



CITY OF EL LAGO

AGENDA
CITY COUNCIL MEETING
411 TALLOWOOD DRIVE, EL LAGO,
TEXAS 77586
JANUARY 6, 2021
7:00 P.M.

NOTICE is hereby given of a meeting of the City Council of the City of El Lago, County of Harris, State of Texas, to be held on the above stated date and time at: City Hall Events Room, 411 Tallowood Drive, El Lago, Texas, for the purpose of considering the following numbered items.

In order to help prevent the spread of COVID-19, the City of El Lago is asking members of the public attending the City Council meeting to:

- 1. Maintain at least 6 feet separation from other individuals.*
- 2. Self-screen before going into the meeting for any of the following new or worsening signs or symptoms of possible COVID-19: (Cough, Shortness of breath or difficulty breathing, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, Loss of taste or smell, Diarrhea, Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit, Known close contact with a person who is lab confirmed to have COVID-19.)*
- 3. Disinfect hands upon entering the building and after any interaction with others in the building.*
- 4. Wear cloth face coverings (over the nose and mouth) when entering the building per the order of Harris County Judge Hidalgo*

1. Call to Order

2. Invocation and/or Pledge of Allegiance

3. Declaration of a Quorum

- 3.1. Announce Absent Members of Council*

4. Citizen Comments

Citizens are invited & encouraged to speak for up to three (3) minutes on matters relating to the city and/or its Government.

5. Consent Agenda

- 5.1. Check Detail for checks printed from December 3, 2020 through January 6, 2021*
- 5.2. Minutes from the Council Meeting of December 2, 2020.*

6. City Official, Board, Commission, Committee, & City Service Report

- 6.1. SVFD monthly activity report (Chief Andy Gutacker)*
- 6.2. City Secretary Rachel Lewis to report on City business, the current expenses and losses for COVID-19, and status of expense reimbursement from the CARES Act funding.*

7. Council Member's Reports

- 7.1. Councilperson Michalak to report on the public awareness committee and campaign regarding adherence to the City leash laws.*

8. New Business

- 8.1. *Consider/Approve an Event Room Variance request from the El Lago Dorados Swim Team for use of the El Lago Event Room to hold occasional meetings in 2021.*
- 8.2. *Consider/Approve Resolution 2021-01 supporting the conclusions and recommendations of the Coastal Texas Protection and Restoration Feasibility Study.*

9. Move meeting into a Workshop Session to discuss the following (no motions to be made during the workshop period)

- 9.1. *Discuss a change to the El Lago City Ordinances to include a permitting process for short term rental properties.*
- 9.2. *Discuss a change to the El Lago City Ordinances to include a Hotel Occupancy Tax for short term rental properties.*

10. Adjourn Workshop Session and move meeting back into Regular Session

11. Future Agenda Item Requests

Scheduled

Wildlife Rehabilitation Ordinance
PEG Fund Items

Not Scheduled

Personnel Manual

12. Adjournment

ALL AGENDA ITEMS ARE SUBJECT TO ACTION

In compliance with the Americans with Disabilities Act, the City of El Lago will provide for reasonable accommodations for persons attending City Council Meetings. Requests should be received 48 hours prior to the meetings. Please contact the City office at 281-326-1951. The City Council of the City of El Lago, Texas, reserves the right to adjourn into executive session at any time during the course of the meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), §551.077 (Agency Financed by Federal Government), §551.084 (Exclusion of Witness from Hearing), §551.086 (Meeting Concerning Municipally Owned Utility), §551.087 (Deliberations Regarding Economic Development), §551.088 (Deliberations Regarding Licensing Testing Exam), & §418.183(f) (Texas Disaster Act: regarding Critical Infrastructure).

I certify that a copy of this notice of the City Council Meeting for the date listed above was posted at City Hall, 411 Tallowood Drive, El Lago, Texas, at least 72 hours in advance per the Texas Open Meetings Act.

Rachel Lewis
City Secretary

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Paych...	ACH...	12/10/2020	Baillie, Dea...		10102 · General...	
					70100 · Administ...	(740.75)
					25200 · FWT pa...	20.00
					70220 · Social S...	(45.92)
					25300 · FICA Pa...	45.92
					25300 · FICA Pa...	45.92
					70220 · Social S...	(10.74)
					25300 · FICA Pa...	10.74
					25300 · FICA Pa...	10.74
TOTAL						(664.09)
Paych...	ACH...	12/10/2020	De Leon, A...		10102 · General...	
					70120 · Mainten...	(1,084.17)
					70120 · Mainten...	(309.76)
					70120 · Mainten...	(154.88)
					25500 · Med. & ...	17.31
					71300 · Telephone	(20.00)
					25200 · FWT pa...	141.00
					70220 · Social S...	(96.03)
					25300 · FICA Pa...	96.03
					25300 · FICA Pa...	96.03
					70220 · Social S...	(22.46)
					25300 · FICA Pa...	22.46
					25300 · FICA Pa...	22.46
TOTAL						(1,292.01)
Paych...	ACH...	12/10/2020	Horton, Wa...		10102 · General...	
					75310 · Fire Mar...	(402.50)
					25200 · FWT pa...	26.00
					70220 · Social S...	(24.95)
					25300 · FICA Pa...	24.95
					25300 · FICA Pa...	24.95
					70220 · Social S...	(5.83)
					25300 · FICA Pa...	5.83
					25300 · FICA Pa...	5.83
TOTAL						(345.72)
Paych...	ACH...	12/10/2020	Hunter, Ch...		10102 · General...	
					70100 · Administ...	(495.30)
					25200 · FWT pa...	2.00
					70220 · Social S...	(30.70)
					25300 · FICA Pa...	30.70
					25300 · FICA Pa...	30.70
					70220 · Social S...	(7.19)
					25300 · FICA Pa...	7.19
					25300 · FICA Pa...	7.19
TOTAL						(455.41)

