

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 April 18, 2016 at 6:30 p.m. in Public Hearing and 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
Jon J. B. Baker, Council member
Heather Melass, Council member
Ralph Buster Buell, Council member
Gerald Roznovsky, 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
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

Mayor Rinehart led the invocation.

VISITORS

Billy Gray, LJ Lions Club asked about posting civic club signs as you enter the city. Mr. Yenne told him that would be TxDot.

PRESENTATION - INTRODUCTION FROM WAYNE CHRISTOPHER OF THE ELKS LODGE ON MOVE FROM THE CITY OF CLUTE TO THE CITY OF LAKE JACKSON

This item was moved to the May 2nd meeting.

PRESENTATION DISTRIBUTE CAPITAL IMPROVEMENT PROJECT BOOKLETS

The Capital Improvement Project Booklets were presented to City Council.

CONSENT AGENDA

- A. Approval Of Minutes – April 4, 2016
- B. Minutes Of Boards And Commissions
- C. Ordinance Amending Chapter 98 Traffic To Erect Four Way Stop Signs At Walnut And Magnolia, Walnut And Hickory, Walnut And South Yaupon, Walnut And Silverbell At The Southern Intersection And A Stop Sign On Silverbell At Its Northern Intersection With Walnut; On Bois D Arc At Its Intersection With Walnut– Second Reading
- D. Approve Interlocal With Brazosport Independent School District For The Summer Bus Program
- E. Approve Interlocal Agreement With State Of Texas Department Of Information Resources (Tx-Dir) For The Purpose Of Using State Negotiated Contracts For Saving Money On Long Distance And Other Communication Links Including Att And Comcast Provided Services

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

- A. Approval Of Minutes – April 4, 2016 - approved
- B. Minutes Of Boards And Commissions - accepted
- C. Ordinance Amending Chapter 98 Traffic To Erect Four Way Stop Signs At Walnut And Magnolia, Walnut And Hickory, Walnut And South Yaupon, Walnut And Silverbell At The Southern Intersection And A Stop Sign On Silverbell At Its Northern Intersection With Walnut; On Bois D Arc At Its Intersection With Walnut– Second Reading – passed and adopted
- D. Approve Interlocal With Brazosport Independent School District For The Summer Bus Program - approved
- E. Approve Interlocal Agreement With State Of Texas Department Of Information Resources (Tx-Dir) For The Purpose Of Using State Negotiated Contracts For Saving Money On Long Distance And Other Communication Links Including Att And Comcast Provided Services - approved

PUBLIC HEARING TO CONSIDER AMENDING THE B-1 NEIGHBORHOOD BUSINESS TO ALLOW A CONDITIONAL USE OF BATTING CAGES OR SIMILAR RECREATIONAL BUSINESS

Mayor Rinehart opened the public hearing at 6:34 p.m.

Mr. Yenne stated that there is an individual who is looking to acquire 606 Willow Drive to provide batting lessons. This is next to Suggs Park. However the property is zoned B-1 which currently does not allow recreational businesses. The Planning Commission has held a public hearing and recommend that batting cages be allowed as a conditional use. Each use would go before the Planning Commission for approval. He has approached the two neighbors that are right next door. One did not have an issue but the other is owned by a corporation and they have not gotten a response back.

Mayor Rinehart stated there will be a wall and a roof. It will be lit, but primarily inside.

Council member Brooks asked if this would be addressed tonight or at the next meeting. Mr. Yenne stated this is Council's public hearing to see if anyone has any comments. As typical council has the ability to pass the ordinance on first reading at this meeting. And, if there are any issues that arise between this meeting and the May 2 meeting you could discuss those issues at the May 2 meeting.

Council member Buell asked if there was adequate parking. Mayor Rinehart stated the gentleman indicated he would have two people max at a time.

Council member Brooks asked if the gentleman had conversations with the officers of the league that uses Suggs Field.

