

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
MAY 10, 2021
7:00 PM**

MEMBERS OF COUNCIL PRESENT: Mayor Bob Warters, Mayor Pro Tem Don Matter, Councilmembers Phil Johnson, John Mahon, Bryce Klug, Sandra Mossman, Matt Prior, and Councilmember-Elect Ashley Graves

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

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 all elected officials in attendance.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

Presentation of a Proclamation for National Police Week and National Peace Officers Memorial Day

Mayor Bob Warters presented a proclamation for National Police Week and National Peace Officers Memorial Day, which is May 9-15, 2021. Chief Tim Cromie accepted the proclamation and provided an overview of the history of this recognition. Chief Cromie stated that in 1962, President Kennedy proclaimed May 15th as National Peace Officers Memorial Day and the calendar week in which May 15th falls, as National Police Week. National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

Chief Cromie announced the 33rd Annual Candlelight Vigil will occur virtually on Thursday, May 13th at 7:00pm. More information on the event will be made available on the Police Department's Facebook page, with a link to the virtual ceremony. Lastly, Chief Cromie noted the in-person events that were cancelled last year because of COVID-19 are now planned for October 13-17, 2021 in Washington, DC.

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 7:06 p.m.

Lara Forde, 1911 Back Bay Court, wished to echo the citizen requests for the selection of a more challenging playground equipment system. She referenced a recent request of 50 Nassau Bay children for a “ninja” style course, which is more suitable for children over the ages of six years old.

Paul Robinson, Dickinson, Texas announced the upcoming Texas Outlaw Challenge, which does affect portions of Nassau Bay’s waters. He respectfully requested of Council to issue a “No Wake Zone” resolution for Clear Lake during the event. The event has had a perfect safety record, and the no wake zones assist with maintaining that record. The event will be held from June 23rd to June 27th.

Roscoe Lee, 1631 Antiqua Lane, commended CANBE for their support in reinstalling the Little Free Library in David Braun Park. CANBE donated almost \$500 for the materials, and the library should be installed in the coming weeks.

These individuals submitted comments to be read under the Citizens’ Request for Hearing.

James Simpson, 18347 Cape Bahamas Ln, submitted her statement which was read verbatim: “Dear Mayor/City Council: In regards to the proposed new playground equipment, we would like playground equipment that would be challenging to older kids. Without something like this, they tend to climb on the existing equipment for younger children, and younger kids copy this, which is dangerous. We liked option 2, so we would prefer something similar. Thank you for your consideration in this matter.”

Evelyne Hung submitted her statement which was read verbatim: “Dear City Council: I write to express a desire that the city install more challenging playground equipment that will give older children some better opportunities for play in our park. My kids, 8 and 10, have outgrown the current equipment--as have, I'm sure--kids of the same age in the neighborhood. To find more challenging equipment, our resort is to take our kids to Taylor Lake Village or Clear Lake Park. As such, I hope that the City will decide on an option designed for children who still want to visit the playground, but have outgrown the existing equipment. Thank you!”

Jason Small, 18514 Upper Bay Rd, submitted her statement which was read verbatim: “Dear Nassau Bay City Council Members, watching from my front porch on Upper Bay Rd. over the past few weeks, I have been reminded how busy our bay gets during the warmer months. Nassau Bay, or better known by many as “party cove”, attracts many area boaters to enjoy its ideal anchorage. However, the inlet to Nassau Bay is somewhat narrow, and quickly becomes congested with a frenzy of boat traffic, causing it to become unsafe and limiting access for city residents. The bay is currently designated as a No Excessive Wake Zone as a means to regulate traffic and maintain safety. However, a No Excessive Wake regulation is unmeasurable and difficult to enforce. As a result, the regulation is ignored by many boats which travel the bay at high speeds.

For the boats that do slow down, they typically slow to a speed below planeing speed, but above no wake speed, in which the boat plows through the water creating a large rolling wake that crashes into the bank of the peninsula and the Upper Bay small boat launch and finger piers. As a result, the bay becomes unsafe and unusable by city residents who

would otherwise enjoy kayaking, canoeing, sailing, windsurfing, swimming, and fishing in its waters.

City police and fire department personnel patrol the bay in an effort to enforce the No Excessive Wake regulation, which is greatly appreciated by city residents and does result in boats operating in No Wake mode while the safety boat is present. On one occasion after a storm caused the Constellation Pointe canal No Wake buoys to break free and float into the entrance of Nassau Bay, the bay experienced a full day of controlled slow speed traffic without the need of the safety boat.

