

City of Kemah
City Council &
Kemah Public Facilities
Corporation



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

SPECIAL MEETING AGENDA

**July 2, 2024
6:00 PM**

Robin Collins – Mayor

Teresa Vazquez-Evans Council Position 1	Darren Broadus Council Position 2	Doug Meisinger Council Position 3	Justin Staton Council Position 4	Isaac Saldaña Council Position 5
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- Call to Order and Certification of a Quorum**
- Pledges**
- Moment Of Silence**
- 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 at 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 three (3) minutes. Adopted Resolution 2023-04-HB2840.)

- Proclamations, Presentations, Awards, and Community Spotlight**

6. Mayor's Comments and Announcements

Announcements concerning items of community interest. No action will be taken.

7. Council Members' Comments and Announcements

Announcements concerning items of community interest. No action will be taken.

8. City Administrator Report

Announcements concerning items of community interest. No action will be taken.

9. Reports from Staff

10. 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.

10A. To Approve the Minutes of the 06/19/24 City Council Regular Meeting City Secretary

10B. To Approve the Minutes of the 06/19/24 City Council Budget Workshop City Secretary

End of Consent Agenda

11. Consideration and Possible Action Items

11A. Discussion and Possible Action regarding Ordinances related to Mobile Food Vehicles and Food Truck Parks City Administrator

11B. Discussion and Possible Action regarding City of Kemah Policies, Procedures, and Governance, Including Dissolving Any Prior Committee Council Member Isaac Saldaña
(Standard Operation Procedures SOP Committee) and

Council Member
Teresa Vazquez-
Evans

12. Executive (Closed) Session(s)

12A. Texas Open Meetings Act, Section 551.074 Government Code - Personnel Matters Discuss employment, appointment, or evaluation of a public officer or employee, to-wit:

Interim Finance Director

13. Action Item(s) From Executive Session(s)

13A. Consideration and possible action on discussion concerning employment, appointment, or evaluation of a public officer or employee, to-wit:

Interim Finance Director

14. Adjournment

Certificate of Notice

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. This facility is wheelchair accessible and accessible parking spaces are available. Requests for other accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (281)334-1611 or Fax (281)334-6583 for further information.

Posting Date and Time: 6-27-24 4:40 PM

Natasha Hinton

Natasha R. Hinton
City Secretary



The City Council of the City of Kemah, Texas reserves the right to meet in closed session on any of the items listed above should the need arise and if applicable pursuant to authorization by Title 5,

Chapter 551 of the Texas Government Code: 551.071 Consultations with Attorney, 551.072 Deliberations about Real Property, 551.073 Deliberations about Gifts and Donations, 551.074 Personnel Matters, 551.076 Deliberations about Security Devices, and 551.087 Deliberations Regarding Economic Development Negotiations.

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.

NOTICE is hereby given that the presence of a quorum of the Members of Kemah Community Development Corporation (KCDC) at any time during the course of the above-referenced proceeding may constitute a meeting of KCDC pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, by this Notice, the public is hereby advised of said meeting not less than 72 hours in advance of the date, time and location noted above.

Virtual Meeting Information

[Meeting Live Stream Link](#)



Item Number

10A

Title

To Approve the Minutes of the 06/19/24 City Council Regular meeting.

Background/Recommendation

None

Attachments

1.	MIN 06/19/2024 Council Regular Meeting

Ordinance Approvals and Notice Posting

	Notice Posting Date
	First Reading Date
	Second Reading Date

Funding

Funds are available from Account#

Requires Budget Amendment to transfer from Account#

To Account#

Not Applicable



**REGULAR MEETING
MINUTES**

**June 19, 2024
6:00 PM**

Robin Collins – Mayor

Teresa Vazquez-Evans Council Position 1	Darren Broadus Council Position 2	Doug Meisinger Council Position 3	Justin Staton Council Position 4	Isaac Saldaña Council Position 5
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Meeting Start Time: 6:00 PM

1. Call to Order and Certification of a Quorum

Mayor Robin Collins called the Kemah Council Meeting/Kemah Public Facilities Corporation Meeting to order at 6:00 p.m. in the Council Chambers in Kemah City Hall. Present were City Councilmembers Teresa Vazquez-Evans, Darren Broadus, Doug Meisinger, Justin Staton, and Isaac Saldaña. There was a quorum.

2. Pledges

Mayor Collins led the pledges of allegiance to the flags.

3. Moment Of Silence

Observed

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 at 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 three (3) minutes. Adopted Resolution 2023-04-HB2840.)

