

**REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
February 13, 2017
7:00 PM**

MEMBERS OF COUNCIL PRESENT: Mayor Mark Denman, Mayor Pro Tem Sandra Mossman, and Councilmembers Harry Dollar, John Mahon, Bryce Klug, Jonathan Amdur, and Bob Warters.

MEMBERS OF COUNCIL ABSENT: None.

OTHER CITY OFFICIALS PRESENT: City Manager Jason Reynolds, City Attorney Dick Gregg, Jr., Assistant City Manager Mary Chambers, City Secretary Marisela Garcia, Finance Director Csilla Stiles, Police Chief Kenneth Campbell, Fire Chief Tom George, Public Works Director Paul Lopez, Communications Director Kristi Sykora, Human Resources Administrator Isela Castillo, Municipal Court Judge Holly Williamson, Planning Commission Chair Roscoe Lee, and Parks Committee Chair Buck Gay.

PRESIDING: Mayor Mark Denman.

CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Mark Denman called the meeting to order at 7:01 pm and announced a quorum of Council was present with all elected officials in attendance.

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

The invocation was given by Father Mike Stone of St. Thomas the Apostle Episcopal Church.

The Pledges of Allegiance were led by City Manager Jason Reynolds.

APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS, AWARDS

Check Presentation to Bay Area Houston Ballet & Theatre

Mayor Denman presented a check in the amount of \$1,000 to Cindy DeMasi and Ellen King of Bay Area Houston Ballet & Theatre and posed for a photo with them. Ms. King provided an overview of the programs offered by the organization. Funds came from hotel/motel taxes.

Check Presentation to Houston Symphony League Bay Area

Mayor Denman presented a \$1,000 check to Nina McGlasham and Vicki Buxton of Houston Symphony League Bay Area and posed for a photo with them. Ms. Buxton provided an overview of the League's annual Home Tour, *A Day by the Bay*, which will be held April 1-2. Funds came from hotel/motel taxes.

Presentation of a Proclamation for St. Thomas the Apostle Episcopal School's 50th Anniversary Gala Day

Mayor Denman presented a proclamation to Father Mike Stone and David Giles of St. Thomas the Apostle Episcopal School in recognition of their 50th Anniversary and posed for a photo with them.

Presentation of a Proclamation to Nassau Bay Homeowner's Association

Mayor Denman presented a proclamation to Brad Hunter and Jerry Roth with the Nassau Bay Homeowner's Association in recognition of their work with the association and dedication to the Nassau Bay community, in general. A photo was taken of the three gentlemen.

Presentation of Newly Released Floodplain Maps and Impact on Insurance Policy Holders

Building Official Mark Stelly spoke briefly about the changes in the floodplain maps and the impact it will have on policy holders in Nassau Bay. Mr. Stelly indicated grandfathering would no longer be effective; rates would increase slightly in 2017; and another increase is to be expected in 2018. Mr. Stelly indicated questions would be noted and answered on the City's website.

Councilmembers asked a few questions of Mr. Stelly who answered with the knowledge he had at this time. There are still a lot of unknowns at this time, he said, and as information becomes available it will be posted on the website.

PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARING

Public Hearing on Request by Arafat Abdullatif for a Special Use Permit (SUP) to Operate an Automotive Repair Shop at 1910 NASA Parkway

Planning Commission Chair Roscoe Lee provided a timeline of Mr. Abdullatif's request for an automotive repair station as follows:

| | |
|---|----------------|
| • Water leaks into gas tanks. | Spring 2016 |
| • Gas tanks removed. | July 2016 |
| • SUP was addressed and no site plan was included and was deferred until October. | September 2016 |
| • Mr. Abdullatif had conflict with meeting date; matter was tabled again. | October 2016 |
| • Mr. Abdullatif closed on property and was allowed to proceed with improvements. • Planning Commission voted 6-0 to deny SUP and notified the applicant he would need to wait one year before reapplying. Applicant withdrew the application. | November 2016 |

| | |
|---|-------------------|
| <ul style="list-style-type: none"> • Mr. Abdullatif indicated a site plan would be developed. | November 29, 2016 |
| <ul style="list-style-type: none"> • Updated materials submitted to the City. • Cars were still on the lot. | January 9, 2017 |
| <ul style="list-style-type: none"> • Mr. Abdullatif agreed to store cars in bays. • Indefinite commitment with regards to hoists. • Planning Commission recommends denial. | February 7, 2017 |

Mayor Denman indicated the Planning Commission handled this SUP as they were required to do.

