

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 16, 2016 at 6:30 p.m. in 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:

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

Stephany Garza, The Facts

PLEDGE OF ALLEGIANCE

Council member Baker 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 BY BRAZOSPORT CHAMBER OF COMMERCE

Edith Fisher and Sandra Shaw were present from the Chamber of Commerce. Edith Fisher presented the annual presentation.

PROCLAMATION – MAY 2016 AS MAKE IT PURPLE MONTH

Mayor Rinehart proclaimed May 2016 as Make it Purple Month.

PROCLAMATION – NATIONAL POLICE WEEK – MAY 15 – 21, 2016

Mayor Rinehart proclaimed May 15-21, 2016 as National Police Week.

CONSENT AGENDA

- A. Approval Of Minutes – May 2, 2016
- B. Minutes Of Boards And Commissions

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

- A. Approval Of Minutes – May 2, 2016 – approved as presented.
- B. Minutes Of Boards And Commissions – accepted.

PUBLIC HEARING TO CONSIDER REZONING A COMBINATION OF A 5.066 ACRE TRACT OF LAND, BEING LOT 2 AND A 3.846 ACRE TRACT OF LAND, BEING THE REMAINDER OF LOT 3 OF

THE AMENDED REPLAT OF TRACT "A" OUT OF THE OAKS OF FLAGRIDGE SUBDIVISION (ALSO KNOWN AS THE RANDALL STORE AND UNDEVELOPED TRACTS) FROM B-1 (NEIGHBORHOOD BUSINESS) TO C-1 (COMMERCIAL)

Mayor Rinehart opened the public hearing at 6:48 p.m.

Jim Gessler, Plano Texas stated they were developers of the Woodspring Suites and Value Place Brand Hotels. They have build 12 of these in Texas so far. They will begin a new build in Richmond in 30 days. They would like to locate at this site which is currently zoned B-1 which does not allow a hotel. The site plan shows the hotel location with the remainder showing architectural concepts. Currently (in the immediate area are) the auto parts store and the existing restaurant. He felt the proximity to the hotel and the C-1 property zoned to the south would make this a compatible zoning to the neighborhood. They would like to rezone the remainder of the property to C-1. The vacant Randall's building there could be retail/storage/office/restaurant located on the site along with the hotel. They would like to bring in more restaurant uses to the area.

Council member Brooks asked how much space is on the back side of the hotel. Mr. Yenne stated this is just a zoning issue. Once it gets to planning to discuss the site plan the parking and all would be discussed.

Council member Roznovsky asked for an explanation of the "zoning map" excerpt in the packet. Ms. Russell stated she put the map in the packet and wanted to show what things are currently zoned. The property is adjacent to a C-1 zone.

Council member Melass asked how many stories the hotel would be. Mr. Gessler stated they were 4 stories. She asked if the Randall's complex would be torn down or repurposed. Mr. Gessler stated the hotel would go on the vacant tract next to the Randall's building. They do not know what will go in the Randall's building yet.

Council member Melass asked what was between this development and the single family homes. Mr. Yenne stated this is adjacent to the Oaks of Flagridge and Gateway apartments, the Best Western Hotel and mini storage.

Council member Melass stated this was not adjacent to any single family homes.

Nancy Freshour 53 Lavender Court said this is immediately adjacent to residential property. We should not rezone property to commercial that is immediately adjacent to residential even if it is multi family. The problem with the property with the storage units and the hotel the property value behind the hotel and storage facility went down. She could understand placing the hotel, but the rest of the property could be developed in the current zoning. She asked if the hotel deal did not go through and this was rezoned to C-1 would the city allow lumber yards or brick yards there or warehouses and wholesale businesses to be developed. This is rezoning for something that may or may not be developed. She had concerns as to what could go there if the hotel is not developed.

Rick Clark stated he met with Mr. Gessler. He stated they made an investment (building Smart Storage) based on the current zoning. He heard that there was a group that planned to purchase the Randall's building to repurpose it for self storage. They made their investment where they did with the idea there would be no self storage built that might block them out. At the time there was a strong feeling this property would never be rezoned. They would like to accommodate new business, but with their investment they would like the Council to accommodate the new business but at the same time protect his investment.

Council member Brooks asked what the plan for this particular hotel is. What is the time period?

Mr. Gessler stated the site has been approved by corporate and right now they are working on financing. Once financing is secured design is 3 months and then permitting with the city. Construction is generally 10 months depending on availability of workforce. So 17 months until complete.

Council member Brooks asked if the hotel will be open to travelers and if so will they be open to people traveling with large rigs.

