

**REGULAR MEETING AND PUBLIC HEARING  
CITY COUNCIL  
CITY OF NASSAU BAY, TEXAS  
JUNE 11, 2018  
7:00 PM**

**MEMBERS OF COUNCIL PRESENT:** Mayor Mark Denman, Mayor Pro Tem Sandra Mossman, Councilmembers Don Matter, John Mahon, Bryce Klug, Jonathan Amdur, Bob Wartens, Councilmembers-Elect Ashley Graves 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, Fire Chief Tom George, Public Works Director Paul Lopez, Building Official Mark Stelly, Sergeant Glenn Sharp, Senior Accountant Jaime Vasquez, 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 7:01 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 Father Wencil Pavlovsky of St. Paul the Apostle Catholic Church. The Pledges to the American and Texas flags were led by the Nassau Bay Nauticats coaches. Mayor Denman presented the coaches a certificate of appreciation and posed for a photo.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS**

**Presentation in Recognition of Service to Outgoing Councilmember Bob Wartens**

Mayor Mark Denman presented a certificate in recognition of outgoing Councilmember Bob Wartens' dedicated service to the City. Mayor Denman followed by noting a tree will be planted in Howard Ward Park in Mr. Wartens' honor, with the certificate serving as a replica of a plaque to be installed adjacent to the tree. Lastly, Mayor Denman extended appreciation and surprised Mr. Wartens with a Key to the City for his eight years of service on Council. A photo was taken of Mayor Denman and Mr. Wartens.

**Presentation in Recognition of Service to Outgoing Councilmember and Mayor Pro Tem Sandra Mossman**

Mayor Mark Denman presented a certificate in recognition of outgoing Councilmember and Mayor Pro Tem Sandra Mossman's dedicated service to the City. Mayor Denman followed by noting an additional tree would be planted in Howard Ward Park in Dr. Mossman's honor, and similarly, the certificate represents a replica of a plaque to be installed in front of the tree. Lastly, Mayor Denman extended appreciation and presented

Dr. Mossman with a Key to the City for her eight years of service on Council, with three years of service as Mayor Pro Tem. Dr. Mossman is the first person to receive two Keys to the City. A photo was taken of Mayor Denman and Mayor Pro Tem Mossman.

### **Issuance of Certificates of Election and Administering Oaths of Office**

Mayor Denman presented Ashley Graves, Bryce Klug, Matt Prior, and himself, with Certificates of Election, as required by the Election Code. No candidates drew an opponent, therefore, no election was held by the City.

City Attorney Dick Gregg, Jr. administered the oaths of office to incumbents Mayor Denman and Councilmember Klug, and new Councilmembers Ashley Graves and Matt Prior Matter. All posed for a photo.

*Mayor Denman called for a short recess at 7:10 p.m. to host a reception honoring new and outgoing elected officials. Regular session reconvened at 7:20 p.m. with Councilmembers Graves and Prior seated at the dais.*

### **PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING**

#### **Public Hearing on an ordinance amending Article 14 of the Nassau Bay Zoning Ordinance, Property Development Regulations, Residential**

**Public Hearing was opened at 7:20 p.m.**

There being no one else wishing to speak, the public hearing was immediately closed.

#### **Ordinance amending Article 14 of the Nassau Bay Zoning Ordinance, Property Development Regulations, Residential (first of two readings)**

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, AMENDING THE NASSAU BAY ZONING ORDINANCE ARTICLE 14. PROPERTY DEVELOPMENT REGULATIONS, RESIDENTIAL.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2018-776.)

It was moved by Councilmember Don Matter, seconded by Councilmember Bryce Klug, to approve the first reading of an ordinance amending Article 14 of the Nassau Bay Zoning Ordinance, Property Development Regulations, Residential.

Motion passed 7 – 0.

### **CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL**

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

The Public Hearing was opened at 7:21 p.m.

Jerry Newberry, 1415 Pirates Cove, highlighted outgoing councilmember Bob Warters service on Council, and praised Mr. Warters for his proactive conservative approach to serving the City. Additionally, Mr. Newberry commented on a vacant property next to his home, 18502 Capetown, and inquired on the condemnation process. He was provided information stating the process could take up to two years, and asked Council to assist in expediting the process, if possible.

There were no other public comments and the hearing was closed at 7:24 p.m.

## **COUNCILMEMBERS' COMMENTS/REPORTS**

Councilmember Jonathan Amdur expressed appreciation to Mr. Warters and Dr. Mossman for their service to City Council. He also welcomed Councilmembers Matt Prior and Ashley Graves.

