

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 May 2, 2016 at 5:00 p.m. in Executive Session and convening into Regular Session at 6:30 p.m. at 25 Oak Drive, Lake Jackson, Texas, in the Council Chambers at the Lake Jackson City Hall with the following in attendance:

Ralph Buster Buell, Mayor Pro-Tem
Jon J. B. Baker, Council member
Heather Melass, 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
Carmen Williams, Personnel Director
Athelstan Sanchez, Asst. City Engineer
Michael Coon, Asst. to City Manager

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SEC. 551.087(2) TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS WITH AC BRAZOS MALL PARTNERS, LLC BECAUSE THE CITY DESIRES THAT THE MALL STAY AND/OR EXPAND IN CITY OF LAKE JACKSON

Mayor Pro-Tem Buster Buell convened the meeting to executive session at 5:01 p.m.

RECONVENE TO REGULAR SESSION

Mayor Pro-Tem Buster Buell reconvened the meeting to regular session at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Buell led the pledge of allegiance to the United States flag and the Texas Flag.

INVOCATION

Council member Brooks led the invocation.

VISITORS

There were no visitors present.

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

Wayne Christopher, League City gave an introduction of the Elks Lodge stated the Elks are a non profit charitable organization. Their primary focus is on Veterans and children. They wish to move from their location in Clute to a location in Lake Jackson and are currently looking for a location for their Lodge which will most likely be in a meeting room at one of the restaurants in Lake Jackson. They are eligible for \$20,000 grants each year. They partnership with cities or charitable organizations. Mr. Christopher stated there are 16 members currently living in Lake Jackson. Council members welcomed the Elks Lodge to Lake Jackson.

PROCLAMATION – MAY 15 – MAY 21, 2016 AS NATIONAL PUBLIC WORKS WEEK

Mayor Pro-Tem Buell proclaimed May 15-21, 2016 as National Public Works Week.

CONSENT AGENDA

- A. Approval Of Minutes – April 18, 2016
- B. Minutes Of Boards And Commissions
- C. Discuss And Consider An Ordinance Amending The B-1 Neighborhood Business To Allow A Conditional Use Of Batting Cages Or Similar Recreational Business – Second Reading
- D. 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 – Second Reading
- E. Approve Contract With Matula & Matula In An Amount Not To Exceed \$79,000 For Emergency Work On South Parking Place To A Partial Reroute Of An Existing Water Line And Storm Pipe System To Maintain Drainage Flow Across The Heritage Bank Construction Site And In Preparation For The Future South Parking Place Project

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 18, 2016 - approved
- B. Minutes Of Boards And Commissions - accepted
- C. Discuss And Consider An Ordinance Amending The B-1 Neighborhood Business To Allow A Conditional Use Of Batting Cages Or Similar Recreational Business – Second Reading – passed and adopted on second and final reading
- D. 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 – Second Reading – passed and adopted on second and final reading
- E. Approve Contract With Matula & Matula In An Amount Not To Exceed \$79,000 For Emergency Work On South Parking Place To A Partial Reroute Of An Existing Water Line And Storm Pipe System To Maintain Drainage Flow Across The Heritage Bank Construction Site And In Preparation For The Future South Parking Place Project - approved

RESOLUTION SUPPORTING THE APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT CERTAIN PROPERTY LOCATED AT AND AROUND 435 AND 427 COMMERCE STREET IN FREEPORT, TEXAS (VERNOR MATERIALS)

David Whitten representing the Brock Mican and Vernor Materials.

Mr. Vernor has requested through the TCEQ a Municipal Setting Designation (MSD) for property located at and around 435 and 427 Commerce Street in Freeport, Texas. The City of Freeport has approved an Ordinance authorizing a Municipal Setting Designation for the property. TCEQ requires that the property owner also obtain resolutions of support of all cities within a five-mile radius of the property. Mr. Vernor requests a resolution from the City of Lake Jackson supporting the creation of MSD.

