

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
FEBRUARY 10, 2020
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, Public Works Director Paul Lopez, Fire Chief Tom George, Building Official Mark Stelly, 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 Everleigh Klug, student of St. Thomas the Apostle Episcopal School and daughter of Councilmember Bryce Klug. The Pledges to the American and Texas flags were led by the students of St. Thomas the Apostle Episcopal School. Mayor Denman presented the students a certificate of appreciation and posed for a photo.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS

Presentation by Erma's Nutrition Store and impact on economic development

Mr. John Milstead provided an overview of Erma's transition to their new location along NASA Parkway. Mr. Milstead expressed thanks to Council and specifically City staff members City Manager Jason Reynolds, Building Official Mark Stelly, and Mayor Mark Denman for their expertise in the economic development portion of their transition. Mr. Milstead ended his comments by expressing his appreciation for the City's outstanding support and partnership.

Introduction of New Nassau Bay Police Officer Perry Henderson

Police Chief Tim Cromie introduced new Nassau Bay Police Department Officer Perry Henderson. Officer Henderson most recently worked with the Pasadena Police Department and Pasadena Fire Marshal's Office. He started his law enforcement career with the Dickinson Police Department. He currently holds a Crime Prevention Certification, as well as fire / arson investigation training, and a hazardous material investigation certification. Before beginning his second career in law enforcement, Officer Henderson

earned a Culinary Degree from the Art Institute of Houston and has worked in management positions with the Astros, Rockets, The House of Blues, and Landry's Inc. Mayor Denman, Chief Cromie, and Officer Henderson posed for a photo with Officer Henderson's family.

Presentation of a Check to the Bay Area Houston Ballet & Theatre

Mayor Mark Denman presented a check in the amount of \$1,000 to Jill Reason of the Bay Area Houston Ballet & Theatre. Ms. Reason indicated the organization has been in existence for 44 years, which mission is to bring high quality arts to the Bay area. She expressed her appreciation to the City for their long-time support and posed for a photo with Mayor Denman.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

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

The Public Hearing was opened at 7:18 p.m.

Roscoe Lee, 1631 Antiqua Lane, provided an update on the Comprehensive Plan Study process. He stated the process will be completed by Kendig Keast Collaborative, and he shared a detailed timeline of the upcoming steps in the process. He indicated the initial meeting was a joint workshop between the City Council and the Planning Commission. Kendig Keast Collaborative will continue to gather feedback through small group listening sessions, an advisory committee, and a scheduled town hall meeting. An advisory committee meeting will be held on February 12th, with the town hall meeting to be held on February 24th. The process intent is to gather input and direction from various citizen groups, and it is anticipated to have the plan finalized by the end of the year.

Joyce Mayor, 2413 Clippers Cove, provided an update from the Nassau Bay Garden Club. She noted Garden Club members meet on the 2nd Tuesday of every month. The next scheduled outing for the members is a bus trip to the Dink Ranch in Manville, Texas on March 23rd. Additionally, she announced the upcoming Beautification Day on March 28th. Lastly, she announced the Garden Club's upcoming fundraiser and luncheon on April 17th, which will be held at the Lakewood Yacht Club.

Pete Seroka, 18226 Nassau Bay Drive, provided an update from the Nassau Bay Homes Association (NBHA). He noted the overdue audit is underway, as the last time an audit was performed was five years ago. Approximately 83% of the 900 homes have submitted their HOA dues, for an approximate amount of \$101,000. The HOA is also preparing for their HOA election on May 2nd. The positions of president and treasurer are up for election, as the current incumbents are term limited. Mr. Seroka announced an upcoming HOA meeting on February 20th. Lastly, he announced the NBHA will donate \$500 to the Garden Club's fundraiser and luncheon.

There were no other public comments and the Public Hearing was closed at 7:27 p.m.

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Matt Prior wished new Officer Perry Henderson a warm welcome to Nassau Bay. Councilmember Prior also commented on the recent peninsula clean-up up and was impressed with the great turnout of volunteers. Lastly, Councilmember Prior expressed positive sentiments regarding Erma's Nutrition Store, commenting on the store's recent success.

