

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 Tuesday January 17, 2017 at 6:30 in Regular Session at 25 Oak Drive, Lake Jackson, Texas, in the Council Chambers at the Lake Jackson City Hall with the following in attendance:

Joe Rinehart, Mayor  
Gerald Roznovsky, Council member  
Buster Buell, Council member  
J. B. Baker, Council member  
Heather Melass, Council member  
Will Brooks, Council member

William P. Yenne, City Manager  
Modesto Mundo, Asst. City Manager  
Alice A. Rodgers, City Secretary  
Sherri Russell, City Attorney  
Pam Eaves, Finance Director  
Sal Aguirre, City Engineer  
David Van Riper, Public Works Director  
Rick Park, Police Chief

PLEDGE OF ALLEGIANCE

Council member Roznovsky led the pledge of allegiance to the United States flag and the Texas Flag.

INVOCATION

Council member Baker led the invocation.

VISITORS

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

COMMENDATIONS

There were no commendations.

CONSENT AGENDA

- A. Approval Of Minutes – January 3, 2017
- B. Approve Contract To Skywonder For The 2017 July 4<sup>th</sup> Fireworks In An Amount Not To Exceed \$25,000
- C. Approve Closure Of Circle Way Street On The Followings Dates:  
Concert Series: April 28, May 5, May 12, May 19, May 26, June 2, June 9, June 16, June 23 & July 4. 6pm-11pm; Our Lady Queen of Peace Annual Fall Fundraiser: Sunday, October 15, 2017, 6am-6pm; Festival of Lights: Saturday, November 18 & Sunday, November 19, 2017, 6am-11pm

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

- A. Approval Of Minutes – January 3, 2017 - approved
- B. Approve Contract To Skywonder For The 2017 July 4<sup>th</sup> Fireworks In An Amount Not To Exceed \$25,000 - approved
- C. Approve Closure Of Circle Way Street On The Followings Dates:  
Concert Series: April 28, May 5, May 12, May 19, May 26, June 2, June 9, June 16, June 23 &

July 4. 6pm-11pm; Our Lady Queen of Peace Annual Fall Fundraiser: Sunday, October 15, 2017, 6am-6pm; Festival of Lights: Saturday, November 18 & Sunday, November 19, 2017, 6am-11pm - approved

### DISCUSS THE LAKE JACKSON EMERGENCY MEDICAL SERVICE'S BI-MONTHLY REPORT

Fred Ortiz, EMS Director presented the bi-monthly report to City Council.

### DISCUSS AND CONSIDER A RESOLUTION DETERMINING THAT TXDOT'S PLAN TO CONSTRUCT A DRAINAGE CHANNEL THROUGH WILDERNESS PARK MEETS THE REQUIREMENTS OF CH. 26 OF THE PARKS AND WILDLIFE CODE AND THAT THE PROJECT WILL NOT IMPAIR THE FUNCTION OF THE PARK OR GOLF COURSE.

Sherri Russell presented the following for the Council packets:

In order to widen SH 332, TXDOT needs to provide drainage. TXDOT's plan is to build a drainage channel from 332 to the Brazos River. This drainage channel will require 1.8 acres of Wilderness Park property. TXDOT needs City Council to find that the acreage is *de minimis*, meaning that the channel will not adversely affect the activities, features, or attributes of the park.

In addition to the *de minimis* finding, City Council must also determine whether:

1. There is no feasible and prudent alternative to the use or taking of such land, and
2. The program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use or taking.

If council agrees that the impact is *de minimis* and meets the requirements of Ch. 26, there is a form to be signed and a resolution to be passed. The existence of the resolution in the agenda packet should not be read as a recommendation from staff.

Also, this item is not for property acquisition. If TXDOT wants to own the property, the sale will need to be placed on a ballot.

These are the questions that staff has for TXDOT:

1. How will TXDOT propose to connect the parkland separated by the channel?
2. How will we be able to access this property? Could we use the TXDOT ROW?
3. What will prevent the river from backing into the channel?
4. Instead of a channel, could they use a buried drainage pipe?
5. Who will maintain the channel?
6. What is the width and depth of the channel and is it to be paved or natural?

