indicate use as a full service restaurant with on-site dining. The application indicates an intent to operate the take out food service with drive thru window on a daily basis, Monday thru Friday, 10:30am – 8:00pm and on Sundays, 11am – 6pm. The application indicates the food service will be closed on Saturdays, which is the day the location is used for religious assembly.

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. The site is not currently compliant with the landscaping requirements of the Gateway Overlay District.

LAND USE PLAN: The current land use plan show the subject area as developing within the guidelines of the “Revitalization Corridor” which are “the areas of Texas City where prompt action is needed to prevent or reverse deterioration, specifically along Texas Avenue and 6th Street. These corridors are characterized by dilapidated structures, fair to poor housing conditions, incompatible mixture of land uses and declining numbers of housing units and small businesses. Recommended approaches to conserving and revitalizing these areas are discussed in the ‘Goals and Strategies for Texas City’ report prepared by the Goals 2000 Committee.”

The “Goals and Strategies for Texas City” report states the following regarding the Land Use Plan; “Keeping in mind the broad perspective of an effective land use plan, it is important that the plan be flexible in guiding, but not dictating, a community’s growth and development. . . . The Land Use Plan for Texas City purposefully does not pinpoint precise districts throughout the City with exact land uses, but instead maintains the broad perspective by identifying ten generalized types of land use areas.” The ‘Revitalization Corridor’ is one of the ten generalized types. The Plan specifically references the strategy for the revitalization corridor along 6th Street and Texas at pg 82.2-83 as follows “The proposed revitalization will consider land uses such as museums, governmental facilities, senior citizen apartments and nursing homes and light industry.”

Existing infrastructure: There is sufficient vehicular access from Texas Avenue (FM 1765). Water and Sewer Services are currently available from the Texas City Municipal systems.

Analysis: The existing use as an institution for religious function is not an allowed principal use in the District F-1, nor would it be a permitted use in District E – General Business, if rezoned. The use for religious functions is an allowed principal use in the residential zones including District C – Multifamily Residential. The subject location is adjacent to District C – Multifamily Residential on its northern boundary.

The rezoning to District E – General Business could be seen as a transition zone from the light industrial and outdoor industrial uses of the surrounding Districts F-1 and IBD to the residential use of District C – Multifamily Residential. However, the requirements of the Gateway Overlay

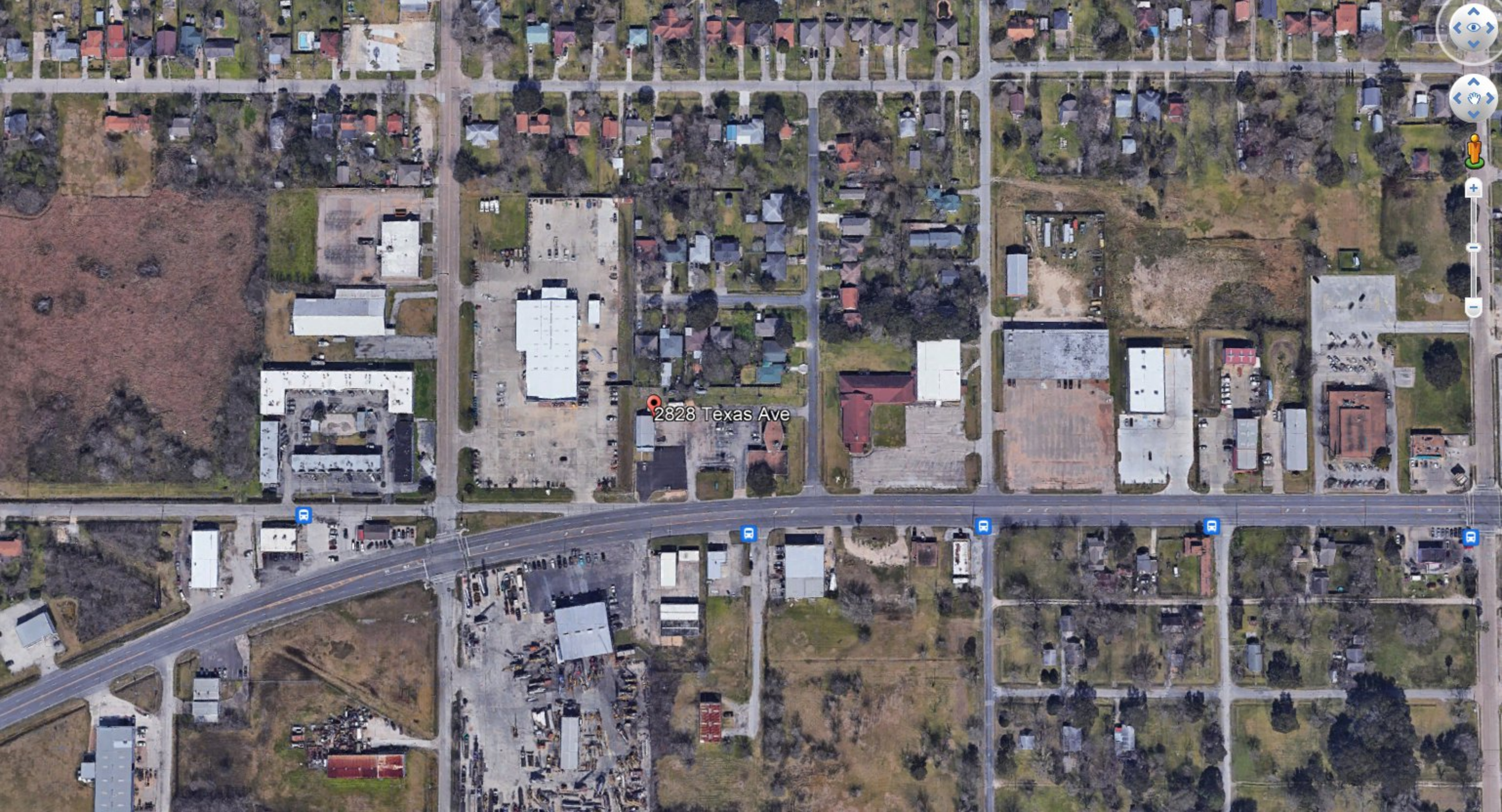
District should be satisfied. The site is 0.561 acres, which has a 15% landscaping requirement of 3,665sq ft. There should also be appropriate buffering installed between the site and the residential District C. The Gateway Overlay District requires all fencing and screening walls to be 100% masonry.

It should be noted that the rezoning to District E – General Business will open the site to a wide variety of retail and commercial uses. Once the preliminary zoning approval is made permanent by the granting of a building permit, the future use of the site not be limited to the take-out food service, only. Once the rezoning is made permanent, the site can be used for any of the allowed principal uses of District E – General Business, subject to the permitting process. The allowed principal uses include any use permitted in O-P (Office Professional), D (Neighborhood Service), or D-1 (Limited Service), subject to the regulations of District E.

The other allowed principal uses for District E General Business are automobile repair garages; automobile, motorcycle and light load truck sales and leasing, new or used; hospitals; ambulance services; motion picture theatres within an enclosed building; spa, health studio or fitness center; coin-operated amusement machine arcades; bowling alley and skating rinks; establishment where alcoholic beverages are sold or consumed on premises; car washes; any retail sales, commercial business or service not included in the O-P, D or D-1 Zoning Districts provided that, all such uses shall be completely within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing, or treatment of products or equipment shall be permitted “ except as clearly incidental to an allowed use. **For this reason the rezoning to District E could be creating some potential for a future use which could be deemed incompatible with the surrounding F-1 and IBD classification.** However, no objections have been received in response to the notice letters sent to all adjacent properties within 200ft as required by state statute and city ordinances.

Because the site may be operating a food service without permits, 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.

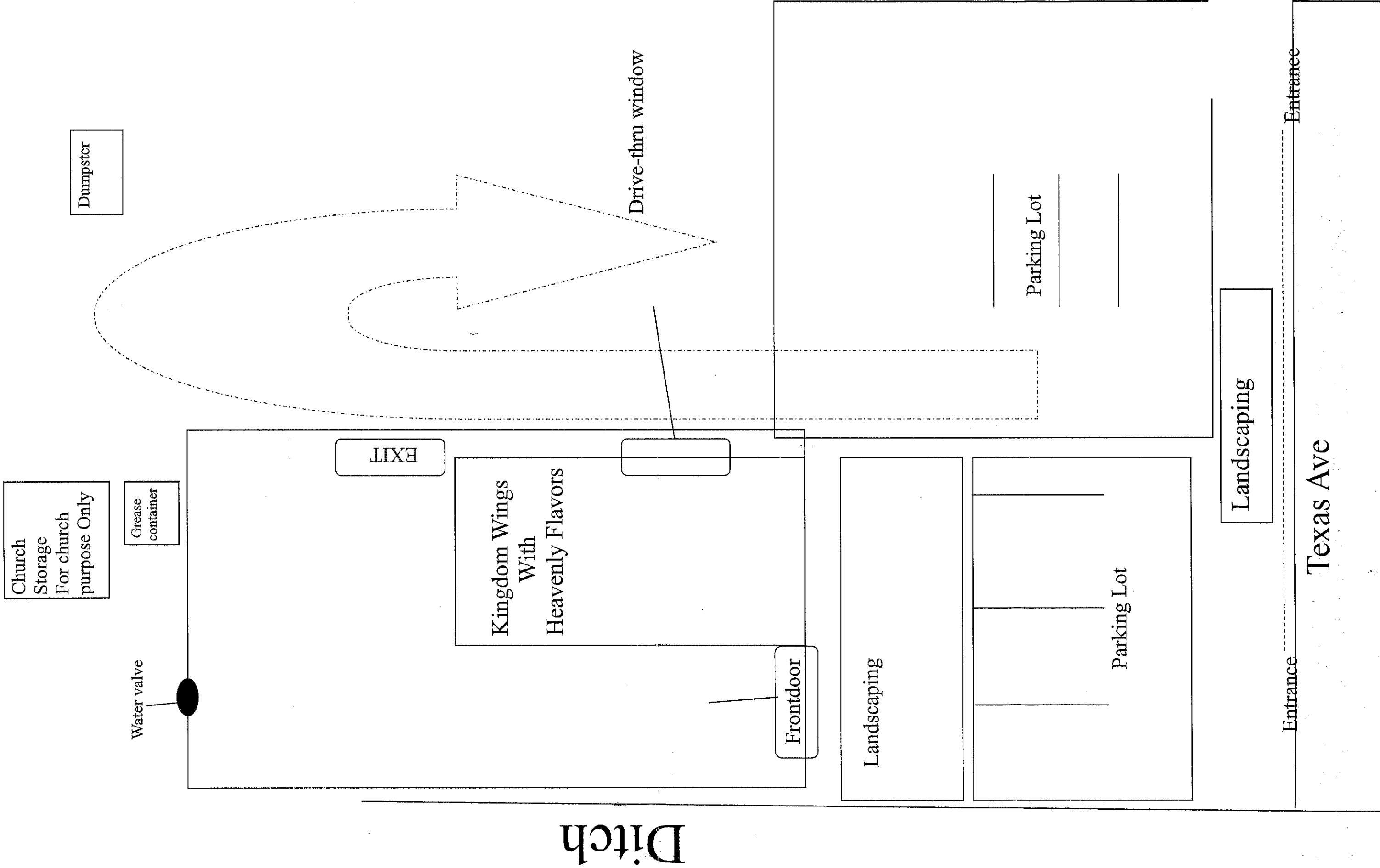
Provided the Zoning Commission recognizes the potential of the rezoning to create future conflicts between incompatible uses, Staff have no objection to the requested rezoning to District E – General Business, provided the site is made compliant with the requirements of the Gateway Overlay District, especially the requirement for landscaping, and provided the use is buffered from the adjacent residential use with an appropriate fence or screening wall of 100% masonry content.



2828 Texas Ave



Site Plan



ZONING COMMISSION JUNE 21, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, June 21, 2022 at 5:15 p.m. Zoning Commission members present: Chairman Perry O'Brien, Co-Chairman Gary Potter and Thelma Bowie. Staff members present were: Kimberly Golden and Veronica Carreon. Guests were: Rafique Ali, Jimmy Vo, Anish Mardia, John Chark, Aiman Ali, Ken Howard, Iverson Williams (Summer Intern), Leslie Ornelas, Ivette Jones, Sherman Jones, Clementine Carter, Adam Jones, Shelia Dixon, Roy Jones and Leon Harper.

Chairman O'Brien indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of June 7, 2022 was made by Gary Potter/Aric Owens. All other members present voted aye.

ITEM NO. 1 Consider and take action on a request from Sherman Jones to rezone the property at 2828 Texas Avenue, Texas City, TX from District "F-1" (Outdoor Industrial) to District "E" (General Business) to operate Kingdom Wings with Heavenly Flavors – a take-out food service with a drive-thru window. (Action)

Ms. Golden stated that the property at 2828 Texas Avenue has an existing building and paved parking. It operates as a church one day per week and the applicant would like to operate a take-out food service as a drive-thru and walk-up. The application indicates the operation would be to get your food and leave with no on-site consumption. The existing zoning is listed as District "F-1" (Outdoor Industrial). Outdoor Industrial is intended to provide light industrial uses which are predominantly operated outdoors. Because of potential visual and noise impacts of the uses permitted in the district additional buffering may be required to protect the adjacent areas. The current church use is not compliant with this district, nor would their requested change to operate the food service be compliant. The applicant is requesting to rezone to District "E" (General Business). The District "E" (General Business) is intended to provide a variety of enclosed retail and commercial services to serve the overall needs of the community. Due to the variety and potential intensity of those uses they should be located along major transportation corridors and be appropriately buffered from residential areas. Texas Avenue is a major transportation corridor so it would meet that requirement. The only residential area is located to the north of the site. It is zoned District "C" (Multi-Family Residential), and has been developed as apartments which is compliant with that zoning. To the west and east of the building both areas are zoned as "District "F" (Light Industrial) and to the south is District "IBD" (Industrial Business District). The rezoning to District "E" could be seen as a transition zone from the light industrial and outdoor industrial uses of the surrounding Districts "F-1" and "IBD" to the residential use of District "C". It could be considered compliant with the Land Use Plan because this particular area is along a major thoroughfare. This is also a revitalization corridor. This area is a unique because of the influence of the heavy industry in IBD. It is in a Gateway Overlay District, which has some additional requirements on top of the zoning that's for the use. There will be some masonry construction and landscaping requirements, along with some screening

requirements. There will be some setback requirements. It does not comply with the Gateway Overlay District requirements in full yet, particularly the landscaping. It would have a requirement for about 3600 sq. ft. of landscaping to be compliant. Staff is suggesting that if this request for rezoning is approved that the applicant be required to be compliant with the requirements of the Gateway Overlay District.

Co-Chairman Gary Potter stated that he was a little confused by the request. He read the Analysis from Ms. Golden's memo which states, "The existing use as an institution for religious function is not an allowed principal use in the District "F-1", nor would it be permitted use in District "E" (General Business)..." and asked how would this work for them if the facility cannot be used under the new zoning. Ms. Golden stated this is a confusing point and she can't make it not be confusing. The Applicant is trying to do two things that are not compatible in the same building. The difference is that they are only having worship one day per week and this could be considered not a principal use. Their principal use, if approved, would be the food service because they would be doing that 6 days per week. Co-Chairman Potter then asked if the food service was being done for profit, to which Ms. Golden stated he would have to ask the applicant that question, but she has no reason to think it's not.

Mr. Aric Owens asked how the applicant got occupancy if it is not permitted use for a church to begin with. Ms. Golden replied that she did not have personal knowledge of how they became a church. She heard of this when the Building Official stated the applicant had applied for a building permit to add a kitchen to the church. It was then observed that the occupants were using the building to prepare food for take-out. The Building Official told them they had to go through the rezoning process for the food service to be compliant with the zoning. In the process, the applicant went from doing straight take-out to wanting a drive-thru. Ms. Golden stated if the board decided to approve the rezoning request, the applicant will then have to go through Planning Board for development approval and that is when everything will be worked out about compliance with the Gateway Overlay District, their drive-thru window and the rest of the things they want to do. What the Zoning Commission is looking at is the change from District "F-1" to District "E" so that they can operate the take-out food service as principal use.

Chairman Perry O'Brien then asked if Ms. Golden could indicate on the map the other buildings that are currently being used for food services. Mr. Owens indicated the businesses/restaurants in the area that serve food.

Co-Chairman Potter then asked if they are selling the food for profit and if they would worship only one day per week. Ms. Golden replied that is what the applicant stated on the application. The applicant, Sherman Jones, then stated that they do only worship one day per week, but it is separated from the restaurant. He wanted to make it clear that they are not currently selling to the public, but they are trying to open to the public. He has done the plumbing and electric work and replied to everything requested by the Fire Marshal and Building Official. The church and the restaurant have their own addresses – 2828 Texas Avenue for the church and 2828-B for the restaurant. He repeated that they are two separate entities.

Co-Chairman Potter asked if they are operating the church more than one day per week to which Mr. Jones replied they only meet in the building one day per week and his other classes are conducted online on Mondays and Thursdays. On the one day they meet at

the building they already had the kitchen because “Christians like to eat”. This idea of serving the wings came during the pandemic. He stated he contacted the Health Department and the Fire Marshal but was not aware that he had to contact Building Inspections. He added that he grew up in Texas City and has seen the growth in the city. He also stated that he does not have a problem with adding the landscaping.

Co-Chairman Potter then stated his dilemma. He stated to Mr. Jones that he has a church, and he is used to them operating more than once a week, and if he has growth in attendance, then his understanding is that this is not going to be a problem. Mr. Jones replied that they used to have more than one meeting per week, but then the pandemic had everyone afraid to go out and it was easier for them to meet via Facebook, which a lot of people have gotten used to. It's possible they could meet more than once per week, but the reason they are doing this now is because of the Coronavirus.

Co-Chairman Potter then asked Ms. Golden if the applicant and members wanted to meet more than one day per week, would there be an issue with the principal use of the building. Ms. Golden stated it is possibly so, if they decide to become a full-service church that has something going on every day of the week related to church. She doesn't know how they could do two things that different in one place. Co-Chairman Potter wondered if there was a better district to place them in, but he did not see anything that would fit. Ms. Golden stated that the one reason a church may not seem totally out of place is District “C”, which is a residential area.

Chairman O'Brien then stated there is another church nearby. He added that the applicant has stated that worship will take place one day per week and the food service will take place the other 6 days, he has no reason not to believe him. He then asked if District “E” is appropriate for the food service, would it also be appropriate for a church service if it was to grow. He reminded everyone that this is not what the applicant is here for today. Ms. Golden stated that the applicant is asking for rezoning to be allowed, not to operate as a church, but to be allowed to conduct the take-out food service.

Mr. Owens stated that the application is for a food service that also wants to operate as a church. He does not know of a right way to do this and that is the part that he is struggling with. He does not have a problem with the whole thing, but how do they allow someone to do this. He is worried that it will “open up a can of worms” for a lot of other things going forward. He then asked how did we get here to operate a church in a zoning district where it's not allowed. He understands that the rules weren't followed to begin with, so this is a struggle for him on how we got to this point.

Chairman O'Brien asked Ms. Golden if District “E” is the appropriate zoning for the food service. Ms. Golden replied the application was not to operate a church. If it was to operate as a church, they have to look at it differently. Chairman O'Brien then asked what the zoning would be if it were a church to which Ms. Golden replied that churches are generally permitted in the residential zoning and this one is adjacent to the existing multi-family.

Chairman O'Brien asked if it would stand to reason that the church that is literally half a block over is zoned residential, even though it is located on the Gateway corridor. Ms. Golden stated that it would not surprise her to see that, but she hasn't reviewed that. Mr. Owens stated that based on the age of it, it could be something that never got rezoned.

Ms. Golden stated it might even be “grandfathered” in. Chairman O’Brien asked if there was really not another “pocket” to put them in to which Ms. Golden replied she did not see one. Which is why she intentionally looked at the request very narrowly, focusing only on the use they are requesting in the application. It would be a precedent lived with and dealt with, if the board approves it.

Mr. Owens thinks he can get a little more comfortable knowing it’s not going to operate as a church. He added it can operate as one or the other, but not both. He does not see a wall down the middle indicating the church on one side and the restaurant on the other side. If the principal use is going to be a restaurant, but now knowing that church services could take place more than once a week changes the principal use and he’s worried that they may have rezoned something that doesn’t fit correctly. He added that if it were just going to be a restaurant, he would be all for it. Knowing the facts now, he feels like it is a sticky situation.

Mr. Jones asked Mr. Owens if the church would only conduct once a week would he be okay with that. Mr. Owens replied now that Mr. Jones told them they could meet more than once a week in the future, it changes his view. Mr. Jones stated conducting the online services is working for him and that as a pastor and entrepreneur this is a great opportunity to serve the public.

Co-Chairman Potter stated he is familiar with online services, but the issue here is if they approve his request, then they have something approved that does not fit in the zoning and this bothers him a lot. He added that if they are approving the zoning change to “E” then the food service is what gets approved. If Mr. Jones wants to go with the church, then that’s a different zoning district. They both don’t fit under one zoning, and they don’t normally approve that type of request.

Chairman O’Brien asked if the Land Use Plan could fit both, to which Ms. Golden replied it could – but not together. She added that the work he does in his office falls under Office Professional, which also falls under District “E”. It’s the church assembly piece that is not compliant with the re-zoning to E. Chairman O’Brien stated that the other thing that he relies on for these decisions has been the Land Use Plan, Zoning Map and city recommendations – and he recalled that staff has no objections. Ms. Golden replied that she is not addressing the use of a church, the application is to rezone this property to use for the take-out food service. Chairman O’Brien stated if it gets rezoned and then goes to the Planning Board, it may work out that it is just used as food service period. Ultimately, the elected officials will have the final vote. He reiterated that it does not matter if they approve or deny people, there is another path forward.

Chairman O’Brien now wonders what the next step is because if he opens Public Hearing and they have that take place and then they close it, at that point he’ll ask for a motion from somebody. At this point, there is no telling if it is for or against. He asked if there was any homework that they could go back and do a little more of at this point or that the applicant can do if they were to table this request for now. Ms. Golden guessed to satisfy the Zoning Commission, Mr. Jones could go back and clean up his application to make it clear that he is asking for one and not both. She added that this could seem to resolve the matter. Co-Chairman Potter then asked would that mean the Applicant would not be able to operate a church there. Ms. Golden replied not as a principal use. The Applicant, Mr. Jones, then asked if they go with only take-out service in the application and are

approved for rezoning, what would prevent them from gathering for worship one day per week? Ms. Golden stated in that case the worship would not be an official principal or accessory use. She is sure there are restaurants all over the place that allow people to gather for worship. Co-Chairman Potter remarked that at the top of Applicant's building, though, it does not say restaurant. It is clearly identified as a place of worship.

Co-Chairman Potter asked if this could be approved purely as a restaurant, to which Ms. Golden stated that was how she read their application.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there was anyone in attendance that would like to share their opinion for or against this request.

- Ms. Leslie Ornelas, Executive Director for United Way Galveston County, stated that they share a parking lot with Mr. Jones. She added that having him next door has been an absolute pleasure. As far as landscaping he has worked on the landscaping at their building and has really brought life back to the building. She has told him that whatever he can do to bring people into her area, she would love because it brings attention to what they do at United Way. She is in favor of enriching people's lives and empowering them. She feels that Mr. Jones will bring attention to the community. She fully supports his business.
- Mr. Roy Jones stated he is located to the west of Mr. Jones [the Applicant] and he also feels that Mr. Jones has brought life to the community. Mr. Jones [the Applicant] keeps the area clean. Mr. Roy Jones stated he and his employees are looking forward to having a place to eat and feels the take-out restaurant would be a plus to the neighborhood.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

After presentation, a motion was made by Co-Chairman Gary Potter/Chairman Perry O'Brien to approve the zoning change request to District "E" (General Business) for the operation of Kingdom Wings with Heavenly Flavors. All members present voted two in favor of the motion and one [Owens] opposed to the motion.

ITEM NO. 2 Consider and take action on a request from Jimmy Vo to rezone the property at 615 Hwy 3, Texas City, TX from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to open and operate On-Track III, LLC, - a Convenience Store, Fuel Station and Retail Stores. (Action)

Ms. Golden stated that the property located at 615 Hwy 3 is the subject of a previous application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the nearby 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area. This particular lot is 1.08 acres of undeveloped property. The

applicant intends to develop the property into a fuel station and convenience store. Either District "E" (General Business) or District "D" (Neighborhood Service) would accommodate this use. Because District "E" was shot down previously, staff reviewed as a District "D" (Neighborhood Service). The difference is General Business can serve the community wide and Neighborhood Service will serve just a neighborhood. The purpose of Neighborhood Service is more limited and intended to provide for office and retail services in proximity to neighborhood areas in which all principal uses are conducted indoors. If rezoned to District D it would be compliant. It's on a thoroughfare. It meets the Land Use Plan. But again, it is equally important to consider organized neighborhood opposition, so the Zoning Commission won't be wrong either way – to recommend either approval or denial of the request.

Ms. Golden stated that there has been one Letter of Opposition received citing the basis for their objection is heavy traffic – both automobile and foot, concern for the safety of two small children under the age of 6 years old. They reference two other gas stations within a half mile of this location stating there is no need for a third one. At the other gas stations they have witnessed loitering, loud music, arguments and the homeless lurking around. There is concern that the new gas station would also bring this to the neighborhood. The opposition letter states they already have an issue with speeding down their one-way street. The letter also mentions the lack of street widening and frequent sounds of firearms being fired near their location.

Chairman O'Brien then asked the applicant if he had anything to add to Ms. Golden's presentation. Mr. Jimmy Vo stated they are seeking to rezone the property for On Track III, LLC Fuel Station to help the neighbors and community and to also help the City of Texas City. They would like to open the convenience store and install a 10' fence around the property. They have measured the distance from the edge of the property to Opal Street and it measures 450'. He has also included in the presentation a copy of a map showing the distance between the properties. Chairman O'Brien asked if there was another piece of property between the applicant's property and Opal Street, to which Mr. Vo replied yes.

Chairman O'Brien asked if there were any additional questions. Co-Chairman Potter asked if there would be any retail space that would be rented out, to which Mr. Vo replied no. He replied that there would only be a convenience store with food service inside the building. The property owner, Mr. Rafique Ali, then replied that he chose this property because it is near the local hospital and college. Some of his family members are in the medical field and his son is attending college. Mr. Owens then stated that he was looking at the two submitted drawings and can see a proposed nail salon, to which Mr. Ali replied it was just a sample of the building. There will not be any retail stores or nail salon, there will only be a convenience store with an indoor restaurant.

Co-Chairman Potter then asked Ms. Golden if this request is approved and the application sits as it is right now, what flexibility does the applicant have as far as what he puts in to the building. Ms. Golden replied that if it is rezoned as Neighborhood Service then it would have to be compliant with that zoning, which includes some retail. It does not include the office concept where it is allowed with General Business or Office Professional zoning, but there is some leeway to put in some retail with Neighborhood Service. Once the rezoning request is approved, the applicant can operate within the limits of that entire

zone. She noted that the applicant is telling the board a convenience store, but again once the zoning is approved he can still go down the list of what's allowed and go forward with that. Chairman O'Brien stated that the conflict he is having is that on the application it states convenience store and retail, but he understands that the applicant is stating that he will only have a convenience store. He then asked why did it not go to the Planning Board first and is it not advantageous to do it that way – did it come to zoning first to see what the possibility of changing the zoning would be? Mr. Ali stated that if all goes well, his future plan is to speak with the neighboring owner about their property to perhaps build a medical office or something else.

Mr. Owens asked about the setbacks, to which Ms. Golden stated that it is on the Gateway Overlay District, but it would be part of the development plan that would go to the Planning Board. Chairman O'Brien stated that this might be the perfect item to discuss jointly with the Planning Board and to get some more details on the site plan. He added that if the zoning gets approved, then the applicant will have to comply with the Gateway requirements and it does not show that on the exhibit. He explained to the applicant, as an example, if they were to say yes, then City Commission would deny the request because there are not enough details. The applicant stated that if his zoning request is approved, then he will go back to his engineer and ensure that all of the setbacks are met. Chairman O'Brien stated again that he thinks this is something that should be discussed with the Planning Board with a good chance that when the applicant's request to rezone goes to City Commission again, there is a chance it could go through.

Ms. Golden stated this may be the kind of other side of the argument and getting the two volunteer boards together and putting some time into working something out. It is not going to make it through City Commission because of the lack of details, but because of the opposition. If the zoning request does go through City Commission, the staff will do their part with the Planning Board to ensure the plans meet all the requirements.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien stated he would like to hear from those in attendance that were against the zoning change request.

- Ms. Clementine Carter stated her address on Opal Avenue and added she has been down this road before. She does not understand the rezoning request and what it entails as far as Neighborhood Services. In past requests, the request came as commercial retail. She asked what defines Neighborhood Services compared to General Business. She is against both of them. She objects to any commercial or retail business at this site. She stated this is in her backyard. She believes her tax rates will increase, houses will decrease, that there will be more traffic, more crime and more loitering and the residents don't get anything out of this. She understands that the hospital is near, along with the apartments and medical buildings, and that is good. But the particular tract in question does not necessarily mean that those customers are going to come through there. She believes the neighborhoods will be affected. She understands that the city might get something out of this and the owner as well, but the residents won't and they are already there. Some as long as 50 years. Opal Avenue and Sapphire Court are the streets that will be mostly affected. Most of the residents have had to increase their

security and that is without a commercial or retail building. If this were residential or a duplex, they may have a different outlook, but they are not for a convenience store near them. She gets reports daily about all of the traffic, loitering and crime at the convenience store at Hwy 3 and FM 1765 and they just don't want that in their backyard. She also has a concern about the structure of the last request on the lot to the south of the applicant's and stated that she understood there would be no city services or a septic system. She added that the city does not monitor or regulate septic and this is a major concern as well. If something goes wrong, it is the residents that have to suffer through these types of things.

- Leon Harper stated his address and asked why do people come in from Houston to build projects in Texas City. He understands progress, but he lives on the corner along with some of the other residents that live alone. He stated the gas station around the corner already has women that are loitering behind the building and men behind the port-a-cans making a mess. They don't want that behind their neighborhood and the TCPD can only do so much. He stated that in a matter of 24 hours there will be crime at a new gas station and they don't want it. He then stated that there is a residential lot behind the neighborhood and asked how it could be turned into commercial, to which Chairman O'Brien replied because the property in question is located on a thoroughfare, they are allowed to apply for a zoning change.

Ms. Carter asked how to find out what the zones are, to which Chairman O'Brien stated it was all public knowledge and she could also reach out to staff and they could send the ordinance information. Ms. Veronica Carreon informed her that she would send her the link to the Zoning Ordinance.

Co-Chairman Potter stated that Ms. Carter raised a question about sewer, to which Ms. Golden replied that water is available and the city sewer system could be accessed from Opal Avenue. There would be no septic and although the city does not regulate the septic system, it is regulated by the Galveston County Health District.

Mr. Ali added that the store will have outdoor security cameras and believes crime will go down.

- Shelia Dixon stated that she lives closest to the property in question and agrees with what Ms. Carter and Mr. Harper stated.

Chairman O'Brien asked if there was anyone in attendance to speak in favor of the zoning change request.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there were any more questions for Ms. Golden. There were none. He then stated that they have heard all of these comments multiple times regarding this same stretch of road and the same pieces of properties. Again, it may be approved by the Zoning Commission and then the City Commission could deny it.

Mr. Owens recalled an issue with a connecting sewer, to which Ms. Golden replied that it is very shallow on Opal Avenue and the applicant may have to install an on-site canister lift station to get to it, but there would be sewer available. It was impossible for the larger tract to use it.

After presentation, a motion was made by Aric Owens/Co-Chairman Gary Potter to approve the zoning change request from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Service). All members present voted two in favor of the motion and one [O'Brien] opposed to the motion.

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

Chairman O'Brien asked if there was any other business to which there was none. **A motion was made by Co-Chairman Gary Potter/Aric Owens to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on _____.

CITY COMMISSION REGULAR MTG

(6) (c)

Meeting Date: 09/07/2022

Tabled from the August 3, 2022 meeting - Rezoning request from Jimmy Vo - 615 Hwy 3 - On Track 111, LLC

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Receive comments from the public regarding Jimmy Vo request to rezone property located at 615 State Highway 3 from District "A" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to construct On Track 111, LLC – a convenience store and fuel station. (Tabled on August 3, 2022).

BACKGROUND (Brief Summary)

This site was the subject of a previous rezoning application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the property located at 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area.

RECOMMENDATION

Based on the surrounding land uses, development and zoning, city staff has no objections to approval of rezoning the property located at 615 State Highway 3 to District "D" (Neighborhood Service) provided the use and development comply with the requirements of the Gateway Overlay District and adequate buffering is provided for adjacent residential uses. However, it is also appropriate for the City Commission to consider any objections presented from adjacent property owners and residents in the area. Denial of the request for re-zoning would be consistent with prior actions by the City Commission relating to this subject location and to sites in close proximity. Zoning Commission recommends approval in a split vote - 2 to 1.

Fiscal Impact

Attachments

Staff Report

Aerial View

Street View

Proposed Use of Property

Minutes

City of Texas City Engineering & Planning

To: Zoning Commission – meeting scheduled June 21, 2022

From: Kim Golden, P.E., City Engineer and Director of Transportation & Planning

cc: Doug Kneupper, P.E.

Date: June 13, 2022

Re: 615 Hwy 3 – request to rezone from Districts A-1(Single Family Residential) and F(Light Industrial) to District D – Neighborhood Service

Background: This site was the subject of a previous rezoning application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the property located at 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area.

Rafique Ali owns 1.08 acres of undeveloped property at 615 SH3, just north of Opal Ave. The applicant intends to develop the property into a fuel station and convenience store. To be able to utilize the property in this manner, a zone change is needed from the current District A-1 - Single-Family Residential and District F - Light Industrial to either District E - General Business or District D – Neighborhood Service. The attached aerial exhibit shows the existing development in the vicinity of the subject tract. South of the tract is existing single-family residential. To the north and west of the tract, the area is undeveloped.

The Land Use Plan shows this area as being **Established Neighborhoods**. This category is generally characterized as having satisfactory housing conditions, and that undeveloped tracts should also become residential. However, any non-residential development should be limited, carefully reviewed, and adjacent to major thoroughfares.

As indicated on the attached zoning map, the properties immediately adjacent to the subject tract are zoned Single-Family Residential. The closest area with more intense zoning and uses is farther to the north, approaching the Mainland Medical facility.

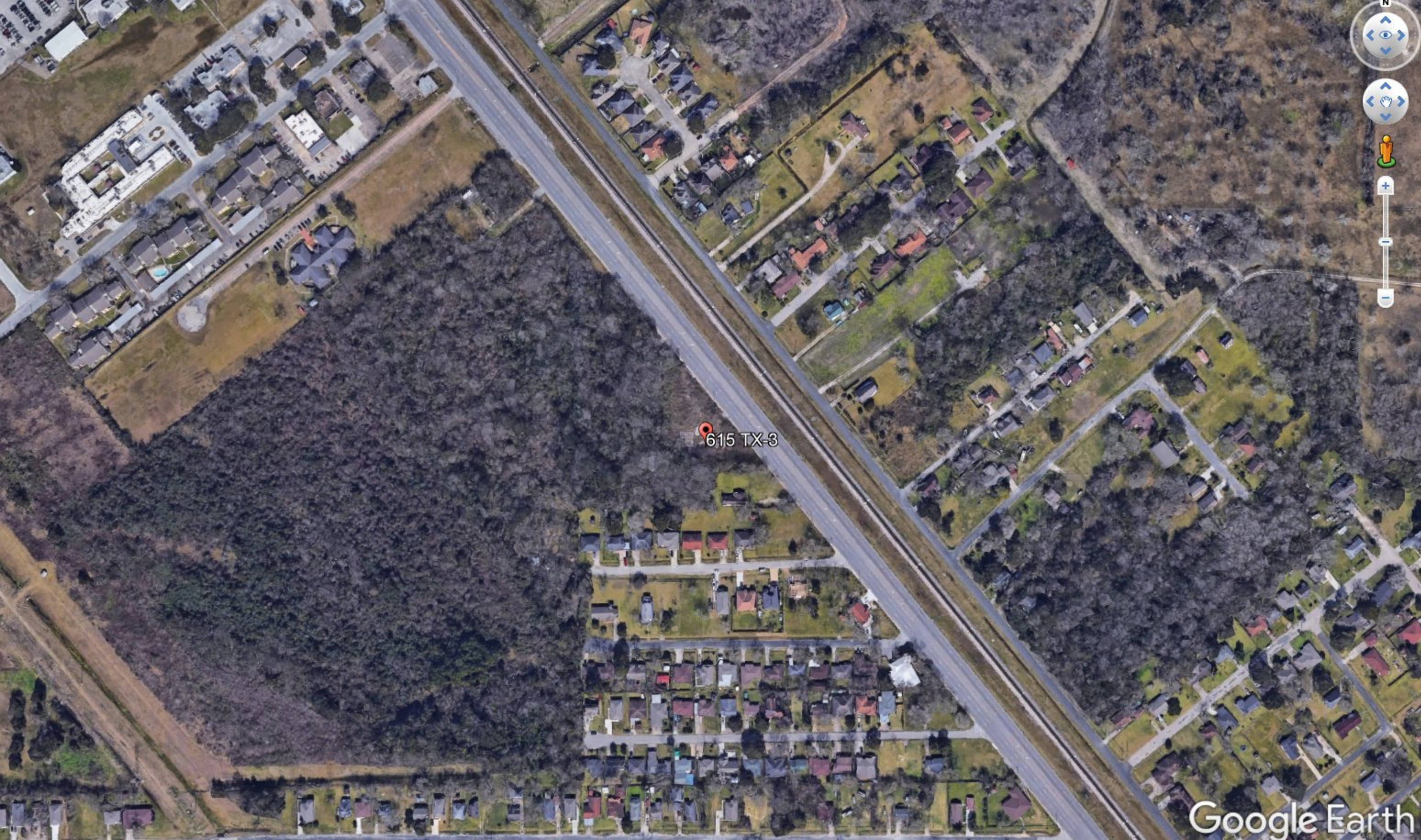
Analysis / Recommendation: Due to the previous opposition to rezoning to the broader District E – General Business, staff would recommend any re-zoning be limited to the more restrictive District D – Neighborhood Service. The purpose of District E General Business is to provide for an extensive variety of enclosed retail and commercial services to serve the overall needs of the community. Due to variety and potential intensity of these uses, they should be located along major transportation corridors and be appropriately buffered from residential areas. The purpose of District D Neighborhood service is more limited and intended to provide for office and retail services in proximity to neighborhood areas

in which all principal uses are conducted indoors. While the uses allowed in this district are intended to be located adjacent to residential areas, the character of the residential area should not be adversely impacted.

