



Kemah City Council Meeting

3/4/2020

7:00 p.m.



AGENDA

March 4, 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
Council Position 1	Council Position 2	Council Position 3	Council Position 4	Council Position 5

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

- Mary Proudly Proclamation

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**9. Police and Emergency Management Report**

- Events and Operations
- Emergency Services

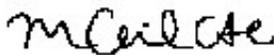
10. Communications and Marketing Report**11. Consent Agenda**

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. Consent to annexation of the boundaries of a 9.074 acre tract generally described as Abstract 18 M Muldoon Survey, lot 3, block 6 Jarboe Addn, into Water Control Improvement District #12.**

12. Consideration and Possible Action: on a side street setback variance from 15' to 10' for a new residential structure proposed at 711 5th Street.**13. Consideration and Possible Action: on waiving Community Center fees for a Celebration of Life of Mary Proudly.****14. Council Members' Closing Comments****15. Mayor's Closing Comments****16. Adjourn****CERTIFICATION**

This is to certify that a copy of the Notice of the Regular City Council meeting for **Wednesday, March 4, 2020**, was posted on the bulletin board at City Hall, 1401 Highway 146, Kemah, Texas, on this the 28th day of February, 2020, prior to 7:00 p.m.



Melissa Chilcote, City Secretary

02/28/2020

Date

Removed by: _____ Date: _____

**Kemah City Council Agenda Item
#11A Consent to Annexation into WCID #12**

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: 3/4/2020

Prepared by: Nick Haby

Subject: Consent to annexation into WCID #12

Proceeding: Resolution

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:

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

SUMMARY / ORIGINATING CAUSE

Applicant has asked the City of Kemah to consent to an annexation into WCID 12 an area of land (attached).

Tract is approximately 9 acres, just west of Kemah Village subdivision.

Annexation resolution is pursuant to Sections 49.301 and 54.016, Texas Water Code, as amended and Section 42.042 Local Government Code, as amended.

Description in the metes and bounds is attached.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Consent to annexation resolution will be forwarded on to WCID 12

RECOMMENDATIONS

Approve consent to annexation resolution

ATTACHMENTS

Packet

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KEMAH, TEXAS,
 CONSENTING TO THE ANNEXATION BY GALVESTON COUNTY
 WATER CONTROL AND IMPROVEMENT DISTRICT NO. 12 OF
 DESCRIBED LANDS (9.074 Acre Tract in the Michael Muldoon
 Survey, Abstract 18, Galveston County, Texas)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEMAH, TEXAS, THAT:

The City Council of the City of Kemah, Texas, consents to the Petition for Consent to Include Land described in the attached description (9.074 Acre Tract in the Michael Muldoon Survey, Abstract 18, Galveston County, Texas). The Petition is made pursuant to Sections 49.301 and 54.016, Texas Water Code, as amended and Section 42.042 Local Government Code, as amended. It seeks inclusion of the attached described land within the boundaries of Galveston County Water Control and Improvement District #12. Reference is here made to the Petition filed with the City for an exact description of the land included. It is incorporated herein by reference.

PASSED, APPROVED AND RESOLVED THIS THE 4th DAY OF MARCH, 2020.

 TERRI GALE
 MAYOR

ATTEST: _____
 MELISSA CHILCOTE
 CITY SECRETARY

COATS | ROSE

A PROFESSIONAL CORPORATION

SAMUEL SPIERS
ASSOCIATESSPIERS@COATSROSE.COM
DIRECT: (713) 653-7310
FAX: (713) 651-0220

February 21, 2020

VIA FEDEXCity of Kemah
Office of the City Secretary
Attn: Melissa Chilcote
1401 Hwy 146
Kemah, Texas 77565

RE: Petition for Consent to Annex Land into Galveston County Water Control and Improvement District No. 12 (the "District")

Dear Ms. Chilcote:

Enclosed herein please find the Petition for Consent to Annexation of Land into Galveston County Water Control and Improvement District No. 12 (the "Petition") from Leon Clements and Lynn Clements (together, the "Petitioners") to the City of Kemah:

1. One (1) original fully executed copy of the above-referenced Petition

It is requested that the City review and provide their consent as soon as possible to the annexation of land into the District. Please do not hesitate to contact the undersigned in the event that you have any questions or comments. In addition, a copy of the foregoing has also been submitted via email to mchilcote@kemah-tx.com. On behalf of the Petitioners, we appreciate the City's assistance and look forward to working with the City on this project.

