Kemah City Council Meeting

2/19/2020

7:00p.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
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**

   - **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**

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. **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 551of 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.

_____ 02/14/2020_____

Melissa Chilcote, City Secretary Date

I certify this notice was removed by me from the Kemah City Hall bulletin board on the ____ day of _____, 2020. _____

Kemah City Council Agenda Item

#11A Resolution for Public Inforamtion 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

STATE OF TEXAS
COUNTY OF GALVESTON

WE, LARRY E. MEANS, OWNER OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING MAP OF MEANS REPLAT AMENDING PLAT NO. 1, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY ON BEHALF OF SAID LARRY E. MEANS ACCORDING TO ALL LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS THEREIN SHOWN, AND DESIGNATE SAID SUBDIVISION AS MEANS REPLAT AMENDING PLAT NO. 1 IN THE M. GOULDRICH SURVEY, ABSTRACT 12, AN ADDITION TO THE CITY OF KEMAH, GALVESTON COUNTY, TEXAS AND ON BEHALF OF SAID LARRY E. MEANS DEDICATE TO PUBLIC USE, AS SUCH, THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN THEREON FOREVER EXCEPT WHERE NOTED ON THE MAP FOR PRIVATE STREETS, AND DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHING OF GRADES AS APPROVED FOR THE STREETS AND ALLEYS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF STREETS OR ALLEYS TO CONFORM TO SUCH GRADES AND DO HEREBY BIND OURSELVES, MY SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

THERE IS ALSO DEDICATED FOR UTILITIES AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET WIDE FROM A PLANE 20 FEET ABOVE THE GROUND UPWARD LOCATED ADJACENT TO EACH SIDE OF ALL UTILITY EASEMENTS SHOWN HEREON.

WE DO HEREBY DEDICATE FOREVER TO THE PUBLIC A STRIP OF LAND 25 FEET WIDE ON EACH SIDE OF THE CENTERLINE FOR ANY AND ALL GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES SHOWN LOCATED IN SAID SUBDIVISION AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF KEMAH AND/OR ANY OTHER PUBLIC AGENCY THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTING AND/OR MAINTAINING DRAINAGE WORK AND/OR STRUCTURES.

FURTHER, WE HEREBY RELINQUISH ALL RIGHTS OF ACCESS TO MAJOR OR LARGER STREETS OR HIGHWAYS SHOWN HEREON EXCEPT BY WAY OF THE PLATTED STREETS SHOWN.

WITNESS MY HANDS IN THE CITY OF _____, TEXAS, THIS ____ DAY OF _____, 20____.

_____
LARRY E. MEANS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LARRY E. MEANS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS_____ OF _____, 20_____.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF_____
MY COMMISSION EXPIRES ON _____

WE, TEXAS FIRST BANK, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS MEANS REPLAT, AGAINST THE PROPERTY DESCRIBED INSTRUMENT OF RECORD IN FILE NO. 2016069515, 2016069516, 2016075956, AND 2016075957, OF THE OFFICIAL PUBLIC RECORDS OF GALVESTON COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE TO SAID PLAT SAID LIEN WE HEREBY IN ALL THINGS SUBORDINATE TO SAID PLAT SAID LIEN AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNER OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

_____
SIGNATURE
SIGNATORY TITLE _____

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED, AND AS THE ACT AND DEED OF SAID CORPORATION.

THIS _____ DAY OF _____, 20____.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF_____
MY COMMISSION EXPIRES ON _____

I, RICHARD FUSSELL, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT ALL BEARINGS, DISTANCES, AND OTHER ASSOCIATED BOUNDARY INFORMATION ON THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTER INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

_____
RICHARD FUSSELL
TEXAS REGISTRATION NO. 4148

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF KEMAH, ON MENTION MADE AND SECONDED AND ADOPTED, HAS APPROVED THIS PLAT AND SUBDIVISION OF MEANS REPLAT AS SHOWN HEREON, AND ORDERED SAID PLAT FILED ON RECORD IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS.

IN TESTIMONY WHEREOF, WITNESS THE OFFICIAL SIGNATURES THIS _____ DAY OF _____, 20____.