Mr. Gessler stated typically not.

Council member Brooks asked if that was a yes or no.

Mr. Gessler said no.

Council member Roznovsky asked if this was a corporate owned facility.

Mr. Gessler said it was a franchise.

Council member Roznovsky asked who was involved with the building, the franchisee or corporate.

Mr. Gessler stated the franchisee was involved with the building. We hire the architect, the general contractor and oversee the development. Corporate oversees the management and operations.

Council member Roznovsky stated he asked because the Best Western took over a year and that was particularly because some franchisee's do the financing. It took way too long to build that facility.

Mr. Gessler stated they have used various banks for their construction lending and various contractors that specialize in this type of product.

Council member Roznovsky said the purpose of the meeting tonight is to rezone to C-1. What goes there at the final date is whatever can go in a C-1. It could be a hotel or not.

Council member Melass said her concern was we have limited land use and is this where we see this last land use going to self storage and a hotel, considering we were in a very rich grocery store area. We are in a shortfall of grocery stores in that area to meet the residents needs. She is not comfortable with the rezoning because the neighborhood businesses were set up to serve the neighborhood. She did not know that this is serving the neighborhood. As things change the land use needs to change. This area use to be primarily for the neighborhood and is now just another service being removed from the residents.

Mr. Gessler stated there is a brand new HEB up the street and another grocery store coming in to compete with that might be difficult...

Council member Melass stated there was a Kroger, HEB and Randall's right there and now nothing.

Mr. Gessler stated that since the last recession they have done 80 strip centers, most next to Wal-Mart Supercenters. Their difficulty is the lending market right now is slowing down dramatically in the Houston area. For them to go and buy a tract of land that has a vacant building on it that the owner has tried to market to retailers for years unsuccessfully raises a question to any lending that wants to loan money for us to buy the property, build our hotel and then go through the exercise of retenuing the building. We will be in Las Vegas next week at the International Council of Shopping Centers convention. He has spoken to several retailers about the Randall's building. They don't have storage plans. He understands Mr. Clark's concerns but they don't have that planned yet. They need to ability to tell a lender they are retail developers. They cannot predict what is going to happen to this site. They think it will be a great site for restaurant and typical service uses. You look at any retail center; there are not a lot of retail uses that go into strip centers anymore. He stated there is not one retailer built around the HEB strip. There are service uses, restaurants but no retail. That is all they have been able to do themselves for the last 20 years.

Council member Melass said the driving force is the hotel and the retail/shopping/service comes around the

base tenant.

Mr. Gessler state that was an extra driving force. They have the traffic of the highway and neighboring hotels, Buc-ees and an existing restaurant. This property has the attraction for people. The hotel would add greatly to that. They have nearly 60,000 square foot building and say somebody wants to come in and take a few spots up front. We can only build 60 feet in depth. What do you do with the rest of it? It could be office or storage, we don't know. It is critical we have the ability to deal with that when the appropriate users come along.

Mayor Rinehart asked if in any of their developments have they looked at something like a "Main Event" or something along those lines.

Mr. Gessler stated he is talking to Main Event right now for a project in the Austin area. They are putting together a deal in McKinney. He has called Main Event and has sent them this site.

Mayor Rinehart said we do not have anything for kids to do. We have kids that go to Sugarland, Webster, they go to these places for birthday parties and things.

Mr. Gessler stated that is driven strictly by demographics as you know.

Mayor Rinehart stated something along those lines would be beneficial. With Mr. Gessler being a prospective land owner he has to do his due diligence. Mr. Gessler is right about the power of lending right now. He asked if Mr. Gessler's group had ever worked with Main Events.

Mr. Gessler said he has not done one, he knows the people and this site is sitting on their desks.

Council member Melass stated that would be a great neighborhood business.

Council member Roznovsky stated with this being B-1 zone it allows Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged. If it went to C-1 it would add newspaper, auto dealers, hotels, theatres, motels, banks and financial institutions, lumberyards and brickyards, warehouses, wholesale business, veterinary clinic, commercial laundries, beverage manufacturing, self-storage facilities or mini-warehouses, and research, development and testing laboratories. The question is regardless of what they are saying they are going to put in, we have to decide if we want to change this to allow those C-1 items in that area.

Mayor Rinehart closed the public hearing at 7:16 p.m.

