

**REGULAR MEETING AND PUBLIC HEARING  
CITY COUNCIL  
CITY OF NASSAU BAY, TEXAS  
AUGUST 12, 2019  
7:00 PM**

**MEMBERS OF COUNCIL PRESENT:** Mayor Mark Denman, Mayor Pro Tem Don Matter, Councilmembers Ashley Graves, John Mahon, Bryce Klug, Bob Wartens, and Matt Prior

**MEMBERS OF COUNCIL ABSENT:** None

**OTHERS PRESENT:** City Attorney Dick Gregg Jr., City Manager Jason Reynolds, City Secretary Sandra Ham, Assistant City Manager Mary Chambers, Finance Director Csilla Ludanyi, Public Works Director Paul Lopez, Fire Chief Tom George, Emergency Management Coordinator Dena Mahan, 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 all elected officials in attendance.

**INVOCATION AND PLEDGES OF ALLEGIANCE**

The invocation was given by Reverend Jenny Scott of St. Thomas the Apostle Episcopal Church. The Pledges to the American and Texas flags were led by Eagle Scout Nikolas Risoldi.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS AND AWARDS**

**Presentation of Proclamation to Nikolas Risoldi in Honor of Earning the Prestigious Rank of Eagle Scout in the Boy Scouts of America**

Mayor Mark Denman congratulated Nikolas Risoldi for completing all the requirements to earn the rank of Eagle Scout. Additionally, Mayor Denman read a proclamation declaring July 9, 2020 “Nikolas Zyg Risoldi Day” in the City of Nassau Bay. Nikolas provided a brief overview of his Eagle Scout project, in which he constructed competition swimming equipment for the Nassau Bay Nauticats. In his project, he constructed six new removable starting blocks, the elevated platforms the swimmers utilize to start their races, and ten benches for the teams to use in their “ready” area to get lined up for their races. Mayor Denman presented the proclamation and posed for a photo with Nikolas and his family.

**PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING**

**Public Hearing on the City Manager’s Proposed Budget for Fiscal Year 2020**

City Manager Jason Reynolds presented his Proposed Budget for Fiscal Year 2020. He indicated the draft budget included an assumption of the same tax rate as previous years. He continued by providing a long-range financial plan, overviewing revenues versus

expenditures. Looking forward, he noted for Fiscal Year 2021, projections indicate higher expenditures over revenues, which is due to lack of commitment for lease renewal from the ISS Center.

Continuing his presentation, Mr. Reynolds provided a financial overview of the City's revenues, and summarized the residential and commercial taxable values. These numbers will not be finalized until August. Additionally, Mr. Reynolds noted sales tax revenues are rising. Although sales tax numbers show rising trends, the budget is projecting a conservative 5% increase, and will numbers will be adjusted based on long-term trends.

Mr. Reynolds detailed the General Fund budget, with estimates of a 3% property tax revenue increase. City Manager Reynolds indicated there would be a minimal Maintenance & Operations increase, of which included targeted salary adjustments. He continued by detailing General Fund main expenses, of which the largest expenses are the Police Department and Administration. The Public Works and Parks Department comprise approximately 14% of the General Fund expenses.

Currently, the General Fund reserve is approximately \$2,002,000, or 131 days of reserve. During the previous budget workshop, there was discussions to utilize excess funds over 90 days of reserve for various projects. For Fiscal Year 2020, there are approximately \$850,000 in capital projects. City Manager Reynolds continued by describing the capital projects list and additionally addressed various Harvey FEMA related projects. Lastly, Mr. Reynolds reviewed the Water & Sewer Fund, and overviewed the Southeast Water Purification Plant and costs of infrastructure proposals.

Mayor Denman requested further clarification regarding an increase in 2022, with Mr. Reynolds noting there are placeholders for future development, with Finance Director Csilla Ludanyi noting some projects are tentative and the year in which the project is completed could change.

**Public Hearing was opened at 7:21 p.m.**

There were no public comments and the Public Hearing was immediately closed.

**Public Hearing on the amendment of City of Nassau Bay Ordinance No. O2013-712 revising Appendix A – Zoning, Article 15. – Zoning Districts for Commercial (C), Mixed Use (U) and Public (PO-1), 15-200. – Urban District, (A). Uses, No. (9).**

Mayor Denman announced a Public Hearing for citizens to address City Council regarding this specific amendment to the Nassau Bay Municipal Code.