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Paych...	ACH...	12/10/2020	Klinge, Br...		10102 · General...	
					74010 · Court Cl...	(1,334.90)
					74010 · Court Cl...	(381.40)
					74010 · Court Cl...	(190.70)
					25400 · Pension ...	114.42
					70210 · Pension	(114.42)
					25400 · Pension ...	114.42
					25200 · FWT pa...	170.00
					70220 · Social S...	(118.24)
					25300 · FICA Pa...	118.24
					25300 · FICA Pa...	118.24
					70220 · Social S...	(27.65)
					25300 · FICA Pa...	27.65
					25300 · FICA Pa...	27.65
TOTAL						(1,476.69)
Paych...	ACH...	12/10/2020	Lewis, Rac...		10102 · General...	
					70100 · Administ...	(1,285.64)
					70100 · Administ...	(367.32)
					70100 · Administ...	(183.66)
					25400 · Pension ...	128.56
					71300 · Telephone	(20.00)
					25200 · FWT pa...	207.00
					70220 · Social S...	(113.87)
					25300 · FICA Pa...	113.87
					25300 · FICA Pa...	113.87
					70220 · Social S...	(26.64)
					25300 · FICA Pa...	26.64
					25300 · FICA Pa...	26.64
TOTAL						(1,380.55)
Paych...	ACH...	12/10/2020	Means, Der...		10102 · General...	
					70120 · Mainten...	(1,298.02)
					70120 · Mainten...	(346.14)
					70120 · Mainten...	(86.53)
					25400 · Pension ...	50.00
					71300 · Telephone	(20.00)
					25200 · FWT pa...	157.00
					70220 · Social S...	(107.30)
					25300 · FICA Pa...	107.30
					25300 · FICA Pa...	107.30
					70220 · Social S...	(25.09)
					25300 · FICA Pa...	25.09
					25300 · FICA Pa...	25.09
TOTAL						(1,411.30)
Paych...	ACH...	12/10/2020	Stokes, Dia...		10102 · General...	
					70100 · Administ...	(585.28)
					25200 · FWT pa...	11.00
					70220 · Social S...	(36.29)
					25300 · FICA Pa...	36.29
					25300 · FICA Pa...	36.29
					70220 · Social S...	(8.49)
					25300 · FICA Pa...	8.49
					25300 · FICA Pa...	8.49
TOTAL						(529.50)

City of El Lago
Check Detail
 December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Liabilit...	ACH...	12/10/2020	ICMA Retir...	Payroll 2020-12-10	10102 · General...	
				B Klingle	25400 · Pension ...	(114.42)
				B. Klingle	25400 · Pension ...	(114.42)
				R. Lewis	25400 · Pension ...	(128.56)
				D. Means	25400 · Pension ...	(50.00)
TOTAL						(407.40)
Liabilit...	ACH...	12/10/2020	EFTPS	74-1612666 Payroll 202...	10102 · General...	
				74-1612666 Payroll 202...	25200 · FWT pa...	(734.00)
				74-1612666 Payroll 202...	25300 · FICA Pa...	(134.09)
				74-1612666 Payroll 202...	25300 · FICA Pa...	(134.09)
				74-1612666 Payroll 202...	25300 · FICA Pa...	(573.30)
				74-1612666 Payroll 202...	25300 · FICA Pa...	(573.30)
TOTAL						(2,148.78)
Bill P...	ACH...	12/08/2020	CenterPoin...	Acct 9466040-4 Gas for...	10102 · General...	
Bill	2020...	12/10/2020		Acct 9466040-4 Gas for ...	72100 · Utilities	(40.43)
TOTAL						(40.43)
Bill P...	ACH...	12/10/2020	Comcast	8777 70 112 0111874 fo...	10102 · General...	
Bill	2020...	12/10/2020		11 fitness TV, 1 in event ...	71903 · Comput...	(174.51)
				Internet 50down/10up Cit...	71903 · Comput...	(174.50)
TOTAL						(349.01)
Bill P...	ACH...	12/14/2020	Frontier Co...	12/10/2020-1/9/2021	10102 · General...	
Bill	2020...	12/14/2020		12/10/2020-1/9/2021	71300 · Telephone	(171.88)
TOTAL						(171.88)
Bill P...	ACH...	12/14/2020	Veritrans	Credit card charging fe...	10102 · General...	
Bill	2020...	12/14/2020		credit card charging fees ...	70550 · Bank Se...	(326.86)
TOTAL						(326.86)
Paych...	ACH...	12/23/2020	Baillie, Dea...		10102 · General...	
					70100 · Administ...	(731.60)
					25200 · FWT pa...	20.00
					70220 · Social S...	(45.36)
					25300 · FICA Pa...	45.36
					25300 · FICA Pa...	45.36
					70220 · Social S...	(10.61)
					25300 · FICA Pa...	10.61
					25300 · FICA Pa...	10.61
TOTAL						(655.63)

City of El Lago
Check Detail
 December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Paych...	ACH...	12/23/2020	De Leon, A...		10102 · General...	
					70120 · Mainten...	(1,471.37)
					70120 · Mainten...	(77.44)
					25500 · Med. & ...	17.25
					71300 · Telephone	(20.00)
					25200 · FWT pa...	141.00
					70220 · Social S...	(96.03)
					25300 · FICA Pa...	96.03
					25300 · FICA Pa...	96.03
					70220 · Social S...	(22.45)
					25300 · FICA Pa...	22.45
					25300 · FICA Pa...	22.45
TOTAL						(1,292.08)
Paych...	ACH...	12/23/2020	Horton, Wa...		10102 · General...	
					75310 · Fire Mar...	(385.00)
					25200 · FWT pa...	24.00
					70220 · Social S...	(23.87)
					25300 · FICA Pa...	23.87
					25300 · FICA Pa...	23.87
					70220 · Social S...	(5.59)
					25300 · FICA Pa...	5.59
					25300 · FICA Pa...	5.59
TOTAL						(331.54)
Paych...	ACH...	12/23/2020	Hunter, Ch...		10102 · General...	
					70100 · Administr...	(800.10)
					25200 · FWT pa...	32.00
					70220 · Social S...	(49.61)
					25300 · FICA Pa...	49.61
					25300 · FICA Pa...	49.61
					70220 · Social S...	(11.60)
					25300 · FICA Pa...	11.60
					25300 · FICA Pa...	11.60
TOTAL						(706.89)
Paych...	ACH...	12/23/2020	Klingle, Br...		10102 · General...	
					74010 · Court Cl...	(1,823.57)
					74010 · Court Cl...	(83.43)
					25400 · Pension ...	114.42
					70210 · Pension	(114.42)
					25400 · Pension ...	114.42
					25200 · FWT pa...	170.00
					70220 · Social S...	(118.23)
					25300 · FICA Pa...	118.23
					25300 · FICA Pa...	118.23
					70220 · Social S...	(27.65)
					25300 · FICA Pa...	27.65
					25300 · FICA Pa...	27.65
TOTAL						(1,476.70)

