

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, April 1, 2019 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
Buster Buell, Council member
Vinay Singhania, Council member
Matt Broaddus, Mayor Pro Tem
Gerald Roznovsky, 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
Athelstan Sanchez, Asst. City Engineer
Eddie Herrera, Engineering Technician
Paul Kibodeaux, Police Chief

PLEDGE OF ALLEGIANCE

Council member Broaddus led the pledge of allegiance.

INVOCATION

Mayor Sipple led the invocation.

VISITORS

There were no visitors present.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

- A. Approval of Minutes – March 18, 2019
- B. Boards and Commissions
- C. Approve request from the Chamber of Commerce for a one day off premise beer license for the Taste of the Town at Brazos Mall on April 28, 2019
- D. Approve renewal of Facility Use Agreement with ActionS for use of Heritage Room at the Civic Center
- E. Request closure of Circle Way Street on the following Fridays, 6pm-11pm, for the Concert Series: 5/3 – 6/28. Request closure of Circle Way Street on July 4, 3pm-10pm, for festivities, concert and fireworks. Request closure of Circle Way Street on 10/6, 6am-4pm, for Annual Rotary Shrimp Boil. Request closure of Circle Way Street on 10/27, 6am-5pm, for Annual Our Lady Queen of Peace Fall Festival. Request closure of Circle Way Street on 11/22, 5:30pm-11:00pm, for Festival of Lights Jingle Jog & Jam. Request closure of Circle Way Street on 11/23 & 11/24, 6am-10pm, for Festival of Lights Festivities.

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

- A. Approval of Minutes – March 18, 2019 - approved
- B. Boards and Commissions - accepted
- C. Approve request from the Chamber of Commerce for a one day off premise beer license for the Taste of the Town at Brazos Mall on April 28, 2019 - approved
- D. Approve renewal of Facility Use Agreement with ActionS for use of Heritage Room at the Civic Center - approved
- E. Request closure of Circle Way Street on the following Fridays, 6pm-11pm, for the Concert Series: 5/3 – 6/28. Request closure of Circle Way Street on July 4, 3pm-10pm, for festivities, concert and fireworks. Request closure of Circle Way Street on 10/6, 6am-4pm, for Annual Rotary Shrimp Boil. Request closure of Circle Way Street on 10/27, 6am-5pm, for Annual Our Lady Queen of Peace Fall Festival. Request closure of Circle Way Street on 11/22, 5:30pm-11:00pm, for Festival of Lights Jingle Jog & Jam. Request closure of Circle Way Street on 11/23 & 11/24, 6am-10pm, for Festival of Lights Festivities - approved

DISCUSS AND CONSIDER THE USE OF THE PROPERTY AT THE NORTH EAST CORNER OF OAK DRIVE AND SH 332 FOR A GOVERNOR’S COMMUNITY ACHIEVEMENT AWARD PROJECT

Terri Cardwell, Volunteer Coordinator was representing Keep Lake Jackson Beautiful & TX Dot who are requesting permission to use the TX Dot property at the northeast corner of Oak Drive and SH 332 for a Governors Community Achievement Award Project. It would consist of an art piece which the design is still to be determined. It would be fully funded through GCAA award monies. Ms. Cardwell stated they have taken into consideration all suggestions for other locations.

Council member Roznovsky stated while he was in support of this project he had reservations on this location.

Ms. Cardwell stated that she drove the town with TxDot and they came up with this location.

Mayor Sipple stated he felt this was another main entrance into the downtown area and the location of this art piece would coincide with other signature entries into downtown.

Ms. Cardwell stated they were asking for permission for use of the corner to move forward with a design for this project. They cannot design the project until they have a location.

On motion by council member Buell second by council member Singhania with all members present voting “aye” to set aside the property for this project at the northeast corner of Oak Drive and SH332 for a Governor’s Community Achievement Award Project to design the project to be brought back for further approval.

DISCUSS AND CONSIDER EXPANDING DEFINITIONS IN CHAPTER 110 ZONING TO INCLUDE A DEFINITION OF A MEMBERSHIP CLUB

Mr. Yenne stated that currently there is a term in the zoning ordinance of membership club but not a definition of a membership club. There has been an increase of private clubs in Lake Jackson. Private clubs have a definition under TABC, as it relates to alcohol sales.

He mentioned that it is his belief that membership clubs in the zoning ordinance were intended to be like fraternal organizations and civic clubs. But without a definition, private clubs allowed by TABC are coming into the city as membership clubs. This has allowed bars to open, rather than restaurants

using a food/mixer beverage license. Mr. Yenne was asking for City Council's thought on the property course of action to take.

