Kemah City Council Meeting

July 1, 2020

7:00p.m.

A G E N D A

July 1, 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. **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.)

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

5. **Mayor's Comments**

6. **City Administrator Report:**
   - Financials
   - Economic Development

- Events and Operations
- Technology Department

7. CIP

8. Police and Emergency Management Report

- Events and Operations
- Emergency Services

9. Communications and Marketing Report

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.

A. To approve an ordinance for No Wakes (Second Reading)

B. To approve an amendment of the Mobile Food Vendor Ordinance(Second Reading)

11. Consideration and Possible Action: Approval of an ordinance for Short Term Rentals, including all associated policies, procedures, and administration(Second Reading)

12. Consideration and Possible Action: on redeclaring the Local Disaster Declaration.

13. Consideration and Possible Action: to mandate or recommend mask wearing and other measures to mitigate the risk of CoVid-19 spread

14. Consideration and Possible Action: on hiring full time or part time Police Officers in the City of Kemah(Saldaña)

15. Consideration and Possible Action: to approve a contract modification for Clear Channel Outdoor LLC (Gale)

16. Consideration and Possible Action: to approve forgiveness, deferral or reduction of HOT collection through 12/31/2020 (Gale)

17. Consideration and Possible Action: to approve 2020-2021 Marketing RFP

18. Consideration and Possible Action: to issue a resolution that approves the City of Kemah to receive $112,585 authorized for Kemah, Texas under the CARES ACT Fund Transfer Request and asking for a coordinated time to sign the agreement.

19. Consideration and Possible Action: to issue a resolution that approves the transfer of $20,479 of the $112,585 funds authorized for the city of Kemah under the CARES ACT to Galveston County and to sign the corresponding interlocal agreement.

20. **Council Members' Closing Comments**

21. **Mayor's Closing Comments**

22. **Adjourn**

ONLINE: https://global.gotomeeting.com/join/668768325

PHONE: United States (Toll Free): 1 866 899 4679
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CERTIFICATION

This is to certify that a copy of the Notice of the Regular City Council meeting for **Wednesday, July 1, 2020**, was posted on the bulletin board at City Hall, 1401 Highway 146, Kemah, Texas, on this the 26th day of June, 2020, prior to 7:00 p.m.

_____ _06/26/2020_____
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

#10A To approve an ordinance for No Wakes (Second 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: 07/01/2020

Prepared by: Terri Gale

Subject: To approve an ordinance for No Wakes (Second Reading)

Proceeding: Ordinance

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

ATTACHMENTS

Ordinance XXXX – No Wakes Second Reading

Ordinance XXXX

AN ORDINANCE TO ESTABLISH NO WAKES ON FLOODED STREETS AND ROADWAYS IN THE CITY OF KEMAH, TEXAS

Chapter 98 Article I Vehicles and Traffic

Flooded Streets and Roadways
§ Section 98-5. Operations of vehicles on flooded streets and roadways.

A. Statement of purpose. The Borough finds and declares that the operation of motor vehicles upon public streets and roadways during flooding conditions can create a wake which carries beyond the street or curbline causing damage to adjacent properties. The purpose of this chapter is to protect the property of the Borough and its citizens by regulating the manner of operation of motor vehicles driven upon the public streets and roadways of the Borough during flooding conditions.
B. Prohibited operation. No motor vehicle shall be operated on any public street or roadway within the Borough where flooding exists in a manner as to cast or discharge a wave which carries beyond the edge of the street or curbline. For the purpose of this chapter flooding shall mean the existence of water on the surface of the center line of the roadway which exceeds six inches in depth.

§ Section 98-6. Violations and penalties
Any person violating or failing to comply with any other provision of this article shall, upon conviction thereof, be punishable by a fine of no less than $100 and no more than $1,000, by imprisonment not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

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, City Secretary

APPROVED AS TO FORM AND CONTENTS

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

Kemah City Council Agenda Item

#10B amendment of the Mobile Food Vendor Ordinance (Second 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: 07/01/2020

Prepared by: Terri Gale

Subject: To approve an amendment of the Mobile Food Vendor Ordinance (Second Reading)

Proceeding: Ordinance

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

ATTACHMENTS

Ordinance XXXX – Mobile Food Truck Amendment -Second Reading

ORDINANCE NO. XXXX

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 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.

