



## Meeting Minutes City Council

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Tuesday, September 17, 2019

6:30 p.m.

Clubhouse - 931 Cedar

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**Present:** Mayor Kurt Otten, Councilwoman Amanda Fenwick, Councilwoman Jan Bailey, Councilwoman Angie Terrell, Councilwoman Christy Lyons, Councilman Mark Thompson, City Administrator Brent Spier, Chief Kenneth. Cook, City Secretary Christy Stroup, Fire Chief Brent Hahn, Building Official Kevin Harrell

### 1. CALL TO ORDER & DETERMINATION OF QUORUM:

Mayor Otten called meeting to order at 6:33 p.m.

### 2. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE TEXAS FLAG.

Mayor Otten lead the Pledge of Allegiance to the Flag of the United States of America and the Texas Flag

### 3. PRESENTATION: Annual update concerning the progress and success of the Leader in Me Program at Stewart Elementary

Requested to be rescheduled to the next Council Meeting in October due to weather.

### 3. PUBLIC HEARING:

a) 702 Oak Road – Junked Boat: Public Nuisance and Abatement of Nuisance; removal from public or private property; disposal

**NO COMMENTS**

b) Adoption of the FY20 City Budget

**NO COMMENTS**

### 4. REPORTS FROM COUNCIL:

Councilman Thompson – No report

Councilwoman Lyons – Effective Oct. 1<sup>st</sup> CLEMC will no longer respond to calls and Nov. 15<sup>th</sup> will no longer take 911 calls

Councilwoman Terrell – Attended the Chamber of Commerce meeting and Sgt. Behler received an award for his involvement in disbursing a theft ring that also involved narcotics and the apprehension of the suspects; Mayor and herself attended the EDC meeting – stated it was interesting to hear from the Engineer.

Councilwoman Bailey – Attended the CLEMC, ESB, and Galveston County Mayor and Council meeting.

Councilwoman Fenwick – No report

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**Mayor Otten** – Attended the Chamber meeting and commended Sgt. Behler; City of Clear Lake Shores is participating in the Bay Area Heart Walk with the Mayors on November 9<sup>th</sup> for anyone that would like to join; Fire Marshall Service is to be contracted out; National Night Out is Oct. 1<sup>st</sup>; Back the Blue is this weekend.

**5. STAFF REPORTS:**

**Police Chief Kenneth Cook:** Commended Sgt. Behler for his outstanding service; Back the Blue this weekend; no progress on the ticket writers. (Report attached)

**Building Official Kevin Harrell:** Stats since last meeting; 311 Narcissus demo has been postponed – the attorney with the mortgage company filed an injunction and court is scheduled for Sept. 23<sup>rd</sup>; Home Depot is expanding and will have a section for tool rental; all code enforcement cases are settled.

**Fire Chief Brent Hahn:** Stats for August; hired 2 part time employees and 2 volunteers; implemented a “Went to Work” program that allows the Fire Dept. to better track hours for employees and volunteers. (Report attached)

**Councilwoman Fenwick** thanked the Fire Department on their participation in the Kemah water recovery effort.

**City Administrator Brent Spier:** Report Attached

**6. COMMITTEE REPORTS:**

**Parks and Pool:** Chris Richardson reported at last meeting and Pam House volunteered to be Secretary; went over their budget; Earthworks will be taking over the landscaping at Jean Marie Park and Lowell Brown Park; discussed the Christmas decorations and is requesting \$2,000 to replace some decorations – Diana Chronister went over the nautical theme that they are wanting to do for Christmas décor.

**Waterfront Compliance:** No report.

**Planning and Zoning:** Patrick Michaelski reported no new business since last meeting

**Zoning Board of Adjustments:** Patrick Michaelski stated no new business since last meeting

**Roads and Drainage:** Richard Sowrey reported that he has a list of priorities that he gathered from “Coffee with the Mayor”; they will be getting with the engineer to go over the high priority projects.

Councilwoman Terrell asked Richard to go over the top 5 projects he has listed.

Richard Sowrey stated East Side of Queen Rd, 710 Narcissus drain issues, 111 Juniper Road ditch sculpting, grates on Pine and Oak Roads.

**7. CIVIC CLUB:**

Teresa Otten thanked JuJu Allen for participation in the Back to School party; National Night Out is Oct. 1<sup>st</sup>; Barktoberfest is October 12<sup>th</sup>; BBQ Cook-off is October 26<sup>th</sup>; Halloween Party is Oct. 31<sup>st</sup>. More information can be found in The Islander.