Name	Address	Topic
Cheryl Gonzales	1416 Leeward Circle	Sports Complex/Traffic Light/Block 6 th Street
Jose Macias	704 6 th Street	Noise/Street Fest
Shelia Thorne	South Kemah	Budget Workshop/11H/11J/Legal

5. Proclamations, Presentations, Awards, and Community Spotlight

6. Mayor's Comments and Announcements

Announcements concerning items of community interest. No action will be taken.

- Hurricane Season
- 4th of July Parade

7. Council Members' Comments and Announcements

Announcements concerning items of community interest. No action will be taken.

Council Member Isaac Saldaña

- None

Council Member Justin Staton

- None

Council Member Doug Meisinger

- Restaurant Flooding

Council Member Darren Broadus

- None

Council Member Teresa Vazquez-Evans

- None

8. City Administrator Report

Announcements concerning items of community interest. No action will be taken.

- Noise Ordinance

9. Reports from Staff

10. 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.

10A. To Approve the Minutes of the 06/05/24 City Council Regular Meeting **City Secretary**

10B. To Approve the Minutes of the 06/05/24 City Council Budget Workshop **City Secretary**

10C. To Approve the Minutes of the 06/12/24 City Council and KCDC Joint Workshop **City Secretary**

10D. To Approve the Final Plat for Kemah Crossing Section Four (#4) **City Administrator**

10E. To Approve and Submit a Homestead Exemption Letter in Compliance with Section 11.13 (n) of the Texas Property Tax Code to Galveston County Assessor and Collector of Taxes **City Administrator**

Motion: **To Approve all items**

Made By: **Council Member Teresa Vazquez-Evans**

Seconded By: **Council Member Justin Staton**

Vote: **Motion carried unanimously by all Councilmembers present.**

End of Consent Agenda

11. Consideration and Possible Action Items

11A. Consideration and Possible Action: To accept and approve the 2nd Quarter FY 2023-2024 Quarterly Investment Report **City Administrator**

Motion: **To Approve**
Made By: **Council Member Darren Broadus**
Seconded By: **Council Member Doug Meisinger**
Vote: **Motion carried unanimously by all Councilmembers present.**

11B. Consideration and Possible Action: To Approve a Variance for Galveston Bay Foundation located at 1725 HWY 146, Kemah, TX for Detention **City Administrator**

Motion: **To Postpone Item**
Made By: **Council Member Isaac Saldaña**
Seconded By: **Council Member Darren Broadus**
Vote: **Motion carried unanimously by all Councilmembers present.**

11C. Consideration and Possible Action: To Approve a Variance for Galveston Bay Foundation located at 1725 HWY 146, Kemah, TX for Water **City Administrator**

Motion: **To Postpone Item**
Made By: **Council Member Isaac Saldaña**
Seconded By: **Council Member Darren Broadus**
Vote: **Motion carried unanimously by all Councilmembers present.**

11D. Consideration and Possible Action: To Approve a Variance for Galveston Bay Foundation located at 1725 HWY 146, Kemah, TX for Sewer **City Administrator**

Motion: **To Postpone Item**
Made By: **Council Member Isaac Saldaña**
Seconded By: **Council Member Darren Broadus**
Vote: **Motion carried unanimously by all Councilmembers present.**

11E. Consideration and Possible Action: To Cancel or Reschedule the 07/03/24 City Council Meeting **City Administrator**

Motion: To cancel the meeting on 7/3/24 and schedule a special meeting 7/2/24

Made By: Council Member Teresa Vazquez-Evans

Seconded By: Council Member Doug Meisinger

Vote: Motion carried unanimously by all Councilmembers present.

11F. Consideration and possible action: to approve a budget amendment for the Kemah Police Department to purchase new radar systems, totaling \$11,669.25

****Item was tabled at 6/5/24 City Council Meeting***

Motion: **To Approve**

Made By: Council Member Isaac Saldaña

Seconded By: Council Member Justin Staton

Vote: Motion carried unanimously by all Councilmembers present.

11G. Discussion and Possible Action regarding the Street Festival **Council Member**
Teresa Vazquez-Evans

Motion: To Cancel the Street Festival Concerts

Made By: Council Member Teresa Vazquez-Evans

Seconded By: Council Member Doug Meisinger

Vote: Motion carried with Council Members Isaac Saldaña and Darren Broadus voting opposed.

