

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 March 20, 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:

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

William P. Yenne, 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  
Paul Kibodeaux, Asst. Police Chief  
Eddie Herrera, Engineering  
Athelstan Sanchez, Asst. City Engineer

#### PLEDGE OF ALLEGIANCE

Council member Melass led the pledge of allegiance to the flags.

#### INVOCATION

Council member Brooks led the invocation.

#### VISITORS

Mayor Rinehart recognized Cassandra Zamoralez, Timothy Scott and Matthew Broaddus as candidates for the City Council in the May 6, 2017 election.

Mr. Yenne introduced John Boehm as the new Assistant to the City Manager.

#### FAIR HOUSING PROCLAMATION – APRIL 2017

Mayor Rinehart proclaimed April 2017 as Fair Housing Month.

#### BRAZORIA COUNTY MISSION 22 DAY PROCLAMATION – MARCH 25, 2017

Mayor Rinehart proclaimed March 25, 2017 as Brazoria County Mission 22 Day. Mr. David Vincent stated that Mission 22 is a nonprofit organization and was created to show support and bring awareness to Veteran suicide. Mr. Vincent reviewed the activities for the day.

#### CONSENT AGENDA

- A. Approval Of Minutes – March 6, 2017
- B. Minutes Of Boards And Commission
- C. An Ordinance Extending The No Parking On Arrow Wood And Add No Parking On Both Sides Of Tanager Lane During School Drop Off And Pick Up Hours – Second Reading
- D. Approve Aerial Spraying Of Mosquitoes By Brazoria County Mosquito District

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

- A. Approval Of Minutes – March 6, 2017 - Approved
- B. Minutes Of Boards And Commission - Accepted
- C. An Ordinance Extending The No Parking On Arrow Wood And Add No Parking On Both Sides Of Tanager Lane During School Drop Off And Pick Up Hours – Second Reading – Passed And Adopted On Second And Final Reading
- D. Approve Aerial Spraying Of Mosquitoes By Brazoria County Mosquito District – Approved

PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 110 ZONING TO ADD A DEFINITION FOR RESIDENTIAL CARE FACILITIES AND USE IT TO UPDATE LANGUAGE FOR NURSING HOMES, HOMES FOR THE AGED, AND HOMES FOR THE ORPHANED IN R-4 (MULTIFAMILY), B-1 (NEIGHBORHOOD BUSINESS), B-2 (CENTRAL BUSINESS), AND C-1 (COMMERCIAL) ZONES AND TO CHANGE THE PURPOSE OF THE C-1 ZONE, MOVE SOME OF THE C-1 PERMITTED USES TO C-1 CONDITIONAL USES, ADD HOME IMPROVEMENT CENTERS TO C-1 PERMITTED USES, AND REDEFINE C-1 ACCESSORY BUILDINGS

Mayor Rinehart opened the public hearing at 6:44 p.m.

Mr. Yenne stated the main reason this is before Council was to remove some of the permitted uses and move them to conditional uses. This has been before the Planning Commission and they had a subcommittee work on this. The Planning Commission recommends approval.

Sherri Russell stated that some of the wording needed to be changed ie. nursing homes and homes for the orphaned or homes for the aged to residential care facilities.

Council member Brooks asked if it was intentional to have cemeteries in the R-4 zone.

Ms. Russell stated that cemeteries were already listed in the R-4 zone.

Mayor Rinehart closed the public hearing at 6:47 p.m.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING CHAPTER 110 ZONING TO ADD A DEFINITION FOR RESIDENTIAL CARE FACILITIES AND USE IT TO UPDATE LANGUAGE FOR NURSING HOMES, HOMES FOR THE AGED, AND HOMES FOR THE ORPHANED IN R-4 (MULTIFAMILY), B-1 (NEIGHBORHOOD BUSINESS), B-2 (CENTRAL BUSINESS), AND C-1 (COMMERCIAL) ZONES AND TO CHANGE THE PURPOSE OF THE C-1 ZONE, MOVE SOME OF THE C-1 PERMITTED USES TO C-1 CONDITIONAL USES, ADD HOME IMPROVEMENT CENTERS TO C-1 PERMITTED USES, AND REDEFINE C-1 ACCESSORY BUILDINGS – FIRST READING

On motion by Council member Roznovsky second by Council member Baker with all members present voting “aye” an ordinance amending Chapter 110 Zoning to add a definition for residential care facilities and use it to update language for nursing homes, homes for the aged, and homes for the orphaned in R-4 (multifamily), B-1 (neighborhood business), B-2 (central business), and C-1 (commercial) zones and to change the purpose of the C-1 zone, move some of the C-1 permitted uses to C-1 conditional uses, add home improvement centers to C-1 permitted uses, and redefine C-1 accessory buildings was passed on first reading.

PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 110 ZONING TO AMEND THE R-4 MULTI-FAMILY RESIDENCE ZONE MAXIMUM HEIGHT OF BUILDINGS TO: TWO AND ONE-HALF (2 ½) STORIES OR THIRTY-FIVE (35) FEET, OR AS APPROVED

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

Mr. Yenne stated that currently the height for R-4 is 2 ½ stories or 35 ½ feet. The difficulty is that for the

developer to go beyond the requirement they would have to rezone to a PURZ. In discussing this issue the Planning Commission talked about the idea of making this “or as approved” as is provided in the other zones. The recommendation from the Planning Commission was as approved by the Planning Commission. Sherri has a different take on it. Staff was trying to keep it simple and follow the process we have been using for years.

Sherri Russell said she felt a law is a law and the Planning Commission needed guidance to know how to go above the law. City Council is the legislative body that makes the laws and tells the Planning Commission what they are. The Planning Commission does have powers, but they have things to look at like special permits or conditional uses.

Mr. Yenne stated he felt this has been the practice over the years and has worked well without adding a whole other level of additional conditions to be discussed. One fall back could be “recommended by Planning Commission and approved by City Council”.

Council member Melass stated her recommendation was going to be “recommended by Planning Commission and approved by City Council”. Where Urban Crest is, the building being higher does not matter. But at the HEB development may not be an area Council would want higher buildings.

Council member Roznovsky stated asked if this would allow an exception to the zoning if it met certain requirements.

Ms. Russell said she would like that but at least bringing it back to Council would make it better.

Council member Roznovsky said he agreed with recommendation of Planner’s with approval of Council.

Mayor Rinehart said going back to the Plantation Park apartments, there was discussion as to whether that would succeed or not. It was pushed through Planners that the row of housing along the adjoining property line would be single story. He felt there was a positive working relationship between Planners and Council.

Locke Sanders stated City Council has followed the same path the Planning Commission did.

Vinay Singhanian said they suggested the language because of the development of the La Quinta and they had a different structure and the design exceeded the height requirement, it was sent to Council and then back to Planners. It added time to process that development and we don’t want to hinder the developer’s process by requiring them to go before both boards. He felt some language could be added that would guide Planners and it would not have to go to Council.

Mayor Rinehart said he felt it would be smooth to go through Planners and then come to Council for approval.

Council member Roznovsky said he did not feel it would be a hinder or slow development. There could be special cases this could, but special meetings can be had.

Mayor Rinehart closed the public hearing at 6:55 p.m.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING CHAPTER 110 ZONING TO AMEND THE R-4 MULTI-FAMILY RESIDENCE ZONE MAXIMUM HEIGHT OF BUILDINGS TO: TWO AND ONE-HALF (2 ½) STORIES OR THIRTY-FIVE (35) FEET, OR AS APPROVED – FIRST READING

On motion by Council member Roznovsky second by Council member Buell with all members present voting “aye” an ordinance amending Chapter 110 Zoning to amend the R-4 multi-family residence zone maximum height of buildings to: two and one-half (2 ½) stories or thirty-five (35) feet, or as recommended by Planning Commission and approved by Council was passed on first reading

PUBLIC HEARING TO CONSIDER REZONING LOT 7, BLOCK 1, AREA D (ALSO KNOWN AS 413 AZALEA) FROM B-3 INSTITUTIONAL TO R-2 SINGLE FAMILY RESIDENCE

Mayor Rinehart opened the public hearing at 6:58 p.m.

Mr. Yenne stated the Methodist Church acquired this property some time ago to put in a parking lot. At that time they asked for the property to be rezoned to B-3. However they have now sold the property to someone who would like to build a home on the lot. In order to build a home on the lot it will need to be rezoned back to R-2.

