

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
November 14, 2017
7:00 PM**

MEMBERS OF COUNCIL PRESENT: Mayor Pro Tem Sandra Mossman, Councilmembers Don Matter, John Mahon, Jonathan Amdur, and Bob Warters

MEMBERS OF COUNCIL ABSENT: Mayor Mark Denman, Bryce Klug (arrived 7:01pm)

OTHERS PRESENT: City Attorney Dick Gregg Jr., City Manager Jason Reynolds, City Secretary Sandra Ham, Assistant City Manager Mary Chambers, Finance Director Csilla Stiles, Police Chief Kenneth Campbell, Fire Chief Tom George, Public Works Director Paul Lopez, Animal Control Officer Troy Bradfield, and Planning Commission Chair Roscoe Lee

PRESIDING: Mayor Pro Tem Sandra Mossman

CALL TO ORDER AND ROLL CALL OF MEMBERS

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

Prior to the commencement of Agenda business, Mayor Pro Tem Sandra Mossman announced Public Hearing Item 4.I and Action Item 4.J relating to the Special Use Permit for property located at 1910 NASA Parkway would be pulled from the agenda.

INVOCATION AND PLEDGES OF ALLEGIANCE

The invocation was given by Senior Pastor David Fannin of Nassau Bay Baptist Church. The Pledges to the American and Texas flags were led by veterans in attendance at the council meeting. Veterans were asked to come forward to be recognized. A photo was taken of Mayor Pro Tem Mossman and the veterans in attendance.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS

Presentation of a Check to Houston Symphony League Bay Area

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

Presentation of a Check to the Keels & Wheels

Mayor Pro Tem Mossman presented Bob Fuller a check in the amount of \$10,000 from the Hotel/Motel Tax Fund for the annual Keels and Wheels event. Mr. Fuller noted the

event's 23rd anniversary, and stated funds raised will benefit Boys & Girls Harbor. A photo was taken of Mayor Pro Tem Mossman and Mr. Fuller.

Presentation and Update on the NASA Area Management District (NAMD) NASA Parkway Lighting and Urban Design Improvements Project

City Manager Jason Reynolds provided a brief presentation on the NASA Area Management District's NASA 1 light project. Mr. Reynolds indicated the lights would be placed on the palm trees along NASA 1, and would change colors throughout the year to reflect the lunar phases. Additionally, Valentine's Day, Fourth of July, Halloween, and the Christmas season would have special light coloring to celebrate those occasions. Mr. Reynolds stated the lighting would begin in December, and overall would further assist in bringing character to the NASA 1 trees and Nassau Bay Town Square.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

Public Hearing on an amendment to the municipal code Chapter 13 – Parks and Recreation, Section 13-1 – Definitions, and an amendment to Section 13-10 – Prohibited Acts

Public Works Director Paul Lopez invited Parks & Recreation Committee Chairman Roscoe Lee to the podium to provide details for the Public Hearing. Chairman Lee began his comments by stating the proposed amendments would provide improvement to current park regulations. Mr. Lee indicated current signs posted at the City parks state a permit is required for group use of the parks, but the signs do not define what a group is. The Park & Recreation Committee consider the current definition of groups (10 individuals or more) for use of the parks to be too low. Family picnics at the parks can easily exceed 10 and the Committee believes it would be onerous to require permission from the City for these events. The Parks & Recreation Committee recommends a number of 20 as a group, which requires permission from the City.

Secondly, Mr. Lee advised amendments to the prohibited acts pertaining to motor vehicles are needed to ensure safety in the City parks. The Parks & Recreation Committee and City staff have observed motorbike and golf cart traffic in David Braun Park, off the roadway and out of parking areas. The current ordinance does not explicitly address this situation. The proposed change adds restrictions on operation of motorized vehicles in the parks. Additionally, recent incidents necessitate added regulations on the use of the spillway bridge and roadways around the wastewater treatment plant.

Public Hearing was opened at 7:20 p.m.

There being no one wishing to speak, the public hearing was immediately closed.

Adoption of Ordinance O2017-763 amending the municipal code Chapter 13 – Parks and Recreation, Section 13-1 – Definitions, to update the definition of "group," and to amend Section 13-10 – Prohibited Acts, to redefine number 4 pertaining to motor vehicles (first of two readings)

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 13 – PARKS AND RECREATION, SECTION 13.1 - DEFINITIONS TO UPDATE THE DEFINITION OF “GROUP” AND TO AMEND SECTION 13.10 – PROHIBITED ACTS TO REDEFINE NUMBER 4 PERTAINING TO MOTOR VEHICLES.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2017-763.)