11H. Discussion and Possible Action regarding City of Kemah policies and procedures and governance **Council Member Teresa Vazquez-Evans**

Motion: **Councilmember Teresa Vazquez-Evans will work with Aaron Smith (City Administrator) and Shelia Thorne on policies and procedures for good governance in City of Kemah**

Made By: **Council Member Teresa Vazquez-Evans**

Seconded By: **Council Member Doug Meisinger**

Vote: **Motion carried with Council Members Isaac Saldaña and Darren Broadus voting opposed.**

11I. Consideration and possible action: to approve the City Professional Auditing Services Request for Proposal (RFP) City Administrator

Motion: **To Approve the Professional Auditing Services Presented by Brooks Watson & Co PLLC**

Made By: **Council Member Darren Broadus**

Seconded By: **Council Member Doug Meisinger**

Vote: **Motion carried unanimously by all Councilmembers present.**

11J. Discussion and Possible Action regarding participation in the All-American City Award Program City Administrator

Motion: **To Authorize Participation**

Made By: **Council Member Teresa Vazquez-Evans**

Seconded By: **Council Member Justin Staton**

Vote: **Motion carried unanimously by all Councilmembers present.**

12. Executive (Closed) Session(s)

12A. Texas Open Meetings Act, Section 551.074 Government Code - Personnel Matters Discuss employment, appointment, or evaluation of a public officer or employee, to-wit: **City Administrator**

Court Administrator

12B. **Texas Open Meetings Act, Section 551.074 Government Code - Personnel Matters** Discuss employment, appointment, or evaluation of a public officer or employee, to-wit:

Interim Finance Director

City
Administrator

12C. **Texas Open Meetings Act, Section 551.072 Government Code - Deliberations about Real Property**

City
Administrator

12D. **Texas Open Meetings Act, Section 551.071 Government Code -Consultation with Attorney**

City
Administrator

Litigation

13. Action Item(s) From Executive Session(s)

13A. **Consideration and possible action on discussion concerning employment, appointment, or evaluation of a public officer or employee, to-wit:**

Court Administrator

City
Administrator

No Action Taken

13B. **Consideration and possible action on discussion concerning employment, appointment, or evaluation of a public officer or employee, to-wit:**

Interim Finance Director

City
Administrator

No Action Taken

13C. **Consideration and possible action on discussion concerning Deliberations about Real Property**

City
Administrator

No Action Taken

13D. **Consideration and possible action on consultation with City Attorney**

City
Administrator

Litigation

No Action Taken

14. Adjournment

Mayor Collins-there being no further comments, the meeting is adjourned by 8:36 PM.

Motion: **To Adjourn**

Made By: **Council Member Doug Meisinger**

Seconded By: **Council Member Justin Staton**

Vote: **Motion carried unanimously by all Councilmembers present.**

Meeting End Time: 8:36 PM

Approved: _____ **Date:** _____
Robin Collins, Mayor

Attest: _____
Natasha Hinton, City Secretary



Item Number

10B

Title

To Approve the Minutes of the 06/19/24 City Council Budget Workshop.

Background/Recommendation

None

Attachments

1.	MIN 06/19/2024 Council Budget Workshop

Ordinance Approvals and Notice Posting

	Notice Posting Date
	First Reading Date
	Second Reading Date

Funding

Funds are available from Account#

Requires Budget Amendment to transfer from Account# To Account#

Not Applicable



WORKSHOP MINUTES

**June 19, 2024
5:00 PM**

Robin Collins – Mayor

Teresa Vazquez-Evans Council Position 1	Darren Broadus Council Position 2	Doug Meisinger Council Position 3	Justin Staton Council Position 4	Isaac Saldaña Council Position 5
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Meeting Start Time: 5:10 PM

1. Call to Order and Certification of a Quorum

Mayor Robin Collins called the Kemah Council Meeting/Kemah Public Facilities Corporation Meeting to order at 5:10 p.m. in the Council Chambers in Kemah City Hall. Present were City Councilmembers Darren Broadus and Justin Staton, with Isaac Saldaña arriving at 5:18 p.m. and Teresa Vazquez-Evans arriving at 5:21 p.m. Councilmember Doug Meisinger was absent. There was a quorum at 5:21 p.m.

2. Discussion Items

2A. Budget FY 24/25

- **Department Overview**
 - **Municipal Court**
 - **Police**
 - **Public Works**

3. Adjournment

Mayor Collins-there being no further comments, the meeting is adjourned by 5:54 PM.

Meeting End Time: 5:54 PM

Approved: _____ **Date:** _____
Robin Collins, Mayor

Attest: _____
Natasha Hinton, City Secretary



Item Number

11A

Title

Discussion and Possible Action regarding Ordinances related to Mobile Food Vehicles and Food Truck Parks

Background/Recommendation

As you all know, I recently received a call regarding the mobile food vehicle application and the required fees. The one-time fee for the permit or license shall be \$350.00 for any part of a year. The permit expires on December 31 of each year.

I believe the fee should be pro-rated or good for 12 months.

