

CITY OF TEXAS CITY
SPECIAL CALLED CITY COMMISSION MEETING

AGENDA

THURSDAY, MAY 21, 2026 - 5:00 P.M.

DOYLE CONVENTION CENTER
2010 5th Avenue North
Texas City, TX 77590

PLEASE NOTE: Public comments are limited to posted agenda items only and 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) PUBLIC COMMENTS
- (5) REGULAR ITEMS
 - (a) Consider and take action on Ordinance 2026-16, a request from Red Egret, LLC to rezone 38.653 acres of property located at P6911 Attwater Avenue, Texas City, TX from District "H" (Heavy Industrial) to District "S-P" (Site Plan) for development and operation of a Battery Energy Storage Systems (BESS).
- (6) COMMISSIONERS' COMMENTS
- (7) MAYOR'S COMMENTS
- (8) 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 INTERIM CITY HALL, 2000 TEXAS AVENUE, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON MAY 15, 2026, PRIOR TO 5:00 P.M., AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 3 BUSINESS DAYS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

RHOMARI LEIGH
CITY SECRETARY

AI-8212

(5) (a)

CITY COMMISSION SPECIAL CALLED MTG

Meeting Date: 05/21/2026

Consider and take action on Ordinance 2026-13, a request from Red Egret, LLC to rezone 38.653 acres of property located at P6911 Attwater Avenue, Texas City, TX from District "H" (Heavy Industrial) to District "S-P" (Site Plan) for development and operation of a Battery Energy Storage Systems (BESS).

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 a request from Red Egret, LLC to rezone the 38.653 acre tract located at P6911 Attwater Avenue, Texas City, TX from District H (Heavy Industrial) to District S-P (Site Plan) for the constructing and operation of a Battery Energy Storage System.

BACKGROUND (Brief Summary)

On July 7, 2025 the Planning Board approved the proposed Site Plan for the zoning change request from District H Heavy Industrial to District "S-P"; and on July 15, 2025 after proper notice was given and a public hearing was held the Zoning Commission recommended Preliminary Zoning Approval to the City Commission. On August 6, 2025 after proper notice and public hearing was held the City Commission voted without opposition Preliminary Zoning Approval of the requested rezoning to District "S-P" (Site Plan) for the purpose of constructing and operating a battery energy storage system.

According to the Texas City Code of Ordinances Section 160.106 (D)(3), this preliminary approval will be converted into a final ordinance to change the zoning map once a building permit application is submitted for the requested uses. The application must be filed within 12 months from the date of the preliminary zoning approval.

Red Egret, LLC has not yet submitted a complete building application. The items which have not yet been submitted for the building permit include the analysis of the large scale burn test by a Texas licensed professional fire protectino engineer and certification of compliance with the design standard of 2024 NFPA 69 which applies to the design, installation, operation, maintenance and testing of BESS systems for the prevention of explosions by means of combustible concentration of gases among other factors.

RECOMMENDATION

This action is being presented without staff recommendation at the request of the Mayor.

Fiscal Impact

Funds Available Y/N: N

Amount Requested: 0

Source of Funds: N/A

Account #: N/A

Fiscal Impact:

