

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 16, 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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Mayor Rinehart led the invocation.

VISITORS

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

COMMENDATIONS

There were no commendations.

CONSENT AGENDA

- A. Approval of Minutes – April 2, 2018
- B. Approve Letter of Support for Brazoria County’s Application for HGAC’s Solid Waste Grant to Recycle Tires in Brazoria County
- C. Boards and Commissions

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

- A. Approval of Minutes – April 2, 2018 - approved
- B. Approve Letter of Support for Brazoria County’s Application for HGAC’s Solid Waste Grant to Recycle Tires in Brazoria County - approved
- C. Boards and Commissions - accepted

APPROVE 2017 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Kevin Cadenhead presented the city’s Comprehensive Annual Financial Report for 2017.

On motion by Council member second by Council member with all members voting “aye” approval was granted for the 2017 Comprehensive Annual Financial Report (CAFR).

PUBLIC HEARING AND ACTION TO REZONE A .045 ACRE PART OF LOT 1A (1.11 ACRES) AT 103 N. DIXIE DRIVE, U.U. STANFORD SUBDIVISION FROM B-1 (NEIGHBORHOOD BUSINESS) TO R-2 (SINGLE FAMILY RESIDENCE)

Mayor Rinehart opened the public hearing at 6:45 p.m.

Gary Bullard stated he owned this property and has a buyer that would like to put a home on this property.

Mr. Yenne stated that this has gone before the Planning Commission and they recommend approval.

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

DISCUSS AND CONSIDER AN ORDINANCE TO REZONE A .045 ACRE PART OF LOT 1A (1.11 ACRES) AT 103 N. DIXIE DRIVE, U.U. STANFORD SUBDIVISION FROM B-1 (NEIGHBORHOOD BUSINESS) TO R-2 (SINGLE FAMILY RESIDENCE) – FIRST READING

This lot was replatted on April 3, 2018 so that the lot now has a front half and a back half. The owner is asking to rezone the back half of the property to R-2. The back part of the property is adjacent to single-family residences, so the rezoning will match the existing zoning.

The current zoning of the property (B-1) allows for offices and office buildings, medical offices, studios, retail shops, service shops, drive-in eating places, groceries, day care facilities, auto repair, membership clubs, nursing homes, homes for orphans, home for aged. R-2 zoning allows single-family residences.

On motion by Council member Buell second by Council member Brooks with all members voting “aye” an ordinance to rezone a .045 Acre Part of Lot 1a (1.11 Acres) At 103 N. Dixie Drive, U.U. Stanford Subdivision From B-1 (Neighborhood Business) to R-2 (Single Family Residence) passed.

DISCUSS AND CONSIDER REQUEST BY MARC HERNS FOR STREET CLOSURE ON NORTH PARKING WAY ON JUNE 8TH EVENING, ALL DAY JUNE 9TH AND MORNING OF JUNE 10TH FOR A POLE VAULTING CIRCUIT

Marc Herns 232 Sleepy Hollow, stated this will be the same as last year. He spoke to all the surrounding businesses and they did not have an issue. This will be in the same location and same setup as last year.

Sherri Russell asked if he would be using the same waiver as last year. Mr. Herns stated he would.

On motion by Council member Roznovsky second by Council member Broaddus with all members voting “aye” approval was granted for the closure of North Parking Way on June 8th evening, all day June 9th and morning of June 10th for a pole vaulting circuit.

DISCUSS AND CONSIDER REQUEST TO LIVE IN AN RV IN THE DRIVEWAY AT 216 ACACIA UNTIL JUNE 1, 2018 WHILE HOME IS BEING REPAIRED

Richard Bond 216 Acacia stated his home was flooded by a collapsed sewer line. He has had to completely renovate the home by tearing out a portion of the walls and all the floors and subfloors. He has exotic birds on his somewhat enclosed back porch. He needs to watch over them around the clock and maintain temperatures above 60 degrees for them. His work on the house should be completed by June 1, 2018. He would like to park the RV in the driveway and live in the RV during this time. He stated they use the bathroom facilities in the house but sleep in the RV. He presented letters from the neighbors on both sides and across the street stating they did not have any issue with this. He

contacted the city and spoke to the code enforcement department and found out he had to have Council approval to stay in the RV. He cooks one meal a day in the RV, they use the bathroom facilities in the house but sleep in the RV. He stated he was asking permission to stay in the RV until he could get his house back in shape.

Mayor Rinehart asked if the ordinance that was passed in the Fall addressed this?

Sherri Russell stated that the ordinance in the Fall was for State declared disasters. The R-2 Zoning Code did not allow an additional living facility on an R-2 lot. This is also not an approved structure for living. Council would have to change the ordinance.

Mr. Bond stated he could not find anything on the city website and in the ordinances, that addressed this prior to renting the RV and now he is stuck with this.

Ms. Russell stated that there is not a specific ordinance that says you cannot live in your RV. Basically, it states that all living facilities have to follow the International Building Code. The zoning ordinance speaks to what is allowed in R-2 Single Family residence which means one single family residence house and no other living quarters can be on the lot. City Council would need to agree to amend this to allow for temporary living for repairs.

Mayor Rinehart left the meeting at 7:09 p.m.

Council member Buell asked if the ordinance would have to be changed for a temporary situation.