Councilmember Bob Wartens also welcomed Officer Henderson.

Councilmember Ashley Graves began with the same sentiments regarding Officer Henderson, welcoming him to Nassau Bay. Additionally, she also commented on the wonderful peninsula clean-up event, as she believed it to be the biggest turnout yet. Councilmember Graves congratulated City staff for receiving another Best & Brightest Places to Work award, as she knows it is due to the diligent staff who go above and beyond in their service to the City every day. Lastly, she advertised CANBE's Legacy Bench and Legacy Brick program, and indicated it to be an excellent way to honor a loved one this upcoming Valentine's Day.

Mayor Pro Tem Don Matter echoed the same sentiments regarding Officer Henderson, and jokingly commented that Officer Henderson would be in charge of cooking should another hurricane season occur (a nod to Officer Henderson's previous line of work). He announced the upcoming 50th Anniversary Gala and invited all to purchase their tickets for the April 4th event. Lastly, he thanked Public Works for their diligence with the storm pumps, although the City has not experienced a "good" rain to test the accurate ability of the pumps.

REPORTS FROM STAFF MEMBERS & COMMITTEES

City Manager

City Manager Jason Reynolds began his comments by announcing Parks Supervisor Raul Lozoya's recent medical leave for three months. He stated, with permission, Raul has asked all to keep him in their thoughts and prayers as he undergoes heart surgery. City Manager Reynolds continued by expressing thanks to all who attended the peninsula cleanup event on February 8th. He indicated local news media source i45now provided coverage of the event and it has been shared on social media. Mr. Reynolds also welcomed Officer Perry Henderson to Nassau Bay. He continued by announcing several upcoming City events, including the 50th Anniversary celebration and gala, and stated tickets are now on sale. Additionally, the City will host a Kickball Tournament on March 28th, which "kicks off" a week of celebration for the 50th Anniversary, leading up to the April 4th gala. He also invited all to the upcoming Beautification Day event on March 28th, and the City's Town Hall meeting on February 24th. Mr. Reynolds is requesting diverse participation for the event and asked the regular volunteer participants to invite a new neighbor to attend. City Manager Reynolds continued his comments by thanking the staff for their efforts in a successful volunteer banquet held in January. Lastly, he commented on the recent palm tree survey, and noted the City received 144 responses. In approximately two weeks, City staff will provide a detailed report on the results.

Police Department

Police Chief Tim Cromie provided a quick overview of the 2019 Racial Profiling Report. He specifically noted each of the Police Department's marked patrol units is equipped with

digital audio and video recording devices that record each traffic and/or pedestrian encounters. Due to this recording system in place, the City is not required to compile this report. In 2019, the Department had 1,715 traffic and / or pedestrian stops with no complaints. Additionally, supervisors review each police officer's car video.

Fire Department

President Matt Roper presented the Fire Department's January status report. Mr. Roper stated the Department responded to 37 calls and logged approximately 1,019 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 overviewed the recent Parks & Recreation Committee meeting on January 15th. He provided an overview of the status of the parks and commented on the increase of complaints of fire ants. The Committee has discussed possible alternative treatments for these ants. Continuing, Mr. Lee voiced the concern of the Committee of the future of Founder's Park, and requested the dangerous walkway be addressed soon. Mr. Lee also overviewed the considered options for upgrading the playground equipment in the City's parks, in order to broaden the age group interest in the equipment. One consideration in placing the new equipment would be if the park area is susceptible to flooding.

Mr. Lee continued by providing an update on the peninsula birding survey led by Beverly Morrison. The group had their first outing with eight participants. The survey discovered 33 species of birds. Overall the survey assists in the promotion of Nassau Bay as a birding site. Mr. Lee also detailed the Committee's partnership with the Houston Zoo and the progress of the pollinator garden. The tentative installation date is April 18th. Lastly, he noted the Committee is working with City staff in regards to the City's Scenic City certification. The City is due for renewal in March and it is an extensive application. Nassau Bay is currently at the bronze level, and he hopes to improve the City to a higher level.

