

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
July 11, 2016
7:00 PM**

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

MEMBERS OF COUNCIL ABSENT: Mayor Pro Tem Mossman and Councilmember Harry Dollar.

OTHER CITY OFFICIALS PRESENT: City Attorney Dick Gregg, Jr., City Manager Jason Reynolds, City Secretary Marisela Garcia, Assistant City Manager Mary Chambers, Finance Director Csilla Stiles, Police Chief Kenneth Campbell, Fire Chief Tom George, Communications Director Kristi Sykora, Public Works Director Paul Lopez, and Planning Commission Chair Roscoe Lee.

PRESIDING: Mayor Mark 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 Father Wencil Pavlovsky of St. Paul the Apostle Catholic Church.

The Pledges of Allegiance were led by a Nassau Bay Nauticats Head Coach Kyle Mahon, Champ Meet Swimmer Grace Smith and Co-Coach Sonia Hamner. Mayor Denman gave the swimmer and coaches a Certificate of Appreciation and posed for a photo with them.

Mayor Denman made the announcement that the EDC appointments would be moved until after Executive Session if there was no objection from any Councilmember; there being no objection, the item was moved.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

Presentation of Film Friendly Texas Certificate by the Texas Film Commission.

Lindsey Ashley, Senior Production Consultant with the Texas Film Commission presented Nassau Bay with a Film Friendly Certificate of Completion and welcomed us to the statewide network of more than certified 90 communities. Communities that are Film Friendly Certified are part of a program that provides ongoing training and guidance to community leaders to effectively market their communities as filming destinations and how to accommodate on location production activity. The Texas Film Commission will also market Nassau Bay and its assets free of charge and our behalf. Being a part of the Film Friendly community helps Nassau Bay be "camera ready." She congratulated Nassau Bay on receiving their certification and welcomed us into the "Film Friendly Family." Mayor Denman posed with Ms. Ashley for a photo and received the certificate.

Nassau Bay 101

Assistant City Manager Mary Chambers informed everyone that Nassau Bay 101 would be on August 18 and would be a six week course on Thursday evenings from 6 pm – 8 pm with a light meal provided. She indicated applications were available online at www.nassaubay.com or at City Hall. The intent of Nassau Bay 101 is to give residents the ability to learn about every facet of their city government and making yourself available to serve your community on boards, commissions, and task forces. The deadline to apply would be August 4.

Mayor Denman encouraged those who might be interested in to consider attending this next class. We need a minimum of 10 members to participate in the class.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

No public hearing was held.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

No citizens requested a hearing before City Council.

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Warters stated the 4th of July event was great and appreciated all the effort that was put in to make it that way.

Councilmember Amdur recognized that at the June Council meeting a moment of silence was held in recognition of the victims of an act of atrocity that took place in Orlando and expressed his sympathies to the five Dallas police officers and their families who were recently impacted by the sniper who killed those officers. Mr. Amdur also agreed that the 4th of July parade went off well. The events before the parade were fun but the parade itself was wonderful and it was really nice to have Representative Paul and the veterans. The true stars were the Public Works staff and the Police Department beginning early morning and into the evening along with Kristi Sykora. Mr. Amdur noted Sgt. Graham, who has announced his retirement, will be greatly missed. He once again thanked Public Works staff for their hard work and dedication when it came to working late into the night while working on water main breaks so that residents can have water come daylight.

Councilmember Klug stated the Financial Task Force met with the goal of trying to find some solutions to get our balance sheet aligned to where we can fund certain things like building the fire department and maximizing the financial potential the city has and will be meeting again soon.

Councilmember Mahon reiterated that Dallas has been on all of our minds this past week. Our hearts go out to them and our own police force and extend our appreciation to our own police force the comfort we have living in the neighborhood that we do. The 4th of July parade was another wonderful day and we saw numerous folks enjoying themselves in Nassau Bay and thanked everyone involved in making the event happen.