Thank you for your assistance with this matter and please call me if you need any further information.

Very truly yours,



Samuel Spiers

Enclosures

PETITION FOR CONSENT TO ANNEXATION OF LAND
 INTO GALVESTON COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 12

THE STATE OF TEXAS §
 §
 COUNTY OF GALVESTON §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KEMAH, TEXAS:

The undersigned, LEON CLEMENTS and LYNN CLEMENTS ("Petitioners") being the owners of the property described in Exhibit "A" attached hereto (the "Property"), respectfully petition the City of Kemah, Texas (the "City") for its consent to the annexation of the Property into the Galveston County Water Control and Improvement District No. 12 ("District"). In support of this Petition, the Petitioners would show the following:

I.

The Property sought to be added to the District is described by the metes and bounds descriptions in Exhibit "A" attached hereto and made a part hereof for all purposes.

II.

The Property lies wholly within Galveston County, Texas. The Property lies wholly within the corporate limits of the City.

III.

The Petitioners are the holders of title to all of the Property as shown by the Galveston County Tax Rolls and conveyances of record. There are no lienholders on the Property. No one resides on the Property.

IV.

The District operates for the purposes found in Chapters 49 and 54, Texas Water Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;

- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (8) the preservation of all-natural resources of the state; and
- (9) the construction, operation and maintenance of roads and park and recreational facilities serving the District.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the Property at the present time is the construction of a waterworks system for domestic purposes; the construction of a sanitary sewer collection system; the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the lands to be included within the District; and of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Property is located within an area that is experiencing substantial and sustained residential growth, is urban in nature and is not supplied with adequate water, sanitary sewer, and drainage facilities and services. The health and welfare of the future inhabitants of the Property require the acquisition and installation of an adequate waterworks, sanitary sewer, and storm drainage systems.

The provision of such water, sanitary sewer, and drainage facilities and services will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Property within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Property is of such a nature that a waterworks system and sanitary and storm sewer systems, roads and park and recreational facilities can be constructed at a reasonable cost; and said land will be developed for residential purposes in the foreseeable future.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Property, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the project contemplated will be approximately \$1,800,000.00.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Kemah, Texas, adopt a resolution giving its written consent to the addition of the Property to the District.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESPECTFULLY SUBMITTED THIS 20 day of February, 2020.

PETITIONERS:

[Signature]
Leon Clements

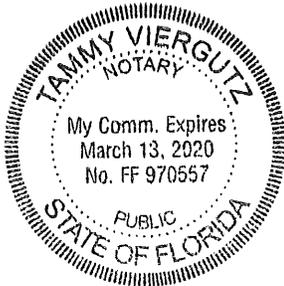
[Signature]
Lynn Clements

THE STATE OF FLORIDA

§
§
§

COUNTY OF Monroe

This instrument was acknowledged before me on the 20 day of February, 2020, by Leon Clements.



[Signature]
NOTARY PUBLIC—STATE OF FLORIDA

Tammy Viergutz
(Printed Name of Notary)

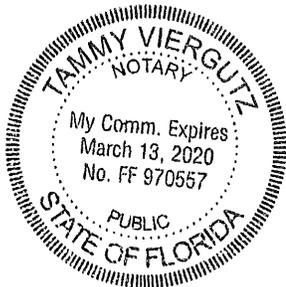
My commission expires: March 13, 2020

THE STATE OF FLORIDA

§
§
§

COUNTY OF Monroe

This instrument was acknowledged before me on the 20 day of February, 2020, by Lynn Clements.



