



# **Kemah Special City Council Meeting**

*June 24, 2020*

*6:00p.m.*



## SPECIAL MEETING AGENDA

June 24, 2020 6:00 P.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) 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.)*

#### 3) Consideration and Possible Action: to approve an ordinance for Short Term Rentals, including associated policies, procedures, and administration. (First Reading)

#### 4) Consideration and Possible Action: on the hiring of a Building Official in the City of Kemah

#### 5) Consideration and Possible Action: on 2020-2021 Budget Calendar

- 6) **Consideration and Possible Action: to ratify the spending of \$10,000 from HOT Funds for the July 4th weekend fireworks celebration.**
- 7) **Consideration and Possible Action: to appoint one hotelier and one city employee to the BAHCVB as both those positions are vacant for Kemah at present.**
- 8) **Discussion: of 2020-2021 Marketing RFP**
- 9) **Consideration and Possible Action: of 2020-2021 Marketing RFP**
- 10) **Adjourn**

To teleconference into the Meeting you can choose an option below:

Online: <https://global.gotomeeting.com/join/687114405>

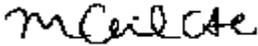
Phone: **United States (Toll Free):** [1 866 899 4679](tel:18668994679)

**United States:** [+1 \(646\) 749-3117](tel:+16467493117)

Access Code: [687-114-405](tel:687114405)

### CERTIFICATION

This is to certify that a copy of the Notice of the Special City Council meeting for **Wednesday, June 24, 2020**, was posted on the bulletin board at City Hall, 1401 Highway 146, Kemah, Texas, on this the 19th day of June, 2020, prior to 6:00 p.m.



\_\_\_\_\_  
Melissa Chilcote, City Secretary

\_\_06/19/2020\_\_\_\_\_  
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**  
**#3 Short Term Rentals, including associated policies, procedures, and administration. (First Reading)**

*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: 06/24/2020

Prepared by:

Subject: to approve the Short Term Rentals, including associated policies, procedures, and administration. (First Reading)

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: Yes

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

**SUMMARY / ORIGINATING CAUSE**

**IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

**RECOMMENDATIONS**

To approve the first reading.

**ATTACHMENTS**

**Ordinance XXXX – Short Term Rentals**

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE OF THE CITY OF KEMAH, TEXAS PROVIDING FOR REGULATIONS AND THE REGISTRATION FOR THE OPERATION AND USE OF SHORT TERM RENTALS AND PROVIDING FOR A PENALTY AND SEVERABILITY.**

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

**Section 1. Purpose.**

The purpose of this Ordinance is to establish regulations for the use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of Hotel Occupancy Tax.

**Section 2. Definitions.**

As used in this Ordinance, the following terms shall have the following meanings:

*City.* The City of Kemah, Texas.

*Guest.* The overnight occupants renting a Short Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.

*Local Contact Person.* The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.

*Operator.* The Owner or the Owner's authorized representative who is responsible for compliance with this Ordinance while advertising and/or operating a Short Term Rental.

*Owner.* The person or entity that holds legal or equitable title to the Short Term Rental property.

*Short Term Rental.* A privately owned dwelling, including but not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.

The following are exempt from the regulations under this Ordinance: hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

*Short Term Rental Permit.* A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

*Short Term Rental Unit.* One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to

be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

**Section 3.** Short Term Rental Permit required.

It shall be unlawful for any person or entity to rent, or offer to rent, any Short Term Rental without a valid Short Term Rental Permit issued under this Ordinance.

**Section 4.** Short Term Rental Permit registration fee and application.

- A. An applicant shall submit an application for a Short Term Rental Permit using a format and method promulgated by the City Administrator or his/her designee. The application form shall require, at a minimum, the following information from applicants:
- (1) The name, address, email and telephone number of the Owner of the Short Term Rental;
  - (2) The name, address, email and telephone number of the Operator of the Short Term Rental;
  - (3) The name, address, email and 24 hour telephone number of the Local Contact Person;
  - (4) The name and address of the Short Term Rental;
  - (5) The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short Term Rental;
  - (6) A diagram showing the proposed layout of the property use and any on-site parking available for the Short Term Rental; and
  - (7) A general description of any food service to be offered to Guests of the Short Term Rental.
- B. An applicant for a Short Term Rental Permit shall pay to the City a permit fee of \$150.00.
- C. A separate Short Term Rental Permit application and permit fee must be submitted for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.
- D. Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by a City Code Enforcement officer, to ensure compliance.
- E. A Short Term Rental Permit issued under this Ordinance shall be valid for a period of one calendar year from the date of issuance. The Short Term Rental Permit shall expire immediately upon any change in Owner of the Short Term Rental Unit.
- F. The Owner has a duty to notify the City within 20 calendar days, in writing, of any changes to information submitted as part of a Short Term Rental Permit application under this Ordinance.
- G. An application for Short Term Rental Permit may be denied if the Owner has had a Short Term Rental Permit suspended or revoked during the previous 365 calendar days.