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Paych...	ACH...	12/23/2020	Lewis, Rac...		10102 · General...	
					70100 · Administ...	(1,836.62)
					25400 · Pension ...	128.56
					71300 · Telephone	(20.00)
					25200 · FWT pa...	207.00
					70220 · Social S...	(113.87)
					25300 · FICA Pa...	113.87
					25300 · FICA Pa...	113.87
					70220 · Social S...	(26.63)
					25300 · FICA Pa...	26.63
					25300 · FICA Pa...	26.63
TOTAL						(1,380.56)
Paych...	ACH...	12/23/2020	Means, Der...		10102 · General...	
					70120 · Mainten...	(1,503.54)
					70120 · Mainten...	(227.15)
					25400 · Pension ...	50.00
					71300 · Telephone	(20.00)
					25200 · FWT pa...	157.00
					70220 · Social S...	(107.30)
					25300 · FICA Pa...	107.30
					25300 · FICA Pa...	107.30
					70220 · Social S...	(25.10)
					25300 · FICA Pa...	25.10
					25300 · FICA Pa...	25.10
TOTAL						(1,411.29)
Paych...	ACH...	12/23/2020	Stokes, Dia...		10102 · General...	
					70100 · Administ...	(731.60)
					25200 · FWT pa...	25.00
					70220 · Social S...	(45.36)
					25300 · FICA Pa...	45.36
					25300 · FICA Pa...	45.36
					70220 · Social S...	(10.60)
					25300 · FICA Pa...	10.60
					25300 · FICA Pa...	10.60
TOTAL						(650.64)
Liabilit...	ACH...	12/23/2020	ICMA Retir...	Payroll 2020-12-23	10102 · General...	
				B Kingle	25400 · Pension ...	(114.42)
				B. Kingle	25400 · Pension ...	(114.42)
				R. Lewis	25400 · Pension ...	(128.56)
				D. Means	25400 · Pension ...	(50.00)
TOTAL						(407.40)
Liabilit...	ACH...	12/23/2020	EFTPS	74-1612666 Payroll 202...	10102 · General...	
				74-1612666 Payroll 2020...	25200 · FWT pa...	(913.00)
				74-1612666 Payroll 2020...	25300 · FICA Pa...	(176.84)
				74-1612666 Payroll 2020...	25300 · FICA Pa...	(176.84)
				74-1612666 Payroll 2020...	25300 · FICA Pa...	(756.18)
				74-1612666 Payroll 2020...	25300 · FICA Pa...	(756.18)
TOTAL						(2,779.04)

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Bill P...	ACH...	01/01/2021	Lakeview P...	FY2021 LPD Budget Pa...	10102 · General...	
Bill	2021...	01/01/2021		FY2021 LPD Budget Pay...	75100 · Police D...	(71,573.55)
TOTAL						(71,573.55)
Bill P...	ACH...	12/28/2020	Comcast	8777-70-112-0104051-9...	10102 · General...	
Bill	2020...	12/28/2020		computer @ 98 Lakesho...	71903 · Comput...	(89.04)
				telephone @ 98 Lakesho...	71300 · Telephone	(89.03)
TOTAL						(178.07)
Bill P...	ACH...	12/31/2020	Corbin, Jef...	LPD Commissioners H...	10102 · General...	
Bill	2020...	12/31/2020		LPD Commissioners Ho...	70600 · Honoraria	(25.00)
TOTAL						(25.00)
Bill P...	ACH...	12/31/2020	Findley, Sh...	Council Position 1 Hon...	10102 · General...	
Bill	2020...	12/31/2020		Council Position 1 Honor...	70600 · Honoraria	(45.00)
TOTAL						(45.00)
Bill P...	ACH...	12/31/2020	O'Brien, Mi...	LPD Commissioners H...	10102 · General...	
Bill	2020...	12/31/2020		LPD Commissioners Ho...	70600 · Honoraria	(25.00)
TOTAL						(25.00)
Bill P...	ACH...	12/31/2020	O'Donel, R...	LPD Commissioners H...	10102 · General...	
Bill	2020...	12/31/2020		LPD Commissioners Ho...	70600 · Honoraria	(25.00)
TOTAL						(25.00)
Bill P...	ACH...	12/31/2020	Skelton, Jo...	Mayor Honoraria for 20...	10102 · General...	
Bill	2020...	12/31/2020		Mayor Honoraria for 202...	70600 · Honoraria	(150.00)
TOTAL						(150.00)
Bill P...	ACH...	12/31/2020	Vernon, Ann	Honoraria - Council Po...	10102 · General...	
Bill	2020...	12/31/2020		Honoraria - Council Posit...	70600 · Honoraria	(45.00)
TOTAL						(45.00)
Paych...	11417	12/18/2020	De Leon, A...		10102 · General...	
					70140 · Payroll ...	(500.00)
					25200 · FWT pa...	19.00
					70220 · Social S...	(31.00)
					25300 · FICA Pa...	31.00
					25300 · FICA Pa...	31.00
					70220 · Social S...	(7.25)
					25300 · FICA Pa...	7.25
					25300 · FICA Pa...	7.25
TOTAL						(442.75)

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Paych...	11418	12/18/2020	Hunter, Ch...		10102 · General...	
					70140 · Payroll ...	(175.00)
					70220 · Social S...	(10.85)
					25300 · FICA Pa...	10.85
					25300 · FICA Pa...	10.85
					70220 · Social S...	(2.53)
					25300 · FICA Pa...	2.53
					25300 · FICA Pa...	2.53
TOTAL						(161.62)
Paych...	11419	12/18/2020	Klingle, Br...		10102 · General...	
					70140 · Payroll ...	(500.00)
					25200 · FWT pa...	19.00
					70220 · Social S...	(31.00)
					25300 · FICA Pa...	31.00
					25300 · FICA Pa...	31.00
					70220 · Social S...	(7.25)
					25300 · FICA Pa...	7.25
					25300 · FICA Pa...	7.25
TOTAL						(442.75)
Paych...	11420	12/18/2020	Lewis, Rac...		10102 · General...	
					70140 · Payroll ...	(500.00)
					25200 · FWT pa...	60.00
					70220 · Social S...	(31.00)
					25300 · FICA Pa...	31.00
					25300 · FICA Pa...	31.00
					70220 · Social S...	(7.25)
					25300 · FICA Pa...	7.25
					25300 · FICA Pa...	7.25
TOTAL						(401.75)
Paych...	11421	12/18/2020	Means, Der...		10102 · General...	
					70140 · Payroll ...	(500.00)
					25200 · FWT pa...	19.00
					70220 · Social S...	(31.00)
					25300 · FICA Pa...	31.00
					25300 · FICA Pa...	31.00
					70220 · Social S...	(7.25)
					25300 · FICA Pa...	7.25
					25300 · FICA Pa...	7.25
TOTAL						(442.75)
Paych...	11422	12/18/2020	Stokes, Dia...	VOID: Incorrect Amount	10102 · General...	
TOTAL						0.00

