

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 19, 2018 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:

Joe Rinehart, Mayor
Buster Buell, Council member
Will Brooks, Council member
Matt Broaddus, Council member
Tim Scott, Council member
Gerald Roznovsky, Mayor Pro Tem

William P. Yenne, City Manager
Modesto Mundo, Asst. City Manager
Alice A. Rodgers, City Secretary
Sherri Russell, City Attorney
Pam Eaves, Finance Director
Rick Park, Police Chief
Sal Aguirre, City Engineer
Sandra Oliver, Civic Center Manager
Athelstan Sanchez, Asst. City Engineer

Sam Liebl, The Facts

PLEDGE OF ALLEGIANCE

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

INVOCATION

Council member Buell led the invocation.

VISITORS

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

COMMENDATIONS

There were no commendations.

PROCLAMATION APRIL 2018 FAIR HOUSING MONTH

Mayor Rinehart proclaimed April 2018 as Fair Housing Month.

CONSENT AGENDA

- A. Approval of Minutes – March 5, 2018
- B. Boards and Commissions
- C. Approve Aerial Mosquito Spraying by Brazoria County Mosquito District
- D. Approve Interlocal Agreement with the Brazoria County Road and Bridge Department for Fiscal Year 2017-18

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 – March 5, 2018 - approved
- B. Boards and Commissions - accepted
- C. Approve Aerial Mosquito Spraying by Brazoria County Mosquito District - approved
- D. Approve Interlocal Agreement with the Brazoria County Road and Bridge Department for Fiscal Year 2017-18 - approved

PUBLIC HEARING TO CONSIDER REZONING A 2.45 ACRE TRACT AT THE CORNER OF FM 2004 AND DAHLIA STREET KNOWN AS THE, HUNTER OAKS SUBDIVISION, BLOCK 1, LOTS 1-6 FROM R-2 (SINGLE FAMILY RESIDENTIAL) TO B-3 (INSTITUTIONAL)

Mayor Rinehart opened the public hearing at 6:37 p.m.

Pat Quandt 54 Royal Oaks Circle stated she leaves work for the hospital 20 to 40 minutes prior to when she needs to be there because of the traffic at Bess Brannen. Her concerns were the added traffic and the children walking to school. She felt with the school starting out with 150 students would put too many cars in the area for the neighborhood.

Pat Taylor 2002 Pecan Lane said she agreed with Ms. Quandt that the children's safety is very important and so is their education. She felt the Montessori school would be an excellent contribution to our area. She reviewed the information she presented to the Council and reviewed other locations that could be available to them but were not good locations for a school. The first year they hope to have 150 students and do not expect it will double in a year's time. The land use was originally used for institutional as there was a church there. They are asking that this property go back to the original use. She stated this has been carefully thought out and carefully addressed. She visited numerous times with TxDot and with Mr. Sanchez regarding the drainage. They have held a pre-development meeting with Mr. Sanchez, Mr. Yenne and Mr. Aguirre. They meet with the Planning Commission on the rezoning and it passed with them. She stated they have had an impromptu meeting with the neighborhood after the planning meeting. They then invited the entire Tanglewood neighborhood to her office to discuss this issue. She thought the meeting turned out well. There is going to be a rising traffic problem in our area. She visited with LoopNet, a commercial MLS, regarding the traffic in this area. She is the realtor involved in this transaction. She is not a part of the school and is not investing in the school, but will hopefully receive a brokerage fee from the sale of it. In talking with LoopNet they said that in peak drop off and pick up times for Bess Brannen, 100 students would add two vehicles every eight minutes. To address the flooding, she stated she has met several times with Mr. Sanchez. She reviewed the amount of ground covered if there were 6 homes built on this property instead of the church showing the Montessori school would cover 15,907 square feet with 32 parking spaces and Bess Brannen covers 15,426 square feet and the 6 homes would cover 23,820. They have discussed moving the school further back on the property to have a longer drive so parents can pick up the students and drop them off. They are talking 18 months to 6 years. The parents would have to pull in and park to let the students off and then leave. She felt when the parents leave they will exit Dahlia to FM2004. The school will open at 6:30 a.m. to 6:30 p.m. There could be some students attending half days or partial days. She felt it would not influence the Brannen traffic that much since they open at 6:30 a.m. She stated there was a traffic problem in this area and not much can be done until the new Bess Brannen campus is built. She stated this will not diminish home value in the area.