The Texas Health and Safety Code authorizes the creation of MSDs in which persons addressing environmental impacts may be subject to less stringent groundwater investigation and response action requirements. The MSD is a specific geographic area certified by TCEQ and eliminates the potential of human consumption of contaminated groundwater in the future near the Target property.

On motion by Council member Baker second by Council member Melass with all members present voting “aye” a resolution supporting the application to the Texas Commission on Environmental Quality for a Municipal Setting Designation at certain property located at and around 435 and 427 Commerce Street in Freeport, Texas (Vernor Materials) was passed.

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

Aaron Palian, 8034 Ivy Bush Lane, Richmond Texas stated that last year was a very successful year. Last year they raised \$5,000 and helped the Rotary Club and the High School Band. Last year's traffic issues encountered were due to a football game and a function the band held.

Chief Park stated that the problems they encountered had to do with losing the middle turn lanes. This year with the event moving to Sunday the issues will be the four churches in the area. The Chief stated if the runners and bikers moved to the outside lane it would move traffic through the area easier.

Mr. Palian stated they will not be starting at Asiel's this year, but at the Brazoswood 9th grade entrance on Dixie. The event starts at 7 a.m.

Council member Baker suggested that Mr. Palian contact the churches in the area to see if they are having any special events on that Sunday.

Discussion followed on the timing of the race and the number of participants. Also the number of police officers being used for this event.

On motion by Council member Baker second by Council member Melass with all members present voting "aye" approval was granted for the closing of two outside lanes of Dixie Drive from Plantation Drive to Asiel's Restaurant on October 23, 2016 for the Mammoth Lake Triathlon and for Chief Park to work on the route with Mr. Palian. Any changes are to be brought back to Council for approval.

DISCUSS AND CONSIDER OPTIONS FOR SCREENING OF THE SELF STORAGE FACILITY AT 101 LOGANBERRY FROM NEARBY RESIDENTIAL PROPERTY ALONG FLAG DRIVE WEST AND APPLICATION OF SECTION 110-178 OF THE CODE OF ORDINANCES

Scott Macalip 112 Flag Drive West stated he was present on behalf of his mother. The city had an agreement with his mother and Rick Clark who was allowed to build a storage facility outside of the city code. After much discussion several years ago the owners of the storage facility agreed to plant bamboo trees to block the view of the storage facility. A real estate agent told his mother that she would lose 20% of the value of her home with the yellow doors behind her house. His mother came down 3 times to get this cleared up. The owner of the storage unit planted bamboo but some months later stated that the landscaping crews accidentally cut down the bamboo. They did not replant the bamboo. Now we are back to the first mistake of the doors being out of code with the bright yellow color. There are four houses directly behind the storage facility.

Council member Melass asked if there was a problem with the building or the doors.

Mr. Macalip stated he did not know if the color white is within code. The other buildings in the area are a tan color. He felt something needed to be done about the yellow doors that are out of compliance with city code. There were bamboo trees planted along the property. However they were never up long enough to grow into a screen. There is one left that falls over with the rain.

Council member Roznovsky stated he suggested the bamboo as a screen for the property owners. There are examples in other areas of town where the bamboo has been planted as a screen. It should grow tall and thick very quickly and provide a significant screen.

Mr. Macalip stated the bamboo was either dug up or killed. He stated the issue is the owner of the storage facility has not kept up with the agreement they had with the city and his mother.

Council member Melass asked about the 6 doors that were discussed in the 2010 minutes of council meetings. A few of the council members at that time talked about the painting of 6 doors and extending a fence. Were these 6 doors adjacent to residential property?

Mr. Yenne stated that was correct. 6 doors are visible to the residents adjacent to the property the other doors

face off to the side. The reason to try to seek some kind of compromise in the screening with bamboo was to help block the view of the side doors from other residents farther away.

Council member Melass asked if there is a screening ordinance set with Planners that would address this issue.

