

**REGULAR MEETING AND PUBLIC HEARING  
CITY COUNCIL  
CITY OF NASSAU BAY, TEXAS  
FEBRUARY 12, 2018  
7:00 PM**

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

**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 Ludanyi, Police Chief Kenneth Campbell, Fire Chief Tom George, Public Works Director Paul Lopez, and Planning Commission Chairman 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 Reverend Mike Stone of St. Thomas the Apostle Episcopal Church. The Pledges to the American and Texas flags were led by Scout Troop Pack 389. Mayor Denman presented Pack 389 a certificate of appreciation and posed for a photo.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS**

**Presentation of a Proclamation to Bal Harbour Homeowners Association**

Mayor Denman presented a proclamation to the Bal Harbour Homeowners Association. Board President Nancy Guthrie and present board members accepted the proclamation on the Association's behalf. Mayor Denman commented on the exceptional example the organization is in the City for other homeowner's associations. A photo was taken of Mayor Denman, Ms. Guthrie, and board members.

**Presentation of a Check to Clear Creek Environmental Foundation**

Mayor Denman presented a check in the amount of \$4,000 to the Clear Creek Environmental Foundation (CCEF). No representative was present to accept the check. Mayor Denman continued the presentation by describing CCEF's past clean-up efforts of the Nassau Bay peninsula. Nassau Bay's donation to the Foundation greatly reduces the expense of contracting with a third-party company for similar clean-up efforts. Mayor Denman continued by inviting residents to join this year's CCEF volunteer efforts on February 24th at 8:30 a.m.

**PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING:** None

## **CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL**

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

The Public Hearing was opened at 7:08 p.m.

Roscoe Lee, 1631 Antiqua, remarked on a recent feature of Public Works employee Ross Patrick on Nextdoor, and recognized Mr. Patrick for his knowledge of the City's water and waste water facilities.

There were no other public comments and the hearing was closed at 7:10 p.m.

## **COUNCILMEMBERS' COMMENTS/REPORTS**

Councilmember Bob Warters expressed concern regarding the number of commercial dumpsters in the City, and requested greater restrictions on the length of time dumpsters are able to remain visible. Additionally, he commented on the Sapphire Resort Apartments' construction trailers on Upper Bay Road, remarking on the duration the trailers have been in sight. He closed by suggesting new locations for placement, expressing concern of the image of those trailers in the City.

## **MAYOR'S COMMENTS/REPORTS**

Mayor Denman echoed Councilmember Warters' statement, citing the Sapphire construction trailers as having been in the City for over three years now.

## **REPORTS FROM STAFF MEMBERS & COMMITTEES**

### **City Manager**

City Manager Jason Reynolds began his comments by inviting residents to the upcoming Clear Creek Environmental Foundation Annual Peninsula Cleanup on February 24th. Additionally, Mr. Reynolds announced the new class of Nassau Bay 101, which will begin March 15th. Applications can be found online or at City Hall.

### **Fire Department**

President Matt Roper presented the Fire Department's January status report, noting the department responded to 49 calls and logged 725 standby man hours. Current membership holds at 40 members.

### **Parks & Recreation**

Parks & Recreation Committee Interim Chairman Roscoe Lee described the recently held January 17th Committee meeting, and provided an overview of the current status of the City's parks. Mr. Lee stated the Lake Nassau dredging project is complete, and additionally noted the walking trail project is anticipated to be completed soon.

Mr. Lee continued by remarking on the Parks & Recreation Committee's most significant project, the creation of Keep Nassau Bay Beautiful. Currently, Nassau Bay is a provisional affiliate and will bring a resolution for Council approval to the March agenda, which will formalize the organization. The next Parks & Recreation Committee meeting will be held on February 21st.

### **Planning Commission**

Planning Commission Chairman Roscoe Lee stated the Commission met on February 7th for a planning workshop. Topics of discussion included the deficiency in the City's sign ordinance for Urban Districts. Mr. Lee noted several months ago the Commission proposed a stop gap measure, and has since reviewed various City ordinances for templates, including the City of Austin. The Commission will work towards drafting a more permanent ordinance change in the near future.

