Kemah City Council
Meeting

2/19/2020
7:00 p.m.
A G E N D A

February 19, 2020 7:00P.M.

CITY OF KEMAH - CITY COUNCIL
AND KEMAH PUBLIC FACILITIES CORPORATION

Council Chambers, Kemah City Hall,
1401 State Hwy 146, Kemah, Texas

Terri Gale – Mayor

Teresa Vazquez-Evans    Wanda Zimmer    Kyle Burks    Robin Collins    Isaac Saldaña

In accordance with the Texas Open Meetings Act the agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located on the front exterior wall of the City Hall Building, except in case of emergency meetings or emergency items posted in accordance with law.

Texas Criminal and Traffic Law Handbook Penal Code Sec. 38.13 Hindering Proceedings by Disorderly Conduct. A person commits an offense if he intentionally hinders an official proceeding by noise or violent or tumultuous behavior or disturbance. Penal Code Section 42.05 Disrupting Meeting or Procession. A person commits an offense if, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

The City Council reserves the right to meet in closed session on any of the below items should the need arise and if applicable, pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

1. Pledges

2. Prayer

3. Presentations and Proclamations
   - BayTran Membership Presentation

4. Invitation to Address Council
   (State law prohibits the Mayor and members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers. Your comments are limited to two (2) minutes.)

5. Council Members Comments and Announcements
   (Items of Community Interest Only)

6. Mayor’s Comments
7. City Administrator Report:
   • Financials
   • Economic Development
   • Events and Operations
   • Technology Department

8. CIP

   • Events and Operations
   • Emergency Services

10. Communications and Marketing Report

11. Consent Agenda
   The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests it, in which event the item will be removed from the consent agenda and discussed after the consent agenda.

   A. Resolution designating a single email address for Public Information Requests
   B. The annexation of the boundaries of the Gordy Business park plat, dated October 3, 2019, into Water Control Improvement District #12.
   C. Approving Amending Plat #1 for Means Replat, a subdivision of .4094 acres in the M. Goulrich Survey, Abstract 12.

12. Consideration and Possible Action: Approve Preliminary Plat of Austin Gardens West Kemah Addition, being a .918 acre tract out of Abst 12 Page 1 M Gouldrich Survey Tract 10

13. Consideration and Possible Action: on revisiting Variance Request by Galveston Bay Foundation to vary from Section 18-1, Barriers between commercial and residential properties

14. Consideration and Possible Action: on a lateral pay structure for Kemah Police Department

15. Consideration and Possible Action: on development of a new ordinance for Short Term Rental properties in Kemah

16. Consideration and Possible Action: on scheduling of State of the City event

17. Consideration and Possible Action: on scheduling of Traffic town hall meeting

EXECUTIVE SESSION

18. The Council will now hold a closed executive meeting pursuant to the provisions of Chapter 551 of the Texas Government Code, Vernon’s Texas Codes Annotated in accordance with the authority contained in:
A. Section 551.087, Local Government Code; Deliberations regarding Economic Development Negotiations
   - Hotel Conference Center

OPEN SESSION

19. Consideration and Possible Action: on the Hotel Conference Center

20. Council Members’ Closing Comments

21. Mayor’s Closing Comments

22. Adjourn

CERTIFICATION

This is to certify that a copy of the Notice of the Regular City Council meeting for Wednesday, February 19, 2020, was posted on the bulletin board at City Hall, 1401 Highway 146, Kemah, Texas, on this the 14th day of February, 2020, prior to 7:00 p.m.

Melissa Chilcote, City Secretary

02/14/2020

Date

I certify this notice was removed by me from the Kemah City Hall bulletin board on the ____ day of __________, 2020.
#11A Resolution for Public Information Request Email Address

Once form is complete and departmental clearances are obtained, this form should be forwarded to the City Secretary as soon as possible prior to the date that the item is expected to be placed on the City Council agenda.

Date requested for Council consideration: 02/19/2020

Prepared by: Melissa Chilcote

Subject: Resolution – designating a single email address for Public Information Requests

Proceeding: Consent - Resolution

Originating Department: Administration

Texas Ethics Commission Form 1295 required? n/a

If YES, is copy of Form attached? Contract Identification Number on Form:

City Attorney Review: Yes

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval: n/a

City Administrator Approval:

**SUMMARY / ORIGINATING CAUSE**

In an effort to streamline open records requests, and in compliance of Senate Bill 944, the City Secretary is recommending one e-mail address and one mailing address for receiving written requests for public information. This helps ensure that requests are routed correctly.

Resolution is attached.