(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, City Secretary

APPROVED AS TO FORM AND CONTENT:

_____

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

Kemah City Council Agenda Item

#11 Short Term Rentals, including associated policies, procedures, and administration. (Second 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: 07/01/2020

Prepared by:

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

Proceeding: Consent

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 second reading.

ATTACHMENTS

Ordinance XXXX – Short Term Rentals **Pending changes from Special Council Meeting on June 24th**

Will have the changes out by Monday for review.

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 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 owner 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;

B. An applicant for a Short Term Rental Permit shall pay to the City a permit fee of $150.00.

C. 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.

D. 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.

E. An application for Short Term Rental Permit may be denied if the Short Term Rental is disallowed by an applicable Homeowners Association or Deed Restriction. A deed restriction that merely states that the property shall be used only for residential proposes shall not be a basis for dis-allowance of permit because Texas law provides that a short term rental is residential use.

~~E.~~F. 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) Operator name and number;

(2) Local Contact Person name and number;

(3) The location of any on-site and off-site parking spaces available for Guests;

~~(3)~~(4) The overnight and daytime occupancy limits as set by the Fire Marshal by the permitting process.

~~(4)~~(5) Instructions to Guests concerning disposal of garbage and handling of garbage containers;

~~(5)~~(6) 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.

B. The Operator shall operate a Short Term Rental in compliance with the following:

(1) City of Kemah Hotel Occupancy Tax Ordinance set forth in the Code of Ordinances;

(2) 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. If contacted by the Cityfor assistance regarding the condition, operation, or conduct of Guests of the Short Term Rental, the Local Contact Person shall make resasonable efforts to resolve such concerns or request 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.~~ During the term of any short term rental, the Owners shall display a short term rental sign that contains the permit number and that sign shall be visible from any street abutting the property.

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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 theCity Administrator..

Section 7.

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. No Owner shall be responsible for violations of this ordinance by the persons other than the Owner.

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. 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.
B. Prosecution under this Ordinance shall not require the pleading or proving of any culpable mentalstate.
C. 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 any 2 or more violations of this Ordinance in any calendar year or if it is discovered after issuance of the Short Term Rental Permit that the Short Term Rental is disallowed by an applicable Homeowners Association or Deed Restriction, the City Administrator may suspend or revoke any Short Term Rental Permit issued for the Short Term Rental, however see Section 4E. 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

#12 Redeclaring the Local Disaster Declaration

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: 07/01/2020

Prepared by: Mayor Gale

Subject: on redeclaring the Local Disaster Declaration.

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 Local Disaster Declaration for the City of Kemah needs to be re-enacted for the following reasons:

- Per executive orders and disaster declarations by the State of Texas and County of Galveston, a state of disaster still exists and has not ended
- Federal, state and other grant/disaster-related funding for increased expenses will be reimbursable only if the LDD is re-enacted; this would cover additional expenses for:
    - Additional personnel to maintain security and health in the city of Kemah, particularly in understaffed and high-risk situations; this could include temporary help to supplement current staff or backfill for staff members ailing, exposed or at risk, and remote working authorization
    - Additional supply expenses for personnel and city hall/jail visitors, including but not limited to gloves, masks, hand sanitizer, vehicle or premises disinfection, and other supplies
    - Additional expenses associated with testing or CoVid-19 risk related issues for city of Kemah employees
    - Communication and community outreach to build awareness, communicate mandates and guidelines, and encourage health and safety
- CoVid-19 spread continues to accelerate at this time, and additional city impacts are not predictable
- All other municipalities and counties in the Houston region have maintained their local disaster declarations

CITY OF KEMAH

SECOND AMENDED

DECLARATION OF DISASTER

WHEREAS, the City of Kemah, in the County of Galveston County, Texas on the 12th day of March, 2020, has suffered widespread or severe damage, injury, or loss of life or property (or there is imminent threat of same) resulting from COVID-19 (novel coronavirus); and

WHEREAS, the Mayor of Kemah has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF KEMAH:

1. That a local state of disaster is hereby declared for the City of Kemah pursuant to §418.108(a) of the Texas Government Code;

2. Pursuant to §418.108(b) of the Government Code, the state of disaster shall continue for a period of not more than thirty days from the date of this second amended declaration unless continued or renewed by the City Council of Kemah;

3. Pursuant to §418.108 (c) of the Government Code, this second amended declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary;

4. Pursuant to §418.108 (d) of the Government Code, this declaration of a local state of disaster that activates the City Emergency Management Plan and the Galveston County Emergency Management Plan.