None

Attachments

Vicinity map

CCG-Issue Report

staff report to Zoning Commission

Memo re submittals from 3rd party reviewer Code Concepts

Draft Ordinance

Ex A - Legal Description and Plat



**Red Egret
BESS**

**Engineering
& Planning**

City Hall

N

Google

Layers

Red Egret

Site Plan with Aerial



S Humbler Camp Rd

Attwater Ave

Attwater Ave

Attwater Ave

Carole You

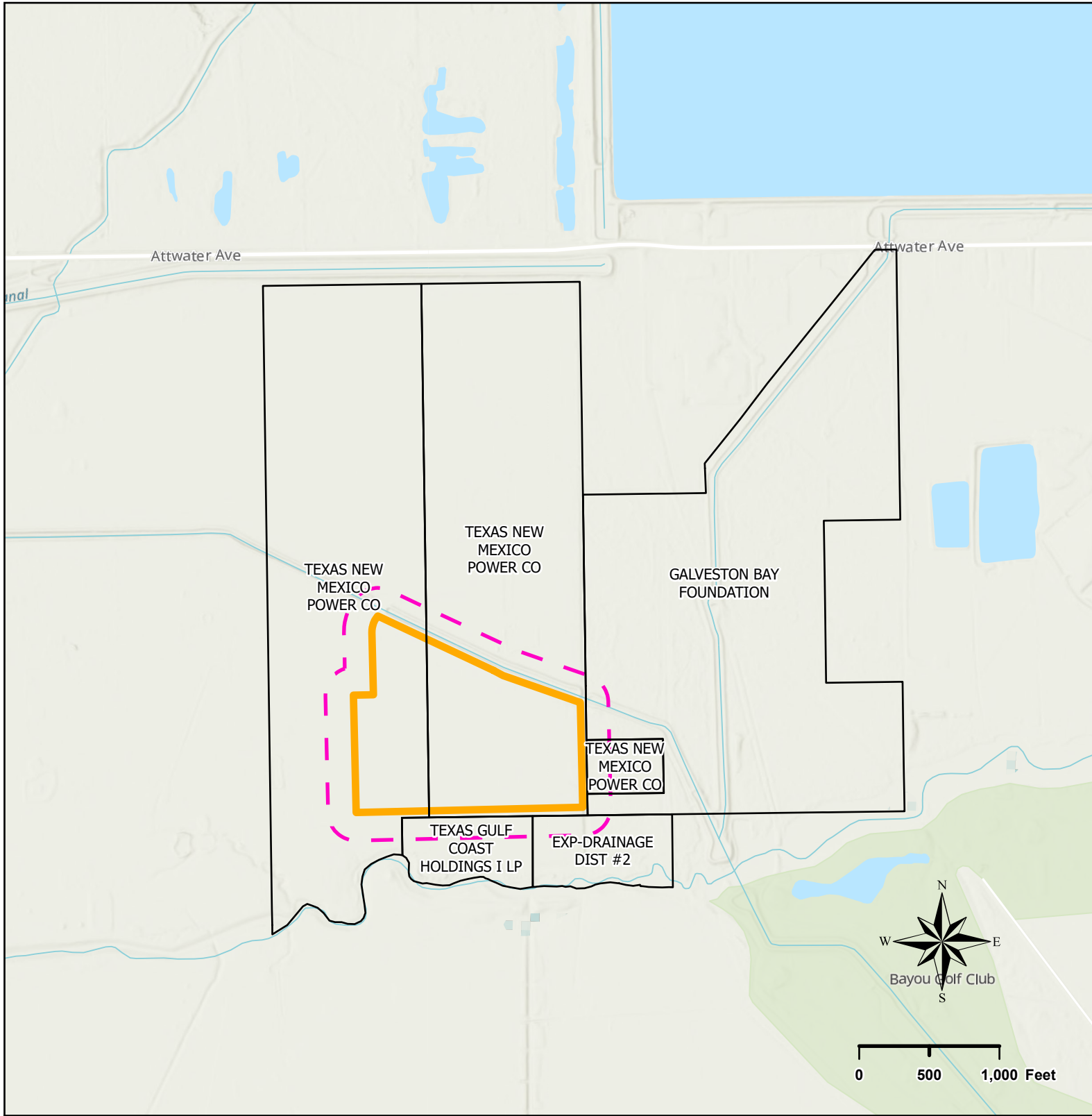
S Humbler Camp Rd

Google Earth




Image © 2025 Airbus



1000 ft



Legend

-  Proposed Boundary
-  200ft Buffer
-  Parcels



Date: 06/18/2025
 Copyright – Red Egret BESS, LLC



May 19, 2026

Kip Urps
Building Inspections
Assistant Building Official/Floodplain Manager
City of Texas City

Re: Status of Spearmint Red Egret Application

At the present the application has two core issues of incompleteion that prevents issuance of a building permit.

1. Large-scale Fire Test (LSFT) report/data and FPE supplemental report

The 2023 NFPA 855 requires a supplemental report to be submitted along with the complete large-scale fire test report and the supporting data for the large-scale fire test report. NFPA 855 then goes on to require the test report to be accompanied by a supplemental report to interpret the test data in relation to the installation. In NFPA 855 this report is clearly separate from the HMA, it is part of the large-scale fire test reports and serves a different purpose.

The HMA is required to address failure modes and how they were addressed, it can rely on the large-scale fire test report and the supplemental FPE report, but they serve two different purposes.

2023 NFPA 855

4.4 Hazard Mitigation Analysis (HMA).

4.4.1*

A hazard mitigation analysis shall be provided to the AHJ for review and approval where any of the following conditions are present:

- (1) Technologies not specifically addressed in Table 1.3 are provided
- (2) More than one ESS technology is provided in a single fire area where adverse interaction between the technologies is possible
- (3) Where allowed as a basis for increasing maximum stored energy as specified in 9.4.1.1 and 9.4.1.2
- (4) Where required by the AHJ to address a potential hazard with an ESS installation that is not addressed by existing requirements
- (5) Where required for existing lithium-ion ESS systems that are not UL 9540 listed in accordance with 9.2.2.1
- (6) Where required for outdoor lithium-ion battery ESS systems in accordance with 9.5.2.1

4.4.2 Failure Modes.

4.4.2.1*

The hazard mitigation analysis shall evaluate the consequences of the following failure modes and others deemed necessary by the AHJ:

- (1) A thermal runaway or mechanical failure condition in a single ESS unit
- (2) Failure of an energy storage management system or protection system that is not covered by the product listing failure modes and effects analysis (FMEA)
- (3) Failure of a required protection system including, but not limited to, ventilation (HVAC), exhaust ventilation, smoke detection, fire detection, fire suppression, or gas detection

After repeatedly insisting contrary to the 2024 IFC and the 2023 NFPA 855 that the large-scale fire test and the supplemental FPE report were not required, it was identified to the applicant that even the locally adopted ordinance required the large-scale fire test.

NFPA 855 is clear on what gets submitted as part of the large-scale fire test and report.

2025 NFPA 855

9.1.5 Fire and Explosion Testing.

9.1.5.2* Test Reports.

9.1.5.2.1

The complete test report and its supporting data shall be provided to the AHJ for review and approval.

9.1.5.2.2

The test report shall be accompanied by a supplemental report prepared by a registered design professional with expertise in fire protection engineering that provides interpretation of the test data in relation to the installation requirements for the ESS.

During the last videoconference with the applicant their position was they wanted to include the missing submittals in an updated HMA such as the separate FPE analysis of the Large-Scale Fire Test report and data required by the 2023 NFPA 855: Our response at that time was if that was their plan they needed to add quite a bit of detail to the HMA to meet the intent of NFPA 855.

Attached are two examples of FPE prepared supplemental reports for the large-scale fire test as examples of what detail is expected, the current applicant HMA on file does not meet this standard of care.