[Signature]
NOTARY PUBLIC—STATE OF FLORIDA

Tammy Viergutz
(Printed Name of Notary)

My commission expires: March 13, 2020

EXHIBIT "A"

Description of the Property

TRAMONTI APARTMENTS
9.074 ACRES

MAY 13, 2019
JOB NO. 6782-00

DESCRIPTION OF A 9.074 ACRE TRACT OF LAND SITUATED
IN THE MICHAEL MULDOON SURVEY, ABSTRACT NO. 18
GALVESTON COUNTY, TEXAS

BEING a 9.074 acre (395,250 square foot) tract of land situated in the Michael Muldoon Survey, Abstract No. 18 of Galveston County, Texas and being all of a called 9.074 acre tract of land as described in an instrument to Leon Clements and Lynn Clements recorded under Galveston County Clerk's File Number (G.C.C.F. No.) 2017022867 and the remainder of Lot 3 of JARBOE ADDITION TO LEAGUE CITY, a unrecorded subdivision, said 9.074 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to said 9.074 acre tract as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at a 5/8-inch iron rod with cap stamped "CCI" found for the Northwest corner of Restricted Reserve "B" of 2ND AMENDED PLAT OF KEMAH VILLAGE, recorded under Vol. 2005A, Pg. 75 of Galveston County Map Records and the Northeast corner of said 9.074 acre tract, said Lot 3 and the herein described tract, lying on the South right-of-way line of F.M. 518 (120 feet wide), being the South line of a 40-foot wide strip dedicated to the State of Texas by deed of record in Vol. 2039, Pg. 761 of the Galveston County Deed Records;

THENCE, S 18°49'32" E, a distance of 800.00 feet along and with the Southwest line of said 2ND AMENDED PLAT OF KEMAH VILLAGE and the Northeast line of said 9.074 acre tract and said Lot 3 to an "X" cut in concrete found for the Southwest corner of Restricted Reserve "A" of said 2ND AMENDED PLAT OF KEMAH VILLAGE, the Southeast corner of said 9.074 acre tract, said Lot 3 and the herein described tract, the Northwest corner of called Lots 4 & 5 of FOSTER PLACE ADDITION described in a deed to Roderick Thomas Foster recorded under G.C.C.F. No. 198714670 and the Northeast corner of the called North 220 feet of Lot 5, Block 6 of said JARBOE ADDITION TO LEAGUE CITY described in an instrument to David Barnett Stovall recorded under G.C.C.F. No. 2001045613;

THENCE, S 71°18'38" W, a distance of 495.00 feet along and with the common line of said David Barnett Stovall tract and said Lot 5 and said 9.074 acre tract and said Lot 3 to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the Southeast corner of a called 4.04 acre tract of land described in an instrument to Tom Hord Enterprises, LP and Lot 4 of said JARBOE ADDITION TO LEAGUE CITY and the Southwest corner of said 9.074 acre tract, said Lot 3 and the herein described tract;

THENCE, N 18°41'29" W, a distance of 800.00 feet along and with the common line of said 9.074 acre tract and said Lot 3 and said 4.04 acre tract and said Lot 4 to a 5/8-inch iron rod with cap stamped "CCI" found for the Northeast corner of said 4.04 acre tract and said Lot 4 and the Northwest corner of said 9.074 acre tract, said Lot 3 and the herein described tract, lying on said South right-of-way line of said F.M. 518;

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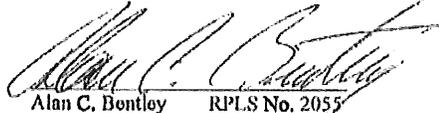
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TRAMONTI APARTMENTS
9.074 ACRES