5. Current guidance as published by the Center of Disease Control (CDC) must be followed by all citizens and businesses at all times;

6. "Mass gatherings", as guided by the current CDC standards, are prohibited;

7. That this proclamation shall take effect immediately from and after its issuance; and

8. Governor Abbott ordered and declared on March 19, 2020 that beginning on Friday March 20, 2020 and ending on April 3, 2020:

    a) Every person in Texas must avoid social gatherings that have more than 10 people.

b) People should avoid eating and drinking at bars, restaurants and food courts or visiting gyms. There will be no dining at bars or restaurant dining rooms since they will be closed. Restaurants can still offer take-out options.
c) People shall not visit nursing homes, retiring centers or long-term care facilities unless they're providing critical care assistance.
d) All Texas schools must close temporarily. This does not mean that education stops. Superintendents will continue to work with the Texas Education Agency to continue online or additional educational options.

Restaurants are still allowed to offer to-go, take-out and delivery options. The governor is allowing some Texas restaurants to deliver alcohol with any food purchase. The alcoholic beverages include wine, beer and mixed drinks. This is in an effort to help the hospitality industry.

ORDERED this the 29th day of April, 2020.

Terri Gale, Mayor

Attest:

Melissa Chilcote, City Secretary

Kemah City Council Agenda Item

#13 mandate or recommend mask wearing and other measures to mitigate the risk of CoVid-19 spread

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: 07/01/2020

Prepared by: Mayor Gale

Subject: to mandate or recommend mask wearing and other measures to mitigate the risk of CoVid-19 spread

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

ATTACHMENTS

Kemah City Council Agenda Item

#14 Hiring of Police Officers

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: 07/01/2020

Prepared by: Isaac Saldaña

Subject: n hiring full time or part time Police Officers 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 increase full time, part time or contract officers in order to cover a 5 man shift Thursday - Saturday night during summer months.

ATTACHMENTS

Kemah City Council Agenda Item

#15 contract modification for Clear Channel Outdoor LLC

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: 07/01/2020

Prepared by: Mayor Gale

Subject: to approve contract modification for Clear Channel Outdoor LLC

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

ATTACHMENTS

Lease Agreement #04086 – 3 months

Lease Agreement #04086 – 9 months

FIRST AMENDMENT TO LEASE AGREEMENT
LEASE #04086

This Amendment ("Amendment") to that certain Lease Agreement (Lease #04086) (collectively with all other amendments and/or addenda thereto, the "Lease"), is entered into and effective as of date signed below by and between CITY OF KEMAH, ("Landlord") and CLEAR CHANNEL OUTDOOR, LLC, a Delaware limited liability company, ("Tenant").

RECITALS

WHEREAS, Tenant and Landlord desire to enter into the Amendment to amend and modify certain terms of the Lease.

NOW, THEREFORE, for $10.00 and other good and valuable consideration, the receipt and adequacy of which are hereby expressly acknowledged and agreed, the parties do hereby agree as follow:

AGREEMENT

1. Except as otherwise defined herein, capitalized terms used in this Amendment shall have the meanings assigned to such terms in the Lease.

2. Notwithstanding anything to the contrary contained in the Lease, rent for the 3-month period, commencing on July 14, 2020 through October 13, 2020, shall be reduced to $7,500.00 for the 3-month period. Rental beginning October 14, 2020 shall continue as provided for in the Lease of such date. Other than the foregoing, no other changes are intended or made to the paragraph or section of the Lease governing rent payable or rental amount by this Amendment.

3. The parties hereby ratify the Lease and except as amended or modified hereby, all other terms of the Lease shall remain unaltered and in full force and effect.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have caused this Amendment to be signed by their duly authorized officers as of the date first written above. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

LANDLORD:	**TENANT:**
CITY OF KEMAH	**CLEAR CHANNEL OUTDOOR, LLC.**
Signature:_____	Signature:_____
Name: _____	Name: Michelle Costa
Title: _____	Title: Exec. V.P. / Regional President
Date:_____	Date:_____

FIRST AMENDMENT TO LEASE AGREEMENT
LEASE #04086

This Amendment ("Amendment") to that certain Lease Agreement (Lease #04086) (collectively with all other amendments and/or addenda thereto, the "Lease"), is entered into and effective as of date signed below by and between CITY OF KEMAH, ("Landlord") and CLEAR CHANNEL OUTDOOR, LLC, a Delaware limited liability company, ("Tenant").