DISCUSS AND CONSIDER AN ORDINANCE REZONING A COMBINATION OF A 5.066 ACRE TRACT OF LAND, BEING LOT 2 AND A 3.846 ACRE TRACT OF LAND, BEING THE REMAINDER OF LOT 3 OF THE AMENDED REPLAT OF TRACT "A" OUT OF THE OAKS OF FLAGRIDGE SUBDIVISION (ALSO KNOWN AS THE RANDALL STORE AND UNDEVELOPED TRACTS) FROM B-1 (NEIGHBORHOOD BUSINESS) TO C-1 (COMMERCIAL) – FIRST READING

On motion by Council member Roznovsky second by Council member Buell with 3 members present voting "aye" and Council members Baker, Brooks and Melass voting "nay" an ordinance rezoning a combination of a 5.066 acre tract of land being lot 2 and a 3.846 acre tract of land, being the remainder of lot 3 of the amended replat of tract "A" out of the Oaks of Flagridge Subdivision (also known as the Randall's Store and undeveloped tracts) from B-1 (neighborhood business) to C-1 (commercial) failed.

REVIEW THE COMPETITIVE ASSESSMENT STUDY FROM TEXAS A&M ENGINEERING EXTENSION SERVICE (TEEX)

Michael Coon stated that at the LJDC last meeting, Lisa Mutchler with The Texas A&M Engineering Extension Service (TEEX) presented the Comprehensive Competitiveness Assessment that we have all been working on since October 2015. He reviewed the highlights from the report.

Mayor Rinehart stated for what they were charged with doing they did a good job. However, he had hoped that there would have been a "how to get there" section.

Council member Roznovsky stated the expectation is that the LJDC will be looking at the information and pull out information to help get us to the there.

Council member Melass stated that there were suggestions on what we should try to attract to the area. She felt with the suggestion of attracting medical specialist is an area the city has room to grow.

Mr. Yenne said one of the things that has been talked about is using someone like a Marsh Darcy to pull the information out for marketing brochures or information on the internet. Marketing brochures are not what TEEX does.

Council member Roznovsky stated they have given us the "who" to pursue. A lot of the information they gave us we knew, they validated it.

Mayor Rinehart stated that in going through the EDC process we need to have good zoning maps for use for future development.

**RESOLUTION NOMINATING BASF CORPORATION TO THE OFFICE OF THE GOVERNOR THROUGH THE ECONOMIC DEVELOPMENT BANK, FOR DESIGNATION AS A QUALIFIED BUSINESS AND SINGLE JUMBO ENTERPRISE PROJECT UNDER THE ACT**

This is the third time BASF is requesting a designation as a qualified business (Single Jumbo) by the Governor's office. This resolution amends the previous designation by increase the number of jobs the company has created/retained under this program. The City is the nominating agency.

On motion by Council member Roznovsky second by Council member Melass with all members present voting "aye" a resolution nominating BASF Corporation to the Office of the Governor through the Economic Development Bank for designation as a qualified business and single jumbo enterprise project under the Act was passed.

**DISCUSS AND CONSIDER THE FOLLOWING RECOMMENDATIONS OF TRAFFIC COMMISSION:**

- 1. RECOMMENDATION TO INCREASE SPEED LIMIT ON ENTIRE LENGTH OF MEDICAL DRIVE FROM 30 MPH TO 35 MPH**
- 2. RECOMMENDATION FOR STOP SIGNS ON THE PLANTATION DRIVE CUT OFF AT ITS INTERSECTION WITH PLANTATION COURT AND ADD DO NOT BLOCK STRIPING AT THE INTERSECTION**
- 3. RECOMMENDATION FOR DESIGNATING NO PARKING ON ABNER JACKSON IN FRONT OF THE JACKSON VILLAGE APARTMENTS**

Mr. Yenne stated that a traffic study was conducted in 2013 that stated the road could be 35 mph except the road went from four lanes to two lanes to four lanes. Mayor Rinehart stated he had concerns since there was no curb and bad drainage along the asphalt portion of the road. Council member Roznovsky stated he agreed with the Mayor. This is a black top and a temporary road.

Council member Melass moved to increase the speed on Medical Drive from 30 mph to 35 mph, second by Council member Baker.

Chief Park stated that the increase in speed on this road was an issue in the past because the road from both ends funneled down to a two lane road.

Nancy Freshour said she agreed with the Mayor that there was bad drainage on the road.

With four members voting "aye" and Mayor Rinehart and Council member Buell voting "nay" motion passed to increase the speed on Medical Drive to 35 mph.

On motion by Council member Melass second by Council member Baker with all members present voting "aye" bring this back in ordinance form to place a stop sign on Plantation Drive at Plantation Court with Do Not Block on the pavement at this intersection.