2. NFPA 69 Combustible Concentration Reduction system

The applicant included a TUV report as an appendix to the HMA with the assertion that the TUV report documented the code compliance of the planned NFPA 69 combustible concentration reduction system. This system is a core safety system should a thermal runaway event occur because the danger of a deflagration along with the hydrogen by volume possibility of a deflagration to detonation transformation.

Our initial review of the TUV report identified the following deficiencies:

Appendix D NFPA 69 Report: The document from TUV is not acceptable for the following reasons:

1. It was not prepared by or under seal and signature from the FPE of record for the project.
2. It does not comply with all requirements from NFPA 69. (Only refers to a single chapter)
3. It relies on the UL 9540A Module level test, a test that is inadequate for identifying potential severity of an event.
4. It models only 5 cells from a 26 cell submodule.
5. It incorrectly states that propagation does not occur module to module.

6. It doesn't provide any information on what CFD model was used.
7. It does not include any limitation information on the application of the CFD model.
8. CFD models assume box shapes, squares and rectangles. The inside of the BESS is more complicated with numerous channels for gas dispersion, the CFD submittal is required to explain how that issue is overcome.
9. For references the CSA Cell Level Report is referred to as well as the TUV Module and Unit Level Reports, however, as identified above, the TUV reports refer to a UL Cell Level Report.

Throughout the process the applicants team insisted there was nothing wrong with the TUV report, contrary to the identified deficiencies which includes not addressing requirements found in Chapters 4, 6 and 15 of NFPA 69.

Applicants position during the last videoconference was that the HMA would include the missing information, but they would still rely on the TUV report.

Coffman Engineering added a small amount of information to the HMA without including any of the missing CFD data. We informed them at the last videoconference that the HMA needed much more detail, for example, it was identified that TUV only provided minimal comments on Chapter 8 of NFPA 69, there are requirements in Chapters 4, 6, 8, and 15 that need to be specifically address. Coffman Engineering only addresses a total of 6 sections from those 4 chapters.

For example, NFPA 69 requires the following:

6.4 Plans.

6.4.1

Plans, system specifications, and manufacturer's recommendations for testing and maintenance shall contain information that enables the authority having jurisdiction to evaluate the explosion hazard and the effectiveness of the system.

We don't have plans specific to the NFPA 69 system and all the applicable NFPA 69 requirements, we have an invalid TUV report, we have minimal coverage in the HMA, we have the gas detectors tied in with the fire alarm plans, but none for the NFPA 69 system as a whole.

It was identified that the TUV did not include any information on the CFD modeling utilized, its parameters and how known limitations in the CFD model were addressed, a necessity for review. Coffman Engineering has not supplied that. The TUV Modeling for the NFPA 69 system indicates they simply did a volumetric model versus cubic feet per minute (CFM) exhaust fan amounts. Based on the images in the TUV report they assumed all products of thermal runaway off-gassing rise when the industry knows from testing and actual events that some off-gas products rise, some products sink and some off-gas products stratify.

That is severely insufficient, the internal movement of the off-gas products of thermal runaway to ensure the gas detector is located in a position for sensing the products at 10% LFL, a critical factor in design analysis. That hasn't been provided even though we identified to the applicant that the specification sheet for the Li-on Tamer gas detector to be utilized identifies that the detector must be located based upon downstream convective air streams. Since the BESS is liquid cooled, what is that air stream the gases are assumed to follow?

The modeling is supposed to show the exhaust air movement into the BESS and its path to the exhaust point to identify that all areas and spaces within the BESS are swept by the incoming area to avoid a combustible gas level of 25% LFL anywhere in the BESS. NFPA 855 addresses this.

2023 NFPA 855

9.6.5.6.8

Compartmentalization created by cold and hot aisle arrangements within the ESS enclosure shall be addressed in accordance with the following:

- (1) For NFPA 69 designs, the performance of ventilation systems shall be independently verified for a thermal runaway event in either aisle/subcompartment.
- (2) For NFPA 68 designs, the placement of explosion relief panels shall ensure that the explosion hazard is addressed for both hot and cold aisles/subcompartments.
- (3) The gas detection system shall be designed to activate on detection of flammable gas in either aisle/subcompartment.

And the design must address that the event cannot propagate through system interconnections. No information has been provided on this.

2023 NFPA 855
9.6.5.6.9

The protection design shall demonstrate that deflagrations are not propagated to interconnected or adjacent cabinets, enclosures, or rooms.

All missing details.

The applicant has suggested that Coffman Engineering simply use the TUV report as part of their submittal, the first problem with that is we have identified serious deficiencies with the TUV report that have not been acknowledged must less addressed. The second problem is that NFPA 69 is not a listing standard for an approved laboratory (NRTL) to test and list. NFPA 69 is a design standard.

As a design standard, not a listing standard, a Texas licensed registered design professional (FPE) must be responsible for preparing the submitted design of the NFPA 69 system, not a NRTL located in China.

2024 NFPA 69

1.1 Scope.

This standard applies to the design, installation, operation, maintenance, and testing of systems for the prevention of explosions by means of the following methods:

- ...
- (2) Control of combustible concentration
- ...

Two example CFD modeling reports produced by registered design professionals are attached.

Sincerely,



Robert J Davidson
Code Consultant
rjd@concepts.codes
Cell 732-489-0264

STAFF REPORT

TO: Zoning Commission – Regular meeting on July 15, 2025

FROM: Kim Golden, P.E., City Engineer 

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

DATE: July 9, 2025

RE: P6911 Attwater Ave - Red Egret Attwater BESS Project

Background: The applicant, Red Egret LLC, states an intent to build, own and operate a proposed BESS project at the subject location. The proposed project will encompass 38.653 acres of vacant property which is landlocked with no public access and no access to public water or sewer. The location is in an area south of the GCWA canal, north of Moses Bayou, east of South Humble Camp Rd., and west of property owned by the Galveston Bay Area Foundation. The applicant states the site is 2,000 feet from the nearest occupied structure. The property is currently zoned District “H” (Heavy Industrial). The applicant proposes to access the site through private easements.