Mayor Denman echoed the sentiments of Councilmembers Amdur and Mahon on our police force but also the special events. He noted credit should go to Stacey Amdur and the great job she and the special events volunteers; without them these events would not

happen. He asked Councilmember Amdur to thank her on his behalf. Mayor Denman stated Sgt. Graham has been a great servant to the City of Nassau Bay and we are saddened to see him leave. He has been a great officer. He read a brief note from Sgt. Graham: "Leaving the City of Nassau Bay is far going to be the hardest decisions in my career. During my time with the City I have not only been blessed with working with all the employees of the City but have grown to have many deep relationships with the community that I can say I truly have loved and will miss."

REPORTS FROM STAFF MEMBERS & COMMITTEES

COMMITTEES

City Manager

City Manager Reynolds thanked staff for the 4th of July event. He encouraged more residents to get involved in the water fights.

City Manager Reynolds thanked Public Works for their work on the water main breaks and how quickly they are getting out there and getting them fixed.

He reminded everyone there will be a Street Eatz event on August 13 with food trucks and a live band.

Fire Department

Fire Department President Matt Roper reported the members logged 956 standby man hours and 42 calls at the station in June. Membership is at 42 members. This calendar year they are looking at setting a record for calls run and need every member they can get.

CONSENT AGENDA

The Consent Agenda listed the following items for approval:

- A. Approval of Minutes
 - 1. Regular Meeting on June 13, 2016; and

Ordinance amending Section 3-8 "Dangerous and/or Vicious Animal"

The caption of the ordinance reads as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 3-8 OF THE NASSAU BAY CODE OF ORDINANCES TO UPDATE THE PROVISIONS PERTAINING TO A DANGEROUS DOGS TO MAKE THESE PROVISIONS CONSISTENT WITH CHAPTER 822 OF THE TEXAS HEALTH AND SAFETY CODE CONTAINING A REPEALING PROVISION AND A SEVERABILITY PROVISION; AND PROVIDING AN EFFECTIVE DATE HEREOF

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2016-743.)

Ordinance amending and combining Sections 3-3 and 3-4 “Animals at Large”

The caption of the ordinance reads as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, FOR THE PURPOSE OF AMENDING SECTIONS 3-3 AND 3-4 OF THE NASSAU BAY CODE OF ORDINANCES TO COMBINE THESE SECTIONS INTO ONE SECTION THAT ADDRESSES ANY ANIMAL AT LARGE ON ANY TYPE OF PROPERTY OTHER THAN ON THE OWNER’S REAL PROPERTY, MOTOR VEHICLE, GOLF CART OR BOAT AND FURTHER TO EXPAND THE DEFINITION OF FENCING TO INCLUDE VIRTUAL FENCING AND PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED A SUM NOT TO EXCEED THE MAXIMUM ALLOWABLE BY LAW PROVIDED HOWEVER THE MINIMUM FINES SHALL INCREASE FOR REPEAT OFFENSES OCCURRING WITHIN A TWO YEAR TIME PERIOD FROM THE PRIOR OFFENSE AND EACH DAY OF VIOLATION SHALL BE DEEMED A SEPARATE OFFENSE; CONTAINING A REPEALING PROVISION AND A SEVERABILITY PROVISION; AND PROVIDING AN EFFECTIVE DATE HEREOF

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2016-744.)

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

Motion passed 5 – 0.

NEW BUSINESS

Award Bid for Landscaping and Grounds Maintenance to Landscape Professionals of Texas.

Public Works Director Lopez gave an overview of the item indicating this was to award the bid to Landscape Professionals of Texas in the amount of \$94,416. He stated they have been our landscaping contractors for the last three years and have not had any problems with them. They were not the lowest bidder but are very professional and do a great job for the residents. He gave a brief explanation as to why the lowest bidder was not awarded the contract noting they were not able to be contacted. Mr. Lopez recommended awarding the contract to Landscape Professionals of Texas. Mr. Lopez also stated the bid amount did not increase from the previous bid from 2013 even though other items were added to the scope of work.