RECITALS

WHEREAS, Tenant and Landlord desire to enter into the Amendment to amend and modify certain terms of the Lease.

NOW, THEREFORE, for $10.00 and other good and valuable consideration, the receipt and adequacy of which are hereby expressly acknowledged and agreed, the parties do hereby agree as follow:

AGREEMENT

1. Except as otherwise defined herein, capitalized terms used in this Amendment shall have the meanings assigned to such terms in the Lease.

2. Notwithstanding anything to the contrary contained in the Lease, rent for the 9-month period, commencing on July 14, 2020 through April 13, 2021, shall be reduced to $12,500.00 per quarter for the 9-month period. Rental beginning April 14, 2021 shall continue as provided for in the Lease of such date. Other than the foregoing, no other changes are intended or made to the paragraph or section of the Lease governing rent payable or rental amount by this Amendment.

3. The parties hereby ratify the Lease and except as amended or modified hereby, all other terms of the Lease shall remain unaltered and in full force and effect.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have caused this Amendment to be signed by their duly authorized officers as of the date first written above. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

LANDLORD:	**TENANT:**
CITY OF KEMAH	**CLEAR CHANNEL OUTDOOR, LLC.**
Signature:_____	Signature:_____
Name: _____	Name: Michelle Costa
Title: _____	Title: Exec. V.P. / Regional President
Date:_____	Date:_____

Kemah City Council Agenda Item

#16 forgiveness, deferral or reduction of HOT collection through 12/31/2020

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: 07/01/2020

Prepared by: Mayor Gale

Subject: to approve forgiveness, deferral or reduction of HOT collection through 12/31/2020

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

ATTACHMENTS

From:	Terri Gale
To:	Melissa Chilcote
Cc:	Walter Gant
Subject:	FW: City of Kemah
Date:	Friday, June 26, 2020 4:10:14 PM
Attachments:	image002.png

For the HOT tax collection agenda item, this is attachment one of two

Thanks!

Terri Gale
Mayor
City of Kemah, Texas
281.798.8533

From: Terri Gale <tlsgale@gmail.com>
Sent: Wednesday, April 15, 2020 2:01 PM
To: Terri Gale <mayorgale@kemah-tx.com>
Subject: Fwd: City of Kemah

Best Regards,

Terri Gale
tlsgale@gmail.com
281.798.8533

---------- Forwarded message ---------
From: **Navin Patel** <navinpuna@yahoo.com>
Date: Wed, Apr 15, 2020 at 1:59 PM
Subject: City of Kemah
To: <tlsgale@gmail.com>

April 15, 2020

Dear Mayor and Council,

I am writing to highlight our situation at hand in hope for the city to help us during this crisis.

As a result of the rapidly-evolving Coronavirus (COVID-19) situation, there have been several economic disruptions that have impacted the hospitality industry including the global travel restrictions, the transition to remote workforces, and postponing or cancelling of many work projects at hand.

As you can understand, these disruptions pose unique challenges for our hotel business, which is affecting our ability to pay debts, payroll, accounts payable, and other overhead expenses. Our customer base mainly consists of corporate, blue-collar workers, travelers, and travelers from Kemah Boardwalk. Now, with Coronavirus and the restrictions on work that has been imposed by its effects, our occupancy has dropped, we have dropped 90% occupancy each day and we are doing 5% or lower each day now do to this crisis. Unfortunately, we anticipate this will be our new normal for a much-extended period.

As a result, we are requesting the following assistance be considered:

- We would like to request that our city hotel occupancy taxes be waived for the remainder of this calendar year.

Sincerely,
Navin Patel

Here some of the city around us is helping small business
Texas city doing Grant
Laport is doing grant
Clearlake is also doing

Hotel Occupancy Tax Payment Emergency Deferral + Forgiveness Program

Overview:

The City of Buda has developed a Hotel Occupancy Tax Payment Emergency Deferral + Forgiveness Program to assist hotels within the City of Buda during the COVID-19 pandemic. The program provides limited financial assistance through the deferral and forgiveness of hotel occupancy tax payments to hotels severely impacted as a result of the 'Stay at Home, Work Safe' Order implemented by Hays County and the City of Buda to lessen the impact of COVID-19.