Jeff Anderson, Klotz stated he was a contractor for TxDot. He stated that TxDOT proposed to connect the parkland that would be separated by the channel by a minimal crossing 10 feet wide composed of weatherproof material. There will be access across the drainage channel and can be accessed by a vehicle. Pedestrians will be able to use it.

Mr. Yenne asked if it would go through the channel or over it. Mr. Anderson stated it would go through. Mr. Yenne stated that it would not be accessible in high water.

Mr. Anderson said that in response to question # 2 the city will be able to access the right of way through the channel as was previously stated.

He replied to question #3 and stated that if there is a 100 year flood event, this whole area lies within the 100 year flood plain. This drainage channel is being designed to accommodate all of the flow. It will be deep enough and wide enough to accommodate the normal flows, but in the event of a 100 year flood it will continue to flood.

Mr. Yenne said staff understands that in heavy rain the channel will flood, the question is would the

channel bring the 100 year event quicker to that area. Right now it is a slow rise in water and people have an opportunity to get out. Will the water rise quicker in a 100 year even than what we would experience in a normal situation now.

Carlos Zepeda, TxDOT Design Engineer on the project stated they do not anticipate the water rising any faster. The channel is designed to convey a 10 year frequency. The elevations of the channel should still be high enough that the river will not back up into it as it would in a major flood.

Mr. Yenne said that currently most of the rising water comes from the north of town feeds this area. He expressed concerns with it feeding directly from the river.

Sal Aguirre asked what the elevation of the channel would be starting at the highway.

Mr. Zepeda stated he did not have those specifics.

Sal Aguirre stated the elevation would give the city a comparable as to when the river would show up at this location. We know what the elevation was at the last flood event.

Mr. Zepeda stated he did not have that information with him.

Mayor Rinehart asked if it was information that could be presented to the city. Mr. Zepeda stated it was.

Council member Roznovsky stated the issue a lot of us will have with this is that TxDOT is going to breach the bank of the river to put in the channel. Our protection is the bank of the river. He felt we would see the impact of flood waters quicker.

Mayor Rinehart asked that TxDOT take note of this concern.

Council member Roznovsky asked what the channel would be made of.

Mr. Zepeda stated it would be earth or natural ground.

Council member Roznovsky asked what TxDOT had planned to do at the breaching of the bank to prevent erosion.

Mr. Zepeda stated that when they go through the design phase one of the steps would be to evaluate any kind of scour issues and then line it with concrete.

Council member Roznovsky stated that the photos the city has are not very good, but it appears that the channel would be located at a curve in the river which would promote erosion issues.

Mayor Rinehart asked what stage the project was in and was it designed yet.

Mr. Zepeda stated this project has not been detailed designed as of yet. Mayor Rinehart asked that the members of TxDOT take these questions back and return with a reply.

Michelle Milliard, Area Engineer TxDOT stated this is the planning stage for this project. Right now there is no feasible drainage outfall in the area between Brazoria and Lake Jackson. That is why they came up with this location. During the design phase they will look into the concerns expressed

tonight. They will do final drainage studies. These issues will come up in the design phase and will be addressed. They are looking for a net impact of zero. Right now this is the best location from the environmental studies and early hydraulic analysis. They will do final drainage studies, the initial drainage study shows the Brazos River affects this area; the water comes from the north and a lot of places. In the particular location where the outfall is proposed is a high bank location. By the time the water can travel up the channel back to SH332 there will be water coming from the opposite direction. Some of the answers to the questions being asked can be answered once they are in the design phase of the project. Right now they are trying to get approval to move forward with the detail design.

Ms. Milliard stated that somehow between Brazoria and Lake Jackson they need to get an outfall ditch to the Brazos River. This happens to be one of the better natural locations to place this.

Ms. Milliard stated this project is set to be funded in 2024 and they typically do not start final design for a year or two prior to funding. She stated they have done the preliminary drainage studies for this so they do have that information. Right now they are at no impact.

Ms. Milliard stated that right now they are only trying to get approval to locate the channel through the park area. The detailed design will come later. This is not a done deal as far as hydraulics go.

Mr. Yenne asked how wide the channel was going to be.

James Roscher TxDOT stated that the right of way will be 100 feet.