Public Hearing on the Above Matter

Mayor Denman opened the Public Hearing at 7:38 pm.

Michie Coldwell, 18603 Martinique Drive, noted the former service station had changed to an auto repair station which is acceptable to City standards.

Jasmine White, 3020 Cherrymill Court, Houston, provided copies of the improvements that have been made to the service station and described its current condition. Ms. White indicated Mr. Abdullatif was not aware of what he needed to change.

Paul Courtier, 2011 Port Royal, stated Mr. Abdullatif provides a valuable service to the community and is an honest and competent man.

Osama Helmy, 1806 Saxony Lane, noted that people like Mr. Abdullatif make this community valuable, and the community should consider assisting him in beautifying the corner his business occupies.

Ed Raines, 18634 Martinique Drive, indicated he has been working with Mr. Abdullatif since November to bring this property into compliance. Mr. Raines noted it was difficult to understand the requirements that were set forth.

Don Lewis, 18214 Nassau Bay Drive, stated Mr. Abdullatif works on his boat and it would be a mistake to let him leave the community.

Enriquetta Perez, 5445 Alameda Road, Suite 500, said she was representing Mr. Abdullatif. She recommended City Council approve his application for the SUP. Ms. Perez stated she would ensure that the applicant complied with all the regulations set forth by the City.

Public Hearing Ended at 7:52 pm.

Consideration of Request by Arafat Abdullatif for a Special Use Permit (SUP) to Operate an Automotive Repair Shop at 1910 NASA Parkway

It was moved by Councilmember Wartens to deny the SUP application.

Motion failed due to lack of a second.

It was moved by Councilmember Amdur, seconded by Councilmember Mahon, to approve the SUP with conditions as set forth by City Staff.

It was moved by Councilmember Klug to table the item to the next meeting.

Councilmember Klug withdrew his motion to table the item.

Brief discussion was held regarding the requirements needing to be met, which are as follows:

- Removal of junk vehicles, not be returned;
- Fencing installed within four weeks; and
- No parking in City right-of-way.

Councilmember Klug thanked the Planning Commission members for their work throughout this process.

City Attorney Gregg asked the applicant for clarification on who would be applying for the SUP, whether it would be 1910 NASA Parkway, LLC or Mr. Arafat Abdullatif. Mr. Abdullatif stated it would be 1910 NASA Parkway, LLC.

It was moved by Councilmember Klug, seconded by Councilmember Wartens, to table the item for one month.

Motion passed 6-0-1, with Councilmember Amdur abstaining.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

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

COUNCILMEMBERS' COMMENTS/REPORTS

Councilmember Klug thanked everyone who came out from the St. Thomas School. He thanked the Mayor for the Proclamation and invited everyone to attend the Gala on February 25th.

MAYOR'S COMMENTS/REPORTS

Mayor Denman reported that during the Peninsula Clean-up and Clear Creek Clean-up weekend volunteers collected over 10,000 pounds of trash. He applauded the great participation from the everyone with 30 people from the City and 60-70 with CCEF. He mentioned that as part of the clean-up, the boat was removed and destroyed and by assisting with this process, CCEF saved the City a lot of money. He reiterated that the City is very appreciative of its relationship with CCEF. Finally, he announced that Buck Gay has resigned as Chairman of the Parks Committee and that the City will honor his many years of service during the March council meeting.

REPORTS FROM STAFF MEMBERS & COMMITTEES

City Manager

City Manager Reynolds announced that City Hall would be closed next Monday, February 20th, in observance of Presidents' Day, a designated City holiday.

Continuing his comments; Mr. Reynolds informed there would be various construction projects this spring and possible inconveniences in and around the City. The City was voted "Best & Brightest" to Work For," for a 6th straight year.

