

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
October 10, 2016
7:00 PM**

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

MEMBERS OF COUNCIL ABSENT: None.

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, Planning Commission Chair Roscoe Lee, and Parks Committee Chair Buck Gay.

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 seven elected officials in attendance.

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

The invocation was given by the Pastor Brian Weaver of Gloria Dei Lutheran Church.

The Pledges of Allegiance were led by Cub Scout Pack 956. Mayor Denman gave the pack a Certificate of Appreciation and posed for a photo with them.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

Presentation of a Proclamation for Beautification Day.

Mayor Denman proclaimed Saturday, November 5, 2016 as Beautification Day. Mayor Denman presented the proclamation to Nassau Bay Garden Club President Nancee Lynn and other members and posed for a photo with them.

Presentation of a Proclamation for Arbor Day.

Mayor Denman proclaimed Wednesday, November 16, 2016 as Arbor Day. Mayor Denman presented the proclamation to Nassau Bay Garden Club President Nancee Lynn and other members and posed for a photo with them.

Recognition of National Night Out Block Captains.

Mayor Denman invited all National Night Out Block Captains that were in attendance at the meeting to come forward to be recognized for their efforts during National Night Out. He thanked the captains for all their hard work and the success of the parties.

Presentation and discussion on parking solutions.

City Manager Reynolds gave an overview of the parking situation and the process everyone has gone through to arrive at the current solutions. He stated the process began with a parking task force counting cars on the street during various times and coming to Council and making a recommendation. The City Council wanted more information and public input and asked staff to reach out to citizens. Citizens provided feedback via two sessions, one which consisted of identifying parking philosophies citizens liked and then proposed solutions at the second session and everyone voted. He gave briefly discussed the six proposed solutions and the total votes each solutions received.

- Proposed Solution 1 – Target almost all areas **3 votes**
- Proposed Solution 2 – Minimal target areas **17 votes**
- Proposed Solution 3 – Overnight parking ban **42 votes**
- Proposed Solution 4 – One side of street – target areas **40 votes**
- Proposed Solution 5 – No change **80 votes**
- Proposed Solution 6 – Write in solutions **19 votes**

City Manager Reynolds stated there were 185 citizens who provided feedback and 80 of those voted to not have any change and on the other hand you have 145 citizens who voted that there did need to be some type of change. After review of the data, consensus with staff was that changes need to be made but on a more targeted approach rather than a citywide solution at this point in time. Staff is proposing that Space Park (west of Nassau Bay Drive) be made a no parking zone, Surf Court (south of Baycrest) no parking between 2 am – 4 am and in order to offset those vehicles to allocate an additional five spaces on Surf Court (between Baycrest Drive and Clippers Cove) and further expand the definition of commercial vehicle in the no parking ordinance.

Councilmember Warters indicated he supported proposed solution 3 which eliminated the overnight parking throughout Nassau Bay with a few possible exceptions. There are many cars parking on the street and the situation is increasing and will continue to do so.

Mayor Denman stated the committee did a great job gathering the data, documenting the issue and the Queens Court area changes things but there is a parking problem in certain areas that need to be remedied and he liked staff's proposal to take a targeted approach to remedy these areas.

Mayor Pro Tem Mossman acknowledged a tremendous amount of input has been received from the community and liked the targeted approach by staff to alleviate the parking problem in these specific areas. This is a beginning approach and can be revisited as the need arises. This has brought the community out and has made everyone more cognizant of trying to keep the streets more free of vehicles.

Councilmember Mahon noted this has been the single largest issues the community has given feedback on and was appreciative and thanked everyone who participated.

Mayor Denman reiterated that an area of further review will be commercial vehicles which we believe we have the ability to ban overnight parking of commercial vehicles. There will be an action item at the November meeting that will target specific areas that need to be addressed rather than a comprehensive approach.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

No public hearing was held due to error in posting.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

Kevin Churchill, 1323 Saxony Lane, stated he has a neighbor who has children who park on the street and he understands why they do it. They have a single car driveway and won't accommodate all those cars. Mr. Churchill has another neighbor who has a narrow driveway, does not have a walkway to his driveway, and his wife is in a wheelchair and these people would be adversely affected by a blanket solution. He voiced his support for either no change or changes to a targeted area. He did not agree with impairing people from parking in front of their own house.

