

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
November 14, 2016
7:00 PM**

MEMBERS OF COUNCIL PRESENT: Mayor Pro Tem Mossman, Councilmembers Harry Dollar, Bryce Klug, and Bob Warters.

MEMBERS OF COUNCIL ABSENT: Mayor Mark Denman, Councilmember John Mahon, and Councilmember Jonathan Amdur.

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

PRESIDING: Mayor Pro Tem Sandra Mossman.

CALL TO ORDER AND ROLL CALL OF MEMBERS

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

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

The invocation was given by the Associate Pastor of Students Nate Jordan of Nassau Bay Baptist Church.

The Pledges of Allegiance were led by Scout Troop 957. Mayor Pro Tem Mossman gave the troop a Certificate of Appreciation and posed for a photo with them.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

Presentation of a Proclamation for World Pancreatic Cancer Awareness Day.

Mayor Pro Tem Mossman Proclamation Denman proclaimed Thursday, November 17, 2016 as World Pancreatic Cancer Awareness Day in Nassau Bay. The proclamation honored of Bob Forde.

Check Presentation to the Houston Livestock Show & Rodeo.

Mayor Pro Tem Mossman presented Deborah Gutierrez a check from the Hotel Tax Fund for the Houston Livestock Show & Rodeo. Ms. Gutierrez thanked the City for the funding and gave a brief overview of their program. She stated they raised funds for scholarships for Clear Creek and Friendswood students. Last year they were able to award 12 four-year scholarships. She noted that many of the scholarship recipients were first time college attendees in their families.

Check Presentation to Offshore Thunder Productions: Texas Outlaw Challenge.

Mayor Pro Tem Mossman presented Paul Robinson a check for the Texas Outlaw Challenge. Mr. Robinson thanked the City for the funding and presented Mayor Pro Tem Mossman and the City with a plaque which held a replica of the “Billy the Kid” gun. He stated the Texas Outlaw Challenge is a national event and is now in the top 3.

Check presentation to Gulf Coast Film & Video Festival.

Mayor Pro Tem Mossman presented Hal Wixon a check from the Hotel Tax Fund for the Gulf Coast Film & Video Festival. Mr. Wixon thanked the City for the funding and stated this was the festival’s 18th year. He indicated they are an internationally recognized film festival. Gulf Coast Film Festival was selected as the Best Festival in the City of Houston.

Check presentation to Keels & Wheels.

Mayor Pro Tem Mossman presented Bob Fuller a check from the Hotel Tax Fund for Keels & Wheels. Mr. Fuller thanked the City for the funding and stated this was the event’s 21st year. Boys & Girls Harbor continues to be the charity they sponsor and they surpassed \$1.6 million this year. He indicated this past year they had approximately 14-15 thousand attendees. He stated the City’s support was very helpful to their event. He noted next year’s event would feature the Stutz automobile and the Stutz Club of America will have their “Grand Stutz” at the show. American 50’s classics and Hot Rods will also be honored. They work to make the show better each and every year.

Presentation of Certificates of Completion for Nassau Bay 101 participants.

Mayor Pro Tem Sandra Mossman presented certificates of completion to the fall 2016 Nassau Bay 101 graduates. A few of the graduates commented on the highlights and of the Nassau Bay 101. Mayor Pro Tem Mossman posed for a photo with the graduates in attendance.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

No public hearing was held due to applicant withdrawing his Special Use Permit application.

CITIZENS’ REQUEST FOR HEARING BEFORE CITY COUNCIL

Nancee Lynn, 2445 Baycrest Drive, announced that the Nassau Bay Garden Club would be holding their fall community outreach for citizens on Tuesday, November 15 at 7 p.m. and John Johns would be speaking on square foot gardening. She encouraged all citizens to come out and listen to Mr. Johns.

COUNCILMEMBERS’ COMMENTS/REPORTS

Councilmember Wartens stated the Special Use Permit has been withdrawn by Mr. Arafat but he wanted to briefly talk about the process the Planning Commission had been through. He attended the Planning Commission meetings in September, October and November due to this item being on the agenda. He wanted to commend the Planning Commission Chair and committee for the diligence they exercised and the patience and extensive effort that they made to come to a good solution that was in the City’s best

interest and the owner's interest. He knew it was a frustrating time for the committee. The applicant had been given a letter prior to the September meeting and was told to submit a business plan, site plan, and a report on what he wanted to do, but when he came to the meeting he had not done anything and said that he had not received the letter. The item was postponed a month and he came the next month and he still had not done anything. The third meeting, he had done very little and what he had done was inadequate. The commission worked very hard to reach a favorable solution to the problem and Mr. Warters thanked Mr. Lee and the Planning Commission for their hard work.