The applicant has a lease and purchase agreement with TNMP with the intent to purchase the project site once the project begins commercial operations. The project proposes to develop 149 lithium-ion containers and 75 medium voltage transformer skids with room for additional future containers to maintain full project capacity of 300 MW, 600 MWh over the life of the project at the site. The applicant seeks to begin construction in 2025 with the project to be online and fully operational in 2026.

TNMP Freeway Substation – The applicant has an interconnect agreement in place with TNMP for the Freeway Substation located at 25th Ave N and SH 3. The Freeway Park substation was recently rebuilt by TNMP and functions to convert high-voltage electricity supplied to the substation by long-distance transmission lines to lower voltage which is then distributed from the substation to nearby homes and businesses. TNMP will connect to the BESS project through infrastructure upgrades within TNMP’s existing land rights.

Requested action: The applicant, Red Egret, LLC, requests a Zoning change of a 38.653-acre site from District “H” (Heavy Industrial) to District “S-P” (Site Plan) for development and operation of a battery electric storage system (BESS) utilizing lithium-ion battery technology.

TNMP, as the current owner of the property, is a co-applicant for the zoning change. The requested actions are cross conditioned upon approval of all pending applications.

Staff review:

ZONING CHANGE FROM DISTRICT “H” (HEAVY INDUSTRIAL) TO DISTRICT “S-P” (SITE PLAN): The application is being processed as a District “S-P” (Site Plan) rezoning consistent with Section 160.051(A)(1)(f) *provide for the development of specific uses which are not normally found in zoning districts*, and (h) *provide additional information and regulatory controls concerning the proposed use or uses for the protection of the public health, safety, morals and general welfare of the*

community. The District "S-P" process also provides *some limited flexibility from standard ordinance requirements as long as those deviations continue to meet the intent of the chapter.*

The District "S-P" rezoning is tied to a specific site plan as reviewed and recommended by the Planning Board to the Zoning Commission. Zoning Commission recommendation will then be presented to the City Commission for action regarding the requested zoning change.

The site is vacant and is currently zoned District "H" (Heavy Industrial). There are no developed industrial uses in the area. All adjacent properties are vacant, with the nearest development being the juvenile justice and state prison facilities located on Attwater Ave. and the low-density residential occupancies on large acreage lots along S. Humble Camp Rd. The Future Land Use Plan identifies the future development of the site as a Neighborhood Growth Area. The site is located within the Texas City hurricane levee which supports its future use for residential neighborhood development. The applicant acknowledges the BESS is an industrial use that fits within the District "H" (Heavy Industrial) zoning designation.

At its meeting on July 7, 2024 the Planning Board voted 4-0 to approve the proposed Site Plan for the referenced project and to recommend the zoning change upon the following conditions which are agreeable to the Applicant and will be memorialized in a Development Agreement:

- 1) Posting of financial security satisfactory to the City for the commissioning and decommissioning of the project.
- 2) Installation of three (3) 10,000-gallon water tanks on the site at locations approve by the Fire Marshal, to be replaced by connection to a public water source if and when such source becomes available to the site.
- 3) Landscaping improvements and requirements for platting and access to public utilities to be deferred until other development is approved within 500ft of the property, provided the existing suitable vegetation shall be retained and maintained to provide screening of the project until future installation of the required landscaping improvements.
- 4) Private access easements in form and content acceptable to the City to be allowed for 25ft paved access suitable for the ingress and egress of emergency response and public safety vehicles.
- 5) Security fencing and screening acceptable to the City to be installed around the project, the particulars to be determined and presented before presentation of the project to the Zoning Commission.
- 6) Posting of financial security for the maintenance of access during construction and direct payment for the repair and restoration satisfactory to the Director of Public Works of any damage caused by the project related construction traffic to public streets.

SECURITY WALL - One of the conditions of the Planning Board approval was the presentation of final specs for the installation of the masonry security wall. Applicant has indicated its intent to use pre-cast concrete panels for the masonry fence, which is an acceptable concept for Texas City. The specific plans and specifications will be reviewed and approved through the building permitting process.

The Staff Report to the Planning Board together with all exhibits and an excerpt from the draft minutes of the July 7, 2025 Planning Board meeting are attached to this staff report.

Analysis and Recommendation: The proposed project is the largest to be considered by the City of Texas City to date. It is also twice as large as the only facility the applicant, Spearmint Energy, is currently operating. The Applicant is a relatively new entity staffed with experienced personnel and contracting with industry leaders for engineering, procurement and construction and for operations and maintenance. The vetting and posting of confirmed financial security will be essential to assure the performance of represented capacities and commitments to protect Texas City and its citizens. For this reason, all conditions for approvals should be memorialized in a development agreement which attaches to the project and will be binding upon successors and assigns of the Applicant.

The project site is currently remote from any other development and is landlocked with no access to municipal water or sewer. But it is also located within and protected by the Texas City hurricane levee and is close in proximity to one of TNMP's largest and most updated substations in Texas City. Although not currently developed, the site is developable with its potential for development increasing as other areas of Texas City develop and build out.

The BESS technology is acknowledged as having benefits to system wide grid stability. Due to current conditions of the grid there is some acknowledged direct benefit to Texas City residents and industries by having the BESS projects located in Texas City. Policies and procedures to be implemented by the Building Officials and Fire Marshals through the permitting process will provide the flexibility to adapt to evolving technologies and assure the highest levels of protection and accountability for the citizens of Texas City.

