

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
NOVEMBER 12, 2019
7:00 PM**

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

MEMBERS OF COUNCIL ABSENT: Councilmember Bryce Klug (arrived 7:03 p.m.)

OTHERS PRESENT: City Attorney Dick Gregg Jr., City Manager Jason Reynolds, City Secretary Sandra Ham, Assistant City Manager Mary Chambers, Finance Director Csilla Ludanyi, Public Works Director Paul Lopez, Fire Chief Tom George, 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 six elected officials in attendance.

INVOCATION AND PLEDGES OF ALLEGIANCE

The invocation was given by Father Wencil Pavlovsky of St. Paul the Apostle Catholic Church. The Pledges to the American and Texas flags were led by members of the Nassau Bay Volunteer Fire Department.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS

Presentation of a Check to the City of Nassau Bay by CANBE

CANBE representatives presented an \$10,000 check to the City of Nassau Bay, the funds begin proceeds from CANBE's successful Stellar Soiree. CANBE Board Members described the event, and the noted the raised funds will be used for several City enhancement projects. A photo was taken with Mayor Mark Denman and the CANBE Board Members present.

Presentation of a Proclamation for Arbor Day

Mayor Denman invited Joyce Mayor, President of the Nassau Bay Garden Club, and Garden Club members in attendance to come forward in honor of Arbor Day. Mayor Denman proclaimed Thursday, November 14, 2019 as Arbor Day and stated the proclamation will be formally presented the day of the event. The members invited everyone to attend the ceremony at Howard Ward Park in honor of the planting of their "little Charlie Brown" tree. A photo was taken of Mayor Denman, Mrs. Mayor, and the Garden Club members present.

Presentation of a Check to Texas Outlaw Challenge

Mayor Denman presented Paul Robinson of Offshore Thunder Productions / Texas Outlaw Challenge a check in the amount of \$5,000 from the Hotel/Motel Tax fund. Mr. Robinson thanked the City for the funding and briefly overviewed the Texas Outlaw Challenge event. A photo was taken of Mayor Denman and Mr. Robinson.

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 7:12 p.m.

Pete Seroka, 18226 Nassau Bay Drive, provided an update from the Nassau Bay Homes Association (NBHA). He overviewed NBHA's initiative to encourage residents to have their curbs painted with their address number. He believes it will make it easier for public safety issues. Continuing, he provided the names of the NBHA's officers, and detailed their contact information. The next NBHA meeting will be November 21st at 6:00pm. He ended his comments by announcing the annual due statement letters for the Association have been sent out.

There were no other public comments and the Public Hearing was closed at 7:17 p.m.

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Ashley Graves expressed her appreciation to all of the Veterans in attendance, as the previous day was Veterans Day. She continued by thanking the Special Events Committee and City staff for another successful Halloween in the Park.

Mayor Pro Tem Don Matter discussed the City's new pumps, describing that recent rain provided a good test of their operation. He noted the City received 1.74 inches of rain in 30 minutes and the pumps were designed to pump 1.5 inches per hour. He believes there is still progress to be made forward, but was overall satisfied with the drainage performance.

Mayor Mark Denman indicated for the December 2019 City Council agenda he would like to propose the naming of the Fire & EMS Station to the "Tom George Fire & EMS Station." He asked for Council's thoughtful consideration in approving this future request.

REPORTS FROM STAFF MEMBERS & COMMITTEES

City Manager

City Manager Jason Reynolds began his comments by expressing his appreciation to all for their efforts for Halloween in the Park and the Police Department's Prescription Drug Take Back event. He continued by announcing several upcoming City events, including the upcoming Holiday in the Park and Christmas Boat Lane Parade.

Fire Department

President Matt Roper presented the Fire Department's October status report. Mr. Roper stated the Department responded to 28 calls and logged approximately 1,200 man hours. Current membership is at 40 members, with 37 members considered active and 3 members considered administrative members.

Parks & Recreation

Parks & Recreation Committee Chairman Roscoe Lee remarked on the Committee's recent October meeting. He noted recent work with member Beverly Morrison to improve the peninsula and survey the plants in anticipation of their upcoming project with the Houston Zoo. Mr. Lee continued by describing the recent coordination with City staff to make recommendations for a fee schedule for the David Braun Park pavilion.