This would indicate that if the No Excessive Wake ordinance was revised to be a No Wake ordinance and markers and/or buoys were placed at the bay's entrance, the bay would have a long-term solution for slow boat traffic and safe accessibility for city residence without the need for constant patrolling. I do understand that Nassau Bay also has a rich history of being an ideal spot for water skiing for city residents and that this must be preserved. To do so, the revised ordinance could include an exception for towed water sports activities, either full time or a certain time during the day. This would not only maintain accessibility for city resident skiers, but also make it safer for all by slowing down transient boat traffic. Therefore, I am requesting that the city add to its new business an agenda item to consider revising the city's No Excessive Wake ordinance for Nassau Bay to a No Wake ordinance with an exception for towed water sports."

Jean Ruland, 1431 Kingstree Ln, submitted her statement which was read verbatim: "Dear Mayor and City Council: I'm writing to express my desire for playground equipment to be installed in David Braun Park. Without something that is appropriate for older children also, I think that this park and the amenities of our community will not be as inviting for new residents who may be looking to help grow our community. As such, I urge that you will strongly consider new equipment that will meet this need in our park/community. Thanks for your consideration."

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

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Matt Prior expressed appreciation to CANBE for reinstalling the Little Free Library.

Councilmember Sandra Mossman wished to thank Chief Tim Cromie, as the strength of Nassau Bay is the safety and the expertise of the Police Department. Councilmember Mossman was pleased with the citizen input received for the playground equipment. She believes the City has taken care of adults, with the pavilion and pickleball courts, and it now time to focus on the City's children.

Councilmember Bryce Klug indicated the playground equipment to be the topic he has received the most feedback on. Councilmember Klug expressed appreciation to resident Lara Forde for her research on the topic, as well as Kathy Prior and Ashleigh Klug for their efforts with the project.

Councilmember John Mahon reiterated the comments previously stated and also thanked the Parks & Recreation Committee for their work. He was also appreciative of the citizen

engagement, as this provided an opportunity for making change, which he found inspiring. He is proud of his time on Council.

Councilmember Phil Johnson echoed similar sentiments of his Council colleagues. He also remarked on Chief Tim Cromie, as he was pleased he was representing the City at the Peace Officers Memorial Day event.

Mayor Pro Tem Don Matter echoed the previously stated comments and indicated he has never received so many emails in his prior Council experience. The City takes care of older residents, the City employees, the Nassau Bay Volunteer Fire Department, and now it is time to adjust attention to the City's children. He would like to be expeditious in the playground equipment project process. Mayor Pro Tem Matter also applauded the Police Department, as he heard concerns of speeding on Upper Bay Road. He ended his comments with concerns of gang activity in the City.

MAYOR'S COMMENTS/REPORTS

Mayor Bob Warters wished to echo similar sentiments cited by Council and thanked the public safety elements. He believes the City is blessed to have a wonderful Police Department, Volunteer Fire Department, and EMS. He still receives positive comments on the City's response to the Bayfront Towers fire incident. He remains impressed with the City's public safety departments.

Mayor Warters cited concerns regarding the NASA Parkway median, as there are many dead palm trees. He remarked that although some have greenery on top, it shouldn't suggest that those trees are alive and able to grow. He asked that the response for the palm tree removal and new plan be accelerated.

REPORTS FROM STAFF MEMBERS & COMMITTEES

City Manager

City Manager Jason Reynolds began his comments by thanking City Secretary Sandra Ham for her efforts in the election, as it was a success. The City will ensure that for future elections that Early Voting is held in the City. He continued by also expressing appreciation to Parks & Recreation Chairman Roscoe Lee for all of the work completed with the playground equipment project. He applauded Mr. Lee and Public Works Director Paul Lopez for their extra work behind the scenes in finding a solution.

He announced the upcoming Hurricane Preparedness Seminar on May 26th and invited all to attend the open house style event. The Emergency Operations Center will be open and interactive.

City Manager Reynolds continued by providing an overview of the City's projects. The Leeward bulkhead is under construction, and the project is in progress of installing the pilings. It is expected to be completed by summer. He expressed appreciation to the volunteers of the NBVFD for their work.

Construction is beginning for the water and sewer line project, which will begin in the summer and last for a year. The 2017 Home Elevation grant project will begin, and the

City will commence two additional grant cycles, for a total of 20 homes. Lastly, with the passage of the bond project, there will be \$1 million in street projects. The City will have an updated project page on the website.