Concerns with fire protection and response have been noted and addressed with provisions in the proposed site plan. Although the Fire Marshal has accommodated the installation of fire water tanks to provide for fire suppression, it is upon condition the project will connect to public water sources for fire protection when available to the area.

The lack of access to a public street is a concern which is being addressed with access easements through private property. Although this accommodation is not a best practice and should not prevail in other applications, it is compatible with the BESS project installations for two reasons. First, the BESS projects are perceived as temporary installations which will be removed at the end of the service life of the equipment and the site restored to pre-project conditions. In such case the expiration/release/cancellation of the easement is not an issue. Secondly, TNMP is the grantor of most of the easement and has a vested interest in the operation of the BESS projects. This alignment of interest assures the parties have motivation to work through any issues which may arise from the easement not being publicly dedicated permanent developments of any kind.

Concerns with land use regulations and impact on future development have been addressed with deferrals regarding landscaping, platting and access to public utilities upon conditions which may be triggered as development of the surrounding properties occurs. The installation of a masonry

screening wall for security and weather resilience should be maintained as the operative standard for a BESS project.

Anticipated damage to the public streets by construction related traffic and heavy loads is not a new or unique issue. The development agreement should make provision for the developer to bear the cost of keeping the public roads open and accessible during construction and to repair and restore the road to pre-construction conditions when the construction period is complete.

Subject to the conditions recommended by the Planning Board being memorialized in a development agreement and the construction of an acceptable masonry screening wall which may be comprised of pre-cast concrete panels, staff have no objection to the rezoning from District "H" (Heavy Industrial) to District "S-P" (Site Plan).

Outline of Issues May 14, 2025

During the last videoconference with the applicant their position was they wanted to include missing submittals, the separate FPE analysis of the Large-Scale Fire Test report and data required by the 2023 NFPA 855:

9.1.5.2* Test Reports.

9.1.5.2.1

The complete test report and its supporting data shall be provided to the AHJ for review and approval.

9.1.5.2.2

The test report shall be accompanied by a supplemental report prepared by a registered design professional with expertise in fire protection engineering that provides interpretation of the test data in relation to the installation requirements for the ESS.

And the design of the NFPA Combustible Concentration Reduction System into the HMA.

Our response was you can do that, but that requires extensive additions to the HMA. No further submittals occurred after that conversation.

Key issues:

The TUV NFPA 69 Report

NFPA 69 is a design standard, not a listing standard, a Texas licensed registered design professional (FPE) must be responsible for preparing the submitted design of the NFPA 69 system, not a NRTL located in China.

2024 NFPA 69

1.1 Scope.

This standard applies to the design, installation, operation, maintenance, and testing of systems for the prevention of explosions by means of the following methods:

- ...
- (2) Control of combustible concentration
- ...

These were our initial review comments on the TUV report:

Appendix D NFPA 69 Report: The document from TUV is not acceptable for the following reasons:

1. It was not prepared by or under seal and signature from the FPE of record for the project.
2. It does not comply with all requirements from NFPA 69. (Only refers to a single chapter)
3. It relies on the UL 9540A Module level test, a test that is inadequate for identifying potential severity of an event.
4. It models only 5 cells from a 26 cell submodule.
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8. CFD models assume box shapes, squares and rectangles. The inside of the BESS is more complicated with numerous channels for gas dispersion, the CFD submittal is required to explain how that issue is overcome.
9. For references the CSA Cell Level Report is referred to as well as the TUV Module and Unit Level Reports, however, as identified above, the TUV reports refer to a UL Cell Level Report.

Coffman Engineering added a small amount of information to the HMA, we informed them at the last videoconference that it needed much more, for example, it was identified that TUV only provided minimal comments on Chapter 8 of NFPA 69, there are requirements in Chapters 4, 6, 8, and 15 that need to be specifically address. Coffman Engineer only address a total of 6 sections from those 4 chapters.

For example, NFPA 69 requires the following:

6.4 Plans.

6.4.1

Plans, system specifications, and manufacturer's recommendations for testing and maintenance shall contain information that enables the authority having jurisdiction to evaluate the explosion hazard and the effectiveness of the system.

We don't have plans specific to the NFPA 69 system, we have an invalid TUV report, we have minimal coverage in the HMA, we have the gas detectors tied in with the fire alarm plans, but none for the NFPA 69 system as a whole.

It was identified that the TUV did not include any information on the CFD modeling, a necessity for review. Coffman Engineering has not supplied that.

Coffman Engineering did add some language addressing the Large-Scale Fire Test, but it is minimal.

NONE of the requested submissions is proprietary.



Robert J Davidson
Code Consultant
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ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE ZONING ORDINANCE, TO PERMANENTLY REZONE PROPERTY FOR RED EGRET, LLC FROM DISTRICT "H" HEAVY INDUSTRIAL TO DISTRICT "SP" SITE PLAN FOR A BATTERY ENERGY STORAGE SYSTEM (BESS) BEING 38.653 ACRES LOCATED AT P6911 ATTWATER AVENUE IN AN AREA SOUTH OF THE GCWA CANAL, NORTH OF MOSES BAYOU, EAST OF SOUTH HUMBLE CAMP RD., AND WEST OF PROPERTY OWNED BY THE GALVESTON BAY AREA FOUNDATION; ORDERING SAID CHANGES MADE ON THE CITY ZONING MAP; CONTAINING A SAVINGS CALUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Red Egret, LLC, on behalf of owner Texas-New Mexico Power Co., applied for a Zoning change of a 38.653-acre site from District “H” (Heavy Industrial) to District “S-P” (Site Plan) for development and operation of a battery electric storage system (BESS) utilizing lithium-ion battery technology;

