



Meeting Minutes City Council Wednesday, October 7, 2020

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Present: Mayor Kurt Otten, Councilwoman Amanda Fenwick, Councilwoman Christy Lyons, Councilwoman Angie Terrell, Councilwoman Jan Bailey, Councilman Mark Thompson, Councilwoman Jan Bailey, City Administrator (CA) Brent Spier, Police Chief T. Keele, Building Official Kevin Harrell, City Secretary Christy Stroup, City Attorney Loren Smith, Communication Specialist Adriana Richey, GCHD – Amy Weber

Absent: CLS/Kemah V.F.D. Chief Steckler

1. CALL TO ORDER & DETERMINATION OF QUORUM:

Mayor Otten called meeting to order at 6:34 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. PUBLIC HEARING:

A public hearing is being held for the possible revocation of waterfront lease(s) for nonpayment:

B-022: William Comee IV
C-059B: Mark and Terilynn Zuteck
C-080: Nancy Schwartz
C-086: Land Beauchamp
E-107: Tom Hord

Mayor Otten stated that all the leases have been paid up to date.

No public response.

Mayor Otten closed public hearing 6:36 p.m.

4. REPORTS FROM COUNCIL:

Councilman Thompson: Annual Bar-B-Que Cookoff is Saturday, Oct. 24th and still need some volunteers to help out and need judges. Contact him if you would like to volunteer.

Councilwoman Lyons: no report

Councilwoman Terrell: no report.

Councilwoman Bailey: Appreciated everyone involved with National Night Out

Councilwoman Fenwick: Thanked everyone involved with National Night Out; received an email from the White House Office of Governmental Affairs and they are launching a safety pledge to keep kids safer on line. Looking for safety partners and elected members to sign a safety pledge.

Mayor Otten: Be mindful of Cyber security and promotion of safety for kids and online use; attended Patriot Awards Ceremony with other Councilmembers and Capt. Phil Gist received the Patriot Award for outstanding efforts in maintaining and operating of evidence – Congratulations; 2020 Houston Bay Area Heart walk coming up November 12th at 3:00 pm. (virtual) – we won last year and wants us to win again this year. Trying to put together a walk around the island and shirts will be given away to the first 25 to sign up courtesy of Mark and Wendy Massey; Great turnout for National Night Out – thank you to everyone that helped and the organizations that showed up to support CLS National Night Out; The week of October 4th is Fire Prevention Week; 3 positions up for local election and also 3 positions open for WCID #12; don't forget to attend the CLS BBQ on October 24th.

5. STAFF REPORTS:

Chief Tracy Keele: Stats for September; spoke about National Night Out and what a success it was and commended the Civic Club on their preparation for the night. Said thanks for the donation and will find an appropriate use for it; spoke on Capt. Phil Gist for his Patriot Award and read the letter he read at the Patriot Awards Ceremony.

Building Official Kevin Harrell: See report attached (attachment a)

CLS/Kemah Volunteer Fire Dept Chief Steckler: absent

Galveston County Health District Amy Weber: report attached (attachment b)

City Administrator Brent Spier: report attached (attachment c)

6. PUBLIC COMMENTS:

Nancy Schwartz – Clear Lake Shores resident: thanked the Mayor and City Council for their time and dedication to the city.

7. NEW BUSINESS:

CONSENT AGENDA:

- a. **Check Register: 09/10/2020 thru 09/30/2020**
- b. **Council Meeting Min. 09/01/2020 (Regular Mtg)**
- c. **Council Meeting Min. 09/15/2020 (Regular Mtg)**

Consent agenda passed with no objections

8. COUNCIL BUSINESS - Discussion and possible action may be taken on the following items:

- a. **Discussion of temporary stop signs at Hanson Road and Dror Road during construction at FM 2094 and Hwy. 146.**

Councilwoman Fenwick made motion to approve item a
Councilwoman Bailey second the motion

Motion passed unanimous

- b. **Action from Public Hearing for possible revocation of waterfront leases B-022, C-059B, C-080, C-086 and E-107.**

All leases paid in full – NO ACTION TAKEN

- c. **Designation of Representative and Official Alternate to the General Assembly of the Houston-Galveston Area Council.**

Mayor Otten stated that **Jan Bailey** is the current representative and **Angie Terrell** is the alternate.

