



College Station, TX

Meeting Agenda City Council Workshop

Phone: 888 475 4499 and Enter Meeting ID: 174 248 177

Internet: <https://zoom.us/j/174248177>

City Hall Council Chambers

April 23, 2020

4:00 PM

1101 Texas Ave, College Station,
TX 77840

1. Call to Order.

2. Executive Session is closed to the public and will be held in the Administrative Conference Room. The open meeting will resume no earlier than 5:00 pm.

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Consultation with Attorney {Gov't Code Section 551.071};

Possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed.

Litigation

- a. Kathryn A. Stever-Harper as Executrix for the Estate of John Wesley Harper v. City of College Station and Judy Meeks; No. 15,977-PC in the County Court No. 1, Brazos County, Texas
- b. McCrory Investments II, LLC d/b/a Southwest Stor Mor v. City of College Station; Cause No. 17-000914-CV-361; In the 361st District Court, Brazos County, Texas
- c. City of College Station v. Gerry Saum, Individually, and as Independent Executrix of the Estate of Susan M. Wood, Deceased; Cause No. 17-002742-CV-361; In the 361st District Court, Brazos County, Texas
- d. Carrie McIver v. City of College Station; Cause No. 18-003271-CV-85; In the 85th District Court, Brazos County, Texas
- e. Veronica Alejandra Ibarra v. The City of College Station; Cause No. 20-000325-CV-361; In the 361st District Court, Brazos County, Texas

Legal Advice

- a. Legal advice regarding third-party funding agreements

Real Estate {Gov't Code Section 551.072};

Possible action. The City Council may 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 City in negotiations with a third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Property located generally in the vicinity of Highway 50 in South Robertson County, Texas.

Personnel {Gov't Code Section 551.074};

Possible action. The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following public officer(s) may be discussed:

- a. City Council Self Evaluation
- b. City Manager

3. Reconvene from Executive Session and take action, if any.

4. Presentation, discussion, and possible action on items listed on the consent agenda.

5. Workshop Agenda

Speaker Protocol: An individual who wishes to address the City Council regarding any item on the Workshop Agenda other than those items posted for Executive Session shall register with the City Secretary prior to the meeting being called to order. To register the individual must provide a name and phone number by calling 979-764-3500 or emailing CSO@cstx.gov prior to the start of the meeting. To submit written comments to the Council email CSO@cstx.gov and they will be provided at the meeting. Upon being called to speak an individual must state their name and city of residence, including the state of residence if the city is located out of state. Speakers are encouraged to identify their College Station neighborhood or geographic location. Each speaker's remarks are limited to three (3) minutes. Any speaker addressing the Council through the use of a translator may speak for six (6) minutes. At the (3) minute mark the City Secretary will announce that the speaker must conclude their remarks.

5.1. Presentation, discussion, and possible action regarding a prospective ordinance regulating short-term rental units in College Station.

Sponsors: Brian Piscacek

Attachments: 1. Short-Term Rental Ordinance_Draft

6. Council Calendar - Council may discuss upcoming events.

7. Discussion, review, and possible action regarding the following meetings:

Animal Shelter Board, Arts Council of Brazos Valley, Architectural Advisory Committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Bio-Corridor Board of Adjustments, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Economic Development Corporation, Bryan/College Station Chamber of Commerce, Budget and Finance Committee, BVSWM, BVWACS, Compensation and Benefits Committee, Comprehensive Plan Evaluation Committee, Experience Bryan-College Station, Design Review Board, Economic Development Committee, Gulf Coast Strategic Highway Coalition, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Metropolitan Planning Organization, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Technology Council, Regional Transportation Committee for Council of Governments, Sister Cities Association, Spring Creek Local Government Corporation, Transportation and Mobility Committee, TAMU Student Senate, Texas Municipal League, Walk with the Mayor, YMCA, Zoning Board of Adjustments, (Notice of Agendas posted on City Hall bulletin board.)

8. Adjourn.

The City council may adjourn into Executive Session to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.

I certify that the above Notice of Meeting was posted on the website of the City of College Station at 5:00 p.m. on April 17, 2020.



City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo

411, Código de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre.”

April 23, 2020
Item No. 5.1.
Short-Term Rental Ordinance

Sponsor: Brian Piscacek, Assistant to the City Manager

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding a prospective ordinance regulating short-term rental units in College Station.