Councilmember Bryce Klug expressed similar sentiments of appreciation for Mr. Warters and Dr. Mossman, highlighting Mr. Warters' consistency and strong approach, and Dr. Mossman's leadership and hard work. Councilmember Klug also commented on a sunken sailboat at David Braun Park, and asked for staff to further review a solution in removal.

Additionally, Councilmember John Mahon thanked Mr. Warters and Dr. Mossman, and noted Dr. Mossman's involvement in the community as a main factor contributing to his involvement in local government.

Councilmember Don Matter commented on the outgoing Councilmembers and welcomed the new incoming members. He also announced and welcomed the Finance Director's recent birth of a baby boy.

Councilmember Ashley Graves voiced excitement about her position on Council, and thanked all those who have supported her in this endeavor.

## **MAYOR'S COMMENTS/REPORTS**

Mayor Denman thanked both Mr. Warters and Dr. Mossman. He also welcomed Ms. Graves and Mr. Prior, and noted their previous participation in Nassau Bay 101 and involvement on other City committees. Ending his comments, he recognized Texas House Representative Dennis Paul, as well as Ron Service from Harris County Ed Emmett's office, both in attendance for the City Council meeting.

## **REPORTS FROM STAFF MEMBERS & COMMITTEES**

### **City Manager**

City Manager Reynolds began his comments by inviting all to the upcoming Fourth of July parade and Celebration. Additionally, he thanked Council for their support and sponsorship of an individual in the recent Citizens for Space Alliance trip to Washington DC. Then Councilmember-Elect Graves attended with others from the area, and met with 78% of the representatives on the hill.

## **Fire Department**

Fire Chief Tom George presented the Fire Department's May status report, noting the Department responded to 23 calls. Current membership holds at 41 members. Mr. George updated Council on the status of the Fire Station / EMS Facility construction, and anticipates the building to be ready for the August City Council meeting.

## **Parks & Recreation**

Parks and Recreation Committee Chairman Roscoe Lee summarized the recent May 16th joint meeting between the Parks and Recreation Committee and Keep Nassau Bay Beautiful (KNBB). He provided status reports and highlighted the repair work need by the David Braun Park pavilion. Mr. Lee provided greater detail on the windshield survey performed by KNBB, noting the purpose of identifying the City's beautification needs. He described the survey process and stated the results would be reviewed at the next joint meeting. The next step in the KNBB process is the development of a strategic plan. He thanked the twelve participants for their time and efforts in the survey.

## **Planning Commission**

### **CONSENT AGENDA**

The Consent Agenda listed the following items for approval:

#### **Ordinance amending Article 4-100 of Appendix A (Zoning) of the City Code entitled "Establishment of Districts" (second and final reading)**

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

ORDINANCE AMENDING ARTICLE 4-100 OF APPENDIX A (ZONING) OF THE CITY CODE ENTITLED "ESTABLISHMENT OF DISTRICTS" TO ADD A NEW DISTRICT AND TO CORRECT SECTION REFERENCE NUMBERS IN 4 OF THE OTHER EXISTING DISTRICTS (M-R, M-RM, M-C AND M-P) AND IN THE MATRIX; PROVIDING FOR SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2018-771.)

#### **Ordinance amending Article 16 of the Code of Ordinances entitled "Signs" (second and final reading)**

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

AN ORDINANCE AMENDING ARTICLE 16 OF THE CODE OF ORDINANCES OF THE CITY OF NASSAU BAY, TEXAS ENTITLED "SIGNS" TO MODIFY THE MATRIX TABLE IN SECTION 16-2 ENTITLED "SIGNS PERMITTED; ON-PREMISES SIGNS, SIGNS PERMITTED ACCORDING TO DISTRICT, THE TYPES OF SIGN STRUCTURES THAT ARE PERMITTED IN EACH ZONING DISTRICT ACCORDING TO THE FUNCTIONAL CATEGORY OF SUCH SIGNS" AND TO MAKE CERTAIN CHANGES TO THE TEXT IN SECTION 16-4 ENTITLED "SIGNS

PROHIBITED”; PROVIDING FOR A PENALTY AND FOR SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2018-772.)

**Ordinance amending Article 13-600 of Appendix A (Zoning) of the City Code entitled “Zoning Districts Marine M-R, M-RM, M-C, M-P and M-U” (second and final reading)**

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

AN ORDINANCE AMENDING ARTICLE 13-600 OF APPENDIX A (ZONING) OF THE CITY CODE ENTITLED “ZONING DISTRICTS MARINE M-R, M-RM, M-C, M-P and M-U” TO SPECIFY USES PERMITTED AND PROHIBITED IN CERTAIN DISTRICTS; PROVIDING FOR A PENALTY AND FOR SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2018-773.)