It was moved by Councilmember Bob Warters, seconded by Councilmember Don Matter, to amend Chapter 13 – Parks and Recreation, Section 13-1 – Definitions, to update the definition of “group,” and to amend Section 13-10 – Prohibited Acts, to redefine number 4 pertaining to motor vehicles.

Motion passed 6 – 0.

Public Hearing on an amendment to the municipal code Chapter 3 – Animals, Fowl, and Birds, Article IV – Authority and Duties of Animal Control Officer

Parks & Receptions Committee Chairman Lee remained at the podium to provide further details on the amendments to the municipal code Chapter 3. Mr. Lee noted amendments to the municipal code are needed to provide proper support to the Animal Control Officer in enforcing current posted Park rules. Ordinances of various cities and Harris County were reviewed, but none explicitly defined the rules for their dog parks. Harris County ordinance states the Park Supervisor can develop and enforce rules for their dog parks, but does not explicitly define these rules. Proposed amendments are patterned to the Harris County example.

Additionally, the Public Works Department developed and posted a set of rules for the peninsula, but the municipal code does not provide the proper support necessary to enforce these rules. Amendments within allow for enforceability by the Public Works department.

Public Hearing was opened at 7:24 p.m.

Bobbie Williams, 18415 Point Lookout Drive, agreed with the need for rule enforceability at the City’s dog park, specifically detailing the need for rules regarding children in the dog park. Ms. Williams has observed children in the dog park without parent supervision, and requested rules to be enforced to prevent incidents with unsupervised children and pets in the park.

Chairman Lee noted the Parks & Recreation Committee is already considering adding regulations referencing individuals 18 years and younger to the City’s ordinance.

There were no other public comments and the public hearing was closed.

Adoption of Ordinance O2017-764 amending the municipal code Chapter 3 – Animals, Fowl, and Birds, Article IV – Authority and Duties of Animal Control Officer to Add Section 3-70 Management of Dog Park, Section 3-71 Dog Park Rules, Section

3-72 Management of the Peninsula, and Section 3-73 Peninsula Rules (first of two readings)

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 3 – ANIMALS, FOWL, AND BIRDS, ARTICLE IV – AUTHORITY AND DUTIES OF ANIMAL CONTROL OFFICER TO ADD SECTION 3-70 MANAGEMENT OF DOG PARK, SECTION 3-71 DOG PARK RULES, SECTION 3-72 MANAGEMENT OF THE PENINSULA AND SECTION 3-73 PENINSULA RULES.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2017-764.)

It was moved by Councilmember Jonathan Amdur, seconded by Councilmember John Mahon, to amend the municipal code Chapter 3 – Animals, Fowl, and Birds, Article IV – Authority and Duties of Animal Control Officer to Add Section 3-70 Management of Dog Park, Section 3-71 Dog Park Rules, Section 3-72 Management of the Peninsula, and Section 3-73 Peninsula Rules.

Motion passed 6 – 0.

Public Hearing on the amendment of the Nassau Bay Comprehensive Zoning Ordinance to modify the Residential Property Development Regulations to Article 14

Building Official Mark Stelly invited Planning Commission Chairman Roscoe Lee to the podium to provide details for the Public Hearing. Mr. Lee indicated amendments to the municipal code are needed to provide clarity to the residential property development regulations. Currently, the City of Nassau Bay's Building Official indicated stairs are not considered a structure and therefore are not subject to the City's setback requirements. However, with the elevation of existing homes where stairs need to be added to provide access, and additionally with new homes with elevations to meet the City's minimum building height regulations, stairs can be quite large and front stairs could extend well into the front yard.

Mr. Lee noted the Planning Commission addressed this issue in a joint session with several homes associations. The Nassau Bay Homes Association indicated they are addressing this point in their reviews of elevated homes and new homes. The Planning Commission recommends it is important to provide clarification indicating the City does not regulate the design of stairs, but homes associations may review and approve the design of stairs.

Public Hearing was opened at 7:30 p.m.

There being no one wishing to speak, the public hearing was immediately closed.

Adoption of Ordinance O2017-765 amending the comprehensive zoning ordinance by adding residential property development regulations to Article 14, providing for a penalty and for severability; and providing for codification (first of two readings)

Councilmember Jonathan Amdur requested clarification on the homes associations review of stair designs, and inquired if the amendment would apply to other parts of the home. Additionally, he questioned if other modifications would fall within this scope of the amendment, and City Attorney Dick Gregg, Jr. stated that would not be the proper legal interpretation of this amendment.

