

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
November 9, 2015
7:00 PM**

MEMBERS OF COUNCIL PRESENT: Mayor Denman, Councilmembers Harry Dollar, John Mahon, Bryce Klug, Jonathan Amdur, and Bob Wartens.

MEMBERS OF COUNCIL ABSENT: Sandra Mossman (*teleconferenced in via FaceTime at 7:28 p.m.*)

OTHER CITY OFFICIALS PRESENT: City Attorney Dick Gregg, Jr., City Manager Chris Reed, Assistant City Manager Mary Chambers, City Secretary Marisela Garcia, Finance Director Csilla Stiles, Police Chief Joey Cashiola, Public Works Director Paul Lopez, Fire Chief Tom George, Human Resource Administrator Isela Castillo, Communications Director Kristi Sykora, Planning Commission Chair Roscoe Lee, and Parks Committee Chair Buck Gay.

PRESIDING: Mayor Denman.

CALL TO ORDER AND ROLL CALL OF MEMBERS

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

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

The invocation was given by Pastor Al Scholz of Gloria Dei Lutheran Church.

Vincent Berend read a brief synopsis of what a veteran was and asked all veterans in attendance at the meeting to stand and be recognized. The Pledges of Allegiance were led by all the veterans who were in attendance at the meeting. Mayor Denman posed for a photo with them.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

Check Presentation to Houston Symphony League Bay Area

Mayor Denman presented Donna Stoa, Dana Puddy, and Nina McGlashan a \$1,000 check for the Houston Symphony League Bay Area. Ms. McGlashan thanked the City for the funding and noted that the funding would be used for music programs for children from kindergarten through fifth grade. She briefly spoke about the home tour which includes two homes in Nassau Bay. Funds came from the Hotel/Motel Fund.

Check Presentation to Bay Area Houston Ballet & Theatre

Mayor Denman presented Diane Yonkers and Cindy deMasi a \$1,000 check for the Bay Area Houston Ballet & Theatre. Ms. deMasi thanked the City and gave an overview of the event and invited everyone to the Nutcracker. Funds came from the Hotel/Motel Fund.

Check Presentation to Keels & Wheels Concours d'Elegance

Mayor Denman presented Bob Fuller a \$10,000 check for the Keels & Wheels. Mr. Fuller thanked the City and gave an overview of the event noting this marked their 21st annual event. Funds came from the Hotel/Motel Fund.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

No public hearing was held.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

There were no citizens requesting a hearing before City Council.

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Warters commended City staff for getting through the rain events and no homes were flooded.

Councilmember Klug reminded citizens that Beautification day was Saturday, November 14 and encouraged everyone to participate.

Mayor Denman echoed Councilmember Warters comments regarding the fact that no homes had been flooded and the great strides former Councilmembers and City staff have made with infrastructure to assist in keeping flooding to a minimum. Mayor Denman encouraged citizens to join in the events of Beautification Day.

REPORTS FROM STAFF MEMBERS & COMMITTEES

COMMITTEES

City Manager

City Manager Reed introduced new City Manager Jason Reynolds noting he would be taking over in December.

Mr. Reed reminded everyone of the upcoming Party on the Plaza entitled Street EatZ with the best gourmet food trucks in Houston. He stated the featured entertainment would be Jake Worthington from 6 pm – 10 pm.

Fire Department

Fire Department President Roper reported there were currently 42 members. The members logged 1,023 standby man hours at the station in October with 30 calls.

CONSENT AGENDA

Mayor Denman pulled the October 12, 2015 minutes off Consent Agenda due to an action for executive session not being included on the minutes.

The Consent Agenda listed the following item for approval:

- B. Resolution amending the interlocal agreement between the City of Nassau Bay and the Harris County Fire Marshal for the sale of a pumper fire apparatus correcting an error in the recording of the VIN number of the pumper truck sold in March 2015**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AMENDING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF NASSAU BAY AND THE HARRIS COUNTY FIRE MARSHAL FOR THE SALE OF A PUMPER FIRE APPARATUS CORRECTING AN ERROR IN THE RECORDING OF THE VIN NUMBER OF THE PUMPER TRUCK SOLD IN MARCH 2015

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2015-2050.)