This ordinance seems to come up often, and I would like to get direction on whether it should be completely rewritten. In addition, should we be more lenient and allow more locations for food trucks?

Attachments

1.	Related Ordinances

Ordinance Approvals and Notice Posting

Funding

Funds are available from Account#

Requires Budget Amendment to transfer from Account# To Account#

Not Applicable

ORDINANCE NO. 1142

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CITY OF KEMAH CODE OF ORDINANCES, AND REPLACING ORDINANCE NO. 1093 REGULATING MOBILE FOOD VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF KEMAH, TEXAS.

Sec. 50-61. - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Mobile food vehicle means a food service establishment that operates as a restaurant (or food vendor) from a vehicle of any kind (motorized or non-motorized including but not limited to a catering vehicle or a vehicle with attached trailer) that is readily mobile at all times. This type of establishment primarily prepares and/or sells food, drinks, snow cones and public concession type food for patrons.

Substantial construction site means a site or location under construction in a project of ten or more single-family residential homes or a commercial or multi-family project.

Sec. 50-62. - Mobile food vehicle regulations.

Intent: To provide a means of permitting mobile food vehicles while protecting the public interest and health of the patrons and residents of the City of Kemah.

(a) *Location restrictions:*

- (1) Mobile food vehicles may not locate for the purpose of on site sales at a particular fixed location (for a day or more) within 50 feet of a property used for single-family residential purposes, townhomes, or multifamily purposes. However, temporary pauses (to complete a sale and then depart) by a vendor who does not utilize a fixed location, like an ice cream vehicle or bicycle making mobile neighborhood sales, are excluded from this prohibition, but must hold a valid permit issued by the City of Kemah. Private residences may allow mobile food vehicles on premises for up to a 24 hour period, but no longer than a 24 hour consecutive period.

Exceptions:

- a. Mobile food vehicles may be operated or located on a substantial construction site.
- b. Mobile food vehicles may be operated or located within 50 feet of a property used for single-family, townhome, or multifamily purposes if a commercial use is already located within 200 feet of the location of the subject mobile food vehicle. For the purposes of this ordinance, food trucks themselves do not constitute a commercial use that can be calculated as a part of this 200 foot distance.
- c. Mobile food vehicles may locate within 50 feet of a property used for single-family residential purposes provided that signed correspondence from the abutting residential property owners agree to the associated mobile food vehicle use.

(b) *Health requirements:*

- (1) All mobile food vehicles shall satisfy all health and safety requirements as do all other restaurants within the City of Kemah.
- (2) During business hours permitted herein, adequate trash receptacles shall be provided and emptied by the permit holder on a regular basis so that the premises are clear of litter and food waste.

(c) *Submittal requirements for permits:*

- (1) *Mobile food vehicle application and required fees.* The one-time fee for the permit or license shall be \$75.00 for any part of a year. The permit expires on December 31 of each year. No

person, firm or corporation shall operate such a mobile food vehicle without a current and valid city license, in plain sight and subject to the requirement that it be produced on demand to any city officer seeking such identification for the operator.

(2) *Required submittals for mobile food vehicle permit.*

- a. Plumbing, electrical and gas (if applicable) schematics shall be required to be approved and on file with the City of Kemah. All mobile food vehicles shall comply with all applicable City-adopted building, plumbing, mechanical and electrical codes.
- b. A list of locations where the mobile food vehicle will operate (updated as locations change).
- c. Written consent from the property owner or legal representative allowing the mobile food vehicle, if to be at a location for an hour or more.
- d. Written consent from a manager or business owner of a host site allowing patrons to use the restroom, if to be at a location for an hour or more, if food sold is to be consumed on site and seating arrangements are provided on site by the applicant.
- e. Copy of sales tax permit indicating that Kemah, Texas, shall be reported as the point of sale for all sales by applicant in Kemah, Texas. This is to be furnished as soon as possible after the issuance of the permit.

Duly Passed and Approved on First Reading this the 3rd day of May, 2017

Duly Passed and Approved on Second and Final Reading this the 17th day of May, 2017



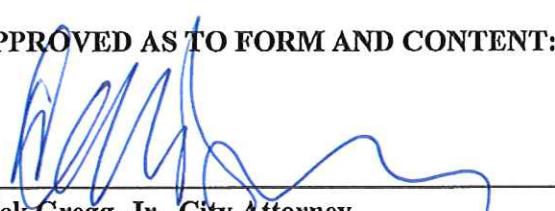
Carl A. Joiner, Mayor
City of Kemah, Texas

ATTEST:



Melissa Chilcote, City Secretary

APPROVED AS TO FORM AND CONTENT:



Dick Gregg, Jr., City Attorney
City of Kemah, Texas

ORDINANCE NO. 1177

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CITY OF KEMAH CODE OF ORDINANCES, AND REPLACING ORDINANCE NO. 1142 REGULATING MOBILE FOOD VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF KEMAH, TEXAS.