Mr. Yenne stated he was not aware of that. He stated there are two sets of batting cages near the convenience store. When his child went through Babe Ruth, you hear a lot of clinking of the bats during games and batting practice. If there is a place for this business to be, this could be it. That is why Planners wanted to be careful about it and make this a conditional use and not a permitted use.

Council member Melass asked if any of the neighbors have called in. Ms. Rodgers stated no one had called. Ms. Russell stated the gentleman said he got in touch with two neighbors and did not hear back from the corporate neighbor.

Ms. Russell stated he has to come back to the Planning Commission for approval of his conditional use permit. This ordinance change gives us a definition and a new conditional use for this zoning. He still has to fill out an application and come and explain everything before they just let him do this.

Council member Melass said with a neighborhood business there is a restriction on the hours of operation, right?

Mr. Yenne stated that was correct for a business up against a residential neighborhood. His latest lesson would

be 8:30 p.m.

Mayor Rinehart said the gentleman stated he would operated from basically school out to 8:15 p.m.

Mayor Rinehart closed the public hearing at 6:38 p.m.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING THE B-1 NEIGHBORHOOD BUSINESS TO ALLOW A CONDITIONAL USE OF BATTING CAGES OR SIMILAR RECREATIONAL BUSINESS – FIRST READING

Sherri Russell stated she added a definition of recreational business to the ordinance to be specific.

Council member Melass asked if the conditional use permit went with the property or the user? Sherri Russell stated that it went with the user.

Council member Melass asked if the gentleman sold and 5 years down the road the new user would have to come back and reapply? Ms. Russell stated that was correct.

On motion by Council member Roznovsky second by Council member Baker with all members present voting "aye" an ordinance amending the B-1 neighborhood business to allow a conditional use of batting cages or similar recreational business was passed on first reading.

PUBLIC HEARING TO CONSIDER AMENDING THE R-2 SINGLE FAMILY RESIDENCE TO ALLOW MINIMUM OF NINE HUNDRED (900) SQUARE FEET LIVING AREA FOR HOUSES FOR LOTS PLATTED PRIOR TO JULY 3, 1961 THAT HAVE LESS THAN SEVENTY (70) FEET OF FRONTAGE

Mayor Rinehart opened the public hearing at 6:40 p.m.

Mr. Mundo stated that the city was approached by the County to replace an existing home built in 1948 with a new home under the HUD Home Reconstruction / Rehabilitation program at 523 Magnolia. The size of the existing home is 1097 square feet. Under the guidelines established by the County, Ms. Pena (homeowner) 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. This public hearing is to amend the zoning code to allow 900 square feet for homes platted prior to July 3, 1961. There are approximately 1200 homes that would fall into this category should council change the ordinance. If a 900 square foot home was built here today it would not change the character of the neighborhood.

Richard Hickner 119 Bougainvillea stated he has purchased several older homes in Lake Jackson over the years . He felt this was 20 years overdue. If you want to build affordable houses in Lake Jackson, then council needs to approve this.

Mayor closed public hearing at 6:44 p.m.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING THE R-2 SINGLE FAMILY RESIDENCE TO ALLOW MINIMUM OF NINE HUNDRED (900) SQUARE FEET LIVING AREA FOR HOUSES FOR LOTS PLATTED PRIOR TO JULY 3, 1961 THAT HAVE LESS THAN SEVENTY (70) FEET OF FRONTAGE – FIRST READING

On motion by Council member Roznovsky second by Council member Buell with all members present voting "aye" an ordinance amending the R-2 single family residence to allow minimum of nine hundred (900) square feet living area for houses for lots platted prior to July 3, 1961 that have less than seventy (70) feet of frontage was passed on first reading.

APPROVE 2015 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Kevin Cadenhead, Kennemer and Masters presented the annual audit.

On motion by Council member second by Council member with all members present voting "aye" approval was granted for the 2015 Comprehensive Annual Financial Report.