Mr. Lee continued by providing an overview of the Keep Nassau Bay Beautiful Fall Sweep, in which there were 31 participants. He provided a PowerPoint presentation, displaying pictures of the event and detailing the various projects throughout the City. He noted 23 bags of trash and tree limbs were collected, with an estimated 600 pounds of debris overall.

Planning Commission

Planning Commission Chairman Roscoe Lee overviewed a recent Special Planning Commission meeting in which the Commission addressed Methodist's PUD request. The Planning Commission will meet once more on November 19th, in which Commissioners will review Methodist's plat for their PUD.

CONSENT AGENDA

Approval of Minutes of Regular Meeting on September 9, 2019

Approval of the Economic Development Corporation minutes of July 22, 2019 and the EDC Annual Report for Fiscal Year 2018-19 as approved by the EDC at its meeting held on October 28, 2019.

Approval of second and final reading on an Ordinance approving 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 (second and final reading)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AMENDING THE ZONING ORDINANCE BY GRANTING A CONCEPTUAL PLANNED UNIT DEVELOPMENT SOUGHT BY HOUSTON METHODIST CLEAR LAKE HOSPITAL ON A 34.01-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 AS RECOMMENDED BY THE PLANNING COMMISSION WHICH ACREAGE IS CURRENTLY ZONE U (URBAN).

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2019-791.)

It was moved by Councilmember Bob Warters, seconded by Councilmember Ashley Graves, to approve the Consent Agenda.

Motion passed 7 – 0.

NEW BUSINESS

Discussion of possible addition of City ordinance for the enforcement of dilapidated boats/vessels in the City

Police Chief Tim Cromie began his comments by noting the City is reviewing the addition of a possible ordinance for the enforcement of dilapidated boats and vessels within the City. He is proposing this addition and would like City Council's guidance on moving forward. He indicated other cities have some type of ordinance in place that addresses boats and vessels. Nassau Bay does have existing statues in place regarding boats on the water. The primary purpose of the ordinance is not to obtain custody or control of any vessels, but rather provide additional tools for enforcement.

Councilmember Ashley Graves inquired on the enforcement for past abandoned boats, and if Nassau Bay had regulation in place prior to this ordinance. Chief Cromie responded stating the ordinance would provide more prevention measures. Additionally, he stated previous Nassau Bay code would not have addressed the boats found adrift on the peninsula.

City Manager Jason Reynolds continued by noting the ordinance's intent would be to address boats docked and would be a similar enforcement tool utilized to target dilapidated homes. Councilmember Graves voiced concern on enforcement of boats docked on private property, for examples the canals or the HOA marinas.

Mayor Mark Denman cited an example of two boats that had not been moved in 10 years, which resulted with the Fire Department assisting in removing the boats. Chief Cromie agreed, and that the example resulted in local control, similar to a junk vehicle.

Councilmember Bob Warters indicated he was sympathetic to the goal of the ordinance, but cautioned on the definition of "dilapidated", as the appearance and opinion of the condition of the boat could vary from owner to owner.

City Manager Reynolds overviewed the reasoning for the discussion, noting the agenda item was to introduce the context of the ordinance, obtain direction and guidance from Council, and begin the legal review process for the ordinance.

Approval of contractors for RFQ 2019-05 Flood Mitigation Assistance Home Elevation Services

City Manager Jason Reynolds indicted the City received four sealed proposals for Bid No. 2019-005 from Planet Three Elevation, Byrdson Services, LLC dba Excello Homes, Ducky Recovery, and Arkitektura Development, Inc. He indicated the City has previously approved all four contractors and approval will provide the City with a list of qualified contractors for the next two rounds of the Flood Mitigation Assistance Grant. The City will work with eligible residents for their home elevation project. Residents can choose a contractor from the approved list for their project once bids are reviewed and submitted to the homeowner for review and selection.

Councilmember John Mahon inquired on the contractor selection process, specifically if a homeowner is allowed to select another contractor not on the list. City Manager Reynolds indicated a homeowner can only select from the approved list.

Councilmember Mahon voiced his concern about the limited number of options. City Manager Reynolds indicated the City is able to rebid, with Councilmember Mahon noting that in the past there were more contractors. City Manager Reynolds noted some contractors have limited federal experience, nor can meet the bonding requirements, therefore resulting in fewer received bids.

