

AGENDA - REGULAR MEETING AND PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, TO BE HELD ON JUNE 8, 2009 AT 7:00 P.M. IN THE COUNCIL CHAMBER, CITY HALL, 18100 UPPER BAY ROAD, NASSAU BAY, TEXAS

- A. Call to Order
- B. Invocation – Scout Troop 957
- C. Pledges of Allegiance – Scout Troop 957
(Texas Pledge: *“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*)
- D. Roll Call
- E. Approval of Minutes:
 - 1. Regular Meeting on May 11, 2009
 - 2. Special Meeting on May 14, 2009
 - 3. Special Meeting on May 23, 2009
 - 4. Special Meeting on May 29, 2009
- F. Opening Remarks: Report on Citizens for Space Exploration Trip
- G. Council Recognitions and Proclamations: None
- H. Reports:
 - 1. Interim City Manager
 - (a) Items Related to Hurricane Ike and Economic Recovery.
 - (b) Removal of Nassau Bay Shopping Village’s Non-Conforming Sign and Replacement Sign.
 - 2. City Attorney - None
 - 3. Committees:
 - (a) Parks and Recreation Committee – Recognition of Marsh Mania Participants.
 - (b) Planning Commission – Report on Development of Ordinance Change to Address Temporary Businesses.
 - (c) Special Events Committee – 4th of July Event.
 - (d) Fire Department – Membership & Status of New Pumper.
 - (e) Sub-Committee on Flooding – Report on May 14th Meeting.
 - (f) Sub-Committee on Dredging – None.
 - (g) Sub-Committee on NASA Parkway – Report by Police Chief Wroblewski on Traffic Issues at Intersection of Nassau Bay Drive and NASA Parkway.
 - (h) Street Committee – Status of 2009 Street Project.

- (i) Economic Development Corporation – None.
- (j) Bay Area Houston Convention & Visitors Bureau – None.
- (k) Solid Waste Collection & Public Utility Grant Fees – Report will be Given under Old Business No. 2 & New Business No. 5 & 6.

I. Citizens' Hearing, limited to items not on this agenda.

J. Old Business:

- 1. Consideration and Possible Action – Ordinance Amending Zoning Ordinance by Deleting Subsection (c) of Section 10-300 and Replacing it with the Word “Reserved” and by Replacing the Matrix Data and Explanatory Notes in Article 14, Property Development Regulations, Residential, By Deleting Subsection (e) of Section 12-100 and Replacing it with the Word “Reserved;” and Providing for Severability, Codification, and a Penalty for Violation Thereof (second & final reading).
- 2. Consideration and Possible Action – Ordinance Granting an Exclusive Public Utility Grant Agreement Between the City and Nexus Disposal for the Collection and Disposal of Commercial Solid Waste (Save and Except a Separate Contact to AmeriWaste, Inc. for Residential Service Utilities not Replaced or Affected by this Agreement); Authorizing the Mayor to Execute the Contract, Setting Forth General Specifications Establishing Rates for Collection and Disposal of Solid Waste, Prohibiting Street or Right-of-Way Usage by any Other Trash Hauler or Solid Waste Disposal Person or Entity without an Approved Contract with the City for Such Usage; Providing for the Collection of Established Rates and Providing for Enforcement; and Providing a Penalty for Violation Thereof (second & final reading).

K. New Business:

- 1. Issuance of Certificates of Election and Administering of Oaths of Office to Councilmembers-Elect John C. Haugen, Ron Swofford, and Mark Denman.
- 2. Consideration and Possible Action – Resolution Electing a Mayor Pro Tem.
- 3. Consideration and Possible Action – Appointment of an Interim City Manager.
- 4. Consideration and Possible Action – Review and Acceptance of Final Audited Financial Statements and Accompanying Documents for Fiscal Year Ending September 30, 2008 as Presented by Belt, Harris & Associates, LLLP.
- 5. Consideration and Possible Action – Resolution Authorizing Mayor to Sign a Contract with Nexus Disposal for the Collection and Disposal of Commercial Solid Waste.

6. Consideration and Possible Action – Resolution Establishing a Street Rental Fee and Administration/Utility Billing Fee for the Collection and Disposal of Commercial Solid Waste.
7. Consideration and Possible Action – Approval of Revenue Payment into Tax Increment Reinvestment Zone No. 1 (TIRZ).
8. Consideration and Possible Action – Resolution Authorizing Mayor to Sign a Contractual Agreement with City of Webster for Municipal Court Services.
9. Consideration and Possible Action – Appointment of a Member to the Sub-Committee on Flooding.
10. Consideration and Possible Action – Appointment of Sub-Committee to work with Galveston Bay Foundation.
11. Consideration and Possible Action – Resolution Pertaining to Nassau Bay Economic Development Corporation, Ratifying Terms of Office of Directors who Serve on City Council and Reappointing Citizen Directors.

L. Other Business:

1. Executive Session as Authorized by Texas Government Code, Chapter 551, Open Meetings, Subchapter D, Exceptions to Requirement that Meetings be Open:

§551.071: Consultation with Attorney – 1) Regarding Pending or Contemplated Litigation; and 2) Regarding a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with this Chapter.

§551.072 Deliberations about Real Property – Discussion of Offer of Real Property from Harris County.

§551.074: Personnel – Discussion Related to City Manager Search.

2. Return to Open Session.

*City Council reserves the right to hear any of the above described executive session agenda items in regular session as additional agenda items before or after any executive session actually conducted.

**City Council reserves the right to hear any of the above described agenda items that qualify for an executive session in an executive session by publicly announcing the applicable section number of the Open Meetings Act (Chapter 551 of the Texas Government Code) that justifies executive session treatment.

M. Adjournment

In compliance with the Americans with Disabilities Act, the City of Nassau Bay will provide for reasonable accommodations for disabled persons attending City Council Meetings. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 281.333.4211 or by Fax at 281.333.2301.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Nassau Bay is a true and correct copy of said Notice and that I posted said Notice on the bulletin board, in the City Hall of said City, a place convenient and readily accessible to the general public at all times, and said Notice was posted on June 5, 2009 by 3:30 pm and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

(A090608)

/s/ Pat Jones, TRMC/CMC
City Secretary