Councilwoman Fenwick made motion to re-appoint Jan Bailey as representative and **Christy Lyons** as alternate.
Councilwoman Terrell second the motion

MOTION PASSED UNANIMOUS

- d. **ORDINANCE 2020-20: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS, CREATING ARTICLE VI., SHORT TERM RENTALS, OF CHAPTER 18, BUSINESSES AND BUSINESS REGISTRATION, OF THE CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND A PERMITTING REQUIREMENT FOR OPERATION OF A SHORT TERM RENTAL, AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS.**

CA Brent Spier explained that this ordinance would allow the city to register the short term rental owner in case there was an issue with the property and would allow the Fire Marshall the ability to inspect these businesses for compliance and would also allow for the City to collect the appropriate taxes that goes along with these short term rentals.

City Attorney Loren Smith: he stated that this ordinance would allow the city to collect the Hotel Occupancy Tax (H.O.T.) and the safety concerns expressed by the city.

Councilwoman Terrell made motion to discuss Ordinance 2020-20
Councilwoman Fenwick second the motion

Councilwoman Terrell asked what the HOT would be to the city?

CA Brent Spier and City Attorney Loren Smith could not comment on that since we don't have a list of all the short term rentals(STR).

Councilwoman Bailey questioned our focus and goal with this ordinance?

City Attorney Loren Smith stated that it is to identify the owner and to have them register their STR so that we have a contact if something comes up and to maintain compliance with the HOT.

Mayor Otten stated that this ordinance is not in place to cause disruption in their business but to have them register since they are operating a business within the city limits and to register like all other businesses are required to register and to pay their H.O.T. like the other businesses.

Councilwoman Bailey asked again concerning what is our goal? Said she was confused about some of the wording and would like more definitions of what is being said in the ordinance.

City Attorney Loren Smith said the goal is to identify where the short term rentals are, get a point of contact so that if something happens at the premises they have someone to contact and deal with safety issues.

Councilwoman Christy Lyons asked if this was to monitor STR and see who or what is renting these places? CA Brent Spier said that it is not possible to monitor and know who is staying at these rentals.

Councilwoman Fenwick asked what penalty is involved if these owners do not register their rentals?

City Attorney Loren Smith stated that there is a criminal penalty if you don't register and an educational component for the owner to know to register their business.

Councilwoman Fenwick asked if we were really going to enforce this? Also has an issue with the inspection portion of it. Does not believe the city needs to be involved in that.

Councilwoman Terrell agreed with the inspection portion as well and is this another ordinance that will not be enforced.

Unidentified person: Asked if the owner of the rental was liable for something criminal that happened at the location by the renter?

City Attorney Loren Smith said only if you were aware of what criminal activity was going on. **Councilwoman Terrell** asked if it could be taken and reduced down to paying the H.O.T. and to register your business and provide your contact information?

Councilwoman Lyons asked to determine what short term rental is? 3 days, 1 week, etc.

City Attorney Loren Smith stated that short term rental is defined as less than consecutive 30 days.

Mayor Otten asked about the operation requirements? Certain things that need to be posted at the property.

Councilwoman Bailey inquired about the lessee being responsible for the safety of the property?

Mayor Otten said that it is like going to a hotel and they have safety instructions.

Councilwoman Terrell asked about safety requirements?

City Attorney Loren Smith said that it is something about that property address that will identify the safety of the dwelling?

Councilwoman Bailey wants to know why that is the city concerns?

City Attorney Loren Smith stated that safety of structures falls on the city as far as commercial buildings, residential homes, etc..

Councilwoman Fenwick asked if there were other ways of reporting unsafe structures?