City water is readily available to the site; sewer will need to be extended from Opal Ave. Access from SH 3 is suitable for Neighborhood Service developments here. The property is within Drainage District No. 2, so ultimate development of this site requires coordination with that entity. In addition, there are requirements for landscaping, screening and other enhancements based on the Gateway Overlay district.

All improvements to the property including buildings, parking, drive areas, and landscaping will require review and approval from the City's Planning Board.

Based on the surrounding land uses, development and zoning, city staff has no objections to approval of rezoning to District D – Neighborhood Service provided the use and development comply with the requirements of the Gateway Overlay District and adequate buffering is provided for adjacent residential uses. However, it is also appropriate for the Zoning Commission and the City Commission to consider any objections presented from adjacent property owners and residents in the area. Denial of the request for re-zoning would be consistent with prior actions by the City Commission relating to this subject location and to sites in close proximity.



615 TX-3

615 TX-3

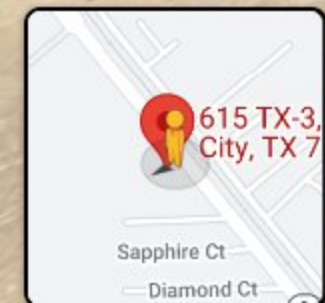
Texas City, Texas



Google



Street View - Apr 2022



Google



To: Texas City Zoning Department

Regarding Zoning Change

Property Address: 615 Hwy 3 North Texas City, Texas 77591

Hello, we would like to ask you about our situation for a zoning change for a gas station and shopping center. We would like to build a gas station with a shopping center, and therefore this project will bring many opportunities. This project can bring employment, tax revenue for the city, and more development for this area. We are confident in this project because it can bring stability to the area with new places to shop at and to buy everyday needs. This can be easy and convenient to the people in the community that would be introduced to this project because shopping centers and gas stations could be more near them, and it would help with every day necessary needs. As we know, a lot of people have lost their jobs and this property could bring out new employment and it could help people with having more jobs.

Property Owner,

Rafique Ali

Contact me at

832-755-0159

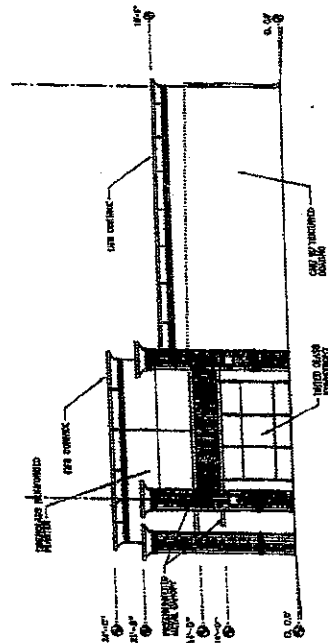
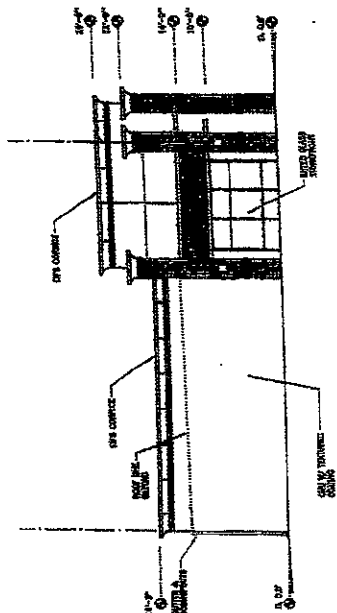
aiman.r.ali@gmail.com

[illegible]

CONVENIENCE STORE

ELEVATIONS

SD3.0



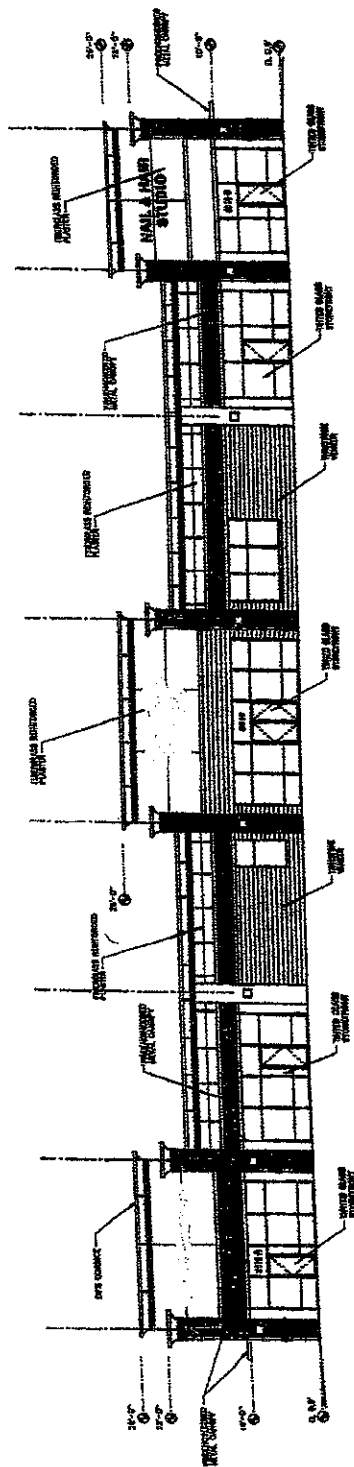
10

Proof -

SIDE ELEVATION at RETAIL

0 2-3-04

SIDE ELEVATION at RETAIL.

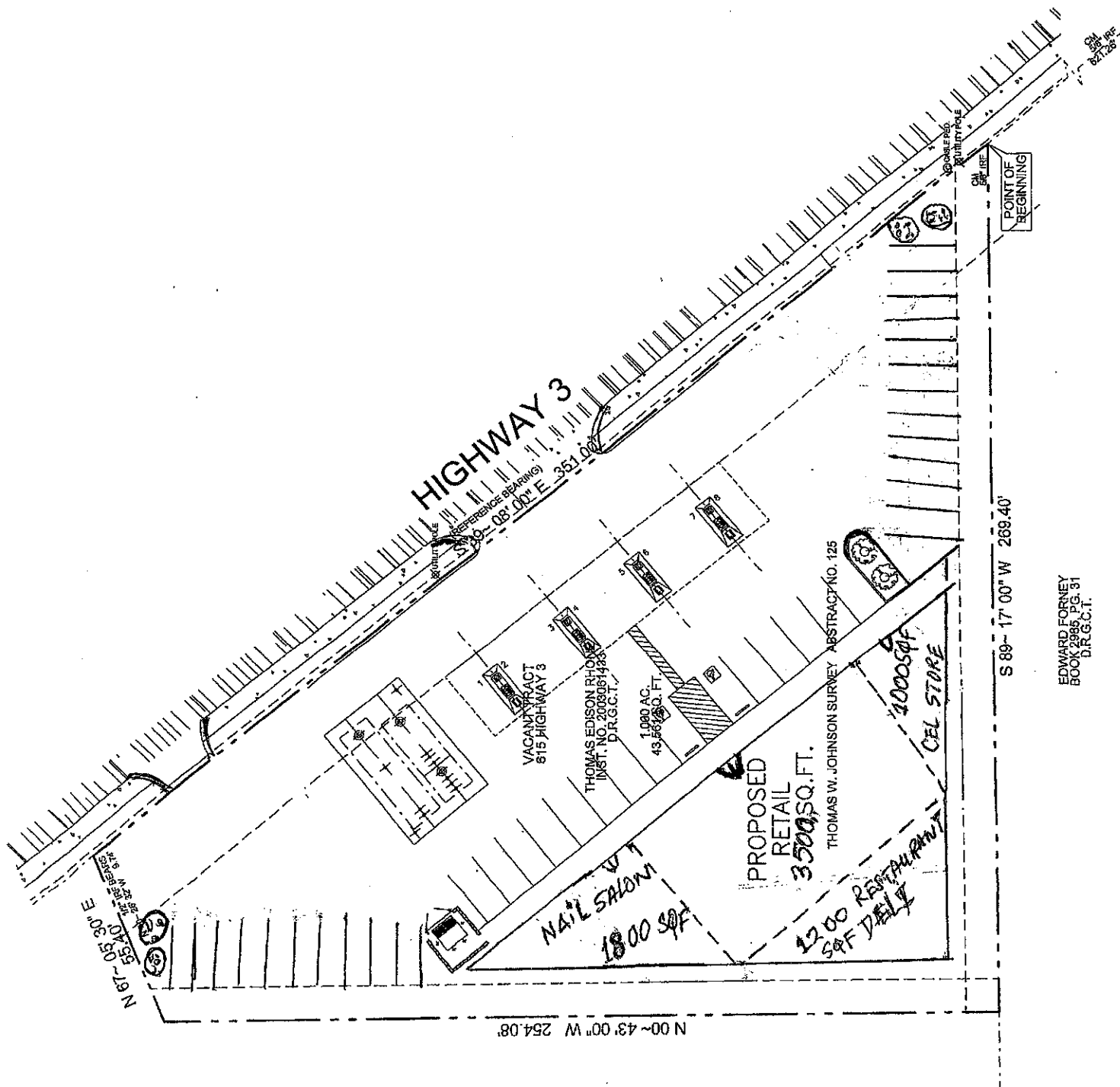


10

40-150-0000

ENTRANCE ELEVATION





EDWARD FORNEY
BOOK 2985, PG. 31
D.R.G.C.T.

ZONING COMMISSION JUNE 21, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, June 21, 2022 at 5:15 p.m. Zoning Commission members present: Chairman Perry O'Brien, Co-Chairman Gary Potter and Thelma Bowie. Staff members present were: Kimberly Golden and Veronica Carreon. Guests were: Rafique Ali, Jimmy Vo, Anish Mardia, John Chark, Aiman Ali, Ken Howard, Iverson Williams (Summer Intern), Leslie Ornelas, Ivette Jones, Sherman Jones, Clementine Carter, Adam Jones, Shelia Dixon, Roy Jones and Leon Harper.

Chairman O'Brien indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of June 7, 2022 was made by Gary Potter/Aric Owens. All other members present voted aye.

ITEM NO. 1 Consider and take action on a request from Sherman Jones to rezone the property at 2828 Texas Avenue, Texas City, TX from District "F-1" (Outdoor Industrial) to District "E" (General Business) to operate Kingdom Wings with Heavenly Flavors – a take-out food service with a drive-thru window. (Action)

Ms. Golden stated that the property at 2828 Texas Avenue has an existing building and paved parking. It operates as a church one day per week and the applicant would like to operate a take-out food service as a drive-thru and walk-up. The application indicates the operation would be to get your food and leave with no on-site consumption. The existing zoning is listed as District "F-1" (Outdoor Industrial). Outdoor Industrial is intended to provide light industrial uses which are predominantly operated outdoors. Because of potential visual and noise impacts of the uses permitted in the district additional buffering may be required to protect the adjacent areas. The current church use is not compliant with this district, nor would their requested change to operate the food service be compliant. The applicant is requesting to rezone to District "E" (General Business). The District "E" (General Business) is intended to provide a variety of enclosed retail and commercial services to serve the overall needs of the community. Due to the variety and potential intensity of those uses they should be located along major transportation corridors and be appropriately buffered from residential areas. Texas Avenue is a major transportation corridor so it would meet that requirement. The only residential area is located to the north of the site. It is zoned District "C" (Multi-Family Residential), and has been developed as apartments which is compliant with that zoning. To the west and east of the building both areas are zoned as "District "F" (Light Industrial) and to the south is District "IBD" (Industrial Business District). The rezoning to District "E" could be seen as a transition zone from the light industrial and outdoor industrial uses of the surrounding Districts "F-1" and "IBD" to the residential use of District "C". It could be considered compliant with the Land Use Plan because this particular area is along a major thoroughfare. This is also a revitalization corridor. This area is a unique because of the influence of the heavy industry in IBD. It is in a Gateway Overlay District, which has some additional requirements on top of the zoning that's for the use. There will be some masonry construction and landscaping requirements, along with some screening

requirements. There will be some setback requirements. It does not comply with the Gateway Overlay District requirements in full yet, particularly the landscaping. It would have a requirement for about 3600 sq. ft. of landscaping to be compliant. Staff is suggesting that if this request for rezoning is approved that the applicant be required to be compliant with the requirements of the Gateway Overlay District.

Co-Chairman Gary Potter stated that he was a little confused by the request. He read the Analysis from Ms. Golden's memo which states, "The existing use as an institution for religious function is not an allowed principal use in the District "F-1", nor would it be permitted use in District "E" (General Business)..." and asked how would this work for them if the facility cannot be used under the new zoning. Ms. Golden stated this is a confusing point and she can't make it not be confusing. The Applicant is trying to do two things that are not compatible in the same building. The difference is that they are only having worship one day per week and this could be considered not a principal use. Their principal use, if approved, would be the food service because they would be doing that 6 days per week. Co-Chairman Potter then asked if the food service was being done for profit, to which Ms. Golden stated he would have to ask the applicant that question, but she has no reason to think it's not.

Mr. Aric Owens asked how the applicant got occupancy if it is not permitted use for a church to begin with. Ms. Golden replied that she did not have personal knowledge of how they became a church. She heard of this when the Building Official stated the applicant had applied for a building permit to add a kitchen to the church. It was then observed that the occupants were using the building to prepare food for take-out. The Building Official told them they had to go through the rezoning process for the food service to be compliant with the zoning. In the process, the applicant went from doing straight take-out to wanting a drive-thru. Ms. Golden stated if the board decided to approve the rezoning request, the applicant will then have to go through Planning Board for development approval and that is when everything will be worked out about compliance with the Gateway Overlay District, their drive-thru window and the rest of the things they want to do. What the Zoning Commission is looking at is the change from District "F-1" to District "E" so that they can operate the take-out food service as principal use.

Chairman Perry O'Brien then asked if Ms. Golden could indicate on the map the other buildings that are currently being used for food services. Mr. Owens indicated the businesses/restaurants in the area that serve food.

Co-Chairman Potter then asked if they are selling the food for profit and if they would worship only one day per week. Ms. Golden replied that is what the applicant stated on the application. The applicant, Sherman Jones, then stated that they do only worship one day per week, but it is separated from the restaurant. He wanted to make it clear that they are not currently selling to the public, but they are trying to open to the public. He has done the plumbing and electric work and replied to everything requested by the Fire Marshal and Building Official. The church and the restaurant have their own addresses – 2828 Texas Avenue for the church and 2828-B for the restaurant. He repeated that they are two separate entities.

Co-Chairman Potter asked if they are operating the church more than one day per week to which Mr. Jones replied they only meet in the building one day per week and his other classes are conducted online on Mondays and Thursdays. On the one day they meet at

the building they already had the kitchen because “Christians like to eat”. This idea of serving the wings came during the pandemic. He stated he contacted the Health Department and the Fire Marshal but was not aware that he had to contact Building Inspections. He added that he grew up in Texas City and has seen the growth in the city. He also stated that he does not have a problem with adding the landscaping.

Co-Chairman Potter then stated his dilemma. He stated to Mr. Jones that he has a church, and he is used to them operating more than once a week, and if he has growth in attendance, then his understanding is that this is not going to be a problem. Mr. Jones replied that they used to have more than one meeting per week, but then the pandemic had everyone afraid to go out and it was easier for them to meet via Facebook, which a lot of people have gotten used to. It's possible they could meet more than once per week, but the reason they are doing this now is because of the Coronavirus.

Co-Chairman Potter then asked Ms. Golden if the applicant and members wanted to meet more than one day per week, would there be an issue with the principal use of the building. Ms. Golden stated it is possibly so, if they decide to become a full-service church that has something going on every day of the week related to church. She doesn't know how they could do two things that different in one place. Co-Chairman Potter wondered if there was a better district to place them in, but he did not see anything that would fit. Ms. Golden stated that the one reason a church may not seem totally out of place is District “C”, which is a residential area.

Chairman O'Brien then stated there is another church nearby. He added that the applicant has stated that worship will take place one day per week and the food service will take place the other 6 days, he has no reason not to believe him. He then asked if District “E” is appropriate for the food service, would it also be appropriate for a church service if it was to grow. He reminded everyone that this is not what the applicant is here for today. Ms. Golden stated that the applicant is asking for rezoning to be allowed, not to operate as a church, but to be allowed to conduct the take-out food service.

Mr. Owens stated that the application is for a food service that also wants to operate as a church. He does not know of a right way to do this and that is the part that he is struggling with. He does not have a problem with the whole thing, but how do they allow someone to do this. He is worried that it will “open up a can of worms” for a lot of other things going forward. He then asked how did we get here to operate a church in a zoning district where it's not allowed. He understands that the rules weren't followed to begin with, so this is a struggle for him on how we got to this point.

Chairman O'Brien asked Ms. Golden if District “E” is the appropriate zoning for the food service. Ms. Golden replied the application was not to operate a church. If it was to operate as a church, they have to look at it differently. Chairman O'Brien then asked what the zoning would be if it were a church to which Ms. Golden replied that churches are generally permitted in the residential zoning and this one is adjacent to the existing multi-family.

Chairman O'Brien asked if it would stand to reason that the church that is literally half a block over is zoned residential, even though it is located on the Gateway corridor. Ms. Golden stated that it would not surprise her to see that, but she hasn't reviewed that. Mr. Owens stated that based on the age of it, it could be something that never got rezoned.

Ms. Golden stated it might even be “grandfathered” in. Chairman O’Brien asked if there was really not another “pocket” to put them in to which Ms. Golden replied she did not see one. Which is why she intentionally looked at the request very narrowly, focusing only on the use they are requesting in the application. It would be a precedent lived with and dealt with, if the board approves it.

Mr. Owens thinks he can get a little more comfortable knowing it’s not going to operate as a church. He added it can operate as one or the other, but not both. He does not see a wall down the middle indicating the church on one side and the restaurant on the other side. If the principal use is going to be a restaurant, but now knowing that church services could take place more than once a week changes the principal use and he’s worried that they may have rezoned something that doesn’t fit correctly. He added that if it were just going to be a restaurant, he would be all for it. Knowing the facts now, he feels like it is a sticky situation.

Mr. Jones asked Mr. Owens if the church would only conduct once a week would he be okay with that. Mr. Owens replied now that Mr. Jones told them they could meet more than once a week in the future, it changes his view. Mr. Jones stated conducting the online services is working for him and that as a pastor and entrepreneur this is a great opportunity to serve the public.

Co-Chairman Potter stated he is familiar with online services, but the issue here is if they approve his request, then they have something approved that does not fit in the zoning and this bothers him a lot. He added that if they are approving the zoning change to “E” then the food service is what gets approved. If Mr. Jones wants to go with the church, then that’s a different zoning district. They both don’t fit under one zoning, and they don’t normally approve that type of request.

Chairman O’Brien asked if the Land Use Plan could fit both, to which Ms. Golden replied it could – but not together. She added that the work he does in his office falls under Office Professional, which also falls under District “E”. It’s the church assembly piece that is not compliant with the re-zoning to E. Chairman O’Brien stated that the other thing that he relies on for these decisions has been the Land Use Plan, Zoning Map and city recommendations – and he recalled that staff has no objections. Ms. Golden replied that she is not addressing the use of a church, the application is to rezone this property to use for the take-out food service. Chairman O’Brien stated if it gets rezoned and then goes to the Planning Board, it may work out that it is just used as food service period. Ultimately, the elected officials will have the final vote. He reiterated that it does not matter if they approve or deny people, there is another path forward.

Chairman O’Brien now wonders what the next step is because if he opens Public Hearing and they have that take place and then they close it, at that point he’ll ask for a motion from somebody. At this point, there is no telling if it is for or against. He asked if there was any homework that they could go back and do a little more of at this point or that the applicant can do if they were to table this request for now. Ms. Golden guessed to satisfy the Zoning Commission, Mr. Jones could go back and clean up his application to make it clear that he is asking for one and not both. She added that this could seem to resolve the matter. Co-Chairman Potter then asked would that mean the Applicant would not be able to operate a church there. Ms. Golden replied not as a principal use. The Applicant, Mr. Jones, then asked if they go with only take-out service in the application and are

approved for rezoning, what would prevent them from gathering for worship one day per week? Ms. Golden stated in that case the worship would not be an official principal or accessory use. She is sure there are restaurants all over the place that allow people to gather for worship. Co-Chairman Potter remarked that at the top of Applicant's building, though, it does not say restaurant. It is clearly identified as a place of worship.

Co-Chairman Potter asked if this could be approved purely as a restaurant, to which Ms. Golden stated that was how she read their application.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there was anyone in attendance that would like to share their opinion for or against this request.

- Ms. Leslie Ornelas, Executive Director for United Way Galveston County, stated that they share a parking lot with Mr. Jones. She added that having him next door has been an absolute pleasure. As far as landscaping he has worked on the landscaping at their building and has really brought life back to the building. She has told him that whatever he can do to bring people into her area, she would love because it brings attention to what they do at United Way. She is in favor of enriching people's lives and empowering them. She feels that Mr. Jones will bring attention to the community. She fully supports his business.
- Mr. Roy Jones stated he is located to the west of Mr. Jones [the Applicant] and he also feels that Mr. Jones has brought life to the community. Mr. Jones [the Applicant] keeps the area clean. Mr. Roy Jones stated he and his employees are looking forward to having a place to eat and feels the take-out restaurant would be a plus to the neighborhood.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

After presentation, a motion was made by Co-Chairman Gary Potter/Chairman Perry O'Brien to approve the zoning change request to District "E" (General Business) for the operation of Kingdom Wings with Heavenly Flavors. All members present voted two in favor of the motion and one [Owens] opposed to the motion.

ITEM NO. 2 Consider and take action on a request from Jimmy Vo to rezone the property at 615 Hwy 3, Texas City, TX from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to open and operate On-Track III, LLC, - a Convenience Store, Fuel Station and Retail Stores. (Action)

Ms. Golden stated that the property located at 615 Hwy 3 is the subject of a previous application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the nearby 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area. This particular lot is 1.08 acres of undeveloped property. The

applicant intends to develop the property into a fuel station and convenience store. Either District "E" (General Business) or District "D" (Neighborhood Service) would accommodate this use. Because District "E" was shot down previously, staff reviewed as a District "D" (Neighborhood Service). The difference is General Business can serve the community wide and Neighborhood Service will serve just a neighborhood. The purpose of Neighborhood Service is more limited and intended to provide for office and retail services in proximity to neighborhood areas in which all principal uses are conducted indoors. If rezoned to District D it would be compliant. It's on a thoroughfare. It meets the Land Use Plan. But again, it is equally important to consider organized neighborhood opposition, so the Zoning Commission won't be wrong either way – to recommend either approval or denial of the request.

Ms. Golden stated that there has been one Letter of Opposition received citing the basis for their objection is heavy traffic – both automobile and foot, concern for the safety of two small children under the age of 6 years old. They reference two other gas stations within a half mile of this location stating there is no need for a third one. At the other gas stations they have witnessed loitering, loud music, arguments and the homeless lurking around. There is concern that the new gas station would also bring this to the neighborhood. The opposition letter states they already have an issue with speeding down their one-way street. The letter also mentions the lack of street widening and frequent sounds of firearms being fired near their location.

Chairman O'Brien then asked the applicant if he had anything to add to Ms. Golden's presentation. Mr. Jimmy Vo stated they are seeking to rezone the property for On Track III, LLC Fuel Station to help the neighbors and community and to also help the City of Texas City. They would like to open the convenience store and install a 10' fence around the property. They have measured the distance from the edge of the property to Opal Street and it measures 450'. He has also included in the presentation a copy of a map showing the distance between the properties. Chairman O'Brien asked if there was another piece of property between the applicant's property and Opal Street, to which Mr. Vo replied yes.

Chairman O'Brien asked if there were any additional questions. Co-Chairman Potter asked if there would be any retail space that would be rented out, to which Mr. Vo replied no. He replied that there would only be a convenience store with food service inside the building. The property owner, Mr. Rafique Ali, then replied that he chose this property because it is near the local hospital and college. Some of his family members are in the medical field and his son is attending college. Mr. Owens then stated that he was looking at the two submitted drawings and can see a proposed nail salon, to which Mr. Ali replied it was just a sample of the building. There will not be any retail stores or nail salon, there will only be a convenience store with an indoor restaurant.

Co-Chairman Potter then asked Ms. Golden if this request is approved and the application sits as it is right now, what flexibility does the applicant have as far as what he puts in to the building. Ms. Golden replied that if it is rezoned as Neighborhood Service then it would have to be compliant with that zoning, which includes some retail. It does not include the office concept where it is allowed with General Business or Office Professional zoning, but there is some leeway to put in some retail with Neighborhood Service. Once the rezoning request is approved, the applicant can operate within the limits of that entire

zone. She noted that the applicant is telling the board a convenience store, but again once the zoning is approved he can still go down the list of what's allowed and go forward with that. Chairman O'Brien stated that the conflict he is having is that on the application it states convenience store and retail, but he understands that the applicant is stating that he will only have a convenience store. He then asked why did it not go to the Planning Board first and is it not advantageous to do it that way – did it come to zoning first to see what the possibility of changing the zoning would be? Mr. Ali stated that if all goes well, his future plan is to speak with the neighboring owner about their property to perhaps build a medical office or something else.

Mr. Owens asked about the setbacks, to which Ms. Golden stated that it is on the Gateway Overlay District, but it would be part of the development plan that would go to the Planning Board. Chairman O'Brien stated that this might be the perfect item to discuss jointly with the Planning Board and to get some more details on the site plan. He added that if the zoning gets approved, then the applicant will have to comply with the Gateway requirements and it does not show that on the exhibit. He explained to the applicant, as an example, if they were to say yes, then City Commission would deny the request because there are not enough details. The applicant stated that if his zoning request is approved, then he will go back to his engineer and ensure that all of the setbacks are met. Chairman O'Brien stated again that he thinks this is something that should be discussed with the Planning Board with a good chance that when the applicant's request to rezone goes to City Commission again, there is a chance it could go through.

Ms. Golden stated this may be the kind of other side of the argument and getting the two volunteer boards together and putting some time into working something out. It is not going to make it through City Commission because of the lack of details, but because of the opposition. If the zoning request does go through City Commission, the staff will do their part with the Planning Board to ensure the plans meet all the requirements.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien stated he would like to hear from those in attendance that were against the zoning change request.

- Ms. Clementine Carter stated her address on Opal Avenue and added she has been down this road before. She does not understand the rezoning request and what it entails as far as Neighborhood Services. In past requests, the request came as commercial retail. She asked what defines Neighborhood Services compared to General Business. She is against both of them. She objects to any commercial or retail business at this site. She stated this is in her backyard. She believes her tax rates will increase, houses will decrease, that there will be more traffic, more crime and more loitering and the residents don't get anything out of this. She understands that the hospital is near, along with the apartments and medical buildings, and that is good. But the particular tract in question does not necessarily mean that those customers are going to come through there. She believes the neighborhoods will be affected. She understands that the city might get something out of this and the owner as well, but the residents won't and they are already there. Some as long as 50 years. Opal Avenue and Sapphire Court are the streets that will be mostly affected. Most of the residents have had to increase their

security and that is without a commercial or retail building. If this were residential or a duplex, they may have a different outlook, but they are not for a convenience store near them. She gets reports daily about all of the traffic, loitering and crime at the convenience store at Hwy 3 and FM 1765 and they just don't want that in their backyard. She also has a concern about the structure of the last request on the lot to the south of the applicant's and stated that she understood there would be no city services or a septic system. She added that the city does not monitor or regulate septic and this is a major concern as well. If something goes wrong, it is the residents that have to suffer through these types of things.

- Leon Harper stated his address and asked why do people come in from Houston to build projects in Texas City. He understands progress, but he lives on the corner along with some of the other residents that live alone. He stated the gas station around the corner already has women that are loitering behind the building and men behind the port-a-cans making a mess. They don't want that behind their neighborhood and the TCPD can only do so much. He stated that in a matter of 24 hours there will be crime at a new gas station and they don't want it. He then stated that there is a residential lot behind the neighborhood and asked how it could be turned into commercial, to which Chairman O'Brien replied because the property in question is located on a thoroughfare, they are allowed to apply for a zoning change.

Ms. Carter asked how to find out what the zones are, to which Chairman O'Brien stated it was all public knowledge and she could also reach out to staff and they could send the ordinance information. Ms. Veronica Carreon informed her that she would send her the link to the Zoning Ordinance.

Co-Chairman Potter stated that Ms. Carter raised a question about sewer, to which Ms. Golden replied that water is available and the city sewer system could be accessed from Opal Avenue. There would be no septic and although the city does not regulate the septic system, it is regulated by the Galveston County Health District.

Mr. Ali added that the store will have outdoor security cameras and believes crime will go down.

- Shelia Dixon stated that she lives closest to the property in question and agrees with what Ms. Carter and Mr. Harper stated.

Chairman O'Brien asked if there was anyone in attendance to speak in favor of the zoning change request.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there were any more questions for Ms. Golden. There were none. He then stated that they have heard all of these comments multiple times regarding this same stretch of road and the same pieces of properties. Again, it may be approved by the Zoning Commission and then the City Commission could deny it.

Mr. Owens recalled an issue with a connecting sewer, to which Ms. Golden replied that it is very shallow on Opal Avenue and the applicant may have to install an on-site canister lift station to get to it, but there would be sewer available. It was impossible for the larger tract to use it.

After presentation, a motion was made by Aric Owens/Co-Chairman Gary Potter to approve the zoning change request from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Service). All members present voted two in favor of the motion and one [O'Brien] opposed to the motion.

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

Chairman O'Brien asked if there was any other business to which there was none. **A motion was made by Co-Chairman Gary Potter/Aric Owens to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on _____.

CITY COMMISSION REGULAR MTG

(7) (a)

Meeting Date: 09/07/2022

Tabled from the August 3, 2022 meeting - Consider the Zoning Change Request from Sherman Jones for 2828 Texas Ave

Submitted For: Kim Golden, 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 Sherman Jones for 2828 Texas Avenue - Kingdom Wings with Heavenly Flavors (a drive-thru only restaurant) to change from existing District F-1 (Outdoor Industrial) to District E (General Business).

BACKGROUND (Brief Summary)

Applicant, Sherman Jones, is the pastor of the religious assembly called Betmidrash which operates at 2828 Texas Ave on Saturdays only, 11:30 am – 4pm. The location is currently zoned District "F-1" (Outdoor Industrial). The applicant seeks to add a drive thru window to expand the food service which is already operating as Kingdom Wings with Heavenly Flavors without a permit from a room converted to a kitchen as an ancillary use of the church.

RECOMMENDATION

On Tuesday, June 20, 2022, the Zoning Commission voted 2-1 to recommend approval of the rezoning from District "F-1" (Outdoor Industrial) to District "E" (General Business). Commissioner Owens voted to deny.

Provided the City Commission recognizes the potential of the rezoning to create future conflicts between incompatible uses, staff have no objection to the requested rezoning to District "E" (General Business), provided the site is made compliant with the requirements of the Gateway Overlay District, especially the requirement for landscaping, and provided the use is buffered from the adjacent residential use with an appropriate fence or screening wall of 100% masonry content.

Fiscal Impact

Attachments

Staff Report

Aerial View

Street View

Proposed Site Plan

Minutes

City of Texas City Engineering & Planning Memo

To: Zoning Commission – for meeting on 6/21/2022

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

cc: Doug Kneupper, P.E., Consulting Engineer

Date: June 10, 2022

Re: Request to rezone 2828 Texas Ave from District F (Light Industrial) to District E (General Business) to operate a drive-thru take out only food service from an existing building in use as a place of worship on Saturdays.

Background: Applicant, Sherman Jones, is the pastor of the religious assembly called Betmidrash which operates at 2828 Texas Ave on Saturdays only, 11:30 am – 4pm. The location is currently zoned District F – Light Industrial. The applicant seeks to add a drive thru window to expand the food service which is already operating as Kingdom Wings with Heavenly Flavors without a permit from a room converted to a kitchen as an ancillary use of the church.

Existing conditions: The approximate 0.50 acre lot has an existing building and paved parking which is operating as a church for religious assembly one day per week. A room in the church building was converted to a kitchen as an ancillary use of the church. However, the Chief Building Official learned the kitchen was operating daily as a food service. Such operation as a principal use is not compliant with the existing zoning – District F Light Industrial. The applicant seeks to expand the food service to include drive-thru take out food service. This expansion of use will require the modification of the existing exterior of the building to add a drive-thru window. It appears the existing paved area may be sufficient for the drive-thru driveway.

Existing zoning: The subject location is currently zoned “F-1” Outdoor Industrial. The location is bounded on the south by Texas Ave, and the District IBD – Industrial Business District, which is directly south of Texas Ave. The property is bounded on the east and west by properties zoned “F-1” – Outdoor Industrial. The property is bounded on the north by property zoned District “C” – Multifamily Residential. All surrounding properties are fully developed and in compliance with the current zoning designations.

District F-1 Outdoor Industrial “is intended to provide for light industrial uses which are predominantly operated outdoors. Because of the potential visual and noise impacts of the uses permitted in the district, additional buffering may be required for protection of adjacent areas.” District E General Business is intended to provide for an extensive variety of enclosed

retail and commercial services to serve the overall needs of the community. Due to the variety and potential intensity of these uses, they should be located along major transportation corridors and be appropriately buffered from residential areas.

Applicant seeks rezoning to District E – General Business for the purpose of operating a take out food service with drive-thru window. There is nothing in the application to indicate use as a full service restaurant with on-site dining. The application indicates an intent to operate the take out food service with drive thru window on a daily basis, Monday thru Friday, 10:30am – 8:00pm and on Sundays, 11am – 6pm. The application indicates the food service will be closed on Saturdays, which is the day the location is used for religious assembly.

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. The site is not currently compliant with the landscaping requirements of the Gateway Overlay District.

LAND USE PLAN: The current land use plan show the subject area as developing within the guidelines of the “Revitalization Corridor” which are “the areas of Texas City where prompt action is needed to prevent or reverse deterioration, specifically along Texas Avenue and 6th Street. These corridors are characterized by dilapidated structures, fair to poor housing conditions, incompatible mixture of land uses and declining numbers of housing units and small businesses. Recommended approaches to conserving and revitalizing these areas are discussed in the ‘Goals and Strategies for Texas City’ report prepared by the Goals 2000 Committee.”

The “Goals and Strategies for Texas City” report states the following regarding the Land Use Plan; “Keeping in mind the broad perspective of an effective land use plan, it is important that the plan be flexible in guiding, but not dictating, a community’s growth and development. . . . The Land Use Plan for Texas City purposefully does not pinpoint precise districts throughout the City with exact land uses, but instead maintains the broad perspective by identifying ten generalized types of land use areas.” The ‘Revitalization Corridor’ is one of the ten generalized types. The Plan specifically references the strategy for the revitalization corridor along 6th Street and Texas at pg 82.2-83 as follows “The proposed revitalization will consider land uses such as museums, governmental facilities, senior citizen apartments and nursing homes and light industry.”

Existing infrastructure: There is sufficient vehicular access from Texas Avenue (FM 1765). Water and Sewer Services are currently available from the Texas City Municipal systems.

Analysis: The existing use as an institution for religious function is not an allowed principal use in the District F-1, nor would it be a permitted use in District E – General Business, if rezoned. The use for religious functions is an allowed principal use in the residential zones including District C – Multifamily Residential. The subject location is adjacent to District C – Multifamily Residential on its northern boundary.

The rezoning to District E – General Business could be seen as a transition zone from the light industrial and outdoor industrial uses of the surrounding Districts F-1 and IBD to the residential use of District C – Multifamily Residential. However, the requirements of the Gateway Overlay

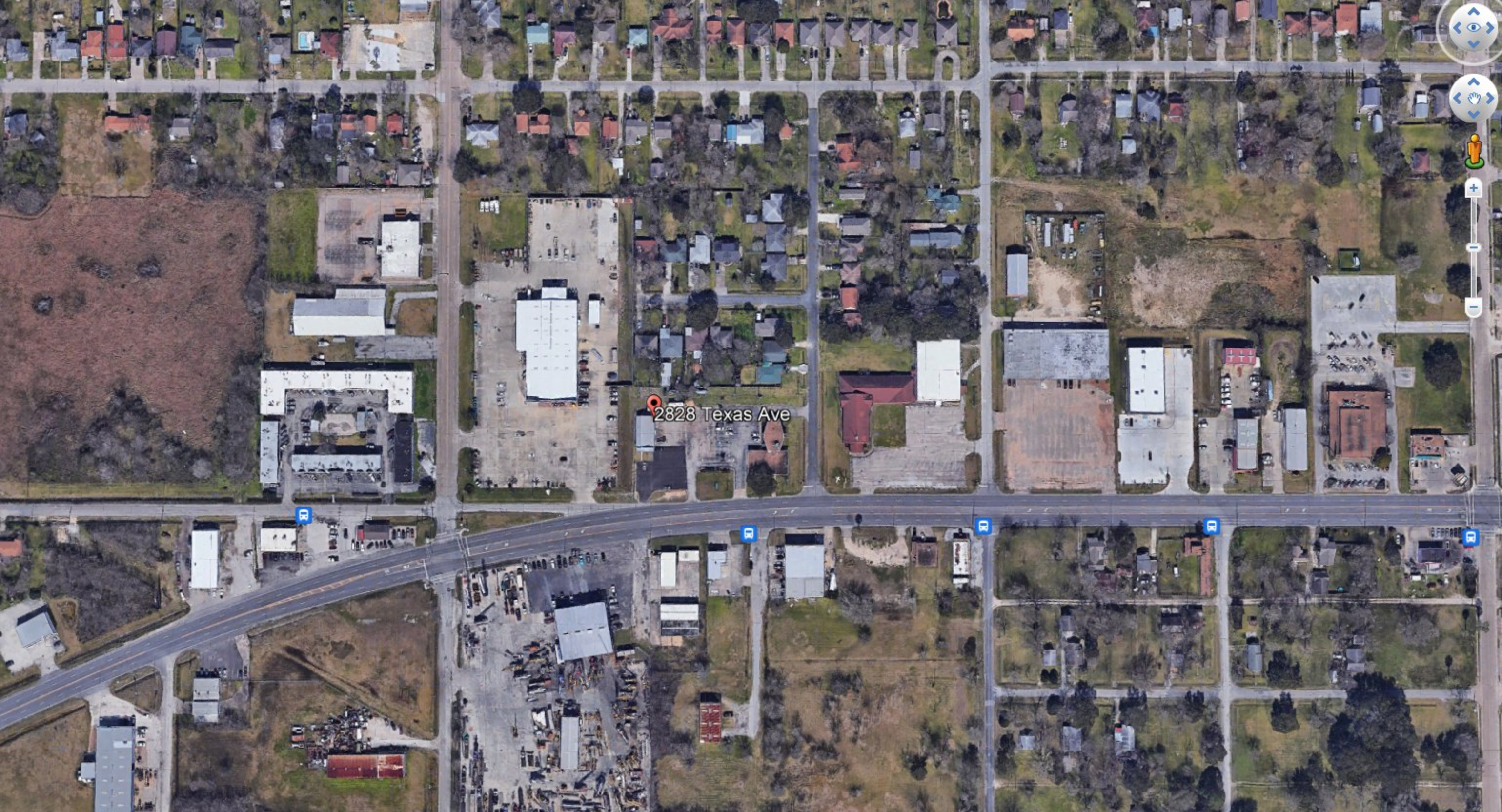
District should be satisfied. The site is 0.561 acres, which has a 15% landscaping requirement of 3,665sq ft. There should also be appropriate buffering installed between the site and the residential District C. The Gateway Overlay District requires all fencing and screening walls to be 100% masonry.