Jennifer Valencia 127 Sunflower stated she works from home and sees firsthand how the traffic backs up. She is at the corner of Sunflower and Anchusa and at the peak pick up and drop off the traffic is backed up to her driveway. The traffic would be greatly affected by a new school. She has an in-home daycare and stated she did not feel the numbers on the traffic were accurate. The numbers do not show the after-hours activities, if a parent must come pick up a sick child during the day, the inspections that will be needed, the vendors, the teachers and the turn over for child care. That is a lot of unwelcome visitors in the neighborhood. Any business at that location will add unwanted visitors. The other locations mentioned were business areas and should be suitable for a business. Children's safety is a factor and the parent involvement decreases when they have nowhere to park. She stated she did not see any notification for the meeting and was upset that the entire neighborhood was notified (of the meeting at Pat Taylor's office). The church's traffic was on weekends and evenings, this school will overlap with Bess Brannen. Bess Brannen's morning and afternoon pick up traffic backs up down Anchusa and then down Dahlia for over an hour. All the Brannen traffic plus

the Montessori school traffic will be too much. She felt the notification process should be broadened since she can see the lot down the street.

Robert Hill 418 Petunia stated the city sent out a notification for the public hearing for rezoning the property to residents within 200 feet of the property. He stated the two unknowns for this development is drainage and traffic. With Brannen being rebuilt in 2020 some of the traffic issues could be eliminated if the city and the school district work together. He said those that want to build a school there have talked to the city on the drainage requirements. He hopes that if this is rezoned that some of the flooding and drainage issues are fixed along with the traffic issues. He attended the Planning Commission meeting and it was not a unanimous vote.

Mayor Rinehart said that as with the new AP Beutel, Freeport Elementary and Ogg Elementary the School District has adopted a new stacking plan for pick up and drop off for the elementary schools. If you find more than 3 cars on the street at these elementary schools that is the most you will find because of the stacking plan they have developed. The School District is aware of the parking issues and they are working very diligently.

Pat Taylor said that the notice for the public hearing was published in the newspaper for 3 weeks prior to the Planning and Zoning meeting. The vote was 4-1 in the Planning Commission meeting.

Pat Quandt 54 Royal Oak Circle and can see the property from her home and did not receive any notification for the meetings.

Mayor Rinehart stated there was an ad put in the paper.

Ms. Quandt stated they do not receive the newspaper. She asked if the school traffic issue would be resolved prior to something being built on this property. She stated that if there was a traffic light crossing on the highway and Dahlia was improved she could see a possibility. She did not feel those dropping off their children would exit via the highway but would come through the neighborhood. She bought her house on Royal Oak Circle because it was a cul-de-sac. If Bess Brannen is built prior to the building of the Montessori school we don't need to have this conversation. Adding 2 cars every 8 minutes to something that already doesn't work just won't work.

Jennifer Valencia stated there is a park on Dahlia named Blue Bonnet Park adding to the traffic at this location will keep children from being able to play at this park.

Rosalia Martinez 203 Dahlia lives next door from this property. There are a lot of young kids in this neighborhood that go to Bess Brannen. The traffic is bad in the area. These schools have a good reputation so she knows it will grow. Why not somewhere else?

Nathan Rau 52 Royal Oak Circle said he loves living across the school yard from Bess Brannen. Looking at the rezoning you should look at the infrastructure. He has a two-year-old daughter who will be walking to Brannen one day. He felt the infrastructure in this area would not support the added traffic in the area. He cannot be in favor of adding more congestion to the area.

