

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 21, 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
Modesto Mundo, Asst. City Manager
Alice A. Rodgers, City Secretary
Pam Eaves, Finance Director
Sherri Russell, City Attorney

Ralph Buster Buell, Council member

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

INVOCATION

Council member Buell led the invocation.

VISITORS

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

COMMENDATION FOR THE WORK SAFETY PROGRAM FOR THE FIELD UTILITIES DEPARTMENT

This item was moved to the April 7th meeting.

PROCLAMATION - FAIR HOUSING MONTH

Mayor Rinehart proclaimed April as Fair Housing Month.

PROCLAMATION – ARBOR DAY

Mayor Rinehart proclaimed March 24th as Arbor Day.

CONSENT AGENDA

- A. Approval Of Minutes – March 7, 2016
- B. Minutes Of Boards And Commissions
- C. Ordinance Amending Chapter 38 Environment To Regulate Environmental Impacts Of Oil And Gas Drilling And To Establish Permitting Procedures – Second Reading
- D. Ordinance Amending Chapter 98 Traffic And Vehicles To Prohibit Parking On Both Sides Of Silverbell Circle From Caraway Common To Chervil Common – Second Reading
- E. Approve Aerial Spraying Of Mosquitoes By Brazoria County Mosquito District

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 – March 7, 2016 - approved
- B. Minutes Of Boards And Commissions - accepted
- C. Ordinance Amending Chapter 38 Environment To Regulate Environmental Impacts Of Oil And Gas Drilling And To Establish Permitting Procedures – Second Reading – passed and adopted
- D. Ordinance Amending Chapter 98 Traffic And Vehicles To Prohibit Parking On Both Sides Of Silverbell Circle From Caraway Common To Chervil Common – Second Reading – passed and adopted
- E. Approve Aerial Spraying Of Mosquitoes By Brazoria County Mosquito District - approved

DISCUSS AND CONSIDER REQUEST FROM REG APLIN TO CONDUCT TRENCH BURNING IN THE CREEKSIDE SUBDIVISION

Reg Aplin, Aplin Homes was present to request trench burning in the Creekside Subdivision. He stated they are 12 months ahead of schedule on the building of this subdivision. They have made application to TCEQ and have received approval. They have met the requirements of Randy Crim, Fire Marshal.

Council member Roznovsky voiced concerns with embers from blowing in the wind and burning things not intended.

Cecil Stark, Clearing Contractor, stated they will have a berm around the area and they are using an air curtain incinerator, and there will be a water truck on site. The burn has to be one foot below the curtain. With no leaves on the wood there should not be embers.

Council member Brooks asked what the time period for this would be.

Mr. Stark stated that as soon as possible. With the recent rain this is an ideal time.

Council member Baker asked how many days they would burn.

Mr. Stark stated he will shut down the burn at 3:30 each day and thinks it will take 7-14 days.

Council member Melass asked how long TCEQ has permitted this burn.

Mr. Stark stated it is under 60 but he did not have the exact number of days with him. Mr. Stark stated that TCEQ requires the burn be a set distance from any livable house.

On motion by Council member Melass second by Council member Buell with all members present voting “aye” approval was granted for trench burning in the Creekside Subdivision.

DISCUSS AND CONSIDER REQUEST TO BARRICADE CENTER WAY FROM HEB TO CIRCLE WAY, MONDAY THROUGH THURSDAY FROM 5:30 PM TO 6:30 PM UNTIL MAY FOR T-BALL PRACTICES

James Price 311 Pine Street is the assistant coach to the Razorbacks' T-Ball team. He stated there is not adequate parking at these fields. With two teams practicing at the same time there is not enough parking. He felt the kids could not exit the vehicles safely. They are requesting that Center Way be closed from 5:30 p.m. to 6:30 p.m. Monday through Thursday. This should not go past the middle of May.

Mayor Rinehart stated there is parking near and along Circle Way that the parents could use but do not. Soon there will be a bridge across the ditch for easier access. He asked with games starting today if that eased the parking issue any.

Mr. Price stated that yes but most people arrive with the players and siblings making for a large number of children.

