

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
JANUARY 11, 2021
7:00 PM
VIA TELECONFERENCE**

MEMBERS OF COUNCIL PRESENT: Mayor Bob Warters, Mayor Pro Tem Don Matter, Councilmember Phil Johnson, John Mahon, Bryce Klug, and Matt Prior (all members via teleconference)

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, Police Chief Tim Cromie, Fire Chief Tom George, Human Resources Manager Chani Honeycutt, and Planning Commission Chairman Roscoe Lee (all members via teleconference)

PRESIDING: Mayor Bob Warters

CALL TO ORDER AND ROLL CALL OF MEMBERS

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

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

Recognition of Cub Scout Pack 1965 for a Community Service Project in David Braun Park

Mayor Bob Warters expressed his appreciation to Cub Scout Pack 1965 of St. Thomas the Apostle Episcopal Church for their community service project in which they cleaned trash debris in David Braun Park. He thanked them for their efforts, which made a significant impact in the park.

Recognition of the 2020 Employees of the Year

City Manager Jason Reynolds recognized Robert Villanueva as the 2020 Employee of the Year. Robert Villanueva is the Senior Utility Maintenance Worker in the Public Works Department. Mr. Villanueva wears multiple hats and is an extremely hard worker. Additionally, he has stepped up and assumed the duties and responsibilities of the Parks Crew Leader for an extended period of time, while also managing his normal duties. Every member of the Public Works Department calls Mr. Villanueva a team player and refers to him as the “go to guy.” He is a great teacher and mentor to the new Public Works employees and is a great example of a stellar Nassau Bay employee .

City Manager Reynolds recognized Supervisor of the Year Chief Tim Cromie. Chief Tim Cromie has been with the Nassau Bay Police Department for almost two years. Mr. Reynolds highlighted Chief Cromie and how he has poured his heart and soul into the Police Department and the City. He encourages and pushes the officers to strive for more

and helps them accomplish their potential goals. With the passing of Sergeant Kaila Sullivan, Chief Cromie lead his department through the darkest time of its history while maintaining a hopeful presence and optimistic attitude in the Department. Over and over again, Chief Cromie has demonstrated exceptional leadership skills. Chief Cromie is the example of professionalism and has shown a level of knowledge that any officer can achieve with hard work and dedication.

City Manager Reynolds transitioned the awards and requested for Chief Cromie to announce the City's Officer of the Year Award. Chief Cromie declared Officer Clint Brown as the Police Department Officer of the Year for 2020. Officer Brown was overwhelmingly chosen by his peers to receive the award this year. He was described as "displaying unparalleled dedication to the desire to work hard" and "being very knowledgeable when it comes to the law and to serving the public". Clint is currently in his second year with Nassau Bay Police Department.

Recognition of Officer Jason Vain's Promotion to Corporal

Chief Cromie recognized the recent promotion of Officer Jason Vain to the Corporal position. Chief Cromie indicated Officer Jason Vain was promoted to the rank of Corporal on January 9th in a small ceremony at City Hall. Corporal Vain has been a police officer for six and half years, with almost four and a half years with the NBPD. Prior to Nassau Bay, Corporal Vain completed two years of police work in the state of New Mexico. Corporal Vain has shown to be a leader within the department and earlier this year he earned both his Intermediate Peace Officer and his Advanced Peace Officer certifications. He ended his comments by congratulating Corporal Vain, as well as wishing him many more successful years here with the Department.

At this time, Mayor Bob Wartors respectfully requested Agenda Item 9.A be considered at this point in the agenda, so a new appointee could fill the vacant Council Position 5 and participate in the remainder of the City Council meeting.

NEW BUSINESS

Action on the appointment of Sandra Mossman to City Council Position 5 to fill an unexpired term and the administering of the Oath of Office to new Council Appointee

Councilmember Bryce Klug nominated Dr. Sandra Mossman to fill the vacant position.

It was moved by Councilmember Bryce Klug, seconded by Mayor Pro Tem Don Matter, to appoint Sandra Mossman to fill the vacant City Council Position 5.

Motion passed 7 – 0.

All members of Council congratulated Councilmember Mossman on her new appointment. City Attorney Dick Gregg, Jr. administered the oath of office to Councilmember Sandra Mossman. Mayor Wartors welcomed her back to City Council.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

Public Hearing on an ordinance amending the Nassau Bay Municipal Code Section 19-28 dealing with areas where parking is limited or prohibited by adding additional streets or places to the designated areas where parking is to be limited or prohibited

Mayor Warters announced a Public Hearing for citizens to address Council regarding amending the Nassau Bay Municipal Code Section 19-28 dealing with areas where parking is limited or prohibited by adding additional streets or places to the designated areas where parking is to be limited or prohibited.