It should be noted that the rezoning to District E – General Business will open the site to a wide variety of retail and commercial uses. Once the preliminary zoning approval is made permanent by the granting of a building permit, the future use of the site not be limited to the take-out food service, only. Once the rezoning is made permanent, the site can be used for any of the allowed principal uses of District E – General Business, subject to the permitting process. The allowed principal uses include any use permitted in O-P (Office Professional), D (Neighborhood Service), or D-1 (Limited Service), subject to the regulations of District E.

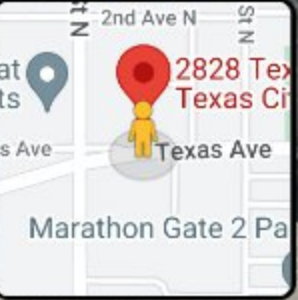
The other allowed principal uses for District E General Business are automobile repair garages; automobile, motorcycle and light load truck sales and leasing, new or used; hospitals; ambulance services; motion picture theatres within an enclosed building; spa, health studio or fitness center; coin-operated amusement machine arcades; bowling alley and skating rinks; establishment where alcoholic beverages are sold or consumed on premises; car washes; any retail sales, commercial business or service not included in the O-P, D or D-1 Zoning Districts provided that, all such uses shall be completely within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing, or treatment of products or equipment shall be permitted “ except as clearly incidental to an allowed use. **For this reason the rezoning to District E could be creating some potential for a future use which could be deemed incompatible with the surrounding F-1 and IBD classification.** However, no objections have been received in response to the notice letters sent to all adjacent properties within 200ft as required by state statute and city ordinances.

Because the site may be operating a food service without permits, 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.

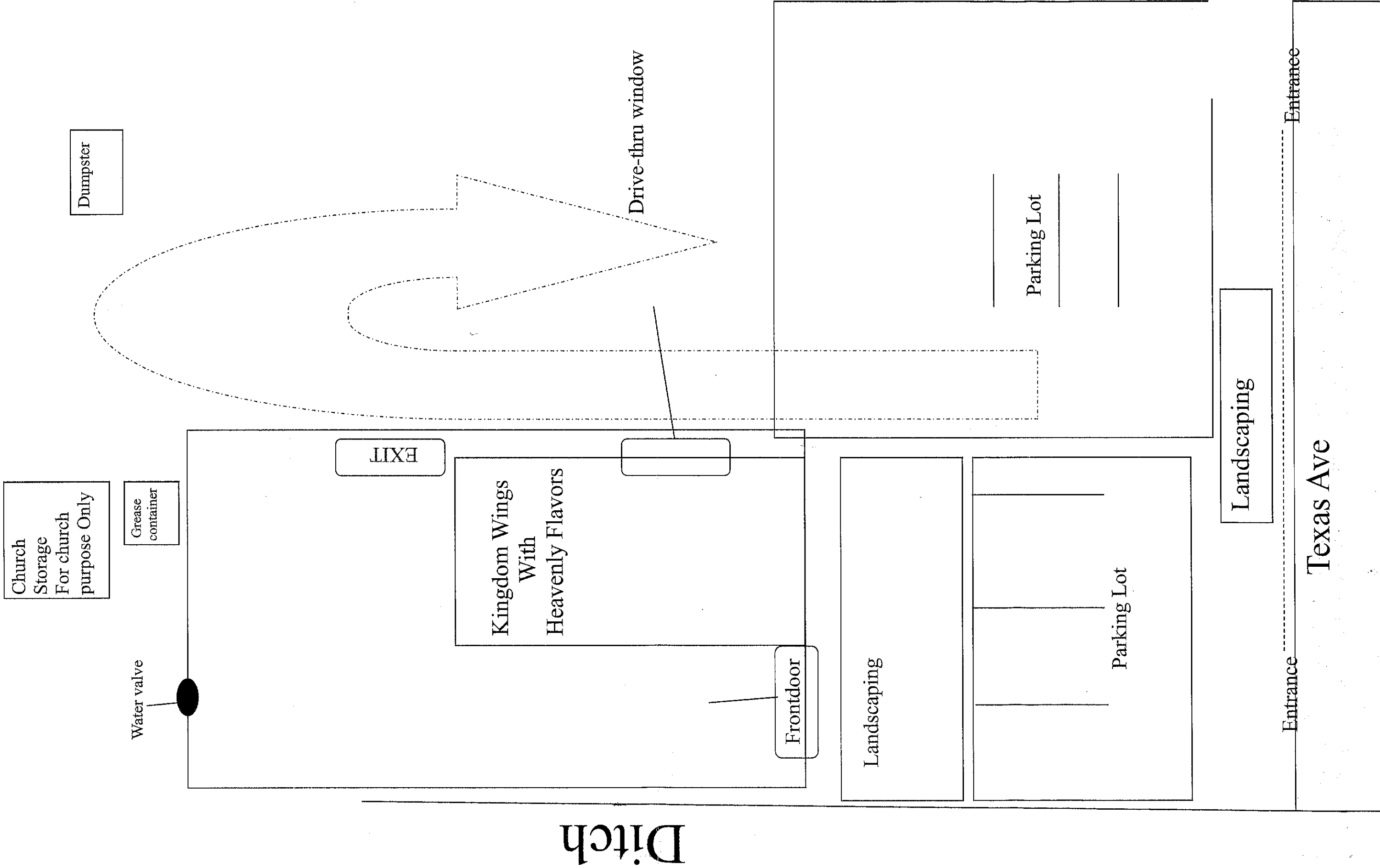
Provided the Zoning Commission recognizes the potential of the rezoning to create future conflicts between incompatible uses, Staff have no objection to the requested rezoning to District E – General Business, provided the site is made compliant with the requirements of the Gateway Overlay District, especially the requirement for landscaping, and provided the use is buffered from the adjacent residential use with an appropriate fence or screening wall of 100% masonry content.



2828 Texas Ave



Site Plan



ZONING COMMISSION JUNE 21, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, June 21, 2022 at 5:15 p.m. Zoning Commission members present: Chairman Perry O'Brien, Co-Chairman Gary Potter and Thelma Bowie. Staff members present were: Kimberly Golden and Veronica Carreon. Guests were: Rafique Ali, Jimmy Vo, Anish Mardia, John Chark, Aiman Ali, Ken Howard, Iverson Williams (Summer Intern), Leslie Ornelas, Ivette Jones, Sherman Jones, Clementine Carter, Adam Jones, Shelia Dixon, Roy Jones and Leon Harper.

Chairman O'Brien indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of June 7, 2022 was made by Gary Potter/Aric Owens. All other members present voted aye.

ITEM NO. 1 Consider and take action on a request from Sherman Jones to rezone the property at 2828 Texas Avenue, Texas City, TX from District "F-1" (Outdoor Industrial) to District "E" (General Business) to operate Kingdom Wings with Heavenly Flavors – a take-out food service with a drive-thru window. (Action)

Ms. Golden stated that the property at 2828 Texas Avenue has an existing building and paved parking. It operates as a church one day per week and the applicant would like to operate a take-out food service as a drive-thru and walk-up. The application indicates the operation would be to get your food and leave with no on-site consumption. The existing zoning is listed as District "F-1" (Outdoor Industrial). Outdoor Industrial is intended to provide light industrial uses which are predominantly operated outdoors. Because of potential visual and noise impacts of the uses permitted in the district additional buffering may be required to protect the adjacent areas. The current church use is not compliant with this district, nor would their requested change to operate the food service be compliant. The applicant is requesting to rezone to District "E" (General Business). The District "E" (General Business) is intended to provide a variety of enclosed retail and commercial services to serve the overall needs of the community. Due to the variety and potential intensity of those uses they should be located along major transportation corridors and be appropriately buffered from residential areas. Texas Avenue is a major transportation corridor so it would meet that requirement. The only residential area is located to the north of the site. It is zoned District "C" (Multi-Family Residential), and has been developed as apartments which is compliant with that zoning. To the west and east of the building both areas are zoned as "District "F" (Light Industrial) and to the south is District "IBD" (Industrial Business District). The rezoning to District "E" could be seen as a transition zone from the light industrial and outdoor industrial uses of the surrounding Districts "F-1" and "IBD" to the residential use of District "C". It could be considered compliant with the Land Use Plan because this particular area is along a major thoroughfare. This is also a revitalization corridor. This area is a unique because of the influence of the heavy industry in IBD. It is in a Gateway Overlay District, which has some additional requirements on top of the zoning that's for the use. There will be some masonry construction and landscaping requirements, along with some screening

requirements. There will be some setback requirements. It does not comply with the Gateway Overlay District requirements in full yet, particularly the landscaping. It would have a requirement for about 3600 sq. ft. of landscaping to be compliant. Staff is suggesting that if this request for rezoning is approved that the applicant be required to be compliant with the requirements of the Gateway Overlay District.

Co-Chairman Gary Potter stated that he was a little confused by the request. He read the Analysis from Ms. Golden's memo which states, "The existing use as an institution for religious function is not an allowed principal use in the District "F-1", nor would it be permitted use in District "E" (General Business)..." and asked how would this work for them if the facility cannot be used under the new zoning. Ms. Golden stated this is a confusing point and she can't make it not be confusing. The Applicant is trying to do two things that are not compatible in the same building. The difference is that they are only having worship one day per week and this could be considered not a principal use. Their principal use, if approved, would be the food service because they would be doing that 6 days per week. Co-Chairman Potter then asked if the food service was being done for profit, to which Ms. Golden stated he would have to ask the applicant that question, but she has no reason to think it's not.

Mr. Aric Owens asked how the applicant got occupancy if it is not permitted use for a church to begin with. Ms. Golden replied that she did not have personal knowledge of how they became a church. She heard of this when the Building Official stated the applicant had applied for a building permit to add a kitchen to the church. It was then observed that the occupants were using the building to prepare food for take-out. The Building Official told them they had to go through the rezoning process for the food service to be compliant with the zoning. In the process, the applicant went from doing straight take-out to wanting a drive-thru. Ms. Golden stated if the board decided to approve the rezoning request, the applicant will then have to go through Planning Board for development approval and that is when everything will be worked out about compliance with the Gateway Overlay District, their drive-thru window and the rest of the things they want to do. What the Zoning Commission is looking at is the change from District "F-1" to District "E" so that they can operate the take-out food service as principal use.

Chairman Perry O'Brien then asked if Ms. Golden could indicate on the map the other buildings that are currently being used for food services. Mr. Owens indicated the businesses/restaurants in the area that serve food.

Co-Chairman Potter then asked if they are selling the food for profit and if they would worship only one day per week. Ms. Golden replied that is what the applicant stated on the application. The applicant, Sherman Jones, then stated that they do only worship one day per week, but it is separated from the restaurant. He wanted to make it clear that they are not currently selling to the public, but they are trying to open to the public. He has done the plumbing and electric work and replied to everything requested by the Fire Marshal and Building Official. The church and the restaurant have their own addresses – 2828 Texas Avenue for the church and 2828-B for the restaurant. He repeated that they are two separate entities.

Co-Chairman Potter asked if they are operating the church more than one day per week to which Mr. Jones replied they only meet in the building one day per week and his other classes are conducted online on Mondays and Thursdays. On the one day they meet at

the building they already had the kitchen because “Christians like to eat”. This idea of serving the wings came during the pandemic. He stated he contacted the Health Department and the Fire Marshal but was not aware that he had to contact Building Inspections. He added that he grew up in Texas City and has seen the growth in the city. He also stated that he does not have a problem with adding the landscaping.

Co-Chairman Potter then stated his dilemma. He stated to Mr. Jones that he has a church, and he is used to them operating more than once a week, and if he has growth in attendance, then his understanding is that this is not going to be a problem. Mr. Jones replied that they used to have more than one meeting per week, but then the pandemic had everyone afraid to go out and it was easier for them to meet via Facebook, which a lot of people have gotten used to. It's possible they could meet more than once per week, but the reason they are doing this now is because of the Coronavirus.

Co-Chairman Potter then asked Ms. Golden if the applicant and members wanted to meet more than one day per week, would there be an issue with the principal use of the building. Ms. Golden stated it is possibly so, if they decide to become a full-service church that has something going on every day of the week related to church. She doesn't know how they could do two things that different in one place. Co-Chairman Potter wondered if there was a better district to place them in, but he did not see anything that would fit. Ms. Golden stated that the one reason a church may not seem totally out of place is District “C”, which is a residential area.

Chairman O'Brien then stated there is another church nearby. He added that the applicant has stated that worship will take place one day per week and the food service will take place the other 6 days, he has no reason not to believe him. He then asked if District “E” is appropriate for the food service, would it also be appropriate for a church service if it was to grow. He reminded everyone that this is not what the applicant is here for today. Ms. Golden stated that the applicant is asking for rezoning to be allowed, not to operate as a church, but to be allowed to conduct the take-out food service.

Mr. Owens stated that the application is for a food service that also wants to operate as a church. He does not know of a right way to do this and that is the part that he is struggling with. He does not have a problem with the whole thing, but how do they allow someone to do this. He is worried that it will “open up a can of worms” for a lot of other things going forward. He then asked how did we get here to operate a church in a zoning district where it's not allowed. He understands that the rules weren't followed to begin with, so this is a struggle for him on how we got to this point.

Chairman O'Brien asked Ms. Golden if District “E” is the appropriate zoning for the food service. Ms. Golden replied the application was not to operate a church. If it was to operate as a church, they have to look at it differently. Chairman O'Brien then asked what the zoning would be if it were a church to which Ms. Golden replied that churches are generally permitted in the residential zoning and this one is adjacent to the existing multi-family.

Chairman O'Brien asked if it would stand to reason that the church that is literally half a block over is zoned residential, even though it is located on the Gateway corridor. Ms. Golden stated that it would not surprise her to see that, but she hasn't reviewed that. Mr. Owens stated that based on the age of it, it could be something that never got rezoned.

Ms. Golden stated it might even be “grandfathered” in. Chairman O’Brien asked if there was really not another “pocket” to put them in to which Ms. Golden replied she did not see one. Which is why she intentionally looked at the request very narrowly, focusing only on the use they are requesting in the application. It would be a precedent lived with and dealt with, if the board approves it.

Mr. Owens thinks he can get a little more comfortable knowing it’s not going to operate as a church. He added it can operate as one or the other, but not both. He does not see a wall down the middle indicating the church on one side and the restaurant on the other side. If the principal use is going to be a restaurant, but now knowing that church services could take place more than once a week changes the principal use and he’s worried that they may have rezoned something that doesn’t fit correctly. He added that if it were just going to be a restaurant, he would be all for it. Knowing the facts now, he feels like it is a sticky situation.

Mr. Jones asked Mr. Owens if the church would only conduct once a week would he be okay with that. Mr. Owens replied now that Mr. Jones told them they could meet more than once a week in the future, it changes his view. Mr. Jones stated conducting the online services is working for him and that as a pastor and entrepreneur this is a great opportunity to serve the public.

Co-Chairman Potter stated he is familiar with online services, but the issue here is if they approve his request, then they have something approved that does not fit in the zoning and this bothers him a lot. He added that if they are approving the zoning change to “E” then the food service is what gets approved. If Mr. Jones wants to go with the church, then that’s a different zoning district. They both don’t fit under one zoning, and they don’t normally approve that type of request.

Chairman O’Brien asked if the Land Use Plan could fit both, to which Ms. Golden replied it could – but not together. She added that the work he does in his office falls under Office Professional, which also falls under District “E”. It’s the church assembly piece that is not compliant with the re-zoning to E. Chairman O’Brien stated that the other thing that he relies on for these decisions has been the Land Use Plan, Zoning Map and city recommendations – and he recalled that staff has no objections. Ms. Golden replied that she is not addressing the use of a church, the application is to rezone this property to use for the take-out food service. Chairman O’Brien stated if it gets rezoned and then goes to the Planning Board, it may work out that it is just used as food service period. Ultimately, the elected officials will have the final vote. He reiterated that it does not matter if they approve or deny people, there is another path forward.

Chairman O’Brien now wonders what the next step is because if he opens Public Hearing and they have that take place and then they close it, at that point he’ll ask for a motion from somebody. At this point, there is no telling if it is for or against. He asked if there was any homework that they could go back and do a little more of at this point or that the applicant can do if they were to table this request for now. Ms. Golden guessed to satisfy the Zoning Commission, Mr. Jones could go back and clean up his application to make it clear that he is asking for one and not both. She added that this could seem to resolve the matter. Co-Chairman Potter then asked would that mean the Applicant would not be able to operate a church there. Ms. Golden replied not as a principal use. The Applicant, Mr. Jones, then asked if they go with only take-out service in the application and are

approved for rezoning, what would prevent them from gathering for worship one day per week? Ms. Golden stated in that case the worship would not be an official principal or accessory use. She is sure there are restaurants all over the place that allow people to gather for worship. Co-Chairman Potter remarked that at the top of Applicant's building, though, it does not say restaurant. It is clearly identified as a place of worship.

Co-Chairman Potter asked if this could be approved purely as a restaurant, to which Ms. Golden stated that was how she read their application.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there was anyone in attendance that would like to share their opinion for or against this request.

- Ms. Leslie Ornelas, Executive Director for United Way Galveston County, stated that they share a parking lot with Mr. Jones. She added that having him next door has been an absolute pleasure. As far as landscaping he has worked on the landscaping at their building and has really brought life back to the building. She has told him that whatever he can do to bring people into her area, she would love because it brings attention to what they do at United Way. She is in favor of enriching people's lives and empowering them. She feels that Mr. Jones will bring attention to the community. She fully supports his business.
- Mr. Roy Jones stated he is located to the west of Mr. Jones [the Applicant] and he also feels that Mr. Jones has brought life to the community. Mr. Jones [the Applicant] keeps the area clean. Mr. Roy Jones stated he and his employees are looking forward to having a place to eat and feels the take-out restaurant would be a plus to the neighborhood.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

After presentation, a motion was made by Co-Chairman Gary Potter/Chairman Perry O'Brien to approve the zoning change request to District "E" (General Business) for the operation of Kingdom Wings with Heavenly Flavors. All members present voted two in favor of the motion and one [Owens] opposed to the motion.

ITEM NO. 2 Consider and take action on a request from Jimmy Vo to rezone the property at 615 Hwy 3, Texas City, TX from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to open and operate On-Track III, LLC, - a Convenience Store, Fuel Station and Retail Stores. (Action)

Ms. Golden stated that the property located at 615 Hwy 3 is the subject of a previous application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the nearby 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area. This particular lot is 1.08 acres of undeveloped property. The

applicant intends to develop the property into a fuel station and convenience store. Either District "E" (General Business) or District "D" (Neighborhood Service) would accommodate this use. Because District "E" was shot down previously, staff reviewed as a District "D" (Neighborhood Service). The difference is General Business can serve the community wide and Neighborhood Service will serve just a neighborhood. The purpose of Neighborhood Service is more limited and intended to provide for office and retail services in proximity to neighborhood areas in which all principal uses are conducted indoors. If rezoned to District D it would be compliant. It's on a thoroughfare. It meets the Land Use Plan. But again, it is equally important to consider organized neighborhood opposition, so the Zoning Commission won't be wrong either way – to recommend either approval or denial of the request.

Ms. Golden stated that there has been one Letter of Opposition received citing the basis for their objection is heavy traffic – both automobile and foot, concern for the safety of two small children under the age of 6 years old. They reference two other gas stations within a half mile of this location stating there is no need for a third one. At the other gas stations they have witnessed loitering, loud music, arguments and the homeless lurking around. There is concern that the new gas station would also bring this to the neighborhood. The opposition letter states they already have an issue with speeding down their one-way street. The letter also mentions the lack of street widening and frequent sounds of firearms being fired near their location.

Chairman O'Brien then asked the applicant if he had anything to add to Ms. Golden's presentation. Mr. Jimmy Vo stated they are seeking to rezone the property for On Track III, LLC Fuel Station to help the neighbors and community and to also help the City of Texas City. They would like to open the convenience store and install a 10' fence around the property. They have measured the distance from the edge of the property to Opal Street and it measures 450'. He has also included in the presentation a copy of a map showing the distance between the properties. Chairman O'Brien asked if there was another piece of property between the applicant's property and Opal Street, to which Mr. Vo replied yes.

Chairman O'Brien asked if there were any additional questions. Co-Chairman Potter asked if there would be any retail space that would be rented out, to which Mr. Vo replied no. He replied that there would only be a convenience store with food service inside the building. The property owner, Mr. Rafique Ali, then replied that he chose this property because it is near the local hospital and college. Some of his family members are in the medical field and his son is attending college. Mr. Owens then stated that he was looking at the two submitted drawings and can see a proposed nail salon, to which Mr. Ali replied it was just a sample of the building. There will not be any retail stores or nail salon, there will only be a convenience store with an indoor restaurant.

Co-Chairman Potter then asked Ms. Golden if this request is approved and the application sits as it is right now, what flexibility does the applicant have as far as what he puts in to the building. Ms. Golden replied that if it is rezoned as Neighborhood Service then it would have to be compliant with that zoning, which includes some retail. It does not include the office concept where it is allowed with General Business or Office Professional zoning, but there is some leeway to put in some retail with Neighborhood Service. Once the rezoning request is approved, the applicant can operate within the limits of that entire

zone. She noted that the applicant is telling the board a convenience store, but again once the zoning is approved he can still go down the list of what's allowed and go forward with that. Chairman O'Brien stated that the conflict he is having is that on the application it states convenience store and retail, but he understands that the applicant is stating that he will only have a convenience store. He then asked why did it not go to the Planning Board first and is it not advantageous to do it that way – did it come to zoning first to see what the possibility of changing the zoning would be? Mr. Ali stated that if all goes well, his future plan is to speak with the neighboring owner about their property to perhaps build a medical office or something else.

Mr. Owens asked about the setbacks, to which Ms. Golden stated that it is on the Gateway Overlay District, but it would be part of the development plan that would go to the Planning Board. Chairman O'Brien stated that this might be the perfect item to discuss jointly with the Planning Board and to get some more details on the site plan. He added that if the zoning gets approved, then the applicant will have to comply with the Gateway requirements and it does not show that on the exhibit. He explained to the applicant, as an example, if they were to say yes, then City Commission would deny the request because there are not enough details. The applicant stated that if his zoning request is approved, then he will go back to his engineer and ensure that all of the setbacks are met. Chairman O'Brien stated again that he thinks this is something that should be discussed with the Planning Board with a good chance that when the applicant's request to rezone goes to City Commission again, there is a chance it could go through.

Ms. Golden stated this may be the kind of other side of the argument and getting the two volunteer boards together and putting some time into working something out. It is not going to make it through City Commission because of the lack of details, but because of the opposition. If the zoning request does go through City Commission, the staff will do their part with the Planning Board to ensure the plans meet all the requirements.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien stated he would like to hear from those in attendance that were against the zoning change request.

- Ms. Clementine Carter stated her address on Opal Avenue and added she has been down this road before. She does not understand the rezoning request and what it entails as far as Neighborhood Services. In past requests, the request came as commercial retail. She asked what defines Neighborhood Services compared to General Business. She is against both of them. She objects to any commercial or retail business at this site. She stated this is in her backyard. She believes her tax rates will increase, houses will decrease, that there will be more traffic, more crime and more loitering and the residents don't get anything out of this. She understands that the hospital is near, along with the apartments and medical buildings, and that is good. But the particular tract in question does not necessarily mean that those customers are going to come through there. She believes the neighborhoods will be affected. She understands that the city might get something out of this and the owner as well, but the residents won't and they are already there. Some as long as 50 years. Opal Avenue and Sapphire Court are the streets that will be mostly affected. Most of the residents have had to increase their

security and that is without a commercial or retail building. If this were residential or a duplex, they may have a different outlook, but they are not for a convenience store near them. She gets reports daily about all of the traffic, loitering and crime at the convenience store at Hwy 3 and FM 1765 and they just don't want that in their backyard. She also has a concern about the structure of the last request on the lot to the south of the applicant's and stated that she understood there would be no city services or a septic system. She added that the city does not monitor or regulate septic and this is a major concern as well. If something goes wrong, it is the residents that have to suffer through these types of things.

- Leon Harper stated his address and asked why do people come in from Houston to build projects in Texas City. He understands progress, but he lives on the corner along with some of the other residents that live alone. He stated the gas station around the corner already has women that are loitering behind the building and men behind the port-a-cans making a mess. They don't want that behind their neighborhood and the TCPD can only do so much. He stated that in a matter of 24 hours there will be crime at a new gas station and they don't want it. He then stated that there is a residential lot behind the neighborhood and asked how it could be turned into commercial, to which Chairman O'Brien replied because the property in question is located on a thoroughfare, they are allowed to apply for a zoning change.

Ms. Carter asked how to find out what the zones are, to which Chairman O'Brien stated it was all public knowledge and she could also reach out to staff and they could send the ordinance information. Ms. Veronica Carreon informed her that she would send her the link to the Zoning Ordinance.

Co-Chairman Potter stated that Ms. Carter raised a question about sewer, to which Ms. Golden replied that water is available and the city sewer system could be accessed from Opal Avenue. There would be no septic and although the city does not regulate the septic system, it is regulated by the Galveston County Health District.

Mr. Ali added that the store will have outdoor security cameras and believes crime will go down.

- Shelia Dixon stated that she lives closest to the property in question and agrees with what Ms. Carter and Mr. Harper stated.

Chairman O'Brien asked if there was anyone in attendance to speak in favor of the zoning change request.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there were any more questions for Ms. Golden. There were none. He then stated that they have heard all of these comments multiple times regarding this same stretch of road and the same pieces of properties. Again, it may be approved by the Zoning Commission and then the City Commission could deny it.

Mr. Owens recalled an issue with a connecting sewer, to which Ms. Golden replied that it is very shallow on Opal Avenue and the applicant may have to install an on-site canister lift station to get to it, but there would be sewer available. It was impossible for the larger tract to use it.

After presentation, a motion was made by Aric Owens/Co-Chairman Gary Potter to approve the zoning change request from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Service). All members present voted two in favor of the motion and one [O'Brien] opposed to the motion.

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

Chairman O'Brien asked if there was any other business to which there was none. **A motion was made by Co-Chairman Gary Potter/Aric Owens to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on _____.

CITY COMMISSION REGULAR MTG

(7) (b)

Meeting Date: 09/07/2022

Tabled from the August 3, 2022 meeting - Consider Zoning Change Request from Jimmy Vo for 615 Hwy 3

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Consider and take action regarding Jimmy Vo request to rezone property located at 615 State Highway 3 from District "A" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to construct On Track 111, LLC – a convenience store and fuel station.

BACKGROUND (Brief Summary)

This site was the subject of a previous rezoning application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the property located at 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area.

RECOMMENDATION

On Tuesday, June 20, 2022, the Zoning Commission voted 2-1 to recommend approval of the rezoning from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services). Commissioner O'Brien voted to deny.

Based on the surrounding land uses, development and zoning, city staff has no objections to approval of rezoning to District D – Neighborhood Service provided the use and development comply with the requirements of the Gateway Overlay District and adequate buffering is provided for adjacent residential uses. However, it is also appropriate for the Zoning Commission and the City Commission to consider any objections presented from adjacent property owners and residents in the area. Denial of the request for re-zoning would be consistent with prior actions by the City Commission relating to this subject location and to sites in close proximity.

Fiscal Impact

Attachments

Staff Report

Aerial View

Street View

Proposed Use of Property

Minutes

City of Texas City Engineering & Planning

To: Zoning Commission – meeting scheduled June 21, 2022

From: Kim Golden, P.E., City Engineer and Director of Transportation & Planning

cc: Doug Kneupper, P.E.

Date: June 13, 2022

Re: 615 Hwy 3 – request to rezone from Districts A-1(Single Family Residential) and F(Light Industrial) to District D – Neighborhood Service

Background: This site was the subject of a previous rezoning application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the property located at 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area.

Rafique Ali owns 1.08 acres of undeveloped property at 615 SH3, just north of Opal Ave. The applicant intends to develop the property into a fuel station and convenience store. To be able to utilize the property in this manner, a zone change is needed from the current District A-1 - Single-Family Residential and District F - Light Industrial to either District E - General Business or District D – Neighborhood Service. The attached aerial exhibit shows the existing development in the vicinity of the subject tract. South of the tract is existing single-family residential. To the north and west of the tract, the area is undeveloped.

The Land Use Plan shows this area as being **Established Neighborhoods**. This category is generally characterized as having satisfactory housing conditions, and that undeveloped tracts should also become residential. However, any non-residential development should be limited, carefully reviewed, and adjacent to major thoroughfares.

As indicated on the attached zoning map, the properties immediately adjacent to the subject tract are zoned Single-Family Residential. The closest area with more intense zoning and uses is farther to the north, approaching the Mainland Medical facility.

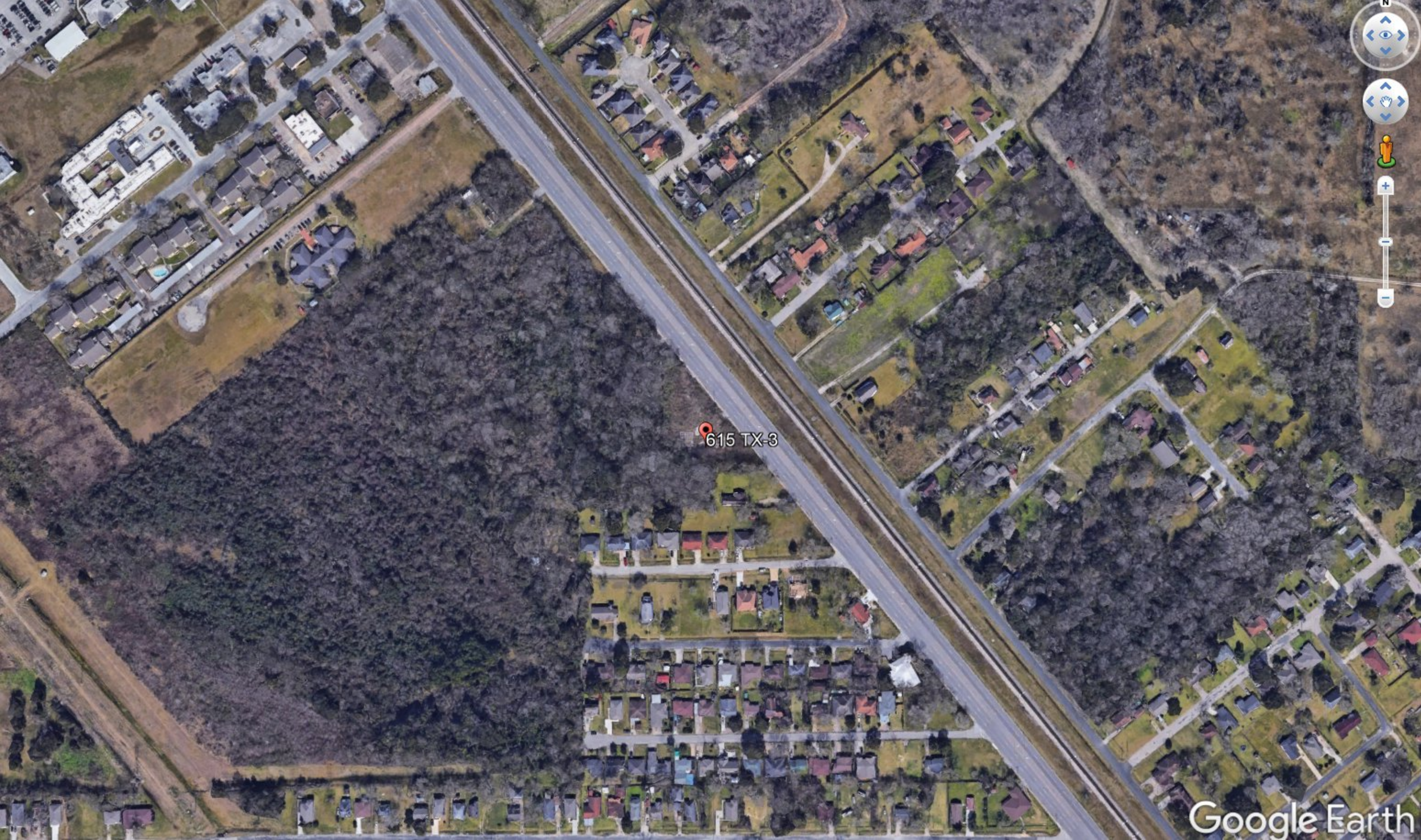
Analysis / Recommendation: Due to the previous opposition to rezoning to the broader District E – General Business, staff would recommend any re-zoning be limited to the more restrictive District D – Neighborhood Service. The purpose of District E General Business is to provide for an extensive variety of enclosed retail and commercial services to serve the overall needs of the community. Due to variety and potential intensity of these uses, they should be located along major transportation corridors and be appropriately buffered from residential areas. The purpose of District D Neighborhood service is more limited and intended to provide for office and retail services in proximity to neighborhood areas

in which all principal uses are conducted indoors. While the uses allowed in this district are intended to be located adjacent to residential areas, the character of the residential area should not be adversely impacted.

City water is readily available to the site; sewer will need to be extended from Opal Ave. Access from SH 3 is suitable for Neighborhood Service developments here. The property is within Drainage District No. 2, so ultimate development of this site requires coordination with that entity. In addition, there are requirements for landscaping, screening and other enhancements based on the Gateway Overlay district.

All improvements to the property including buildings, parking, drive areas, and landscaping will require review and approval from the City's Planning Board.

Based on the surrounding land uses, development and zoning, city staff has no objections to approval of rezoning to District D – Neighborhood Service provided the use and development comply with the requirements of the Gateway Overlay District and adequate buffering is provided for adjacent residential uses. However, it is also appropriate for the Zoning Commission and the City Commission to consider any objections presented from adjacent property owners and residents in the area. Denial of the request for re-zoning would be consistent with prior actions by the City Commission relating to this subject location and to sites in close proximity.



615 TX-3

615 TX-3

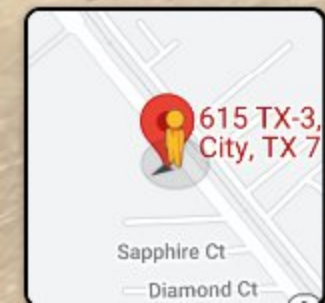
Texas City, Texas



Google



Street View - Apr 2022



Google



To: Texas City Zoning Department

Regarding Zoning Change

Property Address: 615 Hwy 3 North Texas City, Texas 77591

Hello, we would like to ask you about our situation for a zoning change for a gas station and shopping center. We would like to build a gas station with a shopping center, and therefore this project will bring many opportunities. This project can bring employment, tax revenue for the city, and more development for this area. We are confident in this project because it can bring stability to the area with new places to shop at and to buy everyday needs. This can be easy and convenient to the people in the community that would be introduced to this project because shopping centers and gas stations could be more near them, and it would help with every day necessary needs. As we know, a lot of people have lost their jobs and this property could bring out new employment and it could help people with having more jobs.

Property Owner,

Rafique Ali

Contact me at

832-755-0159

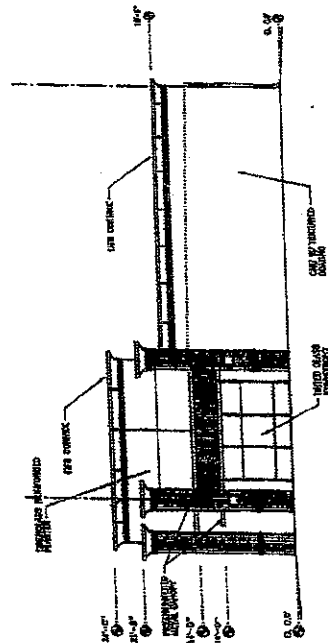
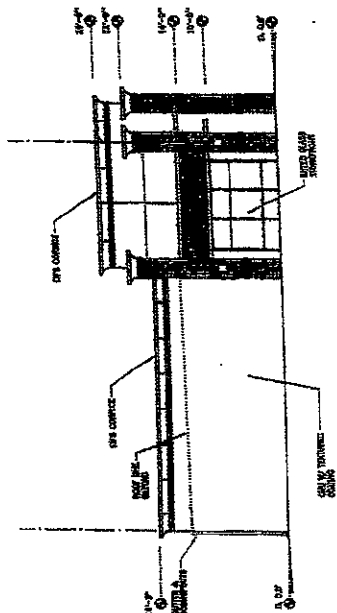
aiman.r.ali@gmail.com

[illegible]

CONVENIENCE STORE

ELEVATIONS

SD3.0



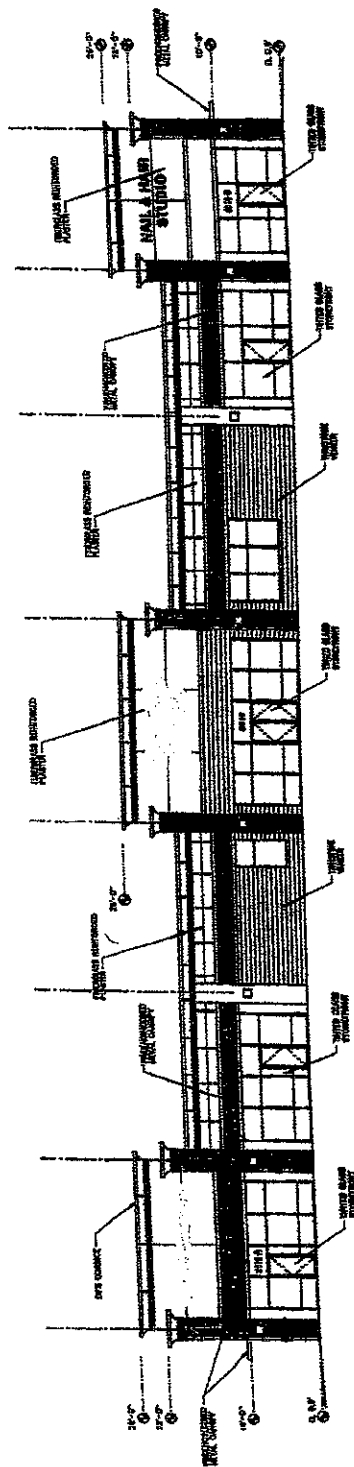
10

Proof -

SIDE ELEVATION at RETAIL

0 2-3-04

SIDE ELEVATION at RETAIL.