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Paych...	11423	12/18/2020	Stokes, Dia...		10102 · General...	
					70140 · Payroll ...	(175.00)
					70220 · Social S...	(10.85)
					25300 · FICA Pa...	10.85
					25300 · FICA Pa...	10.85
					70220 · Social S...	(2.54)
					25300 · FICA Pa...	2.54
					25300 · FICA Pa...	2.54
TOTAL						(161.61)
Paych...	11424	12/18/2020	Baillie, Dea...		10102 · General...	
					70140 · Payroll ...	(175.00)
					25200 · FWT pa...	20.00
					70220 · Social S...	(10.85)
					25300 · FICA Pa...	10.85
					25300 · FICA Pa...	10.85
					70220 · Social S...	(2.54)
					25300 · FICA Pa...	2.54
					25300 · FICA Pa...	2.54
TOTAL						(141.61)
Check	11425	12/08/2020	Kumar-Mis...	Refund of December P...	10102 · General...	
Credit ...	2020...	12/08/2020		Recurring Full Family of ...	22312 · Deferred...	(68.00)
TOTAL						(68.00)
Bill P...	11426	12/16/2020	Foley & Lar...	October	10102 · General...	
Bill	5011...	11/10/2020		October Services	71100 · Legal	(1,770.00)
TOTAL						(1,770.00)
Bill P...	11427	12/15/2020	Blacksmith...	November Warrant Rec...	10102 · General...	
Bill	2020...	12/07/2020		November Warrant Recall	74600 · Warrant ...	(625.00)
TOTAL						(625.00)
Bill P...	11428	12/15/2020	Calderon, ...	Prosecutor Fees Oct., ...	10102 · General...	
Bill	2020...	12/10/2020		Prosecutor Fees Oct., N...	74100 · Court Pr...	(525.00)
TOTAL						(525.00)
Bill P...	11429	12/15/2020	Clear Lake ...	1268	10102 · General...	
Bill	26708	12/09/2020		Business Cards for Arma...	72000 · Building ...	(98.00)
Bill	26710	12/10/2020		Code Violation Orange, 1...	72000 · Building ...	(135.00)
				Code Compliance Yellow...	72000 · Building ...	(240.00)
TOTAL						(473.00)
Bill P...	11430	12/15/2020	Comcast	Webmaster November2...	10102 · General...	
Bill	2020...	12/08/2020		Webmaster November20...	71903 · Comput...	(79.95)
TOTAL						(79.95)

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Bill P...	11431	12/15/2020	Foley & Lar...	November Final Statem...	10102 · General...	
Bill	5012...	12/14/2020		November Final Statement	71100 · Legal	(610.00)
TOTAL						(610.00)
Bill P...	11432	12/15/2020	Hendricks, ...		10102 · General...	
Bill	2020...	12/01/2020		Bailiff Fee 12/01/2020	74410 · Bailiff S...	(75.00)
Bill	2020...	12/10/2020		Bailiff Fee 12/08/2020	74410 · Bailiff S...	(75.00)
TOTAL						(150.00)
Bill P...	11433	12/15/2020	Kosar, Rob...	Nov timesheet	10102 · General...	
Bill	2020...	12/08/2020		November 2020 Monthly ...	72001 · Floodpla...	(187.50)
TOTAL						(187.50)
Bill P...	11434	12/15/2020	Lawns and...	Monthly Service & Lot ...	10102 · General...	
Bill	33952	12/08/2020		Monthly Service Rate	70350 · Grounds...	(2,625.00)
				Mowed 2 times @ 402 C...	70350 · Grounds...	(60.00)
TOTAL						(2,685.00)
Bill P...	11435	12/15/2020	Moore IT S...	Trinity Back up w/onsit...	10102 · General...	
Bill	2535	12/15/2020		Trinity Back up w/onsite ...	71903 · Comput...	(19.99)
TOTAL						(19.99)
Bill P...	11436	12/15/2020	Poolsure	service for City of El La...	10102 · General...	
Bill	1412...	12/01/2020		service for City of El Lag...	77201 · Pool Ch...	(280.00)
TOTAL						(280.00)
Bill P...	11437	12/15/2020	Texas Dep...	Motor Vehicle Inquiries	10102 · General...	
Bill	Nov ...	12/04/2020		Motor Vehicle Inquiries	74500 · Court Mi...	(49.48)
TOTAL						(49.48)
Bill P...	11438	12/15/2020	Texas Soci...	Annual \$35 administrati...	10102 · General...	
Bill	2020...	12/14/2020		Annual \$35 administrativ...	70220 · Social S...	(35.00)
TOTAL						(35.00)

City of El Lago
Check Detail
 December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Bill P...	11439	12/15/2020	TXU Energy	Electricity 10-29-20 to ...	10102 · General...	
Bill	0553...	12/04/2020		ESI ID 10089010100065...	72100 · Utilities	(6.15)
				ESI ID 10089010767831...	72100 · Utilities	(445.68)
				ESI ID 10089010100065...	72100 · Utilities	(94.39)
				ESI ID 10089010100065...	72100 · Utilities	(1,705.41)
				ESI ID 10089010100065...	72100 · Utilities	(16.21)
				ESI ID 10089010100065...	72100 · Utilities	(25.89)
				ESI ID 10089010100350...	72100 · Utilities	(21.66)
				ESI ID 10089010249012...	72100 · Utilities	(4.78)
				ESI ID 10089010238105...	72100 · Utilities	(7.89)
				ESI ID 10089010238129...	72100 · Utilities	(4.94)
				ESI ID 10089010238046...	72100 · Utilities	(16.21)
				ESI ID 10089010238135...	72100 · Utilities	(9.50)
				ESI ID 10089010238017...	72100 · Utilities	(7.12)
				ESI ID 10089010076206...	72100 · Utilities	(404.87)
				ESI ID 10089010076206...	72100 · Utilities	(10.33)
				ESI ID 10089010119015...	72100 · Utilities	(24.30)
				ESI ID 10089010238048...	72100 · Utilities	(15.88)
				ESI ID 10089010076206...	72100 · Utilities	(4.85)
				ESI ID 10089010069005...	72100 · Utilities	(915.22)
				ESI ID 10089010229004...	77210 · Utilities-...	(412.17)
TOTAL						(4,153.45)
Bill P...	11440	12/15/2020	Valero Flee...	Fuel for City Truck	10102 · General...	
Bill	6902...	12/14/2020		Fuel for City Truck	70311 · Fuel for ...	(87.45)
TOTAL						(87.45)
Check	11441	12/15/2020	Void Checks	VOID: Void Misprint	10102 · General...	
TOTAL						0.00
Check	11442	12/15/2020	Schwander...	Reimburse convenienc...	10102 · General...	
Credit ...	2020...	10/19/2020		Charged to cc in error -O...	47200 · Credit C...	(7.40)
TOTAL						(7.40)
Bill P...	11443	12/15/2020	AmeriWast...		10102 · General...	
Bill	1604...	11/30/2020		November 11/01-11/30/...	73200 · Solid W...	(13,967.26)
				November 11/01-11/30/...	73210 · Recycling	(444.78)
Bill	1586...	11/10/2020		October 10/01-10/31/20 t...	73200 · Solid W...	(13,967.26)
				October 10/01-10/31/20 r...	73210 · Recycling	(418.77)
TOTAL						(28,798.07)
Bill P...	11444	12/31/2020	Barbe, Arm...	Building Inspection Fe...	10102 · General...	
Bill	2020...	12/31/2020		Building Inspection Fees ...	72000 · Building ...	(1,800.00)
TOTAL						(1,800.00)
Bill P...	11445	01/01/2021	Nassau Ba...	2021-01	10102 · General...	
Bill	2021...	01/01/2021		2021-01	73300 · Emerge...	(2,500.00)
TOTAL						(2,500.00)