Building Official Stelly commented in normal situations, the City does not review homes associations restrictions. The City provides zoning regulations, and leaves the homes associations to provide rules for homeowners. Mr. Lee added the setback requirements apply to structures, and this amendment would state stairs are not structures.

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

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY ADDING RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS TO ARTICLE 14, 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. O2017-765.)

It was moved by Councilmember Don Matter, seconded by Councilmember Jonathan Amdur, to amend the comprehensive zoning ordinance by adding residential property development regulations to Article 14.

Motion passed 6 – 0.

Public Hearing on the rezoning of 18295 Upper Bay Rd (site of new City of Nassau Bay Fire Station and EMS Facility) from Urban (U) to Public Ownership (PO-1)

Assistant City Manager Mary Chambers began her comments by stating the site of the future Fire Station / EMS Facility at 18295 Upper Bay Road was placed in the Urban District in 2013 when the City of Nassau Bay updated the Zoning Ordinance and map. She noted the Fire Station / EMS Facility is permitted in both the Urban District and the Public Ownership (PO) District, but all other City properties are in the PO District. This rezoning maintains consistency in the zoning of public property and will have no adverse impacts on adjacent properties.

Public Hearing was opened at 7:36 p.m.

There being no one wishing to speak, the public hearing was immediately closed.

Adoption of Ordinance O2017-766 changing the zoning classification of 18295 Upper Bay Road from Urban (U) to Public Ownership (PO-1), providing for a penalty, and providing for codification (first of two readings)

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

AN ORDINANCE OF THE CITY OF NASSAU BAY, TEXAS CHANGING THE ZONING CLASSIFICATION OF 18295 UPPER BAY RD. FROM URBAN (U) TO PUBLIC OWNERSHIP (PO-1). PROVIDING FOR A PENALTY; AND PROVIDING FOR CODIFICATION.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2017-766.)

It was moved by Councilmember Bob Warters, seconded by Councilmember Don Matter, to adopt an ordinance changing the zoning classification of 18295 Upper Bay Road from Urban (U) to Public Ownership (PO-1).

Motion passed 6 – 0.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

Public Hearing was opened at 7:38 p.m.

Donna Penney, 18606 Barbuda Lane, provided comments in support of Animal Control Officer Troy Bradfield and the City's animal shelter. Ms. Penney expressed a strong response regarding the uncertainty of the shelter, but has been encouraged by the recent open communication with City Manager Reynolds.

City Manager Reynolds addressed those in attendance, noting a recent grant award of \$45,000 from Petco. He indicated staff was working with volunteers in moving forward in rebuilding the shelter, and after a year review, further recommendations would be made for the long-term vision of the shelter.

Bobbie Williams, 18415 Point Lookout Drive, expressed urgency in completion of the animal shelter. As winter approaches, she stated a need to protect the animals from the elements, and hoped for the City to have swift action in creating a long-term solution.

Kathy Tenison, 18211 Cape Bahamas, requested greater transparency in regards to the future plans of the animal shelter. As a strong supporter of the shelter, she proposed the creation of a GoFundMe fundraising page for the shelter.

Vincent Blair, 18727 Martinique, expressed appreciation to Animal Control Officer Bradfield and his strong maintenance of the shelter. He understood the need for data collection in creating long-term solutions, and hoped the City would support a solution as close to a no-kill shelter as possible. He commented on the strong citizen support for this idea, but noted this solution would incur costs for citizens.

Kimberly Neal, 18711 Point Lookout Drive, described her recent experience after Hurricane Harvey, and her inability to acquire a building permit to make repairs to her home. She noted she purchased her home in 2014 with the knowledge of previous flood history. Mrs. Neal remarked she was paying taxes on an approximately 3,900 square foot home, maintained a flood insurance policy, and was subsequently received funds for her Hurricane Harvey flood claim, but felt the City was impeding her ability to live in her home by refusing to issue a permit for repairs. After extending the three-minute time limit for the citizens' request for hearing, Mrs. Neal left the podium.

There were no other public comments and the hearing was closed.

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Jonathan Amdur thanked the individuals who spoke during the open forum, and stated laws do not allow for councilmembers to address citizen comments.

Councilmember Bryce Klug echoed Councilmember Amdur comments, and additionally stated citizens with questions concerning City business can contact Councilmembers directly for further discussion.