WHEREAS, the Planning Board approved the proposed Site Plan for the zoning change request to District “S-P” on July 7, 2025; and

WHEREAS, proper notice was given and public hearing was held and the zoning change request was recommended for preliminary zoning approval by the Zoning Commission on July 15, 2025; and

WHEREAS, proper notice was given and public hearing was held and the zoning change request was given unanimous preliminary approval by the City Commission on August 6, 2025; and

WHEREAS, Red Egret, LLC has started but has not completed the building application for the requested uses required by Section 160.106(D)(3) of the Code of Ordinances for the preliminary zoning approval to be made permanent; and

WHEREAS, the items which have not yet been submitted for the building permit include the analysis of the large scale burn test by a Texas licensed professional fire protection engineer and compliance with the design standard of 2024 NFPA 69 which applies to the design, installation, operation, maintenance and testing of BESS systems for the prevention of explosions by means of control of combustible concentration of gases among other factors; and

WHEREAS, it is not the intent of the City Commission to waive these requirements which shall be satisfied prior to the issuance of a building permit; and

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

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

SECTION 1: That certain property described as being 38.653 acres located at P6911 Attwater Avenue in an area south of the GCWA canal, north of Moses Bayou, east of South Humble Camp Rd., and west of property owned by the Galveston Bay Area Foundation currently zoned as District “H” (Heavy Industrial), is hereby rezoned and classified as District “S-P” (Site Plan) to develop and operate a battery electric storage system (BESS) in accordance with the approved Site Plan.

SECTION 2: The certain property to be rezoned is more fully described in the legal description attached hereto as Exhibit A.

SECTION 3: The approved replat is attached hereto as Exhibit B.

SECTION 4: That the City Engineer shall designate said changes from District “H” (Heavy Industrial) to District “S-P” (Site Plan), 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 5: 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 6: That the Charter requirement for reading this Ordinance on three (3) separate days is hereby dispensed by a majority vote of the City Commission.

PASSED AND ADOPTED this 20TH day of May, 2026.

Abel Garza, Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

LEGAL DESCRIPTION

DESCRIPTION OF A 38.653 ACRE TRACT OF LAND SITUATED IN THE JOHN SELLERS SURVEY, ABSTRACT NUMBER 180, CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, SAID TRACT BEING PART OF THAT CERTAIN LOT 8 AND A PART OF THAT CERTAIN LOT 9 OF THE W.A. RIGHTER SUBDIVISION, RECORDED IN VOLUME 57, PAGE 588, GALVESTON COUNTY DEED RECORDS, SAID 38.653 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 4 INCH IRON PIPE FOUND AT AN INTERIOR ELL CORNER OF SAID LOT 8, AND BEING AT THE NORTHWEST CORNER OF THAT CERTAIN CALLED 7.38 ACRE TRACT OF LAND CONVEYED TO TEXAS GULF COAST HOLDINGS I LP RECORDED IN DOC. NO. 2004020691, GALVESTON COUNTY OFFICIAL PUBLIC RECORDS ,

THENCE NORTH 80 DEGREES 20 MINUTES 24 SECONDS WEST, OVER AND ACROSS SAID LOT 8, A DISTANCE OF 356.00 FEET TO THE SOUTHWEST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE OVER AND ACROSS SAID LOT 8 AND SAID LOT 9 FOR THE FOLLOWING COURSES AND DISTANCES:

NORTH 03 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 836.79 FEET TO A POINT;

NORTH 86 DEGREES 40 MINUTES 24 SECONDS EAST, A DISTANCE OF 142.12 FEET TO A POINT:

NORTH 03 DEGREES 19 MINUTES 35 SECONDS WEST, A DISTANCE OF 442.77 FEET TO A POINT AT THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 44 DEGREES 07 MINUTES 00 SECONDS, A RADIUS OF 167.96 FEET, AND AN ARC DISTANCE OF 129.33 FEET TO A POINT AT THE END OF SAID CURVE;

SOUTH 66 DEGREES 47 MINUTES 52 SECONDS EAST, A DISTANCE OF 911.81 FEET TO A POINT;

SOUTH 64 DEGREES 12 MINUTES 07 SECONDS EAST, A DISTANCE OF 77.49 FEET TO A POINT;