It was moved by Councilmember Amdur, seconded by Councilmember Dollar, that the above item on the Consent Agenda be approved.

Motion passed 6 – 0.

NEW BUSINESS

Approval of a resolution of the City Council of the City of Nassau Bay, Texas, casting its ballot for the election of a person to the board of directors of the Harris County Appraisal District

Mayor Denman gave an overview of the item noting this was a housekeeping item and this was casting a ballot for Ed Heathcott for a nomination that the City Council had previously made.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2015-2049.)

It was moved by Councilmember Warters, seconded by Councilmember Amdur, to approve the resolution casting its ballot for the election of Ed Heathcott to the Board of Directors of the Harris County Appraisal District

Motion passed 6 – 0.

Approval of the TIRZ Annual Report

Assistant Manager Mary Chambers presented the 7th annual TIRZ report noting it was required by Chapter 311 of the Texas Tax Code. The City remains the only participant in the TIRZ and contributes 90% of the tax rate. Mrs. Chambers noted once the report is received and accepted by City Council it will be forwarded to the State Comptroller's Office and other state agencies as required by law.

Mayor Denman indicated the TIRZ is functioning as planned and doing really well.

It was moved by Councilmember Warters, seconded by Councilmember Klug, to approve the TIRZ annual report.

Motion passed 6 – 0.

Selection of an architectural firm for the design of the Fire/EMS Facility

Councilmember Mossman was teleconferenced in via FaceTime at 7:28 p.m.

Fire Chief Tom George gave an overview of the item noting the Fire Department and staff had been working on this item for about a year. Mr. George stated a request for qualifications was sent out and six architects submitted proposals by the required deadline. Each submittal was reviewed and scored by eight evaluators and submitted to the City Secretary who averaged their scores. The architect scores were read in order from highest to lowest: Randall Porterfield: 94.5; Brown Reynolds Watford Architects: 94; Joiner Architects: 83.88; PGAL Architecture: 77.63; NATEX Architects: 61.63; English & Associates: 56.38.

Mayor Denman commented on the significant variation in scoring between evaluators.

It was moved by Councilmember Warters to approve NATEX as the architectural firm for the design of the Fire/EMS facility, seconded by Councilmember Klug.

Councilmember Amdur agreed that there was significant variation in scoring amongst evaluators in numeric rating but it was pretty consistent that Randall Porterfield scored the highest amongst most of the evaluators and Brown Reynolds scored the highest with the one or two that did not. Mr. Amdur made mention of the task force that had previously discussed the Fire/EMS facility and suggested that Council revert this item back to them and have them review in depth and come back to Council with some recommendations.

It was moved by Councilmember Amdur to table the item to have the public safety task force committee review the item.

Councilmember Klug shared in the bewilderment on the scoring discrepancies. Mr. Klug believes there were three or four of the firms that could easily build a fire department. Staff has done a great job preparing the request for qualifications and City Council can make an informed decision.

Discussion ensued regarding the RFQ process and visits to the current Fire/EMS Facility by the firms submitting the proposals. Fire Chief George indicated Brown Reynolds Watford, Joiner Architects, and Randall Porterfield. He discussed changes that have occurred in the Fire Department throughout his tenure with the Fire Department.

Councilmember Amdur's motion died due to the lack of a second.

Councilmember Amdur commented for the record that it is irresponsible. He would vote against it, not a vote against NATEX, it was a vote against ignoring the process of the RFQ, without any discussion on it whatsoever, simply because somebody who did bid lives in Nassau Bay. It looks horrible. He would like to have more discussion.

