

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the City Council of the City of Lake Jackson met on Monday January 4, 2016 at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, in the Council Chambers at the Lake Jackson City Hall with the following in attendance:

Joe Rinehart, Mayor  
Buster Buell, Mayor Pro-Tem  
Will Brooks, Council member  
Heather Melass, Council member  
Gerald Roznovsky, Council member  
J. B. Baker, Council member

William P. Yenne, City Manager  
Alice A. Rodgers, City Secretary  
Pam Eaves, Finance Director  
Sherri Russell, City Attorney  
Sal Aguirre, City Engineer  
Rick Park, Police Chief

David Van Riper, Public Works Director  
Carmen Williams, Personnel Director  
Athelstan Sanchez, Asst. City Engineer  
Michael Coon, Asst. to City Manager

PLEDGE OF ALLEGIANCE

Mayor Rinehart led the pledge of allegiance to the United States flag and the Texas Flag.

INVOCATION

Council member Melass led the invocation.

VISITORS

There were no visitors to speak on a non agenda item.

COMMENDATION

There were no commendations.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

- A. Approval Of Minutes – December 21, 2015
- B. Minutes Of Boards And Commissions

On motion by Council member Brooks second by Council member Roznovsky with all members present voting “aye” the consent agenda was approved as follows:

- A. Approval Of Minutes – December 21, 2015 - approved
- B. Minutes Of Boards And Commissions - accepted

DISCUSS AN INTERSTATE NATURAL GAS PIPELINE, WHICH WILL CROSS BRAZORIA COUNTY, TO SUPPLY THE FREEPORT LNG TERMINAL – ANDREW BIAR

This item was moved to the January 19<sup>th</sup> agenda.

DISCUSS AND CONSIDER CHANGES TO THE OIL AND GAS DRILLING ORDINANCE TO INCLUDE A VIDEO CONFERENCE WITH BRYN MEREDITH AN ATTORNEY WITH TAYLOR, OLSON, ADKINS, SRALLA & ELAM, L.L.P.

Bryn Meredith with Taylor, Olson, Adkins, Sralla and Elam, LLP was present at the meeting via SKYPE.

Mr. Meredith reviewed the following:

Seismic Survey Permit

Permit fee (25 cents per linear foot plus reimbursement for City expenses)

Requires:

- Traffic safety and management plan for right-of-way
- Insurance
- Prohibits use of explosive charges

Oil and Gas Well Permit

Separate permit for each well established at the ground surface.

New permit required prior to drilling, re-drilling, deepening, and converting a well.

Notice of re-working activities required after initial completion.

Permit terminates after 90 days if drilling not commenced. Extension of 90 days possible.

Oil and Gas Well Setbacks

600 feet from protected uses including residences, religious institutions, public buildings and schools.

50 feet from a public street, road, highway, or right-of-way.

100 feet from existing potable water well.

100 feet from any property line.

Tank batteries – 300 feet from protected uses including residences, religious institutions, public buildings and schools.

Oil and Gas Well Setbacks

Distances measured from proposed well bore, in a straight line, to the closest exterior point.

City Council may reduce setback from protected uses including residences, religious institutions, public buildings and schools to as low as 300 feet.

Written consent required from all residences occupied by persons within 300 feet of proposed well bore to reduce setback to 150 feet.

Oil and Gas Well Permit Filing Fee

\$5,000 initial fee to accompany application.

Any costs in excess of \$5,000 incurred by City must be paid by applicant as well.