Councilmember Klug indicated there was an election this week and what made him happy was that a week prior to the election Nassau Bay hosted a gathering for all the volunteers of the city. He was struck by how many people were in the room and if everyone who volunteered attended, it would be almost everyone in the City in there which is what makes Nassau Bay great. He is extremely honored to be a part of such a great City. Mr. Klug stated he was very proud of Nassau Bay and its volunteers.

Councilmember Dollar echoed the sentiments of his fellow councilmembers.

Mayor Pro Tem Mossman thanked the Planning Commission for their hard work on trying to reach a conclusion that would benefit both the City and the citizenry. She too thanked all the volunteers and appreciates all their efforts.

REPORTS FROM STAFF MEMBERS & COMMITTEES

COMMITTEES

City Manager

Assistant City Manager Chambers stated the holiday season was upon us and the City of Nassau Bay supports Toys for Tots. She noted there was a container out in the City Hall lobby for new, unwrapped toys.

She informed everyone that City offices would be closed beginning 11:30 a.m. on Wednesday, November 23 and will resume normal hours on Monday, November 28 at 7:30 a.m.

Ms. Chambers reminded everyone that Holiday in the Park would be held on Saturday, December 10 from 2 p.m. – 4 p.m.

Fire Department

Fire Department President Matt Roper reported the members logged 1,185 volunteer man hours through their busiest month of October with Fire Prevention Week and 27 calls at the station. Membership was at 43 members.

Planning Commission

Planning Commission Chair Roscoe Lee thanked the City for the volunteer dinner that was held. Mr. Lee provided an overview of the Planning Meeting held on November 10, which included the Special Use Permit for the automotive servicing at the former Shell

station, review/approval of the plat for Bucky's Planned Unit Development, and finalized the last bit on the Comprehensive Master Plan 2015.

Mr. Lee discussed the pre-submittal meeting that was held with Bucky's who had submitted some preliminary information on his master plan for the development. They discussed the deficiencies with their representative and he agreed to make the changes. His application is expected at the Planning Commission meeting in December and hopefully into the City Council meeting thereafter. We did agree that instead of a master plan they will submit a concept development plan due to the development being done in stages and he is not ready to identify all the details for the other two tracts.

Mr. Lee also talked about a pre-submittal meeting that was held with a potential micro-brewery wanting to locate next to the Starbucks. That request will be considered at the December Planning Commission meeting and then to Council in December.

Mayor Pro Tem Mossman asked those in attendance to pass on to their neighbors that the Bucky's that will be coming to our community is not the same Bucee's that everyone is thinking about.

CONSENT AGENDA

The Consent Agenda listed the following items for approval:

- A. Approval of Minutes
 - 1. Regular Meeting on October 10, 2016; and
 - 2. Special Meeting on October 17, 2016; and
- B. Consider and take action on a resolution reappointing a member 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. R2016-2082.)

- C. Consider and take action to approve Economic Development Corporation Minutes of July 27, 2016 as approved by the EDC at its meeting held on October 17, 2016.

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

Motion passed 4 – 0.

NEW BUSINESS

Approval of a resolution approving a Civic Partnership Program

Assistant City Manager Mary Chambers gave an overview of the program stating this was a new program that addressed one of the goals that had previously been set by the City Council. This program will allow the City to partner with Homeowners Associations and further engage our residents and further increase community spirit and provide some monetary support to the Homeowners Associations to achieve the goals they have set forth. There are approximately \$10,000 budgeted for this program.

Mayor Pro Tem Mossman inquired as to the number of HOA's in Nassau Bay. Assistant City Manager Chambers indicated there were about 13 representatives they had been meeting with on a quarterly basis.

Brief discussion was held regarding the responsibility of determining the percentage of project completion and sample projects. Assistant City Manager Chambers noted the City Manager would determine the project's completions.

Councilmember Klug stated this partnership was a good idea that the leadership was bringing forth and the only recommendation he would include would be to reexamine the program after a year and include a cap of \$10,000 and a presentation of the results will be done after one year.

Assistant City Manager Chambers indicated that was already part of the guidelines and the HOA will come before City Council and make a presentation in June or July and if the City Council sees merit in the program they will make a request to put additional funds in the following budget year.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, APPROVING THE ADDITION POLICIES AND PROCEDURES RELATIVE TO AUTHORIZING AND IMPLEMENTING THE CITY OF NASSAU BAY CIVIC PARTNERSHIP PROGRAM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

It was moved by Councilmember Klug, seconded by Councilmember Dollar, to approve the addition of policies and procedures relative to the Civic Partnership Program with the inclusion of a \$10,000 cap and a presentation be brought forth to Council in a year and the program be sunset for reapproval.

Motion failed 3 – 1, Warters opposed.