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Amdur stated it was a pleasure to spend an evening out with neighbors for National Night Out and thanked staff for making the event happen. Mr. Amdur presented the city with a Nassau Bay ashtray from his neighbor, Connie Sue Carmack, who wanted to give it to the city. Mr. Amdur recognized everyone who has been involved with the parking situation beginning with the committee. He indicated he disfavors a blanket approach for what is clearly a problem but a problem only in certain areas. He was skeptical that staff would be able to have complete all the work and have a recommendation to Council by the October meeting with everything else going on including budget among other things and gave kudos to staff for accomplishing the task. Mr. Amdur thanked the citizens for coming out to the workshops and the meeting and stated he still intends to vote against a one size fits all approach but echoed Mayor Pro Tem Mossman's comments in that staff's recommendation is a starting point and will help fix some of the hot spots and may be tweaked as we go along.

Councilmember Klug explained that this was the last financial statements for the year and stated there were 134 days of reserve in the General Fund. Mr. Klug said the city is doing the right things and applauded the Council and staff for taking on ambitious projects such as replacing the water lines in the City and making the most out of the resources that we have.

Councilmember Dollar thanked all the block captains and staff who made National Night Out a success. Mr. Dollar also thanked citizens for their passion and participation on the parking issue and he too does not believe a blanket approach is appropriate.

Mayor Denman reminded everyone to take the time to vote in the November election and expounded on that by saying that Nassau Bay is known to have a higher voter turnout city. He also encouraged citizens to read the ballot and not just vote a single ticket.

REPORTS FROM STAFF MEMBERS & COMMITTEES

COMMITTEES

City Manager

City Manager Reynolds recognized that Nassau Bay Police Department has a new Officer, Jason Vain, who is currently on patrol.

Mr. Reynolds reminded everyone that Halloween in the Park will be held on October 29 from 6 – 9 pm in Lake Nassau Park which will include a haunted trail, hay rides, and other activities.

Mr. Reynolds stated the last day to register to vote in the November 2016 election will be Tuesday, October 11. There will be a polling place at City Hall on Election Day, November 8. Early Voting is October 24 through November 4, any further information may be found at www.votingtexas.gov.

Beautification Day will be held on November 5. The starting point will be at Lake Nassau Pavilion and will include a peninsula cleanup and Garden Club will have a few activities planned out to do around the City.

Arbor Day is being held on November 16.

City Manager Reynolds thanked staff for preparing for National Night Out and citizens and block captains for hosting the events.

Fire Department

Fire Department President Matt Roper reported the members logged 750 standby man hours and 38 calls at the station in September. Membership is at 41 members. Fire Prevention Week kicked off this week and all schools will be toured and will be teaching kids about fire prevention and giving them information they can carry on home to their parents. The week will culminate on Friday with the open house at the Fire Station at 120 Surf Court. They will be serving hamburgers and hotdogs. There will be raffle items and he encouraged everyone to come out.

Mayor Denman inquired about the high incidence of calls and whether they were false alarms. President Roper indicated that if they received a fire alarm and it turns out to be an actual working fire on the list of metrics it will be indicated as a structure fire but generally most of those are false alarms. Mayor Denman further questioned whether these were repeat false alarms and Chief George indicated there are a couple who are repeat false alarms. Mayor Denman indicated Nassau Bay has a graduated penalty scale for multiple false alarms. Mayor Denman wanted to ensure we were using that penalty scale.

Parks Committee

Parks Committee Chair Buck Gay gave an update on the Parks Committee stating they were currently working on Founder's Park and trying to get the work going.

Planning Commission

Planning Commission Chair Roscoe Lee indicated the upcoming Planning Commission meeting would be addressing the SUP for the auto repair and used car sales at the former Shell Station. The review of the 2015 Comprehensive Master Plan should be completed as well and brought to City Council in November.