MAY 13, 2019
JOB NO. 6782-00

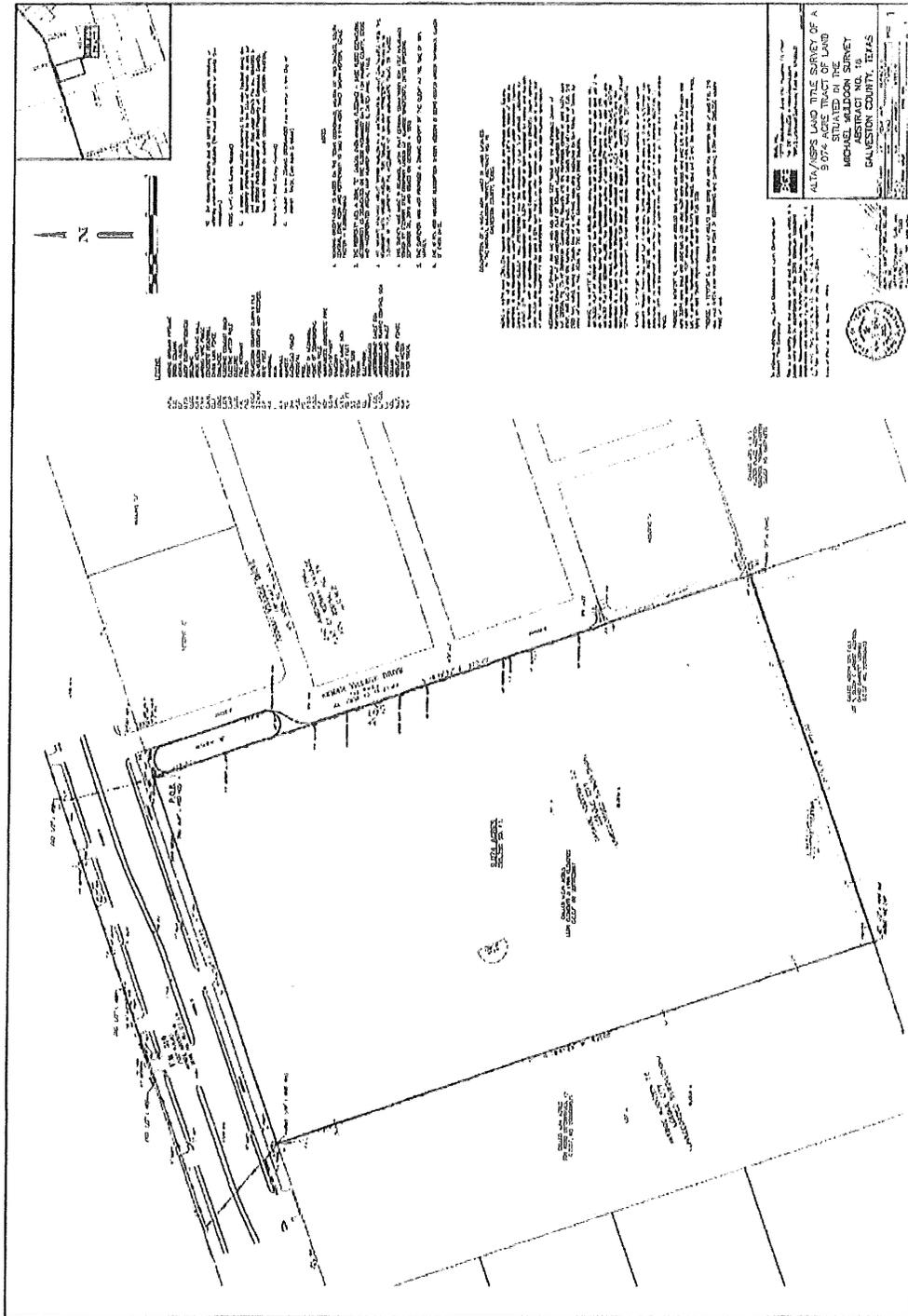
THENCE, N 71°18'38" E, a distance of 493.13 feet along and with the common line of said F.M. 518 and said 9.074 acre tract to the POINT OF BEGINNING and containing 9.074 acres (395,250 square feet) of land.

A survey plat of even date was prepared by the undersigned in conjunction with this metes and bounds description.