_____
MELISSA CHILCOTE, CITY SECRETARY

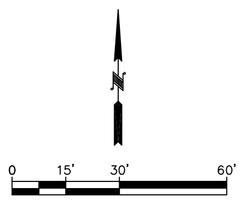
_____
CARL A. JOINER, MAYOR

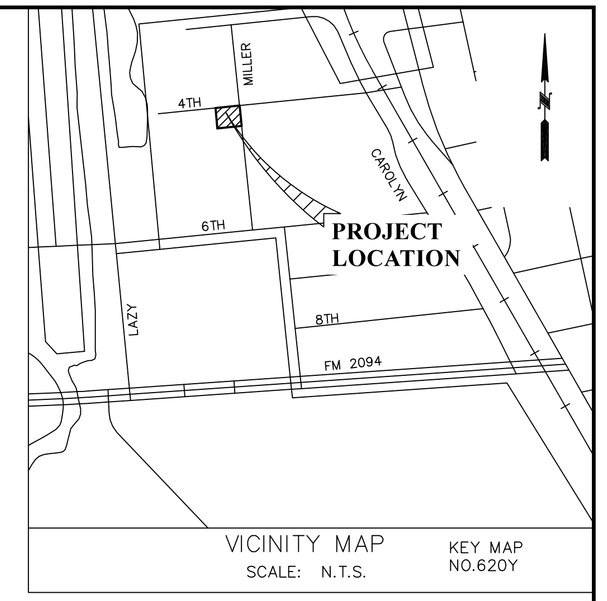
I, DWIGHT D. SULLIVAN, COUNTY CLERK, GALVESTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WRITTEN INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE ON_____, 20____, AT _____ O'CLOCK_____M. AND DULY RECORDED ON_____, 20____, AT _____ O'CLOCK_____M. IN DOCUMENT NUMBER_____GALVESTON COUNTY MAP RECORDS.

WITNESS MY HAND AND SEAL OF OFFICE, AT GALVESTON COUNTY, TEXAS, THE DAY AND DATE LAST WRITTEN ABOVE.

_____
DWIGHT D. SULLIVAN
COUNTY CLERK
GALVESTON COUNTY, TEXAS

BY: _____
DEPUTY





VICINITY MAP
SCALE: N.T.S.
KEY MAP NO.620Y

GENERAL NOTES

1. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48167C0042G WITH THE EFFECTIVE DATE OF AUGUST 15, 2019, THE PROPERTY IS LOCATED IN ZONE "AE EL 14" (AREAS DETERMINED TO BE WITHIN) THE 100 YEAR FLOODPLAIN.
2. ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
3. THE BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON TEXAS SOUTH CENTRAL ZONE 4204 (NAD 83). POINTS (A) & (B) WERE HELD FOR HORIZONTAL CONTROL.
4. THIS SURVEY CORRECTLY SHOWS THE LOCATION OF EASEMENTS, RESTRICTIONS, AND BUILDING SET BACKS OF RECORDS AS LISTED IN SOUTHLAND TITLE, GF NUMBER TP2073011 ISSUED ON JANUARY 21, 2020.
5. ALL OF THE PROPERTY SUBDIVIDED IN THE FOREGOING PLAT IS WITHIN THE INCORPORATED BOUNDARIES OF THE CITY OF KEMAH.
6. U.E. SHALL BE KEPT CLEAR OF BUILDINGS, PLANTING, AND OTHER OBSTRUCTION TO THE OPERATION AND MAINTENANCE OF THE UTILITIES.

LEGEND:

B.L.	=	BUILDING LINE
U.E.	=	UTILITY EASEMENT
M.R.G.C.	=	MAP RECORDS OF GALVESTON COUNTY
D.R.G.C.	=	DEED RECORDS OF GALVESTON COUNTY
O.P.R.G.C.	=	OFFICIAL PROPERTY RECORDS OF GALVESTON COUNTY
I.P.	=	IRON PIPE
I.R.	=	IRON ROD
R.O.W.	=	RIGHT OF WAY
VOL.	=	VOLUME
PG.	=	PAGE
P.O.B.	=	POINT OF BEGINNING

MEANS REPLAT
AMENDING PLAT NO. 1

A SUBDIVISION OF 0.4094 ACRES (17,835 SQ FT) IN THE M. GOULRICH SURVEY, ABSTRACT 12, ALSO BEING AN AMENDING PLAT OF MEANS REPLAT, RECORDED IN FILE NO. 2018047280 IN THE MAP RECORDS OF GALVESTON COUNTY, TEXAS

REASON FOR AMENDING: TO CORRECT SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION

www.survey1inc.com
survey1@survey1inc.com
Survey 1, Inc.
Your Land Survey Company
Firm Registration No. 100758-00
P.O. Box 2543 | Alvin, TX 77512 | (281)393-1382

PROJECT NO. 5-63152-18

1 BLOCK 1 LOT
JANUARY 21, 2020

OWNER:
LARRY E. MEANS
200 W. 4TH STREET
KEMAH, TX 77565
(225)772-1971

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? Contract Identification Number on Form:

City Attorney Review: n/a

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

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

THE STATE OF _____

COUNTY OF _____

We, Joseph Yeh and Sharyn Liu, owners of the property subdivided in the above and foregoing map of the AUSTIN GARDENS WEST KEMAH ADDITION, do hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements and designate said subdivision as AUSTIN GARDENS WEST KEMAH ADDITION, in the M. Gouldrich Survey, an addition to the City of Kemah, Galveston County, Texas; and dedicate to the public use, as such, the streets, alleys, parks, and easements shown thereon forever except except where noted on the map for private streets; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alterartion of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

WITNESS MY HAND this _____ day of _____ 2020.