History:

The Buda City Council took measures at the March 20, 2020 City Council meeting to defer hotel occupancy tax payments for March 20, 2020 and April 20, 2020 for 60 days with an effort to support all hotels in good-standing with the City of Buda Hotel Occupancy Tax Fund. The City Council required all hotels applying for deferral to submit a written employee retention plan to receive the 60-day deferral.

The Hotel Occupancy Tax Emergency Deferral + Forgiveness Program provides a 60-day deferral of hotel occupancy tax payments for March 20, 2020 and April 20, 2020, with an additional offering of forgiving up to $5,000 of deferred hotel occupancy tax payments. This program has an aggregate of $45,000 available for hotel occupancy tax forgiveness.

Review Process:

Deferral and forgiveness of hotel occupancy tax payments are not automatic, hotels must apply to be eligible. Applications will be accepted now through April 20, 2020 for review by the Department of Tourism to ensure completeness and eligibility. Applicants will be notified of the status of their application within 3-5 days of receipt. **All applications must include a signed W-9 form and any supporting documentation.**

- Separate applications must be submitted for the request of the March 20, 2020 tax payment and the April 20, 2020 tax payment. If an applicant wishes to request forgiveness of up to $5,000 in deferred tax payments, they must do so in writing in the deferral application.
- Applicants are required to still fill out and submit the City of Buda's Hotel Occupancy Tax Report to document the amount of tax being deferred.

Eligibility and Qualifications:

To keep hotels running through a time of social distancing, the City of Buda has developed a deferral and forgiveness program that can assist hotels that **1) pay hotel occupancy tax to the City of Buda and 2) are in good-standing on HOT payments.** Hotels wishing to apply for the program must meet the following criteria:

Prior to submitting the application, please check that your hotel meets all of the following qualifications:

_____ Collects hotel occupancy tax for the City of Buda

_____Experienced or projected to experience a decline in revenue between March 1, 2020 and May 31, 2020 as a result of COVID-19 pandemic.

_____Experienced or projected to experience a decline in employment as a result of the COVID-19 pandemic.

_____In good standing with the City of Buda with regard to licensing and finance, including being current on sales and use tax payments.

_____Engaged in activities that are legal under city and state law.

_____Meet program technical requirements including ability to provide financial records to support request.

Hotel Occupancy Tax Payment Emergency Deferral + Forgiveness Program

Please complete the information below and submit to the City of Buda Department of Tourism online or via email at lgonzalez@ci.buda.tx.us along with a signed w9 and all supporting documentation.

Applicant Information

Name of Applicant: _____

Name of Business: _____

Business Address: _____

_____

Email: _____ Phone: _____

Name of Business Owners (including investors): _____

_____

Deferral forgiveness requested: ____ YES ____ NO Amount requested: _____

Business Disaster/Interruption Insurance: ____ YES ____ NO

Business Impacts

What are the impacts to your business from COVID-19? Please check all that apply.

_____Temporary Business Closure

_____Reduced Hours of Operation

_____Restricted access to capital to address costs

_____Inability to serve customers

_____Interrupted supply/deliveries from vendors

_____Increased operating costs

_____Permanent Business Closure

_____Employee Layoffs/furloughs

_____Revenue decline

_____Decreased customers

_____Other

Briefly describe the above impacts on your business and attach supporting documentation that you have to support your request. _____

_____

_____

Employees. Please describe how many employees you employed prior to the impact; how many you currently have and how many you anticipate in the future as a result of COVID-19.

	Full Time Employees	Part Time Employees
How many did you have on January 1, 2020		
How many did you have on March 1, 2020?		
How many do you currently have as of application date?		
How many do you anticipate in 30 days from application date?		

Business Revenue.