**RECOMMENDATIONS**

Approve resolution.

**ATTACHMENTS**

Resolution 2020-04
Resolution 2020-XX

A RESOLUTION DESIGNATING ONE MAILING ADDRESS AND ONE ELECTRONIC MAIL ADDRESS FOR RECEIVING WRITTEN REQUESTS FOR PUBLIC INFORMATION

WHEREAS, Senate Bill 944 adopted by the 86th Texas Legislature, among other things, adds Section 552.234 to Chapter 552 of the Texas Government Code, the Texas Public Information Act; and

WHEREAS, Section 552.234(c) provides that a governmental body may designate one mailing address and one electronic mail address for receiving written requests for public information; and

WHEREAS, as a governmental body under the Texas Public Information Act, The City of Kemah, Texas believes that the designation of one mailing address and one electronic mail address for receiving written request for public information will be beneficial to the City and to the public information recipients in that it will facilitate the prompt receipt of and prompt response to public information requests.

NOW THEREFORE, it is resolved by the City Council for the City of Kemah, Texas that the following mailing address is hereby designated for receipt of written request for public information to the City of Kemah, Texas:

City of Kemah, Texas
Attn: City Secretary
1401 State Highway 146
Kemah, Texas  77565

IT IS FURTHER resolved by the City Council for the City of Kemah, Texas that the following email address is hereby designated as the one electronic mail address for the City of Kemah, Texas for receiving written requests for public information:

publicinformationrequests@kemah-tx.com

PASSED AND ADOPTED the 19th day of February, 2020.

_________________________________________
Terri Gale, Mayor

Attest:

______________________________________
Melissa Chilcote, City Secretary
# Kemah City Council Agenda Item

## #11C Amending Plat #1 for Means Replat

*Once form is complete and departmental clearances are obtained, this form should be forwarded to the City Secretary as soon as possible prior to the date that the item is expected to be placed on the City Council agenda.*

| Date requested for Council consideration: | 02/19/2020 |
| Prepared by: | Nick Haby |
| Subject: | Amending Plat #1 for Means Replat, a subdivision of .4094 acres in the M. Goulrich Survey, Abstract 12. |
| Proceeding: | Consent |
| Originating Department: | Admin |
| Texas Ethics Commission Form 1295 required? | n/a |
| If YES, is copy of Form attached? | Contract Identification Number on Form: |
| City Attorney Review: | Yes |
| Expenditure Required: | Amount Budgeted: |
| Appropriation Required: | Source of Funds: |
| Finance Approval: | n/a |
| City Administrator Approval: | (Walter Gant) |

### SUMMARY / ORIGINATING CAUSE

There is a scrivener’s error on a plat that was filed in 2018. Location is 200 W. 4th.

The name of the survey in the title block and the dedication language was previously listed as being out of the M. Muldoon Two League Grant, Abstract 18 and it should have been the M. Goulrich survey.

Once approved, the City will file the amending plat with the County.

### ATTACHMENTS

Amending Plat
Staff

Kemah City Council Agenda Item

#11D Austin Gardens Preliminary Plat

Once form is complete and departmental clearances are obtained, this form should be forwarded to the City Secretary as soon as possible prior to the date that the item is expected to be placed on the City Council agenda.

Date requested for City Council consideration: 02/19/2020

Prepared by: Nick Haby

Subject: Approving Preliminary Plat of Austin Gardens West Kemah Addition

Proceeding: Consideration and Possible Action

Originating Department: Administration

Texas Ethics Commission Form 1295 required? n/a

If YES, is copy of Form attached? n/a

Contract Identification Number on Form:

City Attorney Review: n/a

Expenditure Required: n/a Amount Budgeted: n/a Appropriation Required: n/a

Source of Funds: Finance Approval:

City Administrator Approval:

SUMMARY / ORIGINATING CAUSE

Applicant has submitted for a preliminary plat of the Austin Gardens West Kemah Addition, a .9183 acre area generally in the West Kemah area.

The plat subdivides the land into 16 lots.

Once preliminary plat is approved, a final plat will be drawn up for approval as well.

Setbacks comply with the variance provided for the proposed development.

ATTACHMENTS

Preliminary Plat
Staff

Kemah City Council Agenda Item

#12 GBF Fence Variance

Once form is complete and departmental clearances are obtained, this form should be forwarded to the City Secretary as soon as possible prior to the date that the item is expected to be placed on the City Council agenda.