Sec. 50-61. - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Mobile food vehicle means a food service establishment that operates as a restaurant (or food vendor) from a vehicle of any kind (motorized or non-motorized including but not limited to a catering vehicle or a vehicle with attached trailer) that is readily mobile at all times. It also includes a temporary table, set of tables, cart or booth set up outside of a permanent building that can be easily transported. This type of establishment primarily prepares and/or sells food, drinks, snow cones and public concession type food for patrons.

Substantial construction site means a site or location under construction in a project of ten or more single-family residential homes or a commercial or multi-family project.

Sec. 50-62. - Mobile food vehicle regulations.

Intent: To provide a means of permitting mobile food vehicles while protecting the public interest and health of the patrons and residents of the City of Kemah.

(a) *Location restrictions:*

- (1) Mobile food vehicles may not locate for the purpose of on-site sales at a particular fixed location (for a day or more) within 50 feet of a property used for single-family residential purposes, townhomes, or multifamily purposes. However, temporary pauses (to complete a sale and then depart) by a vendor who does not utilize a fixed location, like an ice cream vehicle or bicycle making mobile neighborhood sales, are excluded from this prohibition, but must hold a valid permit issued by the City of Kemah. Private residences may allow mobile food vehicles on premises for up to a 24-hour period, but no longer than a 24-hour consecutive period.

Exceptions:

- a. Mobile food vehicles may be operated or located on a substantial construction site.
- b. Mobile food vehicles may be operated or located within 50 feet of a property used for single-family, townhome, or multifamily purposes if a commercial use is already located within 200 feet of the location of the subject mobile food vehicle. For the purposes of this ordinance, food trucks themselves do not constitute a commercial use that can be calculated as a part of this 200-foot distance.
- c. Mobile food vehicles may locate within 50 feet of a property used for single-family residential purposes provided that signed correspondence from the abutting residential property owners agree to the associated mobile food vehicle use.

- (2) Mobile food vehicles may not locate for the purpose of on-site sales at a particular fixed location (for a day or more) within 100 feet of a property used for commercial purposes without express written permission from all businesses within that radius. If a mobile food vehicle is engaged by a business to operate on or directly in front of the premises of that business, this requirement must still be fulfilled.

(b) *Health requirements:*

- (1) All mobile food vehicles shall satisfy all health and safety requirements as do all other restaurants within the City of Kemah.

(2) During business hours permitted herein, adequate trash receptacles shall be provided and emptied by the permit holder on a regular basis so that the premises are clear of litter and food waste.

(c) *Submittal requirements for permits:*

(1) *Mobile food vehicle application and required fees.* The one-time fee for the permit or license shall be \$75.00 for any part of a year. The permit expires on December 31 of each year. No person, firm or corporation shall operate such a mobile food vehicle without a current and valid city license, in plain sight and subject to the requirement that it be produced on demand to any city officer seeking such identification for the operator. Consent of a manager or business owner acting as a host site does not relieve the mobile food vehicle of its requirement for a separate permit; a mobile food vehicle may not operate as an extension of the host site's permit.

(2) *Required submittals for mobile food vehicle permit.*

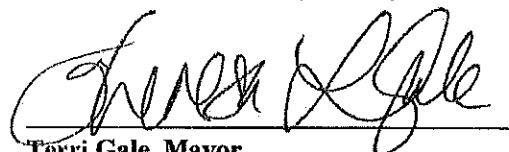
- a. Plumbing, electrical and gas (if applicable) schematics shall be required to be approved and on file with the City of Kemah. All mobile food vehicles shall comply with all applicable City-adopted building, plumbing, mechanical and electrical codes.
- b. A list of locations where the mobile food vehicle will operate (updated as locations change).
- c. Written consent from the property owner or legal representative allowing the mobile food vehicle, if to be at a location for an hour or more, and documentation of written consent as required by any other residence or business required to consent to its operation.
- d. Written consent from a manager or business owner of a host site allowing patrons to use the restroom, if to be at a location for an hour or more, if food sold is to be consumed on site and sealing arrangements are provided on site by the applicant.
- e. Copy of sales tax permit indicating that Kemah, Texas, shall be reported as the point of sale for all sales by applicant in Kemah, Texas. This is to be furnished within five business days after the issuance of the permit.