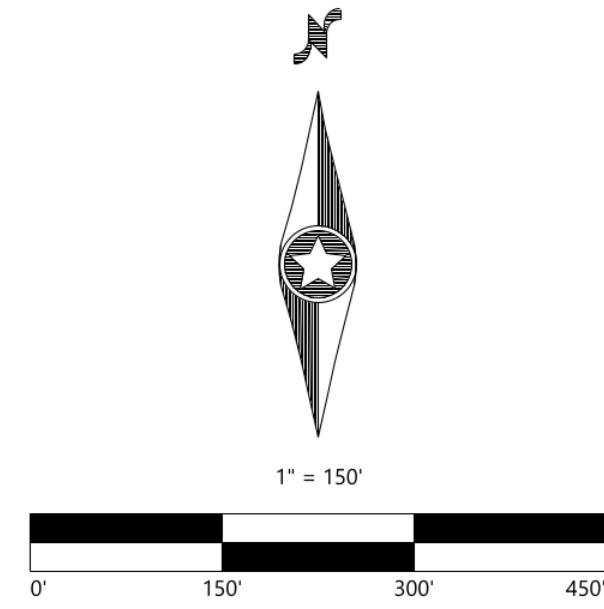
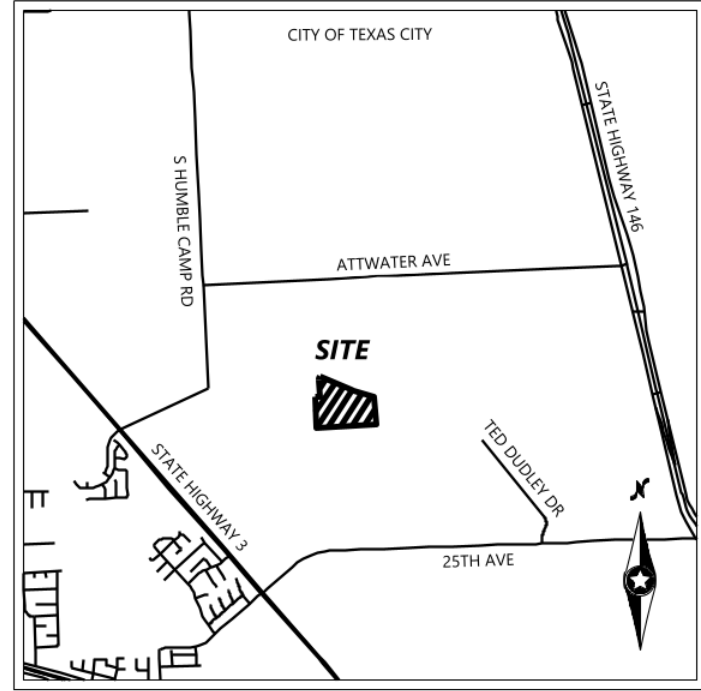
SOUTH 72 DEGREES 44 MINUTES 33 SECONDS EAST, A DISTANCE OF 583.17 FEET TO A POINT;

SOUTH 03 DEGREES 21 MINUTES 02 SECONDS EAST, A DISTANCE OF 747.55 FEET TO A POINT;

SOUTH 86 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 1616.59 TO THE POINT OF BEGINNING;

CONTAINING, 1,683,731 SQUARE FEET OR 38.653 ACRES OF LAND, MORE OR LESS.

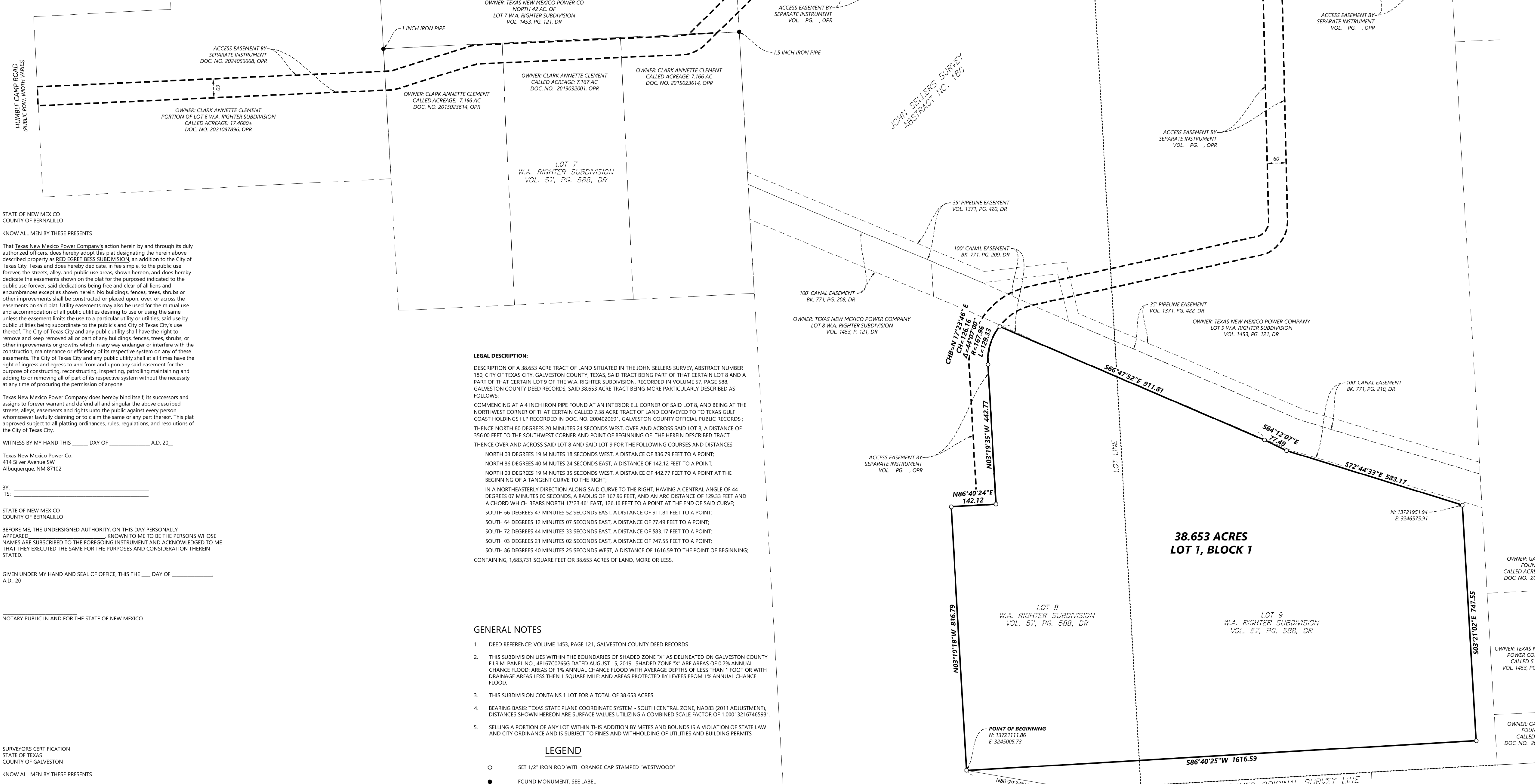
VICINITY MAP
(NOT TO SCALE)