Relationship to Strategic Goals:

- Good Governance
- Financial Sustainability
- Neighborhood Integrity
- Diverse & Growing Economy

Recommendation(s): Staff recommends Council receive the presentation on the draft ordinance and provide direction as desired.

Summary: Staff presented to Council on January 23, 2020, regarding the municipal regulation of short-term rental units (STRs) and staff efforts to research ordinances adopted by several Texas cities. Staff also reported on the stakeholder feedback gathered from STR hosts, real estate professionals, commercial lodging operators, College Station residents, and others.

At that meeting, Council directed staff to bring a draft STR ordinance for consideration. This Workshop item will present the draft ordinance and describe how City staff will permit and enforce STRs in College Station.

Elements of the permit:

- Information on property owner and local contact
- Life safety inspection
- Permit issued for one year
- Permit does not convey if property is sold or otherwise transferred
- Denial or revocation
- Appeal process

Permit standards

- Informational brochure
- Life safety requirements
- Guest conduct
- HOT collection and remittance
- Violations and revocation

Budget & Financial Summary: City policy allows for full cost recovery. An appropriate annual fee to receive a permit will be applied at application and renewal. All STRs operating in College Station are required to collect and remit the appropriate Hotel Occupancy Taxes.

Reviewed & Approved by Legal: No

Attachments:

1. Short-Term Rental Ordinance_Draft

ARTICLE VI. – SHORT TERM RENTAL REGISTRATION

Sec. 103-242. – Applicability.

This article applies to all Short Term Rental operators unless expressly provided otherwise herein.

Sec. 103-243. – Purpose and Intent.

The purpose of this article is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the registration and regulation of Short Term Rentals and to ensure the collection and payment of hotel occupancy taxes.

The intent of this article is to preserve the neighborhood character of residential subdivisions within the City of College Station and to minimize adverse impacts to residential subdivisions caused by Short Term Rentals.

Sec. 103-244. - 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:

Administrator means the City Manager or designee.

Dwelling Unit means a residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating, and sanitation

Hotel Occupancy Tax means the hotel occupancy tax required to be assessed and collected for the operation of any Short Term Rental and paid pursuant to Chapter 351 of the Texas Tax Code.

Local Contact means an individual located within 30 miles of the College Station City Hall who has access to the property and is authorized to make decisions regarding the property while a Short Term Rental is being rented.

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

Owner means any person, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property.

Short Term Rental means a dwelling unit that is rented out for compensation on a temporary basis for a period of less than 30 consecutive days; including but not limited to, single-family unit, duplex unit, triplex, four-plex unit, multi-family unit, manufactured or mobile home unit, townhome, or condominium.

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 owner and local contact, and a 24-hour emergency contact phone number for all the preceding persons.

Sec. 103-245. – Permit Required.

(a) It shall be unlawful for any person or entity to rent, or offer to rent, any short term rental without a valid short term rental permit issued under this article.

(b) A permit issued under this article may not be transferred and does not convey with the property upon sale. Each new owner of a permitted or previously permitted dwelling unit must apply for a short-term rental permit to rent property under the short-term rental guidelines.

(c) Each short-term rental shall be issued a permit with a unique permit number. The permit number must be included in any and all advertisement for the short-term rental including internet booking sites.

(d) A permit shall be valid for a period of one year from the date of issuance and may be renewed by applying in accordance with this article.

Sec. 103-246. Permit Application.

A person seeking a short-term rental permit shall submit an application to the City Manager or designee. Said application shall be in writing, on a form provided by the City, and shall include the following information (if applicable):

(a) The name, address, email address, and telephone number, of the property owner or operator. If the applicant or owner is a partnership, a corporation, or limited liability company, the application shall list the registered agent;

(b) The name, address, email, and twenty-four (24) hour telephone number of a local contact person;

1. The local contact person is the person designated by the operator who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding in person within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and (2) taking remedial action to resolve such complaints.

(c) The physical address of the short-term rental;

(d) A statement that the Operator of the short-term rental will comply with the requirements of this article;

(e) Verification the applicant has no delinquent hotel occupancy taxes due on the property;

(f) Such other information as the City Manager, or designee, deems reasonably necessary to administer this article.

Sec. 103.247. Permit Requirements.