Bldg. Official Kevin Harrell said yes, but we are looking at here is simply a safe place for tenants to stay. Inspection would consist of fire extinguisher, smoke and carbon monoxide alarms and just the bare minimum of safety.

Councilwoman Lyons made motion to revise the ordinance and bring back to Council the first meeting in November.

Councilwoman Fenwick second the motion

Bill Chalfant (resident) stated that he has a problem with the section 18-137 concerning criminal liability. Is concerned about the property owner being liable for anything criminal.

City Attorney Loren Smith said that it requires a criminal mental state and if you are not of criminal mental state then you are not liable. He also stated that this is something that is probably going to be coming out of the newly revised lease.

Angela Flurry Lester owns a home on Pine. Concerned that no one knew what the H.O.T. was on the council. Short term inspection for safety is under the guidelines of the current inspector but what happens when a new inspector is hired and his guidelines are different?

MOTION PASSED UNANIMOUS

- e. **ORDINANCE 2020-21: AN ORDINANCE OF THE CITY OF CLEAR LAKE SHORES, TEXAS AMENDING ITS CODE OF ORDINANCES BY DELETING CERTAIN LANGUAGE REFERRING TO MAXIMUM SPEED AND NUMBER OF WHEELS FROM THE DEFINITION OF GOLF CART IN SECTION 78-175, DEFINITIONS, OF ARTICLE VII, OPERATION OF GOLF CARTS ON PUBLIC STREETS, OF CHAPTER 78, TRAFFIC AND VEHICLES; AMENDING SECTION 78-176, GOLF CARTS PERMITTED AND RESTRICTED, OF ARTICLE VII, OPERATION OF GOLF CARTS ON**

PUBLIC STREETS, OF CHAPTER 78, TRAFFIC AND VEHICLES, TO ALLOW GOLF CARTS WITHIN THE CITY LIMITS SOUTH OF FM 2094; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$200.00; PROVIDING FOR SEVERABILITY; AND MAKING CERTAIN FINDINGS OF FACT.

Current ordinance allows golf carts to be driven on the North side of FM 2094.

City Attorney Loren Smith said the change is made to mirror the transportation code definition of golf cart and changes the location to anywhere in the City of Clear Lake Shores.

Councilwoman Terrell made motion to accept Ordinance 2020-21
Councilman Thompson second the motion

Councilwoman Fenwick inquired about operating a golf cart at night?

City Attorney Loren Smithy stated that you can't operate a golf cart at night unless you have particular items on your cart.

Discussion concerning interpretation of what the ordinance and the transportation Code is transpired between Council, Mayor and City Attorney.

If any changes to driving at night need to be made then the City Attorney will address them and make the change before Ordinance is signed and implemented.

MOTION PASSED UNANIMOUS

- f. **ORDINANCE 2020-22: AN ORDINANCE OF THE CITY OF CLEAR LAKE SHORES AMENDING ITS CODE OF ORDINANCES TO ADD A NEW SECTION 78-104, PARKING ON WATERFRONT LOTS LIMITED TO LESSEES AND GUESTS, OF DIVISION 2, NO PARKING/TOW AWAY ZONES, OF ARTICLE V, STOPPING, STANDING AND PARKING, OF CHAPTER 78, TRAFFIC AND VEHICLES, PROVIDING THAT IT SHALL BE UNLAWFUL FOR ANY PERSON OTHER THAN THE WATERFRONT LESSEE OR A GUEST OF THE WATERFRONT LESSEE TO PARK A MOTOR VEHICLE, VEHICLE, OR TRAILER ON A WATERFRONT LOT; ESTABLISHING TOW AWAY ZONES; PROVIDING FOR A PENALTY IN AN AMOUNT NOT LESS THAN \$10.00 AND NOT MORE THAN \$200.00 FOR ANY VIOLATION HEREOF; PROVIDING FOR SEVERABILITY, AND MAKING CERTAIN FINDINGS OF FACT.**

Councilwoman Terrell made motion to discuss Ord. 2020-22
Councilwoman Fenwick second the motion

Discussion with all City Council, Mayor, Police Chief Keele and CA Brent Spier concerning different scenarios and interpretations of the ordinance.

