

**REGULAR MEETING AND PUBLIC HEARING  
CITY COUNCIL  
CITY OF NASSAU BAY, TEXAS  
NOVEMBER 13, 2018  
7:00 PM**

**MEMBERS OF COUNCIL PRESENT:** Mayor Mark Denman, Mayor Pro Tem Don Matter, Councilmembers Ashley Graves, John Mahon, Bryce Klug, Jonathan Amdur, 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, Police Chief Tim Cromie, Fire Chief Tom George, 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 former City Manager and current Port Commissioner of the Port of Houston Authority John Kennedy. The Pledges to the American and Texas flags were also led by Mr. Kennedy.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS**

**Administering Oath of Office by City Attorney Gregg to new Chief of Police Tim Cromie**

City Manager Jason Reynolds welcomed new Police Chief Tim Cromie. City Attorney Dick Gregg, Jr. administered the oath of office to new Chief Cromie. A photo was taken of Mayor Denman, City Attorney Gregg, Jr., Chief Cromie, and City Manager Reynolds.

**Presentation of Diplomas to the Graduates of the 2018 Class of NB101**

Mayor Denman congratulated the 2018 graduates of Nassau Bay 101 and presented certificates of completion to each individual in attendance. Mayor Denman remarked on the dedication of the class and posed for a group photo. Mr. Reynolds also acknowledged the commitment of the graduates and stated this class was the only one of the year.

**Presentation of a Check to the Nassau Bay Volunteer Fire Department by CANBE**

CANBE representatives presented an \$800 check to the Nassau Bay Volunteer Fire Department for the new facility's landscaping. Fire Department President Matt Roper and Fire Chief Tom George accept the check on the department's behalf. CANBE members

also promoted the Legacy Brick and Legacy Bench programs, which allows individuals to purchase a brick or bench in honor of a family member or friend, with proceeds benefiting projects that help the City. A photo was taken of the group.

### **Presentation of a Proclamation for Arbor Day**

Mayor Denman invited Nancee Lynn, President of the Nassau Bay Garden Club, and Garden Club members in attendance to come forward in honor of Arbor Day. Mayor Denman proclaimed Thursday, November 15, 2018 as Arbor Day and stated the proclamation will be formally presented the day of the event. The members invited everyone to attend the ceremony at Howard Ward Park in honor of the planting of two bottlebrush plants. A photo was taken of Mayor Denman, Mrs. Lynn, and Garden Club members present.

### **Presentation by St. Thomas School & the Running Alliance Sport (RAS)**

Terry Frank of the Running Alliance Sport (RAS) expressed appreciation to the City of Nassau Bay for their efforts in making RAS a successful non-profit organization. RAS creates, organizes, and staffs running events, with proceeds of all RAS races benefiting local charities. In particular, the Bridge Over Trouble Waters has been the main beneficiary of the Seabrook Lucky Trail event and the Texas Bridge Series races.

### **Presentation of a Check to Houston Symphony League Bay Area**

Mayor Denman presented a check in the amount of \$1,000 from the Hotel/Motel Tax fund to the Houston Symphony League Bay Area. Representative Jim Moore expressed appreciation to the City of Nassau Bay and noted the importance of the grant funds for providing arts and music exposure to children. A photo was taken of Mayor Denman and Mr. Moore.

### **Presentation of a Check to the Keels & Wheels**

Mayor Denman presented Bob Fuller a check in the amount of \$10,000 from the Hotel/Motel Tax Fund for the annual Keels and Wheels event. Mr. Fuller noted next year's event will honor 100 years of Bentley, as well as feature Lamborghini and Shelby. A photo was taken of Mayor Denman and Mr. Fuller.

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

### **Public Hearing on a request from Dr. Moshe Allon for a Specific Use Permit for Office/Storage Facilities located at TR 9 ABST 13 S Deel (Space Park Drive)**

Planning Commission Chairman Roscoe Lee began his comments by providing a description of Dr. Moshe Allon's request. Chairman Lee indicated Dr. Moshe Allon submitted plans to develop an office/warehouse facility on the triangular empty lot on Space Park Drive, behind the Immediate Care Facility and Shipley's Donuts. As office/warehouse operations are not a listed use in the City's ordinance, a Specific Use Permit (SUP) is required. The Planning Commission and City staff were concerned with the originally proposed design, and additional discussions were held to develop specific requirements for the SUP, as allowed by City Ordinance.

