

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, February 17, 2020 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:

Bob Sipple, Mayor
Jon J.B. Baker, Council member
Matt Broaddus, Council member
Gerald Roznovsky, Council member
Buster Buell, Council member
Vinay Singhanian, Council member

William P. Yenne, City Manager
Modesto Mundo, Asst. City Manager
Alice Rodgers, City Secretary
Sherri Russell, City Attorney
Sabrina England, Public Works Director
Paul Kibodeaux, Police Chief
Sal Aguirre, City Engineer
Athelstan Sanchez, Asst. City Engineer
Eddie Herrera, Engineering Tech
Debra Webb, Asst. Public Works Director
Jeremy Bubnick, Parks & Rec Director
David Walton, Building Official

PLEDGE OF ALLEGIANCE

Council member Singhanian led the pledge of allegiance.

INVOCATION

Council member Buell led the invocation.

VISITORS

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

COMMENDATIONS

There were no commendations.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

- A. Approval of Minutes – February 3, 2020
- B. Boards and Commissions
- C. Approve letter of support for the Gulf Coast Center and Connect Transit for the submittal of projects to the Texas Department of Transportation grant programs
- D. Approve contract with Sue Darcy for consulting on the Alden PUD
- E. Submission and approval of racial profiling report from the Lake Jackson Police Department as required by State Law, Code of Criminal Procedure Art. 134 Compilation and Analysis of Information Collected
- F. Accept resignation from Lake Jackson Development Corporation member Charles Smith

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

- A. Approval of Minutes – February 3, 2020 - approved
- B. Boards and Commissions - accepted
- C. Approve letter of support for the Gulf Coast Center and Connect Transit for the submittal of projects to the Texas Department of Transportation grant programs - approved
- D. Approve contract with Sue Darcy for consulting on the Alden PUD - approved
- E. Submission and approval of racial profiling report from the Lake Jackson Police Department as required by State Law, Code of Criminal Procedure Art. 134 Compilation and Analysis of Information Collected - approved
- F. Accept resignation from Lake Jackson Development Corporation member Charles Smith - accepted

DISCUSS INFORMATION PRESENTED BY SPCA DIRECTOR WHITNEY HOLT ON TRAP, NEUTER AND RETURN (TNR) FOR COMMUNITY CATS

Whitney Holt 141 Canna Lane gave a presentation on the Trap Neuter and Release program.

- Free roaming cats can often be unsocial and hard to place
- Free roaming cats produce the majority of kittens entering shelters
- In 2019 alone, our SPCA took in 691 cats and 1118 kittens –less than 5% were reclaimed by owners
- During April-June we intake up to 30-40 cats each day
- **PROACTIVE PROGRAM**
- Humanely trapped
- Evaluated by a veterinarian
- Spayed/neutered
- Ear-tipped
- Vaccinated
- Returned to the habitat where originally trapped
- Provides access to grant funding and volunteer participation
- Reduction in shelter admissions
- More cost effective (short term & long term)

Misconception #1:

What we are doing now is working just fine.

- Fails to curtail population growth
- Costly
- Stuck deciding between euthanizing vs. over filling shelter
- Compassion fatigue
- High turnover

Misconception #2:

I think we have better things to spend money on besides animals

or

I'm a dog lover but couldn't care less about cats so this realm of advocacy doesn't apply to me.

- We all have different values
- This is a matter of resource allocation

Misconception #3:

The city will be overrun by cats!

- Proactively trapping cats, not just an outlet for dumping cats brought in by ACOs
- Stabilizes and even reduces the number of cats
- Unsocialized cats avoid people, thus minimizing likelihood of contact
- Cats are vaccinated

Misconception #4:

The SPCA is going to dump sick or injured cats all over the city instead of taking care of them.

- TNR candidates must be disease free and able to fend for themselves
- SPCA will have more resources to care for sick or injured cats, nursing kittens, and young kittens

Misconception #5:

Now I'll just be stuck with nuisance cats running around my property and no one will do anything about it.

- ACOs will still capture and surrender nuisance cats to the SPCA
 - Ignore non reported cats with ear tip
 - TNR non reported cats without ear tip
 - Surrender reported cats with or without ear tip to the SPCA
- Humane cat deterrents
- Managed cat colonies already exist

Misconception #6:

Providing that many surgeries is too expensive and financially unsustainable.

- \$14 to feed a cat for 10 days
- \$5-10 for euthanasia related costs
- \$13-18 for medical supplies to spay or neuter a cat at our clinic
- Personnel expenses are cut by 90% with TNR

Misconception #7:

Free roaming cats are a threat to birds

- Reduction in cat population = reduction in predation
- "By far the largest threat to birds is loss and/or degradation of habitat"*

*Cornell Lab of Ornithology, Threats to Native Birds:

<http://www.birds.cornell.edu/AllAboutBirds/conservation/planning/threats>

TNR Successes

Jacksonville, Florida: Feral Freedom

Jacksonville reported:

- Net savings: 2007–2010
 - \$160,000
 - 13,000 lives
- Decrease in feline nuisance complaints
- 31% decrease in feline shelter admissions
 - FY06–07: 13,455
 - FY09–10: 10,302

Council thanked Ms. Holt for the information she presented.