Current percentage decline in revenue	___ Less than 5% ___5-10% ___10-25% ___>25%
Anticipated percentage decline in revenue – 30 days from application	___ Less than 5% ___5-10% ___10-25% ___>25%
Anticipated percentage decline in revenue – 60 days from application	___ Less than 5% ___5-10% ___10-25% ___>25%

Hotel Occupancy

Average Monthly Occupancy Rate for month applying for March 2019	___ Less than 5% ___5-10% ___10-25% ___25-35% ___35-45% ___45-55% ___55-75% ___>75%
Average Monthly Occupancy Rate for month applying for March 2020	___ Less than 5% ___5-10% ___10-25% ___25-35% ___35-45% ___45-55% ___55-75% ___>75%
Anticipated percentage decline in occupancy – 30 days from application	___ Less than 5% ___5-10% ___10-25% ___>25%
Anticipated percentage decline in occupancy – 60 days from application	___ Less than 5% ___5-10% ___10-25% ___>25%

Employee Retention Plan

Please provide information regarding your hotels efforts to retain current employees through the remainder of the COVID-19 impacts and recovery.

_____

_____

_____

_____

_____

(Additional information on employee retention plans and efforts may be attached with this application.)

Required Documents with Application

____ Hotel Occupancy Tax Report Form
____ W9
____ Employee Retention Plan

I certify that all the information provided is true and accurate to the best of my ability and financial information has not been manipulated to exaggerate the financial duress of this business. I understand that the information submitted in this application may require additional supporting documentation to the City of Buda Tourism Department.

I understand that the City of Buda Tourism Department will not accept and/or evaluate incomplete applications.

I understand that the City of Buda Tourism Department may grant or deny applications at its sole discretion.

I understand that my business is not entitled to a grant.

_____ _____

Signature Date

Kemah City Council Agenda Item

#17 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: 07/01/2020

Prepared by: Robin Collins

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

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 it's "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, 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.

To learn more about The City of Kemah services, go to 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.

Kemah City Council Agenda Item

#18 CARES Act Resolution for 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: 07/01/2020

Prepared by: Mayor Gale

Subject: to issue a resolution on a resolution that Approves the transfer of $112,585 authorized for Kemah Texas under the CARES ACT Fund Transfer Request and asking for a coordinated time to sign the agreement.

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 City of Kemah is to receive $112, 585 per the CARES ACT Funding.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

to approve the resolution to receive the funds.

ATTACHMENTS

Resolution 2020-XX – for City of Kemah to receive the CARES ACT Funding - will have out by Monday

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KEMAH AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR GRANTS AND ACCEPT THE $112,585 IN FUNDS ALLOCATED TO THE CITY OF KEMAH THROUGH THE CORONAVIRUS RELIEF FUND ESTABLISHED BY THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT.

WHEREAS, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") to provide much needed resources to help governments, businesses and individuals respond to the current pandemic; and

WHEREAS, within the CARES Act, the Coronavirus Relief Fund ("C RF") was created to provide financial resources to state and local governments; and

WHEREAS, Texas has received approximately $11.24 billion from the United States Department of Treasury for direct coronavirus related expenses based on the funding formula provided in the CARES Act, with 45 percent of the total $11.24 billion state allocation, approximately $5.06 billion, being made available to local governments, with approximately $3.02 billion being paid to six cities and 12 counties in Texas with a population greater than 500,000 and $1.85 billion being made available to the other 242 counties, and cities within those counties, that did not receive direct allocations from the Treasury Department; and

WHEREAS, pursuant to the allocation formula established by the CFR, Kemah has been allocated $112,585 under the CFR program based upon a $55.00 per capita allocation; and

WHEREAS, the City Council desires to authorize the City Administrator to apply for grants under the CFR program for authorized program reimbursable costs and expenses; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEMAH, TEXAS;

1. That the City Administrator is authorized, and given the legal authority, to, on behalf of the City of Kemah, apply for grants under the CFR program; and

2. In applying for grants under the CFR program, the City Council hereby directs and authorizes the City Administrator to act pursuant to, and in compliance with, the terms, understandings and assurances of the CFR program as set forth in the CRF Terms and Conditions, as may be amended, and to act in connection with the application and to provide such additional information as may be required; and

PASSED AND APPROVED THIS 1st DAY OF JULY, 2020.
PASSED, APPROVED AND RESOLVED THIS THE 6th DAY OF MAY, 2020.