Chief Park stated that his concern is that this is setting precedence for the other fields around town.

Mr. Yenne stated that once Sorrell Contractor is out of the parking lot across from Gator field there would be more parking.

Mr. Price stated the parking lot Mr. Yenne is referring to is a long way for youngsters to walk.

Mayor Rinehart asked if there could be timed no parking along one side of the street.

Council member Melass stated she would be amenable to no parking on one side of the street versus closing the road.

Discussion followed on passing an ordinance to prohibit parking on the west side of Center Way in this area and taking in consideration of this being an 8 week period of ball practice. Also discussed was adding limestone near the well in this area to add additional parking.

Council asked that the attempt of placing limestone in the area for more parking be tried.

DISCUSS AND CONSIDER REQUEST BY ALL SMILES DENTAL FOR PARTIAL STREET CLOSURE AND USE OF CITY PARKWAY AT 205 PARKING WAY ON SATURDAY APRIL 9, 2016 FROM 7 A.M. TO 7 P.M. FOR DENTISTRY FROM THE HEART EVENT

There was no one present to discuss this item.

Council member Melass asked that the surrounding business be contacted to ensure they do not have a problem with this.

There was no action on this item.

DISCUSS AND CONSIDER REMOVAL OF AWNING AT 215 PARKING WAY

Randy Moore, 115 Rosewood stated he is remodeling the building at 215 Parking Way. He is demolishing the building and would like to remove the awning. After he discussed with Ms. Russell, he believed the awning belonged to him. He has spoken to his neighbors and they do not have an issue with removing the awning.

Council member Melass stated that she spoke with another business owner in this area who also would like the awning removed.

Mr. Moore stated that he has Mr. Burroughs working on the plans for his law office at this location.

Ms. Russell stated that he bought this awning with the building. There is nothing in writing showing the approval of the encroachment that was done in the 80's.

Mr. Moore stated that the awning is not in good shape all the way down in front of the other businesses. Water penetrates the awning.

Council member Melass asked if taking down this portion of the awning would affect the integrity of the awning for the rest of the businesses. The reply was very possible depending on the condition of the rest

of the awning.

Mr. Moore stated that the awning is bolted to the front of each business. He stated they would shore up the awning on either side of his business.

Mr. Mundo stated that when working on the Smithharts building's awning they found that the awning was too rotten to work around. This may be a domino effect for the other businesses.

Mr. Moore stated if he removes his section and the others are rotten he will not remove them. That will be up to the other businesses.

Discussion followed on if the need rose, taking down the entire awning, the businesses there would be responsible for removing it. Also discussed was this is Mr. Moore's property and he can take it down if he wants.

Mr. Yenne asked Mr. Moore to get a price to take down the entire awning in a per foot increment.

On motion by Council member Melass second by Council member Buell with all members present voting "aye" authorization was granted for the removal of the entire awning beginning in front of 215 Parking Way.

DISCUSS AND CONSIDER INTEGRITY MORTGAGE GROUP (IMG) SECURITY PLAN

John Lubke 108 This Way presented the requested security plan with information regarding the event.

Chief Park stated that everything he has asked of them they have done and then some.

On motion by Council member Baker second by Council member Melass with all members present voting "aye" approval was granted for the security plan presented and approval for the closing of a portion of Parking Way on June 8.

DISCUSS AND CONSIDER PLACING "DO NOT BLOCK DRIVE" ON OAK DRIVE AT THE EXIT OF LAKE JACKSON EMERGENCY SERVICES

Council member Roznovsky stated he brought this to council's attention after attending an LJEMS meeting.

On motion by Council member Melass second by Council member Brooks with all members present voting "aye" approval was granted for the painting of "do not block drive" on the pavement at the exit of the Lake Jackson Emergency Services.