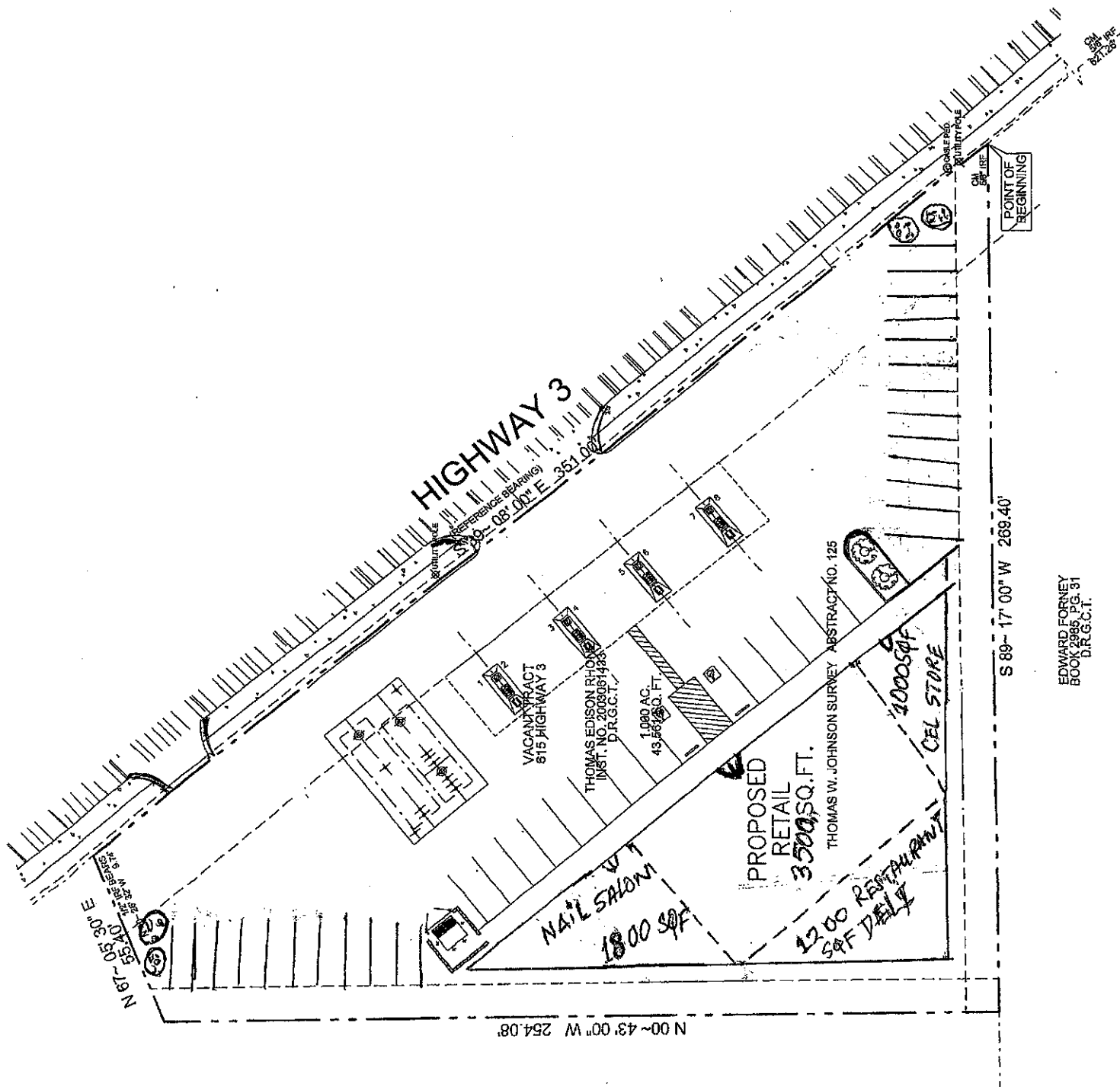
01

4-5-20

ENTRANCE ELEVATION

SD3.0





EDWARD FORNEY
BOOK 2985, PG. 31
D.R.G.C.T.

ZONING COMMISSION JUNE 21, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, June 21, 2022 at 5:15 p.m. Zoning Commission members present: Chairman Perry O'Brien, Co-Chairman Gary Potter and Thelma Bowie. Staff members present were: Kimberly Golden and Veronica Carreon. Guests were: Rafique Ali, Jimmy Vo, Anish Mardia, John Chark, Aiman Ali, Ken Howard, Iverson Williams (Summer Intern), Leslie Ornelas, Ivette Jones, Sherman Jones, Clementine Carter, Adam Jones, Shelia Dixon, Roy Jones and Leon Harper.

Chairman O'Brien indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of June 7, 2022 was made by Gary Potter/Aric Owens. All other members present voted aye.

ITEM NO. 1 Consider and take action on a request from Sherman Jones to rezone the property at 2828 Texas Avenue, Texas City, TX from District "F-1" (Outdoor Industrial) to District "E" (General Business) to operate Kingdom Wings with Heavenly Flavors – a take-out food service with a drive-thru window. (Action)

Ms. Golden stated that the property at 2828 Texas Avenue has an existing building and paved parking. It operates as a church one day per week and the applicant would like to operate a take-out food service as a drive-thru and walk-up. The application indicates the operation would be to get your food and leave with no on-site consumption. The existing zoning is listed as District "F-1" (Outdoor Industrial). Outdoor Industrial is intended to provide light industrial uses which are predominantly operated outdoors. Because of potential visual and noise impacts of the uses permitted in the district additional buffering may be required to protect the adjacent areas. The current church use is not compliant with this district, nor would their requested change to operate the food service be compliant. The applicant is requesting to rezone to District "E" (General Business). The District "E" (General Business) is intended to provide a variety of enclosed retail and commercial services to serve the overall needs of the community. Due to the variety and potential intensity of those uses they should be located along major transportation corridors and be appropriately buffered from residential areas. Texas Avenue is a major transportation corridor so it would meet that requirement. The only residential area is located to the north of the site. It is zoned District "C" (Multi-Family Residential), and has been developed as apartments which is compliant with that zoning. To the west and east of the building both areas are zoned as "District "F" (Light Industrial) and to the south is District "IBD" (Industrial Business District). The rezoning to District "E" could be seen as a transition zone from the light industrial and outdoor industrial uses of the surrounding Districts "F-1" and "IBD" to the residential use of District "C". It could be considered compliant with the Land Use Plan because this particular area is along a major thoroughfare. This is also a revitalization corridor. This area is a unique because of the influence of the heavy industry in IBD. It is in a Gateway Overlay District, which has some additional requirements on top of the zoning that's for the use. There will be some masonry construction and landscaping requirements, along with some screening

requirements. There will be some setback requirements. It does not comply with the Gateway Overlay District requirements in full yet, particularly the landscaping. It would have a requirement for about 3600 sq. ft. of landscaping to be compliant. Staff is suggesting that if this request for rezoning is approved that the applicant be required to be compliant with the requirements of the Gateway Overlay District.

Co-Chairman Gary Potter stated that he was a little confused by the request. He read the Analysis from Ms. Golden's memo which states, "The existing use as an institution for religious function is not an allowed principal use in the District "F-1", nor would it be permitted use in District "E" (General Business)..." and asked how would this work for them if the facility cannot be used under the new zoning. Ms. Golden stated this is a confusing point and she can't make it not be confusing. The Applicant is trying to do two things that are not compatible in the same building. The difference is that they are only having worship one day per week and this could be considered not a principal use. Their principal use, if approved, would be the food service because they would be doing that 6 days per week. Co-Chairman Potter then asked if the food service was being done for profit, to which Ms. Golden stated he would have to ask the applicant that question, but she has no reason to think it's not.

Mr. Aric Owens asked how the applicant got occupancy if it is not permitted use for a church to begin with. Ms. Golden replied that she did not have personal knowledge of how they became a church. She heard of this when the Building Official stated the applicant had applied for a building permit to add a kitchen to the church. It was then observed that the occupants were using the building to prepare food for take-out. The Building Official told them they had to go through the rezoning process for the food service to be compliant with the zoning. In the process, the applicant went from doing straight take-out to wanting a drive-thru. Ms. Golden stated if the board decided to approve the rezoning request, the applicant will then have to go through Planning Board for development approval and that is when everything will be worked out about compliance with the Gateway Overlay District, their drive-thru window and the rest of the things they want to do. What the Zoning Commission is looking at is the change from District "F-1" to District "E" so that they can operate the take-out food service as principal use.

Chairman Perry O'Brien then asked if Ms. Golden could indicate on the map the other buildings that are currently being used for food services. Mr. Owens indicated the businesses/restaurants in the area that serve food.

Co-Chairman Potter then asked if they are selling the food for profit and if they would worship only one day per week. Ms. Golden replied that is what the applicant stated on the application. The applicant, Sherman Jones, then stated that they do only worship one day per week, but it is separated from the restaurant. He wanted to make it clear that they are not currently selling to the public, but they are trying to open to the public. He has done the plumbing and electric work and replied to everything requested by the Fire Marshal and Building Official. The church and the restaurant have their own addresses – 2828 Texas Avenue for the church and 2828-B for the restaurant. He repeated that they are two separate entities.

Co-Chairman Potter asked if they are operating the church more than one day per week to which Mr. Jones replied they only meet in the building one day per week and his other classes are conducted online on Mondays and Thursdays. On the one day they meet at

the building they already had the kitchen because “Christians like to eat”. This idea of serving the wings came during the pandemic. He stated he contacted the Health Department and the Fire Marshal but was not aware that he had to contact Building Inspections. He added that he grew up in Texas City and has seen the growth in the city. He also stated that he does not have a problem with adding the landscaping.

Co-Chairman Potter then stated his dilemma. He stated to Mr. Jones that he has a church, and he is used to them operating more than once a week, and if he has growth in attendance, then his understanding is that this is not going to be a problem. Mr. Jones replied that they used to have more than one meeting per week, but then the pandemic had everyone afraid to go out and it was easier for them to meet via Facebook, which a lot of people have gotten used to. It's possible they could meet more than once per week, but the reason they are doing this now is because of the Coronavirus.

Co-Chairman Potter then asked Ms. Golden if the applicant and members wanted to meet more than one day per week, would there be an issue with the principal use of the building. Ms. Golden stated it is possibly so, if they decide to become a full-service church that has something going on every day of the week related to church. She doesn't know how they could do two things that different in one place. Co-Chairman Potter wondered if there was a better district to place them in, but he did not see anything that would fit. Ms. Golden stated that the one reason a church may not seem totally out of place is District “C”, which is a residential area.

Chairman O'Brien then stated there is another church nearby. He added that the applicant has stated that worship will take place one day per week and the food service will take place the other 6 days, he has no reason not to believe him. He then asked if District “E” is appropriate for the food service, would it also be appropriate for a church service if it was to grow. He reminded everyone that this is not what the applicant is here for today. Ms. Golden stated that the applicant is asking for rezoning to be allowed, not to operate as a church, but to be allowed to conduct the take-out food service.

Mr. Owens stated that the application is for a food service that also wants to operate as a church. He does not know of a right way to do this and that is the part that he is struggling with. He does not have a problem with the whole thing, but how do they allow someone to do this. He is worried that it will “open up a can of worms” for a lot of other things going forward. He then asked how did we get here to operate a church in a zoning district where it's not allowed. He understands that the rules weren't followed to begin with, so this is a struggle for him on how we got to this point.

Chairman O'Brien asked Ms. Golden if District “E” is the appropriate zoning for the food service. Ms. Golden replied the application was not to operate a church. If it was to operate as a church, they have to look at it differently. Chairman O'Brien then asked what the zoning would be if it were a church to which Ms. Golden replied that churches are generally permitted in the residential zoning and this one is adjacent to the existing multi-family.

Chairman O'Brien asked if it would stand to reason that the church that is literally half a block over is zoned residential, even though it is located on the Gateway corridor. Ms. Golden stated that it would not surprise her to see that, but she hasn't reviewed that. Mr. Owens stated that based on the age of it, it could be something that never got rezoned.

Ms. Golden stated it might even be “grandfathered” in. Chairman O’Brien asked if there was really not another “pocket” to put them in to which Ms. Golden replied she did not see one. Which is why she intentionally looked at the request very narrowly, focusing only on the use they are requesting in the application. It would be a precedent lived with and dealt with, if the board approves it.

Mr. Owens thinks he can get a little more comfortable knowing it’s not going to operate as a church. He added it can operate as one or the other, but not both. He does not see a wall down the middle indicating the church on one side and the restaurant on the other side. If the principal use is going to be a restaurant, but now knowing that church services could take place more than once a week changes the principal use and he’s worried that they may have rezoned something that doesn’t fit correctly. He added that if it were just going to be a restaurant, he would be all for it. Knowing the facts now, he feels like it is a sticky situation.

Mr. Jones asked Mr. Owens if the church would only conduct once a week would he be okay with that. Mr. Owens replied now that Mr. Jones told them they could meet more than once a week in the future, it changes his view. Mr. Jones stated conducting the online services is working for him and that as a pastor and entrepreneur this is a great opportunity to serve the public.

Co-Chairman Potter stated he is familiar with online services, but the issue here is if they approve his request, then they have something approved that does not fit in the zoning and this bothers him a lot. He added that if they are approving the zoning change to “E” then the food service is what gets approved. If Mr. Jones wants to go with the church, then that’s a different zoning district. They both don’t fit under one zoning, and they don’t normally approve that type of request.

Chairman O’Brien asked if the Land Use Plan could fit both, to which Ms. Golden replied it could – but not together. She added that the work he does in his office falls under Office Professional, which also falls under District “E”. It’s the church assembly piece that is not compliant with the re-zoning to E. Chairman O’Brien stated that the other thing that he relies on for these decisions has been the Land Use Plan, Zoning Map and city recommendations – and he recalled that staff has no objections. Ms. Golden replied that she is not addressing the use of a church, the application is to rezone this property to use for the take-out food service. Chairman O’Brien stated if it gets rezoned and then goes to the Planning Board, it may work out that it is just used as food service period. Ultimately, the elected officials will have the final vote. He reiterated that it does not matter if they approve or deny people, there is another path forward.

Chairman O’Brien now wonders what the next step is because if he opens Public Hearing and they have that take place and then they close it, at that point he’ll ask for a motion from somebody. At this point, there is no telling if it is for or against. He asked if there was any homework that they could go back and do a little more of at this point or that the applicant can do if they were to table this request for now. Ms. Golden guessed to satisfy the Zoning Commission, Mr. Jones could go back and clean up his application to make it clear that he is asking for one and not both. She added that this could seem to resolve the matter. Co-Chairman Potter then asked would that mean the Applicant would not be able to operate a church there. Ms. Golden replied not as a principal use. The Applicant, Mr. Jones, then asked if they go with only take-out service in the application and are

approved for rezoning, what would prevent them from gathering for worship one day per week? Ms. Golden stated in that case the worship would not be an official principal or accessory use. She is sure there are restaurants all over the place that allow people to gather for worship. Co-Chairman Potter remarked that at the top of Applicant's building, though, it does not say restaurant. It is clearly identified as a place of worship.

Co-Chairman Potter asked if this could be approved purely as a restaurant, to which Ms. Golden stated that was how she read their application.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there was anyone in attendance that would like to share their opinion for or against this request.

- Ms. Leslie Ornelas, Executive Director for United Way Galveston County, stated that they share a parking lot with Mr. Jones. She added that having him next door has been an absolute pleasure. As far as landscaping he has worked on the landscaping at their building and has really brought life back to the building. She has told him that whatever he can do to bring people into her area, she would love because it brings attention to what they do at United Way. She is in favor of enriching people's lives and empowering them. She feels that Mr. Jones will bring attention to the community. She fully supports his business.
- Mr. Roy Jones stated he is located to the west of Mr. Jones [the Applicant] and he also feels that Mr. Jones has brought life to the community. Mr. Jones [the Applicant] keeps the area clean. Mr. Roy Jones stated he and his employees are looking forward to having a place to eat and feels the take-out restaurant would be a plus to the neighborhood.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

After presentation, a motion was made by Co-Chairman Gary Potter/Chairman Perry O'Brien to approve the zoning change request to District "E" (General Business) for the operation of Kingdom Wings with Heavenly Flavors. All members present voted two in favor of the motion and one [Owens] opposed to the motion.

ITEM NO. 2 Consider and take action on a request from Jimmy Vo to rezone the property at 615 Hwy 3, Texas City, TX from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to open and operate On-Track III, LLC, - a Convenience Store, Fuel Station and Retail Stores. (Action)

Ms. Golden stated that the property located at 615 Hwy 3 is the subject of a previous application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the nearby 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area. This particular lot is 1.08 acres of undeveloped property. The

applicant intends to develop the property into a fuel station and convenience store. Either District "E" (General Business) or District "D" (Neighborhood Service) would accommodate this use. Because District "E" was shot down previously, staff reviewed as a District "D" (Neighborhood Service). The difference is General Business can serve the community wide and Neighborhood Service will serve just a neighborhood. The purpose of Neighborhood Service is more limited and intended to provide for office and retail services in proximity to neighborhood areas in which all principal uses are conducted indoors. If rezoned to District D it would be compliant. It's on a thoroughfare. It meets the Land Use Plan. But again, it is equally important to consider organized neighborhood opposition, so the Zoning Commission won't be wrong either way – to recommend either approval or denial of the request.

Ms. Golden stated that there has been one Letter of Opposition received citing the basis for their objection is heavy traffic – both automobile and foot, concern for the safety of two small children under the age of 6 years old. They reference two other gas stations within a half mile of this location stating there is no need for a third one. At the other gas stations they have witnessed loitering, loud music, arguments and the homeless lurking around. There is concern that the new gas station would also bring this to the neighborhood. The opposition letter states they already have an issue with speeding down their one-way street. The letter also mentions the lack of street widening and frequent sounds of firearms being fired near their location.

Chairman O'Brien then asked the applicant if he had anything to add to Ms. Golden's presentation. Mr. Jimmy Vo stated they are seeking to rezone the property for On Track III, LLC Fuel Station to help the neighbors and community and to also help the City of Texas City. They would like to open the convenience store and install a 10' fence around the property. They have measured the distance from the edge of the property to Opal Street and it measures 450'. He has also included in the presentation a copy of a map showing the distance between the properties. Chairman O'Brien asked if there was another piece of property between the applicant's property and Opal Street, to which Mr. Vo replied yes.

Chairman O'Brien asked if there were any additional questions. Co-Chairman Potter asked if there would be any retail space that would be rented out, to which Mr. Vo replied no. He replied that there would only be a convenience store with food service inside the building. The property owner, Mr. Rafique Ali, then replied that he chose this property because it is near the local hospital and college. Some of his family members are in the medical field and his son is attending college. Mr. Owens then stated that he was looking at the two submitted drawings and can see a proposed nail salon, to which Mr. Ali replied it was just a sample of the building. There will not be any retail stores or nail salon, there will only be a convenience store with an indoor restaurant.

Co-Chairman Potter then asked Ms. Golden if this request is approved and the application sits as it is right now, what flexibility does the applicant have as far as what he puts in to the building. Ms. Golden replied that if it is rezoned as Neighborhood Service then it would have to be compliant with that zoning, which includes some retail. It does not include the office concept where it is allowed with General Business or Office Professional zoning, but there is some leeway to put in some retail with Neighborhood Service. Once the rezoning request is approved, the applicant can operate within the limits of that entire

zone. She noted that the applicant is telling the board a convenience store, but again once the zoning is approved he can still go down the list of what's allowed and go forward with that. Chairman O'Brien stated that the conflict he is having is that on the application it states convenience store and retail, but he understands that the applicant is stating that he will only have a convenience store. He then asked why did it not go to the Planning Board first and is it not advantageous to do it that way – did it come to zoning first to see what the possibility of changing the zoning would be? Mr. Ali stated that if all goes well, his future plan is to speak with the neighboring owner about their property to perhaps build a medical office or something else.

Mr. Owens asked about the setbacks, to which Ms. Golden stated that it is on the Gateway Overlay District, but it would be part of the development plan that would go to the Planning Board. Chairman O'Brien stated that this might be the perfect item to discuss jointly with the Planning Board and to get some more details on the site plan. He added that if the zoning gets approved, then the applicant will have to comply with the Gateway requirements and it does not show that on the exhibit. He explained to the applicant, as an example, if they were to say yes, then City Commission would deny the request because there are not enough details. The applicant stated that if his zoning request is approved, then he will go back to his engineer and ensure that all of the setbacks are met. Chairman O'Brien stated again that he thinks this is something that should be discussed with the Planning Board with a good chance that when the applicant's request to rezone goes to City Commission again, there is a chance it could go through.

Ms. Golden stated this may be the kind of other side of the argument and getting the two volunteer boards together and putting some time into working something out. It is not going to make it through City Commission because of the lack of details, but because of the opposition. If the zoning request does go through City Commission, the staff will do their part with the Planning Board to ensure the plans meet all the requirements.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to open the Public Hearing. All other members voted aye.

Chairman O'Brien stated he would like to hear from those in attendance that were against the zoning change request.

- Ms. Clementine Carter stated her address on Opal Avenue and added she has been down this road before. She does not understand the rezoning request and what it entails as far as Neighborhood Services. In past requests, the request came as commercial retail. She asked what defines Neighborhood Services compared to General Business. She is against both of them. She objects to any commercial or retail business at this site. She stated this is in her backyard. She believes her tax rates will increase, houses will decrease, that there will be more traffic, more crime and more loitering and the residents don't get anything out of this. She understands that the hospital is near, along with the apartments and medical buildings, and that is good. But the particular tract in question does not necessarily mean that those customers are going to come through there. She believes the neighborhoods will be affected. She understands that the city might get something out of this and the owner as well, but the residents won't and they are already there. Some as long as 50 years. Opal Avenue and Sapphire Court are the streets that will be mostly affected. Most of the residents have had to increase their

security and that is without a commercial or retail building. If this were residential or a duplex, they may have a different outlook, but they are not for a convenience store near them. She gets reports daily about all of the traffic, loitering and crime at the convenience store at Hwy 3 and FM 1765 and they just don't want that in their backyard. She also has a concern about the structure of the last request on the lot to the south of the applicant's and stated that she understood there would be no city services or a septic system. She added that the city does not monitor or regulate septic and this is a major concern as well. If something goes wrong, it is the residents that have to suffer through these types of things.

- Leon Harper stated his address and asked why do people come in from Houston to build projects in Texas City. He understands progress, but he lives on the corner along with some of the other residents that live alone. He stated the gas station around the corner already has women that are loitering behind the building and men behind the port-a-cans making a mess. They don't want that behind their neighborhood and the TCPD can only do so much. He stated that in a matter of 24 hours there will be crime at a new gas station and they don't want it. He then stated that there is a residential lot behind the neighborhood and asked how it could be turned into commercial, to which Chairman O'Brien replied because the property in question is located on a thoroughfare, they are allowed to apply for a zoning change.

Ms. Carter asked how to find out what the zones are, to which Chairman O'Brien stated it was all public knowledge and she could also reach out to staff and they could send the ordinance information. Ms. Veronica Carreon informed her that she would send her the link to the Zoning Ordinance.

Co-Chairman Potter stated that Ms. Carter raised a question about sewer, to which Ms. Golden replied that water is available and the city sewer system could be accessed from Opal Avenue. There would be no septic and although the city does not regulate the septic system, it is regulated by the Galveston County Health District.

Mr. Ali added that the store will have outdoor security cameras and believes crime will go down.

- Shelia Dixon stated that she lives closest to the property in question and agrees with what Ms. Carter and Mr. Harper stated.

Chairman O'Brien asked if there was anyone in attendance to speak in favor of the zoning change request.

There were no questions or further discussion, to which a motion was made by Co-Chairman Gary Potter/Aric Owens to close the Public Hearing. All other members voted aye.

Chairman O'Brien asked if there were any more questions for Ms. Golden. There were none. He then stated that they have heard all of these comments multiple times regarding this same stretch of road and the same pieces of properties. Again, it may be approved by the Zoning Commission and then the City Commission could deny it.

Mr. Owens recalled an issue with a connecting sewer, to which Ms. Golden replied that it is very shallow on Opal Avenue and the applicant may have to install an on-site canister lift station to get to it, but there would be sewer available. It was impossible for the larger tract to use it.

After presentation, a motion was made by Aric Owens/Co-Chairman Gary Potter to approve the zoning change request from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Service). All members present voted two in favor of the motion and one [O'Brien] opposed to the motion.

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

Chairman O'Brien asked if there was any other business to which there was none. **A motion was made by Co-Chairman Gary Potter/Aric Owens to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on _____.

CITY COMMISSION REGULAR MTG

(9) (a)

Meeting Date: 09/07/2022

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Approve City Commission Minutes for August 17, 2022 meeting. (City Secretary)

BACKGROUND (Brief Summary)

RECOMMENDATION

Fiscal Impact

Attachments

Minutes

DRAFT
REGULAR CALLED CITY COMMISSION MEETING
MINUTES

WEDNESDAY, AUGUST 17, 2022 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

A Regular Called Meeting of the City Commission was held on Wednesday, AUGUST 17, 2022, at 5:00 P.M. in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas. A quorum having been met, the meeting was called to order at 5:03 p.m. by Mayor Matthew T. Doyle.

1. ROLL CALL

Present: Dedrick D. Johnson, Mayor
Thelma Bowie, Commissioner At-Large, Mayor Pro Tem
Abel Garza, Jr. , Commissioner At-Large
DeAndre' Knoxson, Commissioner District 1
Felix Herrera, Commissioner District 2
Dorthea Jones Pointer, Commissioner District 3
Jami Clark, Commissioner District 4

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

Led by Jami Clark, Commissioner District 4.

4. PROCLAMATIONS AND PRESENTATIONS

a.

Service Awards		
Shane Skiles	Fire	08/13/2012 10 years
Jason Brown	Fire	08/13/2012 10 years
Shannon Caver	Public Works	08/06/2012 10 years
Dennis D. Harris	Fire	08/26/2002 20 years

5. REPORTS

a. Street and Bridge Projects Annual Update

Postponed.

6. PUBLIC HEARING

a.

Public hearing to hear citizens' opinions in favor of or in opposition to the proposed 2022 tax rate of \$0.49 per \$100 valuation.

7. PRELIMINARY ZONING APPROVAL

- a. Consider and take action on the Zoning Change Request from John Denton to rezone property located at 921 Texas Avenue, Texas City, Texas, from District "IBD" (Industrial Business District) to District "E" (General Business) to open and operate 4 Nights Bar & Lounge.

8. PUBLIC COMMENTS

Thomas Rhone requested to address the Commission about "zoning and codes."
Gene Rowe, Jr. requested to address the Commission about "community enhancement, affordable housing, and explanation of circumstances."
Jacques Dell requested to address the Commission about "apt. on park."

9. CONSENT AGENDA

- a. Approve City Commission Minutes for August 3, 2022 meeting. (City Secretary)
- b. Consider and take action on Resolution No. 2022-074, approving the purchase of materials and services for the Golf Cart Path Rehabilitation - Phase 1 - Back 9 holes, from Southern Care Sweeping & Paving, a member of Choice Partners Purchasing Cooperative (Contract No. 20/028MJ-05). (Public Works)
- c. Consider and take action on Resolution No. 2022-075, approving and awarding a contract for Bid No. 2022-416 Pavement Striping at Various Locations to One Way Striping & Signs. (Public Works)
- d. Consider and take action on Resolution No. 2022-076, approved a revised contract between the Galveston County Health District and the City of Texas City for water pollution control and abatement services. (Public Works)
- e. Consider and take action on Resolution No. 2022-077, approving GAMMA Construction's Guaranteed Maximum Price of \$11,432,400.00, for the Fire Station 4 / Police Substation facility. (Public Works)
- f. Consider and take action on Resolution No. 2022-078, acknowledging the receipt of the 2021 Annual Report for the Tax Increment Reinvestment Zone No. 1 (TIRZ 1) Board. (Management Services)

10. REGULAR ITEMS

- a. Consider and take action on Ordinance No. 2022-18, levying an ad valorem tax for the year 2022 for the City of Texas City. (Finance)

By record vote:
Dedrick D. Johnson, Mayor --- aye

Thelma Bowie, Mayor Pro Tem and Commissioner At-Large --- aye
Abel Garza, Jr., Commissioner At-Large --- aye
DeAndre' Knoxson, Commissioner District 1 --- aye
Felix Herrera, Commissioner District 2 --- aye
Dorthea Jones Pointer, Commissioner District 3 --- aye
Jami Clark, Commissioner District 4 --- aye

Motion by Mayor Dedrick D. Johnson, Seconded by Commissioner District 3 Dorthea Jones Pointer

Vote: 7 - 0 CARRIED

11. COMMISSIONERS' COMMENTS

12. MAYOR'S COMMENTS

13. ADJOURNMENT

Having no further business, Commissioner At-Large Abel Garza, Jr. made a MOTION to ADJOURN at 5:33 p.m.; the motion was SECONDED by Commissioner District 4 Jami Clark. All present voted AYE. MOTION CARRIED.

DEDRICK D. JOHNSON, MAYOR

ATTEST:

Rhomari Leigh, City Secretary
Date Approved:

CITY COMMISSION REGULAR MTG**(9) (b)****Meeting Date:** 09/07/2022

FY22/23 Mutual Aid Agreement with the County of Galveston

Submitted For: David Zacherl, Fire Department**Submitted By:** David Zacherl, Fire Department**Department:** Fire Department

Information**ACTION REQUEST**

Consider and take action authorizing the Mayor to execute a one-year agreement between the County of Galveston and the City of Texas City for Mutual Aid. (Fire Department)

BACKGROUND (Brief Summary)

New annual agreement replacing the FY 21/22 Agreement between the parties. The City agrees to provide its fire protection services to the unincorporated areas of Galveston County via mutual aid request for a period of one year and will receive from Galveston County the sum of \$22,300.00 in consideration.

RECOMMENDATION

Fire Chief recommends approval of the Mutual Aid Agreement for FY 22/23.

Fiscal Impact**Funds Available Y/N:****Amount Requested:****Source of Funds:****Account #:****Fiscal Impact:**

There is no fiscal impact to the City for this item.

Attachments

Resolution

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

CONTRACT

This Contract is made by and between the County of Galveston, Texas, acting by and through its Commissioners' Court hereinafter called "County" and the City of Texas City, Texas, acting by and through its City Commission, hereinafter called "City" or "recipient".

Whereas, Chapter 352 of the Texas Local Government Code, "County Fire Protection" and Chapter 791 of the Government Code, "Interlocal Cooperation Act," provides authority that the Commissioners' Court may contract the governing body of a municipality to provide fire protection services to locations outside of the municipalities; and

Whereas, citizens residing within unincorporated areas of the County surrounding the City's city limits are in need of obtaining the services of the City to assist them in time of need; and

Whereas, the City is willing to make its fire protection services available to unincorporated areas of the County.

Now, therefore, for and in consideration of the mutual covenants expressed herein it is agreed as follows:

1. To assist the various communities located in the unincorporated areas surrounding the City's city limits, the County agrees to pay the City to be on call and make fire protection runs into the unincorporated areas of Galveston County the sum of TWENTY-TWO THOUSAND FIVE HUNDRED AND NO/ 100 (\$22,500.00). Payment of this sum shall be made following the acceptance and execution of this Contract by both parties.
2. City agrees to make reasonable efforts to respond to requests for fire protection services in the unincorporated areas of the County surrounding the City's city limits, regardless of the source of the request.

3. City agrees to keep a record of any runs made in response to an area in the unincorporated portions of the County, and to submit, not later than July 21, 2023, a report to the County Commissioners' Court advising the Court of the runs made to unincorporated areas of the County during the period of July 15, 2022 to July 14, 2023. For each run, the City will report the date and time of the run, the distance travelled, the number of personnel who responded, and all expenses incurred by the City as determined by the most recent City financial audit in making the reported runs. The County and City acknowledge that the City's run expenses will not impact the amount payable under this Contract.
4. It is expressly agreed and understood between the parties that the County shall have no right at any time to supervise, manage, direct or control the City and its members in the performance of their services. The City shall totally decide and be responsible for the manner, means and methods by which they operate.
5. It is further agreed and understood between the parties that in accordance with §352.004 of the Local Government Code, V.T.C.A., the acts of any person who, in the act of carrying out the County's authority to provide fire protection under this agreement, furnishes fire protection to a county resident who lives outside the municipalities in the County, including the act of person who is a regular employee or fire fighter of a municipality, is considered to be the act of an agent of the County.
6. It is further agreed that the City is not liable for the acts of its employee in fighting fires outside the City under this Contract. However, it is acknowledged that the City will continue any responsibilities it may have to provide workers' compensation, to any employees who provide firefighting services under this Contract.
7. Nothing in this Contract shall be construed to waive any provision contained within Chapter 74 of the Civil Practice and Remedies Code of the State of Texas, commonly known as the Good Samaritan Law.
8. To the extent permitted by the Constitution and laws of the State of Texas, City agrees to indemnify and save harmless the County of Galveston, its agents, Commissioners, Boards, Officers and employees from any and all suits, actions, or claims of any character, type or description brought or made for or on account

of any injuries or damages received or sustained by any person or persons arising out of or occasioned by the acts of the Fire Department, its members, deputies, agents or employees.

9. During the term of this Contract, the City agrees to:
 - a) Maintain membership in the Galveston County Firefighters Association,
 - b) Comply with the Texas Commission on Fire Protection (TCFP) and any other applicable Federal and State regulatory agency, and submit an annual letter stating such compliance to the Galveston County Fire Fighters Association.
10. Equal Employment Opportunity - The City agrees that it shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, genetic information, or veteran status. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The recipient agrees to post notices, which set forth the provisions of this non-discrimination section, in conspicuous places available to employees or applicants for employment and will, in all solicitation or advertisements for employees placed by or on behalf of the recipient, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, sex, disability, genetic information, or veteran status.
11. Drug-Free Workplace - the City shall comply with the applicable provisions of the Drug- Free Work Place Act of 1988 (Public Law 100-690, Title V, Subtitle D; 41 U.S.C. § 8102, et seq.) and implementing regulations there under and maintain a drug-free work environment.
12. Americans With Disabilities Act - the City shall comply with all applicable terms, conditions, and requirements of the Americans with Disabilities Act of 1990 (Public Law 101-136) and implementing regulations there under.
13. Nondiscrimination-the City acknowledges and agrees that neither it nor its subcontractors shall discriminate on the basis of race, color, religion, national origin, sex, disability, genetic information, or veteran status. Respondent and its subcontractors shall comply with all Federal statutes relating to nondiscrimination.

These laws include, but are not limited to:

Title VI of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
The Rehabilitation Act of 1973, Section 503
The Rehabilitation Act of 1973, Section 504
The Age Discrimination Act of 1975
The Drug Abuse Office and Treatment Act of 1972
The Drug-Free Workplace Act of 1988

14. This Contract shall begin effective upon the execution of this document by both parties and shall terminate on September 30, 2023.
15. This Contract constitutes the only agreement of the parties hereto and supersedes any prior understanding or written or oral agreements between the parties respecting the within subject matter. The City disclaims any reliance on representations by the County that are not expressly set out in this Contract.
16. In the event any portion of this Agreement is held to be unenforceable, the unenforceable portion shall be construed in accordance with applicable law as nearly as possible to reflect the original intention of the parties. The remainder of the provisions shall remain in full force and effect.
17. Neither party's failure to enforce strict performance of any provisions of this Agreement shall be construed as a waiver of any provision or right. Neither the course of conduct between the parties nor trade practice shall act to modify any provision of this Agreement.
18. This Agreement will be governed by and construed in accordance with the laws of the State of Texas and venue shall lie in Galveston County.
19. Each signatory to this Agreement certifies that he/she has been authorized by their entity to execute this Agreement.
20. This Agreement is being executed by both parties.

GALVESTON COUNTY, TEXAS

By: _____
Mark Henry
County Judge

Date: _____

Attest:

By: _____
Dwight D. Sullivan
County Clerk

CITY OF TEXAS CITY, TEXAS

By: _____
Dedrick D. Johnson, Sr.
Mayor

Date: _____

Attest:

By: _____
Rhomari Leigh
City Secretary

RESOLUTION NO. 2022-079

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE COUNTY OF GALVESTON, TEXAS AND THE CITY OF TEXAS CITY, TEXAS, FOR MUTUAL AID; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas, wishes to formalize a FY22/23 Mutual Aid Agreement between the County of Galveston and the City of Texas City, for mutual aid; and

WHEREAS, Chapter 352 of the Local Government Code, “County Fire Department” and Chapter 791 of the Government Code, “Interlocal Cooperation Act,” provides authority that the Commissioners’ Court may contract the governing body of a municipality to provide protection services to locations outside the municipalities; and

WHEREAS, citizens residing within the unincorporated areas of the County of Galveston, surrounding City of Texas City, city limits are in need of obtaining the services of the City of Texas City to assist them in time of need; and

WHEREAS, the City of Texas City is willing to make its fire protection services available to unincorporated areas of the County of Galveston.

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 FY23/23 Mutual Aid Agreement between the County of Galveston and the City of Texas City, and the Mayor is authorized to execute the FY22/23 Mutual Aid Agreement, in the same or similar format attached hereto as Exhibit “A” and made a part hereof.

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

PASSED AND ADOPTED this 7th day of September 2022.