Mr. Yenne stated that this started in 2010. The bamboo was cut down in 2014.

Council member Melass stated she was on council when the bamboo was cut down and it was agreed upon that it would be replanted.

Mr. Yenne stated that Danielle Clark wrote a letter stating that she would maintain the bamboo barrier and make sure that it would grow back. She said she would make sure that it was not damaged in the future. We were not aware that it had not been allowed to grow back.

Danielle Clark 105 Loganberry stated bamboo has to be trimmed like any other landscape and the landscapers cut it too short. That is when she wrote the letter to Mr. Yenne saying that it would grow back. Time passed and the bamboo never grew back. There is no malicious intent behind this. She spent a lot of money planting the bamboo and would not dig it up or remove it. She feels she has been a good neighbor. The property is zoned to allow the storage facility. This is simply a color issue. She feels she has gone above to help not only by planting the bamboo, but other things that were discussed that the neighbor did not want, such as raising the fence, which the neighbor did not want. Those were shut down by the neighbor. She worked with the neighbors on the lighting to direct the light down, she put in the wood fence and added extra drainage for the neighbors. She felt she was doing everything she could and it is just not enough for the neighbors. She asked for a variance that the doors are fine with the yellow color at this location.

Council member Melass asked what color would be amenable to the residents.

Council member Brooks stated it has to follow the ordinance of earth tones, neutral colors.

Ms. Clark stated that the city just made the yellow doors in line with the ordinance then there would not be an issue at all. If the issue of the color was settled then she would not have to come back every three years.

Council member Melass asked why the yellow a problem, because it is not earth tone?

Mr. Yenne stated that was the issue. The city just had a similar situation on Birch street recently with a proposed sign for a neighborhood business. The business had to change the bright blue and yellow sign that would be seen by the neighbors to an earthtone color. He is allowed to have his signature sign in the area that faces Oyster Creek Drive that is not seen by the neighbors. The supplementary requirements were put in place so that businesses would stay in line and fit in the neighborhood. If the doors had been brown or beige we would not have had these discussions.

Rick Clark 201 Timbercreek, wanted to remind the council that when the self storage was built it went through Planning and received occupancy certificate, permitting for construction. We had clearly stated what color doors we planned to have on the building. We had samples of the yellow and we were told to go ahead and do this. This is not something they have tried to do to circumvent the ordinance. It just happened two weeks before we were ready to open, that is when this issue came up. They had already invested \$2.5 million dollars in the facility. This was quite a shock to us at that time. The storage is right in the middle of two story apartments and a three story hotel. He felt they were not as much a negative impact as the hotel and the apartments are, but we are the ones that keep getting beat up on about the yellow doors. We really think it seems like it is not even the doors or the color. Seems like it is an issue that comes up when something doesn't go the right way. He assured council that the bamboo was not dug up but was trimmed down to far in error. He stated he resented being called out in a public meeting having said those things. He said he did not say that.

Mayor Pro Tem Buell stated that the approval of the doors was made by mistake. The City's inspector overlooked that on the same line that the architect overlooked it also. Is that what happened?

Rick Clark stated that an architect would be versed in certain codes based on certain code books. They would not have any understanding of the local ordinances unless they were cued in by the local officials. Usually done at preconstruction meetings. He said if the city checked all the back records of the meetings it would prove it was never disclosed to us or our architect.

Mayor Pro Tem Buell said the inspector overlooked it and gave approval. It is an unfortunate incident.

Sherri Russell stated it is still the code and you have to follow the code. When humans make mistakes the courts say that even though it is at the private citizens financial cost they still have to follow the law.

Rick Clark stated that the courts have also ruled that if the city gave him permission to build a bridge. If you find out before I build a bridge that it doesn't fall within the ordinances then you take that permission back. But once the bridge is built and the bridge builder has gone through the expense in good faith to build the bridge, then he is allowed to keep his bridge because he spent the money.