Continuing his comments, Mr. Lee noted the City's Building Official and Fire Marshall recommendation to add numerical addresses on signage in commercial areas. Mr. Lee also referred to staff's proposal for "allowable construction materials in residential zones." The Commission is examining comparable cities, and researching if a precedent has been set for this type of zoning allowance.

### **CONSENT AGENDA**

The Consent Agenda listed the following items for approval:

#### **Approval of Minutes of Regular Meeting on January 8, 2018**

#### **Approval of Economic Development Corporation Minutes of October 30, 2017 as approved by the EDC at its meeting held on January 29, 2018**

#### **Ordinance calling the May 5, 2018 City Officers' Election for the purpose of electing a Mayor and three Councilmembers, Positions 2, 4 & 6**

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, ORDERING A REGULAR CITY ELECTION TO BE HELD IN SAID CITY ON THE 5TH DAY OF MAY 2018, AND IF THE SAME IS REQUIRED, A RUNOFF ELECTION TO BE HELD ON THE 16TH DAY OF JUNE 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE MEMBERS OF COUNCIL; DESIGNATING THE DAY(S) OF THE ELECTION(S) AND THE POLLING PLACE; APPOINTING ELECTION OFFICIALS THEREFORE; PROVIDING THAT ALL DULY QUALIFIED RESIDENT ELECTORS SHALL BE QUALIFIED TO VOTE; PRESCRIBING A FORM OF THE BALLOT; PROVIDING A NOTICE OF ELECTION; CONTAINING OTHER PROVISIONS RELATING TO SAID ELECTION; AND PROVIDING FOR SEVERABILITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2018-769.)

**Resolution supporting an Office of the Governor grant application for the Nassau Bay Police Department for Rifle Resistant Body Armor and designating the City Manager as the authorized grant official**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, SUPPORTING AN OFFICE OF THE GOVERNOR GRANT APPLICATION FOR THE NASSAU BAY POLICE DEPARTMENT FOR RIFLE RESISTANT BODY ARMOR AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZED GRANT OFFICIAL

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2018-2131.)

**Resolution requesting financial participation from the Texas Water Development Board and authorizing the filing of an application for financial participation**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2018-2132.)

It was moved by Councilmember Don Matter, seconded by Councilmember Bob Warters, to approve the consent agenda.

Motion passed 6 – 0.

**NEW BUSINESS**

**Ordinance amending the Nassau Bay Comprehensive Zoning Ordinance to modify the accessory building regulations in Appendix A - Zoning Subsection Section 11-1000**

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

AN ORDINANCE 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

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2017-767.)

Planning Commission Chairman Lee discussed the changes requested by City Council at the December 11, 2017 Council meeting, specifically the definition of the word *enclosed* found within the ordinance. Mr. Lee obtained the definition of *enclosed* by referencing Article IV of the Nassau Bay Municipal Code, and included such in the proposed ordinance. Additionally, he stated accessory equipment may be screened with no solid walls and such screening of accessory equipment must be consistent with manufacturer's installation requirements.

Councilmembers continued with clarification of several items within the ordinance. Councilmember Don Matter inquired whether the ordinance implies the need for pool pumps to be elevated, and Mr. Lee responded by noting the Commission decided not to specifically address this issue in their wording. Councilmember Jonathan Amdur questioned if existing homes would be grandfathered. Mr. Lee stated yes, with City Attorney Dick Gregg, Jr. in agreement. Councilmember Bob Warters requested clarification on the elevation requirements, whether elevation by cantilever or other means. Mr. Lee responded by stating the Commission opted against specifying the method of elevation, as the method selected may be a cosmetic choice, and determined any method as valid providing the structure met the setback requirements.

There being no objection, the ordinance was held over for second reading at the March City Council meeting.


**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:25 p.m.


Minutes approved as submitted and/or amended this 19th day of March, A.D. 2018.



ATTEST

  
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Sandra V. Ham  
City Secretary

CITY OF NASSAU BAY, TEXAS

  
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Mark A. Denman  
Mayor