Alice Rodgers, City Secretary stated that Membership Clubs are currently allowed in B-1 Neighborhood Business, B-2 Central Business and C-1 Commercial zones. Currently there is not a definition of a membership club anywhere in the Code.

Sherri Russell stated membership clubs are also allowed in an R-4 Multi Family zone.

Mr. Yenne asked the language in the definition of membership club needed to be restored that required a percentage of sales to be food, as was required by TABC in the past.

Ms. Rodgers stated that if a definition of a membership club was in place, then that would keep private clubs out of these zones. The zones do not list private clubs as permitted uses on membership clubs. Since a private club has members there has been some spilling over of private clubs in zones that allow membership clubs.

Ms. Rodgers stated there are currently several private clubs in Lake Jackson that do not serve food. TABC in the past required private clubs to have at least 51% of their sales to be food. TABC currently allows a private club to operate without a kitchen or food service.

Ms. Rodgers stated that if Council agrees with this amendment to the zoning ordinance, then a public hearing would need to be held with the Planning Commission and with the City Council.

Mr. Yenne stated that staff wanted to make sure Council was aware of where the trend was going for the location of private clubs in the downtown area and to seek Council's guidance.

Council member Roznovsky stated discussion needed to be held to get Lake Jackson back to the original intent.

Mr. Yenne stated this has become something that no one intended it to be.

Council member Singhanian stated that back in the day private was intended for clubs such as F.O.E. or affiliations.

Ms. Rodgers explained that prior to the election that allowed Restaurant Mixed Beverage license the restaurants had to have a private club license to serve alcohol to their patrons. They had to maintain a set percentage of food sales. TABC changed their rules for private clubs and now state food service sufficient for their members. The percentages were dropped.

Ms. Russell stated she has a definition of a private club that she found in El Paso that she likes.

Council member Broaddus asked if the ordinance was passed and a developer wanted to open a place like Brody's they would not be able to make that.

Mr. Yenne stated that an establishment like Brody's could be opened but they would have to serve food. When Brody's came to the city they said they would serve food and discussed a menu. Now they have phone numbers on the wall for their patrons to have food delivered.

Ms. Rodgers stated Council member Broaddus is correct if this is changed another Brody's would not

be able to come in under a B-1, B-2, C-1 or R-4.

Council member Broaddus asked where would they be able to open?

Staff replied they could not open in Lake Jackson.

Ms. Rodgers stated if they had a Restaurant Mixed Beverage license like the other restaurants they could open in Lake Jackson.

Council member Broaddus asked if they would have to meet the percentages on food and beverages?

Ms. Rodgers said yes, they would.

Council member Singhania stated that TABC enforces the percentages with a Restaurant Mixed beverage license but not with private clubs.

Mr. Yenne stated that the reason staff wanted to bring this to Council's attention is things have changed over the years and inquired as to the direction City Council would like to take.

Council member Broaddus asked how this would affect the purchase of wine in grocery stores.

Ms. Rodgers stated it would not affect that at all. The only thing this would prevent would be for someone coming in and opening just a bar. The current facilities would be grandfathered.

Council member Broaddus cautioned small changes to the ordinance could create other problems elsewhere. He wanted to make sure all avenues were looked at. He asked when the last time someone wanted came to Council to discuss the alcohol issues.

Ms. Rodgers stated that last time someone came in was when Richard Wood came before Council in 2007 stating he wanted to get Council's thoughts on allowing a Restaurant Mixed beverage license in Lake Jackson. He said the City already allows the restaurants to serve alcohol by having a private club license that can be costly to the restaurants and tedious. He asked for support to make it easy on the restaurants by moving them to a Restaurant Mixed Beverage license.

Ms. Rodgers stated that Mr. Wood had to handle the process himself as any change had to be with a local option election that was run on the county level. He circulated a petition and got the required signature for the election to be held. The issue was then voted on by the citizens and was passed.

Council member Broaddus asked if this definition is changed that would eliminate bars and the citizens once again voted and decided they wanted Brody type businesses could be just change the definition again to reflect what the people wanted.

Ms. Rodgers stated yes you could change the ordinance again.

Mayor Sipple stated that he feels staff is asking for direction from Council.

Ms. Rodgers stated that if Council is happy with the way things are happening then nothing needs to be done.

Council member Singhania stated we don't want to be a city that has a bar around a residential area,

school or church.

Mayor Sipple said when he looked at the no-smoking ordinance there were things there that could be used in this instance.

