

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 March 7, 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
Gerald Roznovsky, Council member
Jon J. B. Baker, Council member
Heather Melass, Council member
Will Brooks, Council member

William P. Yenne, City Manager
Alice A. Rodgers, City Secretary
Pam Eaves, Finance Director
Sherri Russell, City Attorney
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

Council member Melass led the pledge of allegiance to the United States flag and the Texas Flag.

INVOCATION

Council member Baker led the invocation.

VISITORS

David Van Riper introduced Dan McGraw as the Assistant Utilities Superintendent. Mr. McGraw stated he was excited to be in Lake Jackson.

PRESENTATIONS - PROCLAMATION – VIETNAM VETERANS DAY

Mayor Rinehart proclaimed March 29, 2016 as Vietnam Veterans Day and presented Linda Vinas with DAR a proclamation.

CONSENT AGENDA

- A. Approval Of Minutes – February 16, 2016
- B. Minutes Of Boards And Commissions
- C. Ordinance Amending Chapter 98 Traffic And Vehicles To Amend The Designated Truck Routes And To Describe Which Vehicles Must Take Truck Routes – Second Reading
- D. Approve Texas Municipal League Annual Dues In The Amount Of \$3,295.00
- E. Approve Letter Of Support To The Texas State Veterans Homes For A New Texas Veterans Home To Be Built In The City Of Brazoria
- F. Submission And Approval Of Racial Profiling Report From The Lake Jackson Police Department As Required By State Law, Code Of Criminal Of Procedure Art. 134 Compilation And Analysis Of Information Collected

Council member Melass asked that item E be removed from the consent agenda.

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

- A. Approval Of Minutes – February 16, 2016 - approved
- B. Minutes Of Boards And Commissions - accepted

- C. Ordinance Amending Chapter 98 Traffic And Vehicles To Amend The Designated Truck Routes And To Describe Which Vehicles Must Take Truck Routes – Second Reading – passed and adopted
- D. Approve Texas Municipal League Annual Dues In The Amount Of \$3,295.00 - approved
- E. Approve Letter Of Support To The Texas State Veterans Homes For A New Texas Veterans Home To Be Built In The City Of Brazoria -removed
- F. Submission And Approval Of Racial Profiling Report From The Lake Jackson Police Department As Required By State Law, Code Of Criminal Of Procedure Art. 134 Compilation And Analysis Of Information Collected - accepted

APPROVE LETTER OF SUPPORT TO THE TEXAS STATE VETERANS HOMES FOR A NEW TEXAS VETERANS HOME TO BE BUILT IN THE CITY OF BRAZORIA

Mayor Rinehart stated he wanted to be sure everyone was aware that the city of Brazoria is trying to gain support for a Veterans Home in their city.

On motion by Council member Melass second by Council member Baker with all members present voting “aye” approval was granted for a letter of support to the Texas State Veterans Homes for a new Texas Veterans Home to be built in the city of Brazoria.

DISCUSS AND CONSIDER REQUEST OF BRAZORIA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT TO WAIVE PERMIT AND INSPECTION FEES AND ALLOW A WAIVER SO THAT THEY CAN BUILD A 900 SQUARE FOOT HOME AT 523 MAGNOLIA

Modesto Mundo presented the following information for the Council packets. He was not in attendance for this meeting.

Ms. Pena lives at 523 Magnolia and has qualified for her home to be replaced with a new home under the HUD Home Reconstruction / Rehabilitation program. The size of her current home is 1097 square feet. Under the guidelines established by the County, Ms. Pena qualifies for a two bedroom house designed at 900 square feet. Per the City’s R2 zone any home built prior to 1961 that has less than 70 linear feet of frontage is required to be no less than 1,100 square feet. Ms. Pena and the County are asking if City Council would consider an exception for this lot. Staff has discussed with the City Attorney and she has stated that her advice to Council will be that this will require a change in the ordinance if Council is inclined to consider the request.

There are 1,276 homes built before July 1961 with a lot frontage less than 70 feet.

Jennifer Crainer with Brazoria County stated the County has adopted guidelines for determining the home size the family would qualify for. US Dept. of Housing and Urban Development’s HOME Reconstruction/ Rehabilitation program assists low to moderate income families repair their homes or, in the case that rehab is not feasible, reconstruct a new dwelling. These are grant funds from HUD that the County manages and distributes to participating jurisdictions throughout the County. This program not only helps the individual with a more suitable living environment, but also improves the City’s housing stock, and in turn, promotes an increase in property values and neighborhood appearance. The cost of the assistance is in the form of a deferred, forgivable loan which requires a lien to be placed on the property for a period of 20 years for the reconstruction of the home. There is no mortgage payment required from the homeowner; however, they must maintain property taxes, insurance, and reside in the home for the period of the lien. Ms. Pena is a single woman and would qualify for a 2 bedroom home. To keep costs down and stretch the federal dollars as far as we can, the Community Development Department has designed a 900 sq. foot home for all families that qualify for a 2-bedroom home. This keeps the home value within reason for the family to maintain the property taxes and insurance on the new home. The home is also handicap accessible, on a slab foundation, hardi-plank siding, better insulated, and uses energy efficient appliances and HVAC unit, which brings the family lower energy costs and a better living environment that what they have currently.