City of El Lago
Check Detail
December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Bill P...	11446	01/01/2021	Seabrook ...	2021-01	10102 · General...	
Bill	2021...	01/01/2021		2021-01	75300 · Fire Dep...	(13,052.07)
TOTAL						(13,052.07)
Liabilit...	11447	01/01/2021	Texas Mun...	2021-01	10102 · General...	
				A Deleon	70200 · Employe...	(108.38)
				B Klingle (includes Annu...	70200 · Employe...	(1,560.78)
				D Means (includes Annu...	70200 · Employe...	(1,560.78)
				Renewal Credit	70200 · Employe...	279.24
				A Deleon	25500 · Med. & ...	(37.50)
TOTAL						(2,988.20)
Bill P...	11448	01/06/2021	Accu-Tech ...	Color Machine Monthly...	10102 · General...	
Bill	27417	12/28/2020		Color Machine Monthly ...	71600 · Office S...	(50.00)
TOTAL						(50.00)
Bill P...	11449	01/06/2021	GameTime	Playground Equipment	10102 · General...	
Bill	0151...	12/29/2020		Playground Equipment	79700 · Park & ...	(278.81)
TOTAL						(278.81)
Bill P...	11450	01/06/2021	H-GAC	Membership Dues 01/0...	10102 · General...	
Bill	2021...	12/28/2020		Membership Dues 01/01 ...	71800 · Elections	(200.00)
TOTAL						(200.00)
Bill P...	11451	01/06/2021	Harris Cou...	water bill from Nov 20 -...	10102 · General...	
Bill	11/2...	12/29/2020		01-00012690-00-1 Com...	72100 · Utilities	(198.84)
				01-00009940-00-7 98 La...	72100 · Utilities	(10.15)
				01-00006031-00-5 732 ...	72100 · Utilities	(10.15)
				01-00004210-01-7 El La...	77210 · Utilities...	(41.31)
				01-00007128-00-5 North...	72100 · Utilities	(10.15)
				01-00007140-00-3 Bayo...	72100 · Utilities	(10.15)
				01-00008910-00-9 98 La...	72100 · Utilities	(38.30)
				01-00004110-00-7 Witty...	72100 · Utilities	(10.15)
				01-00000021-00-8 Fireline	72100 · Utilities	(10.15)
TOTAL						(339.35)
Bill P...	11452	01/06/2021	Hendricks, ...	Bailiff fee 12/15/2020	10102 · General...	
Bill	2020...	12/15/2020		Bailiff fee 12/15/2020	74410 · Bailiff S...	(75.00)
TOTAL						(75.00)
Bill P...	11453	01/06/2021	Home Depot		10102 · General...	
Bill	Dece...	12/29/2020		Garland for entrances, Bi...	79600 · Beautific...	(274.01)
				New / Replacement Ani...	73500 · Animal ...	(99.94)
				Christmas Light replace...	79600 · Beautific...	(76.81)
TOTAL						(450.76)

City of El Lago
Check Detail
 December 3, 2020 through January 6, 2021

Type	Num	Date	Name	Memo	Account	Paid Amount
Bill P...	11454	01/06/2021	Salt Grass ...	Salt Grass Chapter due...	10102 · General...	
Bill	2020...	12/18/2020		Salt Grass Chapter dues ...	71000 · Dues an...	(70.00)
TOTAL						(70.00)
Bill P...	11455	01/06/2021	Sam's Club	Cleaning Supplies and ...	10102 · General...	
Bill	2020...	12/31/2020		Paper Towels, Bleach, P...	70300 · Building ...	(136.36)
				Copy Paper	71600 · Office S...	(83.94)
				Late Fee since bill wasn't...	70400 · Conting...	(15.99)
				Interest fee	70400 · Conting...	(2.74)
TOTAL						(239.03)
Bill P...	11456	01/06/2021	Space City ...	Plumbing repair equip...	10102 · General...	
Bill	2020...	12/22/2020		Plumbing repair equipm...	70300 · Building ...	(74.26)
TOTAL						(74.26)
Bill P...	11457	01/06/2021	Wells Farg...	2020-12 Statement	10102 · General...	
Bill	2020...	12/30/2020		2020-12 Statement	24507 · Wells F...	(2,304.37)
TOTAL						(2,304.37)



CITY OF EL LAGO

MINUTES OF THE DECEMBER 2, 2020 REGULAR CITY COUNCIL MEETING 411 TALLOWOOD DRIVE, EL LAGO, TEXAS 77586

1. **Call to Order** Mayor Skelton called the meeting to order at 7:02 PM.

2. **Invocation and/or Pledge of Allegiance** Pledges were conducted.

3. **Declaration of a Quorum**

Present: Mayor John Skelton
Mayor Pro Tem Ann Vernon
Councilperson Shawn Findley
Councilperson Kris Kuehnel
Councilperson Jeff Michalak
Councilperson Darin Clark

4. **Citizen Comments**

Tom Merchant of 315 Oakview Circle stated he is resigning as the Emergency Management Coordinator and encouraged Council to employ someone in that position full time.

Joe Neigut of 443 Shadow Creek said he has concerns about the City funding the luminaria fundraiser which is a fundraiser conducted by a former Councilperson. He asked if the City donates to other fundraisers using City resources, and he did not agree that \$300 should be used to purchase sand for this fundraiser, or that City staff be used to help sell the luminarias.