Council member Buell asked what the easiest way would be to handle this.

Ms. Rodgers stated the easiest way would be to hold a public hearing with Planners at the beginning of May to include a definition of membership club in the ordinance.

Council member Buell asked if Sherri was going to develop the definition.

Ms. Russell stated she could give examples to consider. Ms. Russell suggested just giving the Planning Commission direction and see what they come up with.

Mr. Yenne stated the Planning Commission will need direction from Council.

Mayor Sipple suggested a workshop to come up with a definition.

Council member Singhania stated that he did not feel a workshop was necessary. Ms. Russell has agreed to come up with a definition to use as a base for the Planning Commission.

Council member Broaddus said he was not opposed to drafting up language as a start and putting it before the public in a public hearing.

The Council asked that staff move forward with a public hearing before the Planning Commission to define a membership club.

AWARD BID FOR WILLOW/BLOSSOM DRAINAGE PROJECT TO RAC INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$637,731.25

Drainage improvements in Lake Forest Subdivision: upsizing and re-sloping ditches and storm sewer outfalls servicing Blossom, Clover, and Daisy streets while replacing and upsize drainage structures crossing Willow Drive discharging into Fedrick Ditch adjacent to the Willow Baptist Church and Brazos Christian School. These improvements once completed, will substantially increase the capacities and conveyances of the various ditch reaches and storm sewers which in turn will alleviate flooding that occurs primarily on Daisy and Blossom streets. This project is to be funded from part of an allocated \$800,000 from the 2016 Drainage Bond Fund.

CONTRACT: There was a mandatory pre-bid meeting on March 6, 2019 followed by the bid opening on March 20, 2019. There were five bids, much more than expected knowing much of the main local contractors were committed with several projects. The low bid came from a new outside player, RAC Industries, located in Pasadena, Texas.

BIDDERS	Total Bid Price	Cal. Days	Business in
RAC Industries	\$637,731.25	180	Pasadena, TX
Texcon Services	\$656,138.00	180	Angleton, TX
Sorrell Construction	\$882,634.70	180	Oyster Creek, TX
Matula & Matula	\$966,699.03	365	Lake Jackson, TX
HTI Construction	\$1,142,476.50	180	Rosenberg, TX

Budget Amount/Engineer's Estimate: \$680,000 / \$630,000

The apparent successful bidder has never done work for the City nor work in the Brazosport Areas. Staff interviewed several references to ascertain if the contractor would be a good fit for this job which requires a field superintendent and project manager who will be able to positively interact with and respect the residential community and emphasize onsite and offsite cleanliness: will be working in close proximity with residential homes and properties. Mr. Sanchez spoke with city officials and engineering consultants RAC Industries worked for.

Mr. Sanchez said he concluded that RAC Industries is potentially a good fit for the job, staff hereby recommends awarding the contract to the low bidder in an amount not to exceed **\$637,731.25**.

On motion by council member Roznovsky second by council member Buell with all members present voting "aye" bid was awarded for the Willow/Blossom Drainage Project to RAC Industries in an amount not to exceed \$637,731.25.

AWARD BID FOR THE 2018-19 NORTH YAUPON & WILLOW DRIVE STREET PANEL REPAIRS PROJECT TO TEX CON SERVICES IN AN AMOUNT NOT TO EXCEED \$100,000.00

This is a continuation of the annual panel replacement program of spot repairs. The project locations come from the Public Works Street Departments priority assessment of distress spots needing rehabilitation of our arterial streets. This project stays in line with prior segmental repair procedure as those in the past given the limited funding available. This project is for a portion of North Yaupon and

Contract:

Bids were opened on March 27, 2019 on this project that had a positive response of competitors which gives signs of a more competitive market for municipal work in the region.

Of the five entries, the low bid came in from Tex-Con Services (Angleton) \$95,828.00 / Calendar Days: 90

With others as follows:

Sorrell Construction (Oyster Creek)	\$122,158.00	Calendar Days: 45
Matula & Matula (Lake Jackson)	\$132,938.30	Calendar Days: 60
HTI Construction (Rosenberg)	\$163,940.00	Calendar Days: 75
Greenscapes Six (Baytown)	\$189,296.00	Calendar Days: 60
Operations Budget Fund:	\$100,000.00	

Staff is recommending award to Tex-Con Services as the responsive low bidder in the amount of \$95,828.00 with not to exceed \$100,000.00.

Staff is familiar with Tex-Con Services with many similar spot repair projects in the past as well as larger street reconstruction projects including the most recent right turn lanes at the traffic light outside City Hall.