Approval of a resolution approving a Home Improvement Incentive Program (HIIP)

Assistant City Manager Mary Chambers provided an overview of the item noting that this item was brought back in the same form from the previous meeting and discussed the items that the City Council had considered as possible amendments which were non-rental properties, homestead designations in Harris County Appraisal District (HCAD),

rebate paid over time, program assessed annually, not necessarily concerned about ownership but be more concerned about improving housing stock within the community. This item was brought back and she asked that anything they would like to change to state that in the motion and those changes will be made as part of the approved program.

Councilmember Warters suggested this program be cancelled because this program takes tax money from the majority of the people in the City and gives it to some of the other people to work on their houses and that is just an income redistribution program and he is philosophically against it.

Councilmember Klug stated this program is out of the box idea that will improve things but given the current members would like this items tabled for further discussion.

It was moved by Councilmember Klug, seconded by Councilmember Dollar, to table Home Improvement Incentive Program item for further discussion.

Motion to table passed 4 – 0.

Presentation and action on the street lights

Councilmember Warters stated there was a street light program in Nassau Bay and made a presentation of the history of the street lights. He discussed the maintenance on the current street lights and the cost associated with those. He indicated there were two primary solutions to this problem which one was to go with the CenterPoint lights that are exactly like the lights that are in the commercial district, Swan Lagoon, and Bal Harbor. This would make the all the City consistent in the type of lighting. The other option would be to rewire the City and replace the decorative lights but the cost is very high. If the decorative lights are what the city wants, it is not fair to ask all of Nassau Bay to pay for some special lighting system for the western part of the City. What is normally done in circumstances like this is to create a special taxing district where that district collects special taxes and pays for the special benefit that they want. The economical solution that the City should take would be to install the 50 CenterPoint lights per year which are free. There could be an agreement in place with CenterPoint by the end of this calendar year for the 2016 quota and then in 2017 we could get 50 additional lights which are up to code. CenterPoint will cover the maintenance and the lights will be LED. It is a difficult problem because Nassau Bay has had decorative lights for a long time but they have also been costly to maintain. Mr. Warters made a motion that City Council authorize the City Manager to negotiate an appropriate agreement with CenterPoint Energy to have CenterPoint Energy install 50 lights as the 2016 quota.

Councilmember Klug voiced his concern for CenterPoint's response time for light maintenance.

Councilmember Warters stated CenterPoint had promised a 2-3 day replacement of burned out bulbs.

Councilmember Dollar inquired whether the CenterPoint pricing included any anticipated easement costs. Mr. Warters stated no additional costs were necessary. He stated the street signs can be placed on the CenterPoint poles.

Mayor Pro Tem Mossman asked for the City Manager's recommendation on the proposed solutions.

Assistant City Manager Chambers indicated that the City Manager concurred on moving forward with the lights from CenterPoint.

Mayor Pro Tem Mossman inquired whether this included moving away from the solar light project and abandoning the decorative street lights and Assistant City Manager Chambers agreed.

It was moved by Councilmember Wartens, seconded by Councilmember Klug, to authorize the City Manager to negotiate an agreement with CenterPoint Energy for the installation of 50 lights for 2016.

Motion passed 4 – 0.

Mayor Pro Tem Mossman thanked Councilmember Wartens and his committee for their hard work.

FIRST READING OF ORDINANCES

Approval of an ordinance amending the no parking ordinance

Assistant City Manager Chambers stated staff was recommending that there be no parking on Space Park, west of Nassau Bay Drive, and no parking between 2:00 a.m. – 4:00 a.m., on Surf Court, south of Space Park. The attempt is to eliminate the overcrowding of vehicles on the street, to reduce trash on streets and vacant properties, accommodate parking needs of multi-family units while preserving needs of homeowners, and increase property values for commercial and residential. In doing so, this may direct this to other streets and are prepared to address that at a later date.

Mayor Pro Tem Mossman stated this was in response to citizen input sessions and this is one step to correct the problem in a satisfactory way.

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 MUNICIPAL CODE CHAPTER 19 – TRAFFIC, ARTICLE II, STOPPING, STANDING AND PARKING BY UPDATING SECTION 19-28 NO PARKING ZONES SPECIFIC PROHIBITIONS TO ADD TWO ADDITIONAL SPECIFIC PROHIBITIONS AS FOLLOWS: (1) THE EAST AND WEST SIDE OF SURF COURT, FROM SPACE PARK DRIVE TO THE END OF THE STREET, BUT ONLY BETWEEN THE HOURS OF 2:00 A.M. AND 4:00 A.M.; (2) THE NORTH AND SOUTH SIDE OF SPACE PARK DRIVE ACCESS ROAD (DECELERATION LANE) WEST OF NASSAU BAY DRIVE AND PROVIDING FOR SEVERABILITY AND CODIFICATION.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. Ordinance 2016-750.)

It was moved by Councilmember Warters, seconded by Councilmember Klug, to approve the first reading of Ordinance No. O2016-750 limited parking in those two areas.