DISCUSS AND CONSIDER AUTHORIZING FIREWORKS DISPLAY AT MACLEAN PARK ON MAY 14, 2016 FOR LITTLE LEAGUE APPRECIATION DAY

Erin Borin stated they are in the process of planning a Little League Appreciation Day in light of the recent burglaries. They received a \$10,000 donation from Skywonder Fireworks and Pyrotechnics. They have not settled on a day for this event. They are currently seeking approval for the fireworks which could be located at a designation preferred by the city.

Randy Crim, Fire Marshal stated he has spoken with them and discussed setting off the fireworks at Dunbar Park. Police and Fire are accustomed to this location for fireworks.

Ms. Born stated the city's usual display is \$20,000 and this is only \$10,000 display.

After some discussion on the date of the event it was decided on May 21, 2016 at Dunbar Park.

On motion by Council member Melass second by Council member Brooks with all members present voting "aye" approval was granted for a fireworks display at Dunbar Park on May 21, 2016 for Little League Appreciation Day.

DISCUSS AND CONSIDER REQUEST TO CLOSE ONE LANE OF DIXIE DRIVE FROM PLANTATION DRIVE TO ASIEL'S RESTAURANT ON OCTOBER 23, 2016 FOR THE MAMMOTH LAKE TRIATHLON

There was no one present to speak on this item.

Discussion followed on the timing of this event with several churches located on this road, the use of the center lanes and the number of police officers needed.

Council asked that it be placed on the next agenda.

PRESENTATION OF DOG PARK PLAN AND CONSTRUCTION COST ESTIMATE

Jeremy Bubnick Parks and Recreation Director presented a plan for a dog park done by White Oaks Studio along with the following information.

There has been growing demand for a quality dog park in Lake Jackson. City Council approved funding for this plan as part of the 2015/2016 CIP. In November of 2015, the city hired White Oak Studios to develop the plan for the site. Over the past three months, the landscape architect and Mr. Bubnick visited numerous dog parks in the greater Houston area. They visited with park users as to what they liked and what they didn't. They also met with a number of park professionals that have built these types of parks and currently maintain them. The key things taken away from this research were:

1. Dog parks are not for dogs. They are for dog owners.
2. These parks are very popular and are heavily used. In fact the Director for the City of Sugarland and the Maintenance Director for Harris County (Precinct #3) both stated that their dog parks are the most used parks by number of people and number of days used (even more than their sports fields)!
3. Dog parks must have excellent drainage and some sort of water feature for the dogs to cool off. The only parks they saw without ponds were Angleton and one in Pearland (both not busy)
4. When designing the parks, placement of any water or shade structures should be towards the back of the park to encourage people to not congregate near the entrance.
5. Another issue discovered was the size of the park. To maintain turf a large space is needed.
6. Sugarland has a good system where they close their park all day on Monday's for weekly maintenance. It gives them a day to get in and mow, edge, make repairs, etc. without dogs or people.

Lake Jackson's proposed site (behind the Recreation Center) is a great site as far as space, location (not near homes, already has parking, proximity to power, water and sewer), and has beautiful Oak trees that provide built in shade. The biggest challenge for the site (and much of Lake Jackson) is drainage. The site is very flat and tends to flood and hold water (see Item #3 above). This created a challenge for the architect that drove up the cost a bit (184K to be exact). To combat this issue and to avoid having a muddy mess of a park, the architect created berms and swales that will naturally drain water away from the site.

Upon developing a draft plan a focus group meeting was hosted with some of the dog park advocates to gain feedback and to walk the site. After this meeting the architect made some adjustments to the design and spent the last two weeks fine tuning the plan and gathering construction cost estimates. What was developed is a quality park and the City would be proud of. That being said it did come in at a much higher construction cost than originally expected due to the drainage issues. The final construction estimate came in at \$750,000.

To reduce costs, the water play areas could be completely eliminated. This would reduce costs by about \$150,000. However the water features are one of the primary attractions to the facilities that were visited. Many advocates of the park would like to see a water feature of some sort due to our high temps in the summer.