Oil and Gas Well Permit Application

Requires, in part, the following information:

- Legal description of the operation site
- Map of transportation routes
- Surface owner, mineral lessee, and operator information
- Detailed site plan of operation site

- Additional information about site operation, such as depth of well and the water and utilities for site
- Hazardous Materials Management Plan, Storm Water Pollution Prevention Plan, and all reports filed with the Railroad Commission

#### Well Permit Application Procedure

Filed with City Manager's office

City must act within 60 days of receipt of complete application

City's failure to act is presumed a denial

Upon denial of permit, applicant has 60 days to cure the reasons for the denial and resubmit application OR appeal decision to City Council

#### Amended Oil and Gas Well Permit

Issued for, among other things:

- Re-drilling
- Deepening beyond 150 feet of permitted depth
- Site access
- Changes to location or quantities of equipment, drilling fluid or other pits, and buildings and structures

#### Amended Well Permit Application

\$500 Application Fee

Requires:

- Description of proposed amendments
- Applicant is in compliance with permit
- Prevention of imminent destruction of property or injury to persons
- Amended site plan

#### Amended Well Permit Procedure

Filed with City Manager's office

If activities are not materially different from current permit, City must act within 30 days of receipt of complete application

If activities are materially different and do not create risk of destruction of property or injury to persons, City must act within 60 days of receipt of complete application

#### Amended Well Permit Procedure

If activities are materially different and the City finds a risk of destruction of property or injury to persons different from current permit, City may require this to be processed as a new permit.

Failure to act is presumed a denial, which may be appealed to City Council.

#### Suspension/Revocation of Well Permit

City must give notice of failure to comply with permit requirements, specifying:

- Nature of failure to comply
- Reasonable time to cure (no less than 10 days unless imminent danger to property or persons).

If not cured, City may suspend or revoke the permit.

Operator may appeal suspension/revocation within 30 days of City's decision.

#### Periodic Reports

Operator required to notify City of changes to contact information when a change occurs.

Operator must provide copy of incident reports or written complaints filed with Commission.

Operator must submit yearend report for each well to give notice of any other changes to information in application for permit.

#### Bond and Letters of Credit

Operator must provide bond or letter of credit in the amount of \$50,000 per well.

Serves as security for any fines, penalties, or costs to remedy that may be owed by operator to City.

During production, amount may be reduced to \$10,000 per well.

Amount may be raised up to maximum of \$250,000 per well if City deems amount insufficient.

#### Bond and Letter of Credit Procedures

City must first issue notice to operator of ordinance violation.

City provide at least 30 days to remedy (unless imminent danger).

If operator does not remedy, operator pays City 125% of repair costs and City performs work.

If operator doesn't pay, City may pursue civil or criminal action to secure compliance.

#### Insurance

Comprehensive insurance required of operator:

- General Liability – \$1,000,000
- Umbrella Liability – \$5,000,000
- Pollution Liability - \$1,000,000
- Control of Well - \$5,000,000
- Workers Compensation and Automobile Liability

Permit is suspended if insurance coverage expires.

#### On Site and Technical Requirements

Extensive regulation of operation site, such as:

- abandoned wells, blowout prevention, dust, vibration, odors, explosive charges, lights, muffling exhaust, pits, private road, signs, equipment storage, tank storage, surface casing, waste disposal, work hours, land farming.

#### Screening

Appropriate screening required throughout exploration, drilling, and production.

Exploration through completion – 6 foot chain link fence with screening fabric around entire operation site.

Completion through abandonment – 8 foot masonry wall with landscaping around well and associated equipment.

#### Cleanup and Maintenance

Operator is required to clean and maintain the operation and drill site.

Maintenance includes painting of production equipment and regaining control of a well blowout.

Cleaning includes removing waste material from private and public property after a spill, leak, or malfunction.

#### Plugged and Abandoned Wells

Notice of intention to abandon and a copy of Railroad Commission approval must be provided to City.

Operator may only abandon a well if City has approved the abandonment.

No structure may be built over an abandoned well.

#### Plugged and Abandoned Wells

Well site must be restored to original condition when well is abandoned.  
Specific requirements for abandoning a well include removing derrick, tanks, towers, and other surface installations, as well as removing any contaminated soil from the site.

#### Technical Advisor

If a technical advisor is necessary to assist the City in handling an operator's unique and particular set of circumstances, then the cost of the technical advisor shall be assessed against and paid by the operator, in addition to any other fees or charges.