**8. ECONOMIC DEVELOPMENT CORPORATION: No Report**

**9. PUBLIC COMMENTS:**

Leslie Lundquist – 730 Oak Rd – stated that she would like to participate in any way she can in the ordinance or the waterfront lease agreement

**11. NEW BUSINESS:**

**CONSENT AGENDA:**

- a. Check Register: 08/29/19 thru 09/11/19
- b. Council Meeting Minutes 09/03/19

cont'd 09/17/19 minutes

*Councilwoman Terrell* made motion to approve Consent Agenda item "a"  
*Councilwoman Lyons* second the motion

**MOTION PASSED UNANIMOUS**

*Councilwoman Terrell* made motion to discuss Consent Agenda item "b"  
*Councilwoman Lyons* second the motion

*Councilwoman Terrell* stated that there are changes to the minutes:  
Remove Capt. Gist and replace with Chief Cook under members present  
Add Councilwoman Terrell to the members present  
Replace Capt. Gist with Chief Cook under Staff Reports

*Councilwoman Fenwick* made motion to approve Consent Agenda item "b" with changes  
*Councilwoman Terrell* second the motion

**MOTION PASSED UNANIMOUS**

**12. COUNCIL BUSINESS:** Discussion and possible action may be taken on the following items:

**a. Action from Public Hearing: 702 Oak Road – junk boat.**

Kevin Harrell stated that the boat has not been registered in over 3 years and needs to be removed.

*Councilwoman Lyons* asked Kevin if he is requesting the City to have the boat removed and pay for the removal. Kevin stated that the City is not responsible for the fees for the removal of the boat.

*Councilwoman Terrell* wanted to know if the city followed all notification requirements. Kevin Harrell stated they have, and that Mr. Beauchamp was notified of the Public Hearing and he has not appeared tonight for the hearing.

*Councilwoman Terrell* inquired about the process and Kevin Harrell explained the action steps to take place over the next 30 days before the boat is destroyed

*Councilwoman Terrell* made motion to discuss  
*Councilwoman Bailey* second the motion

*Councilwoman Terrell* wanted to know if the city followed all notification requirements. Kevin Harrell stated they have, and that Mr. Beauchamp was notified of the Public Hearing and he has not appeared tonight for the hearing.

*Councilwoman Terrell* inquired about the process and Kevin Harrell explained the action steps to take place over the next 30 days before the boat is destroyed.

*Councilwoman Terrell* made motion to have the boat removed from the premises  
*Councilwoman Lyons* second the motion

**MOTION PASSED UNANIMOUS**

**b. Final review of FY20 City Budget including all other funds within the city.**

*Councilwoman Fenwick* inquired about the request for a new Tahoe which is listed under Capital Equipment Fund. **Chief Cook** said the 2013 Tahoe that is currently being used as a patrol unit needs to be taken out of rotation due to mileage. **Councilwoman Fenwick** asked if this new Tahoe would actually replace the 2013 or how would it fit into rotation? **Chief Cook** stated that the new Tahoe would go to the Chief and the Chief's Tahoe would go to the Asst. Chief and the vehicles would filter down from there.

**Councilwoman Bailey** inquired about significant increase in the EDC Budget and line item "Other Contractual Services". **City Admin. Brent Spier** explained that it is mostly used to cover additional engineering services throughout the fiscal year.

**Brent Spier** also stated that under the line item for infrastructure there is funding in there for Shell Bottom Project and also fans for the pavilion.

**Councilwoman Bailey** also questioned the item that is on the agenda to adopt a resolution for the boat ramp access and is not familiar with the project and it is listed in the EDC budget for funding. **Brent Spier** explained that the resolution is the first step in requesting grant funds for the boat ramp. It has been placed in the budget to show proof to the state that we have the City funding that is required as proof that we can fund our portion of the project.

**c. Action from the Public Hearing: Adoption of the FY20 Budget.**

**City Administrator Brent Spier** stated that the Ordinance had not been prepared to adopt and recommended that a Special Meeting be held to adopt the Ordinance.

The budget can be approved and adopt the Ordinance at a later meeting.