Sherri Russell stated that was incorrect. The zoning ordinance takes precedence and you have to follow the zoning ordinance. They have made people take a third story off of a house that was done by mistake. That is bigger than yellow doors.

Council member Melass asked where do we go from here because what is in place was not successful. She remembers the letter (from Ms. Clark) stating what would be done, but that was the last she heard. She deferred to Mr. Roznovsky who was around the last time this came before Council.

Council member Baker asked why the 6 doors could not be painted and leave the others alone.

Danielle Clark stated she brought this up to the door manufacturer at the time and it was strongly suggested not to paint the doors. It is not as good of a paint and would constantly be peeling and coming off. It is expensive and you would have to paint them consistently. It would look worse than the yellow doors. The manufacturer would write a letter recommending that the doors not be painted.

Council member Melass asked if the baked on paint lasted indefinitely and what was the rate of replacement for the doors.

Ms. Clark stated she did not have any idea what the life of the doors were. They last a long time.

Sherri Russell asked if more paint could be baked onto the doors.

Ms. Clark stated they could not do that.

Council member Roznovsky said you could take the door down and take it to a place that did powder coating. To paint the doors you could probably apply an automotive grade paint. It will all depend on preparing the surface for the new paint.

Ms. Clark stated even if the doors are painted this will still be a self storage facility. The best solution would be to allow the yellow paint through a variance.

Council member Roznovsky said one of the issues previously was there was a 20 foot green space that was removed to enable the development of this property. The neighbors were upset about the green space disappearing.

Rick Clark said there were other issues. It was low land that held water and bred mosquitoes.

Council member Melass asked for clarification of the variance they are requesting, she understood the variance would change the code.

Mr. Yenne stated it would change it for the whole city.

Sherri Russell stated it would take months. You would have to change the zoning ordinance and have a public hearing.

Council member Melass said yes but this would become an allowable color.

Sherri Russell asked if council would want to allow people to get a variance and then they would have to come and apply for the variance and council could say no or yes you can have the yellow doors.

Council member Roznovsky asked about the gentlemen that had a driveway that is too large and if that was a variance.

Ms. Russell stated that an easement was granted for that portion of the driveway. That was an easement and not a variance.

Mayor Pro Tem Buell asked if there was anyway to increase the height of the fence.

Rick Clark stated they suggested that but it was discouraged by the city engineer because it would catch too much wind.

Council member Baker asked how tall the fence was behind the storage facility.

Sal Aguirre stated it was a 6 foot fence and what was suggested at the time was to scab to the 6 foot fence a 4 foot panel. It was never brought up that they should build a 12 foot fence. Staff put up a 4 foot section of plywood to see if you could still see the section of yellow doors. And you couldn't see the doors. We did not think the scabbing of a 4 foot panel would stand in a hurricane. Mr. Aguirre stated it was a matter of cost. Mr. Clark objected to it due to cost.

Mayor Pro Tem Buell asked if it was cheaper than painting 6 doors.

Rick Clark said going back to the variance, is it impossible to do that.

Sherri Russell stated it was not impossible. The zoning ordinance would have to be changed and public hearings held.

Council member Roznovsky stated that the way the zoning ordinance is currently written a variance is not allowed. The ordinance would have to be changed to allow one.

Sherri Russell stated that even if there was a variance, the Clarks would still have to come in and apply for one. When you apply for a variance you have to prove you have some sort of hardship.

Council member Melass stated it would be a hardship beyond your control.

Rick Clark asked if it would be a hardship that they were allowed to put in yellow doors.

Council member Melass said her frustration is that it seems the city is being called in to mitigate a fight between neighbors.

Rick Clark stated it was not their issue it was made their issue.

Mr. Yenne stated that the yellow color was never pointed out to the inspector. It happened after the fact and the architect never came in. The architect is responsible not only for the building codes that are State wide, but when they are coming into a community they need to be fully versed on all the local codes. This is in the code book on line. When we saw the doors we looked at the stack of plans and there was no sample of what the yellow was going to look like. On a page further in the document there was a chart that said doors Janis yellow. The inspector missed it.

