

**REGULAR MEETING AND PUBLIC HEARING  
CITY COUNCIL  
CITY OF NASSAU BAY, TEXAS  
OCTOBER 14, 2019  
7:00 PM**

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

**MEMBERS OF COUNCIL ABSENT:** None

**OTHERS PRESENT:** City Attorney Dick Gregg Jr., City Manager Jason Reynolds, City Secretary Sandra Ham, Assistant City Manager Mary Chambers, Finance Director Csilla Ludanyi, Police Chief Tim Cromie, Public Works Director Paul Lopez, Fire Chief Tom George, Emergency Management Coordinator Dena Mahan, 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 all elected officials in attendance.

**INVOCATION AND PLEDGES OF ALLEGIANCE**

The invocation was given by Pastor Dan Schepmann of Gloria Dei Lutheran Church. The Pledges to the American and Texas flags were led by Councilmember John Mahon.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS**

**Recognition of National Night Out Block Captains**

Mayor Mark Denman invited all National Night Out block captains in attendance to come forward to be recognized for their efforts on National Night Out on October 1st. He thanked the captains for their hard work and congratulated them for the success of their parties. A photo was taken of Mayor Denman and the block captains.

**Presentation in Recognition of CANBE and the volunteers of the 1st Annual Stellar Soiree**

Mayor Mark Denman recognized CANBE for their recent and successful Stellar Soiree fundraising event held on September 20th. Councilmember Ashley Graves provided an overview of the event, which helped spotlight Nassau Bay businesses, and the rich history of the City. Mayor Denman expressed his appreciation to all of the volunteers. A photo was taken of Mayor Denman and the CANBE volunteers present.

**Presentation in Recognition of the Government Finance Officers Association's Distinguished Budget Presentation Award**

Mayor Mark Denman and City Manager Jason Reynolds congratulated the Finance Department as they successfully earned the Government Finance Officers Association's Distinguished Budget Presentation Award. This is the City's eighth award. A photo was taken of Mayor Denman, Mr. Reynolds, and Finance Director Csilla Ludanyi.

### **Presentation of a Check to Gulf Coast Film Festival**

Mayor Denman presented Gulf Coast Film & Video Festival Chairman Hal Wixon a check in the amount of \$1,000 from the Hotel/Motel Tax fund. Mr. Wixon described this year's event, with almost 2,000 participants attending the festival. A photo was taken of Mayor Denman and Mr. Wixon.

### **Presentation of a Check to The Running Alliance**

Mayor Denman presented the Running Alliance a check in the amount of \$1,000 from the Hotel/Motel Tax fund. Robby Sabban of the Running Alliance Sport (RAS) expressed appreciation to the City for supporting the organization. RAS creates, organizes, and staffs running events, with proceeds of all RAS races benefiting local charities.

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

### **Public Hearing on a request by Methodist Clear Lake for current zoning U (Urban) to be approved for PUD (Planned Unit Development) for a 34-acre tract bounded on the north by NASA Road 1, on the east by Houston Methodist Blvd, on the west by Upper Bay Road and on the south by Space Park Drive**

Mayor Denman announced a Public Hearing for citizens to address Council regarding the approval of the Methodist Clear Lake Planned Unit Development request.

### **The Public Hearing was opened at 7:13 p.m.**

Dan Newman, CEO of Houston Methodist Clear Lake provided an overview of the hospital campus buildout, with the final plan for the hospital to be based on market response. The hospital expansion is planned to be completed in phases.

Roscoe Lee, Planning Commission Chairman, provided the Planning Commission's recommendation for the approval of the PUD. Mr. Lee overviewed the chronological details of the request, from the pre-application meeting to the September 24, 2019 Planning Commission special meeting, where the Planning Commission approved the request.

Mr. Lee noted that Methodist is requesting approval of a Conceptual Development Plan for the PUD, in order to allow phased development, instead of piece-part applications for Urban or Commercial development. He identified major concerns, including the expansion of the Orthopedic Medical Office Building, which would have an exercise yard built out to the zero-lot line at Upper Bay Road. He also commented on the 18-foot monument sign proposed at the new entranceway, which is key for identification of the hospital.

Additionally, Planning Commission Chairman Lee stated the hospital's parking plan indicated a shortage of 89 spaces with the initial phase. He noted a traffic analysis will be conducted with future development of the site.

Lastly, Mr. Lee addressed the impact of the hospital expansion on the City's infrastructure. He overviewed other potential developments and stated the City Engineer submitted a letter stating that water supply and sanitary sewer capacities are adequate. Methodist may need to add reserve water supply if back up is required. Regarding storm-water drainage, no additional impervious surfaces are anticipated in the Methodist PUD. If impervious surface areas were to increase, some short-term detention may be required.