Tiffany Bachner of 711 Crestwood Drive asked if the adjustment to the FY2020 budget mentioned at the last Council meeting had been addressed. Mayor Skelton informed her that it was an adjustment for approximately \$30,000 used to refinish the pool deck and it had been addressed.

Mayor Skelton responded to the comments stating the City is currently handing out luminaria kits and \$90 was spent last year for the sand. Mayor Skelton stated the La Ventana paper is a long-standing tradition in El Lago but he does understand the concern. He stated he would look into these concerns further. Councilperson Clark responded to Mr. Neigut stating that he agreed that City resources should not be used to fund the La Ventana.

5. **Consent Agenda City Official, Board, Commission, Committee, & City Service Report**

5.1. *Check Detail for checks printed from November 19, 2020 through December 2, 2020.*

5.2. *Minutes from the Council Meeting of November 18, 2020.*

Mayor Skelton stated the City Secretary had more information regarding the check detail. Mayor Pro Tem Vernon made a motion to separate the check detail from the consent agenda and a second was provided by Councilperson Clark. The vote was unanimous to separate the check detail. A motion to approve the consent agenda including the minutes from the Council meeting of November 18, 2020 was made by Mayor Pro Tem Vernon and seconded by Councilperson Clark. The vote was unanimous to approve the consent agenda. City Secretary Lewis informed Council that a bill for Bailiff services was received after the check detail was printed in the amount of \$75. Councilperson Michalak made a motion to approve the check detail and there was a second from Councilperson Kuehnel. The motion passed unanimously.

6. **City Official, Board, Commission, Committee, & City Service Report**

6.1. *SVFD monthly activity report (Chief Andy Gutacker)* Chief Gutacker went over the Activity Report for November, 2020. There were 3 calls for service which included a medical call, an odor call, and a dryer fire. The average response time was 4 minutes and 47 seconds. He reported the Santa truck would be out on December 5, 2020 beginning at 9:00 AM. He also informed Council that he and 6 of his staff members attended a special training in Austin for swift water rescue.

6.2. *City Secretary Rachel Lewis to report on City Secretary Rachel Lewis to report on City business, the current expenses and losses for COVID-19, and status of expense reimbursement from the CARES Act funding.* City Secretary Lewis reported that all CARES reimbursement requests have been submitted for

expenses. All have been approved by the Small Cities Assistance Program, but some must go through auditing and the Harris County Commissioners Court for final approval. Total losses and expenses stood at \$70,952. Expenses make up \$27, 604 and losses accounted for \$43,348 of that total.

Mayor Skelton recessed the meeting at 7:24 PM and reconvened the meeting at 7:30 PM.

7. Council Member's Reports

7.1. *Councilperson Michalak to report on a recommended public awareness committee regarding adherence to the City leash laws.* Councilperson Michalak reported he submitted a video and flyers to the City Secretary to begin posting on social media sites and the website.

8. New Business

8.1. *Consider/ Approve Resolution 2020-10 appointing Armand Barbe as the Building Official and Robert White as the Emergency Management Coordinator for the City of El Lago, Texas.* Mayor Skelton read that resolution. Mayor Pro Tem Vernon asked Armand Barbe about his credentials. Mr. Barbe stated he is an engineer and worked as an engineering manager. He has completed all coursework required for Building Officials and will complete his state and national exams soon. He is currently working as the Building Official for Taylor Lake Village. Councilperson Michalak made a motion to approve and Councilperson Clark seconded. The vote to approve was unanimous. Mayor Skelton administered the Oaths of Office and Statements of Appointed Officers to both Armand Barbe and Robert White.

9. Future Agenda Items

Scheduled

Wildlife Rehabilitation Ordinance
PEG Fund Items
Short-Term Rental Property tax

The Mayor stated no meeting would be held on December 17, 2020.

Not Scheduled

Personnel Manual

10. Adjournment There being no further business, Mayor Skelton adjourned the meeting at 7:44 PM.

ATTEST:

John Skelton
Mayor

Rachel Lewis
City Secretary



City of El Lago
411 Tallowood Dr.
El Lago, TX 77586
(281) 326-1951 (281) 326-2134 Fax

EVENT ROOM VARIANCE REQUEST FORM


To obtain a variance, applicant must submit a completed variance request to the City Secretary. The variance will be placed on a City Council Meeting Agenda for consideration. Resolution 2013-08, approved and passed by the El Lago City Council on June 19, 2013, allows for the following variance:

Upon the request from a Local Civic Organization, the City Council by an affirmative vote of four (4) Council members may grant a variance to reduce or dismiss the fees associated with the Local Civic Organizations use. The City Council shall consider the costs in labor and wear and shall in no case allow the Local Civic Organizations to become a burden on the citizens of El Lago and shall set conditions and guidelines for the variance accordingly.

Description of Variance Requested: Use of the Event Room for the upcoming year to hold occassional meetings in 2021. Also to continue to use the supply closet

Reasons why the Variance should be Granted: El Lago Dorados Swim Team is a non-profit organization which serves youth in El lago

Local Civic Organization Name: El Lago Dorados
Contact Name: Kurt Wagner
Address: 426 Terrace Drive
Phone: 713-494-0493 Date of Request 12/10/2020


Signature

This Box For Office Use Only

Date to be brought before Council: _____
Council/Board Action: Variance Approved _____ Variance Disapproved _____
Variance is Valid: _____ Variance Expires: _____
Month / Day / Year Month / Day / Year
Date of Final Council Action: _____
Deposit: \$ _____ Fee \$ _____ per _____ Meeting
_____ Month
_____ Year

RESOLUTION NO. 2021-01

A RESOLUTION OF THE CITY OF EL LAGO EXPRESSING ITS SUPPORT OF THE CONCLUSIONS AND GENERAL RECOMMENDATIONS OF THE COASTAL TEXAS PROTECTION AND RESTORATION FEASIBILITY STUDY BY THE US ARMY CORPS OF ENGINEERS AND THE TEXAS GENERAL LAND OFFICE.