DISCUSS AND CONSIDER RECOMMENDATION FROM THE TRAFFIC COMMISSION TO INSTALL SPEED CUSHIONS NEAR VIOLET, IN THE 500 BLOCK OF WALNUT AND THE MID 600 BLOCK OF WALNUT. FOUR WAY STOP SIGNS AT WALNUT AND MAGNOLIA; WALNUT AND HICKORY; WALNUT AND SOUTH YAUPON; WALNUT AND THE SOUTHERN INTERSECTION OF SILVERBELL CIRCLE. STOP SIGN ON SILVERBELL CIRCLE AT ITS NORTHERN INTERSECTION WITH WALNUT AND INSTALL TRAFFIC CONTROL RADAR SIGNS ON OLEANDER STREET

The Traffic commission put together a subcommittee to discuss traffic calming options for Walnut and Oleander. Based on those discussions, staff made the attached recommendation for speed cushions, stop signs and radar signs. The following motion was made on March 8, 2016: Barry Tidwell moved to install traffic calming measures on Walnut and Oleander per staff recommendations. Willem Mookhoek seconded the motion. With all present members voting "aye" the commission

makes recommendation to Council for the following traffic calming measures with the condition of collecting traffic counts and speed counts on the other end of Walnut and to collect said data simultaneously with the counters on the other end of Walnut:

4-way stop (contingent on data collected) at:

Walnut and Magnolia

Walnut and Hickory

Walnut and South Yaupon

Walnut and the southern intersection of Silverbell Circle

Stop Sign on Silverbell Circle at its northern intersection with Walnut

Speed Cushions on Walnut:

Near Violet

At the 500 block of Walnut

Mid 600 block of Walnut

Radar Signs to be installed on Oleander

On motion by Council member Melass second by Council member Brooks with all members present voting “aye” approval was granted to install speed cushions near Violet, in the 500 block of Walnut and the mid 600 block of Walnut, as well as instruction for the city attorney to prepare an ordinance authorizing the stop signs.

AWARD BID FOR CLEARING AND REMOVING DEBRIS FOR THE 2016 HURRICANE SEASON TO LOOKS GREAT SERVICES OF MS, INC. AS PRIMARY CONTRACTOR FOR THE AMOUNT NOT TO EXCEED \$100,000.00 AND STANDBY CONTRACTS TO CUSTOM TREE CARE, INC. AS SECONDARY CONTRACTOR, AND BERGERON AS TERTIARY CONTRACTOR

David Van Riper, Public Works Director stated as a result of Hurricane Ike staff was advised by FEMA that there should be a contract in place for debris removal prior to an actual hurricane. This contract will insure that contractors can be activated quickly and still have expenses eligible for reimbursement following a declared disaster.

This contract will be in place for the 2016 hurricane season. The primary contractor will be required to post payment and performance bonds on award of the contract. This will ensure his commitment to the work if ordered. The City will pay an allowance for the execution of the bonds. Upon activation after a storm the primary contractor would have 48 hours to be 50% mobilized and 96 hours to be 100% mobilized.

Additional contractors would only be activated if we determined that it is warranted based on the amount of debris to collect. These contractors would have 5 working days to post bonds and mobilize.

With this award council will have authorized only up to \$100,000 of work by the primary contractor. Staff would be able to determine the scope of the debris collection before this amount of work was completed and bring any additional authorization needed for a higher amount or activation of additional contractors to council for approval.

Sealed bids were received and opened on February 25th, 2016. Bid tabulation is attached. Our recommendation is in order of lowest price bid per unit yard loaded and hauled.

Under this contract vegetative debris would be loaded curbside and hauled to our old landfill site behind the Southern Brazoria County Animal Shelter. Grinding of this debris would be handled under a contract we already have in place with Novus Wood Group. Non-vegetative debris would be hauled by city forces to the Seabreeze Landfill.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” bid was awarded for clearing and removing debris for the 2016 hurricane season to Looks Great Services Of Ms, Inc. as primary contractor for the amount not to exceed \$100,000.00 And standby contracts to Custom Tree Care, Inc. as secondary contractor, and Bergeron as tertiary contractor.

