

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 15, 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 Singhanian, 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  
Eric Wilson, Public Works Director  
Athelstan Sanchez, Asst. City Engineer  
Eddie Herrera, Engineering Technician  
Paul Kibodeaux, Police Chief  
Toni Truly, Comptroller  
David Walton, Building Official

PLEDGE OF ALLEGIANCE

Boy Scouts led the pledge of allegiance.

INVOCATION

Council member Buell led the invocation.

VISITORS

There were no visitors present.

PRESENTATION OF POLICE LIFE SAVING AWARD TO OFFICER CHRIS COLLINS

Paul Kibodeaux, Police Chief presented Officer Chris Collins with the Police Life Saving Award for administering aid to a 73-year-old man who was in cardiac arrest. Officer Collins revived the gentleman.

PRESENTATION ANNUAL POLICE REPORT

Paul Kibodeaux, Police Chief introduced Asst. Chief Chris Anderson, Lt. Cromeenes, Lt. Steven Bailey and presented the annual police report.

CONSENT AGENDA

- A. Approval of Minutes – April 1, 2019
- B. Boards and Commissions
- C. Resolution Approving Fiscal 2018 Year End Transfers from Utility Fund to General Projects Fund (\$1,000,000); and to Utility Projects Fund (\$1,500,000)
- D. Appoint Mayor Sipple to the Animal Shelter Board

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

- A. Approval of Minutes – April 1, 2019 - approved
- B. Boards and Commissions - accepted
- C. Resolution Approving Fiscal 2018 Year End Transfers from Utility Fund to General Projects Fund (\$1,000,000); and to Utility Projects Fund (\$1,500,000) - approved
- D. Appoint Mayor Sipple to the Animal Shelter Board - appointed

DISCUSS AND CONSIDER WAIVING CIVIC CENTER FEES FOR LITERACY NIGHT NOVEMBER 14, 2019 HOSTED BY BRAZOSPORT INDEPENDENT SCHOOL DISTRICT

Cindy Baca, Early Literacy Specialist BISD Literacy Night will be in the next school year. BISD's approach to Literacy is to see that every child is reading on grade level by the year 2020. They would like to get the community and parents involved in literacy with the children.

On motion by council member Gerald Roznovsky second by council member Broaddus with all members present voting "aye" Civic Center Fees were waived for the Literacy Night on November 14, 2019 the is hosted by Brazosport Independent School District.

APPROVE 2018 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Kevin Cadenhead, Kennemer Masters and Lunsford along with Leji Lu presented the 2018 Comprehensive Annual Financial Report for the City of Lake Jackson. Mr. Cadenhead stated that the city was in excellent financial condition.

On motion by council member Buell second by council member Roznovsky with all members present voting "aye" the 2018 Comprehensive Annual Financial Report was approved.

STRATEGIC PLAN REPORT UPDATE – RON COX

Ron Cox, Cox Consulting presented the final report for the 2019 Strategic Plan.

APPROVE FIRST AMENDMENT TO THE WILDERNESS GOLF COURSE MANAGEMENT AGREEMENT WITH KEMPER SPORTS MANAGEMENT INC

In 2009 an RFP was prepared soliciting Golf Course management companies for a proposal to operate the Wilderness Golf Course. Two proposals were received. Kemper Sports proposal was deemed the best of these proposals. The contract was extended for five years in 2014. Staff is recommending amending and extending the contract for an additional five years.

**Fee:**

In 2009, Kemper proposed a fee of \$7,000 per month plus annual CPI adjustments plus 5% of gross revenues exceeding \$2,000,000. Their current fee is \$7,682.55 per month.

Worthy of note, KemperSports is able to pay their Golf Course labor significantly less than what the city pays its Parks laborers. If the city were to manage the course and attempt to save the management fee a large portion of that savings would be lost in the increased wages.

On motion by council member Broaddus second by council member Roznovsky with all members present voting "aye" approval was granted for the first amendment to the Wilderness Golf Course Management Agreement with Kemper Sports Management, Inc as presented.

DISCUSS AND CONSIDER ORDINANCE AMENDING CHAPTER 51 PUBLIC SWIMMING POOLS TO AMEND THE FEES FOR A PUBLIC SWIMMING POOL LICENSE – FIRST READING

Section 51-24 sets pool and spa permit fees as \$100 with an additional fee of \$10 for each registered pool operator.