The annual peninsula cleanup was a success, City Manager Reynolds reported, thanking the many volunteers who came out this year. The boat removal mentioned previously was largely due in part to Mayor Denman's efforts, Mr. Reynolds said, along with those of his co-workers. He personally thanked the members of CCEF. City Manager Reynolds also thanked members of the Public Works Department who participated in the cleanup, especially mentioning James Greene.

Closing his comments, Mr. Reynolds said the new tennis courts are nearing completion. Public Works and Emergency Management Services have moved to their new location.

Fire Department

Fire Department President Matt Roper reported that members logged 964 volunteer hours at the station during the month of January with 25 calls. Membership remains at 41 members.

CONSENT AGENDA

The Consent Agenda listed the following items for approval:

- A. Approval of Minutes: Regular Meeting on January 9, 2017
- B. Ordinance Calling the May 6, 2017, City Officers Election for the purpose of electing three Councilmembers, Positions 1, 3, & 5 (second and final reading).

The caption of the ordinance reads as follows:

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 6TH DAY OF MAY 2017, AND IF THE SAME IS REQUIRED, A RUNOFF ELECTION TO BE HELD ON THE 1ST DAY OF JULY 2017, FOR THE PURPOSE OF ELECTING 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. O2017-753.)

- C. Resolution authorizing Mayor to sign an interlocal agreement with NASA Area Management District regarding debt obligation.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NASSAU BAY AND THE NASA AREA MANAGEMENT DISTRICT; SAID RESOLUTION PERTAINING TO THE 2017 CERTIFICATES OF OBLIGATION DEBT ISSUANCE AND THE INCLUSION OF NASA AREA MANAGEMENT DISTRICT DEBT.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2017-2090.)

- D. Resolution authorizing the Mayor to sign an interlocal agreement with the Nassau Bay Redevelopment Authority (NBRDA) to provide for the payment of the debt obligation incurred to construct a new Fire and EMS Station.

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NASSAU BAY AND THE NASSAU BAY REDEVELOPMENT AUTHORITY; SAID RESOLUTION PERTAINING TO THE 2017 CERTIFICATES OF OBLIGATION DEBT ISSUANCE FOR THE PURPOSE OF BUILDING A FIRE AND EMS STATION AND THE FUNDING OF THIS ANNUAL DEBT OBLIGATION WITH AVAILABLE NASSAU BAY REDEVELOPMENT AUTHORITY TAX INCREMENT.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2017-2091.)

- E. Resolution authorizing the Mayor to sign a landscape, access, and parking easement granting an easement agreed to between the City and Chick-Fil-A.

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 SIGN A RECOGNITION AGREEMENT WITH CHICK-FIL-A WITH REGARDS TO THE LANDSCAPE, ACCESS, AND PARKING EASEMENT GRANTED TO GRIFFIN PARTNERS ON JANUARY 12, 2009, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR REFERENCE.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No. R2017-2092.)

It was moved by Councilmember Amdur, seconded by Councilmember Warters, that the above items on the Consent Agenda be approved.

Motion passed 7 – 0.

The Following Item was Originally Placed on the Consent Agenda but Pulled at the Request of Councilmember Amdur for Separate Consideration

Approval of Request to Approve Bucky’s Conceptual Plan for Convenience Store with Retail Motor Fuel Sales, Self-Service Car Wash, Limited Service Hotel, and Drive-thru Restaurant Located at 1306 NASA Parkway

It was moved by Councilmember Klug, seconded by Councilmember Dollar, to approve Bucky’s Conceptual Plan for a convenience store with retail motor fuel sales, self-service car wash, a limited service hotel, and drive-thru restaurant located at 1306 NASA Parkway.

Motion passed 6 – 1, with Councilmember Amdur opposed.

NEW BUSINESS

Resolution Appointing Individuals to the Parks and Recreation Committee and Appointment of Interim Chairman

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS APPOINTING MEMBERS TO THE PARKS AND RECREATION COMMITTEE.

(Said Resolution is of record in Resolution Book No. 19 of the City of Nassau Bay, Texas, being Resolution No R2017-2093).