Danielle Clark stated there was a color chart in the plans. The chart states every size of the doors and the color yellow. She stated she gave a color copy of the sign.

Mr. Yenne stated that the signage on the front was no issue.

Ms. Clark stated she gave the color of the sign to indicate what she meant by yellow. She understood there was not a color sample chip included with the doors.

Mr. Yenne stated this is old territory. The building official made an error and the architect made an error. It was not pointed out. None of us knew about this until the doors started getting hung and saw the yellow and got upset.

Mr. Clark stated the doors were hung and they were ready to open before this ever came up.

Council member Melass stated that recently in the Zoning Board of Adjustments an architect from the area did not follow the city code. The people demoed their house and were getting ready to build and now they cannot build. That is a huge outlay and they will have to reengineer it.

Mr. Yenne stated the architect redrew the plans and they now will be able to build.

Council member Melass stated that was a sizeable issue and they asked for a variance and the Zoning Board of Adjustments said no. We need to move forward with something that is agreeable.

Mayor Pro Tem Buell said we have a resident that is before council thinks the color is against the ordinance and it is. That is the issue that needs to be solved.

Ms. Clark stated that the ordinance says earth tone colors or colors condusive to the surrounding area. That is subjective. The Best Western has a blue and yellow logo and she felt the yellow doors were condusive to the area.

Mayor Pro Tem Buell asked if the bamboo ever grew.

Mr. Clark stated it did grow.

Mayor Pro Tem Buell said that while it was growing everybody was happy.

Mr. Macalip stated they really were never happy.

Council member Baker stated that was 6 years ago.

Mayor Pro Tem Buell said nothing has been mentioned until now.

Mr. Macalip stated that they did not like it.

Mayor Pro Tem Buell asked if it could be tried again.

Council member Roznovsky stated that bamboo does grow quickly. It is up to the parties if they want the bamboo or do we as a council still want to have the option on the table as a compromise. If the parties want it then council would support it. If it is not on the table then council needs to decide what they want to do. Council has to decide if they want a variance. If not then that takes that off the table. Then it tightens the number of options left.

Mayor Pro Tem Buell stated that if we do the variance each individual has to apply for it and could still be turned down. If council changes the variance there is not guarantee the yellow will stay. We could ask that the bamboo be replanted and give it 6 months.

Council member Roznovsky stated that they did put the expense of putting the bamboo in. The price was \$120 per 15 gallon plant.

Mr. Clark stated it was about \$3,000 to plant the bamboo.

Council member Roznovsky stated it should have grown. There is clump bamboo and running bamboo. The running bamboo spreads its roots. The Clarks planted clump bamboo which is what is generally preferred. Both parties want resolution.

Mr. Yenne stated the fence was an option if it was build from the ground up. This issue was adding a piece to the existing fence that could blow away.

Mayor Pro Tem Buell asked what the cost was to paint the doors.

Council member Roznovsky stated that at the time the cost was \$750 to paint the 6 doors. It would be an on going maintenance of repainting the doors.

Council member Brooks said the solutions are painting the doors, building a fence, changing the ordinance, which still would not help the homeowners as far as looking at the property. We still are not reaching a solution.

Council member Roznovsky said if the variance is not on the table then we have to decide if we are going to continue to negotiate a compromise or say we are done with this we will go with the code.

Mr. Macalip stated he would like to see this clean. It sets itself apart. When you drive down the road and look at other business they are within code. He felt this should go by city code and replace the doors. He looked on line and the doors are between \$500-750 each. Those were brand new storage facility doors. He did not feel repainting the doors was a good idea. The bamboo trees or fence is not conducive to the weather. A cinder block wall would work but it would probably be more money than replacing the doors. If it is only 5 or 6 doors to replace to make the neighbors happy, that is not that much money compared to the money the residents are losing in the value of their home. A real estate agent told his mother that the doors in the back yard would reduce her value by 20%.