**Councilwoman Terrell** made motion to approve the budget as prepared  
**Councilwoman Lyons** second the motion

**MOTION PASSED UNANIMOUS**

**d. Rescind revocation of Waterfront Leases B-017 and B-027B due to non-payment.**

**City Administrator Brent Spier** stated that there is a discrepancy between the lease agreement and the ordinance that was adopted pertaining to waterfront leases.. After speaking to legal counsel it was agreed that the revocation should be rescinded.

**Councilwoman Fenwick** made motion to rescind revocation of Waterfront Leases B-017 and B-027b.

**Councilwoman Terrell** second the motion

**MOTION PASSED UNANIMOUS**

**e. Adoption of the 2019-2020 Fee schedule.**

**City Administrator Brent Spier** stated that there have been no changes to the fee schedule other than what the council adopted back in July pertaining to the permit fees.

**Councilwoman Lyons** requested that the addition of Lazy Bend and ETJ residents qualify for Resident fee and Mayor Otten asked that it be stated on the actual Fee Schedule.

**Councilwoman Terrell** made motion to accept Fee Schedule with the additional comment pertaining to Lazy Bend and ETJ residents

**Councilwoman Bailey** second the motion

**MOTION PASSED UNANIMOUS**

**f. Dissolve the Town Center Review Board.**

**Mayor Otten** stated that this committee has not met in over 3 years and some of the members are not living in the area and requested that it be dissolved.

**Councilwoman Lyons** made motion to dissolve the Town Center Review Board

**Councilwoman Terrell** second the motion

**MOTION PASSED UNANIMOUS**

- g. **ORDINANCE NO. 2019-08: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY ADDING SECTION 78-102: NO PARKING – RIGHT OF WAY ADJACENT TO CITY STREETS, AND TO ARTICLE V: STOPPING, STANDING AND PARKING. CHAPTER 78 – TRAFFIC AND VEHICLES: PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$200.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.**

*City Administrator Brent Spier* briefly reviewed the changes that were made from the previous version after being reviewed by legal.

*Councilwoman Terrell* made motion to approve Ordinance 2019-08  
*Councilwoman Fenwick* second the motion

**MOTION PASSED UNANIMOUS**

- h. **RESOLUTION NO. 2019-18: THE CITY OF CLEAR LAKE SHORES ADOPTING THIS RESOLUTION IS DESIROUS OF PROVIDING FOR THE CONSTRUCTION OF A BOATING ACCESS FACILITY ON EAST SHORE DRIVE AT SHELL BOTTOM PARK THROUGH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FUNDING OF PROJECT.**

*Councilwoman Fenwick* made motion to approve Resolution 2019-18  
*Councilwoman Lyons* second the motion

**MOTION PASSED UNANIMOUS**

- i. **Parks and Pool Committee to acquire new Christmas Decorations in a Nautical theme not to exceed \$2,000.00.**

*Councilwoman Bailey* made motion to approve item i as written  
*Councilwoman Terrell* second the motion

**MOTION PASSED UNANIMOUS**

- j. **EXECUTIVE SESSION: Pursuant to Section 551.074 concerning Personnel Matters it authorizes certain deliberation about officers and employees of the governmental body to be held in executive session (1)to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Administrator Brent Spier, Police Chief Kenneth Cook, City Secretary Christy Stroup.**
- k. **EXECUTIVE SESSION: Pursuant to Section 551.72 authorizes a governmental body to deliberate in executive session on certain matters concerning real property: A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

**Recessed Council meeting to convene Executive Session: 8:06 pm  
Reconvened into Council Meeting from Executive Session: 9:27 pm**

- l. **Action from EXECUTIVE SESSION: Pursuant to Section 551.074 concerning Personnel Matters it authorizes certain deliberation about officers and employees of the governmental body to be held in executive session (1)to deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Administrator Brent Spier, Police Chief Kenneth Cook, City Secretary Christy Stroup.**

**NO ACTION**

cont'd 09/17/19 minutes

m. **EXECUTIVE SESSION:** Pursuant to Section 551.72 authorizes a governmental body to deliberate in executive session on certain matters concerning real property: A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

*Councilwoman Terrell* made motion to allow Mayor Kurt Otten to enter into land acquisition not to exceed \$320,000.00.