Councilmember John Mahon expressed a similar sentiment regarding the open dialogue, and thanked those who have become actively involved in City business.

Councilmember Don Matter additionally stated he was available to answer questions from citizens at any time.

Mayor Pro Tem Mossman thanked those individuals in attendance.

REPORTS FROM STAFF MEMBERS & COMMITTEES

City Manager

City Manager Jason Reynolds began his comments by providing updates on San Sebastian's construction activities. Additional construction activities include the commencement of work on the birding trail, as the contract was recently signed by Commissioner Jack Morman's office, and the CenterPoint lights along Upper Bay Road. Mr. Reynolds commented on the great turnout at the Arbor Day celebration, and thanked the Garden Club and Public Works department for their efforts. With the holiday season approaching, Mr. Reynolds summarized the City's upcoming events, including the Toys for Tots toy drive, Holiday in the Park, and the Clear Lake Boat Parade.

Fire Department

President Matt Roper presented the Fire Department's October status report, beginning first by noting the great turnout at the recent department open house. Mr. Roper stated the department responded to 36 calls and logged 850 man hours. Current membership holds at 40 members.

Parks & Recreation

Parks & Recreation Committee Chair Roscoe Lee provided an update of the most recent Committee meeting, in which he expressed appreciation to the Public Works department for their efforts in cleaning David Braun Park. He also noted the Committee was tasked in overseeing the Keep Texas Beautiful program, now keep Nassau Bay Beautiful program, in which the City already completes many of the program requirements.

Mr. Lee proceeded by providing an overview of the volunteer clean-up of the peninsula. Mr. Lee displayed before and after photographs of the efforts, and noted additionally, volunteer hours would be counted as part of the required FEMA contribution.

Planning Commission

Planning Commission Chairman Roscoe Lee briefly commented on the recent Commission meeting, in which topics relating to the Special Use Permit for the property located at 1910 NASA Parkway and the Planning Commission vacancy were addressed. As the item related to the Special Use Permit was pulled from the agenda, he had no further comments on the issue. He noted he would address the vacancy topic in the upcoming agenda item.

CONSENT AGENDA

The Consent Agenda listed the following items for approval:

Approval of Minutes of Budget Workshop on September 14, 2017

Approval of Minutes of Special Meeting on September 25, 2017

Approval of Minutes of Regular Meeting on October 9, 2017

Approval of Minutes of Special Meeting on October 30, 2017

Approval of the Economic Development Corporation July 24, 2017 minutes and Annual Report for Fiscal Year 2016-17 as approved by the EDC at its meeting held on October 30, 2017

Resolution casting ballot for the election of Mike Sullivan to the Board of Directors of the Harris County Appraisal District

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. R2017-2125.)

Councilmember Amdur asked for the consent agenda item 9.D. pertaining to the City's approval of writing off uncollectable account receivables be pulled from the Consent Agenda and considered separately.

It was moved by Councilmember Don Matter, seconded by Councilmember Bob Warters, to approve the Consent Agenda Items, 9.A, 9.B, and 9.C.

Motion passed 6 – 0.

Approval of writing off Uncollectible Accounts Receivable Aged 360 Days or Older as identified in the June 30, 2017 Write-Off Report

Councilmember Amdur requested further clarification of the collections and write off process, and further asked if the City could continue collection efforts.

Finance Director Csilla Stiles described the write off items as having gone through an extensive collection process, and further deemed uncollectible. According to industry standards, the items on the write-off report will continue to be unsuccessful in collection.

Councilmember Matter commented on Medicare invoicing, and a brief discussion was held on the process for write-offs unpaid by Medicare.

It was moved by Councilmember Bryce Klug, seconded by Councilmember Bob Warters, to approve the writing off of uncollectible accounts receivable aged 360 days or older as identified in the June 30, 2017 write-off report.

Motion passed 5 – 1, Councilmember Amdur opposed.

NEW BUSINESS

Resolution appointing Angela Braun to the Planning Commission

Planning Commission Chairman Lee noted the Commission reviewed three applications and interviewed two applicants. Mr. Lee stated the Planning Commission recommends Angela Braun to fill the vacancy to the Commission.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU
BAY, TEXAS, APPOINTING A MEMBER TO THE PLANNING
COMMISSION

(Said Resolution is of record in Resolution Book No. 19 of the City of
Nassau Bay, Texas, being Resolution No. R2017-2126.)

It was moved by Councilmember Don Matter, seconded by Councilmember John Mahon, to appoint Angela Braun to the Planning Commission.