Brazoria County Community Development and Ms. Pena kindly request the City Council please waive all permitting, building, and inspection fees for Residential Reconstruction for Natalie Pena who resides at 523 Magnolia, and has been tentatively approved for assistance under Brazoria County’s HOME

Reconstruction/Rehabilitation Program. We also ask that you waive the square footage requirement. Homes in this neighborhood range from 700 square feet and larger.

Mr. Yenne explained that most of the homes in the immediate area of this home were built prior to 1961. The zoning code for the city was established in 1961. The zoning code does not allow for an exception for this and the ordinance would have to be changed.

Council member Roznovsky suggested changing the zoning code to allow homes in these areas to be able to replace the homes that are currently there.

Discussion followed on changing the zoning ordinance to allow these homes to be rebuilt to fit in with the surrounding homes.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” to call a public hearing before the Planning Commission on April 5th and City Council on April 18th to amend the zoning code to allow 900 square foot homes for property platted prior to 1961.

DISCUSS AND CONSIDER REQUEST FOR FUNDING FOR THE SOUTHWEST REGIONAL (SWR) BABE RUTH BASEBALL TOURNAMENT ON JULY 21, 2016 IN THE AMOUNT OF \$2,000.00 – ALVIN BARTEK, 2016 SWR TOURNAMENT DIRECTOR

Alvin Bartek, was present to request \$2,000 to host the Southwest Regional (SWR) Babe Ruth Baseball tournament on July 21, 2016. This tournament is for state championship teams throughout the United States. This would be the step just before the teams go to the world series.

Mayor Rinehart stated that Mr. Bartek was inducted into the SWR Hall of Fame in January 2015.

On motion by Council member Melass second by Council member Brooks with all members present voting “aye” funding was approved for the Southwest Regional (SWR) Babe Ruth Baseball tournament on July 21, 2016 in the amount of \$2,000.

DISCUSS AND CONSIDER REQUEST TO PAINT A MURAL IN THE CHILDREN’S AREA OF THE LAKE JACKSON LIBRARY

Ande Larson 500 Willow Drive reported that she is the new children's library. The friends of the library approached her about painting the walls in the children’s area. Ms. Larson recommended a fairy tales theme for the walls. Sherry Shelton has been hired to paint the walls and is also the artist who painted the mural on South Parking Place. Ms. Larson presented drawings for the painting.

On motion by Council member Melass second by Council member Baker with all members present voting “aye” approval was granted for a mural to be painted in the children’s area of the Lake Jackson Library.

DISCUSS AND CONSIDER AMENDING CHAPTER 86 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES TO REGULATE STREET CLOSURE REQUESTS BY PRIVATE BUSINESSES

Mr. Yenne stated that this is brought before Council because staff had been approached for another crawfish boil downtown. However they have since withdrawn the road closure request.

Sherry Russell stated that this is an effort to give council a policy for street closures for private businesses in Lake Jackson.

Mr. Yenne stated that the South Parking Place project will have a pavilion that could allow businesses to host functions. That was one of the intents of the project.

Council member Roznovsky stated he felt downtown congested and closing off streets just added to that situation. He also felt the South Parking Place project would be beneficial for the downtown businesses to host functions. He asked when this project would be out for bid.

Sal Aguirre stated that the project would be put out for bid by the end of this fiscal year. It will take a year to complete.

Council felt the better option was to wait and encourage businesses to use the South Parking Place area for their functions.

DISCUSS AND CONSIDER REQUEST FOR VARIANCE ON THE SIZE OF THE DRIVEWAY APPROACH AT 57 CINNAMON COURT – JASON TOMLINSON

Jason Tomlinson was present to request a variance for his driveway at 57 Cinnamon Court. He thanked council for their duty serving the city. He stated that after speaking to the city inspector the area in violation is a 2 foot by 10 foot area behind the sidewalk area.

Information in the council packet stated: Mr. Tomlinson and his contractor John Weaver (D.B.A. Heritage Residential Solution) poured a driveway approach at a new construction home at 57 Cinnamon Ct. City inspection on 1/14/2016 found the driveway approach within city specifications and work was approved. After the inspection the driveway forms were altered to a width of 36' and concrete was poured in violation of ordinance. The contractor and owner have been informed that the driveway must be brought into compliance before a final inspection is performed and occupancy granted of the new home. Owner is requesting council allow the driveway to remain. Driveway ordinance and standard was adopted April 2003.

