

**REGULAR MEETING AND PUBLIC HEARING  
CITY COUNCIL  
CITY OF NASSAU BAY, TEXAS  
APRIL 8, 2019  
7:00 PM**

**MEMBERS OF COUNCIL PRESENT:** Mayor Mark Denman, Mayor Pro Tem Don Matter, Councilmembers John Mahon, Bryce Klug, and Matt Prior

**MEMBERS OF COUNCIL ABSENT:** Councilmembers Ashley Graves and Jonathan Amdur (arrived 7:01pm)

**OTHERS PRESENT:** City Attorney Dick Gregg Jr., City Attorney Chris Gregg, Councilmember-Elect Bob Warters, City Manager Jason Reynolds, City Secretary Sandra Ham, Assistant City Manager Mary Chambers, Police Chief Tim Cromie, Public Works Director Paul Lopez, Fire Chief Tom George, Human Resources / Special Events Manager Chani Honeycutt and Planning Commission Chairman Roscoe Lee

**PRESIDING:** Mayor Mark Denman

**CALL TO ORDER AND ROLL CALL OF MEMBERS**

Mayor Mark Denman called the meeting to order at 7:00 p.m. and announced a quorum of Council was present with five elected officials in attendance.

**INVOCATION AND PLEDGES OF ALLEGIANCE**

The invocation was given by Human Resources / Special Events Manager Chani Honeycutt. The Pledges to the American and Texas flags were led by Public Works Director Paul Lopez.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS**

**Presentation of Orion EFT-1 Flag to the City of Nassau Bay**

Linda Singleton of Lockheed Martin presented Mayor Mark Denman a framed Orion EFT-1 Flag. Mrs. Singleton indicated the presentation was in honor of NASA's 50th anniversary of the Apollo moon landing. A photo was taken of Mayor Denman and Mrs. Singleton.

**Presentation of a CANBE Donation to the Nassau Bay Animal Shelter**

CANBE representatives presented a \$1,100 check to the Nassau Bay Animal Shelter. CANBE Board Member Ron Swofford indicated funds raised were from a calendar fundraiser and a citizen donation. Additionally, he promoted the Legacy Brick and Legacy Bench programs, which allows individuals to purchase a brick or bench in honor of a family member or friend, with proceeds benefiting City enhancement projects. CANBE is currently offering a free Legacy Brink with the purchase of a Legacy Bench. Mr. Swofford indicated there is a tax advantage to donating to CANBE, as CANBE is a 501(c)3 organization. A photo was taken of Mr. Swofford, the CANBE representatives present, and Mayor Denman.

**Presentation of a Proclamation for National Safe Digging Month**

Mayor Denman presented a proclamation for Safe Digging Month to Gary Mills, Matthew Smith, and Kevin Hare of CenterPoint Energy. Matthew Smith accepted the proclamation, noting Safe Digging Month is an initiative designed to elevate the awareness and participation in the prevention of digging-related damage to underground utilities. A photo was taken of Mayor Denman and the CenterPoint representatives.

**PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING**

**Public Hearing for the owner of 18706 Martinique, Nassau Bay, Texas 77058 to determine whether the residential structure complies with section 9-35 of the Code of Ordinances, Chapter 214 of the Local Government Code, section 108.1 of the 2012 International Property Maintenance Code, Sections R302.12 Chapter 3, R306 and Chapter 28, P2801.1 of the 2012 International Residential Code, Sections 8.5-31, 8.5-32 and 8.5-37 of the City’s Code of Ordinances and whether the real property complies with the standards set out in sections 9-31 and 9-176 of the Code of Ordinances**

City Manager Jason Reynolds began the discussion by citing progress in the code enforcement cases related to 18706 Martinique Drive and 18702 Martinique Drive. He read a statement to clarify the City’s next steps with the residential structures located on Martinique.

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The City and Mr. John Haugen have reached an agreement as to both properties (18706 Martinique Drive and 18702 Martinique Drive). The agreement was memorialized in writing and signed by both parties. The contract term obligates Mr. Haugen to demolish the main structure on 18706 Martinique by June 1, 2019 at his sole cost, and if not, the City has the contractual right to hire a demolition company to demolish the main structure and place a lien on the property. The agreement allows Mr. Haugen time to cure the code enforcement issues present at 18702 Martinique. In the meantime, Mr. Haugen shows signs of selling both properties to a third party. The advantage of a signed contract is the City’s contractual right to demolish the main structure on 18706 Martinique without having to file a lawsuit in District Court and incur costs and additional attorneys’ fees.