Tim Scott thanked everyone for their comments.

Council member Roznovsky was concerned with the existing traffic issue in the area. He asked if there was a need for a traffic study to be done. Traffic calming devices, if we come together we could look at ways to see what the impact will be and if it could be addressed or resolved.

Council member Broaddus asked about BISD's plans and if there any plans to rework Anchusa.

Discussion followed on when Bess Brannen would be built and the amount of stacking lanes they would have.

Council member Buell stated he was confident BISSD would get the traffic situation controlled

Council member Brooks stated the school district is working hard to get the traffic situation under control. The stacking lanes will happen. We have had an issue around Bess Brannen for many years.

Council member Scott stated we need to focus on making Bess Brannen traffic better before adding another school.

Mayor Rinehart stated the school district is serious about getting the cars off the streets. He concurred with Council members Scott and Brooks that Bess Brannen needed to be taken care of first before this school could be added.

Mayor Rinehart closed the public hearing at 7:35 p.m.

ORDINANCE REZONING A 2.45 ACRE TRACT AT THE CORNER OF FM 2004 AND DAHLIA STREET KNOWN AS THE, HUNTER OAKS SUBDIVISION, BLOCK 1, LOTS 1-6 FROM R-2 (SINGLE FAMILY RESIDENTIAL) TO B-3 (INSTITUTIONAL) – FIRST READING

The ordinance failed for lack of motion.

DISCUSS AND CONSIDER REQUEST FROM THE BRAZOSPORT SYMPHONY LEAGUE TO WAIVE FEES AT THE CIVIC CENTER FOR THEIR JAZZ AND JAMBALAYA FUND RAISER ON AUGUST 25, 2018

Neldia Aldquist, 119 Otter Trail, President Elect Brazosport Symphony League. The League was formed in 1983 to support the Brazosport Symphony Orchestra. They provide food for each of the players on day of concert, provided a conductor's reception, and give a Christmas gala. In the past the fundraiser has been called the Jazz and Jambalaya has been located at the Freeport House. They would like to move the fundraiser to the Civic Center. They typically do well with the Jazz and Jambalaya fundraiser, however last year the fundraiser was on the night the hurricane came in. The monies they raise help pay for the music, conductor's salary, the young artist competition, the rental of the Clarion and the occasional musician they hire from other areas. She asked for the waiving of the fees for the ballroom on August 25, 2018 for the symphony fundraiser.

On motion by Council member Roznovsky second by Council member Broaddus with all members present voting "aye" to waive the \$1,097 dollars in fees with the direct costs be paid by the Symphony League.

DISCUSS AND CONSIDER REQUEST FROM THE FRIENDS OF THE LIBRARY TO PAINT A MURAL ON THE WALL IN THE TEEN READING AREA

Andy Larson, Children's Specialist at LJ Library was present asking to be able to paint one of the walls in the teen area. The mural would be pop culture. They do not have an artist lined up yet.

On motion by Council member Buell second by Council member Brooks with all members present voting "aye" approval was granted for the painting of a mural in the teen area at the library

DISCUSS AND CONSIDER REQUEST BY ALL SMILES DENTAL FOR PARTIAL STREET CLOSURE AND USE OF CITY PARKWAY AT 205 PARKING WAY ON SATURDAY APRIL 7, 2018 FROM 7 A.M. TO 7 P.M. FOR DENTISTRY FROM THE HEART EVENT

On motion by Council member Roznovsky second by Council member Brooks 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 7, 2018 from 7 a.m. to 7 p.m. for Dentistry from the Hear event by All Smiles Dental.

DISCUSS AND CONSIDER RECOMMENDATION FROM THE LAKE JACKSON DEVELOPMENT CORPORATION TO APPOINT JOSIE LACHANCE TO FILL THE UNEXPIRED TERM OF ROD HALL

On motion by Council member Roznovsky second by Council member Buell with all members present voting “aye” Josie LaChance was appointed to fill the unexpired term of Rod Hall on the Lake Jackson Development Corporation.