Brief discussions was held regarding the method of contact with lowest bidder. City Secretary Garcia indicated she had researched the company and found a contact number and left a message and did not receive a call from either that number or the number left from the mandatory pre-bid conference. No contact information was provided on the bid submittal.

It was moved by Councilmember Amdur, seconded by Councilmember Warters, to award the bid for landscaping and grounds maintenance to Landscape Professionals of Texas in the amount of \$94,416 as bid.

Motion passed 5 – 0.

Presentation and consideration of action on recommendation by Parking Committee

Councilmember Warters gave a presentation on the parking problem in Nassau Bay. The Parking Committee is comprised of Councilmember Warters, Councilmember Klug, Ashley Graves, Dan Fast, Jerry Newberry, Jim Edwards, and Steve Leth. Mr. Warters displayed various photographs throughout the city exhibiting the parking problem. He discussed why overnight parking was a problem, why people park on the street, and the possible solutions. Mr. Warters provided the Task Force's recommendations as follows:

- No overnight parking on public streets
- Parking ban from 2:00 a.m. to 4:00 a.m.
- Six one week permits per year similar to RV parking permits
- New ordinance to cover the entire city
- 6-month rollout
 - Market to citizens
 - Program setup
 - No citations, no fines
- In full effect after six months
 - Citations, fines \$30.00 plus court costs

Councilmember Warters stated there were nearby cities which had overnight parking bans which included Taylor Lake Village, El Lago, and Clear Lake Shores.

Ashley Graves and described her experience with an overnight parking ban. She indicated she had previously lived in Clear Lake Forrest where there is an overnight parking ban and it is not always ideal but overall the experience was good. There was a sense of security knowing that any car on the street in the middle of the night was going to get a little more attention from the police. Most of the issues of overnight parking were pretty easy to solve. She noted with the parking ban in place during Hurricane Ike there were a lot of people coming in and out of the neighborhood that had not been in there before. The parking ban eased the fears with all the people that were loitering around the neighborhood. From a professional standpoint she recommended a parking ban for a positive relationship with property value and from a personal standpoint as a parent in the neighborhood and someone who walks dogs and has children and believed it was important to find a solution to these cars that are sitting in the street constantly and make streets clear for any emergency situation and enjoy the benefit of clear streets day and night.

Councilmember Warters noted that the Queens Court area was heavily populated at night with parked cars but indicated it is a private road and does not belong to the City. Any ordinance that is passed in the City will not affect that street.

Councilmember Warters made the motion that Council direct staff to prepare an ordinance basically following the recommendations that the Parking Committee has made and present it to the City Council no later than the October Council meeting, seconded by Councilmember Klug.

Dr. Stephen Tying, 153 Surf Court, agreed that traffic on Surf Court does impede not only emergency vehicles but also the daily delivery of mail, trash pickup, residents walking the dogs, etc. There are several oversized vehicles parked on the street on a regular basis which lessens the curbside appeal of the homes and lowers the property values and gives the neighborhood a very transient appearance and encourages the transformation from a single family dwellings to multiple tenant. Some of these cars are abandoned, leak oil, park onto the grass, and destroy the grass with the tire tracks. I and my neighbors on Surf Court can testify to the amount of trash that is discarded from these vehicles which in turns flows downhill with all the water and clogs the exit of the water and increases the flooding potential. The residents of Surf Court spend a lot of time picking up trash and would love to have less trash.

David Tomasi, 157 Surf Court, stated he has lived in front of that apartment complex 25 years and never had an issue. About six months ago he came home and there had been a "no parking without a permit sign" placed across the street. If they are living there at the apartment complex they should have a permit to park. If you go at any given time there are several empty parking spots at the apartment complex. There are people living inside the vans, people having sex, and they are afraid of going outside of their homes. He would like to see something done about the parking issue.