Mr. Yenne stated that there is currently an ordinance that does not allow parking by commercial vehicles overnight on residential streets. This street has both commercial and residential. Traffic Commission's recommendation is for no parking in front of the apartments. There was lengthy discussion by the Traffic Commission that it is not the city's responsibility to provide parking for the hotels customers.

On motion by Council member Melass second by Council member Baker with all present voting "aye" to bring this back in ordinance form for no parking on Abner Jackson Parkway.

**AWARD BID FOR PLASTIC GARBAGE BAGS TO HOUSTON POLY FOR THE FIXED UNIT PRICE OF \$4.75 A ROLL**

Current vendor is Houston Poly Bag, our current bid price is \$.0976 per bag and \$4.88 per roll.

New bid is based on 1,420,000 bags

VENDOR NAME	Unit	Roll	CASE	GRAND TOTAL	MIL	EST. DELIVERY
Houston Poly Bag	0.0950	\$4.75	\$19.00	\$134,900.00	1.5	21 days
Jadcore	0.0984	\$4.92	\$19.68	\$134,728.00	1.5	30 days
Central Poly Bag	0.0988	\$4.94	\$19.76	\$140,296.00	1.5	28 days
Waste Zero	0.1023	\$5.11	\$20.45	\$145,195.00	1.5	30 days
Dyna Pak - NO BID- NO BAG SAMPLE	0.1089	\$5.45	\$21.78	\$154,638.00	1.5	30 days
Dyna Pak - NO BID- NO BAG SAMPLE	0.1450	\$7.25	\$29.00	\$205,900.00	2.0	30 days

**TEST RUN ON BAGS:**

From: Houston Poly Bag  
 33x40 1.5 mil black  
 4x50 rolls

Manufactured by: Houston Poly Bag

**1. - DROP RESISTANCE** ---Bags shall withstand a drop of five feet onto smooth concrete when filled to a total weight of forty-five pounds, with a material having a density of fifteen pounds per cubic feet according to National Sanitation Foundation standards.

Test results-----PASSED.

**2. - BAG HANG TEST** ---The sample bags must remain intact for two minutes after being loaded with forty-five pounds of concrete and hung by the neck.

Test results-----PASSED.

**REMARKS: The bags are very strong, they passed the test without stretching or tearing.**

On motion by Council member Buell second by Council member Melass with all members present voting "aye" bid was awarded for plastic garbage bags to Houston Poly for the fixed unite price of \$4.75 a roll.

**CONSIDER A RESOLUTION CANVASSING THE ELECTION OF MAY 7, 2016 AND DECLARING THE RESULTS FOR CHARTER AMENDMENTS**

On motion by Council member Baker second by Council member Brooks with all members present voting "aye" a resolution canvassing the election of May 7, 2016 and declaring the results for Charter Amendments.

<b>Amendment No. 1</b>				
	<b>Absentee Voting</b>	<b>Early Voting</b>	<b>Election Day Voting</b>	<b>Total</b>
<b>For</b>	126	238	415	779
<b>Against</b>	11	29	65	105

<b>Amendment No. 2</b>				
	<b>Absentee Voting</b>	<b>Early Voting</b>	<b>Election Day Voting</b>	<b>Total</b>
<b>For</b>	67	181	277	525
<b>Against</b>	68	87	201	356

<b>Amendment No. 3</b>				
	<b>Absentee Voting</b>	<b>Early Voting</b>	<b>Election Day Voting</b>	<b>Total</b>
<b>For</b>	105	213	336	654
<b>Against</b>	30	52	132	214

<b>Amendment No. 4</b>				
	<b>Absentee Voting</b>	<b>Early Voting</b>	<b>Election Day Voting</b>	<b>Total</b>
<b>For</b>	73	169	253	495
<b>Against</b>	59	94	222	375

<b>Amendment No. 5</b>				
	<b>Absentee Voting</b>	<b>Early Voting</b>	<b>Election Day Voting</b>	<b>Total</b>
<b>For</b>	65	164	246	475
<b>Against</b>	72	103	229	404

CONSIDER AN ORDINANCE CANVASSING THE MAY 7, 2016 BOND ELECTION – 1<sup>ST</sup> AND FINAL  
Mr. Yenne read the following election voting totals.