Police Department

Chief Tim Cromie provided the Police Department monthly report. For April, the Department responded to 355 calls, took 54 reports, performed 144 traffic stops, issued 100 written and verbal warnings, and issued 44 citations. Officers patrolled 5,016 miles in the City for the month.

Chief Cromie continued by describing a recent event that occurred at Lake Nassau at David Braun Park. The Galveston County Sheriff's Office (GCSO) Dive Team conducted a training exercise and Sheriff Deputies used Lake Nassau for the training. The Galveston County Sheriff's Office is one of the area law enforcement agencies that respond to water rescue and water safety events in the Galveston Bay and the Clear Lake area. As such, they work closely with our Nassau Bay marine elements when assistance is needed. GCSO asked to train in Lake Nassau because of the unique closed water system the lake provides.

Chief Cromie also highlighted a recent training by the Texas Department of Parks and Wildlife (TPWD), which certified officers as Marine Safety Enforcement Officers (MSEO). Officers must be MSEO certified through TPWD in order to enforce recreational boating safety laws on public waters in Texas and provisions of the Water Safety Act. This training will provide the City with additional officers to deploy during marine operations.

Cromie ended his comments by reminding all of the new golf cart regulations. Every driver of a golf cart must have a valid driver's license. This was confirmed in a recent ruling from the Texas Attorney General's Office on April 5, 2021. Golf carts operating on public roadways also must display a special license. The "golf cart" license plate can be obtained from the Harris County Tax Assessor-Collector's office. The golf cart license plate does not change where and when golf carts are allowed to operate on public roads.

He also indicated that slow-moving emblems are still required on golf carts within the City. For complete information about golf cart rules and operations, Chief Cromie direct all to visit the Police Department's Golf Cart Regulation website or the Police Department Facebook page. Officers also have informational cards to hand out to citizens with all the golf cart rules and information. Mayor Pro Tem Don Matter inquired whether insurance was required to obtain a license plate, and Chief Cromie responded he would perform further research.

Fire Department

Fire Department President Matt Roper presented the Fire Department's April status report. Mr. Roper stated the Department responded to 41 calls with 1,833 man hours. Membership numbers remain consistent at 40 members. The Department is putting many hours on the construction of the boathouse, which will assist in getting a public safety boat more quickly into the water.

CONSENT AGENDA

Approval of Minutes of Council Workshop on February 6, 2021

Approval of Minutes of Regular Meeting on March 8, 2021

Approval of the Economic Development Corporation Minutes of February 1, 2021 and the EDC's Mid-Year Report for Fiscal Year 2020-21, as approved by the EDC at its meeting held on May 3, 2021

It was moved by Councilmember Sandra Mossman, seconded by Councilmember Bryce Klug, to approve the Consent Agenda.

Motion passed 7 – 0.

Approval of an Annual Resolution Updating the Investment Policy

Councilmember Sandra Mossman respectfully requested this agenda item be removed from the Consent Agenda for further discussion. She inquired upon the policy's change in Section 3.04, which increased the percentage permitted to be invested for a period greater than a year from 20% to 30%.

Finance Director Csilla Ludanyi referenced a requirement of diversification, as liquidity if the primary focus. The City cannot invest for longer than three years, and the increase will allow the City to deepen the CD ladder and ensure it does not violate it's own policy. In the months of October to November, the City's balance is at it's lowest, and the City could theoretically go above 20%.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, ADOPTING AN ANNUAL INVESTMENT POLICY IN ACCORDANCE WITH THE PUBLIC FUNDS INVESTMENT ACT AND THE PUBLIC FUNDS COLLATERAL ACT.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2021-2224.)

It was moved Councilmember Sandra Mossman, seconded by Councilmember Bryce Klug, to approve a resolution updating the Investment Policy.

Motion passed 7 – 0.

NEW BUSINESS

Awarding of Bid No. 2021-03 David Braun Park Playground Equipment to GameTime in the amount of \$114,102.50, with up to 25% variance allowed, and the requirement of Parks & Recreation Committee input on any additional options

Public Works Director Paul Lopez indicated that the Parks & Recreation Committee has recommended awarding the bid for the new David Braun Park playground equipment to

GameTime in the amount of \$114,102.50. Awarding this project at tonight's meeting will allow the City to move forward with the demolition of the previous equipment and the installation of the new equipment for the summer months.