Through her agenda fact sheet, City Secretary Garcia explained the vacancies and recommended that new members Ashley Graves (replacing Marilyn Musial), Pamela Phillips (replacing Buck Gay), and Gayle Nelson (replacing Charlene Bohanon) be newly appointed to terms expiring October 1, 2018. Roscoe Lee was recommended to become Interim Chair to fill the vacancy created by Chair Buck Gay’s resignation.

It was moved by Councilmember Mossman, seconded by Councilmember Mahon, that these appointments be approved.

Motion passed 6 – 0 – 1, with Councilmember Amdur abstaining.

Amendment No. 1 to Contract No. 15-006a with Orleans Shoring, LLC

City Manager Reynolds listed the following key issues on this agenda item:

- Move 45 lights to walkways around David Braun Park at Lake Nassau.

- 10-year warranty starts after successful installation of solar lights and 21 days of properly functioning.
- Six-months for ClearWorld, LLC to close out project after move to park or City can recall bond.
- Remaining balance will be paid after successful installation and proper light functioning.

Benefits to be expected from this amendment are making room for the CenterPoint street lights, allowing moving forward with solar light project completion, and providing lighted walkways around the park.

It was moved by Councilmember Amdur, seconded by Councilmember Mossman, that the proposed amendment be approved.

Motion passed 7-0.

Resolution Appointing a Municipal Court Administrator/Deputy City Secretary

The caption of the resolution reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, APPROVING THE CITY MANAGER’S APPOINTMENT OF A MUNICIPAL COURT ADMINISTRATOR AND DEPUTY CITY SECRETARY.

(Said resolution is of record in Resolution Book No. 19 of the records of the City of Nassau Bay, Texas, being Resolution No. R2017-2094).

(Note: Upon reflection after the resolution was drafted and agenda packets were near completion, City Manager Reynolds felt the more appropriate term for the Municipal Court position to be better reflected by using “Administrator” rather than “Clerk.” The final resolution as found in the permanent records reflects this change in wording.)

Citing her qualifications and work history, City Manager Reynolds recommended Council approve his selection of Catrina Maxwell as Municipal Court Administrator and also her appointment as Deputy City Secretary.

It was moved by Councilmember Mossman, seconded by Councilmember Dollar, that Ms. Maxwell be appointed as Municipal Court Administrator and Deputy City Secretary.

Motion passed 7 – 0.

FIRST READING OF ORDINANCES

Erecting New Traffic Control Device (Stop Sign) at Intersection of Port Royal Drive and Upper Bay Road

The caption of the ordinance reads as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NASSAU BAY, TEXAS, AUTHORIZING THE INSTALLATION OF A STOP SIGN AT THE INTERSECTION OF PORT ROYAL DRIVE AND UPPER BAY ROAD; AUTHORIZING ENFORCEMENT BASED UPON A TRAFFIC STUDY, AND

PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE MAXIMUM ALLOWABLE BY LAW.

Chief Campbell explained the need for a traffic control device at the intersection of Port Royal Drive and Upper Bay Road. The Traffic Investigation Study, Exhibit "A," to this ordinance gives a broader explanation for the need of this control device.

It was moved by Councilmember Amdur, seconded by Councilmember Warters, that the ordinance be approved on the first of two readings. The ordinance will be held over for second and final reading at the March meeting. Because the ordinance imposes a penalty, the caption and penalty will be published in the City's newspaper of record and will become effective ten calendar days thereafter.

EXECUTIVE (CLOSED) SESSION

After a short break, meeting recessed to Executive Session at 8:47 pm. as authorized by Texas Government Code, Chapter 551, Open Meetings, Subchapter D, Exceptions to Requirement that Meetings 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, and duties of the City Manager.

Meeting returned to Open Session at 9:26 pm.

ACTION ITEM FROM EXECUTIVE SESSION

No action was taken on the above item.

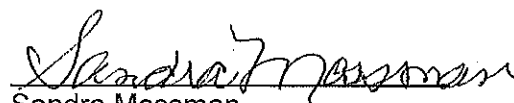
ADJOURNMENT

There being no further business, the meeting adjourned at 9:26 pm.

Minutes approved as submitted and/or amended this 13th day of March, A.D., 2017.



CITY OF NASSAU BAY, TEXAS


Sandra Mossman
Mayor Pro Tem


Pat Jones, TRMC/CMC
Interim City Secretary