Planning Commission Chairman Roscoe Lee indicated this item was addressed at the May 2019 Planning Commission meeting. The proposed ordinance is directed at parking issues in the Urban District. The Urban District was created in the 2010 update to the City's Comprehensive Master Plan. The concept was to allow for higher-density mixed-use development. The City ordinance was updated in 2013 and included the following parking regulation for Urban District: "Parking facility uses are limited to below-grade and multi-level parking structures, with no commercial surface parking lots permitted." An amendment is needed as current street designs around commercial districts in Nassau Bay do not support street parking, especially around the current Urban District.

This ordinance change is necessary to ensure adequate on-site parking in the Urban District, without relying on street parking. The ordinance will be amended as follows: "Parking facility uses include below-grade and multi-level parking structures and commercial surface parking."

**Public Hearing was opened at 7:25 p.m.**

There were no public comments and the Public Hearing was immediately closed.

**Approval of first of two readings on an Ordinance amending City of Nassau Bay Ordinance No. O2013-712 by revising Appendix A – Zoning, Article 15. – Zoning Districts for Commercial (C), Mixed Use (U) and Public (PO-1), 15-200. – Urban District, (A). Uses, No. (9)**

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

AN ORDINANCE AMENDING CITY OF NASSAU BAY ORDINANCE NO. O2013-712 BY REVISING APPENDIX A – ZONING, ARTICLE 15. - ZONING DISTRICTS FOR COMMERCIAL (C), MIXED USE (U) AND PUBLIC (PO-1), 15-200. – URBAN DISTRICT, (A). USES, NO. (9).

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2019-786.)

It was moved by Councilmember Bob Wartens, seconded by Councilmember John Mahon, to approve the first of two readings of an Ordinance amending City of Nassau Bay Ordinance No. O2013-712 by revising Appendix A – Zoning, Article 15. – Zoning Districts for Commercial (C), Mixed Use (U) and Public (PO-1), 15-200. – Urban District, (A). Uses, No. (9).

Motion passed 7 – 0.

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

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

The Public Hearing was opened at 7:26 p.m.

Roscoe Lee, 1631 Antiqua Lane, recognized the volunteer and staff efforts towards the 50th anniversary celebration of the Apollo 11 mission. He recapped the event's highlights and expressed high recognition for the overall two-day celebration. Additionally, Mr. Lee thanked the Public Works Department for their efforts in tree trimming around the City, especially with rising heat temperatures.

Royce McCamy, 1222 Saxony Lane, expressed concern regarding recent discussions limiting on-street parking and short-term rentals within the City. He requested Council utilize a data driven approach should further enforcement measures be considered.

There were no other public comments and the Public Hearing was closed at 7:30 p.m.

## **COUNCILMEMBERS' COMMENTS/REPORTS**

Councilmember Matt Prior commented on the successful Apollo 11 celebration, and thanked staff for their efforts in the successful event. He also extended appreciation to the Public Works Department for their hard efforts to keep the City running.

Councilmember Ashley Graves echoed similar sentiments regarding the Apollo 11 celebration. Additionally, she reminded the public of CANBE's upcoming fundraiser on September 20th, from 6:00pm to 9:00pm, at Nassau Bay City Hall. The event will highlight businesses in Nassau Bay.

Mayor Pro Tem Don Matter complimented the Apollo 11 celebration and anticipates Nassau Bay's 50th anniversary of incorporation will also be a big celebration. He continued by thanking Public Works Director Paul Lopez for their work in increasing the City's pumping capacity.

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

Mayor Mark Denman echoed similar sentiments, also praising the Apollo 11 celebration, and congratulating City staff members Chani Honeycutt and Sandra Ham for their efforts in the event. He also recognized volunteer Joyce Abbey for her efforts. He ended his comments by voicing concern regarding the number of calls for service for the Sapphire Apartments.

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

### **City Manager**

City Manager Jason Reynolds began his comments by echoing Council on the excellent Apollo 11 celebration. He noted the Apollo 11 banners seen throughout the City will go on sale soon. He announced the City's upcoming events, including the October 5th Street Eat Party at Town Square. He continued by recognizing Emergency Management Coordinator Dena Mahan for her efforts in the recent large-scale crate that moved through the City. Lastly, he finished his report by highlighting the City's code enforcement map, which details the City's activity in code enforcement issues. He provided details on the homes currently in violation.

### **Fire Department**

President Matt Roper presented the Fire Department's July status report. Mr. Roper stated the Department responded to 19 calls and logged approximately 1,000 man hours. Current membership is expected to near 40 members, as there are currently five good applicants being considered.

### **Parks & Recreation**

Parks & Recreation Committee Chairman Roscoe Lee remarked on the Committee's recent recommendations for City enhancement. He noted several projects, including the CANBE Legacy benches. He indicated a policy was needed for the placement of the

benches within the City. Additionally, he remarked on the idea of a sundial in the City's parks.