**Ordinance amending Table 11-800.B entitled “Off-street Parking and Loading Standards” contained in Article 11-800 of Appendix A (Zoning) of the City Code entitled “Off Street Parking Regulations” (second and final reading)**

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

AN ORDINANCE AMENDING TABLE 11-800.B ENTITLED “OFF-STREET PARKING AND LOADING STANDARDS” CONTAINED IN ARTICLE 11-800 OF APPENDIX A (ZONING) OF THE CITY CODE ENTITLED “OFF STREET PARKING REGULATIONS” TO ADD STANDARDS AND GUIDELINES FOR PARKING AND LOADING IN MARINE ZONES; PROVIDING FOR A PENALTY AND FOR SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2018-774.)

It was moved by Councilmember Jonathan Amdur, seconded by Councilmember Don Matter, to approve the consent agenda.

Motion passed 7 – 0.

**OLD BUSINESS**

**Ordinance amending Chapter 20, Utilities and Services, establishing water and sewer rates (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 CODE OF ORDINANCES AT CHAPTER 20, UTILITIES AND SERVICES, ESTABLISHING WATER AND SEWER

RATES; PROVIDING DETAILS RELATED THERETO; AMENDING AND REPEALING ORDINANCE NO. O2010-674 and O2015-731 AND PROVIDING FOR SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2018-775.)

Councilmember Don Matter requested further discussion on the water and sewer rate increase, citing the project as necessary for the City's infrastructure. Councilmember Amdur indicated uneasiness about approval, but thanked City Manager Reynolds for his assistance in simplifying the process. He continued by noting hesitation on moving forward on a 15-year long term restructure plan. He stated concern, and did not convey firm belief in the plan for forward progress, motioning to table the action until next meeting. There was no second and the motion failed.

Mayor Denman noted the City has not raised the water rates since 2011. The first priority is to repair the oldest pipes in the City.

Councilmember Bryce Klug noted the same hesitation as Councilmember Amdur. He inquired on the funding mechanism and requested further information on the controls for funding utilization. He stated a need for assurances in how the money would be spent.

City Manager Reynolds remarked on staff's establishment of a plan depicting the replacement of 30 miles of pipeline, which has not been replaced since 1965. This plan tackles the most vulnerable lines. City Manager Reynolds stated if the City proceeds with the first two phases, future Council can evaluate the need for the degree of aggressiveness moving forward.

Councilmember Amdur questioned if most lines need to be replaced, what would happen in six years, after this initial plan. City Manager Reynolds emphasized if the rates are not raised, simply the project cannot be completed. Mayor Denman noted Council is not binding themselves to a 15-year project, as future Council can delegate the options and plan for future water and sewer line replacement.

City Manager Reynolds stated if approved, the plan forward is to complete approximately \$1million of construction per year over 15 years. The City's approach it so to complete three years' worth of construction in one year, with a subsequent two-year break. If the City were to borrow the complete \$15 million needed for the 15-year project now, the City would need to provide the Texas Water Development Board with a plan accounting for the City's ability for complete repayment at the time of the application. This approach would result in large water and sewer rate increases at one time.

Councilmember Klug emphasized a need for assurance of the expenditure of funds borrowed, requesting measurables accounting for the funds spent. City Attorney Gregg agreed measurables could be in place, but cautioned on placing a stipulation on the motion, noting it best practice to make the motion as provided by the professional opinion of the consultant.

City Manager continued by providing details on the current contractor, Lopez Construction, and expects moving forward, the City can capitalize on current pricing. Additionally, he noted the Council directs the budget process and staff will provide Council with periodic

monitoring details. Lastly, he stated the water and sewer budget operates with minimal overage, and any current overages are utilized for annual repairs.

It was moved by Councilmember Don Matter, seconded by Councilmember Matt Prior, to approve the second and final reading of ordinance amending Chapter 20, Utilities and Services, establishing water and sewer rates.

Motion passed 6 – 1, Councilmember Amdur opposed.

## **NEW BUSINESS**

### **Resolution electing Don Matter as Mayor Pro Tem**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS ELECTING A MAYOR PRO TEM PURSUANT TO SECTION 3.05 OF THE CITY CHARTER.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2018-2147.)