Alan C. Bentley RPLS No. 2055
BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500





**Kemah City Council Agenda Item
#12 711 5th Street side setback 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 Council consideration: 3/4/2020

Prepared by: Nick Haby

Subject: Side setback variance for proposed residential development at 711 5th Street

Proceeding: C&PA

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

Applicant wishes to build a single family home at 711 5th Street. Home will be facing Bay Avenue. Chapter 18 of the City Code states the following:

Sec. 18-75. - Setback lines.

The building code of the city is hereby amended to include setback building lines as follows:

(1)From the property line adjoining and adjacent to the frontage street, there shall be no structure closer than 20 feet. From the property line adjoining and adjacent to any side street, there shall be no structure closer than 15 feet; except for those streets with a right-of-way of less than 60 feet in width, where from the centerline of the frontage street, there shall be no structure closer than 50 feet, and from the centerline of any side street, there shall be no structure closer than 45 feet;

Planned side setback from 5th Street is 10 feet, not 15, so a variance request is being placed in front of City Council at the request of the applicant.

RECOMMENDATIONS

A public facility is at the end of 5th Street, but Staff finds no significant negative impact by this proposed encroachment.

ATTACHMENTS

- Application
- Street View



City of Kemah, Texas
Department of Community Services

VARIANCE APPLICATION

Variance # 200221001

Site Address: 711 5th Street

Owner: TRUNG (TROY) NGUYEN

Address: 2312 Columbia Cir

City, St, Zip: League City TX 77573 Commercial Residential

Phone: 281.839.0499

E-mail: Troy.O.Nguyen@gmail.com

Type of Variance Requested (i.e. sign, setback, parking, etc.): Property side street setback

Description of Variance Request: Please note the variance request within the site plan drawing as attached.

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.

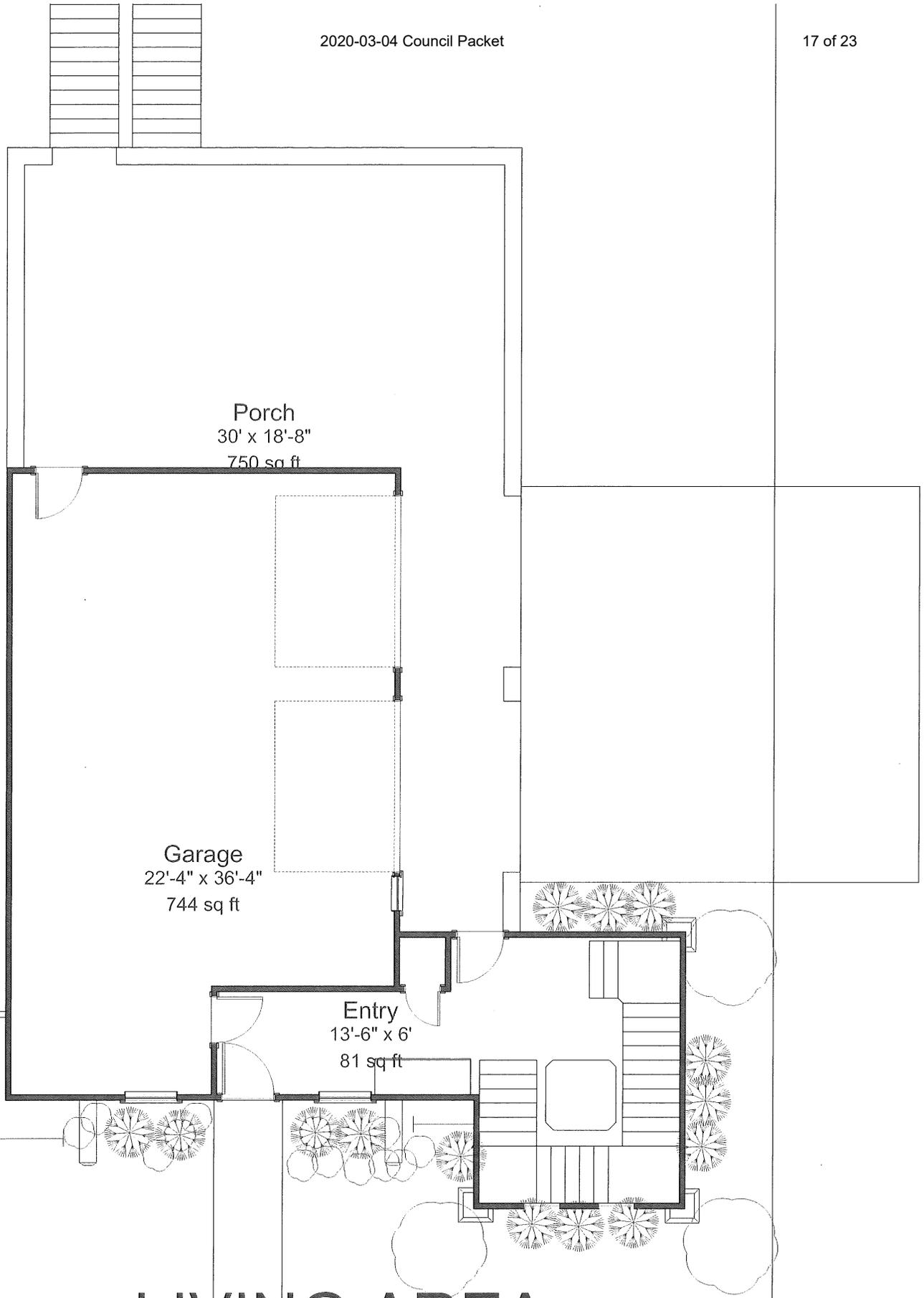
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this application and subsequent decisions will be complied with whether specified herein or not.