FINAL PLAT
RED EGRET BESS SUBDIVISION

BEING A REPLAT OF A PORTION OF THE
W.A. RIGHTER SUBDIVISION
CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS

A 38.653 ACRE TRACT OF LAND SITUATED IN THE JOHN SELLERS SURVEY, ABSTRACT NUMBER 180, CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, SAID TRACT BEING PART OF THAT CERTAIN LOT 8 AND A PART OF THAT CERTAIN LOT 9, OF THE W.A. RIGHTER SUBDIVISION, RECORDED IN VOLUME 57, PAGE 588, GALVESTON COUNTY DEED RECORDS



STATE OF NEW MEXICO
COUNTY OF BERNALILLO

KNOW ALL MEN BY THESE PRESENTS

That Texas New Mexico Power Company's action herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as RED EGRET BESS SUBDIVISION, an addition to the City of Texas City, Texas and does hereby dedicate, in fee simple, to the public use forever, the streets, alley, and public use areas, shown hereon, and does hereby dedicate the easements shown on the plat for the purposes indicated to the public use forever, said dedications being free and clear of all liens and encumbrances except as shown herein. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over, or across the easements on said plat. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Texas City's use thereof. The City of Texas City and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of these easements. The City of Texas City and any public utility shall at all times have the right of ingress and egress to and from and upon any said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of part of its respective system without the necessity at any time of procuring the permission of anyone.

Texas New Mexico Power Company does hereby bind itself, its successors and assigns to forever warrant and defend all and singular the above described streets, alleys, easements and rights unto the public against every person whosever lawfully claiming or to claim the same or any part thereof. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Texas City.

WITNESS BY MY HAND THIS ____ DAY OF _____ A.D. 20__

Texas New Mexico Power Co.
414 Silver Avenue SW
Albuquerque, NM 87102

BY: _____
ITS: _____

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____ A.D., 20__

NOTARY PUBLIC IN AND FOR THE STATE OF NEW MEXICO

SURVEYORS CERTIFICATION
STATE OF TEXAS
COUNTY OF GALVESTON

KNOW ALL MEN BY THESE PRESENTS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

KEVIN N. LANE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 7058

LEGAL DESCRIPTION:

DESCRIPTION OF A 38.653 ACRE TRACT OF LAND SITUATED IN THE JOHN SELLERS SURVEY, ABSTRACT NUMBER 180, CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, SAID TRACT BEING PART OF THAT CERTAIN LOT 8 AND A PART OF THAT CERTAIN LOT 9 OF THE W.A. RIGHTER SUBDIVISION, RECORDED IN VOLUME 57, PAGE 588, GALVESTON COUNTY DEED RECORDS, SAID 38.653 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 44 DEGREES 07 MINUTES 00 SECONDS, A RADIUS OF 167.96 FEET, AND AN ARC DISTANCE OF 129.33 FEET AND A CHORD WHICH BEARS NORTH 17°23'46" EAST, 126.16 FEET TO A POINT AT THE END OF SAID CURVE;
SOUTH 66 DEGREES 47 MINUTES 52 SECONDS EAST, A DISTANCE OF 911.81 FEET TO A POINT;
SOUTH 64 DEGREES 12 MINUTES 07 SECONDS EAST, A DISTANCE OF 77.49 FEET TO A POINT;
SOUTH 72 DEGREES 44 MINUTES 33 SECONDS EAST, A DISTANCE OF 583.17 FEET TO A POINT;
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CONTAINING, 1,683,731 SQUARE FEET OR 38.653 ACRES OF LAND, MORE OR LESS.

GENERAL NOTES

- DEED REFERENCE: VOLUME 1453, PAGE 121, GALVESTON COUNTY DEED RECORDS
- THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF SHADED ZONE "X" AS DELINEATED ON GALVESTON COUNTY F.I.R.M. PANEL NO. 48167C0265G DATED AUGUST 15, 2019. SHADED ZONE "X" ARE AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THEN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
- THIS SUBDIVISION CONTAINS 1 LOT FOR A TOTAL OF 38.653 ACRES.
- BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM - SOUTH CENTRAL ZONE, NAD83 (2011 ADJUSTMENT), DISTANCES SHOWN HEREON ARE SURFACE VALUES UTILIZING A COMBINED SCALE FACTOR OF 1.000132167465931.
- SELLING A PORTION OF ANY LOT WITHIN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS

LEGEND

- SET 1/2" IRON ROD WITH ORANGE CAP STAMPED "WESTWOOD"
- FOUND MONUMENT, SEE LABEL
- OPR GALVESTON COUNTY OFFICIAL PUBLIC RECORDS
- DR GALVESTON COUNTY DEED RECORDS

38.653 ACRES
LOT 1, BLOCK 1

Westwood

Phone (210) 285-8300 211 North Loop 1604 East, Suite 205
TollFree (888) 937-5150 San Antonio, TX 78232
westwood.com

Westwood Professional Services, Inc.
TPELS ENGINEERING FIRM REGISTRATION NO. F-11756
TPELS SURVEYING FIRM REGISTRATION NO. 10074301