Prior to and during the first half of the Parks Master Planning Process, discussion with a number of citizens who would love to see a quality dog park (or park for dog owners) built in Lake Jackson was had. It is a specialty facility much like a swimming pool or ball field, but based on the research and the national trends it would be heavily utilized by our citizens. There was a Facebook Page "Lake Jackson Dog Park" a year ago by advocates and it has over 754 members.

City staff along with the supporters, could raise a total of \$100,000 through sponsorships and donations (or at least that would be the goal) if the city chooses to move forward. The next step would be to move forward with construction documents (\$35,000), which has been requested in the 2016/2017 CIP with construction to be funded in the future (after FY 2016/2017)

Discussion followed on whether the water features were actually needed. Mr. Bubnick stated he felt the dog park should be delayed before cutting the water features.

Council member Roznovsky asked if the soil became contaminated like the park in Angleton, what would be the cost to get the park open again.

Mr. Bubnick stated he did not have the answer for that. In going through the other dog parks, the managers stated they did not have an issue with what Angleton did. You try to ensure that the dogs coming to the park have all of their shots.

Council member Roznovsky asked if there would be access control or would the park be open to everyone. Other parks have key access that you receive once you have proven your animal has been licensed and received its shots.

Mr. Bubnick stated that has not been decided yet. It has been discussed but nothing definite.

Council member Roznovsky asked what the cost of maintenance would be.

Mr. Bubnick stated that Sugarland's park is about 5 acres. They close one day a week for routine maintenance. Right now there is one staff member assigned to the Recreation Center and a floating position. He thought perhaps they could absorb that responsibility as far as manpower. The cost is mainly time.

Mr. Bubnick stated the next step would be to obtain funding for the construction documents through the capital improvement fund.

Council member Buell asked if there were items that could be cut from the plans to save monies.

Mr. Bubnick stated there are areas that could be cut or trimmed. There are areas that community support could be sought such as dirt work or landscaping. Fund raising could accomplish some of the cost.

Council member Roznovsky stated there are grants available for a project like this.

PRESENTATION OF LAKE JACKSON EMERGENCY MEDICAL SERVICES (LJEMS) BI-MONTHLY REPORT – FRED ORTIZ

Fred Ortiz, EMS Director presented the bi-monthly report for the LJEMS.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING THE PUD FOR THE OAK WOODS SUBDIVISION ADDITION AREA BOUNDED BY OYSTER CREEK DRIVE, CIRCLE WAY AND OAK DRIVE – SECOND READING

Sherri Russell stated that this amendment to the PUD combines the parcels in the PUD, includes a hike and bike trail, connects Winding Way to the PUD by the means of a private drive, and reduces the parking requirements for one-bed room apartments from 1.5 to 1.25.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting "aye" an ordinance amending the PUD for the Oak Woods Subdivision Addition area bounded by Oyster Creek Drive, Circle Way and Oak Drive was passed and adopted on second and final reading.

DISCUSS AND CONSIDER ALLOWING WENDY'S TO HAVE A DRIVEWAY ACCESS ONTO GRAPEVINE TURN

Mr. Mundo stated this did not require council approval but planning commission approval. Since this was a heavily discussed intersection staff thought council should see it.

Mr. Yenne stated that HEB will retain the land and lease it to Wendy's. This was before Council to keep them informed.

DISCUSS AND CONSIDER AN AMENDMENT TO THE SANITARY SEWER AGREEMENT WITH TEXAS DEPARTMENT OF CRIMINAL JUSTICE SO THAT TEXAS DEPARTMENT OF CRIMINAL JUSTICE WILL INCREASE THE LENGTH OF PIPE THAT IT IS PROVIDING AND LAKE JACKSON WILL CREDIT THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE WITH \$70,000 WORTH OF SEWER SERVICE TO THE WAYNE SCOTT UNIT

The City has an agreement to provide TDCJ's Wayne Scott Unit with sanitary sewer. TDCJ's connection point in the original agreement is not in a good place. Upon discovery of the problem, TDCJ agreed to move the connection point, which means they will need to provide more pipe and labor than anticipated. Because of this extra burden, staff agreed to give TDCJ credit for two months of sewer service, which is approximately \$70,000.