Motion passed 4 – 0.

Approval of an ordinance amending the zoning ordinance pertaining to the Planned Unit Development

Planning Commission Chair Roscoe Lee stated this item was brought forward due to the Planned Unit requirements in the zoning ordinance prior to the Griffin Development. In 2011, when the Comprehensive Master Plan was updated, the zoning ordinance was updated as well due to the creation of new zoning districts and one of the recommendations from the consultant was to streamline the ordinance to make it developer friendly and it turns out some items were deleted that needed to be left in. Mr. Lee reviewed the items that the Planning Commission has proposed to restore and were as follows:

The new ordinance deleted 16.7-320 with the inclusion of the detail requirements for a PUD master plan are defined in Section B-700 of the APPENDIX B – SUBDIVISION which he added after the ordinance was placed in the packets and asked that City Council add that portion to the ordinance in their packet. The rationale for the proposed change was that creating a PUD is essentially a rezoning.

The next section deleted, 16.7-800 had to do with procedures and one of the key features that was important was the pre-application conferences. There were many workshops with the Griffin project where a lot of nitty gritty items were ironed out that were not appropriate for a large forum and would like to reinstate that. This is an excellent way to head off delays in projects.

The next section deleted, 16.7-820 had to do with the difference between a master plan and a conceptual development plan. One of the items discovered with Bucky's was that they are developing three tracts but they only provided details for one tract. A master plan would require that they have the same level of detail in all three tracts and he was not ready to do that. This proposal is to reinstate the concept of a master plan as well as the conceptual development plan where a developer with a PUD that is going to be built in phases can bring to us the phases of that. If he elects to do the conceptual development plan, which obligates him to come back with each new tract that he has details on.

The last two changes that were deleted deal with platting and they would like to add them back in and make them very explicit clear that a Planned Unit Development requires a replat. This will give the City more control and opportunities for flexibility in Planned Unit Development applications.

The caption of the ordinance reads as follows (first of two readings):

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. O2013-712 BY ADDING ARTICLE 16.7-320, 16.7-800, 16.7-820, 16.7-830 AND 16.7-840, PROVIDING FOR A PENALTY AND FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. Ordinance 2016-751.)

It was moved by Councilmember Warters, seconded by Councilmember Dollar, to approve the first reading of Ordinance No. O2016-751 to amend the zoning ordinance pertaining to Planned Unit Development with the additional change of detail requirements for a PUD master plan being defined in Section B-700 of the APPENDIX B - SUBDIVISION.

Motion passed 4 – 0.

Approval of an ordinance amending the FY17 Annual Budget and Capital Improvement Plan

Finance Director Csilla Stiles gave an overview of the item indicating there was an error in the approved budget. She stated the audit had a year-end number and that number is used to project forward all the other numbers. The number was used in the General Fund was used in the Water and Sewer Fund. Budget Amendment #17.1 will decrease the amount of the carryforward in the Water and Sewer fund to the actual number and in doing so there is less revenue. Capital expenditures will be decreased accordingly specifically to projects that were planned in the Capital Improvement Plan and will be delaying the water tower painting as well as some of the work on Surf Court. This will change some of the year-end reserve which will increase by about \$20,000.

The caption of the ordinance reads as follows (first and only reading):

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AMENDING THE FY17 BUDGET TO RECOGNIZE THE UPDATED PRIOR YEAR CARRY FORWARD FROM FISCAL YEAR 2016 DECREASING IT BY \$770,883 AND ADJUSTING CAPITAL EXPENDITURES ACCORDINGLY DECREASING WATER DEPARTMENT CAPITAL EXPENDITURES BY 275,000 AND SEWER DEPARTMENT CAPITAL EXPENDITURES BY \$516,790.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. Ordinance 2016-752.)

It was moved by Councilmember Dollar, seconded by Councilmember Warters, to approve the first and only reading of Ordinance No. O2016-752 to amend the FY17 Budget to accurately reflect the financial activities of the City.

Councilmember Klug stated we have a wonderful staff that caught the error and thanked them for doing a great job.

Motion passed 4 – 0.

EXECUTIVE SESSION

Meeting recessed to Executive Session at 8:16 p.m. with Mayor Pro Tem Mossman reading from the posted agenda the following topics to be discussed in Executive Session:

- 1. §551.087 Deliberations Regarding Economic Development Negotiations - Discussion of economic development options.

Meeting returned to Open Session at 8:26 p.m.

ACTION ITEMS FROM EXECUTIVE SESSION

- 1. Consider and take action regarding economic development matter as discussed in executive session.

No action was taken from executive session.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:26 p.m.

Minutes approved as submitted and/or amended this 12th day of December, A.D., 2016.



CITY OF NASSAU BAY, TEXAS

Mark A. Denman
Mayor

Marisela Garcia, TRMC
 City Secretary