

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
AUGUST 30, 2021
6:00 PM**

MEMBERS OF COUNCIL PRESENT: Mayor Bob Warters, Mayor Pro Tem Don Matter, Councilmembers Phil Johnson, Ashley Graves, Bryce Klug, and Sandra Mossman

MEMBERS OF COUNCIL ABSENT: None

OTHERS PRESENT: City Manager Jason Reynolds, City Secretary Sandra Ham, Assistant City Manager Mary Chambers, Finance Director Csilla Ludanyi, 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 6:02 p.m. and announced a quorum of Council was present with all elected officials in attendance.

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 6:03 p.m.

Roscoe Lee, 1631 Antigua, provided comments on the use of the pickleball courts at David Braun Park. He has noticed their heavy usage, and indicated repairs were needed for the surface of one court. After contacting Public Works Director Paul Lopez, the installation company will repair the court for free under the warranty. Mr. Lee also noted that after the last rain storm, there was a large branch at Howard Ward Park, and after reporting the issue, the Public Works Department cleared the branch within the hour. This quick response was done in the mist of the Department preparing for any potential rain event by Hurricane Ida.

There were no other public comments, and the Public Hearing was closed at 6:05 p.m.

Discussion on the City's landscaping on the NASA Parkway median

Mayor Bob Warters indicated he asked for this agenda item to be placed on the Council agenda, as he would like to review possible action on the median in the coming weeks. He commented on the abysmal state of the median landscaping, stating it to be a poor reflection on the City. Mayor Warters detailed the recent status of the dead palm trees and urged Council to create a plan for moving forward with the landscaping. He asked for Council's consideration to have only grass on the median, until a plan and funds can be allocated to make the necessary modifications. He stated his concern with the Palm Tree Landscaping Committee's lack of a plan, and suggested it was time to pursue a new consultant for the project.

Councilmember Phil Johnson, current chair of the Palm Tree Landscaping Committee, requested upon Council to wait an additional three months, as there is a need for more time to put a plan together. As this will be a large expense, he wants the Committee to be thorough and have the full time to consider all options.

Councilmember Matt Prior inquired on the next steps. Councilmember Johnson indicated March to be the next keystone date in the project. It was agreed any new planting should be done in the springtime, in order to avoid any possible freezes over the winter. Mayor Wartars conveyed his impatience with the plan, as he urged Council to take action on a simple plan, sooner than later. There was a discussion on timelines for the next Committee meeting, and a brief discussion on the utilization of the current consultant.

Discussion on possible appointments to the Unified Development Code Advisory Committee

City Manager Reynolds noted this item to be related to the previously approved Unified Development Code (UDC), which will be contracted with Kendig Keast Collaborative, the same contractors who completed the City's Comprehensive Plan in 2020. This Advisory Committee is one of three Committees who will contribute to the development of the UDC. It is expected the City will adopt the new UDC in September 2022. Mayor Pro Tem Don Matter inquired on the urgency to select the Committee, with Mr. Reynolds responding that any delays may incur additional expenses, as City Council recently approved the UDC contract with Kendig Keast.

Planning Commission Chairman Roscoe Lee commented that the Commission has been gradually reviewing the City's code in fragments, and after the 2010 Comprehensive Plan, it was recommended for the City to pursue the UDC. In 2020, the recommendation was received again in order to streamline and update the City's ordinances. This is especially important with the changes with the newly elevated homes, and with new State laws regarding plat reviews.

Mr. Reynolds continued by noting the proposed list to be individuals identified within the community that will serve Nassau Bay's priorities. There was a discussion on the proposed individuals, along with the number of committee members. Mr. Reynolds indicated the selection of twenty committee members to be a best practice for the UDC process. Councilmember Bryce Klug inquired on a possible interview process, as it was custom practice when he was first selected for the EDC. He believes it is Council's obligation to perform due diligence.

Mayor Wartars inquired whether the final selection could wait until the September 13th City Council meeting. He requested Council send him a list of recommendations for the UDC Advisory Committee, which can be reviewed before and at the next meeting. The discussion again transitioned to the number of members, with Mr. Reynolds indicating that excluding staff, there are only approximately 11 outside members.

Councilmember Klug emphasized that the decisions made by this advisory committee will be long lasting, therefore, it is prudent that Council be thorough in the selection process. Councilmember Sandra Mossman also urged that the selection include detail-oriented individuals.