DISCUSS AND CONSIDER RECOMMENDATION FROM THE LAKE JACKSON DEVELOPMENT CORPORATION TO HIRE LORA-MARIE BERNARD FROM MUNIMEDIA FOR MARKETING MATERIALS IN THE AMOUNT OF \$9,750

On motion by Council member Broaddus second by Council member Brooks with all members present voting “aye” approval was granted to hire Lora-Marie Bernard from Munimedia for marketing materials in the amount of \$9,750

APPROVE CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES TO DESIGN SANITARY SEWER REPLACEMENT FOR THE LIFT STATION 6 SUB-BASIN 6A IN AN AMOUNT NOT TO EXCEED \$97,000

David Van Riper provided the following information for the Council packets.

Lift Station 6 is located at the intersection of Sycamore and Plantation. The lift station is inundated with rain water during rain events due to damaged sanitary sewer lines. The damaged sewer lines are allowing large amounts of rain to enter the sanitary sewer system and is causing damage to pumps, filling the system with grit, and causing excess flows at the DCWRC. To correct this problem, the City has proposed a three (3) phase approach to replace all sanitary sewer lines in the watershed that flow to lift station 6. The first phase will address the concrete sewer line running down Plantation and the residential lines serving Shady Oaks. The design of this project will include the following services:

1. Project Management and Meetings \$7,500.00 (LS)
2. Topographic Surveying \$26,000.00 (LS)
3. Geotechnical Investigation \$8,500.00 (LS)
4. Wastewater Replacement Design \$9,500.00 (LS)
5. Construction Documents \$34,500.00 (LS)

Total Lump Sum \$86,000.00 (LS)

6. Bidding Phase Services \$3,500.00 (Hourly)
7. Construction Phase Services \$7,500.00 (Hourly)

Total Hourly \$11,000.00 (Hourly)

Total Not to Exceed \$97,000

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” approval was granted for a contract with Kimley-Horn and Associates, Inc. for engineering services to design sanitary sewer replacement for the lift station 6 sub-basin 6A in an amount not to exceed \$97,000.

APPROVE CONTRACT WITH LJA ENGINEERING TO PROVIDE ENGINEERING SERVICES TO RESTUDY THE BASTROP BAYOU WATERSHED FROM NORTH OF CR 290 TO CHRISTMAS BAY IN AN AMOUNT NOT TO EXCEED \$230,000

This item is for formal approval to contract with LJA Engineering to do the major study of the upper Bastrop Bayou to update the previous 1995/96 study and to add additional areas of study in the area around the 609 Ditch and also the lower Bastrop Bayou.

The cost is \$230,000, the study will take about a year.

Lake Jackson will be the “performing party” on behalf of the City, the County and both the Angleton Drainage District and the Velasco Drainage District. Lake Jackson is committing \$140,000 (this comes from money available from the Eastside Drainage Study). The County is committing \$70,000 for a study in the 609 Ditch area. And the Drainage District are providing \$10,000 each – primarily to look at the lower Bastrop Bayou.

Staff recommends approval.

On motion by Council member Roznovsky second by Council member Buell with all members present voting “aye” approval was granted for a contract with LJA Engineering to provided engineering services to restudy the Bastrop Bayou watershed from north of CR290 to Christmas Bay in an amount not to exceed \$230,000.

APPROVE INTERLOCAL AGREEMENTS WITH VELASCO DRAINAGE DISTRICT, ANGLETON DRAINAGE DISTRICT, AND BRAZORIA COUNTY TO RESTUDY THE BASTROP BAYOU WATERSHED FROM NORTH OF CR 290 TO CHRISTMAS BAY

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” approval was granted for an interlocal agreement with Velasco Drainage District, Angleton Drainage District and Brazoria County to restudy the Bastrop Bayou watershed from north of CR290 to Christmas Bay.