Patty Lee, 153 Surf Court, feels as if they live in a slum. There have been instances where people have been picnicking on David's yard behind the grass and posing for a family picture. People go fishing on the empty lot on private property. She feels very unsafe in her neighborhood. She stated she called the police when the people were picnicking on David's yard but was told they would need to hear from David since she did not own the property.

Tracy Ramsey, 2017 Harbour Drive, sympathized with her neighbors on Surf Court but did not agree that one solution would fit all of Nassau Bay. She noted no one had taken into consideration she had four grown adult children that she encourages to come stay with her at any time and as far as the too many toys, that comes with the type of community Nassau Bay is.

Carol Stucker, 18821 Winward Lane, voiced her concern with only one solution fitting all. She sympathized with what the neighbors on Surf Court were saying and would also be upset if she found trash in her street every night but at the same time she lives in a neighborhood where there are very limited driveway positions. She has two cars and her son has a car and the only place her son could park would be on the street and she is not willing to tell her son not to be at her house from 2 am – 4 am. She appreciates the amount of work the committee has done but also submits that the committee has not provided statistics to prove that it is unsafe and reduces property values. She agrees that

Surf Court does have a parking problem but does not agree that it is a one solution problem. Our city has many different types of residences, single family, townhomes, and apartments.

Ian Naumann, 1401 Basilian Lane, indicated that the police department was very articulate in finding bad spots or crime that was happening. He did agree that a one solution parking ban would not be influential to a lot of the homeowners in Nassau Bay. He suggested a quick solution for the city would be the rose sticker which is issued to citizens to allow re-entry during hurricanes or tropical depressions as an identifier of who belongs in Nassau Bay and who does not.

Ernest Artiz, 1773 Saxony, noted he had previously communicated some of the issues with Queens Court with Mr. Reed. He stated some of the real estate development predates the incorporation of Nassau Bay and legal issues are involved. There are problems areas and solutions should be crafted to include apartments, single family homes, and multi-use areas. He suggested crafting a solution that carefully addresses the issue because you may leave people without no place to park because they do not have an option or bring lawsuits and litigation.

James McGee, 1608 Saxony, reiterated one solution did not fit all and will not work. Queens Court is the area that comes up with the most number of cars on the chart parked regularly. He feels for the residents on Surf Court and a solution should be crafted to handle those problems areas and not a broad statement for the City as a whole.

Vincent Blair, 18727 Martinique Drive, agreed the solution presented does not fit his household due to there being multiple adults who drive living in their residence. It is a matter of convenience to be able access their vehicles without having to move a bunch of vehicles. Mr. Blair stated this solution does not work his household and there are other solutions that have been suggested and could be implemented.

Karen Blumentritt, 1423 Kingstree Lane, agreed the committee had done a lot of research but was very one sided. She suggested speaking with the apartment owners before crafting a solution to the parking problem. They can control some of the residents or they can be fined. You do not punish all for the few.

Councilmember Amdur made the motion to table Councilmember Wartens motion pending an opportunity, if they so choose to, for the Parking Committee to take into account what the citizens had said and alter, tweak, or re-route their recommendations before instructing city staff to come up with a solution based on those suggestions.

Brief discussion was held regarding the main motion. Councilmember Wartens stated there was no new information brought up that was not previously discussed in detail in their deliberations and there is nothing more that the committee can do to present to the City.

Councilmember Amdur withdrew his motion to table this item.

Councilmember Mahon stated there were numerous residents of Nassau Bay who posed varied opinions that were not shared with the task force and was not sure how city staff is being directed to come up with multiple solutions and requested clarification.

City Manager Reynolds explained this motion would have city staff start over from scratch. This would call for a public hearing, gather citizen input, take into account the committee's recommendations, and prepare solutions with that information.