The applicant, Dr. Moshe Allon, is proposing to build 16,000 square feet of office warehouse on a property located along Space Park Drive, northeast of NASA Parkway, adjacent to 1275 Space Park. "Office warehouse" is defined as facilities that offer a small warehouse area with an attached office space. Individual tenant spaces will typically include a minimum of one office space and a small warehouse space that can be accessed via a large overhead door.

Dr. Moshe Allon was invited to address Council on the development and his SUP request. Dr. Allon indicated there is a need in the City for office and warehouse space. Each office would be 10 x 10 ft. Dr. Allon noted a facility of this nature does not currently exist in Nassau Bay. He stated he has previously developed a similar model in Friendswood and is currently working on another in Seabrook. Dr. Allon emphasized this proposed development would not be visible from NASA Parkway. The 15,000 square foot development would not provide for much activity during the day. He acknowledged the concerns regarding the façade of the building and is willing to address those concerns.

**Public Hearing was opened at 7:35 p.m.**

Danny Myers, 18727 Point Lookout, also voiced his concerns regarding the façade of the building. He indicated there is a need for such facility in Nassau Bay, and believes his own business could benefit from the development. He emphasized the need for further restrictions to maintain the aesthetics in the Nassau Bay. He supports the approval of the SUP as a business owner and citizen.

There were no other public comments and the hearing was closed at 7:37 p.m.

**Approval of a request from Dr. Moshe Allon for a Specific Use Permit for Office/Storage Facilities located at TR 9 ABST 13 S Deel (Space Park Drive)**

Planning Commission Chairman Lee provided photos of the originally proposed design, noting the Commission found the visual to be problematic for the City of Nassau Bay. As allowed by Ordinance, the Commission provided several requirements to Dr. Allon for the approval of the SUP. Largely, the Commission highlighted condition #4, which could provide for additional efforts in the façade of the building. Depending on the layout of the building, the front facade of the building shall be stone, brick, stucco or combination thereof. This would provide a similar façade as Nassau Bay Town Square.

Planning Commission Chairman Lee detailed the timeline of events which led to the Commission's recommendation to approve the SUP. At the October 9, 2018 Planning Commission meeting, Commissioners recommended approval with a vote of 5-0.

As this is a Special Use Permit, the City is allowed to place conditions on the property. The recommended conditions for a Specific Use Permit for Office/Storage Facilities located at TR 9 ABST 13 S Deel:

1. The subject property shall have a minimum of 15% landscape open space area to include a continuous line of shrubs screening the parking area from the right-of-way, as well as canopy trees in the parking lot area. There are no existing trees on the property. The 15% requirement does not include sidewalks and parking area. A Landscape Plan shall be submitted for approval along with Building Permit Application.

2. All exterior ground, building, and rooftop mechanical equipment is required to be screened from public view on all sides
3. The only use permitted by this SUP is an office/warehouse building. Business or professional office, Research Laboratory, Light Manufacturing, Prototype Process and Production Plant, Warehousing and Distribution Establishment, Wholesale Establishment are examples of uses that shall be permitted. No heavy retail shall be permitted. Commercial retail or wholesale shall have limited walk-in customers and pick-up. Outgoing deliveries shall primarily be via pick-up by delivery services or by merchant taking merchandise out for delivery.
4. Depending on the layout of the building, the front façade of the building shall be stone, brick, stucco or combination thereof. The sides of the building shall be ¼ masonry and the back of the building shall be metal or masonry. Coloring will be in the earth tone shades.
5. Each office shall be a minimum of 1000 sq. ft. with restroom facilities.
6. Required off-street parking: 2.5 spaces for each 1,000 square feet of floor area or per the requirement of the Parking Regulations based on use.
7. No outside display or open storage at any time, including but not limited to, trailers, equipment, merchandise, business goods and products, or similar items in any area of the establishment is permitted under this use.
8. Each tenant is allowed a sign that shall be uniform in size and placement on the building and shall comply with the Sign Ordinance for the City of Nassau Bay.
9. Uniform lighting is required. Any security lights shall be screened so that they do not shine on neighboring properties or roadways.
10. Storage of hazardous materials shall not be permitted unless approved by the City of Nassau Bay Fire Marshal.
11. Each tenant within the Office/Warehouse complex shall be required to obtain a Business Registration from the City. A tenant without a Permit shall result in a fine for the tenant and the owner.
12. The Special Use Permit shall expire after a period of 12 months beginning upon the date of the adoption of the SUP if no formal application is submitted to the City for development of the site.
13. Construction shall not commence without an approved Building Permit from the City.