Councilwoman Terrell made motion to send back to legal to clarify details and to bring back the first meeting November.
Councilwoman Fenwick second the motion

MOTION PASSED UNANIMOUS

- g. **Approach TX DOT regarding changes to FM 2094 in light of recent construction on SH 146 and Birch Road.**

City Administrator Brent Spier is requesting consensus and discretion from City Council to request a temporary speed reduction due to the traffic and the Stewart Elementary traffic

with the kids on bikes and walking on FM 2094 sidewalks.

Councilwoman Terrell asked if this is something that TX DoT can do and if we can request it? **CA Brent Spier** stated that he did not know but wanted to submit something to see what response we get.

Councilwoman Fenwick made motion to permit **CA Brent Spier** to reach out to TX DoT for FM 2094 temporary speed deduction.

Councilwoman Bailey second the motion

MOTION PASSED UNANIMOUS

- h. **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, Chief of Police Tracy Keele and City Secretary Christy Stroup.**
- i. **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.

Recess to EXECUTIVE SESSION – 8:58 pm

Reconvene from EXECUTIVE SESSION - 11:02 pm

- j. **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, Chief of Police Tracy Keele and City Secretary Christy Stroup.**

NO ACTION TAKEN

- k. **Action from 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.

NO ACTION TAKEN

9. **ADJOURNMENT:**

Mayor Otten adjourned the meeting at 11:04 p.m.

Date Approved: 11/4/20

Attest:

Christy Stroup
Christy Stroup
City Secretary

Kurt J. Otten
Mayor Kurt Otten





CITY OF CLEAR LAKE SHORES

1006 South Shore Drive
Clear Lake Shores, Texas 77565
Office: 281-334-2799 Fax: 281-334-2866

Building Official Report September 16st- October 7th, 2020

Building Department:

Nineteen new permits were issued since our last meeting. Eighteen of the permits were minor construction. A new construction permit at 819 Cedar.

303 Oak is a new construction home. The framing is ongoing.

727 Pine is a new construction home. The framing has begun, and I approved the concrete slab pour earlier this week.

620 Marina Bay. New Hair salon. The construction is complete. The occupancy certificate was issued last week.

Okie's Yardhouse: The contractor has started working on the inside of Okies. Installing new exterior doors and reconfiguring the beer cooler.

903 Juniper: The contractor has started the exterior framing, and electrical, plumbing, and mechanical rough-in inspection will begin soon.

Aspen's 817 Clear Lake Rd has a new staircase and walkway. The owner is getting quotes for the handrails and guardrails.

Schafer's Grill was flooded in hurricane Beta. The restaurant did remediation for the flood damaged walls and downstairs kitchen and bar. The 2nd story bar is under construction and I completed a rough in inspection of the plumbing and electrical.

Code Enforcement:

I have 1 code enforcement cases since our last CC meeting.

Unsafe structure at 922 Elm Rd. I inspected the property inside and out. I am working on a report of my findings and will present it to the City Council on Nov. 4th

Waterfront Leases:

I have one case currently on a waterfront lease. Unauthorized use of a outdoor grill.

Clear Lake Shores Disposition Type Breakdown **Date: Monday, September 14, 2020**
Time: 1:23:47 PM

Dispatched Time 2020-08-13 **and** 2020-09-13
between

Disposition Breakdown

Disposition	Total
Patient Treated, Transferred Care to Another EMS Professional	1
	1



