

**Kurt Otten, Mayor
Alex Scanlon
Randy Chronister**

**AGENDA
CITY OF CLEAR LAKE SHORES
CITY COUNCIL
SPECIAL MEETING
July 22, 2022, at 3:15 pm**

**Monica Ledet
Steve Wirtes
Rick Fisher**

NOTICE is hereby given of a Special Meeting of the City Council for the City of Clear Lake Shores, County of Galveston, State of Texas, to be held on the above-mentioned date and time at Clear Lake Shores Clubhouse located at 931 Cedar Rd., Clear Lake Shores, TX 77565 for the purpose of considering the following numbered items. The City Council of the City of Clear Lake Shores, Texas, reserves the right to meet in a closed council 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. CALL TO ORDER & DETERMINATION OF QUORUM**
- 2. CITY COUNCIL BUSINESS: Discussion and possible action may be taken on the following items:**
 - a. Approval of ORDINANCE 2022-04: AN ORDINANCE OF THE CITY OF CLEAR LAKE SHORES, TEXAS AMENDING ITS CODE OF ORDINANCES BY ADDING A NEW SECTION 18-140, NEW SHORT-TERM RENTALS PROHIBITED, AND A NEW SECTION 18-141, EXISTING SHORT-TERM RENTALS ALLOWED TO CONTINUE OPERATIONS; CONDITIONS, TO ARTICLE VI, SHORT-TERM RENTALS, OF CHAPTER 18, BUSINESSES AND BUSINESS REGULATIONS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**
 - b. 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: Municipal Court Judge and Building Official**
 - c. 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: Municipal Court Judge and Building Official**

3. ADJOURNMENT

CERTIFICATION:

I, Christy Stroup, City Secretary, certify this Notice of Meeting was posted on the outside bulletin board at 931 Cedar Drive on or before Tuesday, July 19, 2022.

Christy Stroup
City Secretary

In compliance with the American with Disabilities Act, the City of Clear Lake Shores will provide reasonable accommodations for disabled persons attending City Council meetings. Requests for interpretive services must be made 48 hours prior to this meeting by calling 281-334-2799 or by faxing to 281-334-2866.

City Council encourages positive public comment and discussion during its meetings and reserves time during most Council meetings to hear such comments from members of the audience. HB 2840 was placed into effect September 1, 2019, by the Texas State Legislature which states, "A governmental body shall allow each member of the public who desires to address the body regarding an item on the agenda for an open meeting of the Municipal body, to address the body regarding the item at

for commenting on the specific subject matter of the agenda item.

Texas Open Meetings Act places certain constraints on topics raised by such visitors where such discussions are not related to an item that has been placed on the Council's posted Agenda (Attorney General Opinion JC-0169). The most effective way for an individual to have their voice heard and receive feedback at a City Council meeting is to contact the City Secretary no later than Noon on the Wednesday prior to an upcoming Council meeting and request that their name be placed on a future agenda as a Scheduled Visitor. When you make this request, please state specifically the subject you wish to discuss. The City Secretary will place your name on the agenda along with a specific description of the subject to be discussed. If you fail to provide a specific description of the subject of your requested discussion, then Council will have no choice but to refer the matter to City staff for response or defer any feedback or discussion on the matter until a future Council meeting when the subject can be placed on the agenda. Comments by a scheduled visitor should be limited to five (5) minutes and 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.

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY OF CLEAR LAKE SHORES, TEXAS AMENDING ITS CODE OF ORDINANCES BY ADDING A NEW SECTION 18-140, NEW SHORT-TERM RENTALS PROHIBITED, AND A NEW SECTION 18-141, EXISTING SHORT-TERM RENTALS ALLOWED TO CONTINUE OPERATIONS; CONDITIONS, TO ARTICLE VI, SHORT-TERM RENTALS, OF CHAPTER 18, BUSINESSES AND BUSINESS REGULATIONS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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WHEREAS, it has come to the attention of the City Council of the City of Clear Lake Shores, Texas that some Short-Term Rentals in the City are creating a nuisance for the neighboring property owners; and

WHEREAS, the City Council of the City of Clear Lake Shores, Texas has determined that it is in the best interest of the health, safety and welfare of the public to prohibit any additional Short-Term Rentals within the City as contained herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct.

Section 2. Article VI, Short-Term Rentals, of Chapter 18, Businesses and Business regulations, is hereby amended by adding a new Section 18-140, New Short-Term Rentals Prohibited, with the new Section 18-140 to read as follows:

“Section 18-140. New Short-Term Rentals Prohibited.

Any short-term rental not permitted by the City or for which a permit application has not been submitted to the City in accordance with this Article upon the effective date of this Ordinance shall be prohibited.”

Section 3. Article VI, Short-Term Rentals, of Chapter 18, Businesses and Business regulations, is hereby amended by adding a new Section 18-141, Existing Short-Term Rentals Allowed to Continue; Conditions, with the new Section 18-141 to read as follows:

“Section 18-141. Existing Short-Term Rentals Allowed to Continue Operations; Conditions.

All short-term rentals properly permitted by the City and any short-term rentals for which an application for a permit has been submitted to the City as of the effective date of this ordinance may continue operations subject to the conditions contained in this Section. All short-term rentals allowed to begin or continue operations in accordance with this Section shall continue be subject to all provisions of this Article.”

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Clear Lake Shores, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 6. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the

penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

PASSED, ADOPTED, AND ORDAINED this ____ day of July, 2022.

Kurt Otten, Mayor

ATTEST:

Christy Stroup, City Secretary