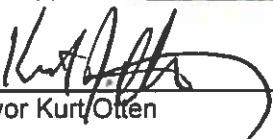
*Councilwoman Fenwick* second the motion

**MOTION PASSED UNANIMOUS**

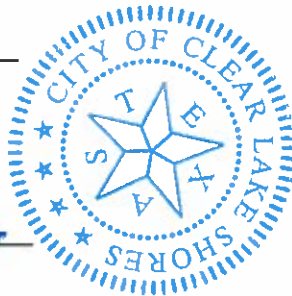
**13. ADJOURNMENT:**

Mayor Otten adjourned the meeting at 9:29 p.m.

Date Approved: 10-2-19

  
\_\_\_\_\_  
Mayor Kurt Otten

Attest:  
  
\_\_\_\_\_  
Christy Stroup, City Secretary



# **CLEAR LAKE SHORES POLICE DEPARTMENT**

**1006 South Shore Dr.  
Clear Lake Shores, TX 77565**

**Kenneth G. Cook  
Chief of Police**

September 17, 2019

**Subject: Report for Council Meeting**

## **MISC. INFO:**

### **"Patriots Award" Luncheon:**

The 2019 Patriots Award Luncheon held this past Friday the 13<sup>th</sup>. was excellent. Sergeant Pete Behler works very hard every day, does a great job, and was an outstanding choice to receive this year's award. He has most certainly earned it.

### **"Back the Blue" Event:**

Looking forward to attending this year's annual "Back the Blue" Event on this (Saturday) September 21<sup>st</sup> from 11am – 2pm.  
Hope to see everyone there.

### **Electronic Ticket Writer Update:**

Nothing good to report about this right now.  
Superion still has to fix those 'check boxes' on our citation form, and said they can't even schedule to start working on that project until the beginning of October.

*"That is all I have for tonight"..*

**Chief Cook**



# Kemah Fire Department

"Dedicated To Serve And Protect"

## Emergency Services Board-Kemah Fire Department

Tuesday, September 10, 2019

### Fire Chief's Report

#### A. Statistics on Calls: Total-64

- Fire-18
  - Clear Lake Shores 2 HazMat, Down Power Line
  - Kemah 13 Fire Alarm (10), MVA (2), Fire-Outdoor Burning (1)
  - County 2 HazMat, Down Power Line
  - Mutual Aid 1 Texas City FD Fire-Brush
- EMS-46
  - Clear Lake Shores 9 Kemah 34 County 3
  - Mutual Aid \_\_\_\_\_
- Special Operations/Marine Rescue-0
  - Clear Lake Shores \_\_\_\_\_ Kemah \_\_\_\_\_ County \_\_\_\_\_
  - Mutual Aid \_\_\_\_\_
- Fire Marshal's Office
  - Total-52
  - Business Occupancies Meetings-Construction and Fire Systems-5
    - Clear Lake Shores 2 Kemah 3 County \_\_\_\_\_
  - Fire Inspections/Fire System Testing's/Site Visit-41
    - Clear Lake Shores 17 Kemah 23 County 1
  - Fire Plans Review-6
    - Clear Lake Shores 1 Kemah 5 County \_\_\_\_\_

#### B. Department

- Fire
  - Attended Galveston County Fire Fighters Association Meeting
  - Three Training Drills
- Emergency Management
  - GCOEM and LEPC Meetings
  - GCOEM Situational and Weather Conference Calls
  - Galveston County CCTA Incident Tabletop Exercise Meeting
  - L-146 Homeland Security Exercise & Evaluation Program Training Course
  - Ransomware Attack Impacts Your Organization Webinar Training Course

#### C. KFD Roster & Staff

- Personnel Updates
  - Review received applications and letters of interest
  - Full-time \_\_\_\_\_ Part-time 2 Volunteers \_\_\_\_\_

#### D. Volunteer Recruiting Efforts

- Volunteer Recruiting Plan of Action Report
- Banner & Yard Sign in front of KFD
- City of Kemah Community Center LED Marquee Sign
- KFD Facebook Postings
- National Volunteer Fire Council (NVFC) Postings

#### E. Station Manning Schedule

- Squad on Call Schedule completed at beginning of each month
- Day Crew/Night Crew Schedule completed at beginning of each month

#### F. Training Report

#### G. Inventory Report (Vehicles, Fire Fighting Equipment, Radios, Cell Phones, Etc.)

P.O. Box 962, Kemah, TX 77565

Phone: (281) 538-5727 Fax: (281) 538-8221

**Proudly serving Clear Lake Shores, Kemah, and the Lazy Bend communities for  
over 50 years!**



## City Administrator Report

September 4 - 17, 2019

There may be some overlap in this report with other reports.