Councilmember Jonathan Amdur suggested several typographical corrections, which have been corrected in the above SUP requirements.

Councilmember Matt Prior inquired on the expected tenants for the office warehouse facility, noting a potential of hazardous materials or above average noise levels. Chairman Lee referenced the SUP requirements, noting item #10 does not allow hazardous materials unless permitted by the City. Additionally, the City will have the right to review each tenant moving into the facility, as the City desires each tenant to be an appropriate fit for Nassau Bay. City Manager Jason Reynolds also indicated noise levels are addressed under the City's current ordinances.

Mayor Pro Tem Don Matter inquired on sales tax projections for the facility. Assistant City Manager Mary Chambers stated there are not current projections but referenced a positive discussion with the Friendswood Economic Development Corporation, which has a similar development.

It was moved by Councilmember Jonathan Amdur, seconded by Councilmember Ashley Graves, for the Specific Use Permit for Office/Storage Facilities located at TR 9 ABST 13 S Deel (Space Park Drive) be approved and the permit issued within the parameters set forth by the Planning Commission. Additionally, the SUP would be issued with the typographical corrections made per Councilmember Amdur's suggestions.

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 7:46 p.m.

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

#### **COUNCILMEMBERS' COMMENTS/REPORTS**

Councilmember Jonathan Amdur expressed appreciation to the veterans in attendance. He also congratulated the Nassau Bay 101 graduates and recognized their efforts in learning more about the City. He commented on Halloween in the Park, noting the great turnout. He applauded City staff on another successful Street Eat Party. He continued by welcoming Chief Tim Cromie to Nassau Bay. Lastly, he recognized and thanked Assistant City Manager Mary Chambers, who responded to his call on a Saturday regarding a homeowner attempting to perform unpermitted work.

Councilmember Ashley Graves also welcomed Chief Cromie and recognized the recent Nassau Bay 101 graduates. Councilmember Graves also thanked the Fire Department for their extra efforts in the Fire Station / EMS Facility construction. She voiced her delight in CANBE's donation to the Fire Station / EMS Facility landscaping. Councilmember Graves ended her comments by highlighting Nassau Bay's partnership with Communities in Schools (CIS), as she and Councilmember Amdur recently participated in Space Center Intermediate's career day. She noted CIS continues to collect donations for on-going needs, and those interested in donating can reach out to her for more information.

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

Mayor Mark Denman indicated he would like to hold the January City Council meeting at the new Fire Station / EMS Facility. He continued by complimenting Roscoe Lee on the successful Fall Sweep event. He also expressed appreciation to the Special Events Committee and recognized the veterans in attendance.

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

### **City Manager**

City Manager Jason Reynolds highlighted several events happening in Nassau Bay, including Arbor Day on November 15th and Holiday in the Park on December 8th. He also thanked volunteers and City staff for their roles in another successful Halloween in the Park and Street Eat Party. City Manager Reynolds stated the Christmas tree would be set-up in the coming week.

City Manager Reynolds continued his report by providing details on the two homes recently ordered by City Council for demolition. Regarding 18502 Capetown, Mr. Reynolds noted proposed buyer Joe Koronowski is scheduled to finalize closing proceedings on November 14, 2018. He noted there continues to be unauthorized individuals on the property, with all calls on these incidents being forwarded to the Nassau Bay Police Department for processing.

Regarding 18223 Cape Bahamas, City Manager Reynolds noted progress, citing the next step in the process involves seeking court approval to send a citation. He emphasized the City remains vigilant in the process to condemn and demolish the home. Councilmember Bryce Klug inquired whether the attorney which previously attended the September 11 and October 8 Council meetings could be served with the citation. City Attorney Dick Gregg, Jr. noted this attorney to be a representative of the bank seeking foreclosure proceedings on the home, not the owner of the property.