Ms. Holt stated she has spoken to the Clute City Council and is working on getting on the Freeport City Council agenda to present this information.

Council asked that this be placed on the next agenda for discussion.

DISCUSS AND CONSIDER REQUEST TO ABANDON A PORTION OF A 6-FOOT ALLEY BEHIND THE DAIRY BAR AT 202 PLANTATION DRIVE – MARY HARNDEN

Mary Harnden was present to request the abandonment of a 6-foot alley and a 10-foot alley easement on her property. She stated she plans to sell a 40-foot portion of her property to Corky Melass whose property is adjacent to hers.

Ms. Harnden stated she would like to remove the current fences in the alleyway, clear the trash, trees and debris and install a new fence on the new property line. Ms. Harnden stated that the Dairy Bar's 70 anniversary is this year and she wanted to spruce up the property.

Sal Aguirre stated that the 6-foot alley easement was on the property originally. However, when the street right of way that ran from North Shady Oaks to Plantation Drive was abandoned by the city an additional

10-foot alley easement was added to the rear of Ms. Harnden's property. There is an alley easement that runs from Sycamore to North Shady Oaks.

Mr. Yenne stated that the agenda item did not include a request to abandon the 10-foot alley easement, but that could be added to the next agenda for discussion. He stated that the property owners adjacent to the alley easement would need to be contacted.

Council member Singhanian stated he did not like abandoning a portion of the alley easement in the middle of the easement.

On motion by council member Buell second by Council member Broaddus with 5 members voting "aye" and Council member Singhanian voting "nay" to proceed with moving the fence and abandoning the alley behind the Dairy Bar at 202 Plantation Drive.

This item will be further discussed at the next meeting.

DISCUSS ADDING ITEM TO FUTURE AGENDAS FOR REPORTS FROM COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

Council member Singhanian requested this item be placed on the agenda for consideration to place this item on future agendas.

On motion by Council member Singhanian second by Council member Roznovsky with all members present voting "aye" to place reports from Council liaisons to Boards and Commissions on all future agendas

DISCUSS PROPOSED PUD (PLANNED UNIT DEVELOPMENT) OF THE ALDEN PROPERTY NORTH OF FM2004, WEST OF SH288 AND SOUTH OF THE TEXAS GULF COAST REGIONAL AIRPORT

Sue Darcy, Marsh Darcy gave an analysis of the Alden PUD submittal:

The following is an analysis of compliance with regulations in the PUD Ordinance by Section:

Sec 110-106 Purpose – "All PUD applications shall be developed in compliance with the standards of the city's master plan". Comment: *We assume the developer will completely comply.*

Sec 110-108 Underlying zoning (b) "The applicant shall follow the city's subdivision ordinance, sign ordinance, comprehensive development manual, and the PUD development manual." Comment: *We have reviewed only the application in relation to the PUD development manual and assume the developer will comply (unless a variance is granted in the application) with the other stated regulations.*

Sec 110-109 PUD development size requirements – This application falls within the "large PUD" designation as it is greater than 150 acres and is contiguous.

Sec 110-110 Eligible Applicants "PUD applications may only be initiated by a property owner." Comment: *This will require the property owner to acknowledge the applicant's ability to submit the PUD application.*

Sec 110-111 PUD approval process (1) – Pre-application Conference "the applicant shall attend a pre-application meeting with the city manager or his designated representative". Comment: *We assume this has been done.*

Sec 110-111 PUD approval process (2) – Application and Plan. "If the PUD is developed in phases, such

phases shall be shown on the development plan.” Comment: *Proposed phasing delineation has not been designated in the application on Exhibit D or otherwise.*

Sec 110-111 PUD approval process (2) a.

(1) Delineation of site boundaries – Comment: *The site has been indicated on exhibits within the application. However, the metes and bounds description has not been furnished. This is usually required before an ordinance can be approved.*

(2) General site layout . . . – Comment: *The approximate location of buildings, parking lots, maximum and projected building height, and setbacks are not indicated on the site layout plan.*

(3) Major thoroughfares and collector streets . . . – Comment: *The development plan (exhibit C) indicates “boulevard” and “collectors”. It is assumed that this street plan complies with the city’s major thoroughfare plan related to location. However, creating an intersection in the proposed major thoroughfare near the SH 288 interchange may be problematic.*

(4) Proposed residential development densities and acreages – Comment: *The application only indicates overall gross acreages for land uses and does not indicate density of residential land uses.*