_____
TERRI GALE
MAYOR

ATTEST: _____
MELISSA CHILCOTE

Kemah City Council Agenda Item

#19 CARES Act Resolution for transfer to Galveston County

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: 07/01/2020

Prepared by: Mayor Gale

Subject: to issue a resolution that approves the transfer of $20,479 of the $112,585 funds authorized for the city of Kemah under the CARES ACT to Galveston County and to sign the corresponding interlocal agreement.

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

ATTACHMENTS

Resolution 2020-XX – CARES Act Funding
Interlocal Agreement for CARES Act Funding

Resolution 2020-XX

TRANSFER OF CARES ACT FUNDING

This agreement, effective on the date of execution by City of Kemah ("effective date"), is between the County of Galveston, a political subdivision of the State of Texas ("County").

WHEREAS, County and Municipalities are eligible to receive funding from the Coronavirus Relief Fund ("CRF") under The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, which permits transfers of funding to other units of government;

WHEREAS, the State of Texas allocated CRF funding to the County based on the population in only unincorporated areas and allocated funding to Municipalities based on the population in incorporated areas within Galveston County, Texas **(See Exhibit A)**;

WHEREAS, Pursuant to Chapter 791 of the Texas Government Code, County and Municipalities are authorized to enter into this interlocal agreement;

WHEREAS, County is currently funding COVID-19 lab testing services for residents throughout Galveston County, Texas, including residents within incorporated Municipalities; and

WHERAS, County intends to continue supporting COVID-19 testing and public health responses throughout the County, including within Municipalities.

NOW THEREFORE, in consideration of the agreements contained herein, the Parties hereby covenant and agree as follows:

1. Each of the Municipalities agrees to transfer CRF funding to the County in the amounts indicated in Exhibit A to support COVID-19 testing and related public health efforts.

2. This Agreement is independently effective as to the County and each of the Municipalities who execute it. None of the Municipalities has any authority to bind any other. Whether or not any or all of the other Municipalities execute this Agreement does not affect the validity of the Agreement between each individual Municipality and the County.

3. Each Municipality authorizes the State of Texas to distribute the CRF funding subject to this agreement directly to the County.

4. If it is not practicable for any reason for the State to distribute the funds subject to this Agreement directly to the County, each Municipality agrees to obtain subject funding from the State of Texas and remit the same to the County.

5. The parties agree that the relationship between the parties of this Agreement is strictly that of independent contractors, and the parties have not entered into a joint venture, partnership or other entity in any capacity.

6. The Term of this Agreement will be for one (1) year from the Effective Date, unless sooner terminated as provided herein. The Term may be extended by written mutual agreement of the parties.

7. The parties agree that the laws of the State of Texas shall govern in any dispute concerning the rights of the parties, and that a state court in Galveston County, Texas shall be the proper venue for such dispute.

8. All financial obligations under this Agreement shall be funded from current revenues and exclusively from currently-available CRF funds.

9. This agreement may be executed in multiple counterparts.

By signing below, the representatives affirm that they are authorized to bind their respective entities and enter into this Agreement.

ATTEST:

_____

Mayor Terri Gale

Date: _____

ATTEST:

_____

CitySecretary Melissa Chilcote

EXHIBIT A

Funding per Municipality:

ENTITY:	POPULATION:	ALLOCATION:
Bayou Vista	1,648	$16,480
Clear Lake Shores	1,164	$11,640
Dickinson	21,532	$215,320
Friendswood	28,606	$286,060
Galveston	49,638	$496,380
Hitchcock	7,855	$78,550
Jamaica Beach	1,080	$10,800
Kemah	2,047	$20,479
La Marque	16,817	$168,170
League City	104,260	$1,042,600
Santa Fe	13,624	$136,240
Texas City	50,946	$509,460
Tiki Island	1,057	$10,570

INTERLOCAL AGREEMENT FOR TRANSFER OF CARES ACT FUNDING

This agreement, effective on the date of execution by each Municipality ("effective date"), is between the County of Galveston, a political subdivision of the State of Texas ("County"), and each of the following municipalities located wholly or partially within Galveston County, Texas: City of Bayou Vista, Texas; City of Clear Lake Shores, Texas; City of Dickinson, Texas; City of Friendswood, Texas; City of Galveston, Texas; City of Hitchcock, Texas; City of Jamaica Beach, Texas; City of Kemah, Texas; City of La Marque, Texas; City of League City, Texas; City of Santa Fe, Texas; City of Texas City, Texas; Village of Tiki Island, Texas (each individually "Municipality" or collectively "Municipalities").