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

ATTEST:

Rhomari D. Leigh
City Secretary

APPROVED AS TO FORM:

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(9) (c)

Meeting Date: 09/07/2022

Approval of the Submission of a Grant for Ballistic Shields

Submitted For: Jess Colwell, Police Department

Submitted By: Rhomari Leigh, City Secretary

Department: Police Department

Information

ACTION REQUEST

Request the approval of the submission of a grant for Ballistic Shields grant to the Office of the Governor.

BACKGROUND (Brief Summary)

The following requirements are necessary to be included in the Resolution authorizing approval of the submittal of the grant. For this grant, no matching funding is required:

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Grant Info:

Agency Name: City of Texas City	Grant/App: 4594101	Start Date: 9/1/2022	
Project Title: Bullet-Resistant Shield Grant Program	Status: Application Pending Submission	End Date: 8/31/2023	Fund Source: SH-Bullet-Resistant Shield Grant Program
	Current Program Manager:	Liquidation Date:	
	Original Award: \$0.00		
Current Budget: \$120,000.00	Current Award: \$0.00	CFDA: NONE	OOG Solicitation: FY23 Bullet-Resistant Shield Announcement

RECOMMENDATION

Recommendation of TCPD to approve the submission of a grant for ballistic shields.

Fiscal Impact

Attachments

Resolution

RESOLUTION NO. 2022-080

A RESOLUTION AUTHORIZING THE CITY OF TEXAS CITY (POLICE DEPARTMENT) TO SUBMIT AND ADMINISTER AN APPLICATION FOR GRANT/APP 4594101; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, The City of Texas City, Texas, finds it in the best interest of the citizens of Texas City, Texas, that the SH-Bullet- Resistant Shield Grant Program be operated for the year 2023; and

WHEREAS, the City of Texas City, Texas, agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Texas City assures that the funds be returned to the Office of the Governor in full; and

WHEREAS, the City of Texas City, Texas, designates Jess Colwell, Assistant Police Chief, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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, designates Assistant Police Chief Jess Colwell as the authorized official to apply for, accept reject, reject, alter or terminate the grant on behalf of the applicant agency.

SECTION 2: The City of Texas City approves submission of the grant application for the SH-Bullet- Resistant Shield Grant Program to the Office of the Governor.

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

PASSED AND ADOPTED this 7th day of September 2022.

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

ATTEST:

Rhomari D. Leigh
City Secretary

APPROVED AS TO FORM:

Kyle L. Dickson
City Attorney

Grant Number: _____4460101_____

CITY COMMISSION REGULAR MTG**(9) (d)****Meeting Date:** 09/07/2022

BID # 2022-417 Asbestos Abatement/Demolition of Old Reception Hall Building at 1112 7th Street North

Submitted For: Kelly Bender, Purchasing**Submitted By:** Kelly Bender, Purchasing**Department:** Purchasing

Information**ACTION REQUEST**

Approve and award Bid# 2022-417 Asbestos Abatement/Demolition of Old Reception Hall Building at First Presbyterian Church 1112 7th Street North, Texas City.

BACKGROUND (Brief Summary)

On August 9, 2022, and August 16, 2022, the Notice to Bidders was published in the Galveston Daily Newspaper, the bid packets were sent out to vendors. Bids were opened on August 26, 2022, at 2:00pm. A total of nine (9) contractors submitted proposals which ranged from a total low bid of \$89,000 to a total high bid of \$207,863.

1. RNDI Companies, Inc- \$137,767
2. American Abatement LLC- \$207,863
3. Inland Environments, LTD.- \$143,880
4. PFP Abatement Group, LLC- \$135,986
5. Compass Abatement Services LLC- \$105,554
6. AAR Incorporated- \$113,320
7. Sitek-Omni Services, LLC- \$89,000
8. FH ARC Abatement- \$111,815
9. TRT Environmental, LLC- \$108,952

Bid Tabulation Attached.

RECOMMENDATION

It is the recommendation of Texas City EDC and ASE Services to award the abatement/demolition of the Reception Building at the Old Presbyterian Church located at 1112 7th Street North to Sitek-Omni Services, LLC in the total amount of \$89,000.

Fiscal Impact**Attachments**

2022-417 Bid Tab

Letter of Recommendation

Resolution



SETX Environmental, Inc.
 Dba: ASE Services
 Environmental Consulting & Testing
 Asbestos - Mold - Lead - ESA's

BID TABULATION
Texas City EDC Bid No. 2022-417
ASBESTOS ABATEMENT/DEMOLITION OF OLD RECEPTION HALL BUILDING
AT FIRST PRESBYTERIAN CHURCH
1112 7TH Street North, Texas City
Bid Date: August 26, 2022 @ 2:00 pm

CONTRACTOR	RCVD ADDEN Y/N	RCVD BID BOND Y/N	RCVD CONFLICT OF INTEREST Y/N	RCVD HOUSE BILL 89 Y/N	RCVD NON COLLUSION Y/N	PROPOSED COST FOR ABATEMENT	PROPOSED COST FOR DEMOLITION	ADD COST FOR CONTINGENCY (\$10,000.00)	TOTAL PROPOSED COST (includes contingency)	ADD COST FOR ALT. NO. 1 (temporary power)	NO. OF DAYS TO ABATE	NO. OF DAYS TO DEMO
RNDI	Y	Y	Y	Y	Y	\$86,267	\$51,500	\$10,000	\$137,767*	\$1,700	12	15
AMERICAN ABATEMENT	Y	Y	Y	Y	Y	\$75,134	\$122,729	\$10,000	\$207,863	\$5,000	15	30
INLAND ENVIRONMENTS	Y	Y	Y	Y	Y	\$85,800	\$48,000	\$10,000	\$143,880	\$2,800	25	15
PFP**	Y	Y	Y	Y	Y	\$58,328	\$67,658	\$10,000	\$135,986	\$1,500	17	23
COMPASS	Y	Y	Y	Y	Y	\$57,197	\$37,157	\$10,000	\$105,554*	\$1,200	12	10
AAR, INC	Y	Y	Y	Y	Y	\$57,720	\$45,600	\$10,000	\$113,320	\$4,150	10	10
SITEK-OMNI	Y	Y	Y	Y	Y	\$38,400	\$40,600	\$10,000	\$89,000	\$3,000	10	12
ARC ABATEMENT	Y	Y	Y	Y	Y	\$56,212	\$45,553	\$10,000	\$111,815*	\$4,500	10	15
TRT	Y	Y	Y	Y	Y	\$68,527	\$30,425	\$10,000	\$108,952	\$2,500	10	15

PUBLIC BID OPENING AT CITY HALL

ATTENDEES: Kelly Bender w/ TC Purchasing, George Fuller w/ TCEDC, Sam Huff w/ ASE, Chandler Mistich w/ ARC, Irvin Romuq w/ Compass

**Total Proposed Cost does not equal sum of abatement + demolition + contingency **PFP disqualified for failure to submit on specified revised bid form*



SETX Environmental, Inc.
Dba: ASE Services
Environmental Consulting & Testing
Asbestos - Mold - Lead - ESA's

August 29, 2022

Kelly Bender and George Fuller
Texas City Economic Development Corporation
1801 9th Avenue North
Texas City, Texas 77590

RE: Proposal Review for Abatement & Demolition
Reception Bldg. at Old First Presbyterian Church TC Bid No. 2022-417
1112 7th Street North
Texas City, Texas 77590

Dear Kelly and George:

Pursuant to your request, **ASE Services** has reviewed abatement/demolition proposals as submitted to the City on August 26, 2022 for the subject project. Nine (9) contractors submitted proposals which ranged from a total **low bid of \$89,000** to a total **high bid of \$207,863.00**. One of the bidders, PFP, was disqualified due to failing to submit their proposal on the specified revised bid form provided in Addendum No. 1.

The apparent low bid was submitted by Sitek-Omni Services, LLC at the proposed cost for both abatement and demolition of \$89,000.00 (Bid Tabulation Sheet attached). This bid includes a \$10,000.00 contingency amount for unforeseen adds to the project. ASE Services has worked with Sitek-Omni on quite a few projects without major problems or concerns reported. ASE further oversaw the abatement/demolition of the La Marque Schools for Texas City ISD that were demolished a few years back in which Sitek-Omni was the contractor.

Sitek-Omni was contacted and confirmed their proposed cost, contingency inclusion; scope of work, number of work days and further stated they had no issues or concerns going forward with the work as specified.

Based on our review of the proposals submitted and Sitek-Omni's past experience with ASE Services, ASE Services has found no objections with Texas City EDC awarding the abatement/demolition of the Reception Building at the Old Presbyterian Church located at 1112 7th Street North to Sitek-Omni Services, LLC in the total amount of \$89,000.00.

The project can be scheduled and notification to the State submitted upon written authorization to proceed and issuance of a purchase order from the City of Texas City.

Should there be any questions, please do not hesitate to contact me at (409) 916-2383 or by email at srwev51@yahoo.com.

Sincerely yours,
ASE SERVICES

Stephen R. (Randy) Wev

Attachment: Bid Tabulation Sheet

RESOLUTION NO. 2022-081

A RESOLUTION AWARDING BID NO. 2022-417 ASBESTOS ABATEMENT/DEMOLITION OF OLD RECEPTION HALL BUILDING AT FIRST PRESBYTERIAN CHURCH 1112 7TH STREET NORTH, TEXAS CITY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on August 9, 2022, and August 16, 2022, a Notice to Bidders was advertised in the Galveston County Daily Newspaper and bid packets were made available to area vendors for Bid No. 2022-417 Asbestos Abatement/Demolition of Old Reception Hall Building at First Presbyterian Church 1112 7th Street North, Texas City; and

WHEREAS, the bids were opened on August 26, 2022, and it is the recommendation of the Public Works Department and Texas City Economic Development Corporation that the bid be awarded to Sitek-Omni Services, LLC, Texas City, Texas, for the total price bid of \$89,000.00.

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 Sitek-Omni Services, LLC for Bid No. 2022-417 Asbestos Abatement/Demolition of Old Reception Hall Building at First Presbyterian Church 1112 7th Street North, Texas City.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with Sitek-Omni Services, LLC 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 7th day of September 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) (e)****Meeting Date:** 09/07/2022

Approving the issuance of Lago Mar Development Authority Tax Revenue Bonds

Submitted For: Jon Branson, Management Services**Submitted By:** Jon Branson, Management Services**Department:** Management Services

Information**ACTION REQUEST**

Consider and take action on Resolution No. 2022-083 approving the issuance of Lago Mar Development Authority contract to issue Tax Revenue Bonds.

BACKGROUND (Brief Summary)

In order for the Lago Mar Development Authority to issue Bonds, the City Commission must authorize the sale of the Bonds. The Lago Mar Development Authority is seeking consent of the Commission to issue Tax Revenue Bonds, Series 2022, in a principal amount not to exceed \$7,670,000 with the Bond proceeds to be used for infrastructure improvements for the development.

Drew Masterson, Managing Director of Masterson Advisors LLC will be in attendance and will provide a presentation regarding the proposed issuance.

RECOMMENDATION

Consider and take action regarding the Lago Mar Development Authority's request to issue Tax Revenue Bonds, Series 2022, in a principal amount not to exceed \$7,670,000.

Fiscal Impact**Attachments**

Finance Plan PowerPoint

Land Use Plan

Resolution



City of Texas City

September 7, 2022

Lago Mar Development Authority – 2022 Plan of Finance

Masterson Advisors LLC
3 Greenway Plaza, Suite 1100
Houston, Texas 77046

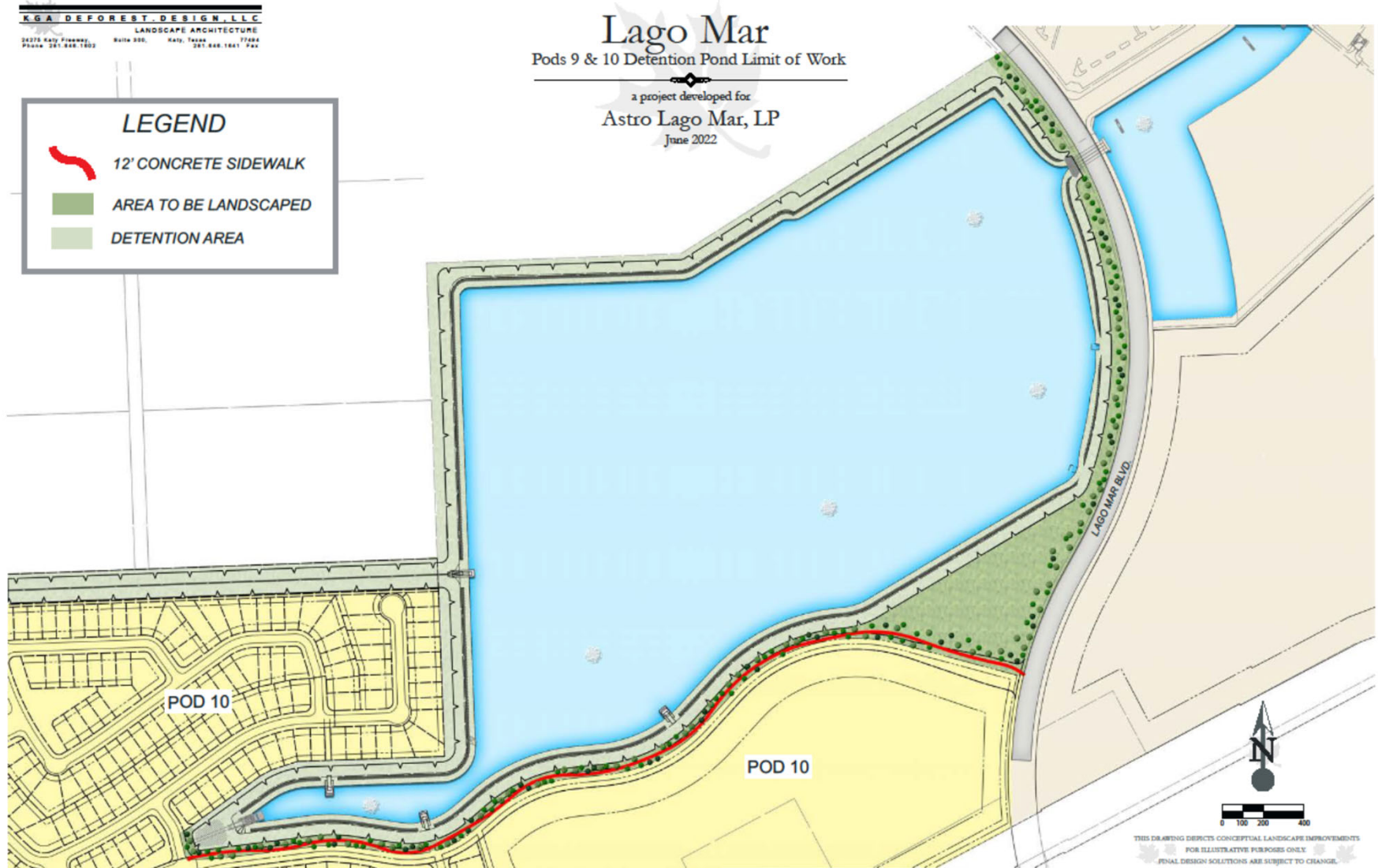
Drew Masterson, Managing Director
(713) 814-0555
Drew.Masterson@MastersonAdvisors.com

Greg Lentz, Director
(713) 814-0558
Greg.Lentz@MastersonAdvisors.com

Reinvestment Zone Number One – Land Use Plan

See Land Use Plan Under Separate Cover.

Reinvestment Zone Number One – 100-acre Lake



Financing Timeline

Lago Mar Development Authority
\$7,495,000*
Tax Increment Contract Revenue Bonds, Series 2022

Jul-22							Aug-22							Sep-22							Oct-22						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
					1	2		1	2	3	4	5	6		1	2	3										1
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29
31																					30	31					

Board Meeting Holiday

Date*	Action	Responsible Party
Thu - Jul 14	» LMDA Board Meeting - Present Plan of Finance, Approve Financing Team and Authorize RFP to Underwriters	LMDA
Tue - Aug 16	» LMDA Board Meeting - Approve Preliminary Official Statement (POS), Select Underwriter(s) and Set Pricing Date	LMDA
Wed - Aug 24	» Apply for Rating from S&P Global Ratings	FA
Wed - Sep 7	» City Commission Meeting - Request Consent for Lago Mar DA to Issue Bonds	City
Thu - Sep 8	» Receive Rating from S&P Global Ratings	
Thu - Sep 8	» Electronically Distribute Offering Documents	FA
Thu - Sep 15	» Board Meeting - Pricing / Discuss Results with Board	LMDA
Tue - Oct 11	» P-Letter from AG / Closing Memo Distributed	FA
Thu - Oct 13	» LMDA Board Meeting - Pre-Closing (If needed)	LMDA
Tue - Oct 18	» Closing	FWG

* Preliminary; subject to change.

Financing Participants

Abbreviation	Name of Participant	Role
City	Texas City	City
LMDA	Lago Mar Development Authority	Issuer
TC	Marsh Darcy Partners, Inc.	Consultant
FA	Masterson Advisors LLC	Financial Advisor
BC	Allen Boone Humphries Robinson LLP	Bond Counsel
DC	Norton Rose Fulbright US LLP	Disclosure Counsel
UW	Stifel, Nicolaus & Company, Incorporated	Underwriter
UWC	West & Associates, L.L.P.	Underwriter's Counsel
T	The Bank of New York Mellon Trust Company, N.A.	Paying Agent/Registrar / Trustee
FWG	Finance Working Group	All Participants

Financial Advisor

- Advises the issuer on all matters regarding bond issuance
- Issuer's representative in and to the bond market
- Fiduciary duty to the issuer

Bond Counsel

- Counsel retained by the issuer to give legal opinions that the issuer is authorized to issue the bonds
- Provides legal opinion on the tax status of the bonds
- Prepares bond legal documents with input from financing team

Underwriters

- Securities dealer which purchases municipal securities for resale; either by competitive or negotiated sale, and may purchase the securities in a group with other underwriters (an underwriting syndicate)

Underwriter's Counsel / Disclosure Counsel

- **Underwriter's Counsel** represents the underwriter and works toward accurate disclosure in the offering documents
- **Disclosure Counsel** conducts independent due diligence to ensure complete and accurate disclosure in offering documents and prepares bond offering document

Tax Increment Contract Revenue Bonds Summary

Source of Funds

Par Amount	\$ 7,670,000
Premium	360,377
Lago Mar Surplus TIRZ Fund Contribution	1,400,000
Total Sources of Funds	\$ 9,430,377

Uses of Funds

Project Fund	\$ 8,804,485
Estimated Issuance Cost	423,738
Underwriter's Discount	48,942
Estimated Bond Insurance (130 bps)	139,136
Estimated Surety Insurance	14,076
Total Uses of Funds	\$ 9,430,377
 Total Debt Service	 \$ 10,702,771
Average Annual Debt Service	\$ 698,990
All-in True Interest Cost	4.92%
Minimum Coverage Ratio	1.55x
Amortization	15 Years

- ❑ Bond proceeds plus Lago Mar DA surplus Funds in approximate amount of \$1,400,000 will be expended to fund:

Project	Construction & Engineering Cost
100-Acre Lake	\$8,804,485

- ❑ Assumes 2022 Captured Appraised Value as of January 1, 2022 of \$488,820,115 (residential) and \$40,031,969 (commercial, not including GCMUD 54).
- ❑ Current market interest rates assumed.
- ❑ Assumes “BBB+” S&P rating, the use of Municipal Bond Insurance and a Surety Policy.
- ❑ Lago Mar DA bonds will be designated as non-bank qualified to give City maximum flexibility to issue bonds in 2022.
- ❑ Surplus TIRZ Construction Funds from GCMUD 54 will be expended to fund:

Project	Construction & Engineering Cost
Landscaping Around 100-Acre Lake	\$1,100,000

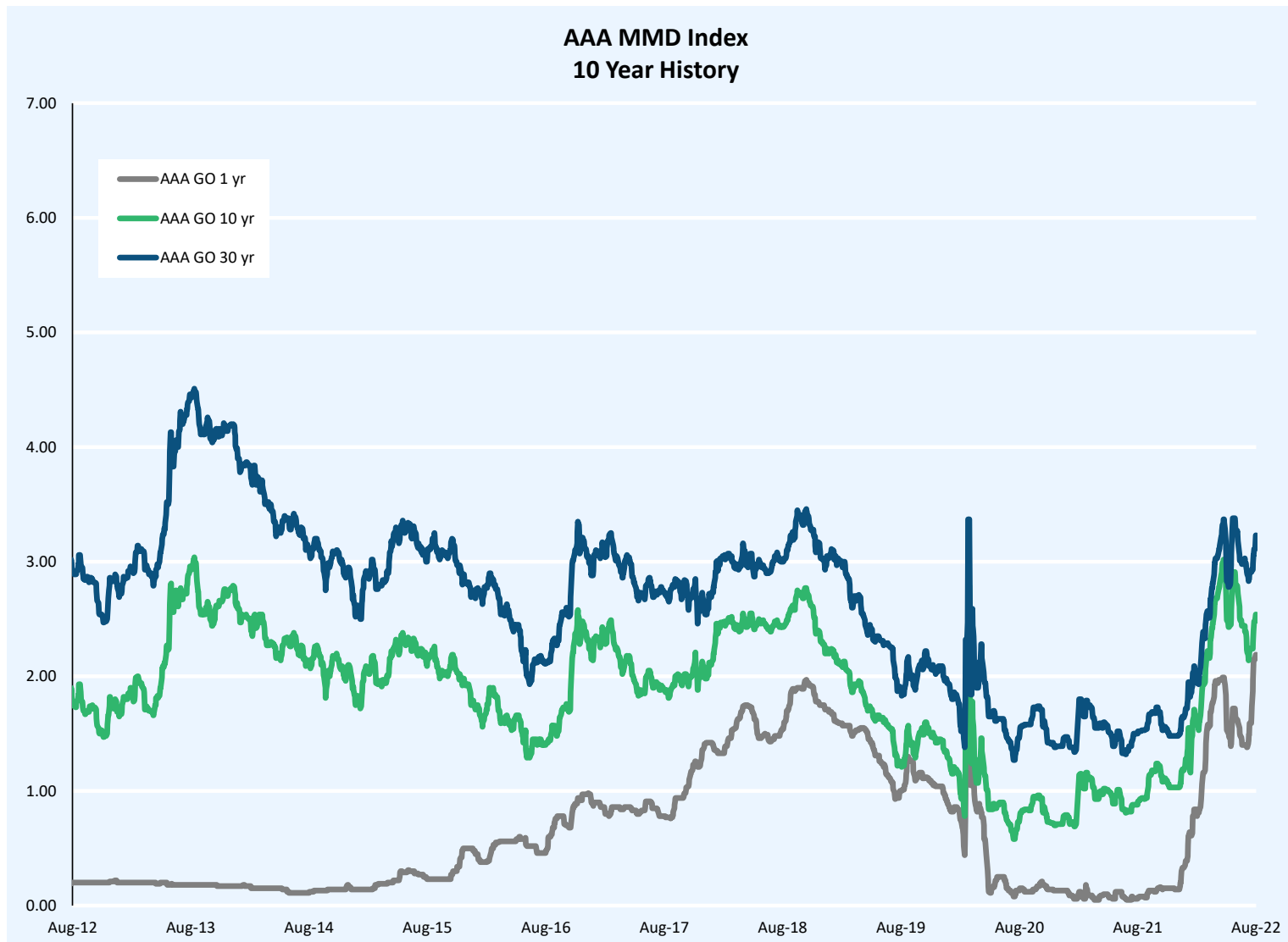
Future TIRZ Capacity: IH-45 Landscape Improvements in 2024 (est.)

\$10,100,000 estimated project cost

- ❑ 2022 Captured Appraised Value as of January 1, 2022 Per GCAD: \$528,852,084 (consisting of \$488,820,115 of Residential; \$40,031,969 of Commercial, excluding GCMUD 54)
- ❑ Minimum Captured Appraised Value Needed By January 1, 2023: \$616,000,000
- ❑ Estimate of Current Captured Appraised Value - \$632,582,084 based upon residential growth in GC MUD 56 and 59:
 - Delivery of 839 lots in GC MUD 59 at \$70,000 per lot (to be delivered by 4th quarter of 2022) - \$58,730,000
 - Construction of 150 houses (to date) assuming \$300,000 per house in GC MUD 56 and 59 - \$45,000,000

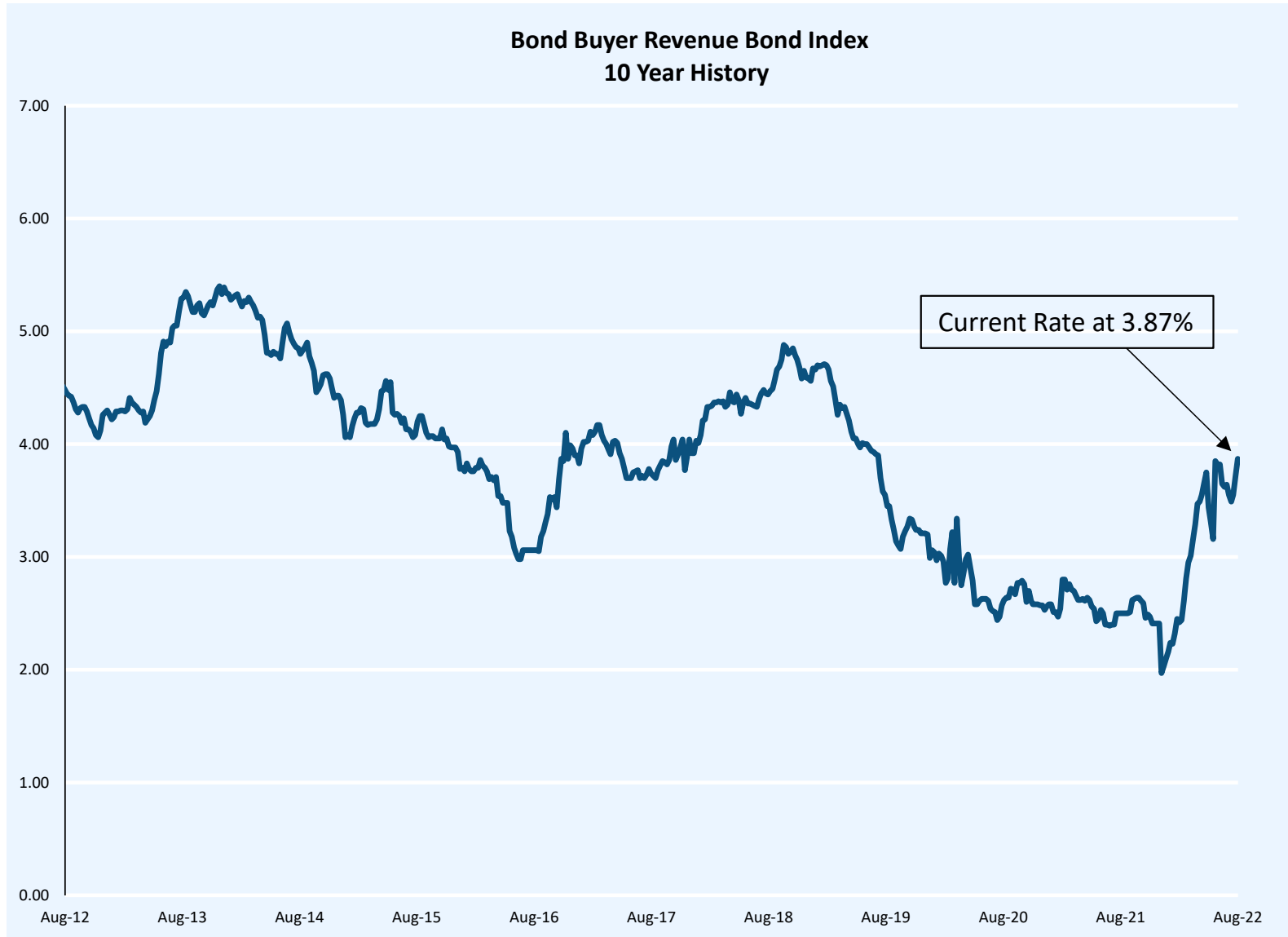
Historical Interest Rates

MMD History as of August 26, 2022



Historical Interest Rates

Bond Buyer Revenue Bond Index as of August 26, 2022



DISCLOSURE

Pursuant to Municipal Securities Rulemaking Board (“MSRB”) Rule G-42, on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients which include, amongst other things, Conflicts of Interest and any Legal or Disciplinary events of Masterson Advisors LLC and its associated persons.

Conflicts of Interest

Masterson Advisors LLC represents that in connection with the issuance of municipal securities, Masterson Advisors LLC may receive compensation from an Issuer or Obligated Person for services rendered, which compensation is contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, Masterson Advisors LLC hereby discloses that such contingent and/or transactional compensation may present a potential conflict of interest regarding Masterson Advisors LLC’s ability to provide unbiased advice to enter into such transaction. This conflict of interest will not impair Masterson Advisors LLC’s ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer.

If Masterson Advisors LLC becomes aware of any additional potential or actual conflict of interest after this disclosure, Masterson Advisors LLC will disclose the detailed information in writing to the Issuer in a timely manner.

Legal or Disciplinary Events

Masterson Advisors LLC does not have any legal events or disciplinary history on Masterson Advisors LLC’s Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. The Issuer may electronically access Masterson Advisors LLC’s most recent Form MA and each most recent Form MA-I filed with the Commission at the following website: www.sec.gov/edgar/searchedgar/companysearch.html.

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC. If any material legal or regulatory action is brought against Masterson Advisors LLC, Masterson Advisors LLC will provide complete disclosure to the Issuer in detail allowing the Issuer to evaluate Masterson Advisors LLC, its management and personnel.





LAGO MAR

Overall Schematic Plan



NORTH

0' 500' 1000'

DATE: 07.06.2022

RESOLUTION NO. 2022-083

A RESOLUTION CONSENTING TO THE ISSUANCE OF THE LAGO MAR DEVELOPMENT AUTHORITY CONTRACT TAX REVENUE BONDS AND OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas (the “City”) received a request from the Lago Mar Development Authority (the “Authority”) for consent to the issuance of the Authority’s Contract Tax Revenue Bonds, Series 2022, in a principal amount not to exceed \$7,670,000; and

WHEREAS, the Agreement by and between the City, Reinvestment Zone No. One (the “Zone”), the Authority and Galveston County Municipal Utility District No. 54 provides that the Authority may not issue bonds without the City Commission’s written consent,

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

SECTION 1. The City Commission of the City hereby grants its written consent to the issuance of the Authority’s Contract Tax Revenue Bonds, Series 2022, in a principal amount not to exceed \$7,670,000.

SECTION 2. It is hereby found, determined, and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Commission was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Commission further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 3. This Resolution shall take effect immediately upon its first and final reading and the passage and approval.

PASSED AND ADOPTED this 7th day of September 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) (f)

Meeting Date: 09/07/2022

Bid # 2022-024 Right - Of - Way Tree Trimming Annual Contract

Submitted For: Mike McKinley, Public Works

Submitted By: Mike McKinley, Public Works

Department: Public Works

Information

ACTION REQUEST

Approve and award a contract for Bid # 2022-024 Right - Of - Way Tree Trimming Annual Contract.

BACKGROUND (Brief Summary)

On August 8th and 18th of 2022, the Notice to Bidders was advertised in the local area newspaper and bid packets were sent out to local area vendors. Bids were received and opened on August 30, 2022 at 2 p.m..

The lowest responsible bid meeting all specifications was received from Sequoia Tree Experts, LLC. A bid tabulation is attached for your review.

RECOMMENDATION

It is the recommendation of the Public Works Department to award the Bid # 2022-024 Right - Of - Way Tree Trimming Annual Contract to Sequoia Tree Experts, LLC., for the unit prices bid, and that the Mayor be authorized to execute a contract on behalf of the City Commission.

Thank you.

Fiscal Impact

Attachments

Exhibit A
Resolution

BID TABULATION

2022-024 Right-Of-Way Vegetation Management Annual Contract

Bid Opening: Tuesday, August 30, 2022 at 2 p.m.

<u>BIDDER</u>	<u>Crew Type 1</u> <u>Straight Time</u> OT	<u>Crew Type 2</u> <u>Straight Time</u> OT	<u>Crew Type 3</u> <u>Straight Time</u> OT
Sequoia Tree Experts	\$90.00/hr \$126.00/hr	\$99.50/hr \$133.50/hr	\$80.00 \$109.00
Momo's Tree Service	\$215.00/hr 	\$215.00/hr 	
Texas Ranch Maintenance	\$206.25/hr \$309.35/hr		
Expert Tree Service, LLC	\$93.64/hr \$124.30/hr	\$99.64 \$130.30	\$72.04 \$94.56
Hunter Tree Service	No Bid 	No Bid 	No Bid
Arbor Tech	No Bid 	No Bid 	No Bid
Tree Worx	No Bid 	No Bid 	No Bid
Tree Solutions of Texas	\$155.50/hr \$190.50/hr	\$180.50/hr \$215.50/hr	\$137.50/hr \$157.50/hr

CrewType:

- 1) 3 – Person lift crew WO/ Chipper (Primary Crew)
- 2) 3 – Person lift crew W/ Chipper (Optional)
- 3) 2 – Person manual chip crew (Optional)

RESOLUTION NO. 2022-084

A RESOLUTION AWARDDING BID NO. 2022-024 RIGHT - OF - WAY TREE TRIMMING ANNUAL CONTRACT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on August 8, 2022, a Notice to Bidders was advertised in the Galveston County Daily Newspaper and bid packets were made available to area vendors for Bid No. 2022-024 Right - Of-Way Tree Trimming Annual Contract; and

WHEREAS, the bids were opened on August 30, 2022, and it is the recommendation of the Public Works Department that the bid be awarded to Sequoia Tree Experts, LLC., 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 Sequoia Tree Experts, LLC for Bid No. 2022-024 Right - Of - Way Tree Trimming Annual Contract

SECTION 2: That the Mayor is hereby authorized to enter into a contract with Sequoia Tree Experts, LLC. 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 7th day of September 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

(10) (a)

Meeting Date: 09/07/2022

amending Chapter 40 of City Code of Ordinance to permanently rezone various properties.

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Consider and take action on Ordinance No. 2022-19, amending Chapter 40 of the City of Texas City Code of Ordinance to permanently rezone various properties.

BACKGROUND (Brief Summary)

Proper notices have been given, public hearings have been held and applicants given preliminary zoning approval by the City Commission.

RECOMMENDATION

Recommend approval to designate these changes on the original zoning map, as amended.

Fiscal Impact

Attachments

Ordinance

ORDINANCE NO. 2022-19

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 VARIOUS PROPERTIES AS INDICATED HEREIN; ORDERING SAID CHANGES MADE ON THE CITY ZONING MAP; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THEREPEAL 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 notices has been given and public hearings have been held and Applicants given preliminary zoning approval by the City Commission as follows:

Address	Applicant	Existing Zone	Zoning Change	Description
505 34th St. N	Broad Reach Power	A – Residential	F – Light Industrial	Being in Lot 2A of the Highway 146 Business Park Minor Replat No. 2.
4629 Hwy 146 N	Aaron Rendon/Maria Hernandez	O – Open Space	E – General Business	Being Lots 7-11, 38-42, Blk 143, and part of Blk 152, Clifton by the Sea S/D
4819 Hwy 146 N	TC Tractor Supply	O – Open Space	E-2 – Freeway Commercial	Being 4.51 acres out of the Anthony Hatch Survey
9111 E.F.Lowery Expy	Peace Lutheran Church	A – Residential	E – General Business	Abst 208 Page 14 & 15 W Wilson Sur TR 244 5.959 Acres
13000 blk of FM 3436	Brad Hoepfner	O – Open Space	E-4 – Commercial Warehouse	Being 10.808 acres of land out of Lot 13, C.C. Pettit's S/D, located in the 13000 block of FM 3436

; and

WHEREAS, in accordance with the Section 160.106(D)(3) the Building Official hereby provides notice that the applicants have requested building permits within twelve months from the dates of preliminary zoning approval for the requested uses as follows:

Address	Applicant	Date of Preliminary Zone Appl	Date Building Permit Appl.
505 34th St. N	Broad Reach Power	5.20.2020	8.14.2020
4629 Hwy 146 N	Aaron Rendon/Maria Hernandez	1.15.2020	5.18.2020
4819 Hwy 146 N	TC Tractor Supply	12.18.2019	6.1.2020
9111 E.F.Lowery Expy	Peace Lutheran Church	7.17.2010	9.6.2019

13000 blk of FM 3436	Brad Hoepfner	6.5.2019	9.6.2019
-------------------------	---------------	----------	----------

Such that 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 properties.

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

SECTION 1: That certain property described as being in Lot 2A of the Highway 146 Business Park Minor Replat No. 2., located at **505 34th St., N.**, Texas City, Galveston County, Texas currently zoned as “A-1” (Single Family Residential), is hereby permanently rezoned and classified as “F” (Light Industrial) to install Battery Energy Storage Systems (BESS) to improve local electrical grid reliability.

SECTION 2: That certain property described as being Lots 7-11, 38-42, Blk 143, and part of Blk. 152, Clifton by the Sea S/D, located at **4629 Hwy 146 N**, Texas City, Galveston County, Texas currently zoned as “O” (Open Space), is hereby permanently rezoned and classified as “E” (General Business) to construct a 6,000 sf single-story building with a restaurant and lease spaces available for retail use.

SECTION 3: That certain property described as being 4.51 acres out of the Anthony Hatch Survey, located at **4819 Hwy 146 N**, Texas City, Galveston County, Texas currently zoned as “O” (Open Space), is hereby permanently rezoned and classified as “E-2” (Freeway Commercial) for development of one 18,800 sf single-story, retail and office building, and 20,000 sf outdoor display typically identified with Tractor Supply.

SECTION 4: That certain property described as being located at **9111 Emmett F. Lowery Expy**, Texas City, Galveston County, Texas currently zoned as “A-1” (Single Family Residential), is hereby permanently rezoned and classified as “E” (General Business) for Peace Lutheran Church to construct and operate an event center.

SECTION 5: That certain property described as being 10.808 acres of land out of Lot 13, C.C. Pettit's S/D, located in the **13000 block of FM 3436** Texas City, Galveston County, Texas currently zoned as “O” (Open Space), is hereby permanently rezoned and classified as “E-4” (Commercial Warehouse) to construct an indoor boat and RV storage facility.