On motion by council member Roznovsky second by council member Broaddus with all members present voting "aye" bid was awarded for the 2018-19 North Yaupon and Willow Drive Street Panel Repairs project to TexCon Services in an amount not to exceed \$100,000.

AWARD BID FOR THE CDBG PROJECT / ALDEN B. DOW OFFICE MUSEUM STRUCTURAL ROOF FRAMING / RE-ROOFING REPAIR TO NOBLE BUILDING & CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$58,924.00

This is Part 2 of the 2017-18 CDBG grant allotment that included an additional project completed earlier for the Circle Way Lake Jackson Town Center hike and bike and pedestrian bridge trail. This bid came in as third time around charm since it had been twice around in various version with no takers. This project involves CDBG eligible funding only.

Contract:

Bids were opened on March 20, 2019 on this project that had a surprising entry from two bidders this time around and well above the expected response.

The bid proposals came in as follows:

Noble Building & Construction (Angleton) \$58,924.00 Calendar Days: 30

54 Construction (Richwood) \$83,725.00 Calendar Days: 30

CDBG Budget Funds: \$85,000.00

Staff is recommending award to the responsive low bidder Noble Building & Construction in the amount of \$58,924.00.

Noble Building & Construction has been involved in several building storm repair projects stemming from the Hurricane Harvey event and in the emergency repair of the Lake Jackson Museum façade and were able to perform to the satisfaction of staff. There was a field visit on this project to define scope and action plan proposed consistent with the budget change order limitations.

On motion by council member Buell second by council member Singhania with all members present voting “aye” bid was awarded for the CDBG Project/Alden B. Dow Office Museum structural roof framing/reroofing repair to Noble Building & Construction in an amount not to exceed \$58,924.00.

DISCUSS AND CONSIDER CALLING SETTING A WORKSHOP FOR APRIL 8, 2019 TO DISCUSS THE FEMA MAP

Council asked that a workshop be called for April 8, 2019 at 6:30 p.m. with FEMA to become better informed of the FEMA Map in order to answer questions from residents.

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

Phase 2

· No updates this period.

Phase 3

· Received confirmation of no comments on the existing conditions H&H models from the City of Clute on 03/18/2019.

· Awaiting comments from the City of Lake Jackson.

UPCOMING ACTIVITIES:

Phase 3

· Alternative Development Workshop #1 is scheduled for April 4, 2019.

· FNI will review and address all Cities’ comments on the existing conditions H&H models within two weeks after receiving comments.

PROJECT SCHEDULE AND UPCOMING DELIVERABLES:

Phase 2

· Alternative Development will recommence to coincide with Alternative Development for Phase 3.

Phase 3

· Alternative Development is scheduled to occur from April 2019 through July 2019. Alternatives cannot be evaluated until the existing conditions H&H models are finalized.

OUTSTANDING ISSUES OR INFO NEEDS:

Phase 2

- Feedback on proposed alternatives (City of Lake Jackson)

Phase 3

- Comments on existing conditions H&H models (City of Lake Jackson)

UPDATE ON CONSTRUCTION PROJECTS

- a. CONSTRUCTION FUNDS FINANCIAL UPDATE
- b. SIDEWALK PROJECTS
- c. UTILITY REPAIR PROJECTS
- d. DRAINAGE REPAIR PROJECTS
- e. WOODLAND PARK PROJECT
- f. DOWNTOWN REVITALIZATION PHASE 3

Eddie Herrera reviewed the project updates.

ITEMS OF COMMUNITY INTEREST

Council member Buell stated he went to the Fill Station's event on South Parking Place last Saturday night and on Sunday morning the area was very clean.

Council member Singhania asked if someone had started building the apartments on FM2004 across from the old bowling alley. Sal Aguirre said he needed to check into this to make sure they are complying with the tree survey.

Mayor Sipple thanked Terri Cardwell for the job she did on the clean up.

EXECUTIVE SESSION – UNDER TEXAS GOVERNMENT CODE SECTION 551.087 – DELIBERATION REGARDING THE OFFER OF INCENTIVES TO A BUSINESS PROSPECT

Mayor Sipple convened the meeting into executive session at 7:25 p.m.

RECONVENE TO OPEN SESSION

Mayor Sipple reconvened the meeting to open session at 7:45 p.m.

ADJOURNMENT

There being no further business the meeting adjourned at 7:46 p.m.

These minutes read and approved this _____ day of _____, 2019.

Bob Sipple, Mayor

Alice A. Rodgers, City Secretary