Mayor Rinehart closed the public hearing at 6:59 p.m.

DISCUSS AND CONSIDER AN ORDINANCE REZONING LOT 7, BLOCK 1, AREA D (ALSO KNOWN AS 413 AZALEA) FROM B-3 INSTITUTIONAL TO R-2 SINGLE FAMILY RESIDENCE – FIRST READING

On motion by Council member Roznovsky second by Council member Melass with all members present voting “aye” an ordinance rezoning lot 7, block 1, Area D (also known as 413 Azalea) from B-3 institutional to R-2 single family residence was passed on first reading

DISCUSS AND CONSIDER REQUEST BY ALL SMILES DENTAL FOR PARTIAL STREET CLOSURE AND USE OF CITY PARKWAY AT 205 PARKING WAY ON SATURDAY APRIL 8, 2017 FROM 7 A.M. TO 7 P.M. FOR DENTISTRY FROM THE HEART EVENT

Martha Potek, All Smiles Dental stated this is their third year. They hope to help a bigger number than previously. Money is not an issue and insurance is not a requirement. They hope to see at least 200 people.

On motion by Council member Baker second by Council member Buell with all members present voting “aye” approval was granted for the partial street closure and use of City parkway at 205 Parking Way on Saturday April 8, 2017 from 7 a.m. to 7 p.m. for the Dentistry from the Heart Event.

DISCUSS AND CONSIDER REGULATING USE OF DRONES WITHIN THE CITY LIMITS

Larry Shaffer Wireless Towers stated they have recently started drone inspections for commercial use. He stated they are getting high quality pictures that make the inspections much easier. Mr. Shaffer wanted to make sure that council realized the commercial use of the drones.

Michael Gregory 318 Walnut stated he was more interested in this from a residential aspect. He had no problem with the use Mr. Shaffer was discussing or the fire and police use. He was trying to give privacy back to the residents in the residential areas.

Mayor Rinehart asked staff to look at other cities to see what their regulations may be.

Mr. Gregory stated that he spoke with Chief Park and was told there are no other cities in the area that has an ordinance.

Sherri Russell stated this is the first complaint the city has received.

Council member Roznovsky stated that all drones are supposed to be registered with the State.

DISCUSS PROPOSED CHANGES TO THE SIGN ORDINANCE, INCLUDING BANNERS, BALLOONS AND SIGNS ALLOWED IN MULTI-FAMILY AREAS.

Mr. Mundo stated the sign subcommittee recommendations are that: apartments not be allowed to have pole signs and that banners for multi-family and business areas be allowed for 60 days per year with no pro rating. However, apartments must attach their banners to a building or fence. Also, spinners, pennants, and balloons are not allowed.

The definitions for banners, flags, and spinners have been updated so that businesses will know that tear drop signs are not flags, but banners.

Council thanked Mr. Mundo, Mr. Walton and Ms. Russell for their assistance on amending the sign ordinance.

Mr. Mundo stated that staff is working on a brochure that can be handed to businesses to explain the sign ordinance.

Wayne Harrison First United Church stated he would appreciate a brochure showing what was allowed or not allowed for churches.

DISCUSS AND CONSIDER RESOLUTION DENYING CENTERPOINT NATURAL GAS RATE INCREASE

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” a resolution denying Center Point natural gas rate increase was passed.

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

Athelstan Sanchez stated that there was not much to report. He did submit a notice to proceed to Freeze and Nichols for Phase II.

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

Sal Aguirre stated staff is in the process for advertising for south parking place project.

Mayor seems to be lingering questions on the Dow pump station on Lake Road. Mr. Aguirre stated it is moving forward. They were approached by a lady that they connected to Dow and their contractor

ITEMS OF COMMUNITY INTEREST

Council member Brooks asked how many more concrete panels are to be replaced in front of the schools. Mr. Aguirre stated that the work is done.

Council member Roznovsky stated that the HOT Committee met today and will meet again in April.

Mayor Rinehart reminded everyone of the Mission 22 walk this Saturday.

ADJOURNMENT

There being no further business the meeting adjourned at 7:52 p.m.

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

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Joe Rinehart, Mayor

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Alice A. Rodgers, City Secretary