On motion by Council member Melass second by Council member Buell with all members present voting "aye" approval was granted for an amendment to the sanitary sewer agreement with Texas Department of Criminal Justice so that Texas Department of Criminal Justice will increase the length of pipe that it is providing and Lake Jackson will credit the Texas Department of Criminal Justice with \$70,000 worth of sewer service to the Wayne Scott Unit.

DISCUSS AND CONSIDER AN ORDINANCE DESIGNATING THE INTERSECTION OF CACTUS AT STATE HIGHWAY 288 FRONTAGE ROAD A ONE WAY STOP – FIRST AND FINAL READING

On motion by Council member Melass second by Council member Brooks with all members present voting "aye" to suspend the rules that require an ordinance to be read on two separate occasions to expedite the installation of the stop sign at a major intersection.

On motion by Council member Melass second by Council member Brooks with all members present voting "aye" an ordinance designating the intersection of Cactus at State Highway 288 Frontage Road a one way stop.

DISCUSS AND CONSIDER RESOLUTION TO DENY THE DISTRIBUTION COST RECOVERY

FACTOR (DCRF) APPLICATION FILED BY CENTERPOINT ELECTRIC ON APRIL 4, 2016

On April 4, 2016, CenterPoint filed an application to amend its Distribution Cost Recovery Factor (DCRF). The DCRF is an interim rate adjustment that permits an electric utility to implement new rates to account for changes in distribution invested capital, such as transformers, poles, wires, etc. This amendment would increase CenterPoint's distribution revenues by approximately \$49,000,000 in FY16-17 and by approximately \$61,000,000 in 17-18. The deadline for the City to act on this application is June 3. Once the City denies the application, CenterPoint will appeal to the PUC and consolidate the City's denial with all of the other cities' denials.

GCCC (Gulf Coast Coalition of Cities) has retained a consultant to study the application and will represent all cities that belong to GCCC at the PUC.

In 2015, CenterPoint filed an application to increase distribution rates by \$16.7 million dollars. GCCC was able to reduce the increase to \$13 million.

On motion by Council member Roznovsky second by Council member Melass with all members present voting "aye" a resolution denying the distribution cost recovery factor (DCRF) application filed by Centerpoint Electric on April 4, 2016 was approved.

DISCUSS AND CONSIDER RESOLUTION AMENDING FISCAL YEAR 2015 – 2016 BUDGET TO ADD THE PURCHASE OF SPEED CUSHIONS FOR WALNUT STREET IN THE AMOUNT OF \$15,000 TO THE GENERAL PROJECTS FUND

On motion by Council member Melass second by Council member Brooks with all members present voting "aye" a resolution amending fiscal year 2015-16 budget to add the purchase of speed cushions for Walnut Street in the amount of \$15,000 to the general projects funds.

DISCUSS AND CONSIDER REMOVAL OF AWNING ALONG 200 BLOCK OF PARKING WAY

Mr. Mundo stated that staff received a quote of \$50,000 to remove the remaining canopy structure. The canopy structure remains attached to 8 businesses. The divided cost is \$6,250 per business. Mr. Aguirre inspected the canopy structure. His findings are noted below:

My inspection of the canopy during teardown of the permitted address indicated that this particular segment had been repaired in a previous change of ownership due to storm damage and thus displayed a stable structural and new decking system. Nonetheless, it also bared out some of original wood framing connections that indicated the discoloration and mildew deterioration of the leaking roofing systemic of the entire general canopy. The structural metal and supporting wood members are structurally sound and show no signs of corrosion or deterioration and thus not of safety concern but the soffit sheet metal skin show significant corrosion and blow out areas indicative of a substantial rain water leaking problem. This translates to the rotting of the wood slat members serving as hanger connector of the metal soffit panels and a potential falling risk to the public.