Police Chief Tim Cromie indicated there are two no parking zones near the Houston Methodist Hospital parking lot entrance and exit points which were identified needing further clarification and additional signage. The addition of no parking zones near Upper Bay Drive will limit traffic congestion near the new Methodist Medical Center Building.

Additionally, no parking zones will limit traffic congestion around Houston Methodist Clear Lake Hospital and provide safer egress from the parking lots in the same area. The proposed ordinance provides clarification and additional safety measures. This ordinance officially designates these two areas. With the soon to be open Methodist building, this clarification is especially needed and allows for a free flow of traffic.

Councilmember Phil Johnson inquired if there was parking currently allowed in the area. Chief Cromie indicated there was parking available in various areas, including in front of the Lockheed Martin building. Councilmember John Mahon requested additional details on parking on Upper Bay Road, with Chief Cromie noting there is language that already exists which restricts parking along Upper Bay Road.

Councilmember Matt Prior inquired whether the parking restrictions were only related to parking along Space Park Drive between Upper Bay Road and Houston Methodist Drive. This was confirmed by Chief Cromie.

The Public Hearing was opened at 7:18pm.

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

Approval of an ordinance amending the Nassau Bay Municipal Code Section 19-28 dealing with areas where parking is limited or prohibited by adding additional streets or places to the designated areas where parking is to be limited or prohibited; and providing a penalty; and for severability; and providing for codification (first of two readings)

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

AN ORDINANCE AMENDING THE NASSAU BAY MUNICIPAL CODE SECTION 19-28 DEALING WITH AREAS WHERE PARKING IS LIMITED OR PROHIBITED BY ADDING ADDITIONAL STREETS OR PLACES TO THE DESIGNATED AREAS WHERE PARKING IS TO BE LIMITED OR PROHIBITED; AND PROVIDING 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. O2020-807.)

It was moved by Councilmember Bryce Klug, seconded by Councilmember Phil Johnson, to approve the first reading of an ordinance amending the Nassau Bay Municipal Code Section 19-28 dealing with areas where parking is limited or prohibited by adding additional streets or places to the designated areas where parking is to be limited or prohibited.

Motion passed 7 – 0.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

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

The Public Hearing was opened at 7:26 p.m.

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

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Matt Prior congratulated the Employees of the Year Robert Villanueva, Chief Tim Cromie and Officer Clint Brown, as well as Corporal Jason Vain on his promotion. He indicated it is a significant honor, especially when nominated and awarded by your peers.

Councilmember Sandra Mossman expressed her appreciation to Council for her appointment to Position 5. She indicated she looks forward to serving the community once again. She echoed the sentiments regarding the awarded employees, who are valuable to the City and assist in helping to maintain Nassau Bay as the incomparable City it is known to be in the region.

Councilmember Bryce Klug welcomed Councilmember Mossman back to the Council dais.

Councilmember John Mahon welcomed Councilmember Mossman to Council. He noted that he originally sought service on City Council in order to serve with Councilmember Mossman. He also congratulated the Employees of the Year and all City employees for a successful year.

Councilmember Phil Johnson commented the Employees of the Year and indicated the recognition is more significant as employees are recognized by their peers. He also welcomed Councilmember Mossman to Council. Lastly, he commented on the large feedback he has received on short-term rentals in the City and he wants to ensure these rentals do not have a negative impact on the City's character.

Mayor Pro Tem Don Matter echoed the sentiments regarding the Employees of the Year. He complimented them and indicated these employees deserve large kudos from Council and the community. He also commented on the Harris County Public Health's vaccine clinic held in December, which was originally for first responders but was provided to over-65-year-old residents. He announced the second clinic to be on January 22 and provided additional details on the registration process.

MAYOR'S COMMENTS/REPORTS

Mayor Bob Warters expressed his appreciation to all those who supported him in the Mayoral election. He also congratulated the Employees of the Year who were honored. The City is very fortunate to have excellent employees in the City. Additionally, he commented on his promise to continually improve the City during his tenure as Mayor.

REPORTS FROM STAFF MEMBERS & COMMITTEES

City Manager

City Manager Jason Reynolds began his comments by welcoming Mayor Bob Warters and Councilmember Sandra Mossman to the Council dais.

He continued by announcing the 25th Annual Peninsula cleanup and encouraged all to join in volunteering on February 20th.

Mr. Reynolds complimented the Nassau Bay Homes Association for their continued new improvements at the marina, with the new flagpole, boardwalk and grass. Their efforts make a positive impact. Additionally, the NBHA will provide a proposal to Council for an education garden. He stated this proposal should be forthcoming in the next couple of months.

