



Kemah City Council Meeting

04/01/2020

7:00 p.m.



AGENDA

April 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. Approval of Minutes

- 2019-12-05 Council Minutes
- 2020-02-12 Special Council Minutes

11. Consideration and Possible Action: on an Order of the City of Kemah, Texas postponing the May 2, 2020 Election to the November 3, 2020 Election date and authorize the signing of any other documents necessary to achieve this purpose.

12. Consideration and Possible Action: regarding agreement between City of Kemah and KVFD to memorialize the KVFD paying the start up cost for the ambulance service under the previous interlocal agreement between Galveston County WCID#12, Clear Lake Shores, Kemah, County of Galveston and Galveston County Health District.

13. Consideration and Possible Action: on selecting a construction contractor for the Bradford Ave Ride Sharing Lane Project

14. Consideration and Possible Action: to schedule workshops on the proposed revision of Chapters 38 and 46 of the Kemah Code of Ordinances.

15. Council Members' Closing Comments

16. Mayor's Closing Comments

17. Adjourn

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

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CERTIFICATION

This is to certify that a copy of the Notice of the Regular City Council meeting for **Wednesday, April 1, 2020**, was posted on the bulletin board at City Hall, 1401 Highway 146, Kemah, Texas, on this the 27th day of March, 2020, prior to 7:00 p.m.

M Chilcote
Melissa Chilcote, City Secretary

03/27/2020
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 #10A Approval of Minutes

Consent Agenda Item #10A: Minutes

- 2020-12-05 Council Minutes
- 2020-02-12 Special Council Minutes



MINUTES December 5, 2019

Regular Kemah City Council Meeting Kemah Public Facilities Corporation

Mayor Terri Gale called the Kemah Council Meeting/Kemah Public Facilities Corporation Meeting to order at 7:00 pm in the Council Chambers in Kemah City Hall. Present were City Council Members Teresa Vazquez-Evans, Wanda Zimmer, Kyle Burks, Robin Collins, and Isaac Saldaña. Mayor Terri Gale declared a quorum. Also in attendance were City Attorney Dick Gregg Jr., City Administrator/Police Chief Walter Gant, Community Services Director Nick Haby, Communications and Marketing Director Debi Hart, and City Secretary Melissa Chilcote. *(The time in italics on each item indicates the approximate start time of the section in the associated audio file.)*

1. 00:00:00 Pledges

Pledges led by Clear Falls Football Team

Mayor Gale requested to move Gavin Esquivel Proclamation to the next item on the agenda.

- 00:01:05 Gavin Esquivel Proclamation

Mayor Gale presented Gavin Esquivel with a proclamation.

2. 00:05:00 Prayer

Prayer led by Debi Hart

3. 00:06:26 Presentations and Proclamations

- Recognition of Jimmy Simms Jr.
 - Mayor Gale presented Jimmy Simms with an award for his work and dedication to the City of Kemah for the Christmas in Kemah event

4. 00:08:06 Invitation to Address Council

None

5. 00:08:11 Council Members Comments and Announcements

Council Member Isaac Saldaña

Welcome everyone

Council Member Robin Collins

Welcome everyone

Council Member Kyle Burks

Those passing records were awesome.

Council Member Wanda Zimmer

Welcome Everyone.

Merry Christmas

Council Member Teresa Vazquez-Evans

Happy Holidays.

Saturday is Polar Express Pajama Party – Pancakes with Santa



MINUTES
December 5, 2019

Regular Kemah City Council Meeting
Kemah Public Facilities Corporation

6. 00:08:41 Mayor's Comments

Thank you for coming.
Happy Thanksgiving and Happy Holidays.
Christmas in Kemah - fantastic event.
This Saturday - Polar Express Pajama Party
KCPAAA – Night out with Police Department on Fantasea Yacht
Saturday, Dec 14th – Christmas Boat Lane Parade
Sunday, Dec 15th – Miss Kemah/Miss Kemah Teen
Newsletter – Quarterly

7. 00:10:05 City Administrator Report

- Financials
 - Walter reviewed the financials. \$5,284,609
 - Kemah Growth Fund
 - Municipal Court – Needs a Court Clerk
 - Accounting and HR Manager needed
- Economic Development
 - LJA revised timeline for drainage study. Next meeting – draft of the drainage plan – Jimmy will review
- Events and Operations
 - City Inventory – large task