Councilmember Amdur did not agree that this should be put on staff's shoulders and the Council should give staff the general direction instead of a soft nudge in one way. Council should decide whether they will ban parking or not and instruct staff to craft the wording of the ordinance and figure out the logistics within that general guidance.

Councilmember Klug clearly noted that there would be a meeting in October and an ordinance with two readings and an approval to carry forward a request for a resolution to be drawn is not signifying that it is going to pass. There will be two more meetings, at the earliest, October, that gives ample time for the community to reach out to all the elected officials to make the opinions known and distribution of more information can be forthcoming.

City Attorney Gregg reiterated two readings would be necessary and there will be no ordinance until the second reading passes in whatever form it passes.

Councilmember Klug read his comments for the record as follows:

Mayor, fellow councilmembers, city staff and Nassau Bay citizens: With every political fabric in my body, the political calculus on this votes is an easy no. Sure there are issues with parking in the city – but the path of least resistance – the answer that will not upset the apple cart – the political wise move would be to do nothing. Truth be told, tackling this issue has no favorable outcome, politically speaking.

There is a problem, however, with parking in the city:

As explained, apartments have air BNB tenants – with temporary workers who are looking for cheap housing while on a job site, 5-7 people, with their individual vehicles, will bunk in one apartment. The result is spill over parking in the street. The city is powerless to restrict this.

Owners of work trucks use residential streets as commercial vehicle parking. In one well documented instance, the owner of the vehicle moves the truck forward or backward an inch or two every day or so – this allows the vehicle to essentially stay parked, but because it was moved, ever so slightly, the city is powerless to fine.

Many corridor streets in Nassau Bay are taken from 2.5 lanes to 1 lane when vehicles are parked on both sides of the street. This creates congestion, this creates a less safe pedestrian pathway, and this creates slower passage for emergency response vehicles. The city is powerless to restrict this.

Any action taken, any new restrictions proposed, or any ordinance considered to address these issues is going to come at the expense of a citizens; at the cost of unattractive street parking signs; at the expense of city staff time, etc. Those citizens, who are inconvenienced by any new action, will be the most vocal in opposition – and thus this is an unwise political topic to discuss.

It is my belief that the citizens want best practices and decisions made on analytics, not politics. The question we have to ask ourselves, is this: Is it better to listen to the loudest voices in favor or opposition? Or to analyze, does this committee have what is best for the city?

For example, if a resident is in the habit of parking in the street, has a full garage with personal effects and no room for vehicles, it is likely that the burden put upon the citizen to not street park is acutely felt and thus the opposition to an ordinance will be the loudest. On the other side of the coin, a family walking on less congested streets, with less scenarios of cars parked on both sides of the street, without the worry of two direction traffic squeezing down to one lane, added to this scenario pedestrians attempting to safely navigate through, the family will be benefited – but will the benefit be of more safety and less clutter in the streets for a pedestrian outweigh the loud voices of opposition?

Another example, less congested streets tend to increase the value of houses. If an individual citizen's home value increase an extra .5% a year will that citizen identify the increase and pour heaps of praise to the authors of a parking resolution? It seems unlikely that will occur, the aggregate value and safety could outweigh the opposition.

What must be done is to analyze the aggregate benefit to the citizens versus the aggregate burden. It is my belief that burden placed on the citizen of doing nothing far outweighs the burdens placed upon the citizenry to comply with a parking ordinance.

There are a couple of central tenets of my support of this ordinance as follows:

- *Minimal incremental staff time*
- *Minimal signage throughout the city (no point in reducing car clutter and introduce sign clutter)*
- *The ability of citizens to have visitors throughout the year*
- *The ability of citizens to be able to service their RV's and boats for a reasonable amount of time*
- *Simplicity of rules*
- *Flexibility; There will be a six month delay in the ordinance. As wrinkles emerge the City should be able to respond in a common sense manner to those wrinkles. Some of those are easy to predict now and some we will not be able to predict.*
- *Extended lead time (six months of education before the fining takes effect)*

Councilmember Klug thanked Ashley Graves, Dan Fast, Jerry Newberry, Jim Edwards, Steve Leth for their work on plotting where these things are occurring. He stated he went onto the committee not wanting a citywide ban and after honing it out on various dates and with data, this appears to be the most consistent and fair solution across the city. There are other areas nearby that have the same ban.