Chairman Lee ended his Committee report with an overview of the Annual Peninsula Clean-up. The largest volunteer turnout, there were 70 participants, with 14 volunteers under the age of 18. Mr. Lee expressed appreciation to all who brought their ATVs and golf carts, which facilitated the transportation of volunteers along the peninsula. He continued by providing further details on the preparation for the event and the details and pictures of the day of the cleanup. In total, volunteers collected approximately 700 cubic feet of trash, weighing approximately two tons in weight.

CONSENT AGENDA

Approval of Minutes of Regular Meeting on December 9, 2019

Approval of Minutes of Regular Meeting on January 13, 2020

Approval of the Economic Development Corporation Minutes of October 28, 2019 as approved by the EDC at its meeting held on February 3, 2020

Approval of the second and final reading of an ordinance calling the May 2, 2020 City General Election for the purpose of electing a Mayor and three Councilmembers, Positions 2, 4 & 6 and for the purpose of presenting propositions to the voters pertaining to various amendments to the City Charter (as noted in full in the ordinance); said election to be held jointly with Clear Creek ISD

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, ORDERING A REGULAR CITY & SPECIAL ELECTION TO BE HELD IN SAID CITY ON THE 2ND DAY OF MAY 2020, FOR THE PURPOSE OF 1) ELECTING A MAYOR AND THREE MEMBERS OF COUNCIL; AND IF THE SAME IS REQUIRED, A RUNOFF ELECTION TO BE HELD ON THE 30TH DAY OF MAY 2020; DESIGNATING THE DAY(S) OF THE ELECTION(S) AND THE POLLING PLACE; PROVIDING THAT ALL DULY QUALIFIED RESIDENT ELECTORS SHALL BE QUALIFIED TO VOTE; PRESCRIBING A FORM OF THE BALLOT; PROVIDING A NOTICE OF ELECTION; AND 2) PRESENTING TO VOTERS VARIOUS CHARTER AMENDMENTS AS NOTED IN FULL IN THE EXHIBIT OF THIS DOCUMENT; CONTAINING OTHER PROVISIONS RELATING TO SAID ELECTION; AND PROVIDING FOR SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2020-792.)

Approval of a resolution supporting the Galveston Bay Estuary Program's *The Galveston Bay Plan, 2nd Edition, The Comprehensive Conservation and Management Plan for the Galveston Bay Ecosystem*

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY OF NASSAU BAY TO SUPPORT THE GALVESTON BAY ESTUARY PROGRAM'S *THE GALVESTON BAY PLAN, 2ND EDITION, THE COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN FOR THE GALVESTON BAY ECOSYSTEM.*

(Said Ordinance is of record in Ordinance Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2020-2193.)

It was moved by Councilmember Bryce Klug, seconded by Councilmember Bob Warters, to approve the Consent Agenda.

Motion passed 7 – 0.

FIRST READING OF ORDINANCES

Approval of the first reading of an ordinance of the City Council of the City of Nassau Bay, Texas, for the purpose of preventing vessels in neglected or deteriorating condition from reaching a likely and foreseeable state of disrepair within the territorial limits of the City; providing for a penalty and for severability; and providing for codification

Police Chief Tim Cromie indicated this ordinance has been previously discussed at the November 12, 2019 and January 13, 2020 City Council meetings. After further requests for more information, Chief Cromie provided clarification that the ordinance only applies to boats in the water, which is addressed in Section 3 of the proposed ordinance.

Mayor Pro Tem Don Matter inquired if there were exceptions to the ordinance, specifically boats in private docks, or boats docked for repairs. Chief Cromie responded by stating the ordinance would need to be interrupted on a case by case basis, and would require a boat owner to provide proof of repairs.

Mayor Mark Denman asked for clarification on the definition of vessels, asking if it were to include floating docks. City Attorney Dick Gregg, Jr. indicated the two items are not the same, with Building Official Mark Stelly commenting that the City does not currently have any ordinances addressing floating docks. Mayor Denman requested an amendment be made to the proposed ordinance to include floating docks.