John Weaver builder stated that other cities in the community and along the southern gulf coast do not have these driveway approach regulations and he was not accustomed to this.

Council Roznovsky said he had issues with people who do not research the city code prior to doing work.

Mayor Rinehart said he would like to get with city manager to develop a concrete plan for the public works employees to follow so that this does not happen again.

Discussion followed on the purpose of the drive way approach standards. In the event of a utility line repair the city would have to replace the concrete drive. The approach standards keep the concrete repair to a minimum.

Sherri Russell stated that an encroachment agreement could be entered into that would state any utility repairs under the concrete in violation of the ordinance would be replaced by the homeowner. The agreement would run with the property and not the owner.

David Walton stated that as a means to keep this from happening again staff will put driveway standards with the applications. David Walton stated that city procedure was not properly followed on the inspection of this driveway. That is being addressed on a staff level.

On motion by Council member Melass second by Council member Baker with all members voting "aye" approval was granted for an encroachment agreement being perpetual to the property on the size of the driveway approach for 57 Cinnamon Court.

DISCUSS AND CONSIDER AMENDING CH. 38 ENVIRONMENT TO REGULATE ENVIRONMENTAL IMPACTS OF OIL AND GAS DRILLING AND TO ESTABLISH PERMITTING PROCEDURES – FIRST READING

In July 2015, Council approved an ordinance that established drilling setbacks and required operators to apply for a drilling permit. This amendment now takes into consideration more technical aspects of drilling and regulates environmental impacts such as noise, dust, and damaged roadways. The most recent changes are highlighted

On motion by Council member Roznovsky second by Council member Melass with all members present voting “aye” an ordinance amending Chapter 38 Environment to regulate environmental impacts of oil and gas drilling and to establish permitting procedures was passed on first reading.

AWARD BID TO NABCO ENTRANCES, INC. IN THE AMOUNT OF \$27,272.71 AS PART OF THE 2014-15 CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) ADA STOREFRONT ACCESS RENOVATIONS FOR CITY HALL, RECREATION CENTER AND JOHN DEWEY MUNICIPAL COURT.

The City opened bids for electronic ADA doors on Wednesday, March 2nd. We received one response in the amount of \$27,272.71. This project is funded through the County CDBG program and is covered by grant dollars. The project scope includes changing the front doors and natatorium doors at the Recreation Center to electronic sliding doors. Front doors at municipal court and city hall will be modified to open via a push button. Staff recommends award of bid to Nabco Entrances, Inc.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” bid was awarded to Nabco Entrances, Inc. in the amount of \$27,272.71 as part of the 2014-15 CDBG (Community Development Block Grant) ADA Storefront Access Renovations for City Hall, Recreation Center and the John Dewey Municipal Court.

DISCUSS AND CONSIDER INTERLOCAL AGREEMENT WITH THE BRAZOS RIVER AUTHORITY (BRA) TO COMPENSATE AND REIMBURSE BRA FOR COST SHARING OF MATCHING FUNDS NOT TO EXCEED \$25,000

Athelstan Sanchez stated that this is a follow through from the written commitment to participate in the cost sharing for Phase II of this study made in October 2015. Note that phase II began in January 2016.

Committed Contributions:

- Waller County = \$80,000
- Pecan Grove MUD = \$3,500
- City of sandy Point = \$1,000
- City of Lake Jackson = \$25,000
- City of Sugar Land = \$10,000
- Washington County = have not stated amount yet
- BRA = \$151,166 (also providing in-kind services estimated at \$29,136)

Recap: Phase I of this study is currently being conducted. Brazos River Authority (BRA) was awarded a matching grant of \$1.1 million with Texas Water Development Board (TWDB) covering under 50% and four local authorities the remainder (VDD contributed \$106,316.50) for this phase. The Engineers are conducting a detail analysis of the rain-fall runoff (hydrologic) from the watersheds and hydraulic modeling of Brazos River from the Richmond gage to the Gulf of Mexico. TWDB is awarding another funding of \$275,234 provided that Local Partners can meet a matching contribution of \$260,666 for Phase II of this study. This phase will include similar studies as Phase 1 with detailed survey, hydraulics, and economics for the Brazos River reach between Hempstead and Richmond gages. At the completion of the study, counties along the Brazos River will have consistent and updated flood elevations and flood damage information along with hydrologic and hydraulic models which can be used as a tool to assess levee interior drainage evacuation times and duration and loading from the river flows on levees for planning and design purposes. Also results could be submitted to FEMA for Flood maps revisions.

On motion by Council member Melass second by Council member Brooks with all members present voting “aye” approval was granted for an interlocal agreement with the Brazos River Authority (BRA) to compensate and reimburse BRA for cost sharing of matching funds not to exceed \$25,000 to begin in fiscal year 2016-17.