Mr. Zepeda stated that the latest study shows it will be a 12 foot flat bottom with a 6 ft. depth and a 4:1 side slope. There will be a 10 foot minimum berm on either side of the channel for maintenance purposes.

Mayor Rinehart said the concerns the city has is justified and asked that they keep them in mind as they move forward with design.

Sherri Russell said right now they are trying to figure out if this is the only alternative. We are not giving you the property, you still have to come back and convince the city. This is just a finding that yes this is the de minimis for the parkland. There is another step that will come in.

Mr. Roscher stated that the de minimis does not mean the city will sell the property. TxDOT still has to acquire it through the State and Federal process. This simply says that the acquisition of this amount of property will not impact the functions that are currently going on at both the Wilderness Park and the Wilderness Golf Course.

Mr. Yenne stated the parkland property would likely have to be a long term lease; otherwise we would have to go to the voters for approval.

Sherri Russell stated that if the property is sold we would have to take it to the voters.

Discussion followed on whether or not to grant an easement or sell the property to TxDOT.

Michele Milliard stated that at this time they are not trying to discuss the design of the channel but to determine if the channel would change the use of the parkland. She stated that they had to complete this step before they could move forward with the design phase.

Ms. Milliard stated that chose this spot to minimize the impact on the environment, to avoid the wetland areas and possible help the Riggs Oaks Subdivision with drainage.

Ms. Milliard stated that during the detailed design process they will do hydraulic models to see when the river rises where the inundation happens and when. There is not much they can do if the Brazos River comes out of its banks.

Several Council members expressed concerns with this area being a location that has a tendency to flood already.

Ms. Milliard stated that during the detailed design they perform major hydraulic studies. This area was chosen as it is more in the middle of the project. If this location does not work out they will have to find most likely two other locations. For this project to go through they have to have a channel for drainage. They will have to connect to the Brazos River at some point along the project and they felt this was the best location.

Brief discussion was held on the cost of the project being approximately \$1 million. Ms. Milliard stated there will be a public hearing on this project.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” a resolution determining that TXDOT’s plan to construct a drainage channel through Wilderness Park meets the requirements of Chapter 26 of the Parks and Wildlife Code and that the project will not impair the function of the park or golf course was adopted.

CONSIDER REQUEST FOR WAIVER OF CIVIC CENTER FEES ON MARCH 24, 2017 FOR A FUNDRAISER FOR THE LAKE JACKSON MUSEUM

Modesto Mundo stated that the Lake Jackson Historical Association has requested a waiver of Civic Center rental fees for an upcoming fund raising event. The event is scheduled for March 24, 2017. A breakdown of the waiver request is noted below:

Ballroom rental	\$ 840
Stage	225
Podium/mic	20
Table/chair setup	95
	\$1,180

**Outside Cost** – Recommend to be paid from Museum operating budget

Security (\$35 per hour)	\$140
Cleaning Plus	250
	\$355

On motion by Council member Melass second by Council member Buell with all members present voting “aye” approval was granted for the waive of the Civic Center fees on March 24, 2017 for a fundraiser for the Lake Jackson Museum in the amount of \$1,180 with the outside cost of \$355 to come from the Museum Budget.

DISCUSS AND CONSIDER APPOINTMENT OF MEMBERS TO THE HOTEL OCCUPANCY TAX COMMITTEE

Modesto Mundo supplied the following in the Council packets.

On August 15, 2016, Council approved a resolution establishing a policy for the use of the Hotel Occupancy Tax collected by the City and the appointment of a HOT Committee consisting of 9 members.

Staff is at the point that a Committee needs to be brought together to begin working on a strategic plan and working on a framework on procedures on how to best make recommendations to City Council for use of Level II funds. Staff has confirmed three recommendations for 3 of the 4 organizations and 1 councilmember recommendation for an At Large Citizen Member. Councilman Buell has recommended Drew Lindsey for one of the At Large Citizen spots and Councilman Roznovsky has recommended Schelli Martin for one of the At Large Citizen spots. Below are current recommendations for Council consideration.