(d) *Hours of operation:*

(1) Mobile food vehicles may not operate between the hours of 2:00 a.m. and 6:00 a.m. within the city limits of the city of Kemah.

Duly Passed and Approved on First Reading this the 17th day of June, 2020.

Duly Passed and Approved on Second and Final Reading this the 1st day of July, 2020.



Terri Gale, Mayor
City of Kemah, Texas

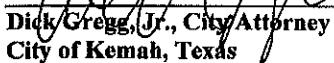
ATTEST:



Melissa Chilcote

Melissa Chilcote, City Secretary

APPROVED AS TO FORM AND CONTENT:



Dick Gregg, Jr., City Attorney
City of Kemah, Texas

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CITY OF KEMAH CODE OF ORDINANCES, BY REPEALING SECTIONS 50-61 AND 50-62 REGULATING MOBILE FOOD VEHICLES AND REPLACING THOSE SECTIONS WITH THE NEW CITY OF KEMAH CODE OF ORDINANCES SECTIONS 50-61 AND 50-62 PROVIDING DEFINITIONS AND REGULATIONS FOR MOBILE FOOD TRUCKS IN THE CITY OF KEMAH, TEXAS, PROVIDING FOR GENERAL OPERATIONS, PROVIDING FOR LOCATION RESTRICTIONS AND EXCEPTIONS, PROVIDING FOR HEALTH REQUIREMENTS, PROVIDING FOR SUBMITTAL REQUIREMENTS FOR PERMITS, PROVIDING FOR HOURS OF OPERATION, PROVIDING FOR VIOLATIONS AND PENALTIES, PROVIDING FEES, PROVIDING A REPEALING CLAUSE, PROVIDING FOR A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council for the City of Kemah has determined that regulations are needed to be updated to address regulations for Mobile Food Trucks.

WHEREAS, The City Council has determined that regulations are needed immediately to protect the public health, safety, morals and general welfare.

NOW THEREFRORE BE IT ORDAINED BY THE CITY COUNCIL OF KEMAH, TEXAS, THAT:

SECTION 1 That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by repealing Sections 50-61 and 50-62 in their entirety and replacing it with new sections 50-61 Definitions and 50-62 Regulations for Mobile Food Trucks, which shall read as follows:

Sec. 50-61. - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Mobile food vehicle means a food service establishment that operates as a restaurant (or food vendor) from a vehicle of any kind (motorized or non-motorized including but not limited to a catering vehicle or a vehicle with attached trailer) that is readily mobile at all times. It also includes a temporary table, set of tables, cart or booth set up outside of a permanent building that can be easily transported. This type of establishment primarily prepares and/or sells food, drinks, snow cones and public concession type food for patrons.

Substantial construction site means a site or location under construction in a project of ten or more single-family residential homes or a commercial or multi-family project.

Sec. 50-62. - Mobile food vehicle regulations.

Intent: To provide a means of permitting mobile food vehicles while protecting the public interest and health of the patrons and residents of the City of Kemah.

(a) General Operations:

- (1) No Person shall act as a mobile food vendor in the City without a permit issued by the City.
- (2) All mobile food units will undergo an initial review to verify compliance with applicable state and local codes.
- (3) All mobile food units shall receive a passed Health and Fire Marshal inspection prior to any permit being issued.
- (4) Per the Texas Food Establishment Rules (TFER), a mobile food unit must remain readily movable, as defined in Sec. 228.221 (a) (3). Food Trucks and Trailer Units are not meant to be permanent fixtures, and must retain their ability to be readily moved at all times. Trailers units requiring a vehicle for transportation will require the vehicle to be available and present at the location where the unit is operating; and all appropriate transportation equipment should remain available and ready for use at all times.

(b) Location Restrictions:

- (1) Mobile food vehicles may not locate for the purpose of on-site sales at a particular fixed location within 200 feet of a property line of a property used for single-family residential purposes, townhomes, or multifamily purposes. However, temporary pauses (to complete a sale and then depart) by a vendor who does not utilize a fixed location, like an ice cream vehicle or bicycle making mobile neighborhood sales, are excluded from this prohibition, but must hold a valid permit issued by the City of Kemah. Private residences may allow mobile food vehicles on premises for up to a 24-hour period, but no longer than a 24-hour consecutive period.

Exceptions:

- a. Mobile food vehicles may be operated or located on a substantial construction site.
- b. Mobile food vendors shall not operate within a public park, public right-of-way, publicly owned property or site without the written authorization from City Administrator or the City Administrator's designee.
- c. Permanent locations, (at which a mobile food vehicle is at the same location for more than 24 consecutive hours), shall not be permitted and shall be removed from the premises each day, to include not on location between the times of 02:01 a.m. and 05:59 a.m. on any calendar day of the week.