8. 00:10:15 CIP

Master Drainage Plan
Gradall is back in operation – next is West Kemah
Landry's submitted plans for a fuel station/convenience store on Marina
Boat Ramp - sent to Larry Taylor's Office
Kemah Village Turn Lane - Complete

9. 00:29:10 Police and Emergency Management Report

- Events and Operations
 - Theft Reduction Program
 - Policies and Procedures – getting implemented
 - Allocation of Man Power
 - Holding cells – Officer checks in every 15 minutes
 - Warrant Officer – getting things prepared
 - Amnesty Program:
 - a. Community Service
 - b. Payment Arrangements
 - c. Other Arrangements



MINUTES
December 5, 2019

Regular Kemah City Council Meeting
Kemah Public Facilities Corporation

- Emergency Services
- Technology Department – Bobby Hurman
 - Vendors
 - Staff Directory
 - On-going scans
 - Wireless Access
 - Server Polices
 - 5 Year Tech plan
 - Overview of Tech Department
 - Marquee Sign
 - Staff Safety and Security
 - System update to Windows 10
 - TCM – Court Server – Update with 2 backups
 - Community Center – AV System
 - Public wireless Access at Community Center
 - Organized Community Center AV Room
 - City Hall/PD organization of AV Room
 - Evidence Closet

10. 00:39:50 Communications and Marketing Report

1. Showed 5 Videos – events in Kemah
 - Christmas in Kemah video
 - Parade
 - Santa
 - Krewe Du Lac/Parrots helped as well
 - Grinch video
 - Santa coming to town video
 - Theft Reduction Program – 2 videos
2. Volunteers – 35 members
 - Pancakes and Pictures with Santa – Polar Express Pajama Party

11. 00:50:00 Consent Agenda

- A. Approval of Minutes
 - 2019-11-19 Council Workshop Minutes
 - 2019-11-20 Council Minutes
- B. To authorize naming of the road adjacent to the Shoppes of Kemah to “Evergreen Memorial Parkway”.



**MINUTES
December 5, 2019**

**Regular Kemah City Council Meeting
Kemah Public Facilities Corporation**

Motion: To approve item 11B
Made By: Council Member Teresa Vazquez-Evans
Seconded By: Council Member Wanda Zimmer
Vote: **Motion carried** unanimously by all Council Members present.

12. 00:51:06 Consideration and Possible Action: To authorize the Mayor's signature on a proposal from LJA Engineering for design specifications on a ride sharing lane on Bradford between 6th and 7th.

Motion: To authorize the Mayor's signature on a proposal from LJA Engineering for design specifications on a ride sharing lane on Bradford between 6th and 7th.
Made By: Council Member Teresa Vazquez-Evans
Seconded By: Council Member Robin Collins
Vote: **Motion carried** unanimously by all Council Members present.

13. 00:51:26 Council Members Closing Comments

Council Member Isaac Saldaña
Merry Christmas and Thanks for coming. Happy Holidays
Council Member Robin Collins
Merry Christmas
Council Member Kyle Burks
Merry Christmas
Council Member Wanda Zimmer
See you next year
Council Member Teresa Vazquez-Evans
Enjoy your Christmas – See you next year

14. 00:51:40 Mayor's Closing Comments

Happy Holidays.
Our next meeting will be January 15th

15. 00:51:55 Adjourn

Motion: to adjourn
Made By: Council Member Robin Collins
Seconded By: Council Member Teresa Vazquez-Evans
Vote: **Motion carried** unanimously by all Council Members present.

Council was adjourned at 7:51pm.



MINUTES
December 5, 2019

Regular Kemah City Council Meeting
Kemah Public Facilities Corporation

Signature Page:

APPROVED: _____

DATE: _____

ATTEST: _____

DRAFT



SPECIAL MEETING MINUTES
February 12, 2020

Regular Kemah City Council Meeting
Kemah Public Facilities Corporation

Mayor Terri Gale called the Special Meeting of the Kemah City Council /Kemah Public Facilities Corporation to order at 6:00 pm in the Council Chambers in Kemah City Hall. Present were City Council Members Teresa Vazquez-Evans, Wanda Zimmer, Robin Collins and Isaac Saldaña. Mayor Terri Gale declared a quorum. Also in attendance were City Attorney Dick Gregg Jr., City Administrator/ Chief of Police Walter Gant, Community Services Director Nick Haby, Accounting and HR Manager Chandra Jobb, Communications and Marketing Director Debi Hart, and City Secretary Melissa Chilcote. *(The time in italics on each item indicates the approximate start time of the section in the associated audio file.)*

1. 00:00:00 Consideration and Possible Action: on approving a Resolution ordering the May 2, 2020 City of Kemah General Election

Motion: To approve a resolution ordering the May 2, 2020 City of Kemah General Election
Made By: Council Member Robin Collins
Seconded By: Council Member Wanda Zimmer
Vote: **Motion carried** unanimously by all Council Members present.