_____ _____
Joseph Yeh Sharyn Liu

THE STATE OF _____

COUNTY OF _____

Before me, the undersigned authority on this day personally appeared, Josheph Yeh and Sharyn Liu, 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 considerations therein expressed, and in the capacity therein and herein set out.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____ 2020.

_____
Notary Public in and for
The State of _____
My Commission Expires _____

I, Dwight D. Sullivan, County Clerk, Galveston County, Texas, do hereby certify that this written instrument was filed for record in my office on _____, 2020 at _____ o'clock, __. m. in PLAT RECORD _____, MAP NUMBER _____, Galveston County Map Records.

WITNESS MY HAND AND SEAL OF OFFICE at Galveston, Texas, the day and date last above written.

Dwight D. Sullivan
County Clerk
Galveston County, Texas

By: _____
Deputy

This is to certify that I, Billy L. Shanks, a Registered Professional Land Surveyor for the State of Texas, Registration No. 1821, have platted the above and foregoing subdivision from an actual survey made on the ground and under my direction; that this plat accurately represents the facts as found by that survey made by me, and; that all corners have been, or will be, properly monumented.

_____
Billy L. Shanks
Registered Professional
Land Surveyor No. 1821

This is to certify that the City Council of Kemah, Texas, on motion made and seconded and adopted, have approved the plat and subdivision of AUSTIN GARDENS WEST KEMAH ADDTION as shown hereon and ordered said plat filed on record in the Office of the County Clerk of Galveston County, Texas.

In Testimony whereof, witness the official signatures this _____ day of _____, 2020.

_____
Melissa Chilcote
City Secretary

_____
Terri Gayle
Mayor

LEGAL DESCRIPTION:

Being 0.9183 acres out of the M Gouldrich Survey, Galveston County, Texas, as shown as Baptist Church property on map or plat of WEST KEMAH SUBDIVISION SECTION 3, as recorded in Volume 9, Page 64.1 of the Galveston County Map Records, and as shown on map or plat of WEST KEMAH SUBDIVISION SECTION 4, as recorded in Volume 9, Page 64 of the Galveston County Map Records, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of Lot 14, Block 13, of said WEST KEMAH SUBDIVISION SECTION 4, being on the Northerly right-of-way line of W. 8th Street (60' wide), same being the POINT OF BEGINNING and the Southeast corner of herein described tract of land;

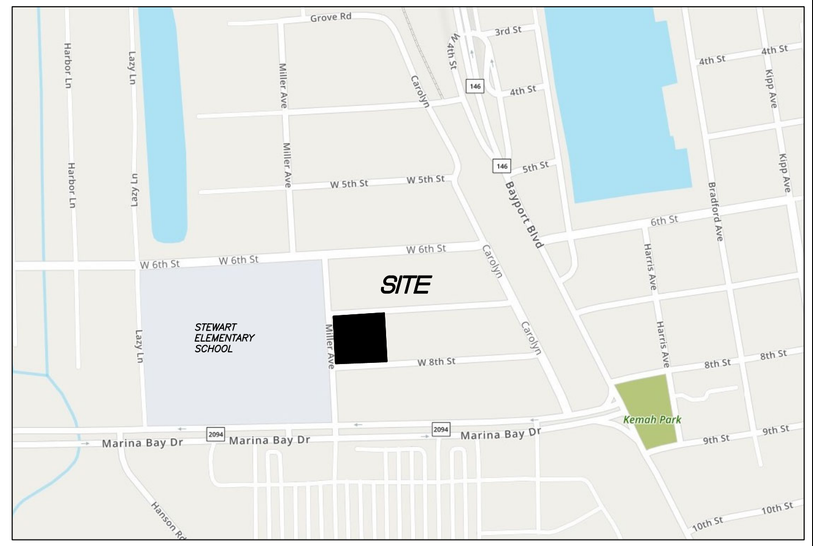
THENCE South 86 degrees 37 minutes 00 seconds West, along Northerly right-of-way line of said W. 8th Street, a distance of 200.00 feet to the intersection of the Northerly line W. 8th Street and the Easterly line of Miller Avenue (60' wide) for the Southwest corner of herein described tract of land;

THENCE North 03 degrees 23 minutes 00 seconds West, along the Easterly right-of-way line of said Miller Avenue, a distance of 200.00 feet to the intersection of the Easterly right-of-way line of said Miller Avenue and the Southerly line of W. 7th Street (60' wide) for the Northwest corner of the herein described tract of land;