SECTION 6: That the City Engineer shall designate said changes 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 7: 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 8: 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 7th day of September 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

(10) (b)

Meeting Date: 09/07/2022

Automobile Wreckers

Submitted For: David Zacherl, Fire Department

Submitted By: David Zacherl, Fire Department

Department: Fire Department

Information

ACTION REQUEST

Consider and take action on Ordinance No. 22-20, amending the Texas City Code of Ordinance Title XI. Business Regulations, Chapter 112, Vehicles For Hire, Section: Automobile Wreckers to update information contained in the Code and to correct Scrivener's errors.

BACKGROUND (Brief Summary)

The current Ordinance does not include the removal of junk vehicles by Neighborhood Improvement Services (NIS) as part of code enforcement activities. The proposed amendment creates two (2) master lists for automobile wrecker call out services by the City. The first one for use by the Police Department and the second list for use by NIS for code enforcement abatement.

RECOMMENDATION

A request was made to Neighborhood Improvement Service (NIS) by a permitted automobile wrecker service provider to establish two (2) master lists so that a permitted provider was not losing opportunities to provide services to the police department because they had been requested by NIS and responded to that request. By rule, a provider drops to the bottom of the single master list and is losing out on opportunities for service calls requested by the police department. Police department responses historically pay quicker than NIS requests because with a junk vehicle the service provider must complete state required paperwork and await the statutory time period before salvaging a junk vehicle.

The Fire Chief, Police Chief and City Attorney have discussed the proposed amendment and recommend approval.

Fiscal Impact

Attachments

Ordinance

ORDINANCE NO. 2022-20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, OF THE CITY OF TEXAS CITY, TEXAS, TITLE XI. BUSINESS REGULATIONS, CHAPTER 112, “VEHICLES FOR HIRE”, SECTION: AUTOMOBILE WRECKERS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; 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, there is a need to amend **The Code of Ordinances of the City of Texas City, Texas**, Title XI. Business Regulations, Chapter 112, Vehicles For Hire, Section: Automobile Wreckers, to update information contained in the Code; and

WHEREAS, there is a need to correct Scrivener’s errors.

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

SECTION 1: That the City Commission approves amendment of Chapter 112, Vehicles For Hire, Section: Automobile Wreckers.

SECTION 2: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 112, Vehicles For Hire, Section: Automobile Wreckers, is hereby amended to read and provide as follows:

AUTOMOBILE WRECKERS

§ 112.01 PURPOSE AND SCOPE.

(A)(1) The ~~city~~ **City**, pursuant to the authority granted by state law, in order to protect the public, to protect the rights of persons whose vehicles may be towed, to maintain safe and efficient operating rules and to preserve the peace of the community, hereby engages in the licensing and regulation of business enterprises engaged in the non-consent towing, removing and storing of motor vehicles in the incorporated areas of the ~~city~~ **City**.

(2) The purpose and intent of this subchapter is to regulate non-consent tows initiated by a police officer or city **officer/official(s)**, to the extent not preempted by federal or state law. This subchapter shall not apply to consent tows from public or private property within the ~~city~~ **City**.

(B) The Texas City Police Department is authorized to enforce these rules and shall be referred to as “TCPD” for the remainder of this subchapter.

(C) Accordingly, no person shall operate a wrecker or heavy-duty wrecker in the incorporated areas of the ~~city~~ **City** on non-consent towed vehicles unless the wrecker has been registered and permitted with the TCPD. For the purposes of this subchapter, a **PERSON** shall mean a sole proprietor, partnership, corporation or LLC. Multiple assumed names or DBAs of a person shall not be permitted. This subchapter does not apply to a consent tow.

(D) Furthermore, no person or business entity shall operate a vehicle storage facility for the storage of motor vehicles that have been subjected to non-consent tows under this subchapter unless the facility is registered with the state and meets all state requirements.

(E) This subchapter must be liberally construed to give effect to its purpose and intent. Unless superseded by state regulations, the ~~city~~ **City** is the final authority.

§ 112.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICATION. The written application form approved by the TCPD and all required documentation and all applicable fees.

AUXILIARY TOW LIGHTS. A set of red lamps, connected to the wrecker, which are attached to the rear of the towed vehicle and, when lit, will signal stops and turn movements of the towed vehicle.

CONSENT TOW. Any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle if such tow is performed pursuant to this subchapter. The term does not include a tow of a motor vehicle initiated by a peace officer investigating a traffic accident or a traffic incident that involves the vehicle, or a tow initiated by a ~~city~~ **City** official(s) pursuant to a court order.

COMMISSION. The Texas Commission of Licensing and Regulation.

CONVICTION. A finding of guilt by a judge or jury, or any plea of guilty or nolo contendere, unless such conviction has been held invalid by the courts or the proceedings against the defendant have been dismissed and the defendant discharged by the court.

DOING BUSINESS AS (DBA). The operating name of a company, as opposed to its legal name.

EMERGENCY LIGHTS. Flashing, rotating or strobe lights that are mounted above the roof of the wrecker. The lights shall be mounted as high and as wide as possible and visible in all directions when activated. **EMERGENCY LIGHTS** shall be amber only in color. No lamps or lenses other than amber may be displayed. A rearward-facing directional arrow panel, mounted contiguous with the **EMERGENCY LIGHTS**, is permitted.

EVIDENTIARY CRIME SCENE. A crime scene in the incorporated ~~city~~ **City** that requires the response of a law enforcement agency's specialized investigative unit(s). Examples include, but are not limited to, a homicide scene or an auto theft chop shop.

HEAVY-DUTY WRECKER. A wrecker having a chassis rated at five tons or greater by the vehicle manufacturer, equipped with a winch capable of lifting a minimum of 30,000 pounds as rated by the winch manufacturer, air brakes, and tandem axles. Except where a distinction is made, the term **WRECKER** includes **HEAVY-DUTY WRECKER**.

HIGH MOUNTED STOP LAMP. A lamp conforming to Lamps, Reflective Devices, and Associated Equipment (49 C.F.R. § 571.108).

INCIDENT. An unplanned, randomly occurring traffic event that adversely affects normal traffic operations.

INCIDENT MANAGEMENT TOW. Any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

LAW ENFORCEMENT OFFICER. A ~~city~~ **City** police officer, **marshal, or code enforcement officer/official**, or a peace officer for a law enforcement agency located in the county or state. (See Tex. Code C.C.P. Ch. 2, Art. 2.12.)

LAW ENFORCEMENT SCENE. The scene of a crime, collision or custodial arrest, or the location of a vehicle that is a traffic hazard, a recovered stolen vehicle or an abandoned/**junk** vehicle.

NO SHOW. When the TCPD dispatcher telephones a towing company on the rotation list to perform a non-consent tow, and the wrecker does not arrive on the scene within the 30-minute time limit. A towing company is allowed three "no shows" during the calendar year. Any violation of this provision shall result in suspension or revocation of that wrecker company's permit for the remainder of the calendar year.

NON-CONSENT TOW. Any tow of a motor vehicle that is not a consent tow.

NON-CONSENT TOW LIST. The TCPD shall maintain a **two** master lists of all wrecker companies: **One** to be utilized in the event of a tow conducted not at the permission or direction of the motor vehicle's legal or registered owner, or such owner's authorized representative by TCFD **a/k/a Non-Consent Tow List and a second to be used by a code enforcement officer/official for the removal of abandoned/junk vehicles a/k/a Abandoned/Junk Vehicle Tow List.**

OPERATE. To drive or otherwise use a wrecker.

OPERATOR. Any person operating a wrecker, regardless of whether the person owns the truck.

OWNER. Any person who holds the legal title of the motor vehicle or who has the legal right of possession thereof.

PASS. When the TCPD dispatcher telephones a towing company on the rotation list to perform a non-consent tow, and is unable to contact the towing company, or the towing company refuses or declines to accept the telephone call, or the towing company refuses to accept the towing assignment. Each towing company shall be allowed ~~ten~~ **fifteen (15)** passes during a calendar year **accumulative of both master lists**. Any violation of this provision shall result in suspension or revocation of that wrecker company's permit for the remainder of the calendar year.

PERSON. A sole proprietor, partnership, corporation, limited liability company (LLC), assumed name or doing business as (DBA) shall be considered a **PERSON** for the purposes of this subchapter.

PUBLIC ROADWAY. A public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

STORAGE COMPANY. An individual, partnership, corporation or any other association that is engaged in the business of storing motor vehicles for compensation or the expectation of compensation. The term includes the owner, operator, employee and/or agent of the **STORAGE COMPANY**.

TCPD. The City of Texas City Police Department.

TOW. The movement of a motor vehicle by a wrecker.

TOWING COMPANY. An individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway in this state, but does not include a political subdivision of the state.

VEHICLE. A device in, on, or by which a person or property may be transported on a public roadway. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively on a stationary rail or track.

VEHICLE OWNER. The motor vehicle's legal or registered owner, or such owner's authorized representative who is physically present at the law enforcement scene.

VEHICLE STORAGE FACILITY. As defined by Tex. Transportation Code § 2303.002, and that is operated by a person who holds a license issued under Tex. Transportation Code Ch. 2303 to operate the facility.

VEHICLE STORAGE FACILITY OWNER. An individual, partnership, corporation or any other association (other than a governmental entity) that is engaged in the business of operating a garage, parking lot, storage lot or any type of facility to store motor vehicles subject to non-consent tows under this subchapter.

WORKING DAY. Any day that the TCPD conducts normal business, excluding holidays and weekends.

WRECKER. A commercial motor vehicle equipped with, or used in combination with a mechanical device adapted or used to tow, winch or otherwise move a motor vehicle, which, together with the towed vehicle, has a gross vehicular or actual weight of 26,000 pounds or less. For purposes of convenience, the term **WRECKER**, as used throughout this subchapter, shall be deemed to include both the defined terms **HEAVY-DUTY WRECKER** and **WRECKER**, unless a specific reference to the term **HEAVY-DUTY WRECKER** is made.

WRECKER PERMIT. A tag issued by the TCPD authorizing a specific wrecker to perform non-consent tows. **Tow companies requesting and obtaining a permit are accepting assignment to both the Non-Consent Tow List and the Abandoned/Junk Vehicle Tow List.**

WRECKER SELECTION FORM. The form for selection of wrecker companies, prepared and used as provided by the ~~city~~ City.

§ 112.03 APPLICATION PROCESS.

(A) *General.* To obtain a permit for any wrecker, a towing company shall file a written application with the TCPD. The application shall contain the following information:

- (1) Year and make of the wrecker to which the permit will apply;
- (2) Vehicle identification number (VIN) of the wrecker and copy of state certificate of title;
- (3) Current state license plate number for the wrecker;
- (4) Full business name, address and telephone number for the true wrecker title owner. A DBA or assumed name shall be accompanied by the name of the underlying business entity;
- (5) Full business name, address and telephone number for the towing company (if different from title owner). A DBA or assumed name shall be accompanied by the name of the underlying business entity;
- (6) The operator's state operator's license number;
- (7) The name of the insurance company, the policy number and the insurance agent's name and telephone number;
- (8) A list of the vehicle storage facilities the towing company uses and that are listed for that wrecker, and which shall be located within the ~~city~~ City limits;

- (9) The applicant's original signature;
- (10) Cab card issued by the state. Full business name on cab card shall match the full business name on application;
- (11) Tax ID number for the towing company (for business identification purposes only);
- (12) Working phone number listed under towing company, with contact information of the towing company in the ~~city~~ City; and
- (13) Wrecker shall be owned or leased by the towing company. If the wrecker is leased, a copy of the lease agreement shall be provided. The lease agreement shall cover the full period of the permit. Leased wreckers shall only be used by the towing company making application for that wrecker. The same wrecker shall not be used by another towing company on rotation.

(B) *Accompaniments.* The written application form shall be accompanied by:

- (1) Copies of vehicle registration listing and cab card issued by the Texas Department of Transportation (TXDOT). Business name on cab card shall be the same name as on the application;
- (2) Copy of towing company DBA, partnership agreement or articles of incorporation, if applicable;
- (3) Receipt from the County Tax Office showing current registration, or if the wrecker is registered outside the county, the current registration from the county where the wrecker is located;
- (4) Proof designated inspection was passed;
- (5) Copy of the towing company's most recent wrecker invoice;
- (6) Current original business card for the towing company, which shall include the full business name, business phone number and all addresses and phone numbers of storage lots to be used by the towing company;
- (7) Original certificate of insurance for the wrecker being permitted, with the additional insured named as follows:

City of Texas City
1801 9th Avenue North
Texas City, Texas 77590

(8) The application shall be submitted to the TCPD by hand delivery or by delivery through the United States Postal Service or any private courier service. Applications or supporting documentation shall not be submitted by facsimile or electronic mail.

(a) *Yearly renewal package.* Yearly renewal package fee of \$450 to cover all expenses such as two identifications, backgrounds checks, two wrecker inspections, paper work, and verification of documents.

(b) *Additional drivers.* Additional drivers shall be required to pay a \$25 administration fee for background and driver's licenses' verifications.

(c) *Identification cards.* Identification cards shall be issued by the TCPD and shall be worn above the waist on the outer layer of clothing at all times by wrecker drivers while on scene during a pick up.

1. These identification cards shall be issued to all drivers who successfully passed a background check.

2. The fee shall be the responsibility of the drivers and/or owners of the wrecker company.

3. Any lost identification cards shall cost \$25 for replacement.

(d) *Additional wreckers.* Additional wreckers added over the required minimum of two shall be assessed an additional \$25 fee per wrecker, which includes the wrecker inspection.

(e) *Fees.*

1. All application, inspection, and tow truck operator license fees shall be remitted at the time of submission of the permit application.

2. These fees are nonrefundable except where provided by law.

3. The TCPD Chief of Police, or his or her designee, may review the application process to determine if any applicable refund is required;

(9) In order to operate a wrecker/tow truck in the ~~city~~ City, the following requirements shall be met:

(a) Be at least 18 years of age;

(b) Be authorized to work full-time in the United States;

(c) Be able to communicate in the English language;

(d) Shall not have been convicted of a felony offense in the preceding five years or a class A or B misdemeanor in the preceding two years.

1. Less than two years have elapsed since the date of conviction, the date of release from confinement imposed for the conviction, or termination of probation, whichever is later; if the applicant was convicted of a misdemeanor offense.

2. Less than five years have elapsed since the date of conviction, the date of release from confinement for the conviction, or the termination of probation or parole, whichever is the latter; if the applicant was convicted of a felony;

(e) Shall not be a convicted sex offender;

(f) Each applicant shall have his or her fingerprints taken by the TCPD at the time the permit application is submitted, and shall be subject to a background investigation conducted by the TCPD.

(10) An applicant for a wrecker permit shall submit the application and fee to the TCPD; and

(11) A copy of the vehicle storage facility permit issued by the state.

(C) *Issuance.* If the TCPD determines that the applicant has satisfied all requirements under this subchapter, a permit shall be issued.

(D) *Expiration of permit.* All wrecker permits expire annually at midnight on December 31, regardless of the issue date. To renew a permit, the applicant shall file a renewal application.

(E) *Permit renewal.*

(1) Wrecker permit applications shall be submitted to the TCPD from October 1 through December 1 for the next calendar year.

(a) Permits shall be valid for a period of one year.

(b) The deadline for the annual application process shall be December 1 of the year immediately preceding the effective year of the permit.

(c) When the yearly application renewal period closes, new applications shall not be accepted until the following December.

(d) If a wrecker company misses the deadline, TCPD shall accept applications for the next calendar year.

(2) A towing company that fails to renew the permit before it expires shall be removed from the non-consent tow master list.

(3) Operating a wrecker with an expired permit constitutes a violation of this subchapter.

(4) Permits shall be granted to the original applicant only and are non-transferable. Sale of a business shall require the new business to apply for a new permit.

(5) Permits are not assignable or transferable; except that, a permit may be transferred to a replacement truck if:

- (a) The replacement truck belongs to the same towing company and the original truck shall no longer be used by the towing company on rotation;
- (b) The towing company obtains written permission from the TCPD;
- (c) The replacement truck passes the required inspection; and
- (d) Proof of insurance is submitted to the TCPD;
- (e) Failure to follow this process constitutes a violation of this subchapter.

(F) *Insurance requirements.*

(1) An applicant shall procure, and keep in full force and effect, a policy of liability and property damage insurance. Joint insurance with another company or permit holder shall not be allowed. At the time of initial registration and upon renewal, the registrant shall file, or cause to be filed, a certificate of insurance with the TCPD. The certificate shall clarify the type and amount of insurance coverage and provide for 30 calendar days' notice to the TCPD of cancellation of, or material change in the policy. The certificate shall name the ~~city~~ City as an additional insured. Prior to the issuance of any wrecker permit, the applicant shall file with the TCPD, or cause to be filed, proof of motor vehicle liability insurance coverage issued by an insurance company listed as an authorized auto liability lines carrier on the State Department of Insurance list of authorized insurance companies. Each policy shall be issued by a casualty insurance company authorized to do business in the state and that complies with all applicable rules and regulations of the State Board of Insurance. Proof of insurance shall be carried in the wrecker at all times.

(2) The required insurance for injury to or destruction of property in any one collision shall be \$50,000.

(3) A towing company shall maintain insurance for each wrecker it owns or operates that meets the requirements of all other applicable statutes, in addition to meeting the insurance requirements set forth in this subchapter. A law enforcement officer may request proof of insurance from the owner/operator.

(4) A towing company shall not perform any non-consent tows if it fails to provide the required insurance coverage.

§ 112.04 REQUIRED IDENTIFICATION ON WRECKERS.

Each towing company that has been issued a towing permit shall maintain the following identification markings on each wrecker it owns or operates:

- (A) Display on each wrecker used for non-consent tows a permit plate issued by TXDOT pursuant to Tex. Transportation Code § 502.281, as hereafter amended or its successor statute;
- (B) Display on each wrecker used for non-consent tows the permit issued by the ~~city~~ City; and
- (C) Magnetic and removable signs are not permitted.

§ 112.05 QUALIFICATION FOR PLACEMENT ON NON-CONSENT WRECKER ROTATION LISTS.

(A) Each wrecker service shall have a minimum of two licensed wreckers per wrecker company, but no more than five ~~for~~ **for** the rotation list. This shall ensure the wrecker service is able to provide adequate service to the citizens it serves and the ~~TCPD~~ **City**.

(B) Only those towing companies that have met the following annual requirements shall be placed on the non-consent wrecker rotation list:

(1) Have submitted and been issued a wrecker business permit under the provisions of this subchapter;

(2) Own or lease, and/or operate, a vehicle storage facility within the ~~city~~ **City** limits, available for the storage of automobiles which may be removed as a result of the name of the wrecking company appearing on the non-consent wrecker rotation list. Only one towing company per vehicle storage facility shall be allowed. A vehicle storage facility shall be of a size sufficient to allow for the storage of a wrecker company's non-consent tows and shall contain a minimum of 4,000 square feet. Dealerships acting as towing companies shall be exempt from the requirement to provide a vehicle storage facility, as provided by state law;

(3) Have deposited with the City Secretary a garagekeeper's legal liability policy covering fire, theft and explosion in the vehicle storage facility in the same minimum amount as is required by state law for consent tows, and showing the ~~city~~ **City** as an additional insured; and

(4) Maintain a 24-hour wrecker service.

§ 112.06 USE OF NON-CONSENT WRECKER ROTATION LISTS.

(A) TCPD Requests:

~~(A)~~ (1) Upon receiving the first communication that the owner of a vehicle involved in a collision has failed or refused to designate a wrecker company, or has specifically designated no preference, the TCPD dispatcher receiving the communication at police headquarters shall call the first towing company on the ~~list~~ **Non-Consent Tow List** to tow a disabled vehicle and remove the vehicle from the public streets of the ~~city~~ **City**. If a towing company does not timely respond with its wrecker within 30 minutes (absent exigent circumstances), the next towing company on the rotation list will be called (no show).

~~(B)~~ (2) On each succeeding communication of the failure or refusal of the owner to designate a wrecker, or where the owner has specifically designated no preference, the next company on the ~~list~~ **Non-Consent Tow List** shall be called, and so on, calling each towing

company on the ~~master list~~ **Non-Consent Tow List** in rotation, and properly noting each call on the ~~master list~~ **Non-Consent Tow List**.

~~(C)~~ **(3)** The ~~city~~ **City** reserves the right to cancel the next-out wrecker, as warranted by the situation on the scene. If the ~~city~~ **City** cancels the next-out for any reason other than the company's failure to arrive within the allocated time limit, or the equipment does not meet the requirements of the situation, the company shall be placed on top of the rotation list and shall receive the subsequent next-out call.

~~(D)~~ **(4)** If the next-out wrecker on the scene cannot complete the job with the towing company's own vehicles or needs additional help, the towing company shall notify the law enforcement officer in charge at the scene and additional next-out wreckers shall be called to the scene as warranted. The additional next-out wreckers may also charge the wrecker fee upon hook-up. The original next-out wrecker shall be the first entitled to storage of the vehicle and the storage fees.

(B) Code Enforcement Requests:

(1) Upon receiving a request from a code enforcement officer/official the TCPD dispatcher shall call the first towing company on the Abandoned/Junk Vehicle Tow List to tow and remove the abandoned/junk vehicle.

(2) On each succeeding request the next company on the Abandoned/Junk Vehicle Tow List shall be called, and so on, calling each company on the Abandoned/Junk Vehicle Tow List in rotation, and properly noting each call on the Abandoned/Junk Vehicle Tow List.

(3) The City reserves the right to cancel the next-out wrecker, as warranted by the situation on the scene. If the City cancels the next-out for any reason other than the company's failure to arrive within the allocated time limit, or the equipment does not meet the requirements of the situation, the company shall be placed on top of the rotation list and shall receive the subsequent next-out call.

(4) If the next-out wrecker on the scene cannot complete the job with the towing company's own vehicles or needs additional help, the towing company shall notify the code enforcement officer/official in charge at the scene and additional next-out wreckers shall be called to the scene as warranted.

§ 112.07 RECORDS OF REMOVAL OF VEHICLES REQUIRED; CONTENTS AND RETENTION PERIOD; INSPECTION BY POLICE.

(A) *Records of removal of vehicles required.* Every towing company qualified for and whose name appears at its request on the wrecker rotation list shall maintain, at its storage facility location within the ~~city~~ **City**, records as to all vehicles it moved after being notified to do so by personnel of the ~~city~~ **City** in accordance with the provisions of this subchapter.
(1998 Code, § 126-36)

(B) *Contents and retention period.*

(1) The records required to be kept by division (A) above shall contain the following information:

- (a) Make, model and vehicle identification number (VIN) of the disabled automobile moved by the company;
- (b) Location from which the disabled vehicle was removed, and date and time of removal;
- (c) Total amount charged for towing;
- (d) Storage rate per day;
- (e) Description of all personal property within the disabled automobile at the time of its removal; and
- (f) Name of the driver or owner of the motor vehicle.

(2) Records shall be preserved by the towing company for at least three months from and after the date the company came into possession of the automobile.

(C) *Inspection by police.* The records required to be kept by this subchapter shall be made available to the members of the TCPD by the towing company at any reasonable time upon request.

§ 112.08 NON-CONSENT WRECKER RESPONDING TO SCENE OF COLLISION.

Upon notification from the scene to the TCPD dispatcher for the next-out, non-consent wrecker to respond to a collision scene, no other wrecker operators shall arrive at the location for the purpose of soliciting business.

§ 112.09 PROCEDURE ON FAILURE OF VEHICLE OWNER TO DESIGNATE WRECKER COMPANY; MAINTENANCE OF WRECKER NON-CONSENT ROTATION LISTS.

If the owner/operator of a disabled vehicle involved in an accident or collision fails to designate a towing company, or refuses to designate one, or is placed under police custody, the investigating officer shall communicate that fact immediately to the TCPD dispatcher. The TCPD shall keep ~~a~~ **two** master lists, known as the wrecker ~~non-consent rotation list~~ **Non-Consent Tow List and the Abandoned/Junk Vehicle Tow List**, each in alphabetical order, of all wrecker companies qualifying therefor under the provisions of this subchapter.

§ 112.10 FOLLOWING VEHICLES IN RESPONSE TO COLLISION SCENE.

No person shall follow in a wrecker any ambulance or police car that is traveling on a public roadway in response to a report of an automobile collision.

§ 112.11 INFLUENCE BY POLICE AS TO SELECTION OF WRECKER.

No TCPD officer investigating or present at the scene or site of any wreck or collision on a public roadway shall, directly or indirectly, either by word, gesture, sign or otherwise, recommend to any person the name of any particular person engaged in the wrecker services or repair business, nor shall any police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service.

§ 112.12 INTERFERENCE WITH POLICE, FIRE OR EMS.

All tow truck drivers arriving at any law enforcement scene shall obey all orders given them by any police officer, firefighter or EMS technician. (*Statutory reference: Interference with certain officers, see Interference with Public Duties (Tex. Penal Code § 38.15)*)

§ 112.13 DUTY OF OWNER OR DRIVER TO NOTIFY POLICE OF ACCIDENT.

The fact that no police officer of the TCPD is present at a law enforcement scene when a tow truck arrives shall not constitute an exception to any requirement of this subchapter, and it shall be the duty of any tow truck owner or tow truck driver desiring to tow or haul any wrecked or disabled vehicle from the scene of an accident or collision to notify the TCPD of the occurrence of the accident or collision, and to await the arrival of the TCPD police officers and the completion of their investigation.

§ 112.14 REMOVAL OF VEHICLE WITHOUT PERMISSION OR BEFORE ACCIDENT INVESTIGATION.

A tow truck driver shall not remove any wrecked or disabled vehicle from the location where the accident or collision has occurred, or attach his or her tow truck to the wrecked or disabled vehicle, until the driver of the vehicle has given permission and until the TCPD police officers have completed their investigation.

§ 112.15 NON-CONSENT TOWS AT POLICE OR CODE ENFORCEMENT DIRECTION.

(A) All tow truck owners who perform non-consent tows at the direction of the TCPD shall store towed motor vehicles at a vehicle storage facility, located within the ~~city~~ City limits, licensed by the Texas Department of Licensing and Regulation (TDLR), unless otherwise directed by the police officer authorizing the tow.

(B) All tow truck owners who perform abandoned/junk vehicles at the direction of a City code enforcement officer/official shall store towed motor vehicles at a vehicle storage facility, located within the City limits, licensed by the Texas Department of Licensing and Regulation (TDLR), unless otherwise directed by the City code enforcement officer/official authorizing the tow.

(1) Owners shall complete and submit any forms required by the Texas Department of Transportation.

(2) Owners are entitled to all salvage recovery funds.

§ 112.16 AUTHORITY OF PEACE OFFICER.

- (A) The peace officer in charge at an accident site or at the location of a disabled vehicle on a public roadway may, if the safety of the public requires it, take any steps needed to ensure public safety.
- (B) A peace officer may, for any purpose, direct that any vehicle shall be taken to an impound lot or location owned or used by the ~~city~~ **City**.
- (C) This subchapter does not limit the authority of the ~~city~~ **City** to remove vehicles from public roadways in any manner the ~~city~~ **City** deems appropriate.
- (D) Except as provided in rules under this subchapter, a towing company or its employees or tow trucks shall not enter an accident or collision scene, or other site under a peace officer's control, without the permission of the investigating officer.

§ 112.17 TOW SERVICE AND OPERATING PROCEDURES.

No person shall participate in a non-consent tow unless the following operation and safety requirements are met.

- (A) The wrecker being used shall be equipped as follows:
 - (1) Brakes that meet braking performance requirements under all loading conditions;
 - (2) A power winch, winch line and boom, with factory-rated lifted capacity of not less than 8,000 pounds single-line capacity, or a hydraulic and mechanical wheel lift with a lifting capacity of not less than 3,000 pounds;
 - (3) A tow sling or hydraulic lift sufficient to prevent swinging of any equipment and/or vehicle being transported and/or towed. This division (A)(3) does not apply to a vehicle carrier or rollback unless the wheels of a vehicle being towed are in contact with the ground. In the event that a self-contained non-propelled towing device, or some other form of auxiliary device is used, the vehicle to which that device is attached and which is providing the motive and braking forces, does not need to provide this equipment;
 - (4) Five-sixteenths-inch link steel safety chains for wreckers, with a gross vehicle weight of 10,000 pounds or less, and three-eighths-inch highest steel chains or their equivalent for wreckers, with a gross vehicle weight over 10,000 pounds. These links are minimums;
 - (5) A ten-pound BC fire extinguisher or two five-pound BC fire extinguishers. All fire extinguishers shall be properly filled, operable, and located so as to be readily accessible for use. Fire extinguishers shall meet the minimum requirements of the most recent edition of NFPA 10, the Standard for Portable Fire Extinguishers established by the National Fire

Protection Association (NFPA), and shall be labeled by a recognized, national testing laboratory;

(6) One crowbar or wrecking bar that is not less than 36 inches in length, with a wedge head;

(7) One broom of a type designed for pushing with an 18-inch head, and a handle of not less than 36 inches;

(8) One flat-edge shovel of at least nine inches, with a handle of not less than 36 inches;

(9) A box or bucket to carry glass and/or debris removed from collision/accident scenes;

(10) Rope or wire suitable for securing doors, hoods, trunks and the like;

(11) A functioning spotlight or flashlight;

(12) Outside rearview mirrors on both sides of the truck;

(13) Permanently mounted emergency lightbar;

(14) Three portable red emergency triangle reflectors, orange cones at least 18 inches tall, or flares;

(15) Auxiliary tow lights;

(16) A high mounted stop lamp shall be mounted on any wrecker if its overall width is less than 80 inches, or its gross vehicle weight rating (GVWR) is 10,000 pounds or less, and is manufactured on or after 9-1-1993; and

(17) Work lights shall be wired to a separate switch and shall not be illuminated while the wrecker is in motion. These lights must be steady burning white lights that project light to the rear of the wrecker.

(B) Shall arrive at the accident or collision scene within 30 minutes after having been notified by the TCPD, absent exigent circumstances (hurricane, flood and the like). Failure to do so shall be considered a no show.

(C) Before leaving the site, remove from the site of an accident all wreckage and debris, excluding hazardous waste. This duty specifically includes the removal of broken glass and metal fragments, and the spilled load of any vehicle. Such debris shall be disposed of in a manner which will keep it out of gutters, storm sewers, streams, public rights-of-way and property not owned by the tow truck operator.

(D) No tow truck operators shall store any vehicle or tow truck on public roadways or public rights-of-way in the ~~city~~ **City**.

(E) Tow truck operators shall use reasonable care in towing and in the storage of vehicles so as to minimize any possibility of further damage or theft.

(F) Tow truck operators shall comply with all federal and state laws, all rules and regulations promulgated pursuant to federal and state laws, and all ~~city~~ **City** ordinances, including zoning, health and fire prevention ordinances.

(G) All tow truck operators shall inform the TCPD of all non-consent tows within 45 minutes of the completion of such tows. The information shall include the vehicle identification number, license plate number, a brief description of the vehicle, the location where the vehicle was picked up, and the location where the vehicle is being stored.

(H) No person shall use or operate a wrecker to tow a motor vehicle without using auxiliary tow lights, unless the towed vehicle is loaded on a rollback wrecker.

(I) No person shall equip a permitted wrecker with a two-way radio or scanner or with any two-way radio that can transmit on any law enforcement frequency, or tow using a wrecker equipped with any such devices. Any operator or towing company found transmitting on any law enforcement frequency shall be subject to suspension or revocation of their permit.

(J) No person shall equip a permitted wrecker with any device designed to detect or monitor radar, laser or any other speed-measuring instrument, or perform a non-consent tow using a wrecker so equipped.

(K) No person shall perform a non-consent tow without using safety chains.

(L) No person shall operate a permitted wrecker with a slip-in bed or operate a repo-rig.

(M) No person shall use a permitted wrecker to lift more than its factory-rated lifting capacity allows.

(N) No operator shall possess nor allow any prohibited weapon, firearm or alcoholic beverage in or around a wrecker when operating the wrecker. This provision does not prohibit a peace officer as defined by Tex. Code of C.C.P. Ch. 2, Art. 2.12, or a person possessing a valid concealed handgun permit issued by the Texas Department of Public Safety (DPS) from carrying a firearm while operating or riding in a wrecker.

(O) An operator shall ensure that, while lifting a motor vehicle in preparation for a non-tow, all non-essential people are at a safe distance from the wrecker and motor vehicle. A **SAFE DISTANCE** is at least twice the distance between the end of the boom and the point of hook-up on the motor vehicle being winched, or twice the distance the motor vehicle is being lifted, whichever is greater. If a hydraulic lift is being used, a **SAFE DISTANCE** is twice the distance to

which the lift arm is extended. An operator is responsible for maintaining safe conditions around the wrecker during any preparation for towing and winching of the motor vehicle.

(P) If a wrecker or motor vehicle to be towed is in a lane of traffic, the operator shall ensure that the flow of traffic is diverted. An operator shall not place or operate a wrecker cable across a lane or lanes of traffic unless the traffic is stopped or diverted by a law enforcement officer to permit safe winching or lifting of the motor vehicle to be towed.

(Q) A towing company operating permitted wreckers and operators of such wreckers shall maintain and keep in good working order all safety mechanisms of the wrecker, including, but not limited to, all headlights, taillights, turn signals, brakes, brake lights, hazard lights, flashing warning lights, windshield wipers, wiper blades, door handles, window cranks, and tires.

(R) All permitted wreckers shall operate within the applicable recommended towed vehicle manufacturer's safety policies and procedures.

(S) When towing a vehicle more than 2,500 feet, no wrecker performing a non-consent tow shall use a tow bar with pins of any kind, or any other method of attachment. At 2,500 feet or less, the operator shall drop the vehicle and re-hook it following all safety procedures established by the towed motor vehicle's manufacturer.

(T) Each permitted wrecker shall meet the safety requirements of all other applicable statutes, in addition to meeting the safety requirements of this subchapter.

(U) Non-consent towed vehicles from any law enforcement scene shall be taken to an approved vehicle storage facility prior to the loading of any other vehicle.

(V) The following rules apply to law enforcement scenes.

(1) Except in an emergency or at the direction of a law enforcement officer, an operator shall park the wrecker at least 300 feet from a law enforcement scene. An operator shall only use beacon lights as directed by state law.

(2) The operator shall park the wrecker on the same side of the road as the damaged motor vehicle.

(3) The owner of a motor vehicle, or his or her representative, will be allowed to determine who will remove the vehicle and any connected trailer and its associated load from a law enforcement scene, unless the owner is under arrest or in police custody, or the vehicle is an immediate traffic hazard, as determined by law enforcement.

(4) If a motorist in need of aid summons a police officer and is in need of a tow, the police officer shall use the same procedure as in a collision situation. If the vehicle owner/operator has no preference for a wrecker company, the next-out shall be called.

(5) All wreckers are subject to an inspection by TCPD personnel designated as wrecker inspectors.

(6) Once a wrecker has hooked up to a motor vehicle, the wrecker company may charge as authorized by this subchapter. A wrecker company shall have hooked-up when the wrecker is in position to secure and tow the vehicle, and any part of the wrecker's securing attachments are touching the vehicle.

(7) No wrecker operator without a current, valid permit, shall be allowed to load a vehicle for a non-consent tow.

§ 112.18 ADDITIONAL SPECIAL RULES FOR HEAVY-DUTY ROTATION.

(A) The following are special rules:

(1) Shall own or lease a heavy-duty wrecker, as defined;

(2) Shall have a vehicle storage facility located in the ~~city~~ **City**;

(3) Response time must be within one hour after notification;

(4) Shall have insurance in the minimum amounts as set by the state for heavy-duty consent tows. The ~~city~~ **City** must be named as an additional insured; and

(5) Shall have a permit and comply with all other provisions of this chapter that are not in conflict with this section. Operation of a regular wrecker on rotation is not required to operate on heavy-duty rotation.

(B) If no heavy-duty wrecker is available to respond through the heavy-duty rotation list, the ~~city~~ **City** may contract with any available heavy-duty wrecker service.

§ 112.19 CONDUCT OF OPERATORS.

(A) The TCPD shall establish and maintain a formal complaint system to be used by members of the public wishing to file a formal complaint on a tow truck/wrecker company or driver. The creation, maintenance, and investigation of these complaints lie within the authority of the TCPD. In addition, all permitted towing companies shall notify the TCPD of any and all complaints received within five business days of receiving the complaint.

(B) Upon receiving a complaint from any source claiming damages, loss to a vehicle, or its contents, while being towed or stored by a tow truck/wrecker operator, the operator or owner shall submit a written report to the TCPD Chief of Police, or his or her designee, within five business days of receipt of the complaint. These reports shall contain all facts pertinent to the claim or complaint presented.

(C) The TCPD Chief of Police, or his or her designee, shall be notified in writing within 48 hours of any arrest or criminal conviction of the owner of a wrecker company, or of any wrecker driver employed by a wrecker company.

(D) Operators shall maintain proper conduct at all times when performing a non-consent tow, and shall not fight, assault, threaten use of force, use profanity or exhibit disorderly conduct. Towing companies shall be responsible for the conduct of their operators. Improper conduct of an operator shall be grounds for suspension or revocation of the towing company's permit for the calendar year. Additionally, towing companies shall prohibit operators who are convicted of a felony, a crime involving moral turpitude, or a crime involving disorderly conduct or assault, associated with conduct performing a non-consent tow or otherwise, subsequent to the issuance of a permit, from performing further non-consent tows for the ~~city~~ City. The towing company shall have an affirmative duty to disclose to the TCPD if any of its operators have been convicted as stated above, subsequent to the issuance of a permit.

§ 112.20 SUSPENSION OR REVOCATION OF A PERMIT.

Grounds for suspension or revocation of a permit may include the following:

(A) Failure at any time to meet or keep any of the requirements of this subchapter, including conduct of operators and interfering with police, fire and EMS;

(B) Operating a tow truck in such a manner as to endanger any person or property;

(C) Failure to adhere to the TCPD's rules and regulations;

(D) Violation of any federal or state law, or any rules or regulations promulgated pursuant to federal or state law, or any other ~~city~~ City ordinances related to the operation of a tow truck or vehicle storage business; and/or

(E) Failure to arrive within the specified response time limit (as defined for a no show).

§ 112.21 SUSPENSION AND REVOCATION PROCEDURES; APPEALS.