	Recommendations Received to Date
Brazosport Convention & Visitors Council	Edith Fischer
Brazosport Fine Arts Council	Wes Copeland
Museum of Natural Science at the Center for Arts and Services	
Lake Jackson Historical Association	Robert Rule
At Large Citizen Member	Drew Lindsey
At Large Citizen Member	Schelli Martin
Member of City Staff assigned by the City Manager	
Member of Council	

Council member Melass stated that the Museum of Natural Science is changing the structure of the organization of the Center. They may not have responded until they have completed that reorganization.

On motion by Council member Buell second by Council member Melass with all members present voting “aye” appointment was made to those listed above to the Hotel Occupancy Tax Committee.

Council asked that this be moved to the first meeting in February when confirmation of the Museum of Natural Science at the Center for Arts and Science.

DISCUSS AND CONSIDER AMENDING THE CHAPTER 110 ZONING OF THE CITY OF LAKE JACKSON CODE OF ORDINANCES TO AMEND THE PARKING REQUIREMENTS FOR COMMERCIAL, INSTITUTIONAL, AND BUSINESS AREAS - FIRST READING

Planners formed a subcommittee to evaluate the parking section of the City’s zoning ordinance. Both Planners and City Council had public hearings in July. However, staff had second thoughts, so the ordinance was brought back to the subcommittee and Planners. The differences between the ordinance at the public hearing and the first reading are highlighted in the ordinance submitted.

On motion by Council member Baker second by Council member Melass with all members present voting “aye” an ordinance amending the Chapter 110 Zoning of the City of Lake Jackson Code of Ordinance to amend the parking requirements for commercial, institutional and business areas was passed on first reading.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING CHAPTER 10 ANIMALS TO INCLUDE PROCEDURES FOR DOMESTIC ANIMALS THAT CAUSE HARM TO OTHER DOMESTIC ANIMALS – FIRST READING

Sherri Russell stated that after a pet was killed by a domestic dog, a committee was formed to discuss

wording for an ordinance that would help address such incidences. The group included the owner of the pet (Josie LaChance), the executive director of the SPCA (Stacey Suazo), Asst. Chief Kibodeaux, the city manager, the city attorney, and one councilmember (Gerald Roznovsky). The group started meeting in September, and all members agreed with the wording of the ordinance that was presented at the last meeting. Some of the input received from Council, the SPCA and the municipal judges was incorporated into the ordinance. The most significant change is the removal of the harm to property provisions. The changes were sent to the committee and to the judges for feedback. The humane officers state that the harm to property calls are extremely rare and they all pertain to cats.

On motion by Council member Melass second by Council member Brooks with all members present voting “aye” an ordinance amending Chapter 10 Animals to include procedures for domestic animals that cause harm to other domestic animals was passed on first reading.

### DISCUSS AND CONSIDER OUTCOME OF 5 LIVE OAK TREES AFFECTED BY THE SOUTH PARKING PLACE PROJECT

Mr. Yenne stated that today a contractor cut down two of the 5 trees that were to be discussed at the meeting tonight. The contractor was not alerted to the hold off on the job. The contractor cut two trees in the middle. Mr. Yenne stated that in the event Council would like to keep the remaining three the architect could design around them and perhaps have a seating area.

Mr. Mundo stated that this originally came up when a tree limb fell on a vehicle and the owner complained that there were several trees that needed trimming. It was also discussed that during construction the concern raised that these trees will not make it through the rehabilitation of the South Parking Place project.

In the meantime, the city has begun site preparation work by removing of all median trees and other problem trees in the work perimeter. A stand of live oaks is being considered for removal because of their proximity to the proposed pavement improvements to prevent the pavement failures as evidenced by current conditions.

A purchase order was issued for the removal of trees in the area when the question of possibly keeping the 5 Live Oaks in the right of way came up. The purchase order did not get stopped, thus the cutting of two of the trees. Mr. Mundo stated that everything that has been taken out so far is in the city right of way. He stated that when the question arose

Dr. Frank Grady stated that the trees were cut down without him being informed and this is in front of his property. He thought this was vandalism and did not know it was the city. He did not like the way the trees were cut without being cut down to the ground. He felt this would change the value of his property.

Mr. Mundo stated the original design was to keep these trees. However, experience has shown that more than likely these trees would not survive the construction.