**Section 5.** Short Term Rental operational requirements.

- A. The Operator shall post the following information in a prominent location within the

Short Term Rental Unit, using a form promulgated by the City:

- (1) The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
  - (2) Operator name and number;
  - (3) Local Contact Person name and number;
  - (4) The location of any on-site and off-site parking spaces available for Guests;
  - (5) The overnight and daytime occupancy limits;
  - (6) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
  - (7) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Ordinance; and
  - (8) Notification that all functions such as weddings, parties or other gatherings are prohibited at the Short Term Rental, excepting Short Term Rentals located in the Commercial Zoning District.
- B. The Operator shall operate a Short Term Rental in compliance with the following:
- (1) City of Kemah Sign Ordinance, as applicable, set forth in the Code of Ordinances;
  - (2) Maximum occupancy limits prescribed by the City Fire Marshal, pursuant to the International Fire Code as adopted in the Code of Ordinances;
  - (3) City of Kemah Hotel Occupancy Tax Ordinance set forth in the Code of Ordinances;
  - (4) City of Kemah Noise and Sound Level Regulation Ordinance set forth in the Code of Ordinances;
  - (5) City of Kemah Garbage Collection Ordinance set forth in the Code of Ordinances; and
  - (6) During any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental. The Local Contact Person shall respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
- C. Any advertisement that promotes the availability of a Short Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City.

**Section 6.** Notification of complaints.

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

**Section 7.** Compliance with other law.

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Ordinance, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Ordinance shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Ordinance shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Ordinance.

**Section 8.** Compliance and Penalty provision.

- A. It shall be unlawful for any person or entity to violate any provision of this Ordinance. Proof that a violation of this Ordinance occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
- B. 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.
- C. Prosecution under this Ordinance shall not require the pleading or proving of any culpable mental state.
- D. Penalties provided for in this Ordinance are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

**Section 9.** Permit suspension or revocation; appeal.

Upon conviction for a violation of this Ordinance, the City Administrator may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Administrator shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Administrator within ten business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Administrator related to the suspension or revocation under this Section. Following the City Administrator's final decision on appeal, the Owner may appeal an adverse decision of the City Administrator by filing a written appeal with the City Council within five business days following the date of the City Administrator's final decision.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Terri Gale, Mayor  
City of Kemah, Texas

ATTEST:

\_\_\_\_\_  
Melissa Chilcote, City Secretary

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Dick Gregg Jr., City Attorney

**Kemah City Council Agenda Item  
#4 on the hiring of a Building Official in the City of Kemah**

*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: 06/24/2020

Prepared by: Walter Gant

Subject: on the hiring of a Building Official in the City of Kemah

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: Yes

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

**SUMMARY / ORIGINATING CAUSE**

**IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

**RECOMMENDATIONS**

to hire a Building Official

**ATTACHMENTS**

# Kemah City Council Agenda Item #5 2020-2021 Budget Calendar

*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: 06/24/2020

Prepared by: Melissa Chilcote and Chandra Jobb

Subject: 2020-2021 Budget Calendar

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: Yes

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

**SUMMARY / ORIGINATING CAUSE**

**IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

**RECOMMENDATIONS**

To approve the draft 2020-2021 Budget Calendar

**ATTACHMENTS**

**2020-2021 Budget Calendar - draft**

## **2020-2021 Kemah Budget Planning Calendar - draft**

Apr 30	Mailing of notices of appraised value by chief appraiser
Jul 1	Submit TNT Worksheet to Cheryl Johnson (Sent June 11 <sup>th</sup> )
Jul 1	Prepare preliminary draft of budget using current tax rate
Jul 25	Deadline for chief appraiser to certify rolls or certified estimate of value to taxing units
July 26	GCTO to begin calculations of rates
TBD	After receipt of effective tax rate from the County, schedule budget workshops before the public hearing for budget and possible tax rate.
Jul 31	72 hour notice for meeting (Open Meetings Notice) and Legal
Aug 3	File a proposed budget with City Secretary
Aug 5	Present a copy of the proposed budget to Council
Aug 7	Rates and calculations to governing bodies and post on homepage of the city and county website, for cities with sales tax, Auditor certifies amount of debt to be paid with sales tax, Chief Appraiser delivers by mail or email notice of website location for property owners to find estimated amount of taxes (based on 2020 value and proposed rates)
Aug 12	Deadline to publish tax rate hearing notice if exceeding VAR
Aug 18	Deadline to adopt rate and call for election if exceeding VAR and earliest date rate may be adopted (no less than 5 days after the Chief Appraiser has delivered notices to property owners and tax rate calculations have been published on website). Super majority must vote to adopt the tax rate.
Aug 23	Publish notice of public hearing on the proposed budget and tax rate
Aug 28	72 hour notice for meeting (Open Meetings Notice) and legal
Sept 2	Public hearing on proposed budget and tax rate
Sept 11	72 hour notice for meeting at which Governing body will hold public hearing
Sept 16	Public Hearing on the budget (after the 15 <sup>th</sup> day of the month following the month the proposed budget was prepared; budget may be adopted after the public hearing (must be a record vote)
Sept 23	Alternative date special called meeting to Adopt budget and tax rate.
Sept 30	Deadline to adopt tax rate and budget
TBD	Submit final approved budget to Municipal Clerk for recording

**Kemah City Council Agenda Item**

**#6 to ratify the spending of \$10,000 from HOT Funds for the July 4th weekend fireworks celebration.**

*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: 06/24/2020

Prepared by: Walter Gant

Subject: to ratify the spending of \$10,000 from HOT Funds for the July 4th weekend fireworks celebration.