He ended his report by recapping a recent tour to the Houston Zoo, in which the committee discussed the possible installation of a pollinator garden in the City. Mr. Lee remarked on several key points, including the overall look of the garden, the proposal from the Houston Zoo, and plans to move forward.

## CONSENT AGENDA

### **Approval of Minutes of Regular Meeting on June 10, 2019**

### **Approval of Minutes of Regular Meeting on July 8, 2019**

### **Approval of the Economic Development Corporation Minutes of April 22, 2019 and EDC Budget for Fiscal Year 2020 as approved by the EDC at its meeting held on July 22, 2019**

### **Adoption of an Ordinance amending Nassau Bay Municipal Code Chapter 4 – Buildings and Construction, Article V. – Contractor Registration and Building Department Fees, to add Section 4-157. – Permits for Construction Activity (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 4 – BUILDINGS AND CONSTRUCTION, ARTICLE V. – CONTRACTOR REGISTRATION AND BUILDING DEPARTMENT FEES, TO ADD SECTION 4-157. – PERMITS FOR CONSTRUCTION ACTIVITY.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2019-786.)

### **Approval of a resolution reappointing Jim Edwards, Jerry Newberry, R.H. Dietz (regular members) and Kyle Rone (alternate member) to the Board of Adjustment**

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS ELECTING A MAYOR PRO TEM PURSUANT TO SECTION 3.05 OF THE CITY CHARTER.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2182.)

It was moved by Councilmember Bob Warters, seconded by Councilmember Matt Prior, to approve the Consent Agenda.

Motion passed 7 – 0.

## **OLD BUSINESS**

### **Approval of a resolution authorizing the City Manager to sign a First Amendment to Communication Site Lease Agreement with Clear Wireless LLC**

Assistant City Manager Mary Chambers indicated this item was first brought to City Council at the July 9, 2019 City Council meeting. Additional research was conducted by the City Attorney, and it was noted the lease does not provide rights for Sprint / Clear Wireless to sublease any portion of the tower or ground space area granted by the City of Nassau Bay.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN A FIRST AMENDMENT TO COMMUNICATION SITE LEASE AGREEMENT WITH CLEAR WIRELESS LLC.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2019-2178.)

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Bob Warters, to approve the resolution authorizing the City Manager to sign a First Amendment to Communication Site Lease Agreement with Clear Wireless LLC.

Motion passed 7 – 0.

### **Motion to take to Committee any action regarding an Ordinance providing for the regulation and the registration for the operation and use of short-term rentals in the City of Nassau Bay**

Mayor Mark Denman asked City Council to take the issue of regulation and the registration for the operation and use of short-term rentals and the ordinance to a committee for further exploration.

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Ashley Graves, to appoint Mayor Mark Denman, Councilmember Ashley Graves, and Councilmember Matt Prior to a Task Force Committee to provide further recommendations on the regulation and the registration for the operation and use of short-term rentals in the City of Nassau Bay.

Motion passed 7 – 0.

## **NEW BUSINESS**

### **Action to rename the City of Nassau Bay Dog Park in honor of the late Chris Reed**

Assistant City Manager Mary Chambers noted when Chris Reed served as the City Manager for the City of Nassau Bay from 2009 until his retirement in 2015, that the development of the Nassau Bay Dog Park was a source of great pride for Mr. Reed. Mr.

Reed passed away in June of 2019 and the City would like to honor his memory with the naming of the dog park to the "Chris Reed Dog Park."

It was moved by Mayor Pro Tem Don Matter, seconded by Councilmember Bob Warters, to rename the City of Nassau Bay Dog Park in honor of the late Chris Reed.

Motion passed 7 – 0.

**EXECUTIVE SESSION**

Meeting recessed to Executive Session at 7:59 p.m. as authorized by Texas Government Code, Chapter 551, Open Meetings, Subchapter D, Exceptions to Requirement that Meeting be Open, with Mayor Denman reading from the posted agenda the following topic to be discussed in Executive Session:

1. §551.074 Personnel – Discuss the employment, evaluation, compensation, goals, and duties of the City Manager.

Meeting returned to Open Session at 8:11 p.m.

**ACTION ITEMS FROM EXECUTIVE SESSION**

**Action regarding personnel matter(s) as discussed in executive session – City Manager**

No action was taken on this agenda item.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:12 p.m.

Minutes approved as submitted and/or amended this 14th day of October, A.D. 2019.



CITY OF NASSAU BAY, TEXAS

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

Mark A. Denman  
Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Sandra V. Ham', is written over a horizontal line.

Sandra V. Ham  
City Secretary