Councilmember Mahon stated he is in favor of seeing John Haugen receive the work but has a hard time with the facts that were delivered that NATEX would be chosen over firms that have scored very well with the appointed evaluators. Mr. Mahon did not feel comfortable voting for NATEX given those scores without further discussion.

Mayor Denman reiterated that John Haugen has been a fireman for the City of Nassau Bay for over 20 years. His firm has built seven fire stations. All these firms are outstanding.

Mayor Pro Tem Mossman noted that all six firms were well qualified to design a fire station. Their reference checks have shown to work well with their clients and been within the budget in all respects. Mrs. Mossman has personally worked with Mr. Haugen through CCISD and they will meet the needs of staff and feels strongly that he will do a terrific job. He has been a lifelong member of the Nassau Bay community.

Councilmember Dollar commented that he too struggled with the scoring disparity noting the top two were scored pretty evenly. He hypothetically proposed whether they would still be choosing NATEX if they did not know Mr. Haugen.

It was moved by Councilmember Amdur to table the item for one month, seconded by Councilmember Mahon.

Motion to table failed 3 – 4, Warters, Klug, Mossman, Denman opposed.

Motion to approve NATEX passed 4 – 3, Amdur, Mahon, Dollar opposed.

Councilmember Mossman was no longer presented at the meeting. 7:58 p.m.

OLD BUSINESS

Approval of writing off uncollectible accounts receivable aged 360 days or older as identified in the June 30, 2015 Write-Off Report

Finance Director Stiles gave an overview of the item noting that out of the 571 accounts 451 of them were residents which accounts for 80%.

Councilmember Klug thanked staff for the additional information that had been provided. Mr. Klug would like to see what the collection policy would be in the future.

Mayor Denman suggested a task force be formed to discuss a collection policy.

It was moved by Councilmember Klug, seconded by Councilmember Dollar, to approve the writing off of uncollectible accounts receivable aged 360 days or older as identified in the June 30, 2015 write-off report.

Motion passed 6 – 0.

EXECUTIVE SESSION

Meeting recessed to Executive Session at 8:01 p.m. with Mayor Denman reading from the posted agenda the following topic to be discussed in Executive Session:

1. §551.074 Personnel – Discussion regarding the terms of an employment contract for the City Manager.
2. §551.074 Personnel – Discussion regarding the compensation, terms and conditions of an employment contract for the Assistant City Manager.
3. §551.071 Consultation with Attorney – Discussion of pending litigation Ray Barrett v. City of Nassau Bay.
4. §551.074 Personnel – Discussion of a short term consulting agreement with the outgoing City Manager.

Meeting returned to Open Session at 8:42 p.m.

ACTION ITEM(S) FROM EXECUTIVE SESSION

1. **Consider and take action regarding personnel matters as discussed in Executive Session. – City Manager**

It was moved by Councilmember Warters, seconded by Councilmember Dollar, to move forward as discussed on the City Manager contract as discussed in executive session.

Motion passed 6-0.

2. Consider and take action regarding personnel matter as discussed in Executive Session. – Assistant City Manager

It was moved by Councilmember Amdur, seconded by Councilmember Mahon, to approve the contract for the Assistant City Manager as discussed in Executive Session.

Motion passed 5-1, Klug opposed.

Councilmember Klug stated he supports Assistant City Manager Chambers continued long term employment with the City of Nassau Bay but does not want to set precedent by providing a contract for anyone below a City Manager level.

3. Consider and take action regarding litigation matter as discussed in Executive Session.

It was moved by Councilmember Amdur, seconded by Councilmember Mahon, direct the City Attorney to take action on pending litigation item as discussed in Executive Session.

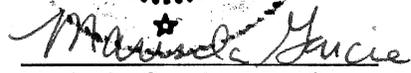
Motion passed 6-0.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:46 p.m.

Minutes approved as submitted and/or amended this 14th day of December, A.D., 2015.




Marisela Garcia, TRMC
City Secretary

CITY OF NASSAU BAY, TEXAS



Mark A. Denman
Mayor