(A) Notwithstanding any provision of this subchapter, the TCPD Chief of Police, or his or her designee, shall be authorized to suspend or revoke any permit for a violation of any of those items listed as grounds for suspension or revocation. The TCPD Chief of Police, or his or her designee, may immediately suspend a permit for up to 15 calendar days if there is substantial evidence of a violation that constitutes an imminent danger to the public, and the permit holder is unable or unwilling to correct the violation. Otherwise, before any permit may be suspended or revoked, the TCPD Chief of Police, or his or her designee, shall hold a hearing at which evidence of such violation may be presented and rebutted. A hearing may be scheduled by the TCPD Chief of Police, or his or her designee, after receiving a complaint charging a violation or, at his or her discretion, upon his or her investigation and review. Notice of the hearing, the administrative action proposed to be taken, and the grounds therefor, shall be given to the permit holder at least ten calendar days prior to the hearing. Mailing such notice by certified mail to the last known business address of

the permit holder, not less than ten calendar days prior to the hearing, shall constitute adequate notice. If the TCPD Chief of Police, or his or her designee, suspends or revokes a permit, he or she shall notify the permit holder in writing of the reasons for the suspension or revocation, the effective date of the suspension or revocation, the date of reinstatement, if any, and the conditions that must be satisfied for reinstatement. Such notification shall advise the permit holder that he or she may appeal the decision to the Mayor. Mailing such notification by certified mail to the last known business address of the permit holder within ten calendar days of the hearing shall be deemed sufficient. No person whose permit has been revoked shall be eligible to apply for a new permit until the next renewal period. The TCPD Chief of Police, or his or her designee, in determining whether to suspend or revoke a permit, may consider prior suspensions.

(1) If a permit holder has only two vehicles and one has a mechanical failure, and the owner notifies both the TCPD wrecker coordinator and TCPD dispatcher of the mechanical failure, the permit holder shall be removed from the ~~city~~ City rotation lists for the reasonable amount of time necessary for the permit holder to perform the repairs.

(2) The owner must show proof of such mechanical failure in writing (repair bill) to the TCPD wrecker coordinator before they are placed back on rotation.

(3) Any proof of mechanical failure shall be presented, Monday through Friday, from 7:30 a.m. to 4:30 p.m.

(4) Once placed back on rotation, the permit holder will be placed at the bottom of the list.

(B) If an owner and/or driver of a wrecker company shall have any felony criminal charges filed against him or her during the previous year, then he or she will not be eligible for a wrecker permit the following year, unless the charges have since been dismissed or resulted in a verdict of not guilty.

§ 112.22 PERMISSIBLE FEES AND CHARGES.

(A) A tow truck under this subchapter shall not charge any fees in excess of rates established by the TCPD and confirmed by the City Commission. If a situation occurs where rates established by the state apply and those rates are in conflict with ~~city~~ City rates, the towing company shall comply with state regulations. The permitted towing service rate schedule is as determined by City Commission. The bill for towing any motor vehicle shall be itemized to reflect the services performed, labor, and/or other materials required and/or any other applicable charges. A copy shall be provided to the TCPD within ten calendar days, when requested.

(1) The maximum base towing charge for a non-consent tow shall be \$150. The maximum towing base charge for a non-consent heavy-duty tow shall be \$250, plus \$ 150 per hour after the first hour, or portion thereof, on the scene, not including tow time to destination. The maximum towing base charge for vehicles in the water is \$250. The maximum towing base charge for vehicles over the rocks on the Texas City Dike is \$250.

If a heavy-duty wrecker is requested, the charge shall be in accordance with the following fee schedule.

STANDARD SERVICES	MAXIMUM FEE
STANDARD SERVICES	MAXIMUM FEE
Standard Tow - Light- or Medium- Duty	\$150
Motorcycle Tow	\$175
Heavy-Duty Tow (single vehicle, combination or trailer)	\$250 + \$150 per hour (or portion thereof) after first hour on scene, not including tow time to destination
Submerged/Partially Submerged Vehicle (any type)	Light-Duty: \$200 Heavy-Duty: \$250 + \$150 per hour after first hour (or portion thereof) on scene, not including tow time to destination
Trailer, Light- or Medium-Duty (no vehicle)	\$150
Vehicle + Trailer (light- and medium-duty)	\$150
Boat or other item (with or without trailer)	\$150
SPECIAL SERVICES	
Dolly fee	\$45 + Standard Tow*
Ditch or Sand Pull	\$65 + Standard Tow*
Rollover	\$85 + Standard Tow*
Shift Transmission Under Car	\$20 + Standard Tow*
Remove Drive Shaft	\$30 + Standard Tow*
Replace Tire (standard vehicle or trailer)	\$15 + Standard Tow*
EXTRA FEES	
No Keys	\$35 + Standard Tow*
Extra Cost (All Accidents)	\$35 + Standard Tow*
Storage Fee	\$5 to \$20 per day or portion of day for vehicles under 25 feet; \$35 per day or portion of day for vehicles over 25 feet (per statute)
SERVICES NOT LISTED	Heavy-Duty: \$150 per hour All Others: \$75 per hour

(2) **IN THE WATER** shall mean any vehicle in which all four wheels are covered by more than six inches of water. **IN THE WATER** shall not mean street flooding, water on public streets, ~~city~~ City rights-of-ways or drainage ditches of four feet or less in depth.

(B) Wrecker companies will be allowed to charge an additional \$5 surcharge per tow. This additional charge is to help offset the additional cost to comply with Tex. Occupations Code § 2303.159(a), which requires the operator of a vehicle storage facility to accept payment by an electronic check, debit card or credit card for any charge associated with delivery or storage of a vehicle.

(C) The ~~city~~ **City** shall review the towing charges on an annual basis and solicit input from all towing companies on rotation.

§ 112.23 REPOSSESSIONS; PRIVATE PROPERTY TOWS.

Tow truck drivers shall notify the TCPD officer (dispatcher) prior to their attempt to repossess or remove private property tows **not at the direction of TCPD or a code enforcement officer/official**. The notification shall consist of the tow truck driver's name, company name and phone number, location from which the vehicle will be removed, and the vehicle description (year, make, model, color, license plate number and state of issuance). Upon leaving the scene, the tow truck driver shall immediately notify the TCPD dispatcher whether the pick-up was successful or not successful.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

SECTION 4: 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 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.

PASSED AND ADOPTED this 7th day of September 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

(10) (c)

Meeting Date: 09/07/2022

Building Regulations: Construction

Submitted For: David Zacherl, Fire Department

Submitted By: David Zacherl, Fire Department

Department: Fire Department

Information

ACTION REQUEST

Consider and take action on Ordinance No. 22-21, amending Chapter 150 "Building Regulations; Construction" related to additional authority regarding substandard structures.

BACKGROUND (Brief Summary)

There is a need to clarify the additional authority regarding substandard structures. Specifically, stabilization, securing and updating an identified substandard structure to current City Codes and Ordinances, the timeliness of the abatement procedures, and recognizing the delay caused by environmental issues and compliance as related to commercial structures. The amendment also addresses when and under what circumstance an Order from the Court may be required.

RECOMMENDATION

Amendments are requested to further clarify the ordinance and ensure that all parties are afforded an opportunity to discuss and understand what is required when a structure has been declared substandard and the responsible party has expressed a desire to renovate the property in lieu of abatement. In those instances where abatement is the only option, the ordinance would now take into account that electrical and other utilities must be disconnected prior to abatement and the City has no control over how long that process may take. In the case of commercial structures, asbestos testing, bidding procedures, and state waiting periods must be adhered to which further delays the 72-hour abatement after proper notice has been delivered.

The Fire Chief and the Fire Marshal both recommend approval of the proposed amendments.

Fiscal Impact

Attachments

Ordinance

ORDINANCE NO. 2022-21

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, OF THE CITY OF TEXAS CITY, TEXAS, TITLE XV - LAND USAGE, CHAPTER 150, "BUILDING REGULATIONS; CONSTRUCTION", REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; 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, there is a need to amend The Code of Ordinances of the City of Texas City, Texas, Title XV - Land Usage, Chapter 150, Building Regulations; Construction, to update information contained in the Code, and

WHEREAS, there is a need to address the minimum fire and safety standards of building construction within the City, and

WHEREAS, there is a need to clarify the additional authority regarding substandard buildings, and

WHEREAS, upon recommendation of the Fire Chief and Fire Marshal and full review and consideration of all matters related and attendant thereto, the City Commission determines that amending Title XV - Land Usage, Chapter 150, Building Regulations; Construction will promote the health, safety, and general welfare of the City and the safe, orderly, and healthful development of the City;

WHEREAS, the City Commission determines that amending Title XV – Land Usage, Chapter 150, Building Regulations; Construction will promote the health, safety, morals, and general welfare of the City and the safe, orderly, and healthful development of the City;

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

Section 1. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact, and

Section 2. The City Commission hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to promote health, safety, morals, or general welfare and the safe, orderly, and healthful development of the municipality, and

Section 3. The City of Texas City's Code of Ordinances, Section 150.038 is hereby **amended** as follows:

§150.038 Emergency Demolitions.

(A) Emergency arising from sudden acts or occurrences.

(1) Where it appears to the fire marshal, director of community development, or chief building official or their designees, that due to structural defects or conditions arising from, but not limited to, fire, accident, water damage, vandalism, or other sudden act or occurrence thereby threatening the structural integrity of a building, there is clear and imminent danger to the life, safety or property of any person unless the building is immediately demolished, either of these aforesaid officials shall declare its immediate vacation and demolition regardless of the date of construction. The concurrence of the other two aforesaid officials shall be required prior to execution of the commencement of the demolition. Such concurrence shall include a determination that under the circumstances no other abatement procedure is reasonably available except demolition.

(2) Notice that the structure has been determined to be a clear and imminent danger to life, safety or property of any person shall be issued:

a. By placard affixed to the property or by stake driven into the ground. It shall be unlawful for any person to remove the posted notice without written permission from the fire marshal and no unauthorized person shall enter the building for any purpose.

(3) For residential structures, demolition should commence within seventy-two (72) hours after the notice or as soon thereafter as is reasonable and as soon as possible for any commercial structure(s) after consideration of any environmental issue(s) and/or compliance with other applicable law(s).

(B) Emergency arising from long-term deterioration.

(1) Where it appears to the fire marshal, director of community development, or chief building official or their designees, that structural defects or conditions arising from long-term deterioration threaten the structural integrity of a building such that there is clear and imminent danger to the life, safety or property of any person unless the building is immediately demolished, either of these aforesaid officials shall declare its immediate vacation and demolition. The concurrence of the other two aforesaid officials shall be required prior to the execution of the commencement of the demolition. Such concurrence shall include a determination that under the circumstances no other abatement procedure is reasonably available except demolition. Upon a determination that an emergency demolition is warranted by either (A) or (B) above, the following actions shall be taken:

(2) Notice that the structure has been determined to be a clear and imminent danger to life, safety or property of any person shall be issued:

a. By placard affixed to the property or by stake driven into the ground. It shall be unlawful for any person to remove the posted notice without written permission of the director of development services and no unauthorized person shall enter the building for any purpose;

b. Via hand-delivery to the owner(s) of record per the Galveston County Appraisal District records only if the owner(s) resides within Galveston County; or

c. If hand-delivery to the owner(s) of record per the Galveston County Appraisal District records for owner(s) residing within Galveston County is not able to be accomplished after reasonable efforts are made, Notice may be given in whatever means are available to afford the owner(s) with such Notice as determined by the City Attorney; and

d. By email to the Mayor.

(3) Within seventy-two (72) hours of notice, a plan of action to stabilize the structure, **secure the structure, and/or bring the structure up to all current adopted City Codes and Ordinances** must be developed and presented to the fire marshal, the director of community development, or chief building official. Said plan of action shall then be approved by the Director of Engineering & Planning or their designee.

a. If the plan is approved, said plan must be implemented within forty-eight (48) hours of approval **or as soon thereafter as is reasonable and as soon as possible for any commercial structure(s) after consideration of any environmental issue(s) and/or compliance with other applicable law(s).** If stabilization **and securing** of the structure is begun within forty-eight (48) hours of approval, the structure shall be scheduled for the next available hearing before the Texas City Municipal Court of Record for presentation of a scope of work with dates certain for completion of rehabilitation, or

b. If the plan is determined to be infeasible by the fire marshal, the director of community development or chief building official the required affidavits shall be executed for commencement of the emergency demolition **or if there is a pending case regarding the structure in the Texas City Municipal Court of Record, an Order from the Court authorizing the emergency demolition.**

c. The emergency demolition process shall commence not later than ninety-six (96) weekday hours, exclusive of weekends and holidays, after the last required written concurrence is made.

d. After execution of the emergency demolition, the officials responsible shall:

(1) File copies of the affidavits **or Court Order** in the real property records of Galveston County, Texas; and

(2) Provide notice to the owner(s) and lienholders/mortgagees of record.

e. The historical designation, location or significance of a building or structure shall not prohibit, prevent, or stay an emergency demolition of a dangerous building or structure determined to be a clear and imminent danger to the life, safety or property of any person. Demolition shall be the remedy of last resort and if the structure can be vacated and secured and feasibly repaired or the condition remedied so that the structure shall no longer be an imminent danger it shall first be ordered.

f. The city, as a home-rule city, adopts the foregoing emergency abatement action pursuant to TEX. LOCAL GOV'T CODE § 214.002, and the powers of self-rule granted by the voters under the City Charter as authorized by the Constitution of the state.

(4) The City has the same authority to assess expenses incurred under this section as it has to assess expenses under TEX. LOCAL GOV'T CODE § 214.001(n). A lien is created under this section in the same manner that a lien is created under TEX. LOCAL GOV'T CODE § 214.001(n) and is subject to the same conditions as a lien created under that section.

Section 4. This ordinance shall be cumulative of all provisions of the City of Texas City, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 5. It is hereby declared to be the intention of the City Commission of the City of Texas City, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Commission without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. All rights and privileges of the City of Texas City, Texas, are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use or development, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 7. This Ordinance shall be effective immediately upon the passage, approval and publication as required by law.

Section 8. 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 7th day of September 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**(10) (d)****Meeting Date:** 09/07/2022

TCPD Consortium Fees for Records Management (RMS) and Dispatch (CAD) via Motorola Solutions (Premier One)

Submitted For: Clay Pope, Police Department**Submitted By:** Clay Pope, Police Department**Department:** Police Department

Information**ACTION REQUEST**

The amount of \$701,865 is requested for the year one payment of the Motorola Solutions Premier One system for the Texas City Police Department's records management and dispatch services.

BACKGROUND (Brief Summary)

The Texas City Police Department is a member of the Gulf Coast Regional Information and Dispatch (GRID) Consortium. As a member, the Texas City Police Department will incur costs associated with a ten-year plan provided by Motorola Solutions to provide records management and dispatch services under their Premier One service. Texas City's share of the total cost of the ten-year plan will be \$2,657,566.00; the first year fee for the Texas City Police Department is \$701,865.00. The remainder is to be paid over the next nine years as prescribed in the attachments.

RECOMMENDATION

The Texas City Police Department recommends the approval of this expenditure as it is essential to the operation of the department.

Fiscal Impact**Attachments****Resolution**

**Motorola Premier One
Costs and 10 year Warranty**

		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Cost	Module						
371,838.00	Base Modules, install, etc		0	0.00	0.00	0.00	0
53,683.00	Premier 1 Handheld		7,928.00	8,369.00	8,833.00	9,323.00	9,840.00
47,870.00	CAD VDI		2,079.00	2,194.00	2,316.00	2,444.00	2,580.00
19,720.00	RMS VDI		753.00	795.00	839.00	885.00	934.00
782.00	Command Central Evidence		735.00	735.00	735.00	735.00	735.00
7,620.00	Command Central Community		7,620.00	7,620.00	7,620.00	7,620.00	7,620.00
40,368.00	Command Central Investigate		37,952.00	37,952.00	37,952.00	37,952.00	37,952.00
111,833.00	Disaster Recovery		753.00	795.00	839.00	885.00	934.00
48,151.00	Data Conversion		0.00	0.00	0.00	0.00	0.00
	WARRANTY Base Module only	0.00	134,648.00	141,726.00	149,179.00	156,988.00	147,966.00
701,865.00	TOTAL - with listed options		192,468.00	200,186.00	208,313.00	216,832.00	208,561.00

--	--	--	--	--	--	--	--

2,657,566.00 Project total 10 years

265,756.60 Average cost per year

TCPD GRID Usage --- 11.58%

Not Included Here:
eCitation
Radio Integration

BASE Items - Basic Package
for GRID Agencies

Motorola Premier One
Costs and 10 year Warranty

Year 7	Year 8	Year 9	Year 10
0.00	0.00	0.00	0.00
10,385.00	10,960.00	11,567.00	12,207.00
2,723.00	2,873.00	3,033.00	3,200.00
986.00	1,041.00	1,098.00	1,159.00
735.00	735.00	735.00	735.00
7,620.00	7,620.00	7,620.00	7,620.00
37,952.00	37,952.00	37,952.00	37,952.00
986.00	1,041.00	1,098.00	1,159.00
0.00	0.00	0.00	0.00
156,182.00	164,839.00	173,971.00	183,605.00
217,569.00	227,061.00	237,074.00	247,637.00

--	--	--	--

	Sep-21	Sep-21	Dec-21	Mar-22
	With GSO	W/O GSO		
	By City	By City		
GRID Base Cost			5,395,860.00	4,722,695.00
TCPD Base Cost	431,404.00	439,169.00	439,169.00	371,838.00

RESOLUTION NO. 2022-082

A RESOLUTION APPROVING THE YEAR ONE PAYMENT TO MOTOROLA SOLUTIONS PREMIER ONE SYSTEM FOR THE TEXAS CITY POLICE DEPARTMENT'S RECORD MANAGEMENT AND DISPATCH SERVICES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, The Texas City Police Department is a member of the Gulf Coast Regional Information and Dispatch (GRID) Consortium. As a member, the Texas City Police Department will incur costs associated with a ten-year plan provided by Motorola Solutions to provide records management and dispatch services under their Premier One service. Texas City's share of the total cost of the ten-year plan will be \$2,657,566.00; the first-year fee for the Texas City Police Department is \$701, 865.00. The remainder is to be paid over the next nine years as prescribed in the attachments.

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 Texas City Police Department to make a payment of \$701, 865.00 to Motorola Solutions Galveston Premier One service.

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

PASSED AND ADOPTED this 7th day of September 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**(10) (e)****Meeting Date:** 09/07/2022

update to the Land Use Assumptions, Capital Improvements Plan & Impact Fees for Water & Sewer Utilities.

Submitted For: Kim Golden, Transportation and Planning**Submitted By:** Veronica Carreon, Transportation and Planning**Department:** Transportation and Planning

Information**ACTION REQUEST**

Consider and take action regarding the update to the Land Use Assumptions, Capital Improvements Plan and Impact Fees for Water & Sewer Utilities.

BACKGROUND (Brief Summary)

A general overview of the entire Capital Recovery Plan with specific detailed information about the Land-Use Assumptions (anticipated growth), and the Capital Improvements Plan (facilities needed to serve growth) including existing facilities with reserve or excess capacity available to serve growth.

RECOMMENDATION

On Monday, August 15, 2022, the Citizen Advisory Committee voted unanimously to recommend to the City Commission adoption of the Land-Use Assumptions, Capital Improvements Plan, and water and wastewater impact fees as presented by ARKK Engineering.

Fiscal Impact**Attachments**

Signed & Sealed Impact Fee Report
attachment
Resolution
Report



City of Texas City

UPDATE FOR: **LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN**

For

DEVELOPMENT IMPACT FEE ASSESSMENTS

August 8, 2022



Prepared by:



7322 Southwest Freeway, Suite 1040
Houston, TX 77074
Phone: 713-400-2755 | Fax: 713-400-2754
TX PE FIRM NO. 13872

1 EXECUTIVE SUMMARY

ARKK Engineers LLC has been contracted by the City of Texas City to prepare an update to the City's Capital Recovery Fee study, which was most recently updated in 2017. The study was conducted in compliance with the State of Texas Local Government Code, Title 12, Planning and Development, Subtitle C, Chapter 395, "Financing Capital Improvements in Municipalities, Counties, and Certain Other Local Governments", herein referred to as "Chapter 395". Under Chapter 395 requirements, the City is required to adopt an ordinance, order, or resolution approving land use assumptions and capital improvements plan ("CIP") prior to considering adoption of a Capital Recovery Fee, also referred to herein as an "impact fee."

The objectives of this study are to:

- a) Estimate the probable growth of the City; both in terms of population increases and geographical location.
- b) Estimate the capital improvement costs that will be needed to provide water and wastewater utility service to this growth through the 10-year development horizon;
- c) Calculate the maximum allowable impact fees that may be assessed to new development to defray the cost of the required water and wastewater improvements needed to support the development.

The updated study was developed as follows:

- Water and Wastewater Capital Improvements – Projected water and wastewater capital improvement plan components were updated. The cost estimates for each of the Capital Improvement Plan element were updated based on 2021-2022 construction and engineering costs (See Attachments).
- Calculation of Maximum Capital Recovery Fee - The maximum capital recovery fee was determined based on the updated study items such as land use, projected population, projected land use, the capital recovery plan, and the updated cost estimates. Maximum Capital Recovery Fees were calculated for both Zone 1 and Zone 2. The limits of each zone are shown on **Figure 1**. The Maximum Capital Recovery Fee is calculated on the basis of one (1) equivalent single family Unit ("ESFC" in this study), which is equal to one (1) equivalent service connection.

The maximum impact fee determination was made using the Chapter 395 prescription for use of funds collected. Existing qualifying capital improvements and future facilities that will be required by new development for the study period were identified and tabulated. The estimated construction costs for qualifying capital improvements include basic construction items plus appurtenances, as well as allowances for engineering design, construction management, borrowing costs, and contingencies.

TABLE 1 - PROPOSED CAPITAL RECOVERY FEES

ZONE #		2022 Update	
		Current Fee	Max Fee
1	Water	\$700	\$1,034
	Wastewater	\$860	\$1,437
		\$1,560	\$2,471
2	Water	\$2,500	\$2,858
	Wastewater	\$2,700	\$3,919
		\$5,200	\$6,777

MULTIPLYING FACTORS

Single Family Dwelling	= 1.0 ESFC (Single Family Equivalent Unit)
Apartment Complex	= 0.8 ESFC per living unit when units are billed by the City individually (no master meter). When a master meter is used, refer to table below.
Mobile Home	= 1.0 ESFC per unit or room

Commercial, Retail, Institutional, Light Industrial, Hotel, and all other non-residential development:

Water and Wastewater Fee:

<u>Meter Size:</u>	<u>Factor</u>	<u>Zone 1</u>	<u>Zone 2</u>
5/8" - 3/4"	1.00 ESFC's	\$2,435	\$6,675
1"	1.67 ESFC's	\$4,058	\$11,125
1.5"	3.33 ESFC's	\$8,117	\$22,250
2"	5.33 ESFC's	\$12,987	\$35,600
3"	10.67 ESFC's	\$25,973	\$71,200
4"	16.67 ESFC's	\$40,583	\$111,250
6"	33.33 ESFC's	\$81,167	\$222,500
8"	53.33 ESFC's	\$129,867	\$356,000
10"	76.67 ESFC's	\$186,683	\$511,750
12"	176.67 ESFC's	\$430,183	\$1,179,250

Note 1: When separate dedicated fire system meters and systems are installed, the fire system meters are not charged a separate capital recovery fee.

Note 2: When building fire flow systems are combined with other building water systems, the City Engineer shall determine the equivalency factor based on the meter size that would be required without the fire protection component of the flow.

2. SERVICE AREA

For the City of Texas City, the current corporate boundaries are used as the service area for derivation of maximum capital recovery fees.

3. LAND USE ASSUMPTIONS

Service sub-areas were developed by ARKK Engineers for each Zone. The projection of growth within each sub-service area was defined on the basis of equivalent single family dwelling unit water Connections ("ESFC "). An ESFC is defined as a single-family residential service connection with a 5/8-inch water meter; a single-family residence is assumed to have 3.0 people per unit, in accordance with historical U.S. Census data for the City of Texas City. Historical water usage in the city was utilized to determine the ESFC. Projected future development densities were estimated by ARKK Engineers, based on factors such as floodplain limits, costal flood zones, wetland zones, detention requirements, and other related factors.

Table 2 on the following page presents a tabulation of the existing developed properties within Zone 2.

TABLE 2 - TABULATION OF EXISTING WATER SERVICE CONNECTIONS IN IMPACT FEE ZONE 2

SINGLE FAMILY RESIDENTIAL

By Service Area:

Subdivision/Area Name	Connections	Lago Mar	Bucee's	Tanger	LS 29	Rainsong	Marlow	South Point	Del Papa	Far Northeast	48 Inch Gravity
Lago Mar As of Jan 2022	1803	1803									
Rainsong	244					244					
Park Place / I-45	265				265						
Lone Trail	205				205						
Paseo Lobo	27				27						
South Point	368							368			
Lakes of Marlow	174						174				
Pearlbrook	397										397
Twelve Oaks	119										119
Amburn Park	83										83
TOTAL SF RESIDENTIAL:	3,685	1,803	0	0	497	244	174	368	0	0	599

MULTI FAMILY RESIDENTIAL

By Service Area:

Name	Equiv Connections	Lago Mar	Bucee's	Tanger	LS 29	Rainsong	Marlow	South Point	Del Papa	Far Northeast	48 Inch Gravity
Boterra Apartments 348 units	166	166									
Hunterra Apartments 148 Units	70		70								
Catalon Apartments Phase 1 400 Units	190		190								
Catalon Apartments Phase 2 170 Units	81		81								
Smart Living Apartments 234 Units	114				114						
Windsor Apartments 400 Units	190				190						
Elmcroft Senior Living est 40 ESF's	40										40
Gatsby Condos Est 70 Units	33										33
Retreat at Texas City 250 Units	119										119
TOTAL MULTIFAMILY:	1,003	166	341	0	304	0	0	0	0	0	192

COMMERCIAL TRACTS

By Service Area:

Name	Equiv. Connections	Lago Mar	Bucee's	Tanger	LS 29	Rainsong	Marlow	South Point	Del Papa	Far Northeast	48 Inch Gravity
Lago Mar Pool Facility	50	50									
Bucee's Gas Station	295		295								
Springfield Marriott Hotel 103 Rooms	78		78								
Bank	1		1								
Tanger Outlet Mall	140			140							
I-45 Auto Dealerships	20				20						
Woodspring Suites Hotel 124 Rooms	94				94						
Funeral Home	2				2						
Home2 Suites Hotel 90 Rooms	68				68						
La Quinta Inn Hotel 86 Rooms	65				65						
Holiday Inn Hotel 70 Rooms	53				53						
Quality Inn Hotel 63 Rooms	48				48						
Starbucks via Pvt Force Main EF Lowery	5				5						
Chinese Buffet Restaurant	10				10						
Comfort Inn Hotel Est. 63 Rooms	49				49						
Best Western Hotel 53 Rooms	36				36						
Misc. Small Commercial Buildings FM 2004	5				5						
Jack in the Box FM 2004	5				5						
Bank FM 2004	1				1						
Mall of the Mainland (see breakdown)	126				126						
Beyond Burger	10				10						
Olive Garden	10				10						
Gringos	10				10						
Gas Station Century at Lowery	1				1						
Farmers Copper	5				5						
GCAD Offices	20				20						
Strip Center EF Lowery / Century	17				17						
Popeyes Century / EF Lowery	5				5						
Chamber of Commerce Century / EF Lowery	1				1						
Discount Tire Century / FM 2004	1				1						
Office Depot Century / FM 2004	1				1						
Storage EF Lowery / 12 Oaks	1										1
Wellness Center EF Lowery / 12 Oaks	1										1
Strip Center EF Lowery / Twelve Oaks	3										3
Dialysis Clinic EF Lowery / 12 Oaks	2										2
Linns Donut Shop	3										3
Moody Bank	1										1
Insurance Office	2										2
City Engineering / Pub Works Offices	3										3
Dentist / Amburn Park	1										1
Dr Office Amburn Park	1										1
Neighborhood Pool	1										1
Del Papa Distributor	50								50		
UTMB Urgent Care Center	10								10		
DISD Middle School	25									25	
TOTAL COMMERCIAL:	1,336	50	374	140	668	0	0	0	60	25	19

SUBTOTAL BY SERVICE AREA:

2,019 715 140 1,469 244 174 368 60 25 810

TOTAL ALL:

6,024

Page 4 of 12

4. POPULATION PROJECTIONS

For future development in the City, it is assumed that each single family unit will have 3.0 residents on average. This is typical of the existing developed areas of the City. The following is a summary of the population projections for the City of Texas City:

Table 2 - Population Projections

	Sq. Miles	Year End 2021 Population Estimate	Estimated 10 Year Population	Estimated Full Build Out Population
Zone 1	26.88	37,784	39,673	45,704
Zone 2	44.13	12,189	31,546	62,351
TOTAL:	71.01	49,973	71,219	108,055

Detailed development projection tables are presented in the Appendix section of this report.

5. WATER DEMANDS

Water demand projections are derived directly from the land use projections in terms of ESFC 's. Based on recent historical usage by the residents of Texas City, one ESFC is equivalent to:

- 0.6 gallons per minute total water supply requirement per ESFC (TCEQ Rules);
- 329 gallons per day (actual 2020) of peak month surface water (purchased water supply) per ESFC; For planning, 400 gallons per day per ESFC is allocated.
- 219 gallons per day of average daily water use per ESFC was used in 2020.

Table 3 below shows the water demands experienced in the City in 2020.

TABLE 3 - City Water Use Data and Connection Types

	# of Meters	Annual Water Use (Gal)	Daily Use Per Meter (Gal)	Conversion to ESFC (gal/day)	Equivalent Connections
Meter Count					
Residential, Single Family	15,668	820,031,000	2,246,660		15,668
Residential, Multi-Family	148	237,369,000	650,326	400	1,626
Institutional	195	148,075,000	405,685	400	1,014
Commercial	951	196,306,000	537,825	400	1,345
Industrial	55	317,223,000	869,104	400	2,173
Agricultural	35	1,089,000	2,984	400	7
Unmetered	1	58,500,000	160,274	400	401
Total =	17,053	1,778,593,000	4,872,857		22,233

Average Daily Water Use: 4,872,857 Gallons per Day
 Average Daily Water Use: 219 Gal per Day per ESFC
 Peak Month: 219,520,000 Gallons, all of July 2020
 Peak Month Usage in Gallons Per Day: 7,317,333 Gallons per Day, July 2020
 Peak Month Usage in Gallons Per Day per ESFC: 329 Gallons per Day per ESFC

TCEQ Requirements:	<i>Based on</i>	22,233 Equivalent Water Service Connections
Water Supply (Surface + Wells):		13340 GPM
Booster Pumps:		13340 GPM
Total Storage:		4,446,699 Gallons
Elevated Storage:		2,223,349 Gallons

In the 10-year planning period, it is projected that the City will add 726 connections in Zone 1 and 7,445 new connections in Zone 2, for a total of 8,171 new equivalent connections. This will bring the total number of connections to be served to 30,404 connections.

10 Year Plan Needs:	
Water Supply (Surface + Wells):	18243 GPM
Booster Pumps:	18243 GPM
Total Storage:	6,080,899 Gallons
Elevated Storage:	3,040,449 Gallons

Table 4 on the following page presents a summary of existing water supply facilities and proposed water supply needs.

TABLE 4 - WATER SUPPLY AND STORAGE CAPACITY SUMMARY:

Number of Water Service Connections in Ten Years:	30,404 Connections
---	--------------------

Part 1: Water Supply (Wells and Surface Water)

Surface Water Contract in Place (2022):	7,990 Gallons per Minute
Surface Water Supply Recommended for 2032 (0.25 gpm/Connection):	7,601 Gallons per Minute
<i>*0.25 gpm/connection provides for peak month Average Use</i>	
Well Water Supplies in Place (2022):	7,545 Gallons per Minute
Surface Water Supply Recommended for 2032 (0.35 gpm/Connection):	10,642 Gallons per Minute
RESULT: Will need to Add Well Capacity of a Minimum of:	3,097 Gallons per Minute
Estimated Number of New Wells Needed:	3 New Wells 2 - Lago Mar 1 - North Dickinson

Part 2: Water Supply Booster Pumps

Booster Pump Facilities in Place (2022):	14,537 Gallons per Minute
Booster Pump Capacity Recommended for 2032 (0.6 gpm/Connection):	18,243 Gallons per Minute
RESULT: Will need to Add Booster Pump Capacity of a Minimum of:	3,706 Gallons per Minute
Estimated Pump Stations Needed @ 3,000 gpm per Station:	1 New Station (Lago Mar) 1 Improvement (North Dickinson Bayou)

Part 3 - Elevated and Pressurized Storage

Elevated Water Facilities in Place (2022)*:	2,850,000 Gallons Elevated Storage
<i>*Figure Does not Include the New Lago Mar Tank</i>	
Elevated Tank Capacity Recommended for 2032 (100 gal/Connection):	3,040,449 Gallons Elevated Storage
RESULT: Will need to Add Elevated Tank Capacity of a Minimum of:	190,449 Gallons
- Proposed 1 MG EST at Lago Mar	1,000,000 Gallons
- Proposed hydrotank Improvements at North Dickinson Bayou:	20,000 Gallons

Part 4 - Total Water Storage

Total Water Storage Facilities in Place (2022):	7,097,000 Gallons Total Storage
Total Water Storage Recommended for 2032 (200 gpm/Connection):	6,080,899 Gallons Total Storage
RESULT: Recommended Ground Tank Additions as Follows:	
- Proposed 1 MG GST at Lago Mar	1,000,000 Gallons
- Proposed Ground Tank Improvements at North Dickinson Bayou	500,000 Gallons

6. WASTEWATER FLOWS

Wastewater Treatment:

The average annual daily flow per ESFC is estimated to be 225 gallons per day. The existing wastewater treatment plant is permitted for an average daily flow of 12.400 million gallons per day. For the existing 22,233 connections in the City, the average daily wastewater flows are approximately 5.0 million gallons per day. Therefore, the full capacity of the wastewater treatment plant is 40% utilized.

The City's permit requires that when the wastewater treatment plant flow reaches 90% of capacity, construction on a plant expansion must commence. Thus, the estimated number of remaining connections in the plant is:

90% of plant capacity = 11.16 million gallons per day

One ESFC uses: 225 gallons per day

Remaining Capacity:

[90% Capacity minus Used Capacity] =

[11.16 MGD – 5.0 MGD] = 6.16 MGD

Remaining connections before a plant expansion begins construction is:

(6.16 million gallons per day capacity* / 225 gallons per day per ESFC) = 23,377
new connections available in the wastewater treatment plant

(8,171 new connections are projected in the 10-year planning period)

Lift Stations and Trunk Main:

Table 5 on the following page presents a summary of the recommended lift station, force main, and trunk main capacities and improvements. As part of this study, areas of growth were identified, and a plan was developed to extend wastewater service to each of the 10-year development areas. Provisions in the plan were also made to account for needed capacity in the wastewater collection system for the 10-30 year period.

TABLE 5 - CAPACITY SUMMARY - LIFT STATIONS AND TRUNK MAINS

		Projected Required Firm Capacity - 10 Year Plan (GPM)	Projected Required Firm Capacity - Ultimate	Proposed Force Main Length - 10 Year Plan (FEET)	Proposed Force Main Length - Ultimate (FEET)	Design Velocity (FPS)	Target Size (INCHES)	Plan Year
LIFT STATIONS								
EXISTING LIFT STATIONS	Lago Mar Lift Station	3,733	3,733	20,609	(See 10 Year)	3.5	24	0 - 10
	Bucee's Lift Station	497	497	(Exist 8")	(Exist)	n/a	(Use Exist)	11 - 30
	Tanger Lift Station	104	104	(Exist 6")	(Exist)	n/a	(Use Exist)	n/a
	Lift Station 29	2,141	3,058	(Exist 12")	8,700	3.5	16	11 - 30
	Rainsong Lift Station	286	286	(Exist 8")	(Exist)	n/a	(Use Exist)	n/a
	Marlow Lift Station	224	231	(Exist)	(Exist)	n/a	(Use Exist)	n/a
	South Point Lift Station	230	390	(Exist 8")	(Exist)	n/a	(Use Exist)	n/a
	Far Northeast Lift Station	751	1,763	(Exist 16")	(Exist)	n/a	(Use Exist)	n/a
	Attwater Lift Station	1,400	2,308	(Exist 12")	(Exist)	n/a	(Use Exist)	n/a
	Lift Station 10	17,779	25,515	(Exist 36")	19,350	3.5	Parallel 36	0 - 10
								0 - 10 (Developer)
FUTURE LIFT STATIONS	Lago Clara Lift Station	699	699	3,590	(See 10 Year)	3.5	10	11 - 30
	MIG Development Lift Station	0	881	n/a	4,690	3.5	10	0 - 10 (Developer)
	MHI Lift Station	774	2,224	18,730	(See 10 Year)	3.5	16	11 - 30
	Holland Rd Lift Station	170	453	7,035	(See 10 Year)	3.5	8	0 - 10 (Developer)
	FM 2004 N. Canal Lift Station	0	168	n/a	11,290	3.5	6	11 - 30
	25th Ave LS 1 Lift Station	0	536	n/a	2,394	4	8	11 - 30
	25th Ave LS 2 Lift Station	0	349	n/a	2,755	4	8	11 - 30
	25th Ave LS 3 Lift Station	0	571	n/a	2,944	4	8	11 - 30
	Far NE Phase 2 Lift Station	0	2,406	n/a	Use Exist 16"	n/a	(Use Exist)	n/a
	Attwater Preserve Lift Station	0	908	n/a	10,650	3.5	10	11 - 30
	South Moses Lift Station	0	82	n/a	2,900	4	4	11 - 30
	San Leon Waterfront Lift Station	0	153	n/a	11,150	3.5	4	11 - 30
TRUNK MAINS								
EXISTING	48" Trunk Main Segment 1 - Amburn to Interurban	9,949	12,134	(Exist 48")	(Exist)	n/a	(Use Exist)	n/a
	48" Trunk Main Segment 2 - Interurban to Highway 3	12,723	16,358	(Exist 48")	(Exist)	n/a	(Use Exist)	n/a
	48" Trunk Main Segment 3 - Highway 3 to Attwater Inflow	13,474	18,764	(Exist 48")	(Exist)	n/a	(Use Exist)	n/a
	48" Trunk Main Segment 4 - Attwater Inflow to LS 10	14,874	22,610	(Exist 48")	(Exist)	n/a	(Use Exist)	n/a
FUTURE	FM 517 TRUNK MAIN - WEST	736	839	3,200	(See 10 Year)	2.3	12	0 - 10
	FM 517 TRUNK MAIN - EAST	0	153	n/a	1800	2.3	8	11 - 30
	FM 517 TRUNK MAIN - CENTRAL	0	948	n/a	1830	2.3	12	11 - 30

7. PROPOSED FACILITIES

Utility demands for the service area were projected using the assumptions for development density and population projections. The demand per acre for each land use was applied to the projected land uses to determine water service demands. In order to deliver treated water and to treat and transport wastewater, several facilities and utility improvements have been planned. Each proposed improvement has been assigned a timetable and assigned cost estimate. Water system improvements are summarized on **Table 6 – Water Capital Recovery Fee Calculations**. **Figure 2** presents a map showing the general location of each planned Water capital improvement associated with this study update.