The City Council shall approve the hiring of any such technical advisor.

#### Appeals

An appeal to City Council may be made for:

- Denial, suspension, or revocation of well permit; and
- Deviations from well setback, hours of operation, waste disposal, landscaping and screening requirements.

Appeal fee of \$500 required.

Majority vote of City Council required to grant the relief requested in an appeal.

#### Appeals Procedure

A written appeal must be filed with City Secretary.

Grounds for the appeal must be specifically set forth.

Appeal must be set on City Council agenda within 45 days of receipt of records by City Secretary.

Notice of appeal must be mailed to appellant and all property owners within 300 feet of site.

#### Penalties

It is an offense to:

- Fail to comply with permit requirements or requirements of ordinance; or
- Engage in any activity not permitted by ordinance.

Fine punishable as provided under General Penalties provision of Code of Ordinances.

- \$500 generally/ \$2000 public health and sanitation.

Discussion followed on the safety aspect of having the drilling of gas or oil in and near the city.

Sherri Russell asked that if council had any changes or recommendations to please let her know. She would continue to work on this with Mr. Meredith and bring back those changes.

Video chat ended at 7:47 p.m.

#### DISCUSS AND CONSIDER UPDATING THE RESERVE OFFICER ORDINANCE TO REFLECT CURRENT LICENSING, REMOVE OUTDATED CLAUSES, AND CORRECT REMUNERATION BASIS

Rick Park, Police Chief stated this ordinance controls the reserve force. This ordinance has not been amended since 1983.

On motion by Council member Baker second by Council member Buell with all members present voting "aye" approval was granted to update the reserve officer ordinance to reflect current licensing, remove outdated clauses, and correct remuneration basis and asked that this item be brought back in ordinance form.

DISCUSS AND CONSIDER A RESOLUTION TO APPROVE THE UPDATES TO THE CITY EMPLOYEE HANDBOOK AND SAFETY MANUAL

Mayor Rinehart adjourned the meeting to executive session at 7:58 p.m.

Mayor Rinehart reconvened the meeting at 8:13 p.m.

Carmen Williams, Personnel Director presented the changes to the employee handbook and safety manual.

- **Policy # 104:** Removed the Fire Marshall as reporting directly to City Council.
- **Policy # 301:** Rewording and clarification of policy.
- **Policy #303:** Clarified that it applies to full-time and part-time employees.
- **Policy #306:** Employees "*must*" report any DWI violations (s).
- **Policy #402:** Employees new hire period may extend past 6 months but no more than 1 year.  
Employees transferring and/or being promoted to a new position must serve a 6 month new hire period.
- **Policy #403:** Gives detail to what must be done when appealing a performance evaluation and the relevant time frames. The appeal must be in writing and must detail what you are appealing as well as providing supporting documentation to your request. It also clarifies the grounds on which a supervisor may request a merit increase when an employee has successfully completed a Performance Improvement Plan (P.I.P.).
- **Policy #405:** Adds information regarding an employee who takes a voluntary transfer to a lower classification requiring a written statement.
- **Policy #601:** Clarifies paycheck procedures that have been in practice.
- **Policy #602:** Minor change that the competitive rate may establish the salary range by defining minimum, midpoint and maximum.
- **Policy #603:** Added requests for payroll deductions not listed must be approved by the City Manager and/or his designee.
- **Policy # 701:** Added that President's Day may be traded for Christmas Eve or the Day after Christmas as approved by City Council as part of declared official holidays. Clarified leave entitlement days as alternatives granted to police officers and others as authorized by the City Manager.
- **Policy# 702:** Change- Personal Leave may be taken in "one hour increments or full -day increments only. No longer half-day increments.