2. 00:00:30 Adjourn

Motion: to Adjourn
Made By: Council Member Robin Collins
Seconded By: Council Member Teresa Vazquez-Evans
Vote: **Motion carried** unanimously by all Council Members present.

Council was adjourned at 6:01pm.



SPECIAL MEETING MINUTES
February 12, 2020

Regular Kemah City Council Meeting
Kemah Public Facilities Corporation

Signature Page:

APPROVED: _____ DATE: _____

ATTEST: _____

DRAFT

Kemah City Council Agenda Item

#11 Order to Postpone the May 2, 2020 Election to the November 3, 2020 Election Date

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: 04/01/2020

Prepared by:

Subject: Order of the City of Kemah, Texas postponing the May 2, 2020 Election to the November 3, 2020 Election date and authorize the signing of any other documents necessary to achieve this purpose.

Proceeding: Consideration and Possible Action

Originating Department:

Plan Reference: 17SP- or 17OP-

Texas Ethics Commission Form 1295 required?

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

City Attorney Review:

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

SUMMARY / ORIGINATING CAUSE

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

Order to Postpone May 2, 2020 Election

**ORDER OF THE CITY OF KEMAH, TEXAS
POSTPONING THE MAY 2, 2020 ELECTION
TO THE NOVEMBER 3, 2020 ELECTION DATE**

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date;

WHEREAS, the candidate filings for the May 2, 2020 election being postponed will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 3, 2020 election date;

WHEREAS, all applications for a ballot by mail (hereinafter referred to as “ABBM”) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election;

WHEREAS, the major relevant dates for the November 3, 2020 election are the following:

- the voter registration deadline (October 5, 2020);
- the deadline to submit an ABBM (October 23, 2020); and
- the dates for early voting (October 19, 2020 – October 30, 2020).

WHEREAS, the City will meet by August 17, 2020 to make any necessary revisions to the original order of election. Those revisions may include:

- The change to the date of the election;
- Any change in location of the main early voting location;
- Any changes to early voting dates and hours, including weekend early voting;
- Any changes to the identity of the early voting clerk and their contact information; or
- Any changes to branch early voting locations.

If the City is holding a bond election, additional revisions may need to be made to the order of election for that bond election.

WHEREAS, all election records should be stored and secured during the postponement period in the following manner:

- Storing returned ballots by mail in locked, sealed ballot boxes;
- Securely storing any unused ballots; and
- Securely retaining any relevant election records, including candidate applications and ABBMs.

WHEREAS, if voting system equipment is being leased, City will modify the procedures and timelines for receiving that equipment;

WHEREAS, notice shall be posted on the City of Kemah’s website alerting local media organizations of the change in the election date; and

WHEREAS, a revised election date notice shall be provided to the Galveston County Election Officer of the change in the election date as Galveston County is required to post the City’s notice of election on the county’s website no later than the 60th day before the date of the election under Election Code 4.008.

NOW THEREFORE, I, MAYOR OF THE CITY OF KEMAH, HEREBY FIND AND ORDER:

SECTION 1. That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

SECTION 2. That the May 2, 2020 election is hereby postponed until the November 3, 2020 uniform election date.

SO DECLARED AND ORDERED at _____.M. this the ____ day of April, 2020.

Terri Gale, Mayor

ATTEST:

Melissa Chilcote, City Secretary

APPROVED AS TO FORM:

DICK H. GREGG, Jr., City Attorney

Kemah City Council Agenda Item

#12 Agreement between City of Kemah and KVFD for start up costs

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: 04/01/2020

Prepared by: Walter Gant

Subject: Agreement between City of Kemah and KVFD to memorialize the KVFD paying the start up cost for the ambulance service under the previous interlocal agreement between Galveston County WCID#12, Clear Lake Shores, Kemah, County of Galveston and Galveston County Health District.

Proceeding: Consideration and Possible Action

Originating Department: Administration

Plan Reference: 17SP- or 17OP-

Texas Ethics Commission Form 1295 required?

