Kemah

City Council

Special Meeting

August 26, 2020

7:00p.m.

SPECIAL MEETING AGENDA

August 26, 2020 7:00 P.M.

CITY OF KEMAH - CITY COUNCIL
AND KEMAH PUBLIC FACILITIES CORPORATION

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

VIRTUAL MEETING

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 toAddress 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: on approval of Employee Salary Increases**

4) **Consideration and Possible Action: to approve the Resolution 2020-XX for the renewal of the Linebarger Contract**

5) **Consideration and Possible Action: to amend Ordinance 1158 Kemah Growth Fund to build City Reserves. (1st Reading)**

6) **Consideration and Possible Action: Approval of the 2020-2021 Marketing RFP**

7) **Consideration and Possible Action: to authorize the Mayor to finalize the lease for the Visitor Center property.**

8) **Adjourn**

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

Online: https://global.gotomeeting.com/join/202917045

Phone: United States (Toll Free): 1 866 899 4679
United States: +1 (571) 317-3116

Access Code: 202-917-045

CERTIFICATION

This is to certify that a copy of the Notice of the Special City Council meeting for **Wednesday, August 26, 2020**, was posted on the bulletin board at City Hall, 1401 Highway 146, Kemah, Texas, on this the 21st day of August, 2020, prior to 7:00 p.m.

_____ __08/21/2020_____
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

#3 Employee salary increases

Once form is complete and departmental clearances are obtained, this form should be forwarded to the City Secretary as soon as possible prior to the date that the item is expected to be placed on the City Council agenda.

Date requested for City Council consideration: 08/26/2020

Prepared by: Mayor Gale

Subject: on approval of employee salary increases

Proceeding: Consideration and Possible Action

Originating Department: Administration

Plan Reference: 17SP- or 17OP-

Texas Ethics Commission Form 1295 required? No

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: _____

SUMMARY / ORIGINATING CAUSE

Council directed staff to add in additional raises and bring budget back to Council.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Approve the raises.

ATTACHMENTS

Job Descriptions

Job Responsibilities

Kemah City Council Agenda Item

#4 Resolution for Linebarger Contract

Once form is complete and departmental clearances are obtained, this form should be forwarded to the City Secretary as soon as possible prior to the date that the item is expected to be placed on the City Council agenda.

Date requested for City Council consideration: 08/26/2020

Prepared by: Mayor Gale

Subject: to approve Resolution for Linebarger Contract

Proceeding: Resolution

Originating Department: Administration

Plan Reference: 17SP- or 17OP-

Texas Ethics Commission Form 1295 required? No

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: _____

SUMMARY / ORIGINATING CAUSE

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Having a firm contracted to collect past due fines, fees and delinquent taxes is beneficial because it brings in additional revenues that might otherwise go unrecognized by the City.

RECOMMENDATIONS

To approve the Linebarger contract

ATTACHMENTS

Cover Letter

Resolution 2020-XX Linebarger

Contract for Collection Services

Statutory Notice of Meeting for Contingency

TEC - 1295

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KEMAH, TEXAS, AUTHORIZING THE APPROVAL OF A CONTRACT FOR COLLECTION SERVICES PROVIDING FOR THE COLLECTION OF DELINQUENT TAXES AND COURT FINES AND FEES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP; AND MAKING CERTAIN FINDINGS ASSOCIATED WITH TEXAS GOVERNMENT CODE §2254.1032; AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kemah desires to approve a contract for collection services of delinquent taxes and court fees and fines with Linebarger Goggan Blair & Sampson, LLP;

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

Section 1. After having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Contract for Collection Services with Linebarger Goggan Blair & Sampson, LLP is approved and the Mayor is authorized to execute this Agreement.

After exercising its due diligence, the City of Kemah finds:

Section 2. That there is a substantial need for the legal services to be provided pursuant to the Contract for Collection Services;

Section 3. That these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Kemah at a reasonable cost;

Section 4. That these legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of these receivables as provided by Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48 and Texas Code of Criminal Procedure Art. 103.0031 and because the City of Kemah does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees;

Section 5. That Linebarger Goggan Blair & Sampson, LLP, is well qualified and competent to perform the legal services required to comply with the terms of this contract;

Section 6. That Linebarger Goggan Blair & Sampson, LLP has provided these specialized legal services to the City of Kemah in the past and the City of Kemah has been well satisfied with the quality and outcome of the legal services provided.

Section 7. That the contract with Linebarger Goggan Blair & Sampson, LLP is the result of an arm's length transaction between the City of Kemah and Linebarger Goggan Blair & Sampson, LLP and is fair and reasonable.

Section 8. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED on this 26th day of August, 2020.