(5) Proposed areas for schools and municipal buildings, such as fire and police substations – Comment: *The application provides for one elementary school site but no other municipal building sites are indicated.*

(6) Significant environmental features, including flood plains, water courses, and the impact on these features. – Comment: *Flood plain delineation is difficult to determine on the exhibits. No impact related to proposed modifications has been indicated.*

(7) General topographic conditions. - Comment: *No information is contained in the application.*

(8) All recorded and proposed easements. - Comment: *The text of the application indicates an existing pipeline within the property but the location is not shown on any exhibits. No additional propose easements are indicated.*

(9) A list of proposed land uses and the approximate acreage devoted to each type of use. – Comment: *Exhibit D indicates acreage for individual land use areas but a summary table is needed to verify compliance.*

(10) Open space plan. – Comment: *Exhibit F indicates wet-bottom and dry-bottom detention areas, parks, plazas and recreation sites. A summary table is necessary to ensure compliance with open space proposals.*

(11) A parks and recreation plan and a hike and bike plan. – Comment: *Exhibit F indicates parks and recreation areas but not a hike and bike plan. Joint use sidewalks are indicated in the text of the application but no plan indicating proposed location for these facilities is included.*

(12) Illustrations indicating the general form and character of development, including representative examples of residential and non-residential buildings. – Comment: *None of these illustrations were included in the application.*

(13) A description of the different phases of the development and schedule for commencement and completion of each phase. – Comment: *Only the first phase was generally described in the text of the application but no location was indicated on any exhibits. No beginning or ending of phases was indicated or how long the expected buildout time would be.*

Sec 110-112 Modification of approved PUDs – A modification of an approved medium or large PUD

may be approved by the city manager if the modification does not deviate more than a.10% in the amount of acreage of residential and multifamily land uses; b. 15% in the amount of acreage of commercial land uses; or 10% in the amount of open space. – Comment: *The application does not comply with the deviation percentage for multifamily and single family and has asked for a variance to allow those land uses to deviate up to 15 % for each.*

Sec 110-114 PUD approval – a large PUD shall be valid for fifteen (15) years from the date of council approval. Comment: *The application does not comply with this regulation and has asked for a variance to allow the PUD designation to not have a time limit.*

Ms. Darcy stated that to her knowledge there has not been a master planned community started the size of Alden since 2010 that wasn't already in the works by 2008. She stated that it could be that the PUD manual needed to be updated since its creation in 2009.

Ms. Darcy stated she hoped to facilitate and guide the process in a way that there is open dialogue and the decisions making process ceases to be “let us show you a proposal” and we critique it and show us another proposal and we critique it. But rather that we get in a dialogue of “you are not complying here, why are you not complying and what are we going to do about it. What is the work through here? And get to where we are talking about options and solutions and not just ping ponging the ball back and forth.

She stated there are areas that could be capped such as lot size. She felt there needed to be some parameters set that are definitive on some portion of the lot sizes or product size.

Ms. Darcy also stated that in 10 years this PUD will change to keep up with the market.

Mr. Yenne stated that at their meeting with Mr. Noteware today they went through the analysis that Ms. Darcy just presented. The other point they brought up was, that in their zeal for flexibility they drove the product to its lowest common denominator. So that if Mr. Noteware left and someone else took the PUD they could build 2,681 apartments and we couldn't stop them. That is not the flexibility Mr. Noteware is looking for. He will go back and talk to his people. We told him that the document that is finally done needs to reflect the vision he had when he first walked in and told us he wanted a first-rate community.

Sue Darcy stated that Lake Jackson had a vision for three things, 1) a place for people to come in and capture a market of people moving to Lake Jackson, 2) the ability of people who live in Lake Jackson to downsize, 3) and the ability for those first homebuyers to move up. If all the quantity in Alden is for 1st time buyers then when they move up they move to a place like Shadow Creek.

Mr. Yenne stated this is not supposed to be an area for 1st time buyers, but an area where people go to move up.

Mayor Sipple stated that he felt what we have seen so far is not what we were looking for.

Matt Broaddus stated he felt this was happening too quickly.

Sue Darcy stated that when developers get their money, they want to get product on the ground as quickly as they can.

Consensus of Council was to make sure this is down right if it meant having to slow the process down.

Sue Darcy stated that the city needs to find out if there will be home owners associations, work on the management district.

UPDATE ON CONSTRUCTION PROJECTS

- a. Construction Funds Financial Update
- b. Sidewalk Projects
- c. Utility Repair Projects
- d. Drainage Repair Projects
- e. Woodland Park Paving Project

Eddie Herrera presented the project updates.

ITEMS OF COMMUNITY INTEREST

There are no items of community interest.

ADJOURNMENT

There being no further business the meeting adjourned at 8:22 p.m.

These minutes read and approved this _____ day of _____ 2020.

Bob Sipple, Mayor

Alice A. Rodgers, City Secretary