THENCE North 86 degrees 37 minutes 00 seconds East, along the Southerly right-of-way line of said W. 7th Street, a distance of 200.00 feet to the Northwest corner of Lot 13, Block 13 of said WEST KEMAH SUBDIVISION SECTION 3, for the Northeast corner of the herein described tract of land;

THENCE South 03 degrees 23 minutes 00 seconds East, along the Westerly line of Lot 13, Block 13 of said WEST KEMAH SUBDIVISION SECTION 3, at 100.00 feet passing the Northwest corner of Lot 14, Block 13, of said WEST KEMAH SUBDIVISION SECTION 4, for a total distance of 200.00 feet to the POINT OF BEGINNING.

JOB NO. 56331



VICINITY MAP
1"=400'

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

ABBREVIATIONS

G.C.D.R. = Galveston Cuonty Deed Records
G.C.C.R. = Galveston County Clerk Records
G.C.M.R. = Galveston County Map Records
I.R. = Iron Rod
I.P. = Iron Pipe
P.O.B. = Point of Beginning

NOTES:

1. This property does lie within the 100 Year Flood Plain as determined by FEMA and as shown on F.I.R.M. 48167C 0042 G, Zone AE, dated August 15, 2019.
2. The herein subdivided tract or parcel of land lies entirely within the incorporated limits of the City of Kemah, Texas.
3. The herein subdivided tract or parcel of land lies within the Clear Creek Independent School District.
4. Floor elevations of structures to be determined by FEMA Firm and ordinances in effect in the City of Kemah and the County of Galveston.
5. Plat was prepared based on the title commitment provided by Stewart Title, GF No. 07-193527PG, dated October 11, 2019.

Tract subject to restrictive covenants as recorded in Volume 901, Page 588 of the Deed Records, Galveston County, Texas.

Tract subject to Terms and Conditions of the Assignment of Easements dated February 4, 1982, filed February 22, 1982, recorded in CC# 8204782, Real Property Records, Galveston County, Texas.

Tract subject to ROW Easement as recorded in Volume 2965, Page 543 and amended in CC# 8523718, of the Real Property Records, Galveston County, Texas.

Tract subject to an easement to Amoco Pipeline Company, a Maine corporation recorded in CC# 8229306, of the Real Property Records, Galveston County, Texas. (Does not affect this tract)

Tract subject to an easement to Amoco Pipeline Company, a Maine corporation recorded in CC# 8347869, of the Real Property Records, Galveston County, Texas.

Tract subject to an easement to Houston Lighting & Power Company recorded in CC# 8450670, of the Real Property Records, Galveston County, Texas.

Tract subject to a pipeline easement recorded in CC# 2003059582, of the Real Property Records, Galveston County, Texas.

Tract subject to Private Easement as recorded in CC# 8528269, of the Real Property Records, Galveston County, Texas.

There is no evidence of a pipeline across this tract.

PRELIMINARY PLAT OF

AUSTIN GARDENS
WEST KEMAH ADDITION

0.9183 ACRES OF LAND
out of the M Gouldrich Survey, Galveston County, Texas, as shown as Baptist Church property on map or plat of WEST KEMAH SUBDIVISION SECTION 3, as recorded in Volume 9, Page 64.1 of the Galveston County Map Records, and as shown on map or plat of WEST KEMAH SUBDIVISION SECTION 4, as recorded in Volume 9, Page 64 of the Galveston County Map Records

16 LOTS, 1 BLOCK
DATE: DECEMBER, 2019

REASON FOR REPLAT: TO SUBDIVIDE LAND INTO 16 LOTS

OWNER:
JOSEPH YEH
SHARYN LIU
2440 CAMERON AVE
CORINA, CA 91724

SURVEYOR:
SHANKS ENGINEERING & SURVEYING, INC.
1446 PIRATES COVE
HOUSTON, TX 77058
FIRM NO. 10193000
281-488-1486

SHEET 1 OF 1

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:

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,

Nick Haby

Director of Community Services

City of Kemah, Texas

City of Kemah, Texas
Department of Community Services

VARIANCE APPLICATION

Variance # 19081903

Site Address: 1725 Hwy. 146

Owner: Galveston Bay Foundation
Address: 1100 Hercules, Ave. Ste. 200
City, St, Zip: Houston, TX 77058
Phone: (281) 332-3381 x211
E-mail: bstokes@galbay.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 & 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]

Date: 8/19/19

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

Kemah City Council Agenda Item

#14 lateral pay structure for Kemah Police Department

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

Kemah City Council Agenda Item

#16 scheduling of State of the City event

Mayor generated Agenda Item

Kemah City Council Agenda Item

#17 scheduling of Traffic town hall meeting

Mayor generated Agenda Item