PROPOSITION NO. 1

717 VOTES FOR                    THE ISSUANCE OF BONDS IN THE AMOUNT OF \$9,900,000 FOR  
STREETS, DRAINAGE, PARKING, SIDEWALKS, AND WATER AND  
SEWER IMPROVEMENTS IN THE DOWNTOWN AREA

185 VOTES AGAINST

PROPOSITION NO. 2

693 VOTES FOR THE ISSUANCE OF BONDS IN THE AMOUNT OF \$1,000,000 FOR EXPANSION OF THE PLANTATION DRIVE BRIDGE BETWEEN OLEANDER AND MEDICAL

203 VOTES AGAINST

PROPOSITION NO. 3

753 VOTES FOR THE ISSUANCE OF BONDS IN THE AMOUNT OF \$3,800,000 FOR RESIDENTIAL STREETS, DRAINAGE, SIDEWALKS, AND WATER AND SEWER IMPROVEMENTS IN THE AREA BOUND BY OLEANDER, HICKORY, MIMOSA, AND SOUTH YAUPON

145 VOTES AGAINST

PROPOSITION NO. 4

748 VOTES FOR THE ISSUANCE OF BONDS IN THE AMOUNT OF \$800,000 FOR DRAINAGE IMPROVEMENTS AND ADDITIONS IN THE WILLOW/BLOSSOM AREA

149 VOTES AGAINST

PROPOSITION NO. 5

625 VOTES FOR THE ISSUANCE OF BONDS IN THE AMOUNT OF \$500,000 FOR A NEW TRAFFIC SIGNAL AND RIGHT TURN LANES AT OAK DRIVE AND CIRCLE WAY NEAR CITY HALL

275 VOTES AGAINST

On motion by Council member Brooks second by Council member Roznovsky with all members present voting “aye” motion to suspend the rule that an ordinance be read on to separate occasions was passed due to time.

On motion by Council member Melass second by Council member Buell with all members present voting “aye” an ordinance canvassing the May 7, 2016 Bond Election was passed and adopted on second and final reading.

OATH OF OFFICE BY CITY SECRETARY

Alice Rodgers, City Secretary administered the oath of office to Joe Rinehart, Mayor, Will Brooks, Council position 2 and Ralph Buell, Council position 4.

APPOINT MAYOR PRO-TEM

On motion by Council member Melass second by Council member Baker with all members present voting “aye” Will Brooks was appointed as Mayor Pro-Tem.

CONSIDER AND DISCUSS DESIGNATING THE FACTS AS THE OFFICIAL NEWSPAPER OF THE CITY OF LAKE JACKSON

On motion by Council member Buell second by Council member Brooks with all members present voting “aye” the Facts was designated as the official newspaper of the City of Lake Jackson.

SET REGULAR COUNCIL MEETING DAYS AND TIMES

On motion by Council member Buell second by Council member Brooks with all members present voting “aye” the regular Council meeting days will be the 1<sup>st</sup> and 3<sup>rd</sup> Monday at 6:30 p.m.

SET INTERVIEW DATE FOR BOARD AND COMMISSION APPLICANTS

City Council set May 31, 2016 at 6:00 p.m. as the date to interview board and commission applicants.

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

Mr. Sanchez presented information for council to review. He stated that the city met last Thursday with the City of Clute to look at the dollar amount that has been estimated for this study and to see if funds could be shared. Clute was in agreement on the portion of funding presented to them. The last time the total dollar amount was presented to Lake Jackson Council it was \$750,000. There is an additional \$100,000 added to this due to some additional areas the city of Clute has identified near the Pin Money ditch. That will be added to Clute's portion of the study.

It was mentioned during the meeting if Velasco Drainage District would be participating. There is another price listing to include VDD which would put Lake Jackson bearing 60% of the cost, Clute and VDD bearing 20% each.

Discussion followed on getting VDD to help with the drainage on Garland Drive.

Mr. Yenne stated that the city of Clute and Lake Jackson needed to meet with the VDD board to get them involved in this study.

Council thanked Mr. Sanchez for his work on this project.

## 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 Rinehart asked if all the flags at intersection of Walnut and Plantation were for the stop signs. Mr. Aguirre stated yes utilities have to be located prior to the stop signs being erected.

## ITEMS OF COMMUNITY INTEREST

Council member Brooks said there was a large mud puddle at the bank and we need to keep an eye out for kids playing there.

Mayor Rinehart said in the same light the convenience store being built near the Shanghi restaurant there are no barricades around the construction area.

Mayor Rinehart said on Monday May 30 there will be a program by the Knights of Columbus at Restwood Cemetery.

Mayor Rinehart stated the concerts continue

## 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 Rinehart convened the meeting to Executive Session at 8:08 p.m.

## RECONVENE TO REGULAR SESSION

Mayor Rinehart reconvened to open session at 8:19 p.m.

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