This potential incident was the reason the repair was performed in the permitted demolition segment. The demolition of this partial segment can continue without impacting the structural integrity of the adjacent ones but the cutoff ends will need to be closed-in to proper weather tightness and acceptable aesthetics.

Mr. Mundo stated that this could be a project that could be eligible for CDBG funds.

Mr. Yenne stated that the owner of Forever Treasures would just like for Mr. Moore to close the end of the awning and for her to keep the awning.

Majority of council felt the awning belonged to the property owners and if it was not a hazard to the public to leave it as it is.

DISCUSS FUTURE DISTRIBUTION OF THE CITY'S HOTEL OCCUPANCY TAX FUNDS

Council member Roznovsky stated he brought this to council after attending the TML convention. After Scott Joslove's presentation at the convention, he came away with the thought process that you should not operate under a historical process. The thought is for the council to decide where and how this money should be spent. Is there a need or desire from council to discuss this? He stated is open to being part of a subcommittee to sit down with the entities that have access to the hotel occupancy funding. As was brought up by Council member Melass there are a lot of entities that could use these tax dollars such as little league or youth sports. There may be a way to spread those dollars around further. Perhaps it could be adjusted each year.

Council member Melass stated she thought Council needed to figure out a way to be able to say where this money is going and where it is spent. It could be used to bring more things into the city.

Council asked that Council members Roznovsky and Buell along with a member of staff to serve on a subcommittee along with a member of each entity that receives money to come up with options and report back.

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

Athelstan Sanchez stated he has been in communication with the firm to do this study and asked for a cost. The cost came in at \$756,000. There is an additional \$9,000 if we want them to pick up high water marks, which is essential for a good assessment of the area. He presented an overhead of the project showing the separate phases. There is a large portion of the project within Clute. Some of the problems could be curb inlets and size of storm sewers. This initial cost estimate is just for the study.

Mr. Yenne stated he intends to inform the City of Clute for any portion they will be involved in.

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
- g. WAYSIDE PUB UPDATE

Modesto Mundo stated he is working on the drawing for wayside pub. He does not have a cost estimate as of yet. Mr. Yenne stated he felt that Mr. Ngyuen will not be happy with the cost.

ITEMS OF COMMUNITY INTEREST

Council member Brooks stated on April 28 there will be an Annual Tabletop show hosted by ISA. He invited the City Engineer, Assistant City Engineer, City Manager and Assistant City Manager to the show. It will be from 3-7 pm.

Council member Brooks stated he appreciated the email from Mr. Yenne applauding the Sanitation Department on a job well done.

Council member Melass stated that True to Life Ministries are having a BBQ this weekend on Saturday at the First Baptist Church.

Council member Melass stated the Taste of the Town is on April 24th.

Council member Roznovsky said he attended the MRO convention in Dallas. He stated there were a lot of people upset with Florida and would like to move their business to Texas

Council member Baker said on Friday there will be fish fry for Officer Hogan.

Mayor Rinehart stated the Brazosport High School class of 1966 will hold its 50th reunion this weekend. On Friday at 6:30-6:45 Erle Lindsey and David Larson will be inducted into the Brazosport High School hall of fame.

Mayor Rinehart congratulated Chief Park on his son's promotion in the police department in Clute

Council member Baker asked the why the trees near the Dow Office Museum were taken down. Mr. Yenne stated that was for the bank development on South Parking Place.

Modesto Mundo offered condolences to the families of Gardner Campbell and Bill Wade.

ADJOURNMENT

There being no further business the meeting adjourned at 8:32 p.m.

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

Joe Rinehart, Mayor

Alice A. Rodgers, City Secretary