Owner/Agent Signature(s): [Signature]

Variance Fee: \$ 100.00
Payment Type: Cash
Payment Date: 2/21/2020

Date: 2/21/2020

22



LIVING AREA
316 SQ FT

Karen Hamilton
Dimensions in Design
Sugar Land, Texas
281-731-0997

15



Karen Hamilton
Dimensions in Design
Sugar Land, Texas
281-731-0997

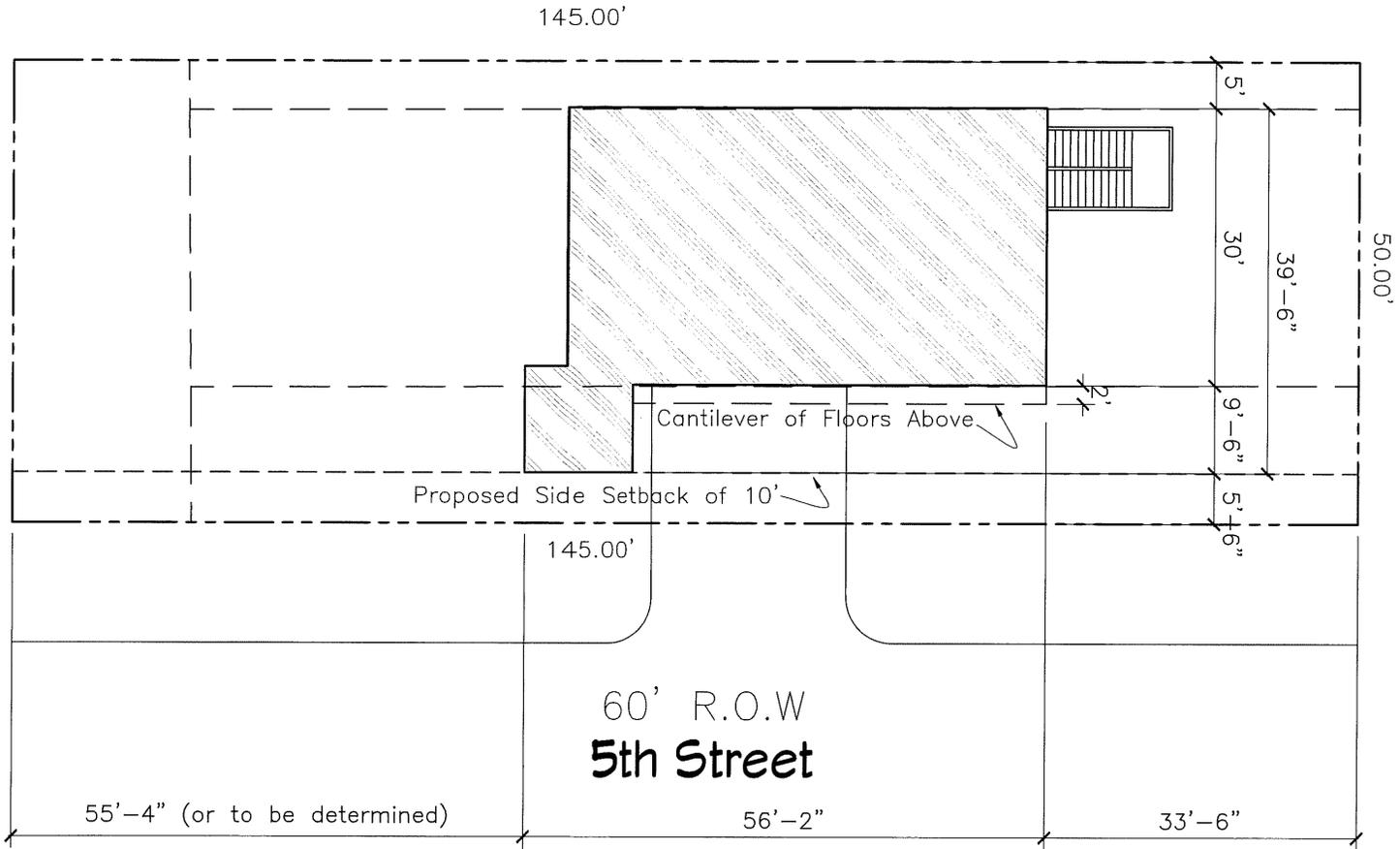
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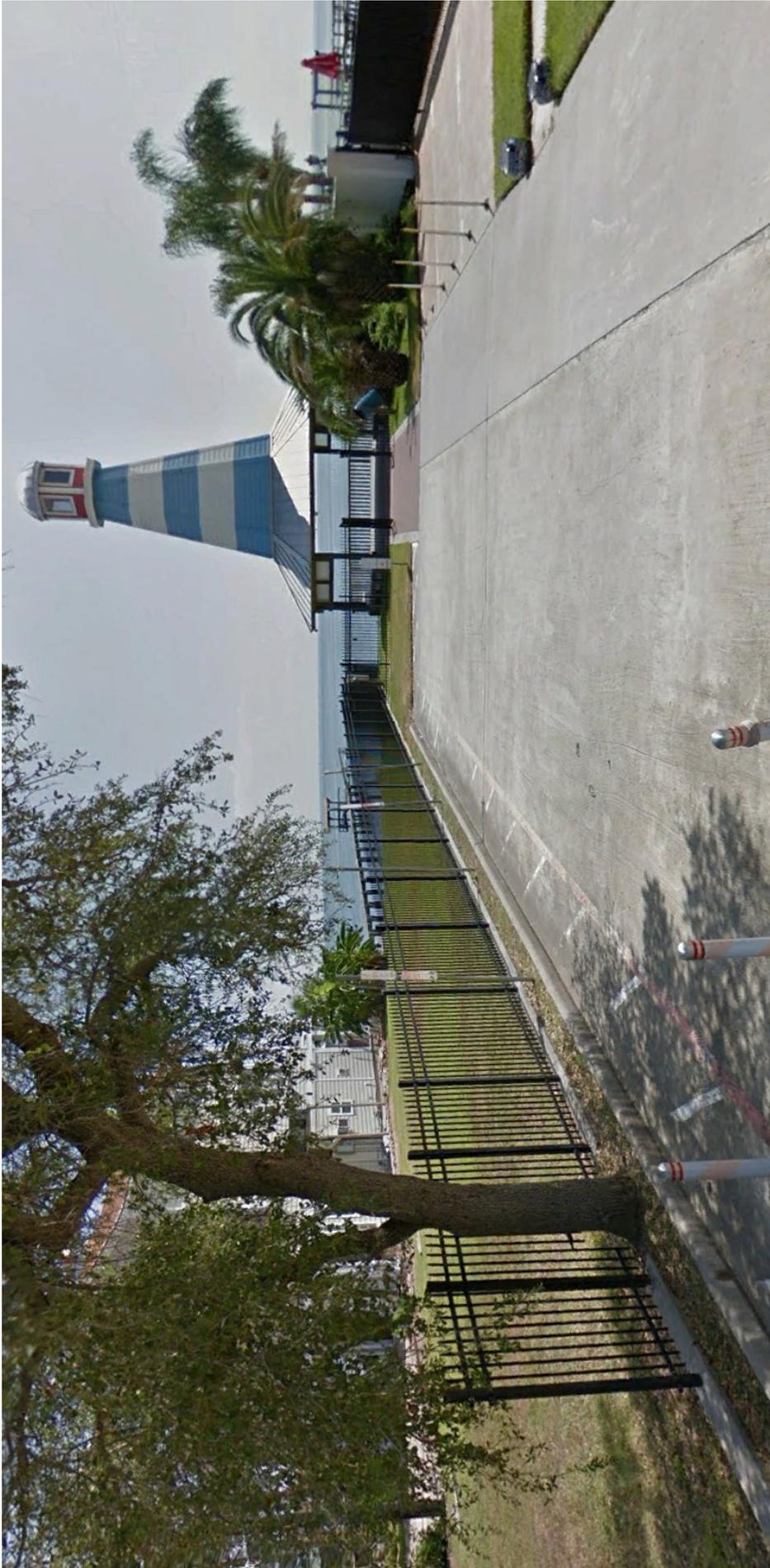