Patient Treated, Transferred Care to Another EMS Professional

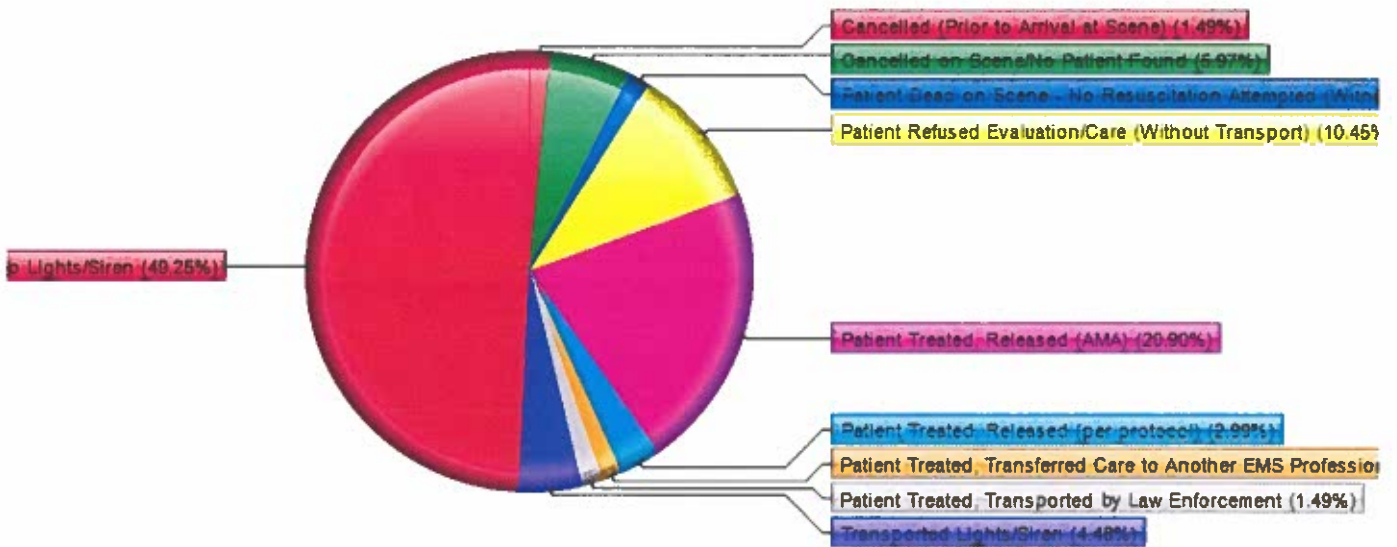
Kemah Disposition Type Breakdown

Date: Monday, September 14, 2020
Time: 1:24:51 PM

Dispatched Time between 2020-08-13 and 2020-09-13

Disposition Breakdown

Disposition	Total
Cancelled (Prior to Arrival at Scene)	1
Cancelled on Scene/No Patient Found	4
Patient Dead on Scene - No Resuscitation Attempted (Without Transport)	1
Patient Refused Evaluation/Care (Without Transport)	7
Patient Treated, Released (AMA)	14
Patient Treated, Released (per protocol)	2
Patient Treated, Transferred Care to Another EMS Professional	1
Patient Treated, Transported by Law Enforcement	1
Transported Lights/Siren	3
Transported No Lights/Siren	33
	67



City Administrator Report

September 16 – October 7, 2020

Fire Department Update: N/A

Twenty-eight weeks into the Coronavirus (COVID-19) pandemic, a slowing locally and renewed interest at the national level.

COVID-19 summary of Galveston County is as follows: 11,851 confirmed cases, 10,701 recovered, 165 deaths. There are 1,002 active cases, 82 CLS cases at 44, with 43 recovered. Statewide 6,664,440 tests, 777,556 confirmed, 692,123 recovered cases and 16,230 deaths. Contact tracing continues in the hardest hit counties, Harris Co. leads the state in confirmed cases at 148,769, Galveston County continues a downward trend and is currently #15.

Gov. Abbott stated August 26 in an interview when discussing the possibility of opening up Texas – he was watching three things, ‘One is the hurricane, two is the opening of schools and three is Labor Day. If we can continue the downtrends through those three different challenges ... then we will be taking a look at further openings.’” These decision points continue to be in play.