City Manager Jason Reynolds provided an overview of the playground equipment project. The City has worked with a citizen group and GameTime representative to spend up to \$142,000, a 25% variance above the bid price, to select additional equipment geared to older children. Mayor Warters commented that City staff has been working the last two weeks to look at options for older children. Mr. Reynolds indicated that this bid award would not be the final option in the park playground procurement process, but the City should move forward at today's City Council meeting as many of the bids are time limited and costs are increasing.

Councilmember Matt Prior extended his appreciation to Public Works Director Lopez and the Parks & Recreation Committee for all of their efforts in the project. He noted costs will be important as Council makes the final decision. As part of the citizen committee, members looked at all of the GameTime options, and believes the end result will be impressive.

Councilmember Bryce Klug motioned to accept the GameTime bid, but to select the Kid Course 1800 ninja course option. Councilmember Phil Johnson seconded. City Manager Reynolds provided an overview of the Texas procurement laws, and noted the motion could not be accepted, as the Kid Course 1800 ninja course was not included in the original bid. The bid process only allows for awarding a bid as submitted to the City. Additionally, the Kid Course 1800 model is much more expensive than the provided GameTime bid and would not fit into the allowed variance of 25%.

Councilmember Johnson inquired whether a new RFP would need to be created to allow the selection of this specific ninja style course. City Manager Reynolds responded yes, with the new RFP detailing the exact specifications for this type of course. Councilmember Matt Prior voiced concern regarding delays that issuing a new RFP would create in the process.

Councilmember Klug motioned to award the bid to GameTime for the model as proposed, while authorizing the City Manager to purchase the Kid Course 1800 model. It was requested upon Councilmember Klug that the motion be issued in general guidelines, as adding the specific motion to purchase the Kid Course 1800 could not be accepted. A new RFP would need to be issued in order to acquire the Kid Course 1800 playground model, as the cost is over \$50,000.

Councilmember Klug reissued his motion to award Bid No. 2021-03 David Braun Park Playground Equipment to GameTime as presented to the City in the amount of \$114,102.50, with up to 25% variance allowed. Councilmember Sandra Mossman requested the motion include that the Parks & Recreation Committee, with citizen input, select the add-ons to be purchased with the variance.

City Manager Reynolds noted he would obtain more clarification on the playground shade, as funds were donated by CANBE for the purchase.

Mayor Pro Tem Don Matter inquired on how a ninja style model could be included in this motion. Councilmember Prior remarked on the many options offered by GameTime that are geared for older children that can be added in the variance of 25%.

Mr. Reynolds indicated that the City can use the HGAC Buy Board for items included in the 25% variance. Nassau Bay can create a separate RFP for another model. He also noted that Swan Lagoon Park is scheduled to be remodeled soon. Councilmember Johnson applauded City Manager Reynolds for the great budgetary process, which has allowed the City to have these funds for this additional park equipment.

Mayor Pro Tem Matter inquired on the cost of the model for the 2 to 5 year old age group. Mr. Reynolds noted that GameTime provided a \$41,000 discount on the project. Mayor Pro Tem Matter requested for the City utilize the HGAC Buy Board for this RFP. Mr. Reynolds stated that reissuing the RFP will place the project into mid-July, and project completion in August. Overall, the current timeline is the end of August for completion.

It was moved by Councilmember Bryce Klug, seconded by Councilmember Phil Johnson, to award Bid No. 2021-03 David Braun Park Playground Equipment to GameTime in the amount of \$114,102.50, with up to 25% variance allowed, and Parks & Recreation input on any additional options.

Motion passed 7 – 0.

EXECUTIVE (CLOSED) SESSION

Meeting recessed to Executive Session at 8:02 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 – Discuss the employment, evaluation, compensation, goals, and duties of the City Manager and Assistant City Manager.

Meeting returned to Open Session at 8:11 p.m.

ACTION ITEMS FROM EXECUTIVE SESSION

Action regarding personnel matters as discussed in Executive Session – City Manager and Assistant City Manager

It was moved Councilmember Phil Johnson, seconded by Councilmember Matt Prior, to authorize the Mayor and City Manager to execute a Confidential Separation Agreement and Release for the Assistant City Manager, with minor modifications as approved by the City Attorney, as discussed in Executive Session.

Motion passed 7 – 0.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:11 p.m.

Minutes approved as submitted and/or amended this 12th day of July A.D. 2021.

CITY OF NASSAU BAY, TEXAS



Robert L. Warters
Mayor

ATTEST



Sandra V. Ham
City Secretary