Councilmember Klug emphasized the aggressive allocation of funds for infrastructure, and inquired whether the UDC process would be a distraction to those critical projects. Mr. Reynolds indicated he did not believe there would be an overlap between the UDC and the upcoming infrastructure projects. He believed it was fair for Council to interview potential candidates for the Committee. Mr. Reynolds also emphasized that City Council had the final decision on the final UDC document.

It was requested that City Manager Reynolds review the contract with Kendig Keast to determine if a delay in the process was viable. Mr. Reynolds indicated that Council needed to be sensitive to Planning Commission Chairman Lee's availability for the project, as he will be a key member of the UDC Advisory Committee. Chairman Lee also commented on the need to get ahead of any potential State legislation, and the UDC can assist with putting in the appropriate ordinances into the City's code.

There was a continued concern that staff may be overwhelmed throughout the process with all of the activities occurring in the City. Mayor Wartens counteracted, noting that the contractor will provide much of the groundwork for the UDC, therefore he does not believe there will be any interference with the City's upcoming infrastructure projects.

There was a discussion on a potential delay, with Council requesting to make a decision regarding the UDC contract after receiving more information. Additionally, Council discussed reducing the Committee to ten individuals, as well as reducing the number of staff members involved. Chairman Lee insisted that Building Official Mark Stelly, Fire Marshal Tony Russo, and Public Works Director Paul Lopez remain as members of the Committee. It was clarified that although a staff member is on the Committee, it is not necessary for them to be a voting member of the committee, ergo Council could reduce the actual Committee size, with those staff members only participating and providing input. Council also briefly discussed developer Fred Griffin's participation on the Committee, and his inclusion as a prospective UDC Advisory member.

The discussion ended with the decision to nominate ten members for the UDC Advisory Committee, with each Councilmember submitting their recommendations to Mayor Wartens for compiling. Additionally, it was requested to review the details of the UDC contract before additional decisions are made. Lastly, it was requested an option for interviewing potential candidates as part of the selection process.

It was moved by Councilmember Bryce Klug, seconded by Councilmember Matt Prior, for each Councilmember to submit a nomination list of ten individuals to the Mayor for review for the UDC Advisory Committee, for the City Manager to review the contract with Kendig Keast, and for the opportunity for Council to conduct phone interviews for the selection of members of UDC Advisory Committee.

Motion passed 7 – 0.

Update of the budget adoption and tax rate setting calendar

Finance Director Csilla Ludanyi provided an update on the budget and tax rate adoption calendar. After further review of the Local Government Code, which dictates both processes, it was determined that the previous timeline provided to Council could be condensed within regular meetings of Council. The previously scheduled meeting for

Friday, September 10th, is no longer needed, and the Public Hearing for the budget could be performed at the regular Monday, September 13th City Council meeting.

Ms. Ludanyi did emphasize that the Public Hearings and adoptions of the FY22 Budget and Tax Year 2021 (FY22) tax rate needed to occur at separate meetings. Both adoptions will be by record vote. Ms. Ludanyi provided further details on the requirements for the new timelines based on Texas Senate Bill 2.

Additionally, Ms. Ludanyi reviewed the No-New Revenue tax rate, and how will be listed as an increase in the tax rate, although it is the same rate as FY21. From the previous year, property values have increase by approximately 6%. City Secretary Sandra Ham indicated she would send calendar invitations to Council with the updated timelines.

EXECUTIVE (CLOSED) SESSION

Meeting recessed to Executive Session at 7:00 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 – Discuss the employment, evaluation, compensation, goals, and duties of the City Manager.
2. §551.074 Personnel – Discussion of membership of the Nassau Bay Parks & Recreation Committee Board of Directors.
3. §551.087 Deliberations Regarding Economic Development Negotiations – Discussion of economic development options – 3068 E Nasa Pkwy, Nassau Bay, TX 77058

Meeting returned to Open Session at 9:09 p.m.

ACTION ITEMS FROM EXECUTIVE SESSION

Action regarding personnel matter(s) as discussed in Executive Session – City Manager

It was moved by Councilmember Phil Johnson, seconded by Councilmember Matt Prior, to take action as discussed in Executive Session.

Motion passed 7 – 0.

Action on membership of the Nassau Bay Parks & Recreation Committee Board of Directors as discussed in Executive Session

No action taken.

Action on economic development options for 3068 E Nasa Pkwy, Nassau Bay, TX 77058

No action taken.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m.

Minutes approved as submitted and/or amended this 13th day of September A.D. 2021.

CITY OF NASSAU BAY, TEXAS



Robert L. Warters
Mayor

ATTEST



Sandra V. Ham
City Secretary