Weather in the tropics continues to be very active. Hurricane Delta is expected to reach Cat 3 strength and impact the Louisiana Coast on Friday. Our area could see tropical force winds 39mph+, however not likely with a 10% chance. Rain is not expected to be a factor and surge and high tides are expected to be 1 – 3 ft.

COURT PROCESS: N/A

PERSONNEL: A pool of prospective candidates is being readied for testing to fill a single PD spot.

ROADS/DRAINAGE: Estimates have been received regarding asphalt overlaying specific city streets. These will be considered by the committee following a meeting with the contractors, input from additional experts and some planning. R&D is enlisting additional information from other cities and will evaluate roads with a system that provides evaluation by points and allows for better long-term planning of projects. Cedar ditch has been reworked to remove a hump and we will evaluate after the next rain event. There is minimal slope and we are hopeful.

Some stop blocks were missed in an effort to beat TS Beta arrival. Contractor is expected to return and do them. We were not charged for crosswalk at Aspen/CLR, due to traffic and limited dry time it did not hold. We will evaluate another option.

Centerpoint will be replacing a gas line and service connections in the street along Narcissus. Any paving will take place following this work. Centerpoint contractor on-site the last two weeks.

PARKS: Park committee met this week after a long hiatus. Social distance and an outdoor meeting at Deep Hole. Boat dock sustained damage from a vessel, PW is addressing the damage and working hard to make it ready for use by the public, residents and visitors. TPWD Grant for Boater Access is moving forward as I have enlisted a proposal from an engineering firm. As this moves forward I will keep you apprised.

DROR AVE: Had a lunch with Mr. Dror regarding ROW for project. After meeting and talking about the challenges he has faced, we have a better understanding of issue. Still trying to work a viable solution.

ECONOMIC DEVELOPMENT CORP (EDC):

With EDC funding support, a crosswalk project has started for the corner of Aspen and CLR. This crosswalk is being costed out but will utilize solar powered LED warning lights, ADA buttons and signage clearly marking the crosswalk. This is a safety improvement as well as enhancement to the Town Center. I have quotes for the equipment and expect to be making a purchase soon. I have some considerations on available spacing to address.

PLANNING/ZONING: N/A

PLAZA TEN 06: Renter has completed work on placing conduit for gas lines at Okie's, this should be moving forward soon. Centerpoint is next to complete.

CITY HALL: N/A

PUBLIC WORKS: Keeping up on sanitation of facilities and grounds, keeping a positive message on the marquee and making sure we keep things as normal as possible for as many as possible.

Other Items:

TXDoT is expected to move forward with an environmental study regarding possible dredging and installation of boat ramps in Kemah, under SH146. This is a first step and I am encouraged.

Memorandum of Agreement regarding City Owned Parking Lots has been reviewed and I will visit businesses at a more appropriate time to put in motion.

City Facility and Use form for parking lots and other areas has been reviewed by city legal and we have deployed this form. Also in conjunction there is a COVID form that details the expectations of the renter/user during the time they use a city asset, also reviewed by city legal.

AGENDA ITEMS:

a. Discussion of temporary stop signs at Hanson Road and Dror Road during construction at FM 2094 and Hwy. 146.

b. Action from Public Hearing for possible revocation of waterfront leases B-022, C-059B, C-080, C-086 and E-107. * NO ACTION RESOLVED*****

d. ORDINANCE 2020-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS, CREATING ARTICLE VI., SHORT TERM RENTALS, OF CHAPTER 18, BUSINESSES AND BUSINESS REGISTRATION, OF THE CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND A PERMITTING REQUIREMENT FOR OPERATION OF A SHORT TERM RENTAL, AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS.

e. ORDINANCE 2020-20: AN ORDINANCE OF THE CITY OF CLEAR LAKE SHORES, TEXAS AMENDING ITS CODE OF ORDINANCES BY

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g. Approach TXDoT regarding changes to FM 2094 in light of recent construction on SH 146 and Birch Road Bridge.