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: Yes

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

**SUMMARY / ORIGINATING CAUSE**

At the June 17<sup>th</sup> meeting, Council advised staff to spend \$10,000 dollars from HOT Funds for the July 4<sup>th</sup> weekend fireworks celebration

**IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

**RECOMMENDATIONS**

to approve the expenditure.

**ATTACHMENTS**

**Kemah City Council Agenda Item  
#7 BAHCVB appointments**

*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: 06/24/2020

Prepared by: Walter Gant

Subject: appoint one hotelier and one city employee to the BAHCVB as both those positions are vacant for Kemah at present.

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: Yes

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

**SUMMARY / ORIGINATING CAUSE**

The BAHCVB has 2 vacant positions for the City of Kemah.

**IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

**RECOMMENDATIONS**

appoint one hotelier and one city employee to the BAHCVB as both those positions are vacant for Kemah at present.

**ATTACHMENTS**

**Kemah City Council Agenda Item  
#8 and #9 2020-2021 Marketing RFP**

*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: 06/24/2020

Prepared by: Walter Gant

Subject: 2020-2021 Marketing RFP

Proceeding: Discussion and 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: Yes

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

**SUMMARY / ORIGINATING CAUSE**

First to workshop the RFP and then take action to approve with changes if necessary.

**IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

**RECOMMENDATIONS**

**ATTACHMENTS**

**2020-2021 Marketing RFP draft**



## **THE CITY OF KEMAH SEEKS ADVERTISING AGENCIES FOR DESTINATION MARKETING AND SOCIAL MEDIA SERVICES**

KEMAH, TX (July 15, 2020) – The City of Kemah is seeking proposals from companies for marketing and social media services related to the City and its “destination” appeal for 2020-2021 campaign.

The City of Kemah Request for Proposal (RFP) for Marketing Services requires responses which will be evaluated based on an agency’s creative and production capabilities, destination marketing experience, research capabilities, agency/joint venture staffing capabilities, billing prices and more.

Since launching the Baycation Marketing program on a regional basis in 2019-2020. Over the years - the City of Kemah has become a destination for shopping, dining, hospitality and entertainment. In 2021, the trend is expected to change a bit due to COVID-19. We want to identify and then target our “new” consumer. The Destination Marketing budget will address the brand positioning as a destination to emphasize the incredible shopping, dining, hospitality and entertainment available within the City.

The proposal should include:

- Kemah marketing focus for 2021
- Demographics and how they have changed since COVID
- Identify the area of “new visitor” traveling by car within 300 mile radius vs by air
- Report to City Council monthly with update and restructure of focus based on ever changing trends
- Updates to city website and tourism site
- Make appropriate social media posts weekly (4 X 2 platforms) facebook and Instagram cover city events, updates, parades, etc.
- Marketing assessment
- Design signage for two electronic billboards
- Coordinate with BACVB to mimic regional branding set forth in 2021

Proposals should be submitted to Walter Gant, City Administrator, City of Kemah. Proposals must be received by no later than 4 p.m. on Thursday, August 14, 2020 in the offices of The City of Kemah, 1401 Hwy 146, Kemah, Texas 77565-3002.

Documents may also be downloaded from The City of Kemah website, [www.Kemah-TX.gov](http://www.Kemah-TX.gov), by clicking on Bid Postings from the homepage. Or, contact Melissa Chilcote, City of Kemah City Secretary, at 281.334.1611 or at [mchilcote@kemah-tx.com](mailto:mchilcote@kemah-tx.com).

To learn more about The City of Kemah services, go to [www.facebook.com/cityofkemahtx](http://www.facebook.com/cityofkemahtx). and “Like” The City of Kemah on Facebook at, “follow” them on Instagram <https://www.instagram.com/kemahtx> and Twitter at <https://twitter.com/txkemah>

**About The City Of Kemah**

Located just 30 minutes south of Houston, Texas and minutes from Hobby Airport, The City of Kemah is a destination for leisure guests, business travelers and groups of all sizes. Visitors to Kemah and residents of the community enjoy shopping, a variety of dining and live music venues, entertainment options, boating and kayaking on Galveston Bay, and taking a sail in the bay. Kemah features many experiences for visitors to include: Fishing Tournament, Fireworks on Fridays etc. Kemah is home to more than 325 hotel guestrooms in upscale and boutique properties.