Council member Melass asked Mr. Macalip if he would like the doors replaced with a "mocha" color.

Mr. Macalip said absolutely.

Council member Melass asked if that would make him happy and put this issue to bed.

Mr. Macalip said absolutely.

Ms. Clark stated you cannot look up on line how much doors cost. With hurricane wind codes you have to buy a special door to meet those codes. Guessing at prices does not help.

Mr. Clark said if we are talking about 6 doors, they could do that. They would change those 6 doors with a color that would make everyone happy.

Council member Melass said that would be the best solution to replace the 6 doors and put this to bed. That way there is not bamboo to maintain.

Council member Roznovsky stated that if he was the Clarks he would want something in writing stating the replacing of the 6 door would put this to rest. That would prevent someone down the road coming in and wanting all the doors replaced.

Sherri Russell stated we need to get the neighbors to agree to it as well so they don't come back. She did not know about future neighbors.

Council member Melass stated that future neighbors know what they are getting when they buy the house. We are trying to contend with the neighbors we have now.

Council member Roznovsky asked that this proposal be taken to all the neighbors impacted by this and have them sign something.

Council asked that something be drawn up for the neighbors to sign stating they agree with the replacing of the 6 doors to an earth tone.

Council member Roznovsky stated everyone needed to realize this was another compromise.

Mr. Yenne told Mr. Macalip that it would be helpful if he spoke positively with the neighbors on what is being proposed because the Clarks are willing to make an investment to try to resolve this issue.

Council member Melass asked for a paint color to be submitted for approval.

DISCUSS AND CONSIDER RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT CORPORATION TO ACCEPT RESIGNATION FROM DAVID NICKS AND APPOINT NATHAN WHIPPLE TO THE UNEXPIRED TERM OF DAVID NICKS

On motion by Council member Roznovsky second by Council member Melass with all members present voting "aye" resignation from David Nicks was accepted and Nathan Whipple was appoint to fill Mr. Nick's unexpired term.

APPROVE WAY SIDE PUB EXPANSION PLAN AND PROVIDE DIRECTION TO STAFF FOR CONSTRUCTION AND GRANT SUBMITTAL

Information submitted in the Council packet stated:

Mr. Nguyen is expanding the Wayside Pub and will fill the vacant space between the pub and Fit and Fresh. Mr. Nguyen requested to pave a portion of the grass area so he can expand the outdoor seating in the area. Mr. Nguyen also requested to pave the area on the other side of the walkway leading up to the pubs entrance. This area is not in front of the Wayside Pub.

The City hired White Oak Studio to prepare the design expansion so that it would meet the current design standards established in front of Wayside Pub. Staff provided two options to Mr. Nguyen for consideration. Mr. Nguyen requested modifications to the design. Option 3 as presented is an attempt to meet Mr. Nguyen's request for more paving area. There are three request that we have not been able to fully meet. They are:

- 1) Move sidewalk to the left closer to the Handicap Parking Sign. The area requested has two

irrigation valve boxes. This would be an added expense to relocate.

2) Expand paving area to seat wall. Architect recommends that paved area remain 2 feet away from wall so that entire area is not paved and green area is preserved.

3) Remove requirement for pavers and sandblasted concrete because of the added expense.

We discussed the possibility of submitting the project to HGAC for a Public Space Improvement Grant. We have two other projects that we are planning to submit for funding to offset the cost to repair the Alden Dow Museum. Obtaining grant approval of three projects may prove difficult.

Staff recommends the design as currently submitted, and if constructed that the contractor selected under the City's purchasing guidelines and contracted to the City. If City Council wishes to submit the project to HGAC for grant funding, a 50% match is required.