Named storm Imelda is now here. Although we are not at the epicenter of the storm and winds are relatively manageable currently. We can expect to see somewhere around 12-15" of measurable rainfall through Thursday mid-day. Coupled with high tide and the water draining into Clear Lake and adjacent watersheds/bayous there is the possibility of localized flooding. We can expect that for sure and for water not to subside quickly due to water retention and limited draining due to other factors (tide, lake collecting water). CCISD cancelled tonight's visit and will have an announcement if school is cancelled prior to 6a tomorrow.

**ROADS/DRAINAGE:** Cobb-Fendley is working through priority list to provide estimates for work. Budgeted for crack sealing and minor road repairs in addition to anticipated road and drainage work.

**POOLS/PARKS:** Request from committee to purchase additional Christmas decorations – Angie Terrell.

**ECONOMIC DEVELOPMENT CORP (EDC):** CLR Parking Lot project continues. Next Tuesday (9-24) at 8a meeting on site with engineering, contractor and possibly geo-tech to gather information through coring and make suggestions as completion regarding the muddy section immediately east. Water district had a leak and had to remove a section of sidewalk at 2094 entrance to fix. C-F to follow up with district to ensure proper replacement of reinforced concrete. Lot is now closed in anticipation of excessive rain as it could become an issue for person getting off the lot surface.

**PLANNING/ZONING:** No update.

**PLAZA TEN 06:** FY20 Budget presented.

**CITY HALL:** We are working toward some safety improvements at City Hall and addition of a specified handicapped parking spot.

Concrete planters along CLR have been repositioned, attached to sprinkler zones and planted with vegetation. Should improve this drive for many years to come.

We anticipate bringing a fire protection fee/permitting soon. This would be used to help defray anticipated costs for a Fire Marshal. UPDATE: Last night at WCID#12 meeting, it was approved to eliminate the Fire Marshal service by defunding, a cost saving of approximately \$125k/yr. based on projections. Options are being discussed. Not exactly sure what Kemah is going to do.

**PUBLIC WORKS:** A city drainage easement with a deteriorating bulkhead has been identified off Aspen and we are getting quotes to make necessary repairs. This is located at a city outfall to channel and is only visible to residents residing on Tindel looking south. We are getting quotes for the work.

Oak/North Shore inlet is currently under construction. Suspended due to rain currently. It will be a heavy concrete inlet since it is close to the corner and the issue was caused by a vehicle not making the turn.

Located the necessary information on drainage study at City Hall, 1006 S. Shore Dr., in the master study documents.

I am working with Galveston Co. Economic Development on the Texas Parks and Wildlife Grant. I have estimated costs and scope of work and feel like we are in a good position to apply for the grant. This is a process estimated to be between 18 - 36 months in duration. There will be copy available for review at City Hall once completed and I will start a 10-day public comment period shortly.

Removed ambiguous signage from Shell Bottom Park/East Shore.

Other Items:

December 6, 2019 will be the employee Christmas Party at LaBrisa's on SH146. A separate party is anticipated for volunteers as has been customary.

Currently trying to line up the Grinch for the Grinch Parade in December. We will advise the date as soon as he can confirm. Dates are filling in fast.

#### **AGENDA ITEMS:**

**B-017 and B-027B Revocation:** Leasee submitted documents through her attorney identifying conflicting dates between the signed contract in 2013 and amended ordinance in 2014. After review by City Legal it was determined that revocation should be rescinded. As such an ordinance cannot change the lease for the dates, there is a caveat for adjusting fees. City legal is working on correcting the lease and matching ordinance in preparation of 2023 signing. This issue has been on-going for many years and is function of the HOA to City transition.

**Adoption of 2019-2020 City Fee Schedule:** There are no changes to existing fee schedule as approved in June 2019.

**Ordinance 2019-08:** Adding Section 78-102 Article V. Parking on portion of Right of Way. This was tabled for further detail. City legal has added additional language regarding the paved portion of right-of-way and feel comfortable in that definition. Posting of signs with specific language also identified. Recommend adoption. Cost to place signs will be consideration going forward.

**Resolution 2019-18** Providing for Clear Lake Shores to construct new boating facilities in accordance with the requirements of a grant through the Texas Park and Wildlife Department. Recommend this as one of the early steps of procuring a grant through them for Shell Bottom Park. Additional benchmarks are also being identified and finished.