Ann Davidson, 18647 Martinique, inquired on a historic magnolia tree currently on the Methodist campus. Mr. Newman indicated he was aware of the tree, and announced the tree is to remain untouched.

Pete Seroka, 18226 Nassau Bay, inquired if roundabouts were still anticipated in the expansion plan, as he recognized that nicer communities tend to utilize them in their roadways. Mr. Newman indicated there are plans to build a roundabout with the campus expansion.

There were no other public comments and the Public Hearing was closed at 7:32 p.m.

**Approval of a request by Methodist Clear Lake for current zoning U (Urban) to be approved for PUD (Planned Unit Development) for a 34-acre tract bounded on the north by NASA Road 1, on the east by Houston Methodist Blvd, on the west by Upper Bay Road and on the south by Space Park Drive**

Councilmember Ashley Graves requested additional details on the proposed roundabout, as they were not shown in the current plan. City Manager Jason Reynolds noted there is continued discussion regarding the incorporation of a roundabout, as several key actions still need to occur, such as land acquisition. The City will need to facilitate the acquisition of property, with Mr. Newman indicating it is the intention of the hospital to include a roundabout, but not until after the demolition of the shopping mall.

Councilmember John Mahon inquired on the inclusion of retail and office space on the campus. City Manager Reynolds noted when the hospital was zoned as Urban, Urban zoning required a mixed-use component. The PUD does not have this requirement, which allows the hospital to incorporate retail spaces more organically and with a vision for the hospital. Mr. Newman added that the hospital's employee growth will also dictate the need for retail on campus. Mr. Newman noted there is not a firm commitment to retail on paper, but he knows the customer base will eventually demand it.

Councilmember Graves continued her inquiry on the hospital expansion, specifically requesting information on the long-term usage of the parking garages. Mr. Newman indicated there were no plans for the parking garages to be converted into buildings for later usage.

City Manager Reynolds questioned Mr. Newman on the potential employee growth after the completed expansion. Mr. Newman responded by stating an additional 2,000 to 2,500 employees could be added to the hospital campus through the expansion of services and buildings.

Mayor Pro Tem Don Matter requested to make a comment for the record. He wanted to note that there is no signage on the hospital now or in the expansion that states “City of Nassau Bay.”

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Bob Warters, to approve the request by Methodist Clear Lake for current zoning U (Urban) to be approved for PUD (Planned Unit Development) for a 34-acre tract bounded on the north by NASA Road 1, on the east by Houston Methodist Blvd, on the west by Upper Bay Road and on the south by Space Park Drive.

Motion passed 7 – 0.

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

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

#### **The Public Hearing was opened at 7:45 p.m.**

Mike Stimpson, 18615 Carriage Court, provide an update on the Nassau Bay Homes Association (NBHA). As the President of the NBHA, he wanted to extend his appreciation to the City for their efforts in a successful National Night Out. Additionally, Mr. Stimpson provided an overview of the Association’s newly updated website, in hopes of providing more transparency to the homeowners.

There were no other public comments and the Public Hearing was closed at 7:48 p.m.

### **COUNCILMEMBERS’ COMMENTS/REPORTS**

Councilmember Matt Prior recognized the successful CANBE Stellar Soiree event, specifically noting how impressive and professional the evening was for participants. Mr. Prior also thanked all who participated in National Night Out, in which he felt the strength of the Nassau Bay community was really highlighted.

Councilmember Bob Warters also expressed appreciation to all for the excellent National Night Out evening, specifically thanking the block captains who hosted block parties for the evening.

Councilmember Bryce Klug wanted to formally welcome Councilmember Bob Warters to City Council. He did not previously acknowledge Councilmember Warters return, as at the time it was not appropriate timing to do so with the loss of former City Manager Chris Reed.

Councilmember John Mahon recognized the many successful City social events, including Street Eat, Fire Station Open House, and National Night Out. For National Night Out, he noted he was able to attend 13 of the 20 block parties. He also echoed similar sentiments regarding the successful Stellar Soiree event.

Councilmember Ashley Graves recognized all the volunteer efforts for the successful CANBE event, Stellar Soiree. She expressed appreciation to all for making it a unique and fun evening. Additionally, she commented on the successful National Night Out, Street

Eatz and Fire Station Open House events. Ms. Graves also highlighted her recent trip to the TML Conference, as she was astonished at the professionalism and respect of the organization.

Mayor Pro Tem Don Matter also echoed similar sentiments regarding the successful Stellar Soiree, thanking all involved. Mayor Pro Tem Matter also expressed appreciation to the Public Works Department for their quickness with the pump installation project.

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

Mayor Mark Denman similarly congratulated CANBE for their successful fundraising event. Mayor Denman also formally announced the relocation of McDonald's to Nassau Bay. The restaurant will be located next to the Bucky's convenience store. Additionally, Mayor Denman invited all to attend the Keep Nassau Bay Beautiful Fall Sweep on Saturday, October 19th.