Mr. Mundo stated that there was a late entry for this project that did not make it into the council packet. He stated that the architect's drawing show a 2 foot landscape barrier between the seating wall and the pavement area. Mr. Nguyen has asked that the landscape barrier be paved so that it is a useable area.

Previously Council stated that the proposed new paved area to the left of the door could be used for a preseating area but could not be used for alcohol sales.

Mr. Mundo presented a drawing with the proposed paved area (to the right of the door expanding the existing seating area) now goes to the seating wall. The architects concern is because the pavement has to be flush with the wall. The wall is 18 inches. With adding the pavement up to the wall it will make the wall on the patio side 12 inches tall. They are concerned it will be a tripping hazard. They prefer the landscape buffer. They noted on the drawing that it could be a tripping hazard.

Council member Brooks asked if the city was responsible for the landscaping.

Mr. Mundo stated the city is responsible for all the landscaping.

Mr. Yenne asked if a fence could be placed along the seating wall inside the patio area to eliminate the tripping hazard.

Mr. Mundo stated that architect did not want to place fencing on that side to be backing on the wall. He stated that Mr. Ngyuen did not want the shrubbery in order to make more room for serving.

Discussion followed on the lighting in the area and whether or not the wall seat would be a tripping hazard or not. Council did not feel this would be a tripping hazard with the tables located in this area.

Mr. Mundo showed the changes in the fencing to include the new paved area. He stated that Ms. Cardwell has asked that two big belly trash cans be placed in this area. It is solar powered and is a compactor that compacts the trash and calls you on your cell phone to come pick up the trash.

Mr. Yenne asked Mr. Ngyuen to let his waitstaff know they cannot serve alcohol in the area that is not fenced.

On motion by Council member Melass second by Council member Roznovsky with all members present voting "aye" to accept landscaping and paving plan presented with option 4 that allows for the removal of the shrubbery along the seating wall.

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

Mr. Yenne stated Mr. Sanchez has scheduled a sit down on Monday May 9th with the city of Clute along with the Mayor, City Manager and Freese and Nichols.

Met with Clute's Public Works Director to discuss the cost estimate, refinement of drainage trouble spots in Clute, and how to approach the cost sharing between both Cities. Will be getting back with Freese & Nichols for them to include the area in Clute that need to be studied in more detail and fro them to resubmit an adjusted cost estimate if any.

Staff is planning to meet with Clute Officials and City of Lake Jackson's along with Freese & Nichols possibly on Monday, 9th May 2016 for Freese & Nichols to explain what both Cities will walk away with as a result of this study and nailed down the cost sharing between both cities.

UPDATE ON CONSTRUCTION PROJECTS

- a. CONSTRUCTION FUNDS FINANCIAL UPDATE
- b. SIDEWALK PROJECTS
- c. UTILITY REPAIR PROJECTS
- d. DRAINAGE REPAIR PROJECTS
- e. SOUTH PARKING PLACE
- f. MASTER PLAN UPDATE
- g. WAYSIDE PUB UPDATE

Mayor Pro Tem Buell asked if Lake Jackson was paying for the sidewalk along Dixie Drive for people to go to Krogers. Mr. Aguirre stated the city was.

Council member Roznovsky asked when the traffic lights near Krogers would be activated. Sal Aguirre stated they are waiting on the hardware to arrive. It was suppose to have been here in April.

Council member Brooks questioned the foundation or forms on the sidewalk going to Krogers. Mr. Aguirre stated he would check on it.

ITEMS OF COMMUNITY INTEREST

Council member Brooks liked the format of the Friday entertainment advertisement sent to Council. He was able to share with co-workers.

Mayor Pro Tem Buell reminded everyone of the first concert on the plaza this Friday.

Council member Roznovsky asked for a pdf of the bond issues proposal found in the newsletter.

ADJOURNMENT

There being no further business the meeting adjourned at 8:19 p.m.

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

Joe Rinehart, Mayor

Alice A. Rodgers, City Secretary