

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
December 11, 2017
7:00 PM**

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

MEMBERS OF COUNCIL ABSENT: Bryce Klug

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, Building Official Mark Stelly, Human Resources Administrator Isela Castillo, and Planning Commission Chair Roscoe Lee

PRESIDING: Mayor Mark Denman

CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Mark 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

The invocation was given by Deacon Jim Lockwood of St. Paul the Apostle Catholic Church. The Pledges to the American and Texas flags were led by members of the Gulf Coast York Rite College No. 106. Mayor Denman presented the members a certificate of appreciation and posed for a photo.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS

Presentation of a Check to Gulf Coast Film & Video Festival

Mayor Denman presented Gulf Coast Film & Video Festival Chairman Hal Wixon, a check in the amount of \$1,000 from the Hotel/Motel Tax fund. Mr. Wixon described next year's internationally known event, which will be the festival's 20th anniversary. A photo was taken of Mayor Denman and Mr. Wixon.

Presentation of a Check to the Bay Area Houston Ballet & Theatre

Mayor Denman presented Jill Reason a check in the amount of \$1,500 from the Hotel/Motel Tax Fund for the Bay Area Houston Ballet & Theatre. Ms. Reason thanked the City for the funding and gave a brief overview of their program, citing the program's recent goal of bringing art programming into local schools. A photo was taken of Mayor Denman and Ms. Reason.

Presentation of a Check to Clear Creek Community Theatre

Mayor Denman presented Aprille Meek of Clear Creek Community Theatre a check in the amount of \$1,000 from the Hotel/Motel Tax fund. Ms. Meek thanked the City for the funding and remarked on the upcoming theater production of "A Christmas Carol." A photo was taken of Mayor Denman and Ms. Meek.

Recognition of the 2017 Employees of the Year

City Manager Jason Reynolds recognized Field Operator II Robert Villanueva as the 2017 Employee of the Year. He noted Mr. Villanueva received his employee recognition plaque previously during an employee luncheon, but wanted to provide additional recognition to Mr. Villanueva during the City Council meeting. A photo was taken of Mayor Denman, Mr. Reynolds, and Mr. Villanueva.

City Manager Reynolds recognized Police Chief Kenneth Campbell as the 2017 Supervisor of the Year and presented him with an employee recognition plaque. Police Chief Campbell spoke briefly about his staff and thanked the City for the opportunity to serve. A photo was taken of Mayor Denman, Mr. Reynolds, and Police Chief Campbell.

City Manager Reynolds and Police Chief Kenneth Campbell recognized Officer Jerel Crowder as the 2017 Officer of the Year and presented him with an employee recognition plaque. Police Chief Campbell noted this was the second nomination and award for Officer Crowder in the four years of service with Nassau Bay. A photo was taken of Mayor Denman, Mr. Reynolds, Police Chief Campbell, and Officer Crowder.

Recognition of Employee for 40 Years of Service

City Manager Reynolds recognized JR Cruz for his 40 years of continued service with the City of Nassau Bay, and presented an engraved desk clock honoring the occasion. Public Works Director Paul Lopez continued the recognition by summarizing Mr. Cruz's career with the City, detailing his positive influences in the department. Mayor Denman congratulated Mr. Cruz for his dedication to the City. A photo was taken of Mayor Denman, Mr. Reynolds, Mr. Lopez, and Mr. Cruz, followed by a standing ovation from the audience.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

Public Hearing on the amendment to the Nassau Bay Comprehensive Zoning Ordinance to modify the accessory building regulations in Appendix A - Zoning Subsection Section 11-1000.

Planning Commission Chairman Roscoe Lee provided details for the Public Hearing, noting amendments to the municipal code were needed to provide clarity to the accessory building regulations. Mr. Lee cited this amendment as a continuation of the work by the Planning Commission.

Chairman Lee began his comments by stating air conditioner compressors for homes elevated under FEMA grants must be elevated to the same elevation as the first livable floor. The City's current ordinance does not address "elevated" air conditioner compressors, nor accessory structures such as whole-house generators.

For the homes which have been elevated, the City Manager provided an administrative interpretation, which allowed elevated air conditioner compressors to meet the three (3) foot side yard elevations. The proposed change specifically states this regulation and does not limit it to homes elevated under the FEMA elevation grant. New home construction may also have elevated accessory structures.

Previous homes which have been elevated considered the construction of a porch to provide access to the elevated air conditioner compressor. The ordinance change specifically states the building set-back requirements would apply to such structures to minimize aerial intrusion. A variance from the Board of Adjustment can be requested. Chairman Lee ended by noting the proposed amendment would formalize the previous administrative interpretations implemented in the City.

Councilmember Don Matter questioned the clarity of the new regulations, and specifically remarked on the regulation stating, "accessory equipment shall not be enclosed." Councilmember Matter inquired whether the screening of accessory equipment would be considered an enclosure. Chairman Lee indicated the Planning Commission elected not to specify rules against screening, while Building Official Mark Stelly noted the reasoning for directives against enclosures is to limit a homeowner's ability to utilize the enclosure as storage.

Councilmember Matter requested greater detail regarding a homeowner's ability to screen accessory equipment, and in general asked for additional information to be provided prior to adoption of the ordinance.

Public Hearing was opened at 7:33 p.m.