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

City Attorney Review:

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval: (Walter Gant)

SUMMARY / ORIGINATING CAUSE

The contract must be amended to say that the payment for the EMS services start up costs will be paid by KVFD.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Yes recommended

ATTACHMENTS

Interlocal Agreement

**Interlocal Agreement Between Kemah Volunteer Fire Department and City of Kemah
Regarding Emergency Medical Services Start Up Costs**

This Agreement is entered into by and between The City of Kemah, Texas, a General Law municipal corporation and The Kemah Volunteer Fire Department (“KVFD”), a non profit corporation that provides fire fighting, fire suppression and rescue services for the City of Kemah, Texas (“Kemah”), The City of Clear Lake Shores, Texas (“Clear Lake Shores”) The Galveston County Water Control and Improvement District No. 12 (“District No. 12) and Lazy Bend Subdivision (the KVFD service area). Kemah and KVFD are hereafter collectively or jointly called the “parties” to this Agreement.

Purpose: This Agreement is to acknowledge that under a separate Interlocal Agreement (hereinafter called “AGREEMENT II” among (1) Galveston County, (2) Galveston County Health District, (3) Kemah, (4) Clear Lake Shores, and (5) District No. 12, Kemah is obligated to initially fund start up costs for Emergency Medical Services (“EMS”) by the County for the KVFD service area (see Section 2.2 Start Up Costs of the contract), where Kemah in making such payment of \$119,978 was and is acting on behalf of the two cities, District No. 12 and KVFD in acquiring said district wide EMS service from the County “for its cities in the county”; Note that the KVFD is not a party to Agreement II but KVFD is the direct beneficiary of the contract for county EMS services that KVFD would normally be required or expected to provide to its service area: and

Whereas, KVFD is the entity that provides all services of local fire department by contract under a third agreement hereinafter called “AGREEMENT III” by and between KVFD and Galveston County Water Control Improvement District No. 12 under an organization created by said contract called the “Emergency Services Board” and those services would normally include emergency medical services and transport but for the provision of such EMS by contract with Galveston County in AGREEMENT II; and

Whereas, KVFD actually paid the \$119,978 in start up costs that Kemah was contractually obligated to pay under said AGREEMENT II and such payment by KVFD for Kemah (without any reimbursement obligation) is to be hereby ratified and approved.

Now Therefore, the parties agree that:

1. The findings and recitations set forth in the Preamble above are true and correct.
 2. The payment by KVFD of the \$119,978 in start up costs called for in the Interlocal Agreement among (1) Galveston County, (2) Galveston County Health District, (3) Kemah, (4) Clear Lake Shores, and (5) District No. 12 (AGREEMENT II) as an expense for Kemah to initially fund (see Section 2.2 Start Up Costs) was an expense that should have been an obligation of KVFD under the contract, should have been paid by KVFD and that actually was paid by KVFD. All parties agree that the \$119,978 payment was properly paid by KVFD and not Kemah and no reimbursement is required, due or contemplated.
 3. This Agreement may be entered into in multiple counterparts each acting as an original.
-

Entered into this _____ day of _____, 2020.

Kemah Volunteer Fire Department

City of Kemah

By: _____
Matt Wiggins, President

By _____
Terri Gale, Mayor.

Kemah City Council Agenda Item

#13 Bradford Ave Ride Sharing Lane

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: 04/01/2020

Prepared by: Walter Gant

Subject: Authorizing Construction Contract for Bradford Ride Sharing Lane

Proceeding: Consideration and possible Action

Originating Department: Admin

Texas Ethics Commission Form 1295 required? Yes

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

City Attorney Review: Yes

Expenditure Required: Amount Budgeted: 50,000

Appropriation Required: Source of Funds: HOT

Finance Approval:

City Administrator Approval: (Walter Gant)

SUMMARY / ORIGINATING CAUSE

As a part of FY2020 Capital Expenditures, the City has planned for and designed a 'ride sharing' lane along the City-owned property at Bradford Avenue – directly across the street from Toucan Alley. LJA Engineering has produced construction documents for this work, and the City has budgeted to pay for this with Hotel Occupancy Tax (HOT) funding.

Bids were received from construction contractors on Friday, March 13. All expected costs should be below \$50,000.

RECOMMENDATIONS

Bids, bid tabulation letter, and Staff recommendation will be presented to City Council at the March 18 meeting.

ATTACHMENTS

**Kemah City Council Agenda Item
#14 Chapters 38 and 46 of the Kemah Code of Ordinances**

Mayor generated Agenda Item