Sal Aguirre brought up that in order to keep these trees there will be a loss of 3 parking spaces. He also stated that the remaining stumps will be taken care of during construction.

Mr. Mundo warned council that if the design is such to keep the remaining trees, the trees could still potentially die.

Consensus of council was to keep the trees and have White Oak Studio to design a garden area around

them.

DISCUSS AND CONSIDER AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF LAKE JACKSON, ON SATURDAY, MAY 6, 2017, FOR THE PURPOSE OF ELECTING CERTAIN OFFICERS FOR THE CITY OF LAKE JACKSON – FIRST READING

On motion by Council member Melass second by Council member Brooks with all members present voting “aye” an ordinance ordering an election to be held in the city of Lake Jackson on Saturday May 6, 2017 for the purpose of electing certain officers for the City of Lake Jackson was passed on first reading.

AUTHORIZE CITY MANAGER TO EXECUTE A CONTRACT WITH FREESE & NICHOLS, INC. IN AN AMOUNT NOT TO EXCEED \$180,000.00 TO EXECUTE PHASE II OF A DRAINAGE STUDY OF AREAS EAST OF SH332

Athelstan Sanchez presented the following for consideration in the council packets.

In phase II, Freese & Nichols (FNI) will build upon the preliminary overall Hydrologic & Hydraulic (H&H) model / analysis being completed in Phase I by adding more detailed field survey data of the drainage conveyances and areas within the focused areas predetermined for this phase (neighborhood west of Dixie Drive and Ditch “E” along east side Dixie: see attached “FNI\_Exhibit2\_Phases.pdf” file).

100% of the cost for this phase will be incurred by the City of Lake Jackson.

In summary **Phase II** will primarily include:

- **Data Collection:** On the ground survey of road crossings, ditches, culverts / storm sewers and preparation of base map showing those features, topography, and the storm sewer network
- **Hydrology & Hydraulic (H&H):** Perform a more detail H&H building from what was done in Phase 1 using the more detail on the ground survey identifying existing drainage problems and determining at what storm event water surfaces overflow ditches and curbs
- **Alternative Development:** Develop up to two (2) conceptual level alternatives to resolve flooding issues for at least the 10-year storm event. This will include sizing of detention basins if needed and potential construction costs.
- **Deliverables:** Memorandum documenting data collection, modeling, existing drainage problems and proposed alternatives along with the GIS database of the drainage network

On motion by Council member Roznovsky second by Council member Melass with all members present voting “aye” authorization was granted to the city manager to execute a contract with Freese and Nichols Inc in an amount not to exceed \$180,000 to execute Phase II of a drainage study of areas east of SH332.

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

**UPCOMING ACTIVITIES**

Incorporate tailwater conditions into hydraulic model

Submit draft memorandum and H&H models to the City for review

**PROJECT SCHEDULE AND UPCOMING DELIVERABLES**

Brief draft memorandum documenting methodology and peak flows at key locations and electronic copy of models to be sent in January 2017 for the City's review

**OUTSTANDING ISSUES OR INFO NEEDS**

FNI is still waiting to receive the following data from the City:

Tailwater conditions

Construction/ as built plans for recent development and/or channels/ ditches (specifically the **Kroger** at Dixie Drive and Oyster Creek Drive and the **Woodshore** Subdivisions)

APPROVE THE PURCHASE OF A 2017 JOHN DEERE 310SL BACKHOE THRU BUY BOARD



IN AN AMOUNT NOT TO EXCEED \$86,000.00 FOR THE DYSON CAMPBELL WATER RECLAMATION CENTER

On motion by Council member Baker second by Council member Brooks with all members present voting “aye” approval was granted for the purchase of a 2017 John Deere 310SL backhoe through the buy board in an amount not to exceed \$86,000 for the Dyson Campbell Water Reclamation Center.

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. WAYSIDE PUB UPDATE

ITEMS OF COMMUNITY INTEREST

Council member Brooks presented a thank you card for the prayers and good wishes during his wife’s recent illness.

ADJOURNMENT

There being no further business the meeting adjourned at 7:13 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

Joe Rinehart, Mayor

\_\_\_\_\_  
Alice A. Rodgers, City Secretary