AUTHORIZE THE CITY MANAGER TO ENTER JOINTLY, WITH THE CITY OF CLUTE, INTO A CONTRACTUAL AGREEMENT WITH FREESE & NICHOLS, INC. TO EXECUTE PHASE III (FINAL PHASE) OF A DRAINAGE STUDY OF AREAS EAST OF SH332 IN AN AMOUNT NOT TO EXCEED THE CITY’S COST SHARING PORTION OF \$330,340.00 BEING APPROXIMATELY 59% OF THE TOTAL LUMP SUM AMOUNT OF \$559,894.00

In phase III, Freese & Nichols (FNI) will build upon the preliminary overall Hydrologic & Hydraulic (H&H) model / analysis completed in Phase I and the detail portions of Phase II by adding more detailed field survey data of the drainage conveyances and areas shown on exhibit 1 in the attached final draft contract for this phase. Roughly 59% of the cost for this phase will be incurred by the City of Lake Jackson and 41% by the City of Clute.

In summary Phase III will primarily include:

- Data Collection: On the ground survey ditches (to include up to the center line of roads paralleling 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 I & II 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 twenty (20) conceptual level alternatives to resolve flooding issues for at least the a 10-year storm event of areas where the existing model shows inundation 6” or more. This will include sizing the storm sewer infrastructures and detention basins if needed along with 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 Brooks with all members present voting “aye” authorization was granted for the City Manager to enter jointly, with the city of Clute into a contractual agreement with Freese & Nickols, Inc. to execute Phase III (final phase) of a drainage study of areas east of SH332 in an amount not to exceed the city’s cost sharing portion of \$330,340 being approximately 59% of the total lump sum amount of \$559,894.

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

Phase I: Completed

Phase II (approx. 70% Completion):

As had mentioned, completed review and should have submitted the review to Freese & Nichols (FNI) on the Hydrology & Hydraulic (H&H) models for the existing conditions of coverage under this phase.

Phase III (Final Phase):

Received the final draft contract which is being presented at this meeting for Council to authorize the City Manager to enter, jointly with Clute, into a contractual agreement with FNI for this phase.

The plan is to have this contract completely signed and executed by the end of March 2018. Please note that the City of Clute City Council has already authorized Mayor Shiflet to sign on Clute’s behalf.

UPDATE ON CONSTRUCTION PROJECTS

- b. CONSTRUCTION FUNDS FINANCIAL UPDATE
- c. SIDEWALK PROJECTS
- d. UTILITY REPAIR PROJECTS
- e. DRAINAGE REPAIR PROJECTS
- f. SOUTH PARKING PLACE

Mayor Rinehart commented the Plantation Drive Bridge seems to be ahead of schedule.

ITEMS OF COMMUNITY INTEREST

Council member Roznovsky stated that his neighbors are putting cardboard out with regular garbage on Monday and it is not getting picked up.

Mayor Rinehart reminded everyone of the Friday and Saturday Coming Home Concert on March 23 and 24.

EXECUTIVE SESSION –IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071(1)(A) TO DISCUSS PENDING LITIGATION: *Ricky Adaway, et al vs. The City of Lake Jackson and Velasco Drainage District*

Mayor Rinehart convened the meeting to executive session at 8:15

EXECUTIVE SESSION –IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.072 TO DISCUSS THE PURCHASE OF 217 CENTER WAY

RECONVENE TO OPEN SESSION

Mayor Rinehart reconvened the meeting to open session at 8:41p.m.

AUTHORIZE CITY MANAGER TO PROCEED WITH NECESSARY ACTIONS FOR THE PURCHASE OF 217 CENTER WAY

On motion by Council member Brooks second by Council member Buell with all members present voting “aye” authorization was granted for the City Manager to proceed with necessary actions for the purchase of 217 Center Way.

ADJOURNMENT

There being no further business the meeting adjourned at 8:42 p.m.

These minutes read and approved this _____ day of _____, 2018.

Joe Rinehart, Mayor

Alice A. Rodgers, City Secretary