AWARD BID TO REPLACE AIR HANDLING UNITS AND ASSOCIATED CONTROLS AND EQUIPMENT FOR THE LAKE JACKSON RECREATION CENTER TO SENTINEL AIR CONDITIONING AND HEATING OF SPRING, TEXAS IN AN AMOUNT NOT TO EXCEED \$227,412

Jeremy Bubnick, Parks and Recreation Director stated this proposal is for the replacement of air handler unit #1 and #4 along with the associated controls, central plant variable frequency drives, duct and VAV cleaning and replacement of roof piping and insulation at the Recreation Center.

Sentinel was the only contractor to submit a bid for this project. The total cost of this proposal is \$227,412. The bid came in substantially higher than estimated due to the increased costs of the AHUs themselves, higher crane rental/transportation costs and that this phase of the project includes duct & VAV box cleaning and the replacement of a large amount of rooftop piping and insulation. The original budget for this phase of the project was \$175,000 (including engineering). The new total cost will be \$241,092. The Lake Jackson Development Corporation approved the adjustment in their budget at their March 10, 2016 meeting.

This project is the third and final phase of a three phase project to replace all of the air handler units that service the Recreation Center. AHU #3, AHU #2 and AHU #5 were replaced previously.

On motion by Council member Baker second by Council member Melass with all members present voting “aye” bid was awarded to replace air handling units and associated controls and equipment for the Lake Jackson Recreation Center to Sentinel Air Conditioning and Heating of Spring, Texas in an amount not to exceed \$227,412

AWARD BID FOR CONCRETE PAVEMENT SPOT REPAIRS IN VARIOUS LOCATIONS TO BE DETERMINED BY PUBLIC WORKS TO MATULA AND MATULA AS PRIMARY CONTRACTOR FOR THE AMOUNT OF \$106,690.00

David Van Riper, Public Works Director stated that in an effort to maintain transportation infrastructure in the City of Lake Jackson, Public Works budgets \$100,000.00 every year for concrete panel replacement on city streets. . The contract amount of \$106,960 will allow the replacement of approximately 650 lane feet of failed pavement. The lowest bid exceeded the budgeted amount by \$6,960, the City will allocate the funds to complete the 650 lane feet or scale back the project.

The City received two sealed bids on March 16th, 2016 from Matula and Matula, and Sorrell Construction for \$106,960.00 and \$111,820.00 respectively.

The bidders have performed similar work for the City in the past.

The City would like to award the lowest bid from Matula and Matula to make repairs to be determined by Public Works Street Division.

On motion by Council member Melass second by Council member Brooks with all members present voting “aye” bid was awarded for concrete pavement spot repairs in various locations to be determined by public works to Matula and Matula as primary contractor for the amount of \$106,690.00.

DISCUSS THE CITY’S ABILITY TO DISTRIBUTE HOTEL OCCUPANCY TAX FUNDS TO

SPORTS ORGANIZATIONS

Council member Melass stated she would like to see the city set aside a portion of the hotel occupancy tax to fund any sports events that would bring organizations here to stay in the hotels and shop locally. She suggested taking 1% from each of the other organizations except for the city.

Mr. Yenne stated currently the city receives 7 cents and the state receives 6 cents. Fine Arts Center receives 1 cent, the Museum of Natural Science receives 1.5 cents, Tourism for the Chambers is 2 cents, for the museum the Historical Association receives 1.5 cents and we take 1 cent for the special events fund. The special events fund is for the Festival of Lights, 4th of July, concerts on the plaza and the like. This is where funding to sponsor sports tournament has come from previously.

Council member Melass stated that if 14% is used for Festival of Lights and Fourth of July and anything else that comes up she would like that to stay. She recommended 1 % be taken from the 29% tourism. This should not be detrimental to the Chamber. That money could then be set up to repair fencing and the fields. Then if the City were to host a world series this would help us attract those tournaments. Council member Melass also like something created that would show the economic impact these monies that are donated to the different entities. She also wants each entity to show how they are using the monies.

Modesto Mundo stated that Michael Coon came up with another idea in that long term with new hotels coming in to cap each group now and it would not affect anyone's budget. You could use the funds over that are over the cap for any future activities or special projects.

Council member Roznovsky said every year each organization should have to come to the city and request the monies. We should get away from the long standing automatic percentage. The current method does not show ownership on the recipient's part. There needs to be accountability.