Mr. Reynolds noted the Police Department is working towards developing a new website with the City's crime statistics. This website will have benchmark police data for citizens to review. There will also be a tracking map which monitors the speed of vehicles. Overall, there will be more accessibility of data for residents.

Mr. Reynolds briefly discussed COVID-19 precautions and provided statistics on the number of cases in the City. For those who participated in the COVID-19 vaccine clinic, there is a hotline phone number that is available. He commented that all members of the Fire Department, EMS, and Police Department were provided an opportunity to receive the COVID-19 vaccine at the vaccine clinic. The City is working with Houston Methodist Hospital in a joint partnership to make the vaccine available to the general population. Currently, only current Houston Methodist Hospital patients are able to access the vaccine through the hospital.

Lastly, he ended his comments by announcing the upcoming election deadlines for the May 1, 2021 City Officers Election. The last day for a candidate to submit an application for City Council is February 12th.

Police Department

Chief Tim Cromie provided the Police Department monthly report. For December, the Department responded to 313 calls, took 61 reports, issued 98 written and verbal warnings, and issued 68 citations. Officers patrolled 5,197 miles in the City for the month.

Fire Department

Fire Department President Matt Roper presented the Fire Department's December status report. Mr. Roper stated the Department responded to 25 calls with 1,300 man hours.

Membership numbers rose to 42 members, with the Department recently voting in one new member.

CONSENT AGENDA

Approval of Minutes of Regular Meeting on August 31, 2020

Approval of Minutes of Regular Meeting on September 14, 2020

Approval of a resolution authorizing the Mayor to enter into a joint agreement with CCISD to share the City's polling place on May 1, 2021

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO A JOINT ELECTION AGREEMENT WITH CLEAR CREEK INDEPENDENT SCHOOL DISTRICT TO SHARE THE CITY'S POLLING PLACE AT CITY HALL ON ELECTION DAY, MAY 1, 2021.

(Said Ordinance is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2020-2213.)

Approval of a resolution of the City of Nassau Bay expressing its support of the conclusions and general recommendations of the Coastal Texas Protection and Restoration Feasibility study by the US Army Corps of Engineers and the Texas General Land Office

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY OF NASSAU BAY EXPRESSING ITS SUPPORT OF THE CONCLUSIONS AND GENERAL RECOMMENDATIONS OF THE COASTAL TEXAS PROTECTION AND RESTORATION FEASIBILITY STUDY BY THE US ARMY CORPS OF ENGINEERS AND THE TEXAS GENERAL LAND OFFICE.

(Said Ordinance is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2020-2214.)

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

Motion passed 7 – 0.

NEW BUSINESS

Tabled action on the creation and appointment of members to an Ad Hoc Committee which will determine the purpose, functions, members, and accountability of a Nassau Bay Executive Ad Hoc Committee and a Nassau Bay Finance / Audit Committee

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Bryce Klug, to table the motion.

Motion tabled 7 – 0.

OLD BUSINESS

Approval of an ordinance of the City Council of the City of Nassau Bay, Texas, providing for regulations and the registration for the operation and use of short-term rentals and providing for a penalty and severability (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, PROVIDING FOR REGULATIONS AND THE REGISTRATION FOR THE OPERATION AND USE OF SHORT-TERM RENTALS AND PROVIDING FOR A PENALTY AND SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2020-806.)

Councilmember Bryce Klug acknowledged that short-term rentals are a difficult issue to address in the City, but overall believes that the proposed ordinance is well written. Overall, this ordinance will successfully assist the City in enforcing life-safety issues, require rentals to maintain the necessary insurance to protect surrounding properties, as well as capture Hotel Occupancy Taxes. He emphasized that the City cannot ban short-term rentals, nor can the City maintain an excessive fee schedule for the registration process. Although the ordinance does not address all the concerns of the citizens, it is a great tool for the City to regulate rentals in Nassau Bay.

Councilmember Sandra Mossman inquired on the number of short-term rentals in the City. City Manager Reynolds responded that there were approximately thirty rentals, but no more than fifty. Once the City moves forward with the software program, a defined number of rentals within the City will be provided. Additionally, the software program will assist in monitoring costs, which will assist City in justifying any potential registration fee increases.

Councilmember Phil Johnson inquired on the waiver period for the registration fee, specifically the length of the waiver period and if it only applies to existing short-term rentals. Mr. Reynolds indicated this waiver period operates as a general incentive for all short-term rentals to voluntarily comply in the program prior to August 31, 2021. The City will notify all the rentals by March 1st.