Sometime between May 2013 and May 2014 the permit fee was changed in NaviLine to reflect a flat \$125 annual fee.

After research it appears the amount being charged for pool permits was changed without an ordinance amending Section 51-24 Fees. This could have been due to an off the record discussion made during a budget hearing with staff and never brought to city council via ordinance to change the fees. The city secretary has checked council minutes and determined that it was not discussed at a council meeting.

Staff is proposing to formally adopt the fee increase.

On motion by council member Roznovsky second by council member Buell with all members present voting “aye” an ordinance amending Chapter 51 Public Swimming Pools to amend the fees for a public swimming pool license was passed on first reading.

#### RESOLUTION TO DENY CENTER POINT ENERGY’S INTENT TO INCREASE RATES

CenterPoint has filed an application to increase system-wide transmission and distribution rates by \$161 million per year: \$154 million in retail transmission and distribution rates (an increase of about 7.4%) and \$6.8 million in wholesale transmission rates (an increase of about 1.8%). According to CenterPoint, the impact on an average residential customer would be an increase of about \$2.38 per month.

The law provides that a rate request cannot become effective until at least 35 days following the filing of the application to change rates (May 10). The law also permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective.

The resolution suspends the May 10, 2019 effective date of the Company’s rate increase for the maximum period permitted by law to allow the City, working in conjunction with other members of GCCC, to evaluate the filing, determine whether the filing complies with law, and to determine what further strategy, including settlement, to pursue.

If the City fails to take some action regarding the filing before the effective date, CenterPoint’s rate request is deemed approved.

On motion by council member Buell second by council member Broaddus with all members present voting “aye” a resolution to deny Center Point Energy’s intent to increase rates was adopted.

#### DISCUSS AMENDING ZONING ORDINANCE TO INCLUDE A DEFINITION OF A MEMBERSHIP CLUB

Sherri Russell presented definitions from other cities and stated that at this point Council was deciding on what language they liked and then the Planning Commission will take it from there.

Alice Rodgers stated that a public hearing is scheduled before the Planning Commission for May 7, 2019 and before the City Council on May 20, 2019.

Council member Broaddus stated he looked in the TABC and did not find a definition for a private club.

Mr. Yenne stated that staff is trying to avoid TABC’s definitions. The intention is to try to go back and define membership club the way it has been defined by the city for many years, which is a fraternal or civic organization or scouts. It was not intended to cover the definition of private club as in TABC. This does not mean the city could not open up to offer more things. This is to say it needs to come through

the proper process rather than it coming through a deviation from the ordinance because we did not have a definition in the ordinance. This is not to say we cannot alter things in the future and allow certain establishments in certain areas. As discussed in the past we can create overlay districts for the downtown area. Our zoning ordinance is by prescription, so it has to be in the ordinance to be allowed. Right now, bars are not allowed in the zoning ordinance. Staff is not saying that Council does not want them, we just want to handle this the right way. If this is the way we are going to do it under what circumstances and what areas would they be allowed. One of the things we were talking about was putting downtown in an overlay district and a bar could be allowed as a conditional use to come before council and planners to make sure they meet the standards. He said staff wanted to make sure Council was okay with staff taking these definitions to the Planning Commission.

Ms. Rodgers asked Council to remember that Lake Jackson is not wet. Even if Council wanted an overlay district in downtown you might have to consider a local option election if they want to allow bars in the downtown area.

Ms. Rodgers explained that prior to 2007 if a restaurant wanted to sell alcohol other than beer or wine they had to have a private club license from TABC. The city's zoning ordinance allowed for "membership clubs" in B-1, B-2, C-1 and R-4 zones so the City allowed the restaurant to come in as a private club. The private club license was viewed as a "membership club" and the city did not have an issue with it at the time because the establishments were required to have a certain percentage of their sales in food and thus keeping the primary business an eating establishment and not a bar.

She stated that in 2007 a local option election was held that would allow the restaurants to apply to TABC for a Restaurant/Mixed Beverage with a Food and Beverage Certificate. The restaurants would no longer have to operate as a private club which required more paperwork and cost more for the restaurants.

Ms. Rodgers stated that there are bars coming in under a private club and are not serving food. The question is does council want to allow that to continue or do they want to define what a membership club is?