CONSENT AGENDA

The Consent Agenda listed the following items for approval:

A. Approval of Minutes

1. Regular Meeting on September 12, 2016; and
2. Special Meeting on September 19, 2016; and

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

Motion passed 7 – 0.

NEW BUSINESS

Approval of a resolution designating a representative and alternate to the Houston-Galveston Area Council 2017 General Assembly

Mayor Denman gave an overview of the item noting this was a subcommittee that Jonathan Amdur and John Mahon have served on and will continue to serve on.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY COUNCIL OF
THE CITY OF NASSAU BAY, TEXAS, DESIGNATION A
REPRESENTATIVE AND AN ALTERNATE TO THE 2017 GENERAL
ASSEMBLY

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay,
Texas, being Resolution No. R2016-2078.)

It was moved by Councilmember Dollar, seconded by Councilmember Mossman, to approve the resolution appointing Councilmember Mahon as the representative and Councilmember Amdur as the alternate to the 2017 Houston-Galveston Area Council General Assembly.

Motion passed 7 – 0.

Resolution appointing a member to the Parks Committee.

It was moved by Councilmember Klug, seconded by Councilmember Mahon, to table the Parks Committee appointment to the November meeting.

Motion passed 7 – 0.

Resolution reappointing individuals to the Board of Directors for Reinvestment Zone Number One (TIRZ).

It was moved by Councilmember Warters, seconded by Councilmember Klug, to reappoint Bob Warters, George Dempsey, and Gary Mossman to a one year term to

expire on December 31, 2017; reappoint Mark A. Denman, Ron Swofford, Jonathan Amdur and Donald C. Matter to a two year term to expire on December 31, 2018 and appoint Mark A. Denman as chair.

Motion passed 7 – 0.

Resolution appointing/reappointing individuals to the Board of Adjustment.

It was moved by Councilmember Warters, seconded by Councilmember Mossman, to reappoint Glenn Poche´ as regular members, reappoint Harv Hartman and appoint Ashley Graves and Tony Quezada as alternate members of the Board of Adjustment.

Councilmember Amdur made the motion to amend to clarify that members Edwards, Newberry, Dietz, and Rone will expire in August 2017; and Poche´, Hornby, Graves, and Quezada will expire in August 2018; seconded by Councilmember Klug.

Motion passed 7 – 0.

Resolution approving a Home Improvement Incentive Program (HIIP).

Assistant City Manager Chambers gave an overview of the new program explaining that it will encourage homeowners to improve their residential property conditions to positively affect the value of the residential housing and to demonstrate the City of Nassau Bay’s commitment to invest in residential neighborhoods. This program will meet one of the goals that Council has approved to recharge the neighborhood corridors and at this time staff is requesting approval of the resolution.

Councilmember Warters stated he has two problems with the proposed program because it is applicable to any homeowner and he believed it should only be applicable to homeowners who live in their home and not subsidize someone who is rehabbing a rental home. The second issue was the reimbursement of the homeowner’s expenses and giving that money all up front with the expectation that we will get it back over a period of ten years. The two problems associated with that is that money in the future is not worth money up front and the value of homes are mostly affected by the sale of nearby properties and the value of the house may go up because a nearby home sold at a high price and it may go down because a nearby property sold at a low price. We will not know if the increase for that one year will be sustained or whether it was because they made the improvement or because of a nearby home. He recommended the program not be done at all or at the very least the homeowner be a resident in the home and not just rehabbing a rental house and that we should discount the future payments so we do not give all the money up front.

Assistant City Manager Chambers indicated this program does allow for it to be a rebate, the money will not be given up front with this program. Mrs. Chambers stated the City Attorney has approved the program guidelines and the resolution can be amended as well.

Brief discussion was held to include a caveat which states that it only includes non-rental properties.

Councilmember Klug asked that the homestead designation in HCAD be included in order to apply for the program and currently living in the property.