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

Ordinance O2017-767 amending the comprehensive zoning ordinance by replacing in its entirety the portion of the accessory building regulations that deal with "air conditioning or similar accessory structures" in Appendix A - Zoning Subsection Section 11-1000 (accessory building regulations) and replacing the portion that deals with said "air conditioning or similar accessory structures" with a new portion of section 11-1000 (accessory building regulations) dealing with what shall now be entitled "air conditioning or similar accessory equipment", defining "similar accessory equipment" and clarifying the effect of the elevation of the height of a structure on setbacks and similar regulations; providing for a penalty and for severability; and providing for codification (first of two readings)

It was moved by Councilmember Jonathan Amdur, seconded by Councilmember Bob Warters, to amend the Nassau Bay Comprehensive Zoning Ordinance to modify the accessory building regulations in Appendix A - Zoning Subsection Section 11-1000.

Councilmember Matter continued discussion, requesting further clarification on the regulations, specifically the screening of equipment. Before passage of the ordinance, Councilmember Matter reiterated a need for further details on the regulations.

It was moved by Councilmember John Mahon, seconded by Councilmember Don Matter, to table the amendment of the Nassau Bay Comprehensive Zoning Ordinance to modify the accessory building regulations in Appendix A - Zoning Subsection Section 11-1000.

Motion passed 6 – 0.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

Mayor Denman announced a Public Hearing for citizens to address Council regarding issues and concerns.

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

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Bob Warters commended Stacey Amdur and the Special Events Committee for the large and joyous crowd at the Holiday in the Park event.

Councilmember Jonathan Amdur provided concluding thoughts to the year, expressing appreciation to the staff, who he believed has gone above and beyond in the year, especially during Hurricane Harvey. He also congratulated the Employees of the Year and Mr. Cruz for their dedicated service. Closing his comments, Councilmember Amdur thanked all of the volunteers in the City, acknowledging the Special Events Committee, and the community support after Hurricane Harvey.

Councilmember John Mahon expressed a similar sentiment, and expressed appreciation to all volunteers.

Councilmember Don Matter stated a similar thankful message. Additionally, he commended Mr. Cruz for his 40 years of service.

Mayor Pro Tem Mossman echoed messages of appreciation, and wished the City the best for the holiday season and the new year.

REPORTS FROM STAFF MEMBERS & COMMITTEES

City Manager

City Manager Jason Reynolds began his comments by expressing appreciation to the Special Events Committee, volunteers, and staff for a successful Holiday in the Park. Additionally, he thanked Fire Chief Tom George and City staff for their contribution in the Clear Lake Boat Parade. Mr. Reynolds closed by commenting on the progress of the San Sebastian project construction.

Fire Department

President Matt Roper presented the Fire Department's November status report, noting the department responded to 22 calls and logged 680 standby man hours. Current membership holds at 41 members. Mr. Roper remarked for 2018 there will be greater clarity in the presentation of department statistics. Lastly, Mr. Roper commented on the development of the new Fire Department / EMS facility, with steel installation completed. The Fire Department expects the building to be completed June 15, 2018.

Parks & Recreation

Parks & Recreation Committee Chair Roscoe Lee provided an update on the various City's parks and Nassau Bay peninsula. He thanked all volunteers who assisted in the recent peninsula cleanup.

Mr. Lee proceeded by providing an overview of David Braun Park, Howard Ward Park, and the rebuilding of the animal shelter. Additionally, Mr. Lee spoke of the Committee's new responsibility over the Keep Texas Beautiful program, with the City's provisional participation in the program as Keep Nassau Bay Beautiful. Further action items are needed to formalize the program, including the development of a board of directors, which the Committee suggests utilizing the Parks & Recreation Committee as members. Keep Nassau Bay Beautiful, and other programs, including Playful City, assist in giving the City positive public awareness.

Mayor Denman inquired on the timeline for the walking trail, and Mr. Lee indicated a meeting with the contractors would occur in the following week. Lastly, Mayor Denman noted the annual Clear Creek Education Foundation peninsula cleanup is scheduled for February 24, 2018.

CONSENT AGENDA

The Consent Agenda listed the following items for approval:

Approval of Minutes of Regular Meeting on November 11, 2017

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 (second and final reading)

The caption of the ordinance reads as follows (second and final reading):

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.)

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 (second and final reading)

The caption of the ordinance reads as follows (second and final 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.)

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 (second and final reading)

The caption of the ordinance reads as follows (second and final reading):

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.)

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 (second and final reading)

The caption of the ordinance reads as follows (second and final reading):

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.)

Resolution authorizing Mayor to enter into a joint election agreement with Clear Creek Independent School District to share the City's polling place at City Hall on Election Day, May 5, 2018

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO A JOINT ELECTION AGREEMENT WITH CLEAR CREEK INDEPENDENT SCHOOL DISTRICT TO SHARE THE CITY'S POLLING PLACE AT CITY HALL ON ELECTION DAY, MAY 5, 2018.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2017-2128.)

Resolution re-appointing Roscoe Lee, William Larsen, and Arlene Phillips to the Planning Commission

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, REAPPOINTING MEMBERS TO THE PLANNING COMMISSION

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2017-2129.)

It was moved by Councilmember Jonathan Amdur, seconded by Councilmember John Mahon, to approve the consent agenda.

Motion passed 6 – 0.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:38 p.m.

Minutes approved as submitted and/or amended this 8th day of January, A.D. 2018.



ATTEST:

CITY OF NASSAU BAY, TEXAS

A handwritten signature in black ink, appearing to read "Mark A. Denman", written over a horizontal line.

Mark A. Denman
Mayor

A handwritten signature in blue ink, appearing to read "S. Ham", written over a horizontal line.

Sandra V. Ham
City Secretary