Council member Broaddus stated that as a lawyer, definitions are very important, powerful and people always breeze past them. Definitions matter and they need to be very precise. We need to take care to make sure what we get is what we want. He is in favor of defining terms that are not defined. He thought there was plenty of choices given for the Planning Commission to look at.

Council member Roznovsky asked if the intent is for a definition of private clubs and a definition of a membership club.

Ms. Rodgers stated that private clubs are not listed or allowed in the ordinance, but membership clubs are. She felt the easiest way to stop private club bars coming in would be to define what the city means by membership clubs.

Council member Broaddus said one solution would be to strike membership clubs from the ordinance. What impact would that have on other things. Are there any membership clubs that aren't private clubs?

Mr. Yenne stated the Masons, the Knights of Columbus, and the like.

Ms. Rodgers said there would be a question if it would affect someone like Family Fitness.

Council member Buell asked if the private clubs currently operating would be grandfathered.

Ms. Russell stated yes.

Council member Broaddus asked if we include a definition of membership club would it affect the beer or wine and beer.

Ms. Rodgers stated it would affect the three private clubs.

Ms. Russell stated that according to our zoning they need to be a restaurant if they are going to serve alcohol. The ordinance allows for restaurants and not bars.

Ms. Rodgers stated that the only reason the private clubs were allowed in the past was for the restaurants to be able to serve alcohol.

Ms. Rodgers stated she does not sign off on private club license from TABC. If someone applied for a CO and they are a private club, we could say they do not fit in our zone yet without a definition of a membership club the argument could be made we allowed private clubs in the past and they are a form of a membership club.

Council member Broaddus asked if they were supposed to pick one of the definitions presented to send to the Planning Commission.

Ms. Russell stated she wanted Council to see what other cities are doing. If they have a strong feeling they could let the Planning Commission know. Or Council could send these definitions to Planners and let them work through it.

Council member Roznovsky said what he hopes comes out of the process is we do what we need for the definition to get us back to the original intent. Then once that is in place we can have the public hearings and get feedback from the community.

Mr. Yenne stated this is where we ask for Council to call the public hearing to address the definition of membership clubs.

Ms. Rodgers stated she has looked through quite a number of cities ordinances to find a definition of a membership club.

Council member Roznovsky stated he liked the example of the definition of a membership club that was presented it is simple.

Ms. Russell stated in a definition you really are not supposed to say what a definition is not. Ms. Russell stated she would work with the language in the definition to change saying what a membership club is not.

Ms. Russell asked if Council wanted to wait on sending this to the Planning Commission until a definition could be worked out.

Council member Broaddus asked if the Planning Commission will come up with a definition and adopt it?

Ms. Rodgers stated that the Planning commission will make a recommendation to Council. Council will then hold their public hearing on May 20<sup>th</sup> and approve a definition to adopt.

On motion by Council member Roznovsky second by Council member Buell with all members present voting “aye” a public hearing with the Planning Commission is called for May 7<sup>th</sup> at 6:30 p.m. and May 20<sup>th</sup> at 6:30 p.m. to consider a definition of a membership club.

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

Athelstan Sanchez presented the following update:

Phase I: Completed

Phase II (from 70% Completion to 71% / Alternatives to coincide with Phase III):

Will need to address few items risen from my review of Freese & Nichols (FNI) responses to my review of the preliminary model submitted with FNI to ensure we are in agreement.

Phase III (Final Phase went from 58% Completion to 62%):

Completed review of the existing conditions Hydraulic and Hydrologic models for this phase and will be providing comments to FNI. An alternative development workshops has been set for April 4<sup>th</sup>, 2019.

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, Engineering Technician reviewed the project updates.

ITEMS OF COMMUNITY INTEREST

Council member Broaddus asked what was going in at the Red Top. Mr. Yenne stated it will be called Chips. Mr. Walton stated it is a standalone restaurant.

Council member Broaddus said the stop light at FM 2004 and That Way is not working properly and a cover over the “green” light is missing. Council member Roznovsky said he thought TxDot repaired the light today.

Mayor Sipple thanked everyone for their thoughts and prayers regarding Council member Singhania.

Mayor Sipple thanked the boy scouts in the audience for staying the whole meeting.

ADJOURNMENT

There being no further business the meeting adjourned at 7:44 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Bob Sipple, Mayor

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Alice A. Rodgers, City Secretary