WHEREAS, the City of El Lago, a Texas coastal community, has experienced severe and catastrophic flooding during multiple hurricanes; and

WHEREAS, catastrophic flooding remains a regional problem the improvement of which requires efforts and contribution by all governmental entities in the region; and

WHEREAS, the purpose of the Coastal Texas Protection and Restoration Feasibility Study, conducted by the US Army of Corps of Engineers in partnership with the Texas General Land Office, is to identify Coastal Storm Risk Management and Ecosystem Restoration measures that would protect the health and safety of Texas coastal communities, reduce the risk of storm damage to industries and businesses critical to the Nation's economy, and address critical coastal ecosystems in need of restoration; and

WHEREAS, the Coastal Texas Protection and Restoration Feasibility Study resulted in recommendations to alleviate flooding risk that include flood gates and pumps on Clear Lake and Clear Creek to mitigate storm surge flooding; and

WHEREAS, the current overtopping analysis described in CTX_MR_ApexD_Annex2 (Final Coastal Texas – Hydrology and Hydraulics), Section 5.5 Clear Creek Watershed, Overtopping section of the Study does not include areas of the City of Shoreacres where storm surge could flood the City of Shoreacres and flow into the Clear Creek Watershed behind the protection provided by the Clear Creek flood gates and pumps;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL LAGO, as follows:

Section 1. The City of El Lago hereby expresses its support of the Coastal Texas Protection and Restoration Feasibility Study's recommendations to alleviate flooding risk that include flood gates and pumps on Clear Lake and Clear Creek to mitigate storm surge.

Section 2. The City of El Lago hereby encourages further study in the project design phase of overtopping in areas of the City of Shoreacres that may reduce regional flood protection and the efficacy of the Clear Creek flood gates and pumps.

Section 3. The City of El Lago directs that a copy of this Resolution be forwarded upon its passage to the USACE - Galveston District as well as the offices of the State Representatives, State Senators, U.S. Representatives, and U.S. Senators with constituents in the Clear Creek watershed area.

PASSED AND APPROVED the **6th day of January, 2021.**

John Skelton, Mayor

ATTEST:

Rachel Lewis, City Secretary

WORKSHOP SAMPLE
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, CITY OF DICKINSON, TEXAS, “LICENSES AND BUSINES REGULATIONS”, TO ADD A NEW ARTICLE XIII, “SHORT-TERM RENTALS”, THAT ESTABLISHES REGULATIONS FOR THE PERMITTING AND OPERATION OF SHORT-TERM RENTAL PROPERTIES IN THE CITY OF DICKINSON IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) PER DAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council (the “Council”) of the City of Dickinson, Texas (the “City”) desires to protect the health, safety, and welfare of the general public by promoting the effective and reasonable permitting and operation of short-term rental properties within the City; and

WHEREAS, the Council finds that short-term rental properties require specific regulations not found in the general development guidelines of the City’s Code of Ordinances; and

WHEREAS, the Council finds that the regulations on short-term rentals established through this Ordinance are reasonable, necessary, and proper for the health, safety, and welfare of the general public; and **NOW THEREFORE**,

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF DICKINSON, TEXAS:

Section 1. THAT the Code of Ordinances, City of Dickinson, Texas is hereby amended by adding an article, to be numbered XIII of Chapter 8, which article reads as follows:

“ARTICLE XIII – SHORT-TERM RENTALS

Sec. 8-360. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means a person designated in writing by the operator to lawfully manage a short-term rental.

Operator means any person who operates a short-term rental, as defined in this article.

Owner means the person or entity that holds legal or equitable title to real property used for the purposes contemplated in this article.

Short-term rental means a residential dwelling unit, or other real or personal property, that is rented out for compensation on a temporary basis for a period of less than thirty (30) consecutive days.

Short-term rental permit means a permit issued by the city that identifies the address of the subject property as a lawful short-term rental, the short-term rental permit number, the names

and contact information of the subject property's owner, operator, and agent, and a 24-hour emergency contact phone number for all of the preceding persons.

Sec. 8-361. – Short-term rental permit required.

(a) A short-term rental is not allowed to operate within the city without a short-term rental permit obtained from and authorized by the city.

(b) The annual short-term rental permit fee shall be one hundred dollars (\$100) and is subject to annual review pursuant to this Code.

(c) A short-term rental permit issued under this section may not be transferred and does not run with the land upon the sale of the property.

Sec. 8-362. – Permit denial and revocation; Appeal process.

(a) The council, or its designee, may determine that a short-term rental permit required under this section should be denied or revoked for the reasons set forth below. The council, or its designee, shall provide written notice of the denial or revocation of a short-term rental permit to the applicant, owner, operator, or agent, detailing the reason for the denial or revocation of the short-term rental permit, and shall provide a statement informing the applicant, owner, operator, or agent of its right to appeal the denial or revocation of its short-term rental permit to the council, in the manner set out in this section.

(1) Denial of short-term rental permit. An application for a short-term rental permit shall be denied if the council or its designee, finds that:

a. Any statement made in the short-term rental application is incomplete, inaccurate, misleading, or false; or,

b. The applicant has not complied with this article or has had a history of noncompliance with the provisions of this article.

(2) Revocation of permit. The council, or its designee, may revoke a short-term rental permit due to the failure of an applicant, owner, operator, or agent to comply with the short-term rental permit requirements, this article, this Code, or any applicable federal, state, or local law or regulation.

(b) If a short-term rental permit is denied or revoked, then, for a twelve (12) month period beginning on the date of such denial or revocation, such short-term rental, and any real or personal property associated with such short-term rental, shall be ineligible for a short-term rental permit.

(c) If an applicant is denied a short-term rental permit, or if an applicant, owner, operator, or agent's permit is revoked, then the applicant, owner, operator, or agent may request that the council overturn the denial or revocation at a regular meeting of the council after the council has held a public hearing on such denial or revocation.

Sec. 8-363. – Hotel occupancy tax payment required.

An owner, operator, or agent of a short-term rental shall:

(1) assess and collect hotel occupancy tax in accordance with chapter 351 of the Texas Tax Code; and,

(2) timely remit to the city, all city hotel occupancy taxes collected pursuant to state law.”

Section 2. THAT a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed two thousand dollars (\$2,000.00) as provided in Article 1-4(a) of the Code of Ordinances, City of Dickinson, Texas.

Section 3. THAT should any paragraph, section, sentence, phrase, clause, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 4. THAT the City Secretary of the City of Dickinson is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance.

Section 5. THAT this Ordinance shall become effective, except as may otherwise be provided herein, from and after its publication as provided by law.

PASSED, APPROVED, AND ORDAINED this the ____ day of _____, 2020.