_____
Terri Gale, Mayor
City of Kemah, Texas

APPROVED AS TO FORM:

_____
Dick Gregg, Jr.

I, Melissa Chilcote, Secretary of the City Council of the City of Kemah, Texas, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Kemah at its Regular Meeting held on the26th day of August, 2020, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribed my name hereto officially under the corporate seal of the City of Kemah this 26th day of August, 2020.

_____
Secretary for the City Council
of the City of Kemah

NOTICE OF MEETING

August 26, 2020 7:00PM

CITY OF KEMAH- CITY COUNCIL

Council Chambers, Kemah City Hall,
1401 Hwy 146, Kemah, Texas 77573
VIRTUAL MEETING

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**

Notice is hereby given that a meeting of the City Council of Kemah, Texas will be held on August 26, 2020 at 7:00 p.m. in the Council Chambers of Kemah City Hall, 1401 Hwy 146, Kemah, Texas for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP as special counsel to perform all legal services necessary to collect delinquent ad valorem taxes and also to collect unpaid fines, fees and court costs as provided in Texas Code of Criminal Procedure Art. 103.0031 and authorizing the execution of such agreement.

The agreement to be considered is necessary for the delinquent ad valorem taxes owed to the City of Kemah to be collected in the most effective manner. The City desires that such delinquent tax, penalties and interest be collected as provided in the Texas Tax Code and the City further desires that such unpaid fines, fees and court costs be collected as provided in Texas Code of Criminal Procedure Art. 103.0031.

The Linebarger Goggan Blair & Sampson, LLP firm is fully qualified to provide this representation, being the largest delinquent collection law firm in the State of Texas, as well as the United States and having been engaged in this specialized legal service for more than 40 years. In addition, the Linebarger Goggan Blair and Sampson, LLP firm possesses infrastructure and technology, such as call center technology, that the City does not currently possess.

Linebarger Goggan Blair & Sampson, LLP has represented the City of Kemah for the past 27 years with competence and professionalism, in the collection of delinquent property taxes.

Linebarger Goggan Blair & Sampson, LLP has represented the City of Kemah for the past 14 years with competence and professionalism, in the collection of unpaid fines, fees and court costs.

The specialized legal services required by this agreement cannot be adequately performed by the attorneys and supporting personnel of the City due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-

house attorneys and staff with the level of experience and competence necessary to perform these activities.

For delinquent ad valorem tax collections, Linebarger will be compensated on a contingent fee basis as provided in the Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48. These Texas Tax Code sections specifically provide for an additional penalty on delinquent taxes to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the City.

For the collection of unpaid fines, fees and court costs, Linebarger will be compensated on a contingent fee basis as provided in Texas Code of Criminal Procedure Art. 103.0031. This Article specifically provides for an additional collection fee in the amount of 30 percent in certain cases to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the City.

Entering into the proposed agreement is in the best interests of the residents of the City of Kemah because the delinquent taxes and unpaid fines, fees and court costs will be professionally and competently collected without the additional costs to the City of Kemah of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis which would otherwise be required.

CERTIFICATION

This is to certify that a copy of the Notice of Meeting of the Kemah City Council meeting for August 26, 2020 was posted on the bulletin board at City Hall, 1401 Hwy 146, Kemah, Texas 77565 on this 21st day of August, 2020, prior to 7:00pm.

_____

Melissa Chilcote, City Secretary

In compliance with the Americans with Disabilities Act, the City of Kemah will provide reasonable accommodations for disabled persons attending City Council Meetings. Requests should be received at least 24 hours prior to the scheduled meeting, by contacting the City Secretary's office at 281-334-1611 or 1401 Hwy 146, Kemah, Texas 77565.'''

Virtual Meeting Information

Online: https://global.gotomeeting.com/join/202917045
Phone: **United States - 1 866 899 4679**
United States - +1 (571) 317-3116
Access Code: **202-917-045**

Kemah City Council Agenda Item

#5 to amend the kemah growth fund to build city reserves

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: 08/26/2020

Prepared by: Walter Gant

Subject: to amend Ordinance 1158 the Kemah Growth Fund to build city reserves (1st 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:

Expenditure Required: Amount Budgeted:

Appropriation Required: Source of Funds:

Finance Approval:

City Administrator Approval:

SUMMARY / ORIGINATING CAUSE

At the 8/19 meeting, Council asked staff to amend ordinance and bring to next meeting.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

Ordinance XXXX - Amending the Kemah Growth Fund Ordinance

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING ORDINANCE 1158 ESTABLISHING A 'KEMAH GROWTH FUND' AS AN ECONOMIC DEVELOPMENT TOOL FOR GRANTS OR LOANS TO GROW THE SALES TAX BASE FOR THE CITY OF KEMAH

WHEREAS The City Council of the City of Kemah desires to be forward-looking and prepared when attracting responsible and beneficial economic growth in Kemah, and;

WHEREAS the City Council of the City of Kemah has historically utilized Chapter 380 Economic Development Agreements in order to attract quality commercial growth and stimulate business and commercial activity, and;

WHEREAS the Shoppes at Kemah, hereinafter described as the "Shoppes", is addressed at 401 to 441 FM 518, otherwise defined as an approximately 76,000 Square Foot retail center on a tract of land consisting of approximately 11.723 acres within the City of Kemah, further described within the City of Kemah's Economic Development Incentive Agreement with Kemah Investment Partners, LLC executed on the 9th day of May, 2017, and;

WHEREAS the Shoppes of Kemah has proven to be a popular shopping destination in the community, and has the potential to be a catalyst for more economic development within the community;

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

(1) A 'Kemah Growth Fund' is hereby established as a separate account to be maintained by the City of Kemah.