Councilmember Mossman agreed with Councilmember Warters that we would like it to be a situation where the person lives in the home and not a rental property. Mrs. Mossman thanked staff for coming up with the concept to revitalize the community but would strongly agree that the person needs to live in the home.

Councilmember Warters suggested adding verbiage that the applicant still be living in the home at the time the payment is to be made.

Councilmember Dollar recommended the rebate be paid over the period of time that they lived there or the benefit reduced if they do not live there for a certain period of time. It will also provide for the assignment of the agreement for just notice to the City, 30-day notice. The assignment provision will need some revision as well.

Councilmember Klug thanked staff and stated this type of plan does encourage homeowners in Nassau Bay to redevelop their homes but would really like to see language included that each instance of the program initiated it would be fully assessed by City Council on an annual basis.

Councilmember Amdur stated there may be homes that may be run down and someone wants to invest in and will add value to the City and may be worth giving staff discretion on a case by case basis to look at each application but giving preference to homesteads.

No action was taken on this item.

Resolution approving a Façade Improvement Grant Program

Assistant City Manager Chambers explained that this resulted from one of the Council goals. There has been much improvement in some parts of the commercial corridor but there are some areas that are lacking and this is a way to incentivize those property owners in the commercial corridor to at least do something with their façade. The City Attorney has reviewed the guidelines for this program. Several surrounding cities operate similar programs and is working properly. This program allows for façade restoration, window replacement, awning, those type of issues, and signage updates.

Brief discussion was held regarding funding for the program and it was noted that funding was coming from the Economic Development Corporation. City Council would only be approving the program guidelines.

Councilmember Mahon clarified that once an application is submitted to the City, the City will then consider the appropriateness of the façade and align with the community needs.

Assistant City Manager Chambers stated an internal review community will ensure they are in compliance and in line with the direction the City is taking in the community.

It was moved by Councilmember Amdur, seconded by Councilmember Dollar, to approve the resolution as drafted R2016-2081.

Motion passed 6 – 1, Warters opposed.

Approval of the TIRZ Annual Report

Assistant City Manager Mary Chambers presented the 8th annual TIRZ report noting it is required by Chapter 311 of the Texas Tax Code. There are no changes or amendments to the project and the financing plan in 2015. 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 doing really well.

Councilmember Klug stated because of the health of the TIRZ the Fire Department/EMS facility can be financed and worthwhile.

It was moved by Councilmember Klug, seconded by Councilmember Amdur, to accept the TIRZ annual report.

Motion passed 7 – 0.

Presentation and authorize NATEX Architects to move forward with the design and development phase of the Fire/EMS Facility

John Haugen, NATEX Architects, provided an overview of the Fire/EMS Facility project. He explained several configurations have been looked at for the proposed site at Space Park and Upper Bay Road and the building that currently sits on that site today is how the new fire station will sit on that site as well. He briefly went through the plans and described each of the floors and elevations.

Councilmember Wartens indicated he continued to be concerned with the parking. The facility will have an assembly room which will accommodate 40-50 people and the facility will only have eight spaces. He was hesitant to proceed until a firm legal agreement with Houston Methodist and the use of the parking lot and will guarantee us parking places.

City Manager Reynolds stated there is a meeting scheduled to fine tune the process on the parking concerns. Houston Methodist has let staff know in good faith that those parking places are there for our use but there is no legal document in place at this time and will include 10 extra spaces.

Councilmember Klug pointed out that he had spent time with EMS and the Fire Department and there is a lot of excitement about the building and everyone is working closely together. He is personally excited about the direction of the project and will be a nice element in the city. It will bring the redevelopment zone into the interior and hopes the parking situation will be solved.

Councilmember Amdur noted this setup was not his first choice due to the parking issue, but staff has been quite diligent in moving forward with it and he echoed Councilmember Wartens concerns but is reassured by City Manager Reynolds' response. The proposed location is wonderful and the response times should be good.