Motion passed 6 – 0.

Approval of the 2016 Annual Report for the City of Nassau Bay Reinvestment Zone Number One

Assistant City Manager Chambers provided an overview of the 2016 Tax Increment Reinvestment Zone (TIRZ) Number One Annual Report, with no significant changes from the previous year report. Mrs. Chamber indicated a growth in appraised value from base year 2007 to present (2016) of \$138,123,551. Mrs. Chambers noted the TIRZ Board has adopted this Annual Report, and after Council acceptance, the report will be submitted to the State Comptroller and the Office of Attorney General.

It was moved by Councilmember Amdur, seconded by Councilmember Klug, to approve the 2016 TIRZ Annual Report.

Motion passed 6 – 0.

Resolution amending resolution No. R2005-1686, modifying residential building permit fees charged by the building department

Building Official Mark Stelly introduced the agenda item, indicating the agenda item as similar action taken after Hurricane Ike. By reducing the permit fees by 40%, the proposed resolution will relieve the financial impact on those residents needing to rebuild or repair after Hurricane Harvey. The proposed fee reduction is for residential and does not cover commercial repairs.

Councilmember Bob Warters introduced several amendments to the resolution, citing concern for any individual enduring a hardship due to natural disaster should qualify for the same permit fee reduction. He proposed the following additions to the current resolution, asking for the City to give a 40% reduction in the cost of building permits in the following situations:

1. The permit is to repair damage that was sudden and caused by fire, flooding, or high winds.
2. The structure is a single stand-alone private home.
3. The home is owned by the person living in the home at the time the damage was incurred.
4. The person filing for the permit is the person who lived in the house when the damage was incurred.
5. The permit application must be filed within six months of the date of the damage occurrence.
6. The permit can only be for work required to repair the damage and the repair must be estimated to cost at least \$25,000.
7. This resolution to be effective the 1st day of September, 2017.

Councilmember Matter motioned to accept the resolution with Councilmember Warters' proposed amendments.

City Manager Reynolds requested Councilmember Warters to consider bullet point #2, with a change from single "stand-alone" private home to single "family" private home. Councilmember Amdur proposed adding the clause for permit reductions when the cause of damage was not from the criminal activity of the resident and/or owner of the structure.

Councilmember Klug inquired whether a point of clarification was needed for the zoning of the property, with an amendment to exclude commercial and urban zones. After discussion, Councilmember Klug withdrew his amendment. Councilmember Klug seconded the motion with proposed amendments by Councilmember Warters and Amdur.

Councilmember Mahon remarked on the permit fees for hardships due to fire and high wind, which he believed to be reimbursed at 100%, while flood victims are not fully compensated. Councilmember Matter responded many individuals are still responsible for deductibles, and often times still not fully reimbursed. Councilmember Klug indicated often times homeowners incur more expenses than reimbursed, and the proposed resolution would incentivize homeowners to make timely repairs.

City Attorney Gregg inquired whether Councilmember Warters intended for the resolution amendments to become permanent, or rather time limited as originally shown in the

resolution. Councilmember Warters indicated he would like to remove the expiration date from the resolution.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AMENDING RESOLUTION NO. R2005-1686, MODIFYING RESIDENTIAL BUILDING PERMIT FEES CHARGED BY THE BUILDING DEPARTMENT.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2017-2127.)

It was moved by Councilmember Matter, seconded by Councilmember Klug, to approve a resolution amending resolution No. R2005-1686, modifying residential building permit fees charged by the building department. For purposes of clarification, said resolution now consists of the following amendments:

1. The permit is to repair damage that was sudden and caused by fire, flooding, or high winds.
2. The structure is a single family private home.
3. The home is owned by the person living in the home at the time the damage was incurred.
4. The person filing for the permit is the person who lived in the house when the damage was incurred.
5. The permit application must be filed within six months of the date of the damage occurrence.
6. The permit can only be for work required to repair the damage and the repair must be estimated to cost at least \$25,000.
7. The cause of damage to the home was not from the criminal activity of the resident and/or owner of the structure.
8. This resolution to be effective the 1st day of September, 2017, with no expiration date.

Motion passed 6 – 0.


ADJOURNMENT

There being no further business, the meeting adjourned at 8:33 p.m.

Minutes approved as submitted and/or amended this 11th day of December, A.D. 2017.



CITY OF NASSAU BAY, TEXAS


Sandra Mossman
Mayor Pro Tem

ATTEST:


Sandra V. Ham
City Secretary