(2) The 'Kemah Growth Fund' shall be designed to serve as an economic development fund for grants or loans to qualifying economic development initiatives for the purposes of growing the sales tax base, strengthening infrastructure and generally increasing the wealth of the City of Kemah.

(3) All City-related sales tax income from the Shoppes that is designated as General Fund revenue (as opposed to KCDC revenue) shall be deposited into this separate '~~Kemah Growth Fund~~'City Reserves' account until a total of $3,000,000.00 has been collected within this account.

(4) Once a total of $3,000,000 in cash has been deposited from the sales tax receipts from the Shoppes of Kemah tenants to the 'Kemah Growth Fund' account, any and all future sales tax revenue, excluding the portion designated to KCDC, from the Shoppes shall revert to the City of Kemah general fund.

(5) At the discretion of Kemah's City Council, the Kemah Growth Fund can make further grants or loans to various economic development initiatives in accordance with State law for the purposes of growing the City's tax base. Any sales tax collected from subsequent Kemah Growth Fund grantees shall be deposited back into the Kemah Growth fund until

either the Kemah Growth Fund has acquired a balance of $3,000,000 in cash and/or credit worthy receivables or the original amount of the grant or loan provided to said grantees has been collected within the Kemah Growth Fund.

(6) The Kemah City Council may, by record vote and at their discretion, utilize the Kemah Growth Fund for other purposes as they see fit in the best interest of the City of Kemah.

Duly Passed and Approved on First Reading this the 26th day of August, 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
City of Kemah, Texas

Kemah City Council Agenda Item

#6 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: 08/26/2020

Prepared by: Robin Collins

Subject: 2020-2021 Marketing RFP

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

2020-2021 Marketing RFP draft

FOR IMMEDIATE RELEASE

FOR MORE INFORMATION
Walter Gant, City Administrator The City Of Kemah 281.334.1611

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

KEMAH, TX (August 31, 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 Destination 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 capabili- ties, billing prices and more.

Since launching the Baycation Marketing program on a regional basis in 2019-2020 the City of Kemah has become a destination for shopping, dining, hospitality and entertainment. In 2021, the trend is expected to change due to COVID-19. The Destination Marketing **budget** will ad- dress the brand positioning as a destination to emphasize the shopping, dining, hospitality and entertainment available withing the City.

The proposal should include:
- City of Kemah marketing focus for 2021 and the Kemah Tourism marketing for 2021
- Marketing assessment
    - Identify and target our "new consumer" traveling by car within 300 mile radius vs by air
- Robust social media campaign including, making social media posts weekly and 4 scheduled post per platform weekly
    - Facebook, YouTube, Twitter, and Instagram These posts should include city events, updates, parageds, etc.
- Demographics and how they have changed since COVID
    - Age Demographic Segments
    - Life Cycle Demographic Segments
    - Gender Demographic Segments
    - Income Demographic Segments
    - Religion, Race, and Nationality Segments
- Design signage for two electronic billboards
- Report Website and Social Media statistics to City Council quarterly with update and restructure of focus based on ever changing trends

Do we want to digital analytics and reporting quarterly from these companies??

- Coordinate with BACVB to mimic regional branding set forth in 2021 (if this is passed via a council vote)

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, September 28, 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, please visit any one of the following social media links:

- www.facebook.com/cityofkemahtx
- www.facebook.com/cityofkemahtx/VisitKemahTX
- instagram.com/visitkemahtx
- https://twitter.com/visitkemahtx

Be sure to like and follow our social media accounts for up timely updates and information.

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, sailing, boating and kayaking on Galveston Bay, Kemah features many experiences for visitors to include: Fishing Tournaments, Summer Fireworks, Themed Festival, Miss Kemah Pageant, Kps and Frawfish, Christams Boat Parade and Festivities, etc. Kemah is home to more than 288 guestrooms in upscale and boutique properties.

Kemah City Council Agenda Item

#7 Visitor Center Lease

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: 08/26/2020 Prepared by: Mayor Gale

Subject: to authorize the Mayor to finalize the lease for the Visitor Center property.

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

Visitor Center Lease Agreement - will be emailed out as soon as it's available