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Continuing his overview, Mr. Reynolds noted this agreement will move the procedural process forward for both 18706 Martinique Drive and 18702 Martinique Drive, with no need to move forward with a district court lawsuit.

**Public Hearing was opened at 7:11 p.m.**

There being no one wishing to speak, the Public Hearing was immediately closed.

**Possible action regarding the approval of an Order finding the residential structure located on 18706 Martinique, Nassau Bay, Texas 77058 to be in violation of section**

**9-35 of the Code of Ordinances, Chapter 214 of the Local Government Code, section 108.1 of the 2012 International Property Maintenance Code, Sections R302.12 Chapter 3, R306 and Chapter 28, P2801.1 of the 2012 International Residential Code, Sections 8.5-31, 8.5-32 and 8.5-37 of the City's Code of Ordinances and finding the real property to be in violation of the standards set out in section 9-31 and 9-176 of the Code of Ordinances and requiring the owner of the residential structure to within 30 days repair, remove or demolish the residential structure (unless it is proven at the public hearing that the work cannot reasonably be done in the 30 days period) and requiring the owner to comply with the standards set out in section 9-31 and 9-176 of the Code of Ordinances (regarding accumulation of impure and unwholesome matter and accumulation of high grass and/or rubbish, respectively)**

City Manager Jason Reynolds indicated no action was needed as the City will move forward with the executed agreement between the City and the homeowner of 18706 Martinique Drive and 18702 Martinique Drive.

Councilmember Jonathan Amdur commended City Manager Reynolds and the City Attorney's office for their efforts in the favorable outcome related to the Martinique code enforcement cases. He recognized moving forward with the District court would have resulted in larger costs and time, and agreed this contractual obligation was the best option.

Mayor Mark Denman remarked on the amount of effort required to move forward with these code enforcement cases and displayed the approximately 200-page booklet provided to Council to assist in their decision-making process. He noted one derelict home will be demolished in the next couple of weeks. He ended by commending staff on getting a signed agreement for the both 18706 Martinique Drive and 18702 Martinique Drive.

### **CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL**

Mayor Denman announced a Public Hearing for citizens to address Council regarding issues and concerns.

The Public Hearing was opened at 7:14 p.m.

Michie Coldwell, 18603 Martinique, requested for City Council to further examine off-street parking in the City. Specifically, he proposed the idea of requiring a parking permit and fee to park in Nassau Bay.

There were no other public comments and the hearing was closed at 7:16 p.m.

### **COUNCILMEMBERS' COMMENTS/REPORTS**

Mayor Pro Tem Don Matter spoke briefly on the City's Airbnb issue, as he recently drove by a home on Martinique with eleven cars parked on the street. He recognized the inability for Nassau Bay to combat the issue, as the State of Texas is attempting to create regulations that would supersede any local control. Continuing, Mayor Pro Tem Matter congratulated Public Works and Public Works Director Paul Lopez for quickly organizing the street pump project. He noted the new pump system can more rapidly remove water from the street, keeping Upper Bay Road dry longer during heavy rainfalls.

## **MAYOR'S COMMENTS/REPORTS**

Mayor Mark Denman remarked on Beautification Day, noting it was a great event by the Garden Club. He also recognized Roscoe Lee for his large efforts in organizing the event.

## **REPORTS FROM STAFF MEMBERS & COMMITTEES**

### **City Manager**

City Manager Jason Reynolds began his comments by thanking all those involved in another successful Beautification Day, and specifically recognized the Garden Club, Public Works, and Roscoe Lee for organizing the event. He noted the Easter in the Park event was rescheduled to April 20th after being rained out on the original event date. He announced the City's upcoming events, including the Street Eat Party on April 27th, the Police Department's Prescription Drug Take Back event on April 27th, and the Hurricane Preparedness Seminar on May 6th, which will be held in the Fire and EMS Station Training Room.

Mr. Reynolds continued by noting both the David Braun Park Pavilion Project and Landscape Art Amenity Project are underway, with construction to begin on both projects soon. City Manager Reynolds indicated a Nassau Bay residential and commercial survey has been released to the public, and asked all present to please complete the survey, as the City will utilize the results for future development in the City. Lastly, Mr. Reynolds ended by stating the order to demolish 18223 Cape Bahamas was approved by the District Court, and he expects the home demolition to begin in the coming weeks.