- **Policy #707:** Added that regular part-time employees who work at least 1000 hours a year are eligible for TMRS retirement.
- **Policy #805.5:** Employees are not allowed to carry a weapon or ammunition, including handguns, on city property unless carrying the weapon is part of the employee's job duties.
- **Policy #811:** Updated wording regarding drug testing to be in compliance with Department of Transportation (D.O.T.) requirements.
- **Policy #812:** Updated wording regarding alcohol testing to be in compliance with Department of Transportation (D.O.T.) requirements. Removed references to the city's Substance Abuse Program.
- **Policy #822:** Added the City Secretary's Office as our Records Retention Administrator.
- **Policy #901:** Added clarification on some items. Listed additional actions under performance of duties and personal conduct that may be grounds for which disciplinary action may be appropriate.
- **Policy #1001:** First paragraph under "Unexcused Tardiness" and examples related to time clocks were removed.
- **Policy # 1002:** Added more detail regarding general guidelines during inclement weather, in particular during hurricanes.
- **Policy #1003:** Added clarification of what happens when the 2 hour on-call minimum coincides with regular scheduled work hours.
- **Policy #1004:** Added information about the supervisor notifying Human Resources when an employee has been absent for 3 days without notification.
- **Policy #1108:** Updated policy to cover the Family and Medical Leave Act (F.M.L.A.) law change regarding Service member Leave and Qualifying Exigency which has been practiced.
- **Policy #1526:** Added policy regarding Light Duty which has been practiced but was not a part of the employee manual.

On motion by Council member Baker second by Council member Buell with all members present voting "aye" a resolution was passed updating the city employee handbook and safety manual.

#### UPDATE ON DRAINAGE IN THE PARKWOOD SUBDIVISION NEAR MOSS, CHESTNUT AND PALM LANE

Athelstan Sanchez stated he sent out invitations to individuals to be part of the selections committee and review the request for and statement of qualifications received from below firms:

- Baker & Lawson, Inc. out of Angleton
- LJA Engineering out of Houston
- Pape-Dawson Engineers, Inc. out of Houston
- KBR (Civil Departments being bought by Stantec Consulting Services Inc.), out of Houston
- Freese And Nichols out of Pearland
- Walter P Moore & Associates, Inc. out of Houston

Once received at least three committee member's ranking by Thursday, staff will notify the firms of the outcome and invite the two (2) firms chosen as best qualified, for request for proposals (RFP). The plan is to

make a selection from these two firms by the end of January, with whom an agreement can be executed for professional services to deliver this study.

UPDATE ON CONSTRUCTION PROJECTS

- a. CONSTRUCTION FUNDS FINANCIAL UPDATE
- b. SIDEWALK PROJECTS
- c. UTILITY REPAIR PROJECTS
- d. DRAINAGE REPAIR PROJECTS
- e. SOUTH PARKING PLACE/THIS WAY PROJECT
- f. MASTER PLAN UPDATE

ITEMS OF COMMUNITY INTEREST

Mayor Rinehart stated that on January 25th there will be a ribbon cutting for the CNG facility.

Council member Buell stated the New Years Eve party at the Civic Center went well and was well attended.

Council member Brooks stated the Fireman's Banquet and MLK banquet were on January 16<sup>th</sup>.

Council member Baker reported the MLK parade will be in Freeport on January 18th

Council member Roznovsky reported the SPCA had their first annual fundraiser gala and announced that they will press forward with fundraising for a 2500-3000 square foot adoption center. The price range is \$3-5 million and they have \$1 million already donated. The SPCA will also be taking on the lease of the Bargain Box downtown to use that location for cat adoption.

Mayor Rinehart reported that Mike Moss passed away.

Chief Parks introduced council to Stephanie Garza the new Facts reporter.

Chief Parks reported that officer Hogan is doing well and will have his first rehab tomorrow.

Council member Baker encouraged everyone to help Officer Hogan financially if they could.

Mayor Rinehart asked staff to check on the construction at the convenience store at Sycamore and Plantation Drive.

ADJOURNMENT

There being no further business the meeting adjourned at 8:25 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Joe Rinehart, Mayor

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Alice A. Rodgers, City Secretary