(c) Health Requirements:

1. All mobile food vehicles shall satisfy all health and safety requirements as do all other restaurants within the City of Kemah.
2. During business hours permitted herein, adequate trash receptacles shall be provided and emptied by the permit holder on a regular basis so that the premises are clear of litter and food waste.

(d) Submittal Requirements for Permits:

1. Mobile food vehicle application and required fees. The one-time fee for the permit or license shall be \$350.00 for any part of a year. The permit expires on December 31 of each year. No person, firm or corporation shall operate such a mobile food vehicle without a current and valid City license, in plain sight and subject to the requirement that it be produced on demand to any City officer seeking such identification for the operator. Consent of a manager or business owner acting as a host site does not relieve the mobile food vehicle of its requirement for a separate permit; a mobile food vehicle may not operate as an extension of the host site's permit.
2. Required submittals for mobile food vehicle permit.
 - a. Plumbing, electrical and gas (if applicable) schematics shall be required to be approved and on file with the City of Kemah. All mobile food vehicles shall comply with all applicable City adopted building, plumbing, mechanical and electrical codes.
 - b. A list of locations where the mobile food vehicle will operate (updated as locations change).
 - c. Written consent from the property owner or legal representative allowing the mobile food vehicle, if to be at a location for an hour or more, and documentation of written consent as required by any other residence or business required to consent to its operation.
 - d. Written consent from a manager or business owner of a host site allowing patrons to use the restroom, if to be at a location for an hour or more, if food sold is to be consumed on site and seating arrangements are provided on site by the applicant.
 - e. Copy of sales tax permit indicating that Kemah, Texas, shall be reported as the point of sale for all sales by applicant in Kemah, Texas. This is to be furnished within five business days after the issuance of the permit.

(e) Hours of Operation:

1. Mobile food vehicles may not operate between the hours of 02:00 a.m. and 06:00 a.m. within the city limits of the City of Kemah. At which time may not be parked

or stored on location.

SECTION 2: that all provisions of the Ordinances for the City of Kemah in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal, or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

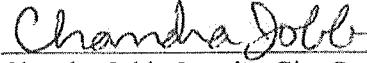
SECTION 4: An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Duly Passed and Approved on First Reading this the 6th day of October, 2021.

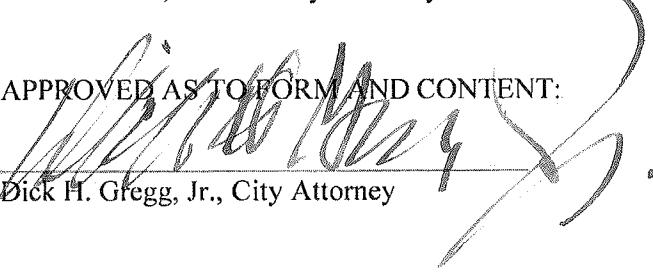
Duly Passed and Approved on Second and Final Reading this the 6th day of October, 2021.


CARL JOINER, Mayor

ATTEST:


Chandra Jobb, Interim City Secretary

APPROVED AS TO FORM AND CONTENT:


Dick H. Gregg, Jr., City Attorney

ORDINANCE NO. 1197

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CITY OF KEMAH CODE OF ORDINANCES, BY ADDING THE TERM AND DEFINITION OF “FOOD TRUCK PARK”, “MOBILE FOOD UNIT”, “MOBILE FOOD TRUCK” IN SECTION 50-61 AND PROVIDING FOR AN ADDITIONAL EXCEPTION AS TO LOCATION RESTRICTIONS ALLOWING MOBILE FOOD TRUCKS AT A PREVIOUSLY APPROVED FOOD TRUCK PARK IN SECTION 50-62, AND BY ADDING SECTION 50-63 REGULATING A FOOD TRUCK PARK WITH GENERAL OPERATIONS, MANDATORY REQUIREMENTS FOR A FOOD TRUCK PARK, PROVIDING FOR COMPLIANCE AND PENALTY PROVISIONS, PROVIDING A REPEALING CLAUSE, PROVIDING FOR A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council for the City of Kemah has determined that regulations are needed to be updated to address regulations for Mobile Food Trucks and now for any Food Truck Park.

WHEREAS, The City Council has determined that regulations are needed immediately to protect the public health, safety, morals and general welfare.

WHEREAS, The City of Kemah has approved one food truck park concept prior to making its latest revisions to the mobile food truck ordinance and no exception was made for the previously approved food truck park concept. Therefore, this amended ordinance will make said exception for the food truck park concept previously approved by council and will regulate any and all food truck parks in the future.