Date requested for City Council consideration: 02/19/2020

Prepared by: Nick Haby

Subject: Revisiting Variance Request by Galveston Bay Foundation to vary from Section 18-1, Barriers between commercial and residential properties

Proceeding: Consideration and Possible Action

Originating Department: Administration

Texas Ethics Commission Form 1295 required? n/a

If YES, is copy of Form attached? Contract Identification Number on Form:

City Attorney Review: n/a

Expenditure Required: n/a Amount Budgeted: Appropriation Required: n/a

Source of Funds: Finance Approval:

City Administrator Approval:

SUMMARY / ORIGINATING CAUSE

Chapter 18-1 of the City’s Code states the following:

Sec. 18-1. - Barriers between commercial and residential properties.

Commercial construction on property that is adjacent to residential property shall include in the building plans of said construction, a barrier between the residential property and the commercial property.

Said barrier shall:

- Be of a solid construction either masonry, steel, or wood of a three-quarter-inch minimum treated for moisture and wood destroying insects;
- Be continuous from grade to a minimum height eight feet above grade measured from the higher grade of the two sides of the fence;
- Extend the full length of the commercial property on the side adjacent to the residential property;
- Include plans to accommodate drainage surrounding the commercial property to provide a barrier to control rainwater runoff.

All fences are to be maintained in good order.

On August 21 of last year, the Galveston Bay foundation asked for a variance from this Code, asking to delay construction of this fence until the future phase of construction for the GBF headquarters. Phase 1 is currently under construction.

City Council’s motion and vote on the request is below:
Motion:
To approve the variance request by the Galveston Bay Foundation regarding Section 18-1-barriers between Commercial and Residential properties in addition to a restriction on the time line of the earlier of 6 months or until they receive a permit for the permanent structure in the back up property with updates every 6 months and that Galveston Bay Foundation work with City Staff to get conformation to have non-vehicular pedestrian access to that side of the property in writing and present at the next meeting.

Made: Council Member Position 3 Kyle Burks
Second: Council Member Position 1 Teresa Vazquez-Evans
Vote: Motion carried unanimously by all Council Members present.

6 months has expired and a building permit for the permanent structure has not yet been issued. Therefore, City Council needs to revisit the issue of Chapter 18-1.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

8' barrier is required per Sec. 18-1 upon commercial construction. 6 month variance has expired.

RECOMMENDATIONS

None at this time

ATTACHMENTS

Old Variance Request
Master Plan
Variance Letter
August 26, 2019

Bob Stokes
Galveston Bay Foundation
1100 Hercules Ave. Ste 200
Houston, Tx  77058

RE: Variance request at 30 acre Galveston Bay Foundation site

Dear Mr. Stokes:

This letter is in reference to your variance request for a delay of construction of a barrier between commercial and residential properties, per Section 18-1 of the City code. At their August 21 meeting, Kemah City Council approved the variance request, with the following condition:

- Delay for the construction of the barrier shall be granted until the earliest occurrence of either (1) a building permit being issued for “Phase 2” of the construction that includes the main building adjacent to the bay or (2) 6 months from the August 21 City Council vote.

Should you have any questions, please feel free to contact me.

Sincerely,

[Signature]

Nick Haby
Director of Community Services
City of Kemah, Texas
VARIANCE APPLICATION

Variance # 190819003

Site Address: 1725 Hwy. 146
Owner: Galveston Bay Foundation
Address: 100 Hercules Ave. Ste. 200
City, St, Zip: Houston, TX 77058
Phone: (281) 332-3381 x 211
E-mail: bstakes@galvesbay.org

☑ Commercial ☐ Residential

Type of Variance Requested (i.e. sign, setback, parking, etc.): Fence

Description of Variance Request: Delay of construction of Sec. 18-1 barrier between commercial and residential property until future phase of construction of GBF headquarters.

Note: Generally, City Council may authorize a variance from certain regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the council shall prescribe only conditions that it deems necessary or desirable to the public interest including, but not limited to, the public's health, safety, convenience and welfare. Variance-related decisions of the council, together with the specified facts upon which such decisions are based, shall be incorporated into the official minutes of duly noticed City Council meetings.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this application and subsequent decisions will be complied with whether specified herein or not.

Owner/Agent Signature(s): [Signature]

Variance Fee: $100
Payment Type: CC
Payment Date: 8/19/19

Date: 8/19/19
Mayor generated Agenda Item
Kemah City Council Agenda Item

#15 development of a new ordinance for Short Term Rental properties in Kemah

Mayor generated Agenda Item
Mayor generated Agenda Item
Kemah City Council Agenda Item

#17 scheduling of Traffic town hall meeting

Mayor generated Agenda Item