### **Fire Department**

Fire Department President Matt Roper presented the Fire Department's October status report, noting the Department responded to 35 calls with 1,338 man hours. Current membership stands at 38 members, with 33 members categorized as responders, and 3 categorized as special assignment. He anticipates two additional members will be voted in at the upcoming department meeting.

Mayor Denman recognized the hard work of the department, and specifically acknowledged the efforts of President Matt Roper and Fire Chief Tom George in leading the department through the construction phase.

### **Parks & Recreation**

Parks and Recreation Committee Chairman Roscoe Lee summarized Keep Nassau Bay Beautiful (KNBB)'s recent Fall Sweep Event on November 3rd. He began his comments by recognizing the Nassau Bay Garden Club for their beautification efforts in several events before and after the Fall Sweep. At the Fall Sweep event on November 3rd, 43 volunteers, including several volunteers from outside the City, joined KNBB to clean-up Swan Lagoon Park, David Braun Park, Founder's Park, the Berm Trail and creekside, and

Howard Ward Park. He expressed appreciation to Public Works Director Paul Lopez and his team who supported the event.

## CONSENT AGENDA

The Consent Agenda listed the following items for approval:

### **Approval of Minutes of Regular Meeting on September 10, 2018**

### **Approval of Minutes of Special Meeting on September 17, 2018**

### **Approval of Minutes of Regular Meeting on October 8, 2018**

### **Approval of the Economic Development Corporation Minutes of August 6, 2018 as approved on October 29, 2018 and the EDC Annual Report for Fiscal Year 2017-18 as approved by the EDC at its meeting held on October 29, 2018**

### **Approval of a resolution appointing Michael Stuehrk to the Parks & Recreation Committee**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, APPOINTING A MEMBER TO THE PARKS & RECREATION COMMITTEE

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2018-2159.)

### **Approval of a resolution reappointing James Edwards to the Harris-Galveston Subsidence District**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, REAPPOINTING JAMES EDWARDS TO THE HARRIS-GALVESTON SUBSIDENCE DISTRICT

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2018-2160.)

It was moved by Councilmember Ashley Graves, seconded by Councilmember Matt Prior, to approve the consent agenda.

Motion passed 7 – 0.

## NEW BUSINESS

### **Approved action on the First Amendment to License for Building Space from GTE Mobilnet of South Texas Limited Partnership d/b/a Verizon Wireless for lease renewal at 97 Surf Court**

Assistant City Manager Mary Chambers indicated the City has renegotiated the contract with Verizon from \$1,200 per year to \$1,200 per month. The contract allows for lease of space for a cell tower at 97 Surf Court. The new contract is for 5 years at \$1,200 per month. In addition, as the City moves forward on similar contracts, Assistant City Manager Chambers noted she would bring forward a cell tower ordinance in January for Council review.

It was moved by Councilmember Jonathan Amdur, seconded by Mayor Pro Tem Don Matter, to approve the First Amendment to License for Building Space from GTE Mobilnet of South Texas Limited Partnership.

Motion passed 7 – 0.

**Approval of the 2017 Annual Report for the City of Nassau Bay Reinvestment Zone Number One**

Assistant City Manager Chambers provided an overview of the 2017 Tax Increment Reinvestment Zone (TIRZ) Number One Annual Report, with no significant changes from the previous year report. Mrs. Chambers indicated a growth in appraised value from base year 2007 to present (2017) of \$144,670,674. Mrs. Chambers noted the TIRZ Board has adopted this Annual Report, and after Council acceptance, the report will be submitted to the State Comptroller and the Office of Attorney General.

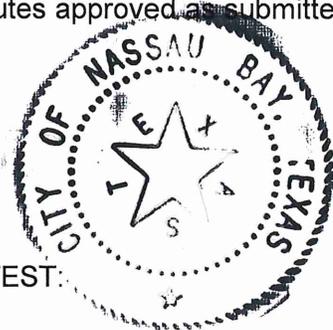
It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Ashley Graves, to approve the 2017 TIRZ Annual Report.

Motion passed 7 – 0.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:21 p.m.

Minutes approved as submitted and/or amended this 10th day of December, A.D. 2018.



ATTEST

Sandra V. Ham  
City Secretary

CITY OF NASSAU BAY, TEXAS

Mark A. Denman  
Mayor