Councilmember Johnson requested additional details on the waiver period for new short-term rentals, rather than existing rentals. Mr. Reynolds indicated that there is not a method for the City to distinguish between existing rentals and newly created rentals. Once the software is implemented, the City will determine the exact properties needing to comply in the short-term rental registration program. City Manager Reynolds noted that the software cannot be implemented until the City approves the short-term rental ordinance.

Councilmember Johnson indicated he would prefer for the waiver period only apply to existing rentals, as he believes this waiver period may incentivize new properties to

become short-term rentals. There was continued discussion on the application of the label of “existing” short-term rentals versus “new” short-term rentals, and how the City could utilize the software so that the waiver period only applies to “existing” short-term rentals. Councilmember Johnson wanted to ensure there was adequate scrutiny to the ordinance, as he does understand there is much discussion in the community regarding short-term rentals.

In order to secure a motion and subsequent approval of the second and final reading of the ordinance, Councilmember Johnson agreed he would withdraw his comments regarding the waiver period.

Councilmember Klug also further examined the waiver period and understood that the City would be incurring costs but would not be receiving a fee to reimburse the City of those operating costs. He asked if there was a mechanism to charge these incurred costs to the HOT Fund, as the program is hotel based. Mr. Reynolds noted this was worth further examination.

It was moved by Councilmember Bryce Klug, seconded by Mayor Pro Tem Don Matter, to approve the second and final reading of the ordinance providing for regulations and the registration for the operation and use of short-term rentals.

Motion passed 7 – 0.

FIRST READING OF ORDINANCES

Approved an ordinance calling the May 1, 2021 City General Election for the purpose of electing three Councilmembers, Positions 1, 3 and 5; said election to be held jointly with Clear Creek ISD (first of two readings)

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 ELECTION TO BE HELD IN SAID CITY ON THE 1ST DAY OF MAY 2021, FOR THE PURPOSE OF ELECTING THREE MEMBERS OF COUNCIL; DESIGNATING THE DAY(S) OF THE ELECTION(S) AND THE POLLING PLACE; APPOINTING ELECTION OFFICIALS THEREFORE; PROVIDING THAT ALL DULY QUALIFIED RESIDENT ELECTORS SHALL BE QUALIFIED TO VOTE; PRESCRIBING A FORM OF THE BALLOT; PROVIDING A NOTICE OF ELECTION; 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. O2020-808.)

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Bryce Klug, to approve the first reading of the ordinance calling the May 1, 2021 City General Election for the purpose of electing three Councilmembers, Positions 1, 3 and 5.

Motion passed 7 – 0.

EXECUTIVE (CLOSED) SESSION

Meeting recessed to Executive Session at 8:00 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 of membership of the Nassau Bay Economic Development Corporation Board of Directors.
2. §551.074 Personnel – Discussion of membership of the Nassau Bay Tax Increment Reinvestment Zone / Nassau Bay Redevelopment Authority Board of Directors.

Meeting returned to Open Session at 8:13 p.m.

ACTION ITEMS FROM EXECUTIVE SESSION

Approved a resolution appointing Bob Warters, Phil Johnson, Don Matter and reappointing Bill Quinn to the Nassau Bay Economic Development Corporation as discussed in Executive Session

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, APPOINTING/REAPPOINTING MEMBERS TO THE NASSAU BAY ECONOMIC DEVELOPMENT CORPORATION.

(Said Ordinance is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2020-2215.)

It was moved by Councilmember Bryce Klug, seconded by Councilmember Sandra Mossman to approve the resolution appointing Bob Warters, Phil Johnson, Don Matter and reappointing Bill Quinn to the Nassau Bay Economic Development Corporation as discussed in Executive Session.

Motion passed 7 – 0.

Approved a resolution appointing Bob Warters, Phil Johnson, Mark Denman and reappointing Ron Swofford, Don Matter, Matt Prior and Gary Mossman to the Nassau Bay Tax Increment Reinvestment Zone / Nassau Bay Redevelopment Authority as discussed in Executive Session

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, REAPPOINTING / APPOINTING MEMBERS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER ONE, AND APPOINTING BOB WARTERS AS CHAIR.

(Said Ordinance is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2020-2216.)

It was moved by Councilmember Bryce Klug, seconded by Councilmember Phil Johnson, to approve the resolution appointing Bob Warters, Phil Johnson, Mark Denman and reappointing Ron Swofford, Don Matter, Matt Prior and Gary Mossman to the Nassau Bay Tax Increment Reinvestment Zone / Nassau Bay Redevelopment Authority as discussed in Executive Session.

Motion passed 7 – 0.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:17 p.m.

Minutes approved as submitted and/or amended this 8th day of March A.D. 2021.

CITY OF NASSAU BAY, TEXAS



Robert L. Warters
Mayor

ATTEST:



Sandra V. Ham
City Secretary