Karen Hamilton
Dimensions in Design
Sugar Land, Texas
281-731-0997



Bau Avenue





**Kemah City Council Agenda Item
#13 Community Center Fee Waiver**

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: 03/04/2020

Prepared by:

Subject: Community Center Fee Waiver for Celebration of Life of Mary Proudly

Proceeding: Consideration and Possible Action

Originating Department: Admin

Plan Reference: 17SP- or 17OP-

Texas Ethics Commission Form 1295 required?

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

City Attorney Review:

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

SUMMARY / ORIGINATING CAUSE

Bill Kerber requested waiving the fees of the Community Center for a Celebration of Life for Mary Proudly on March 13, 2020.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

Community Center Waiver Fee Form

Jimmie Walker Kemah Community Center Rental Fees Waived Contact Information Form

**Building rental fees are waived for City of Kemah Governmental Functions, Kemah Historical Society, Kemah Kronies, Kemah Garden Club, Kemah Citizens Police Academy Alumni Association, Kemah Peace Officers Association, Kemah Lions Club, Miss Kemah Pageant, and Governmental Agencies (including schools) as well as for events benefiting departments within the City of Kemah.*

Approved Organization Name: FRIENDS OF MARY PROUDY

Contact Name: Robert w "Bill" Kerber

Address: 914 DELESANDRI LANE

City: Kemah State TX Zip: 77565

Home #: N/A Work #: N/A Cell #: 713-875-3469

Date of Event: Friday March 13, 2020

Time of Event: 10:00 am/pm to 2:00 am/pm (Available hours are 7 a.m. – midnight)

Total Hours: 4 hrs

Type of Event: MEMORIAL CELEBRATION OF LIFE

Approximate number of guests: (Maximum Capacity 200) _____

Keys are picked up the day of your event and dropped off at the Kemah Police Department, which is located on the east side of the City Hall Building. Usage hours are 7:00 A.M. – 12:00 A.M. (PREMISES MUST BE VACATED NO LATER THAN 12:00 A.M. "Midnight")

R. Kerber / 12-26-20
Applicant Signature Date

Facility Coordinator Date

This agreement is not binding upon the City of Kemah unless the Occupant has signed it, and it is signed by the Facility Coordinator or designate representative of the City of Kemah.