Council member Melass stated she felt we should tell our money where to go and we need to know where it is going or being used.

Mayor Rinehart suggested having the recipients come in to discuss this during the budget process. Mayor Rinehart asked if the 4B monies could be used for bringing in tournaments.

Mr. Mundo stated no, it has to be used on a facility.

Mayor Rinehart asked if it could be used to fix fences or bleachers.

Mr. Mundo stated it could be used on fences, bleachers or updating fields.

Mr. Yenne reminded everyone that 75% will be given to the two future hotels from their individual HOT collections. Remember the fixing up of Suggs fields will be discussed in the Parks Master Plan and the amount of money it will take to fix the fields up to host the Babe Ruth World Series. The HOT could be use to promote this. We used to put money aside for the future expansion of the civic center, but this was ultimately distributed to the current HOT recipients.

Council member Melass stated she wanted each of the groups to come before Council to request the monies and state what the monies would be used for.

Mr. Yenne stated that the HOT could be increased.

Discussion followed on the current shape of the sports fields and the ability to host some of the state or larger tournaments.

Council asked that this be placed on the next agenda.

APPROVE RESOLUTION AMENDING THE BUDGET FOR FISCAL YEAR 2015-2016 TO REFLECT PROJECTS CARRIED OVER FROM THE PRIOR FISCAL YEAR. THESE PROJECTS WERE APPROVED IN FISCAL YEAR 2014-2015 OR PRIOR BUT WERE NOT COMPLETED AS OF THE END OF FISCAL YEAR 2015 (INCREASE FY 2015-2016 GENERAL FUND \$575,091: MASTERPLAN \$101,971; GIS PROTOCOLS FOR DEVELOPERS \$24,480; CITY OWNED SIDEWALK REPAIRS \$35,000; PLANTATION DR. 4 LANE TRANSITION \$238,000; CNG PUBLIC ACCESS \$40,000; PECAN LAKES OUTFALL LINING \$71,500; PEDESTRIAN CROSSING INSTALLATION CROSSING \$ 24,140; MAGNOLIA CHANNEL LINING \$40,000. INCREASE FY 2015-2016 ECONOMIC DEVELOPMENT FUND \$574,888: SOUTH PARKING PLACE DESIGN \$36,131; THIS WAY – CIRCLE WAY TO 332 \$385,000)

Pam Eaves, Finance Director presented the following: the City has always viewed funding for capital projects to be for the duration of the project. Each year we amend the current General Projects Budget for projects carried over from the prior fiscal year. These projects were approved in a prior fiscal year but have not yet been completed. Making this amendment makes tracking available funding easier and comparison to budget in the Comprehensive Annual Financial Report cleaner

On motion by Council member Roznovsky second by Council member Melass with all members present voting “aye” a resolution was passed amending the budget for fiscal year 2015-2016 to reflect projects carried over from the prior fiscal year. these projects were approved in fiscal year 2014-2015 or prior but were not completed as of the end of fiscal year 2015 (increase fy 2015-2016 General Fund \$575,091: Masterplan \$101,971; GIS protocols for developers \$24,480; city owned sidewalk repairs \$35,000; Plantation Dr. 4 lane transition \$238,000; CNG public access \$40,000; Pecan Lakes outfall lining \$71,500; pedestrian crossing installation crossing \$ 24,140; Magnolia channel lining \$40,000. increase fy 2015-2016 Economic Development Fund \$574,888: South Parking Place design \$36,131; This Way – Circle Way to 332 \$385,000)

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

There was no discussion

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

Council member Melass asked why the power was out downtown. Sal Aguirre said it was for the new project on south parking place

Mayor Rinehart stated we will need signs prepared for the opening of Oleander.

ITEMS OF COMMUNITY INTEREST

Council member Baker asked how the new CNG station was going? Mr. Yenne stated that no one has used it yet.

Council member Baker reminded everyone of the Master Plan meeting here tomorrow.

ADJOURNMENT

There being no further business the meeting adjourned at 8:24 p.m.

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

Joe Rinehart, Mayor

Alice A. Rodgers, City Secretary