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

### **City Manager**

City Manager Jason Reynolds began his comments by expressing appreciation to all those involved in the recent City special events, including the Fire Station Open House. He highlighted a story from the Open House in which a Nassau Bay resident received life-saving care due to the quick response of the Nassau Bay EMS. He also thanked staff for a successful Street Eatz Party. He continued his appreciation to the Public Works Department, for their response during Tropical Storm Imelda.

Mr. Reynolds continued by announcing the David Braun Park pavilion will be closed for court striping shortly after Halloween in the Park. He also announced the City was approved for FEMA funding to elevate the sand filter. Additionally, the City received \$100,000 from FEMA for the pavement joint street sealing project, with contractors to begin next month in November.

He continued by announcing several upcoming City events, including the DEA Prescription Drug Take Back and Halloween in the Park on October 26th and the Keep Nassau Bay Beautiful Fall Sweep on October 19th.

### **Police Department**

Police Chief Tim Cromie provided an update on the Department's transition to NIBRs for crime reporting. Since 1920, most police departments utilized UCRS, which is a more summary based reporting system. The Nassau Bay Police Department has utilized UCRS since 1976. Chief Cromie continued by noting the FBI has now mandated all reporting transition to the NIBRs system by January 2021. Chief Cromie has been training with staff and has shifted the department to the NIBRs system on October 1st. This new system affects how crime information is harvested, and he anticipates, for reporting purposes, crime statistics will increase. Nassau Bay is currently in a test period from October 2019 to January 2020.

### **Fire Department**

President Matt Roper presented the Fire Department's September status report. Mr. Roper stated the Department responded to 41 calls and logged approximately 805 man hours. Current membership is at 40 members. Currently, two members are designated as special assignment. Mr. Roper expressed delight regarding Fire and EMS station Open House, with almost 400 visitors in attendance.

## **Parks & Recreation**

Parks & Recreation Committee Chairman Roscoe Lee remarked on the Committee's recent meeting, which focused on preparing for the Keep Nassau Bay Beautiful Fall Sweep. He continued by describing the bee pollinator garden project and the Committee's recent meeting with the Houston Zoo to identify possible locations within the City. Mr. Lee described the potential locations, including the peninsula. Lastly, he invited all to the upcoming Keep Nassau Bay Beautiful Fall Sweep on October 19th.

## **CONSENT AGENDA**

### **Approval of Minutes of Regular Meeting on August 12, 2019**

### **Approval of a resolution designating Councilmember John Mahon as Representative and Councilmember Ashley Graves as Alternate to the Houston-Galveston Area Council 2020 General Assembly**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, DESIGNATING A REPRESENTATIVE AND AN ALTERNATE TO THE 2020 HOUSTON-GALVESTON AREA COUNCIL GENERAL ASSEMBLY.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2185.)

### **Approval of a resolution reappointing Gayle Nelson, Roscoe Lee (Interim Chair), Sven Schultz, Gail Newberry, Michael Stuehrk, and Nancee Lynn to the Parks Committee for two-year terms set to expire on October 1, 2021**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, REAPPOINTING MEMBERS TO THE PARKS & RECREATION COMMITTEE

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2186.)

### **Approval of writing off Uncollectible Accounts Receivable Aged 360 Days or Older as identified in the August 31, 2019 Write-Off Report**

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

Motion passed 7 – 0.

## **NEW BUSINESS**

### **Heard a report from Sub-Committee and failed action on proposed placement of Violation Notice Sign on property in violation of Article 9 (Health and Sanitation) of the Nassau Bay Code of Ordinances**

Councilmember Bryce Klug presented on behalf of the Sub-Committee regarding the proposed usage of violation notice signs. Members of the Sub-Committee included Councilmember Klug, Councilmember Ashley Graves, and Councilmember Matt Prior. Members met several times in discussion on best practices for the City in addressing derelict homes within Nassau Bay. The Sub-Committee provided their concerns regarding the placement of signs within a homeowner's yard, as they believed a monetary fine would be a more effective avenue for motivating a homeowner to maintain the outside appearance of their home.

Mayor Mark Denman requested a visual of the proposed sign. Additionally, he asked for Council to provide staff any tools necessary to be effective in code enforcement within the City. Mayor Denman noted he and City staff are the individuals who receive the calls on these derelict homes, and he believes the usage of a violation notice sign would assist in the reduction of the redundant calls. He provided a call to action for Council to provide a solution, rather than decline the usage of the proposed idea. Additionally, he proposed the use of the violation signs only upon Council approval.