Wastewater system improvements are summarized on **Table 7 – Wastewater Capital Recovery Fee Calculations**. **Figure 3** presents a map showing the general location of each planned Wastewater capital improvement associated with this study update.

Changes from Previous Plan - Water

- a) In Zone 2, water infrastructure planning has been updated to reflect current conditions and needs. The changes are related to water distribution in the far west end of the City, including the Lago Mar development and surrounds. Updates are also made in the North Dickinson Service Area.

Changes from Previous Plan - Wastewater

The following changes have been made to the Wastewater Capital Facilities Plan since the last Plan Update.

- a) In Zone 2, wastewater collection system infrastructure planning has been updated to reflect current conditions and needs. The changes are related to the Lift Station 29 service area and the Lago Mar development in the far west side of the City
- b) In Zone 2, in the North Dickinson Bayou area, updates are made to the wastewater collection system capital improvement planning
- c) Lift Station No. 10 serves both Zone 1 and Zone 2. Current capacity of 14,300 gpm is not sufficient for the projected increase in flow within the next 10 years. A project to replace the four (4) 150 HP pumps with four (4) 215 HP pumps is included in the 10-year CIP at an estimated cost of \$1.5 million

TABLE 6 - WATER CAPITAL RECOVERY FEE CALCULATIONS

PART 1: Water Distribution System		Estimated Construction Cost	Estimated Professional Services	Interest on Principal (1.5% Rate, 20 Year Term)	Total
1	West Side Water Well No. 2 @ Lago Mar (Serves 2850 Connections)	\$ 2,500,000	\$ 375,000	\$ 454,563	\$ 3,329,563
2	West Side Water Well No. 3 @ Lago Mar (Serves 2850 Connections)	\$ 2,500,000	\$ 375,000	\$ 454,563	\$ 3,329,563
3	West Side Ground Storage Tank @ Lago Mar (Serves 10,000 Connections)	\$ 1,500,000	\$ 165,000	\$ 263,251	\$ 1,928,251
4	West Side Booster Pump Station @ Lago Mar (Serves 10,000 Connections)	\$ 1,000,000	\$ 150,000	\$ 181,825	\$ 1,331,825
5	Northeast Service Area Water Plant Phase 2 - 500,000 Gal GST, Hydrotanks, Booster Improvements	\$ 1,275,000	\$ 158,650	\$ 226,673	\$ 1,660,323
6	Northeast Service Area Water Well No. 1 (Serves 2850 Connections)	\$ 2,500,000	\$ 375,000	\$ 454,563	\$ 3,329,563
TOTAL 10 YEAR CAPITAL IMPROVEMENT PLAN - WATER DISTRIBUTION:					\$ 14,909,088
NUMBER OF PROJECTED 10 YEAR CONNECTIONS:					8171
COST PER CONNECTION - WATER DISTRIBUTION (Zone 2):					\$ 1,825

PART 2: Surface Water Supply

Current Contracted Surface Water Supply Daily Flow From GCWA (MGD):	11.505
Existing Annual Average Daily Flow Average:	5.500
Existing Estimated Max Monthly Flow	8.000
Remaining Capacity (MGD)	3.505
Existing Equivalent Water Connections Currently Serviced (Based on 400 gal/day/connection):	20,000
Existing Summer Month Gallons per Connection (Gallons per Day per Connection):	400
Projected Additional Capacity Available @400 gal/day per connection (New Connections):	8,763
Cost of Remaining Water Treatment Capacity*:	\$ 9,058,322
<i>*Basis = COTC 2016 purchase of 1.09 MGD surface water capacity from NRG/GCWA contract of \$2.5844 per gallon</i>	
Subtotal Cost per Connection of Surface Water Treatment Capacity (Zone 1 & Zone 2):	\$ 1,034

MAXIMUM WATER CAPITAL RECOVERY FEE - ZONE 1:	\$ 1,034
MAXIMUM WATER CAPITAL RECOVERY FEE - ZONE 2:	\$ 2,858

TABLE 7 - WASTEWATER CAPITAL RECOVERY FEE CALCULATIONS

PART 1: Wastewater Collection System (Zone 2)		Estimated Construction Cost	Estimated Professional Services	Interest on Principal (1.5% Rate, 20 Year Term)	Total
1	Lago Mar Force Main Phase 1	\$ 3,282,000	\$ 492,300	\$ 596,751	\$ 4,371,051
2	Lago Mar Force Main Phase 2	\$ 2,440,500	\$ 366,080	\$ 443,746	\$ 3,250,326
3	MHI Development Regional Lift Station 2,200 gpm	\$ 1,400,000	\$ 210,000	\$ 254,555	\$ 1,864,555
4	MHI Development Regional Force Main	\$ 3,918,250	\$ 587,740	\$ 712,437	\$ 5,218,427
5	Northeast Service Area Regional Lift Station 1,800 gpm	\$ 1,400,000	\$ 210,000	\$ 254,555	\$ 1,864,555
6	FM517 Wastewater Utility Extension to South Lake (Gravity Main and Force Force Main)	\$ 1,327,500	\$ 199,130	\$ 241,374	\$ 1,768,004
7	Lift Station 10 Pump Capacity Upgrades	\$ 1,500,000	\$ 180,000	\$ 265,623	\$ 1,945,623
TOTAL 10 YEAR CAPITAL IMPROVEMENT PLAN - WASTEWATER COLLECTION:					\$ 20,282,541
NUMBER OF PROJECTED 10 YEAR CONNECTIONS (ZONE 2):					8171
COST PER CONNECTION - Wastewater Collection (Zone 2):					\$ 2,482
PART 2: Wastewater Treatment Capacity					
	Current Annual Average Daily Flow (MGD):				5.000
	Plant Average Daily Flow Capacity (MGD):				12.400
	90% of Plant Average Daily Flow Capacity (MGD):				11.160
	Remaining Capacity before 90% Capacity is Reached (MGD)				6.160
	Wastewater Connections Currently Served:				22,222
	Existing Average Daily WW flow per Connection (Gallons per Day per Connection):				225
	Projected Additional Capacity Available @225 gal/day per connection (New Connections):				28,651
	Value of Remaining Unused Wastewater Treatment Capacity:				\$ 49,280,000
	<i>Basis = Plant Expansion Est. Cost of \$8.00 per gallon daily treatment capacity</i>				
	Subtotal Cost per Connection of Unused Wastewater Treatment Capacity (Zone 1 & Zone2):				\$ 1,720.00
	Cost Per Connection with 50% Reduction for Ad Valorem Tax Credit (Zone 1 & Zone 2):				\$ 860.00
PART 3: 36" Force Main Serving LS 10 (Zone 1+2)		Estimated Construction Cost	Estimated Professional Services	Interest on Principal (1.5% Rate, 20 Year Term)	Total
8	Lift Station 10 Force Main Improvements (36")	\$ 9,868,500	\$ 1,480,280	\$ 1,794,344	\$ 13,143,124
	Number of New Tract Development Connections (30 year) to Be Served by 36" Force Main				19,293
	Number of Infill Development (30 year) to Be Served by 36" Force Main				3,500
	Subtotal Cost per Connection of 36" Force Main Serving Lift Station 10: (Zone 1 & Zone2):				\$ 576.63
MAXIMUM WASTEWATER CAPITAL RECOVERY FEE - ZONE 1:					\$ 1,437
MAXIMUM WASTEWATER CAPITAL RECOVERY FEE - ZONE 2:					\$ 3,919

City of Texas City, Texas
Capital Recovery
Fee Zones

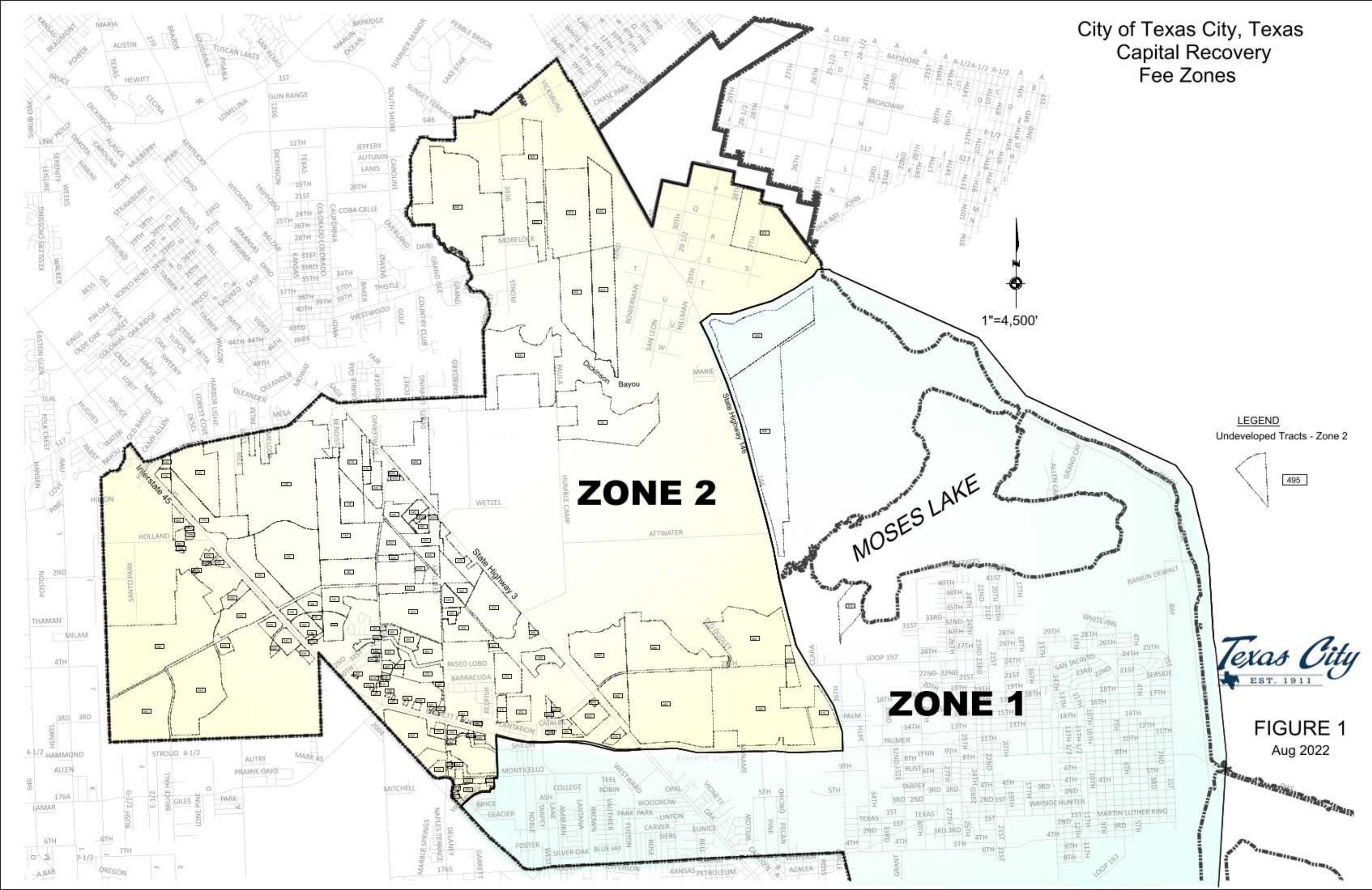


FIGURE 1
Aug 2022

**City of Texas City, Texas
Proposed Water
Capital Facilities**

LEGEND

- Existing Surface Water Supply Line
- Existing Water Distribution Main
- Existing Water Plant
- Existing Water Storage/Pump Station

Items Included in Capital Recovery Plan

- Existing Water Supply Line, Included in CRP
- Future Surface Water Supply Line - 10 Year Plan
- Future Water Main - 10 Year Plan
- Future Water Storage/Pump Station (WSP)
- Future or Exist. Elevated Storage Tank (EST)
- Future or Exist. Water Well
- GCWA Water Supply

1"=4,500'

FIGURE 2
Aug 2022

-  Existing Surface Water Supply Line
-  Existing Water Distribution Main
-  Existing Water Plant
-  Existing Water Storage/Pump Station

	Existing Water Supply Line, Included in CRP
	Future Surface Water Supply Line - 10 Year Plan
	Future Water Main - 10 Year Plan
	Future Water Storage/Pump Station (WSP)
	Future or Exist. Elevated Storage Tank (EST)
	Future or Exist. Water Well
	GCWA Water Supply

1"=4,500'

ZONE 2

ZONE

Texas City
EST. 1911

FIGURE 2
Aug 2022

City of Texas City, Texas Proposed Sanitary Sewer Capital Facilities

LEGEND

▲ Existing Lift Station (ELS)

— Existing Sanitary Sewer

--- Existing Force Main

Items Included in Capital Recovery Plan

— Existing Sanitary Sewer

--- Existing Force Main

▲ Future Lift Station (LS) and Upgraded LS

— Future Sanitary Sewer

--- Future Force Main

■ Wastewater Treatment Plant

Non-Impact Fee Funded Items (Developer Items)

▲ Future Lift Station by Developer
— Future Force Main by Developer

1"=4,500'

ZONE 2

ZONE 1

Texas City
EST. 1911

FIGURE 3
Aug 2022

**City of Texas City
Engineering & Planning**

Memo

To: Mayor Johnson & City Commission
From: Citizen Advisory Committee
cc: Doug Kneupper, P.E., Consulting Engineer
Date: August 30, 2022
Re: Capital Recovery Plan – 2022 Update

On August 15, 2022, the Citizen Advisory Committee for the Capital Recovery Plan met in a scheduled meeting to review and consider amendments to the Land-Use Assumptions, Capital Improvement Plan, and Impact Fees associated with the Capital Recovery Program. The Advisory Committee is established to advise and assist the City Commission in adopting Land-Use Assumptions, reviewing the Capital Improvements Plan and establishing an Impact Fee.

Engineering & Planning Department staff along with an engineering consultant, David Kasper, P.E. with ARKK Engineers, provided the Committee with information regarding an update to the Capital Recovery Plan and Impact Fees for water and wastewater. The report and presentation provided a general overview of the entire Capital Recovery Plan with specific detailed information about the Land-Use Assumptions (anticipated growth), and the Capital Improvements Plan (facilities needed to serve growth) including existing facilities with reserve or excess capacity available to serve growth.

The Citizens Advisory Committee requested information regarding the application of the impact fees in Zone 1 which encompasses most of the area of Texas City subject to infill development. Concerns were expressed about the impact fees chilling infill development. It was explained that impact fees would not be collected for the redevelopment of existing structures. Rather, the impact fees are collected only for developments which are increasing the number of connections to the existing water and sewer systems by increasing the number of buildable lots. For instance, the impact fees will apply to new subdivisions such as Heron's Landing and Benson Trails Subdivision (f/k/a Moses Lake Tract). The impact fees will not apply to the rebuilding of houses upon lots where structures have been demolished and removed either voluntarily or through the enforcement actions of Neighborhood Improvement Services.

The Committee also requested information regarding comparison of the recommended impact fees to the fees being collected in neighboring jurisdictions. The Committee was provided the information attached to this memo. The recommended impact fees will remain in essentially the same ranking order with neighboring jurisdictions.

The Committee was advised that copies of the update report had been provided to development partners, to the members of the TCEDC board, to the members of the LMDA TIRZ board, and to consultants and engineers who work frequently with developments in Texas City. The report has also been advertised and made available for public viewing on the City's website, at the Moore Memorial Library, and at City Hall.

After City staff's presentation and the Committee's discussion of the Capital Recovery Plan Update, the Citizen Advisory Committee voted unanimously to recommend to the City Commission adoption of the Land-Use Assumptions, Capital Improvements Plan, and water and wastewater impact fees as presented.

 8/31/22
Planning Board Chair, Dickey Campbell

 8/31/22
Zoning Commission Chair, Perry O'Brien

Attached: Comparison of Local Area Impact Fees – 8.15.2022

Comparison of Local Area Impact Fees – 8.15.2022

2017 – Highest to lowest

Before update:

League City \$5,634
 Pearland \$4,875
 Galveston \$4,820
 Baytown \$3,524
 Manville \$3,000
 Friendswood \$2,928
Texas City \$2,800
 Alvin \$2,500

After update:

League City \$5,634
Texas City – Zone 2 \$5,200
 Pearland \$4,875
 Galveston \$4,820
 Baytown \$3,524
 Manville \$3,000
 Friendswood \$2,928
 Alvin \$2,500
Texas City – Zone 1 \$1,560

2022 – Highest to lowest

Before update:

Manvel \$9,548
 League City \$7,668
 Pearland \$6,477
Texas City – Zone 2 \$5,200
 Alvin \$4,350
 Friendswood \$4,240
 Baytown \$3,524
 Galveston \$3,483
Texas City – Zone 1 \$1,560

After update:

Manvel \$9,548
 League City \$7,668
Texas City – Zone 2 \$6,675
 Pearland \$6,477
 Alvin \$4,350
 Friendswood \$4,240
 Baytown \$3,524
 Galveston \$3,483
Texas City – Zone 1 \$2,434

RESOLUTION NO. 2022-085

A RESOLUTION APPROVING AN UPDATE TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND IMPACT FEES FOR WATER AND SEWER; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION

WHEREAS, the City assess impact fees for water and sewer in certain undeveloped areas; and,
WHEREAS, the Texas Local Government Code provides guidelines for implementing an Impact Fee program which the City of Texas City refers to as the Capital Recovery Plan; and

WHEREAS, one of the requirements is a periodic review and update of the land-use assumptions, and capital improvement plan that lead to an impact fee; and

WHEREAS, there was no testimony that caused changes to be made to the document at the City Commission public hearing held on September 7, 2022; and,

WHEREAS, the final step is formal adoption of the Capital Recovery Plan Update.

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 update to the land-use assumptions, capital improvements plan, and impact fees for water and sewer.

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

PASSED AND ADOPTED this 7th day of September 2022.

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

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh

Kyle L. Dickson

City Secretary

City Attorney



DEVELOPMENT IMPACT FEE ASSESSMENTS

Year 2022 Update

August 15, 2022

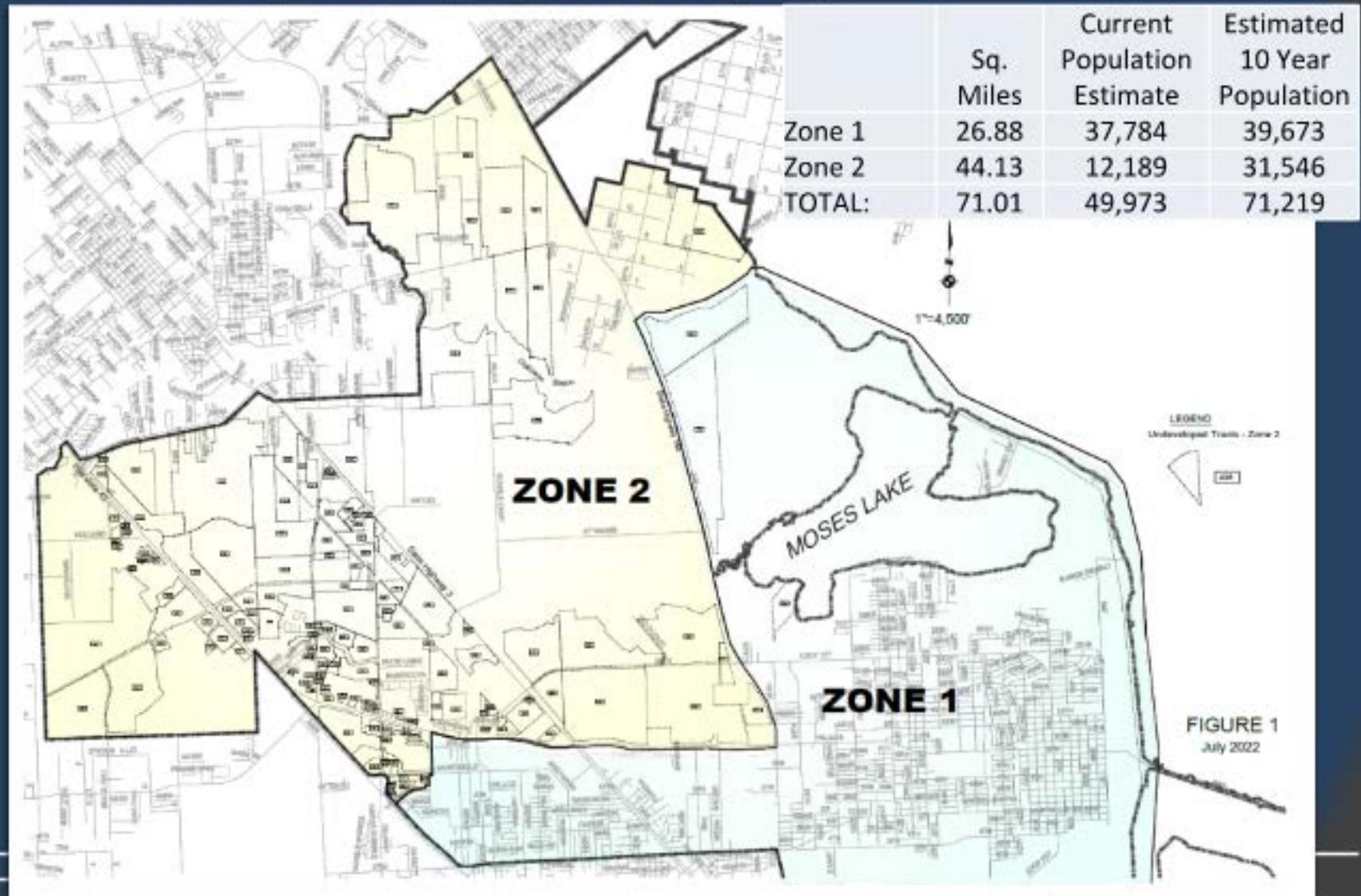


Impact Fees

- New Connections to the City's water and wastewater system are assessed a connection fee
- The purpose of the fee is allow the City to recapture the cost of providing water and wastewater service.
- The process is performed in accordance with Texas State Law (Texas Local Government Code Title 12 Chapter 395)
- Must be updated at least every 5 years
- Last update was in Year 2017

Proposed Changes to the Current Plan

A. Updated population projections



Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

- Water System
- Wastewater System

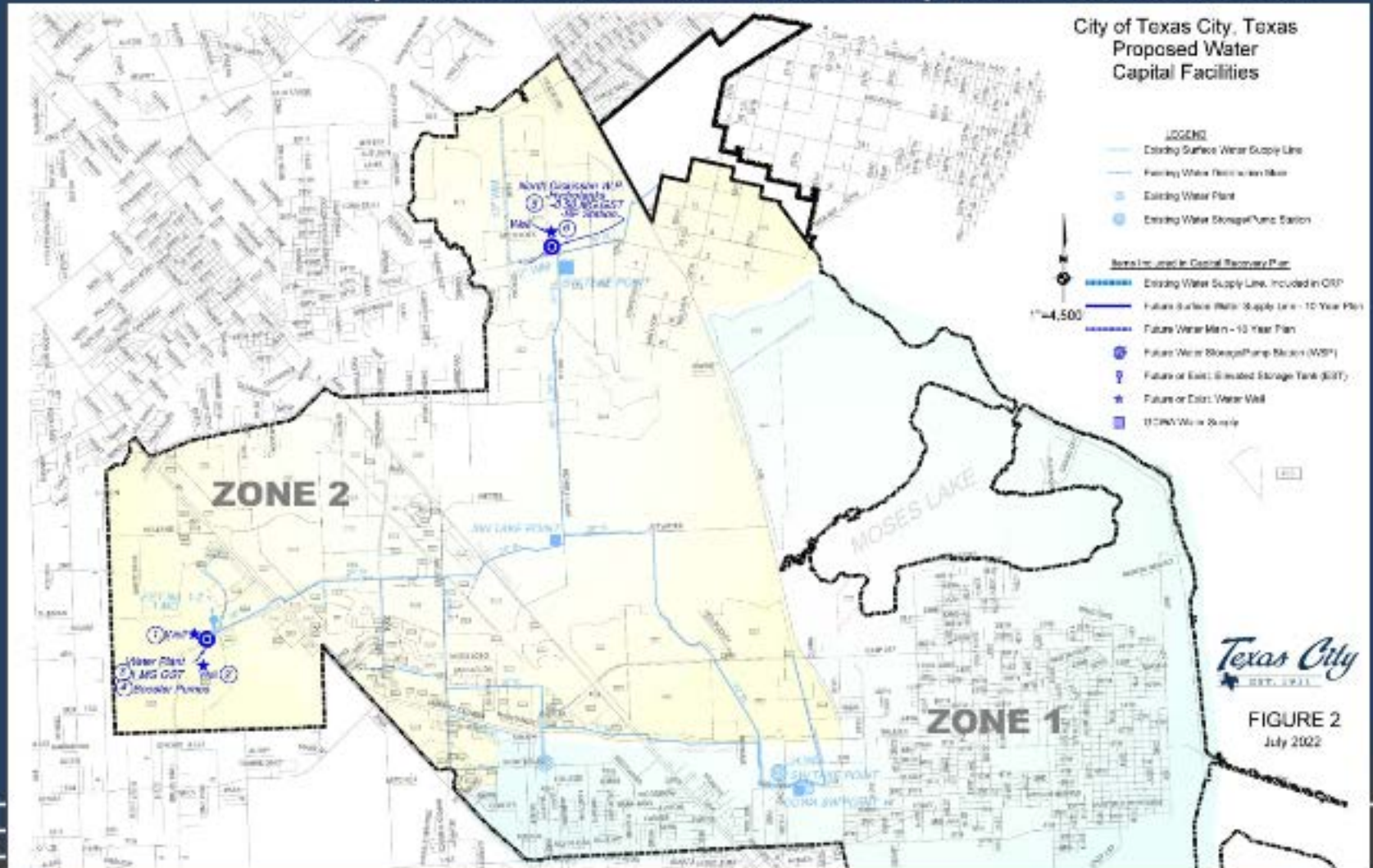
- 2017 Plan: Water System 30 Year Plan



Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

— Proposed 2022 Plan: Water System 10 Year Plan



Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

— 2017 Plan: Wastewater System 30 Year Plan

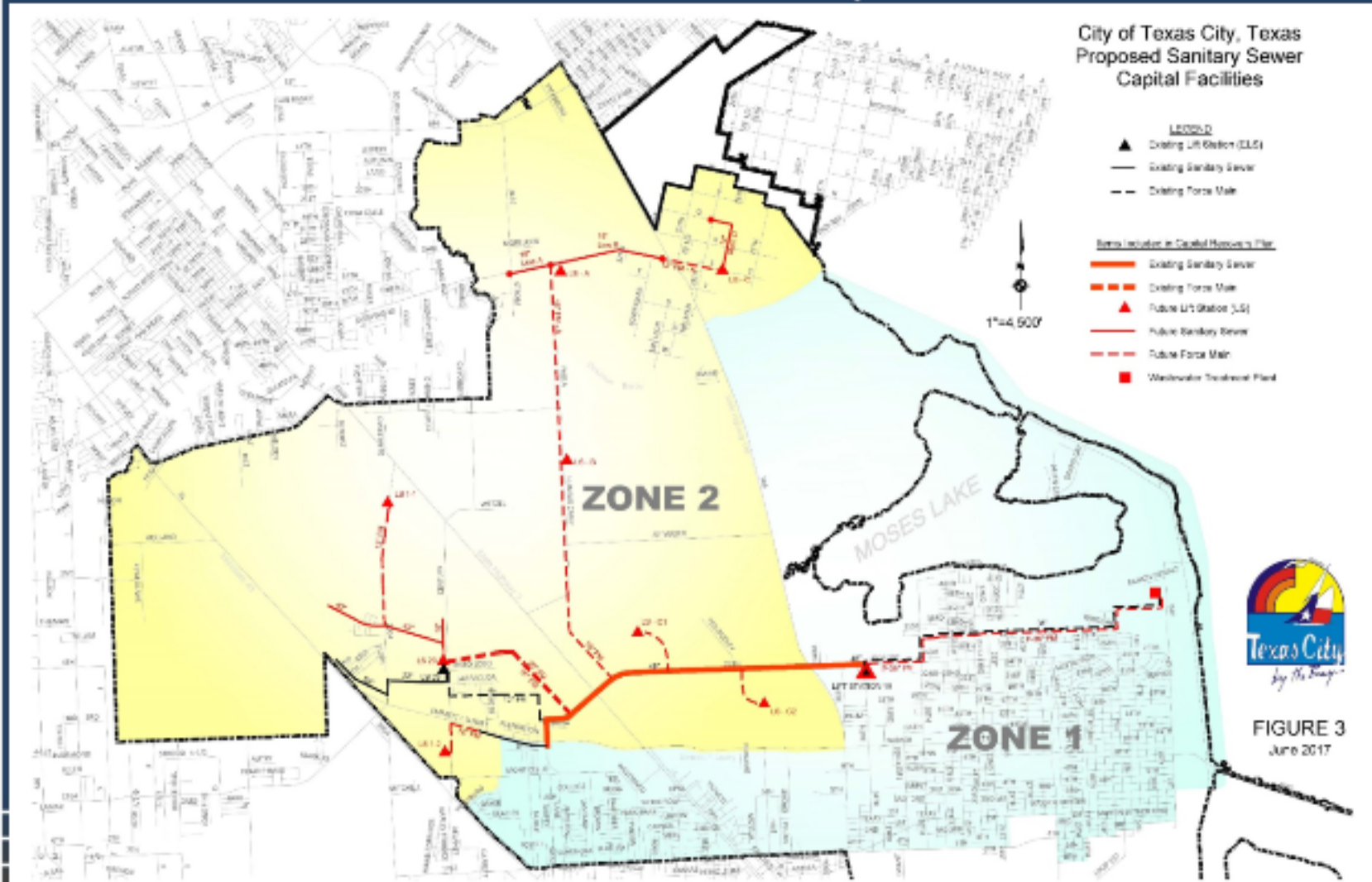
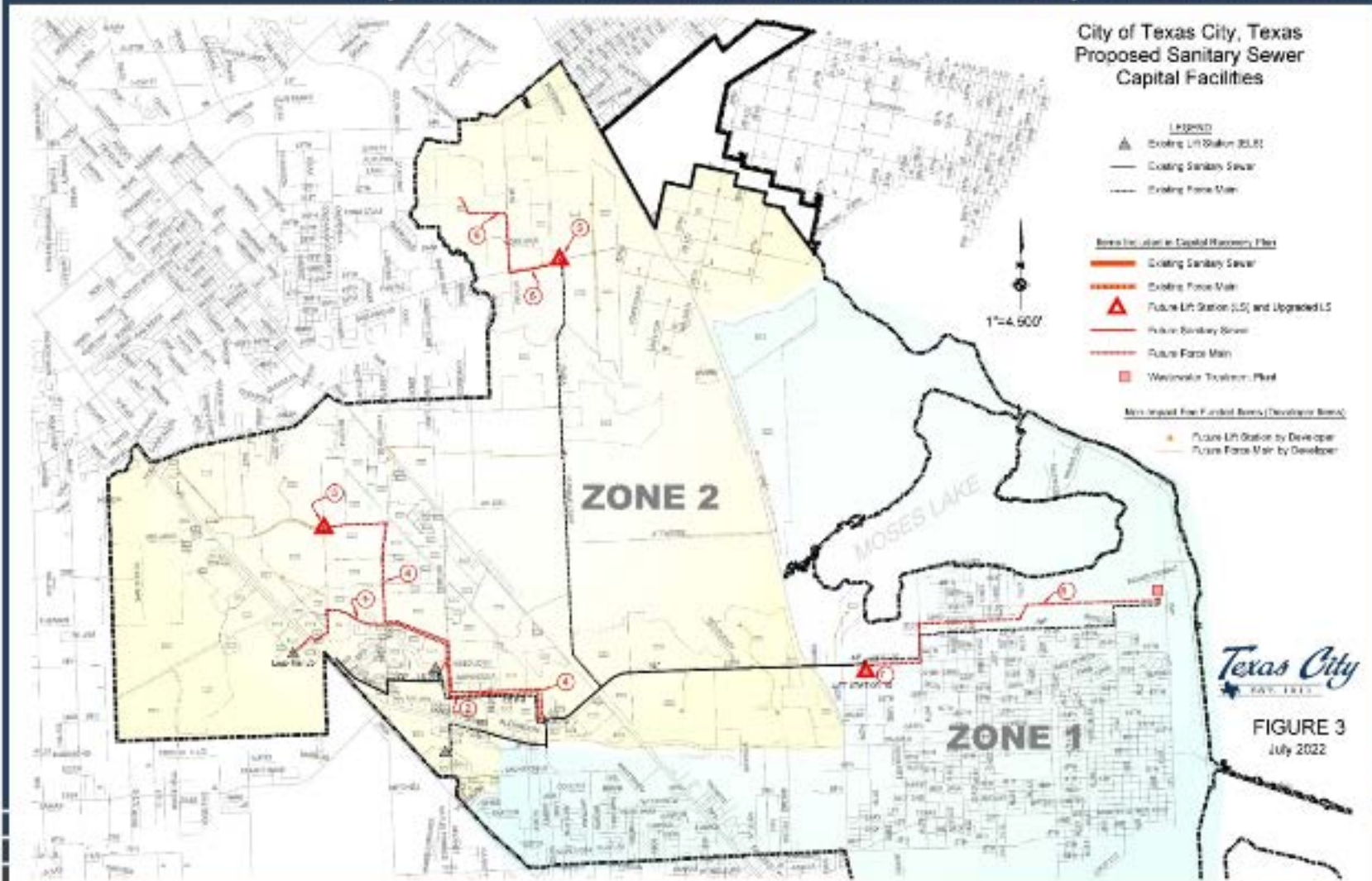


FIGURE 3
June 2017

Proposed Changes to the Current Plan

B. Updated Capital Improvement Plan

— Proposed 2022 Plan: Wastewater System 10 Yr. Plan



Proposed Changes to the Current Plan

C. Updated all Construction Cost Estimates for Water and Wastewater Capital Improvements

Changes Include:

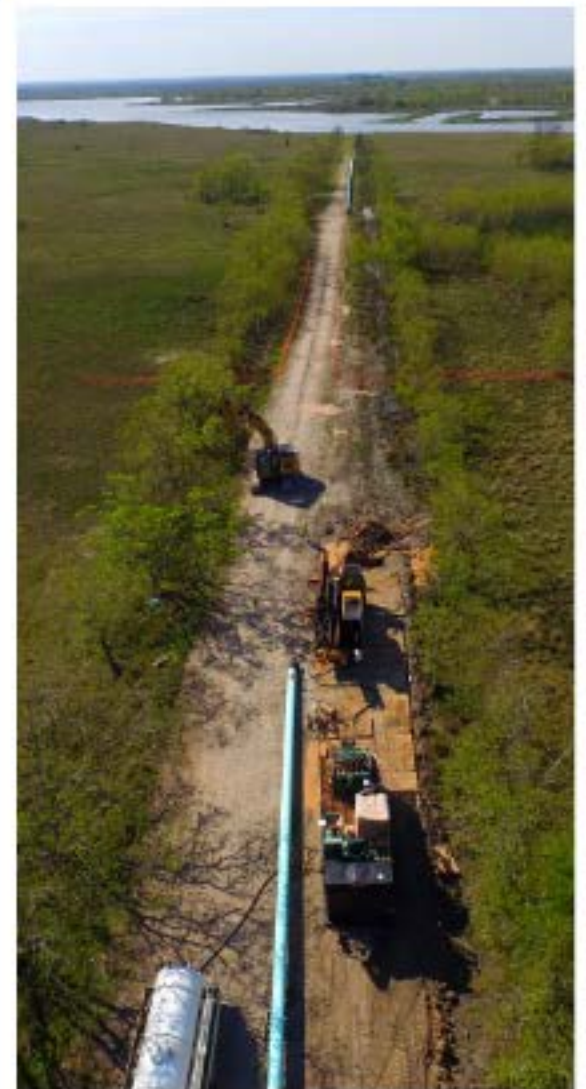
- Updating Cost Estimates to reflect improvements that were funded and constructed in the previous period
- Focus on 10-year water and wastewater needs in calculating the Capital Recovery Fees



Lago Mar Elevated Tank (2021-2022)



Lift Station 29 (2019)



Northeast Force Main (2018)

Proposed Changes to the Current Plan

- D. Calculated the Maximum Impact Fees that could be charged per Connection and recommended a Proposed Impact Fee

ZONE #		Current Fee	2022 Update Max Fee	Proposed Fee
1	Water	\$700	\$1,034	\$1,000
	Wastewater	\$860	\$1,437	\$1,435
		\$1,560	\$2,471	\$2,435
2	Water	\$2,500	\$2,858	\$2,800
	Wastewater	\$2,700	\$3,919	\$3,875
		\$5,200	\$6,777	\$6,675

Proposed Changes to the Current Plan

E. Updated Fee Tables for all Meter Sizes

— Proposed Fee Table:

<u>Meter Size:</u>	<u>Factor</u>	<u>Water and Wastewater Fee:</u>	
		<u>Zone 1</u>	<u>Zone 2</u>
5/8" - 3/4"	1.00 ESFC's	\$2,435	\$6,675
1"	1.67 ESFC's	\$4,058	\$11,125
1.5"	3.33 ESFC's	\$8,117	\$22,250
2"	5.33 ESFC's	\$12,987	\$35,600
3"	10.67 ESFC's	\$25,973	\$71,200
4"	16.67 ESFC's	\$40,583	\$111,250
6"	33.33 ESFC's	\$81,167	\$222,500
8"	53.33 ESFC's	\$129,867	\$356,000
10"	76.67 ESFC's	\$186,683	\$511,750
12"	176.67 ESFC's	\$430,183	\$1,179,250

QUESTIONS AND ANSWERS