Mayor Pro Tem Mossman agreed with Councilmember Amdur's comments that it is a beautiful building with perfect location to access all parts of our community. City Council

was just talking about home improvement incentives and façade improvement grants, this will be a great addition to a very important part of Nassau Bay.

Mayor Denman indicated staff attempted looking at other locations but were not available. The location will allow us to maintain our current ISO rating of 2 which is phenomenal and does save you money on your fire insurance.

Public Hearing on the Fire/EMS Facility.

Mayor Denman opened the public hearing for anyone wishing to comment on the proposed Fire/EMS Facility.

Public Hearing was opened at 8:20 p.m.

Joyce Mayor, 2413 Clippers Square, inquired whether anything would be done with the existing medians with the proposed Fire Station.

Mr. Haugen explained that the new facility will be pretty much in the same place where the existing building. He stated the median on Space Park there is currently a palm tree at each esplanade cut and he indicated the palm tree closest to Upper Bay Road can be moved and expand the esplanade cut. The palm tree closest to the old St. John Hospital will not be replaced but that esplanade will be expanded as well. Upper Bay Road will not have any change to it.

Nancee Lynn, 2445 Baycrest Drive, stated the proposed fire station is a wonderful building but she too is concerned with the parking. There are a lot of great volunteers but eight parking places and the city may grow.

There being no one else wishing to speak, the public hearing was closed at 8:25 p.m.

It was moved by Councilmember Amdur, seconded by Councilmember Mahon, to authorize NATEX Architects to move forward to the design and development phase of the Fire/EMS facility.

Motion passed 7 – 0.

Authorize City Manager to execute an agreement with Bay Area Houston Convention & Visitor's Bureau (BAHCVB).

City Manager Reynolds asked City Secretary Garcia to read item J as well since both items are related. Mr. Reynolds stated City Council had agreed to move forward with the Bay Area Houston Convention & Visitor's Bureau and at this time the contract has been finalized which is in alignment with Council was looking for. The contract is for three years and there are performance measures included in the contract which will include the number of heads in beds. If the Council feels that the measures are not being met after the first year, you have a 90-day out clause. If you give a 90-day notice the Council can get out of the CVB if the Council feels the measures are not being met after the first year. At this point the Cities of Seabrook and Kemah are in agreeance. The City of League City has agreed to it but have not voted on it. At this point in time there is currently one Councilmember, one staff member, and one hotelier on the board and all member cities have the same. We currently do not have hotelier and that position will stay vacant. We

do need to appoint or reappoint the current Councilmember and staff member that we have which are Mayor Denman and Kristi Sykora.

It was moved by Councilmember Klug, seconded by Councilmember Amdur, to authorize the City Manager to execute an agreement with Bay Area Houston Convention & Visitor's Bureau (BAHCVB) and to appoint three members to the Bay Area Houston Convention & Visitor's Bureau Board of Directors, Mayor Denman, Kristi Sykora, and a hotelier to be named.

Brief discussion was held regarding the housing of the CVB and City Manager Reynolds stated they were being housed at Kemah Visitor's Center as a cost saving measure to deliver to performance goals that all Councils have asked for and reduced the overall cost of the CVB. They were paying \$1,000 a month in rent and it has been reduced to two part-time staff members that work in conjunction with the Kemah Visitor's Center.

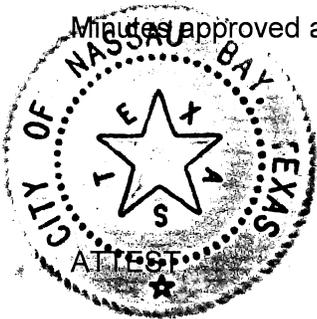
Discussion was held regarding the 15% contribution that each city contributes to the CVB and it was noted that all cities, including Kemah were still contributing 15% even though they were housing the CVB.

Motion passed 7 – 0.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Minutes approved as submitted and/or amended this 14th day of November, A.D., 2016.



Marisela Garcia
Marisela Garcia, TRMC
City Secretary

CITY OF NASSAU BAY, TEXAS

Mark A. Denman
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Mayor
Mayor Pro Temp