(a) Life Safety Inspection. Prior to issuance of a short-term rental permit, the Operator shall allow, with reasonable notice, an on-site inspection of the short-term rental unit by the City Building Official or designee to ensure compliance with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a re-inspection fee may be charged for each subsequent inspection in accordance with the fee established by resolution. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy. Life Safety inspection may be waived for a renewing permit if the following apply:

- (i) Operator self-certifies compliance with life safety standards and
- (ii) Operator has not been found in violation of this article.

(b) **Hotel Occupancy Tax.** It is a condition of the initial and continued validity of a Short Term Rental permit that the operator has paid and remains current on the payment of all hotel occupancy taxes owed to the City under the Texas Tax Code.

(c) **Fees.** The Applicant shall pay a nonrefundable application fee established in Section 2-117 upon submission of a short term rental application to the City. If a dwelling unit does not pass the initial life safety inspection, the applicant shall pay a non-refundable re-inspection fee established in Section 2-117.

Sec. 103.248. Permit Denial and Revocation.

(a) **Denial of Permit.** The permit application shall be denied and no permit shall be issued if the City finds that:

- (1) Any statement made in the application is incomplete, inaccurate, misleading, or false;
- (2) The operator, its partners, officers, owners, and other principals have not paid to the City all fees due under this article; or
- (3) The applicant has had a short term rental permit revoked within the preceding 18 months.

(b) **Revocation of Permit.** The City may revoke a permit for one or more of the following reasons:

- (1) The applicant fails to comply with or is in violation of any provision of the permit, City ordinances, or any other applicable law;
- (2) The application contains a false or misleading statement of material fact;
- (3) The authorized City official determines that the rental poses a serious threat to the public health, safety or welfare; or
- (4) Failure to remit hotel occupancy tax.

(c) **Notice of denial or revocation.** The City shall provide written notice within ten (10) days of the denial or revocation of a permit to operator, which shall state the reason(s) for the decision and inform the operator of its right to appeal the decision in writing including when and to whom it must be delivered.

Sec. 103.249. Renewing permit.

(a) **Renewing a permit.** An operator may file an application for renewal of the permit. The Administrator may deny the renewal if there is reasonable cause to believe that:

- (1) The applicant has violated any ordinance of the city, or any state, or federal law on the property or has permitted such a violation on the property by any other person; or
- (2) There are grounds for revocation or other sanction as provided in this article.

Sec. 103.250. Appeal.

- (a) The applicant may appeal a denial of a permit by submitting in writing a notice to appeal, delivered to the City Manager's office no later than five (5) business days after the denial or revocation decision.
- (b) The notice of appeal must be in writing and state the grounds for the appeal and why the determination should be reversed or modified. If the applicant makes a timely, written request for appeal, the City Manager or designee shall hold a hearing within ten (10) business days.
- (c) The applicant shall have the opportunity to be heard at the hearing.
- (d) After the close of the hearing, the City Manager or designee shall make a determination concerning approval, denial, or modification of the permit within five (5) business days.

Sec. 103-251. Short Term Rental Operating Requirements.

Each short term rental operator shall do the following:

- (a) Informational Brochure. Each operator shall provide to guests a brochure that includes:
 - (1) The operator's 24-hour contact information;
 - (2) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
 - (3) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- (b) Life Safety Equipment. Each operator shall equip the dwelling unit with working smoke detectors in accordance with adopted codes, at least one working carbon monoxide detector and alarm if the dwelling uses natural gas or propane, and one working fire extinguisher for each floor of the dwelling.
- (c) Maintain the dwelling unit in compliance with applicable building and fire codes adopted by the City.
- (d) Collect and remit the hotel occupancy tax in accordance with Chapter 351 of the Texas Tax Code. Within thirty days of a rental, the operator shall remit to the City of College Station fiscal department, or designee, all city hotel occupancy taxes collected pursuant to state law.

Sec. 103.252 – Violation; penalties.

It shall be unlawful for a short term rental operator to operate, maintain or conduct within the City a short term rental without first securing a permit, and/or without complying with all of the provisions of this article or any other law.

Any person, firm or corporation violating any of the provisions of this article shall be punished as provided in Section 1-7.

Failure to timely pay the hotel occupancy taxes is considered a violation of this article and may result in revocation of the permit.