It was moved by Councilmember John Mahon, seconded by Councilmember Ashley Graves, to elect Don Matter as Mayor Pro Tem.

Motion passed 6 – 0 – 1, Councilmember Matter abstaining.

### **Resolution authorizing the Mayor to sign an Agreement for Collection Services of Delinquent Emergency Medical Services Accounts with Linebarger Goggan Blair & Sampson, LLP**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AUTHORIZING THE APPROVAL OF AN AGREEMENT FOR COLLECTION SERVICES OF DELINQUENT EMERGENCY MEDICAL SERVICES ACCOUNTS WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2018-2148.)

Senior Account Jaime Vasquez indicated the City previously utilized Intermedix's 3rd party collection contractor AMR for collections on delinquent EMS accounts. Recently, AMR announced they would no longer perform these collections and recommended the City find its own collection agency. The City has been satisfied with the collection services provided by Linebarger for Municipal Court collections, and wishes to engage Linebarger for EMS collection services.

Richard Hill, partner of Linebarger Goggan Blair & Sampson, LLP, provided greater detail on the collection process, noting the firm has 13 EMS collection accounts, including Texas

City. Mayor Denman inquired on the rate of recovery, with Mr. Hill noting their firm's typical rate of 30%, emphasizing EMS collections as difficult, with the recovery rate varying from city to city. Mr. Hill stated his confidence in his firm's process, as they use every effort to increase payment rates. Mayor Denman continued discussion on recovery rates, requesting information on benchmarking rates for the area, with Mr. Hill responding with Texas City and Galveston County Hospital District's rates to be between 25% and 30%.

Councilmember Amdur requested clarification on details of the contract, specifically asking about the write-off process. In conclusion, Mr. Hill stated the City has the ultimate responsibility in the write-off process, with debt returned to the City after five years of unsuccessful collection.

It was moved by Councilmember Jonathan Amdur, seconded by Mayor Pro Tem Don Matter, to authorize the Mayor to sign an Agreement for Collection Services of Delinquent Emergency Medical Services Accounts with Linebarger Goggan Blair & Sampson, LLP.

Motion passed 7 – 0.

**Authorization of the City Manager to sign a contract with Crowder Gulf as the primary contractor for disaster debris removal and Ceres Environmental as the secondary debris removal contractor and Authorization of the City Manager to sign a contract with True North Emergency Management as the primary contractor for disaster debris monitoring services and a contract with Rostan as the secondary debris monitoring contractor**

Emergency Management Coordinator Jamie Galloway advised the action was a formality to renew contracts, with revisions to include FEMA guidance meeting Federal CFR requirements. Mr. Galloway stated the primary contractor selected, Crowder Gulf, has extensive experience in disaster debris removal and was the contractor for the City for Hurricane Harvey.

Mayor Denman requested Council consider agenda items 11.D. and 11.E simultaneously, as they are both formalities and involve the disaster debris process.

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Bryce Klug, to authorize the City Manager to sign a contract with Crowder Gulf as the primary contractor for disaster debris removal and Ceres Environmental as the secondary debris removal contractor and additionally, with True North Emergency Management as the primary contractor for disaster debris monitoring services and a contract with Rostan as the secondary debris monitoring contractor.

Motion passed 7 – 0.

**Resolution authorizing the Mayor or his designee to sign an easement agreement between the City and NASA/Johnson Space Center for the construction of an art feature on NASA Road 1**

Assistant City Manager Mary Chambers was not able to provide further details on the easement agreement, as the agreement has not been finalized and provided to the City. Mrs. Chambers urged Council to approve authorization of the agreement, as to not delay



forward progress of the project. She requested authorization of the City Manager to sign the easement agreement with the stipulation of review by the City Attorney's office.

It was moved by Councilmember Amdur, seconded by Councilmember Mahon, to authorize the City Manager to sign an easement agreement between the City and NASA/Johnson Space Center for the construction of an art feature on NASA Road 1, pending review by the City Attorney's Office.

Motion passed 7 – 0.

**EXECUTIVE SESSION**

Meeting recessed to Executive Session at 8:19 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. §551.072: Deliberations Regarding Real Property – Discussion of Real Estate Matters pertaining to various properties within the City limits.

Meeting returned to Open Session at 8:34 p.m.

**ACTION ITEMS FROM EXECUTIVE SESSION:** None

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:34 p.m.

Minutes approved as submitted and/or amended this 9th day of July, A.D. 2018.



ATTEST

Sandra V. Ham  
City Secretary

CITY OF NASSAU BAY, TEXAS

Mark A. Denman  
Mayor