Councilmember Bryce Klug requested more information on the screening process, specifically on the selection of Ducky and P3. City Manager Reynolds indicated the qualifications of the contractors are in the Council packet. He noted Arkitektura Development and Excello homes have been previous contractors in Nassau Bay for the home elevation projects. He reminded City Council that all four contractors have been previously approved.

Councilmember Klug inquired to City Manager Reynolds if he was confident in the ability of all four selected contractors, which Mr. Reynolds responding positively.

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Bob Warters, to approve Planet Three Elevation, Byrdson Services, LLC dba Excello Homes, Ducky Recovery, and Arkitektura Development as contractors for RFQ 2019-05 Flood Mitigation Assistance Home Elevation Services.

Motion passed 7 – 0.

Authorization of the City Manager to enter into an agreement with Jeffrey S. Ward & Associates for Consulting Services for grant project management RFQ 2019-006

City Manager Jason Reynolds indicated Jeffrey S. Ward & Associates has been the consultant for the home elevation projects for many years and has always ensured the City stays within the federal guidelines for the project. With five years' experience with the City, contracting with Mr. Ward ensures positive checks and balance within the project. City Attorney Dick Gregg, Jr. concurred with Mr. Reynolds' assessment of the contractor.

It was moved by Councilmember Ashley Graves, seconded by Councilmember Bob Warters, to authorize the City Manager to enter into an agreement with Jeffrey S. Ward & Associates for Consulting Services for grant project management RFQ 2019-006.

Approval of the 2018 Annual Report for the City of Nassau Bay Reinvestment Zone Number One

Assistant City Manager Mary Chambers provided an overview of the 2018 Tax Increment Reinvestment Zone (TIRZ) Number One Annual Report, with no significant changes from the previous year report. Mrs. Chambers indicated a growth in appraised value from base year 2007 to present (2018) of \$259,257,334, an increase of 152%. Mrs. Chambers noted the TIRZ Board has adopted this Annual Report, and after Council acceptance, the report will be submitted to the State Comptroller and the Office of Attorney General.

Councilmember John Mahon inquired on the timing of the report, as it is late in the year 2019 and the report being presented is 2018. Assistant City Manager Chambers indicated it was due to the

Councilmember John Mahon inquired on the timing of the report, as it is late in the year 2019 and the report being presented is 2018. Assistant City Manager Chambers indicated it was due to the timing of when the TIRZ meets, and that the report is not due to the state until December 31, 2019.

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Ashley Graves, to approve the 2018 TIRZ Annual Report.

Motion passed 7 – 0.

Approval of the First Amendment to Communication Site Lease Agreement (120 Surf Court) between T-Mobile West Tower LLC (Crown Castle T Mobile LLC) and the City of Nassau Bay

Assistant City Manager Mary Chambers provided an overview of the lease agreement. T-Mobile currently leases 1,000 sq. ft. for a cost of \$1,800 per quarter. The lease amendment increases the lease amount to \$2,250 per quarter with a \$10,000 signing bonus. The lease amount will increase 15% per five-year renewal and there will be 25% revenue sharing for any sub-tenants. Additionally, Mrs. Chambers noted the City has authority to consent to future co-locators within 20 days of a request. She ended her comments by stating the lease was reviewed by the City Attorney.

Councilmember Bryce Klug inquired if the approval of the subleases would be approved by City Council or the City Manager, with City Manager Reynolds requesting that Council provide him the authority for the approval.

It was moved by Councilmember Ashley Graves, seconded by Councilmember Matt Prior to approve the First Amendment to Communication Site Lease Agreement (120 Surf Court) between T-Mobile West Tower LLC (Crown Castle T Mobile LLC) and the City of Nassau Bay and to authorize the City Manager for approve any subleases to the contract.

Motion passed 7 – 0.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:44 p.m.

Minutes approved as submitted and/or amended this 13th day of January, A.D. 2020.

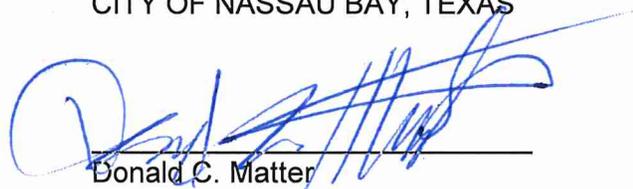
ATTEST:



Sandra V. Ham

Sandra V. Ham
City Secretary

CITY OF NASSAU BAY, TEXAS



Donald C. Matter
Mayor Pro Tem