City Manager Jason Reynolds added that Nassau Bay tries to work with homeowners with voluntary compliance, as red door hanger notices produce 90% compliance. After 10 days, the homeowner is issued a certified letter of notice, which results in an 80% compliance response rate. It would be approximately a month before the proposal violation notice sign would be placed in a homeowner's yard. Providing an example, Mr. Reynolds indicating the City receives numerous calls of complaint on the property located at 18202 Nassau Bay Drive. The proposed violation notice sign would assist the City in informing the public that staff are aware of the code enforcement violations.

Mayor Pro Tem Don Matter inquired why it was required to wait 10 days to send a certified violation letter notice, with City Attorney Dick Gregg, Jr. indicating it was statutory law.

City Manager Reynolds continued by advising Council on the amount of funds used for code enforcement compliance and he would like to alert residents that the City is aware of the issues with these derelict homes. Mayor Denman urged Council to allow City staff to have the tools required to best inform citizens of their code enforcement efforts.

Councilmember John Mahon requested additional details on the breakdown in the current process that is requiring the use of the proposed violation notice sign. Mr. Reynolds responded by noting in the instance of 18202 Nassau Bay Drive, the City is having difficulty identifying the responsible owner to issue a violation notice. Councilmember Klug stated if an individual owns real property, they should be registered as the homeowner. City Attorney Gregg indicated there are instances where the registration of the homeowner does not get fully completed.

City Manager Reynolds continued by providing details on 18706 Martinique, where the City accrued over \$25,000 in demolition fees. He cited this example as a home that the violation notice sign would have been a useful tool for the City.

Councilmember Klug requested clarification on what City Staff would consider a derelict home verses a home with high grass. Mayor Denman agreed, and further continued his request that the use of the violation notice sign be approved by City Council prior to implementation. He requested Council respect the City Manager and City staff if there are concerns regarding oversight of the violation sign notice program.

Councilmember Matt Prior continued the discussion by noting one of the Sub-Committee's concerns included that it was illegal for the homeowner to remove the sign without consent of the City.

Councilmember Ashley Graves commended the City on their efforts for code enforcement within the City, but stated, as a realtor she did question utilization of the sign, and thought perhaps it might have the opposite effect and create more calls to the City. Additionally, she inquired whether it was a possibility to increase violation fines. City Attorney Gregg indicated raising fines to be a challenge, as Health and Sanitation fines need to be defined as "reasonable". Councilmember Graves continued by describing the proposed placement of signs to be more as a nuclear option, suggesting another alternative to be for residents to call and request a sign be placed in front of a home.

Mayor Pro Tem Matter inquired whether home associations can restrict the utilization of signs, with the response being that they are able to place limits on their use.

It was moved by Councilmember Bryce Klug, seconded by Mayor Pro Tem Don Matter, to approve action on the proposed placement of Violation Notice Signs on properties in violation of Article 9 (Health and Sanitation) of the Nassau Bay Code of Ordinances.

Motion failed 2 – 5, Councilmembers Ashley Graves, John Mahon, Bryce Klug, Bob Warters, and Matt Prior opposed.

### **Heard a report from the Short-Term Rental Task Force on proposed regulations and the registration for the operation and use of short-term rentals in the City of Nassau Bay**

City Manager Jason Reynolds provided an update from the Short-Term Rental Task Force, which is prioritizing an increase in public safety and balancing the essence of Nassau Bay while realizing the new era of travel and home rentals. Nassau Bay's legal counsel has advised that any proposed regulations regarding short-term rental need to be carefully prescribed, as short-term rental discussions continue in the Texas legislature.

At the moment, the City is reviewing the possibility of voluntary agreements, grandfathering periods, and compliance to include annual safety inspections and registration fees. This subject will return to Council at a future City Council meeting.

### **EXECUTIVE SESSION**

Meeting recessed to Executive Session at 8:44 p.m. as authorized by Texas Government Code, Chapter 551, Open Meetings, Subchapter D, Exceptions to Requirement that

Meeting be Open, with Mayor Denman reading from the posted agenda the following topic to be discussed in Executive Session:

1. §551.074 Personnel – Discussion on the appointment of a member to the Planning Commission.

Meeting returned to Open Session at 8:51 p.m.

### **ACTION ITEMS FROM EXECUTIVE SESSION**

#### **Approval of a resolution appointing Omar Abotteen to the Planning Commission for an unexpired term set to expire January 1, 2021**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, REAPPOINTING MEMBERS TO THE PLANNING COMMISSION

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2187.)

It was moved by Councilmember John Mahon, seconded by Mayor Pro Tem Don Matter, to approve a resolution appointing Omar Abotteen to the Planning Commission as discussed in executive session.

Motion passed 7 – 0.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:55 p.m.

Minutes approved as submitted and/or amended this 9th day of December, A.D. 2019.



Sandra V. Ham  
City Secretary

CITY OF NASSAU BAY, TEXAS

Mark A. Denman  
Mayor