Councilmember Klug made a motion to amend the original motion and asking staff to come back with an ordinance in which the committee's recommendations are carried out as a general outline as version number one and other versions if needed; seconded by Councilmember Wartens.

Councilmember Amdur thanked the task force for the time and thought they put forth into their recommendation to City Council but believed the problem was misdiagnosed. There are four homes this problem pertains to on Surf Court and are clearly not representative of the homes they moved into at the time they did. As for the remaining homes, the majority of them were either built in the 1960s or maintain the characteristics from the 1960s where you had one or two drivers. You have homes that were built to accommodate one to two cars and that does not fully represent the face of the average Nassau Bay home right now. Everyone who moved into Nassau Bay knew at the time that they moved in that there were moving into a neighborhood that had relatively narrow streets with majority narrow driveways. The example of the home on Antigua where the truck that does not work is pushed back and forth a few feet and the home most directly impacted is a home with a husband and wife and four kids. The kids are rather young at this time but will ultimately have six cars at some point and they are not here speaking for the motion. He briefly discussed the lack of dialog from others regarding any major issue that emergency apparatus have had with street parking. He believes that cars on the streets function as traffic calming devices in that if a car is going to drive through it is going to drive more cautiously and is less likely to zip through at a high rate of speed. We need to look at a smaller level and diagnose the real problem which is the safety for these residents who live on Surf Court.

Amended motion to come back with an ordinance in which the committee's recommendations are carried out as a general outline as version number one and other versions if needed passed 4 – 1, Amdur opposed.

Mayor Denman stated the motion on the table allows enough flexibility that a version will come back that the committee recommended. It also allows staff to come back and address specific problems on a more of a surgical nature rather than a broad nature.

Councilmember Klug stated it was very easy to do nothing and let this die and was happy that it would be brought back to Council to discuss and vote on again.

Councilmember Amdur reiterated he is all for giving staff flexibility but would also like to give them a specific direction.

Amended motion passed 4 – 1, Amdur opposed.

EXECUTIVE SESSION

Meeting recessed to Executive Session at 8:54 p.m. with Mayor Mark Denman reading from the posted agenda the following topics to be discussed in Executive Session:

1. §551.072 Deliberation Regarding Real Property – Discussion of real estate matters pertaining to various properties within the City limits.
2. §551.074 Personnel – Performance evaluation of City Manager.

Meeting returned to Open Session at 9:33 p.m.

NEW BUSINESS

Resolution reappointing individuals to the Nassau Bay Economic Development Corporation

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, APPOINTING/REAPPOINTING MEMBERS TO THE NASSAU BAY ECONOMIC DEVELOPMENT CORPORATION.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2016-2071.)

It was moved by Councilmember Amdur, seconded by Councilmember Mahon, to reappoint Mark Denman, Bryce Klug, and Bill Quinn to the Nassau Bay Economic Development Corporation.

Motion passed 3-0-2, Warters and Klug abstaining.

ACTION ITEMS FROM EXECUTIVE SESSION

1. **Consider and take action regarding real estate matters as discussed in Executive Session.**

It was moved by Councilmember Klug, seconded by Councilmember Warters to take action as discussed in Executive Session.

Motion passed 5-0.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:34 p.m.

Minutes approved as submitted and/or amended this 8th day of August, A.D., 2016.



Marisela Garcia
Marisela Garcia, TRMC
City Secretary

CITY OF NASSAU BAY, TEXAS

Mark A. Denman

Mark A. Denman
Mayor