ACCEPT CERTIFICATION OF UNOPPOSED CANDIDATES BY THE CITY SECRETARY AND APPROVE ORDER OF CANCELLATION FOR THE CANDIDATES IN THE MAY 7, 2016 GENERAL CITY ELECTION, AND DECLARING THE OFFICERS AS ELECTED

On motion by Council member Baker second by Council member Melass with all members present voting “aye” certification of unopposed candidates and order of cancellation for the candidates in the May 7, 2016 General City Election and declaring the officers as elected was approved.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING CHAPTER 98 TRAFFIC AND VEHICLES TO PROHIBIT PARKING ON BOTH SIDES OF SILVERBELL CIRCLE FROM CARAWAY COMMON TO CHERVIL COMMON – FIRST READING

On motion by Council member Melass second by Council member Brooks with all members present voting “aye” an ordinance amending Chapter 98 Traffic and Vehicles to prohibit parking on both sides of Silverbell Circle from Caraway Common to Chervil Common was passed on first reading.

DISCUSS AND CONSIDER APPROVING OFFICIAL CONSENT AND BALLOT FORM FOR ELECTION OF UNAFFILIATED DIRECTOR FOR THE ERCOT BOARD OF DIRECTORS

The ERCOT nominating committee has selected Jorge Bermudez to continue as the Unaffiliated Director for the ERCOT Board. ERCOT members need to elect him, and the Board would like to have the voting completed in writing rather than having a special meeting. If the Board receives enough ballots by March 16, the Board will cancel the special meeting and send the election results to the PUCT.

On motion by Council member Melass second by Council member Roznovsky with all members present voting “aye” ballot was cast for Jorge Bermudez to continue as the unaffiliated director for the ERCOT Board.

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

Athelstan Sanchez stated that as a continuation of the Qualification Base Selection (QBS) process to select one of these firms as best qualified to execute and deliver this study and the one with whom to seek a contract agreement, both firms will be giving a 30-minute presentation and interviewed by the selection committee on the 9th of March, 2016 at these times:

- Baker & Lawson from 1:30 p.m. to 2:55 p.m.
- Freese & Nichols from 3:00 p.m. to 4:25 p.m.

The presentations will afford each firm the opportunity to impress upon the committee members its credentials, capabilities, approach to execute the study, and convince the members that firm is the best to successfully deliver this study. Whereas, the interview will afford the committee members an opportunity to ask any pertinent questions, clarify or seek clarification of points, and make other observations.

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

Mayor Rinehart asked if Plantation Drive will be able to handle the rain coming in the next day. Mr. Aguirre stated he is concerned with the amount of excavation in that area as well and the contractor is working to help alleviate any issues. Mr. Aguirre stated the Oleander crossing is now open.

Mr. Aguirre stated that This Way is now open to traffic. The street lighting and pedestrian lighting has not arrived as of yet.

Council member Baker asked if the cement blocks were the elevator shafts at the new apartments on FM2004. Mr. Aguirre stated they were.

ITEMS OF COMMUNITY INTEREST

Council member Brooks thanked everyone one for their prayers and thoughts at the death of his mother.

Council member Roznovsky said the LJEMS is having problems exiting due to the increase in traffic on Oak Drive. They asked if "Do Not Block" could be painted on the pavement. Staff will take this to the Traffic Commission meeting in April.

Mayor Rinehart said he and staff met a week ago at the Lake Jackson wiggle on Dixie Drive with the city of Clute. The guardrails are not safe and will not stop a vehicle. There should be steps taken to address this area. Clute City Manager Gary Beverly was in agreement. Sal Augirre stated that the traffic lights at the Kroger's location are temporary. They cannot get the equipment in time for their opening. He stated that the guardrail issue has been left open until the permanent traffic light is installed in order to watch the traffic to see if it is calmed by the traffic light.

Mr. Yenne reminded everyone of the joint Master Plan meeting of the City Council and Planning Commission on March 22 also the second joint meeting on April 11th.

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SEC. 551.087(2)
TO DISCUSS THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO CENTENNIAL REAL
ESTATE COMPANY (THE OWNER OF BRAZOS MALL) BECAUSE THE CITY DESIRES THAT THE
MALL STAY AND/OR EXPAND IN CITY OF LAKE JACKSON

Mayor Rinehart convened the meeting to executive session at 8:12 p.m.

RECONVENE TO OPEN SESSION

Mayor Rinehart reconvened the meeting to open session at 8:33 p.m.

ADJOURNMENT

There being no further business the meeting adjourned at 8:33 p.m.

These minutes read and approved this _____ day of _____, 2016.

Joe Rinehart, Mayor

Alice A. Rodgers, City Secretary