### **Fire Department**

President Matt Roper presented the Fire Department's March status report. Mr. Roper stated the Department responded to 41 calls and logged 1,100 man hours. He did highlight an increase in medical assists by the Department for the month of March. Current membership holds at 37 members, with 33 members classified as active and four members as special assignment. The NBVFD also recently held a boat training class in Nassau Bay lagoon, in which they invited area fire departments to attend. He recognized NBVFD as a sonar training resource and noted the Department is often called for mutual aid in incidents needing sonar technology.

### **Parks & Recreation**

Parks & Recreation Committee Chairman Roscoe Lee stated at the March Committee meeting members further reviewed the Strategic Plan. He recognized Public Works for addressing some of the items on the plan, including a swift repair of the sidewalk. The original timeline for completion was three weeks, and Public Works managed to complete the project in three days. He expressed appreciation to the 66 volunteers who participated in Beautification Day, including 12 participants under the age of 18. He also thanked Public Works for their large efforts in the successful event. He presented a PowerPoint presentation highlighting the volunteer activity. Mr. Lee ended his comments by recognizing the local restaurants that provided breakfast items for the event.

## **CONSENT AGENDA**

The Consent Agenda listed the following items for approval:

### **Approval of Minutes of Planning Retreat on March 7, 2019**

### **Approval of Minutes of Regular Meeting on March 11, 2019**

### **Adoption of an Ordinance correcting non-substantive errors such as misspellings, punctuation, grammar and sentence structure in the City Charter (second and final reading)**

The caption of the ordinance reads as follows (second and final reading):

AN ORDINANCE AMENDING PART 1 – CHARTER, ARTICLE III. CITY COUNCIL, SECTION 3.08. - PROHIBITIONS, ARTICLE V. – ELECTIONS, SECTION 5.02. – FILING FOR OFFICE, ARTICLE VII. – MUNICIPAL FINANCE, SECTION 7.03. – BUDGET, 7.04. – AMENDMENTS AFTER ADOPTION, ARTICLE VIII. – TAX ADMINISTRATION, SECTION 8.01. – TAX ASSESSOR, ARTICLE XI. – GENERAL PROVISIONS, SECTION 11.03. – OFFICIAL NEWSPAPER, AND ARTICLE XII. – TRANSITIONAL PROVISIONS, SECTION 12.03. EFFECT OF THE CHARTER ON EXISTING LAW; AND PROVIDING FOR CODIFICATION.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2019-784.)

### **Approved a resolution to suspend the May 27, 2019 effective date of CenterPoint Energy's application to increase gas rates**

The caption of the resolution reads as follows:

A RESOLUTION BY THE CITY OF NASSAU BAY, TEXAS SUSPENDING THE MAY 27, 2019 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – HOUSTON DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2018 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2171.)

### **Approved of a resolution supporting a local bill intended to be filed in the Regular Session of the 86th Texas Legislature to amend the Act relating to the territory, powers, and administration of the Clear Lake City Water Authority, and providing for the territory of the authority to be divided into five numbered single-member districts for electing directors, with one director elected from each single-member district**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, SUPPORTING A BILL TO BE FILED IN THE IN THE 86TH LEGISLATURE, REGULAR SESSION, RELATING TO THE BOARD OF DIRECTORS OF THE CLEAR LAKE CITY WATER AUTHORITY.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2172.)

It was moved by Councilmember Bryce Klug, seconded by Councilmember Matt Prior, to approve the Consent Agenda.

Motion passed 6 – 0.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:30 p.m.

Minutes approved as submitted and/or amended this 13th day of May, A.D. 2019.

CITY OF NASSAU BAY, TEXAS

ATTEST:

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Mark A. Denman  
Mayor

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Sandra V. Ham  
City Secretary

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(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2172.)

It was moved by Councilmember Bryce Klug, seconded by Councilmember Matt Prior, to approve the Consent Agenda.

Motion passed 6 – 0.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:30 p.m.

Minutes approved as submitted and/or amended this 13th day of May, A.D. 2019.



ATTEST

Sandra V. Ham  
City Secretary

CITY OF NASSAU BAY, TEXAS

Mark A. Denman  
Mayor