NOW THEREFRORE BE IT ORDAINED BY THE CITY COUNCIL OF KEMAH, TEXAS, THAT:

SECTION 1 That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding the definitions for “food truck park”, “mobile food vendor”, mobile food unit” and “mobile food truck” to Sections 50-61, which shall read as follows:

Food Truck Park means any non-residential real property designated by the City of Kemah as an acceptable “Food Truck Park” or similarly described approved site plan intending to house or temporarily housing one or more Mobile Food Trucks this is or will be operated on site and the site plan meets the minimum requirements in Section 50-63(b) herein.

Mobile Food Truck shall mean a *Mobile Food Vehicle* as defined herein.

Mobile Food Unit shall mean a *Mobile Food Vehicle* as defined herein.

SECTION 2. That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding a new section to Exceptions to Location Restrictions in Section 50-62

(b)(1)(d), which shall read as follows:

d. If, as, and when an applicant for a mobile food vehicle has previously obtained a Galveston County permit to operate a Mobile Food Vehicle and desires to be located in a permitted food truck park, as defined herein, and the placement of that applicant's truck has been accepted in writing by the owner and/or operator of the permitted food truck park, the location shall be lawful despite its proximity to any residential structure.

SECTION 3 That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding a new Section 50-63 subsections (a) and (b) regulating a Food Truck Park, which shall read as follows:

Section 50-63. – Food Truck Park Regulations

Intent: To provide a means of permitting a Food Truck Park while protecting the public interest and health of the patrons and residents of City of Kemah

(a) General Operations:

- (1) A Food Truck Park shall not be permitted to operate within 200 feet of a residence (measured from property line to property line) except where the City has previously approved a specific site plan allowing a Food Truck Park as defined herein and that site has not ceased to operate as a Food Truck Park with one or more Mobile Food Vehicles on site for a year or longer. Provided however, if a site plan previously approved does not operate as a Food Truck Park for one year or longer, then this limited distance exception shall no longer apply to that specific location. The only such Food Truck Park approved at the time of the passage of this ordinance is at 604 Kipp Avenue, Kemah, Texas 77565, where its site plans included the concept of operating up to four Mobile Food Vehicles on site.
- (2) It shall be unlawful to allow or permit a Mobile Food Vehicle to operate at a Food Truck Park without a Food Truck Park Permit.

(b) Food Truck Park Requirements:

- (1) To be permitted, a Food Truck Park shall have all of the following on site:
 - a. Permanent bathrooms
 - b. Water and sewer connections for each Mobile Food Vehicle
 - c. Perimeter Fencing
 - d. City Engineer Approved drainage plans
 - e. No less than two large trash receptacles per Mobile Food Vehicle.
 - f. Concrete or other approved parking surface for each and every Mobile Food Vehicle.
- (c) It shall be unlawful to allow or permit at any time a Mobile Food Vehicle to operate at a permitted Food Truck Park without all requirements met in Section 50-63(b)(1) herein.

(d) Should any holder of a Food Truck Park Permit fail or refuse to maintain in a good and workmanlike manner any of the required items in Section 50-63(b)(1), after 10 days-notice of the defect, the City may revoke the Food Truck Park Permit until the defects are cured.

Section 4. That portions of Chapter 50 of the City of Kemah Code of Ordinances are hereby amended by adding a new Section 50-64 subsections A, B and C regarding Compliance and Penalty Provisions, which shall read as follows:

Section 50-64. Compliance and Penalty provision:

- A. Any violation of this Ordinance shall be a Class C misdemeanor and shall be punished by a fine not to exceed the maximum permitted by law. Each day that a violation is committed or permitted to exist shall constitute a separate offense.
- B. Prosecution under this Ordinance shall not require the pleading or proving of any culpable mental state.
- C. Penalties provided for in this Ordinance are in addition to any other criminal or civil remedies that the City of Kemah may pursue under federal, state, or local law.

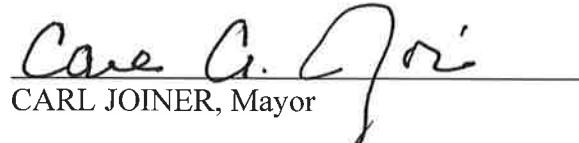
SECTION 5: that all provisions of the Ordinances of the City of Kemah in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal, or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 7: An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Duly Passed and Approved on the First Reading this the 16th day of February, 2022.

Duly Passed and Approved on the Final Reading this the 16th day of February, 2022


CARL JOINER, Mayor

ATTEST:


Chandra Jobb, City Secretary

APPROVED AS TO FORM AND CONTENT:



Dick H. Gregg, III, City Attorney