WHEREAS, County and Municipalities are eligible to receive funding from the Coronavirus Relief Fund ("CRF") under The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, which permits transfers of funding to other units of government;

WHEREAS, the State of Texas allocated CRF funding to the County based on the population in only unincorporated areas and allocated funding to Municipalities based on the population in incorporated areas within Galveston County, Texas;

WHEREAS, Pursuant to Chapter 791 of the Texas Government Code, County and Municipalities are authorized to enter into this interlocal agreement;

WHEREAS, County is currently funding COVID-19 lab testing services for residents throughout Galveston County, Texas, including residents within incorporated Municipalities; and

WHERAS, County intends to continue supporting COVID-19 testing and public health responses throughout the County, including within Municipalities.

NOW THEREFORE, in consideration of the agreements contained herein, the Parties hereby covenant and agree as follows:

1. Each of the Municipalities agrees to transfer CRF funding to the County in the amounts indicated in Exhibit A to support COVID-19 testing and related public health efforts.

2. This Agreement is independently effective as to the County and each of the Municipalities who execute it. None of the Municipalities has any authority to bind any other. Whether or not any or all of the other Municipalities execute this Agreement does not affect the validity of the Agreement between each individual Municipality and the County.

3. Each Municipality authorizes the State of Texas to distribute the CRF funding subject to this agreement directly to the County.

4. If it is not practicable for any reason for the State to distribute the funds subject to this Agreement directly to the County, each Municipality agrees to obtain subject funding from the State of Texas and remit the same to the County.

5. The parties agree that the relationship between the parties of this Agreement is strictly that of independent contractors, and the parties have not entered into a joint venture, partnership or other entity in any capacity.

6. The Term of this Agreement will be for one (1) year from the Effective Date, unless sooner terminated as provided herein. The Term may be extended by written mutual agreement of the parties.

7. The parties agree that the laws of the State of Texas shall govern in any dispute concerning the rights of the parties, and that a state court in Galveston County, Texas shall be the proper venue for such dispute.

8. All financial obligations under this Agreement shall be funded from current revenues and exclusively from currently-available CRF funds.

9. This agreement may be executed in multiple counterparts.

By signing below, the representatives affirm that they are authorized to bind their respective entities and enter into this Agreement.

THE COUNTY OF GALVESTON, TEXAS

By: _____
Mark Henry
County Judge

Date: _____

ATTEST:

_____
County Clerk

Date: _____

THE CITY OF BAYOU VISTA, TEXAS

By: _____
Lou Wortham
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF CLEAR LAKE SHORES, TEXAS

By: _____
Kurt Otten
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF DICKINSON, TEXAS

By: _____
Julie Masters
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF FRIENDSWOOD, TEXAS

By: _____
Michael Foreman
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF GALVESTON, TEXAS

By: _____
James Yarborough
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF HITCHCOCK, TEXAS

By: _____
Randy Strickland
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF JAMAICA BEACH, TEXAS

By: _____
Steve Spicer
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF KEMAH, TEXAS

By: _____
Terri Gale
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF LA MARQUE, TEXAS

By: _____
Bobby Hocking
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF LEAGUE CITY, TEXAS

By: _____
Pat Hallisey
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF SANTA FE, TEXAS

By: _____
Jason Tabor
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

THE CITY OF TEXAS CITY, TEXAS

By: _____
Matthew Doyle
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

VILLAGE OF TIKI ISLAND, TEXAS

By: _____
Vernon Teltschick
Mayor

Date: _____

ATTEST:

_____
City Secretary

Date: _____

EXHIBIT A

Funding per Municipality:

ENTITY:	POPULATION:	ALLOCATION:
Bayou Vista	1,648	$16,480
Clear Lake Shores	1,164	$11,640
Dickinson	21,532	$215,320
Friendswood	28,606	$286,060
Galveston	49,638	$496,380
Hitchcock	7,855	$78,550
Jamaica Beach	1,080	$10,800
Kemah	2,047	$20,479
La Marque	16,817	$168,170
League City	104,260	$1,042,600
Santa Fe	13,624	$136,240
Texas City	50,946	$509,460
Tiki Island	1,057	$10,570