APPROVED:

JULIE MASTERS, MAYOR

ATTEST:

Alun Thomas, City Secretary

WORKSHOP SAMPLE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIMONTON, TEXAS, AMENDING CHAPTER 28 “TAXATION” OF THE CODE OF ORDINANCES OF THE CITY OF SIMONTON, TEXAS, BY ADDING A NEW ARTICLE IV, "HOTEL OCCUPANCY TAX"; LEVYING A TAX IN THE AMOUNT OF SEVEN PERCENT (7%) OF THE CONSIDERATION PAID FOR THE USE OR OCCUPANCY OF A HOTEL ROOM WITHIN THE CITY LIMITS OR WITHIN THE CITY’S EXTRATERRITORIAL JURISDICTION WHICH COSTS MORE THAN TWO DOLLARS (\$2.00) PER NIGHT; DEFINING TERMS RELATED TO SAID TAX; PROVIDING CERTAIN REGULATIONS RELATING TO THE IMPOSITION AND COLLECTION OF SAID TAX; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council (the “Council”) of the City of Simonton (the “City”) finds and determines that it is in the best interest of the residents, citizens, and inhabitants of the City for there to be levied a tax on the use and occupancy of hotel rooms in the City and the City’s extraterritorial jurisdiction; and

WHEREAS, the Council finds and determines that the laws of the State of Texas allow the City to levy a hotel occupancy tax for the purpose of generating funds for the development of tourism within the City and also in the City’s extraterritorial jurisdiction; and, **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMONTON TEXAS:

SECTION 1. THAT the Code of Ordinances of the City of Simonton, Texas is hereby amended by adding Article IV to Chapter 28 entitled “Hotel Occupancy Tax” as follows:

“ARTICLE IV. - HOTEL OCCUPANCY TAX

Sec. 28-80. - Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) *Consideration* means the cost of the room, sleeping space, bed, dormitory space, or other facilities in a hotel, but shall not include the cost of any food served or personal services rendered to an occupant of a hotel not related to cleaning and readying such room or space for occupancy, and shall not include any tax assessed for occupancy thereof by any other governmental agency.

(b) *Hotel* shall mean a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term

also includes a short-term rental, which shall mean the rental of all or part of a residential property to a person who is not a permanent resident. The term does not include: a hospital, sanitarium, or nursing home; a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61 of the Texas Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or, an oilfield portable unit, as defined by Section 152.001 of the Texas Tax Code.

(c) *Occupancy* means the use, possession, right to use, or right of possession of any room, space, or sleeping facility in a hotel for any purpose.

(d) *Occupant* means anyone who for consideration uses, possesses, or has a right to use or possess any room, rooms, sleeping space, or facility in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.

(e) *Permanent resident* means any occupant who has or shall have the right to occupancy of any room, sleeping space, or facility in a hotel for at least thirty (30) consecutive days during the current calendar year or preceding year.

(f) *Person* means any individual, company, corporation, or association owning, operating, managing, or controlling any hotel in the city or in the city's extraterritorial jurisdiction.

(g) *Quarterly period* means the regular calendar quarters of the year. The first quarter being composed of the months of January, February, and March; the second quarter being the months of April, May, and June; the third quarter being the months of July, August, and September; and, the fourth quarter being the months of October, November, and December.

(h) *Tax assessor-collector* means the city tax assessor-collector as designated in Sec. 2-113 of this Code.

Sec. 28-81. - Levy of tax; rate; exception.

(a) There is hereby levied a tax upon the occupant of any room, space, or facility furnished by any hotel in the city or the city's extraterritorial jurisdiction where such cost of occupancy is at the rate of two dollars (\$2.00) or more per day, such tax to be equal to seven percent (7%) of the consideration paid by the occupant of such room, space, or facility to such hotel, exclusive of other occupancy taxes imposed by any other governmental agency.

(b) No tax shall be imposed hereunder upon a permanent resident.

(c) No tax shall be imposed hereunder upon an occupant of any room or space rented from a corporation or association organized and operated exclusively for religious, charitable, or education purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(d) All revenue derived from the tax imposed in subsection (a) of this Section shall be placed in the general fund of the city and shall be used for the purposes authorized by Texas Tax Code §351, as the city council may from time to time direct or provide.

Sec. 28-82. - Collection.

Every person owning, operating, managing, or controlling any hotel in the city and the extraterritorial jurisdiction of the city, shall collect the tax imposed in section 28-81 for the city and deliver said tax quarterly to the city together with the report required by this Code.

Sec. 28-83. - Reports.

(a) On or before the first day of the month immediately following each quarterly period, every person required by section 28-82 to collect the tax imposed herein shall file a report with the tax assessor-collector showing the consideration paid for all room occupancies in the preceding quarter, the amount of the tax collected on such occupancies, and any other information as the tax assessor-collector may reasonably require. Such person shall pay the amount of tax collected for occupants during the period of the report at the time of filing the report.

(b) Every person owning, operating, managing, or controlling any hotel in the city or the city's extraterritorial jurisdiction shall prepare and file with the city secretary a report reflecting:

- (1) The name of the hotel;
- (2) The name and address of the hotel owner;
- (3) The name and address of the hotel manager or hotel operator;
- (4) The gross revenues of the hotel;
- (5) The Consideration received by the hotel;
- (6) The amount of hotel tax collected for the city;
- (7) The amount of hotel tax being delivered to the city; and
- (8) Certification that it is correct and signed, sworn to, and subscribed before a Notary Public.

(c) The hotel tax report shall be prepared and filed quarterly with the city secretary at the city hall, on or before the first business day of the month immediately following each quarterly period.

Sec. 28-84. - Rules and regulations.

The tax assessor-collector shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, and shall upon reasonable notice have access to books and records necessary to enable the determination of the correctness

of any report filed as required by this Article and the amount of taxes due under the provisions of this Article.

Sec. 28-85. - Enforcement, violation and penalties.

(a) Enforcement of this Article and collection of any delinquent tax or action to require filing of the report required herein shall be in the manner provided by law.

(b) Any person violating any of the provision of this Article shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this article is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine as provided in Section 1-14 of the Code of Ordinances of the City of Simonton.

(c) Any person violating any provision of this Article shall further reimburse to the city any expenses incurred in the enforcement provided hereunder.”

Section 2. THAT a violation of this Ordinance shall be subject to all applicable penalties of Section 1-14 of the Code of Ordinances of the City of Simonton.

Section 3. THAT all rights and remedies of the City of Simonton are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of Simonton or any other ordinances governing buildings and building regulations that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition of the court.

Section 4. THAT this Ordinance shall be cumulative of all provisions of ordinances of the City of Simonton, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. THAT in the event any 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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Simonton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 6. THAT the City Secretary of the City of Simonton is hereby directed to publish in the official newspaper of the City of Simonton, the caption of this Ordinance.

Section 7. THAT this Ordinance shall be in full force and effect upon its passage and publication as provided by the laws of the State of Texas.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2019.

LAURIE BOUDREAUX, Mayor

ATTEST:

ERICA MOLINA, City Secretary