Councilmember Bryce Klug requested the City utilize mechanisms already in place to address derelict boats. He specifically inquired on boat licensing and registrations, and asked Chief Cromie to utilize expired registrations as a means to ticket, and furthermore, encourage boat owners to maintain their vessels. Chief Cromie responded by stating these types of citations are not seen in the City's municipal court.

Councilmember Klug continued requesting clarification on the process of the ordinance, should City Council adopt as written. Chief Cromie stated initially the Police Department would speak to the boatowner and ask for voluntary compliance. Working through the steps, municipal court would be a final step in the process.

Mayor Pro Tem Matter inquired on HOA restrictions for boats, with City Attorney Gregg stating he didn't believe there were any associations that maintain restrictions for boats.

Mayor Denman asked for City Council's consideration in approving the ordinance. Mayor Denman believes this ordinance could be another useful tool for City staff to utilize in preventing derelict boats.

Councilmember Klug voiced his concern on the definition of derelict, which could be subjective. He also expressed concern with the ordinance possibly impeding a homeowner's property rights. Mayor Pro Tem Matter countered by stating the City is allowed to have ordinances to control the external environment. He indicated if the City has a right to impose these restrictions then Nassau Bay should act upon the right. City Manager Reynolds added that this ordinance would be similar to the City's nuisance vehicle ordinance. Just as the nuisance ordinance is a tool for the City, this ordinance would provide the similar capabilities for the City. There was a brief discussion on nuisance vehicles and private property.

It was requested to amend the ordinance, adding floating docks for potential enforcement under this ordinance. Councilmember Bob Wartens motioned first for the approval of the ordinance, and accepted this amendment to his motion.

Councilmember Ashley Graves inquired if boats and vessels could be added to the nuisance vehicle ordinance. Police Chief Cromie indicated the proposed ordinance provides better clarification and definitions.

Councilmember Klug stated agreement of Section 2. (e) of the ordinance, which states:

- (e) The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk;

Councilmember Klug indicated concern regarding Section 2. (f), as he believed this portion to not be realistic. This section states:

- (f) The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair; or,

Chief Cromie responded by reciting Section 3, "This Ordinance does not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs." This allows the City to allow exceptions for owners repairing their vessels. Councilmember Klug reiterated his stance against the City's ability to regulate this issue. Mayor Pro Tem Matter challenged this concern, as he stated homeowner associations are allowed this provision, and he believed homeowners move to Nassau Bay for this type of regular enforcement.

Councilmember Klug was amendable to approving the ordinance on the contingency of changing the provision of 72 hours to 30 days, as seen in Section 2. (f), "The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice." Councilmember Wartens agreed to amend his motion with this new change to 30 days.

The caption of the ordinance reads as follows (first of two readings):

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, FOR THE PURPOSE OF PREVENTING VESSELS IN NEGLECTED OR DETERIORATING CONDITION FROM REACHING A LIKELY AND FORESEEABLE STATE OF DISREPAIR WITHIN THE TERRITORIAL LIMITS OF THE CITY; PROVIDING FOR A PENALTY AND FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2020-793.)

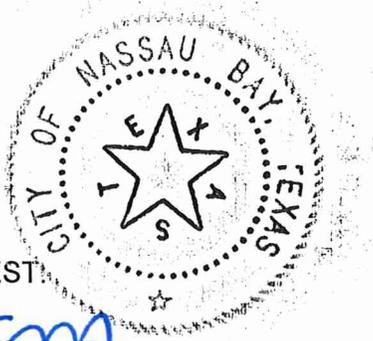
It was moved by Councilmember Bob Wartens, seconded by Mayor Pro Tem Don Matter, to approve the first reading of an ordinance for the purpose of preventing vessels in neglected or deteriorating condition from reaching a likely and foreseeable state of disrepair within the territorial limits of the City, amending the ordinance to include floating docks, and amending the timeline from 72 hours to 30 days.

Motion passed 7 – 0.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:24 p.m.

Minutes approved as submitted and/or amended this 9th day of March, A.D. 2020.



ATTEST:

A blue ink signature of Sandra V. Ham.

Sandra V. Ham
City Secretary

CITY OF NASSAU BAY, TEXAS

A black ink signature of Mark A. Denman.

Mark A. Denman
Mayor