Ms. Russell stated yes. We have done things before that as we were changing the ordinance we have let them stay. Council cannot give just one person an exception to the law and not everyone else.

Mayor Pro-Tem Roznovsky asked if there was a variance procedure in this ordinance.

Mr. Yenne stated no and Ms. Russell is right. Just after the storm last Fall the church on Dixie Drive wanted to have temporary trailers set up for contractors helping and Council allowed them to stay on the church property while the ordinance was being amended. Council could allow Mr. Bonds to stay in the RV in his driveway while an ordinance is being prepared.

Council member Scott stated that with the situation the city was still in an emergency situation and that was why we allowed them to remain. We are also dealing with an emergency situation here that needs to be addressed. Once you call it an emergency you have a little more flexibility to do things.

Ms. Russell asked Council for directions in preparing the ordinance. Would it be for emergency situations and not just renovations. The ordinance would address how the RV would have to be parked.

Mr. Yenne asked if this would be on a case by case basis with City Council approval or would it be up to staff to approve temporary living in an RV?

Mayor Pro-Tem Roznovsky stated the ordinance could be drafted with certain criteria that if it meets that criteria staff could approve it and if not, it would have to come to Council. It would have to be a unique situation such as the exotic birds here. It would need to be a special situation.

Ms. Russell stated that it could be made an emergency such as house burning, house flooding, lightning striking the house, those sorts of emergencies if Council wanted.

Mayor Pro-Tem Roznovsky asked Council if they would prefer a short list of criteria and letting staff make that decision or did Council want everything coming to them.

Council agreed that once the criteria was agreed upon in the ordinance they did not have a problem with staff making those decisions.

Council member Broaddus asked if State declared emergencies would come to Council. Ms. Russell stated they would come to Council.

Ms. Russell stated she would prepare an ordinance and bring it back to Council.

Mr. Yenne stated that in the meantime Mr. Bond could stay in the RV until an ordinance is written.

David Walton, Building Official recommended that this should not be open to anybody that chooses to renovate their home but something associated with an insurance claim or something that has a definite timeline and schedule with an end date associated with it.

Discussion followed on tying the criteria to an initial timeline and any others would have to come before Council. Also discussed was the types of RV's that would be allowed.

DISCUSS AND CONSIDER PARKING IN YARDS IN RESIDENTIAL AREAS

Mr. Yenne stated a few months back a resident came in concerned about the parking in yards in residential areas. Council asked a couple of meetings ago for the Traffic Commission and the Citizens on Patrol to gather data showing where this was more prominent. There is raw data in the Council packets along with ordinances from other cities.

Mayor Pro Tem Roznovsky stated that with the data presented this seems to be an across the city issue.

Council member Broaddus said he felt this was a yard versus street question.

Mr. Yenne stated that currently the city has no restriction against parking in your yard. Some cities do and other cities stated it has to be an impervious surface to park on. The only restriction the city has is the width of the driveway at the approach so the utility system in front of the house is not completely covered up with concrete.

Council member Buell stated when they park in the yard it deteriorates the yard and affects the neighborhood. He has seen those parking in the yard during a party, but also those that park in the yard 24 hours a day. He did not think that was good. He suggested allowing it during the day but not through the night.

Council member Broaddus asked Ms. Russell if there were any trends that the other cities had or was it different for each city.

Ms. Russell stated they seem to be all relatively the same. The examples in the Council packet were a little different. She found where a neighborhood got together and asked that the parking in the yards be restricted because it was becoming a problem. That was the most creative, it said that if the neighborhood petition city council then restrictions would be imposed for set perimeters.

Mayor Pro Tem Roznovsky stated that in some of the area's most of the homes are rental homes. He

felt the chances of renters asking to restrict parking in yards would be slim.

Ms. Russell stated that some of the ordinances required improved surfaces that could even be two strips and not a full driveway.

Council member Broaddus stated he liked the idea of the neighborhood having to petition for the no parking in the yard. He was concerned with pushing all the vehicles in the street when the streets are narrow.

Council member Buell asked where the fire trucks and ambulance have had trouble getting down the road. He stated he had an issue with people parking in the yards and tearing them up making the city look bad.

Council member Broaddus asked if there were ordinances already in place to fix the situation of the parking tearing up the yards.

Mayor Pro Tem Roznovsky stated he felt the Traffic Commission still needed to be involved in the discussion of no parking in the yard when that will put cars on the streets.

Ms. Russell stated there is the issue of people parking across from driveways or blocking mailboxes. These neighborhoods were built 50 years ago and current styles are different.

Council member Brooks stated he would pull his truck in the yard on Sundays so that his wife could leave before him for church. Then when he went to church he would move the vehicle. He stated that the neighbor across the street had 5 daughters and at one time he never got to use the street parking in front of his house.

Mayor Pro Tem Roznovsky asked if Council wanted to move forward with this and have an ordinance brought back.

Ms. Russell stated she would draft three different ordinances for council to review.

Mayor Pro Tem Roznovsky stated he liked the ordinances from Austin, Houston and so forth. He asked for a twist in the ordinance that would be available for a neighborhood if they asked. The issue would be what would define the neighborhood. He stated plotting the data would help.

Council felt this needed to be addressed and asked that an ordinance be brought back.

APPROVE THE PURCHASE OF A 2018 NEW HOLLAND TS6.110T4B/ALAMO SLOPE MOWER FROM LANSDOWNE MOODY THRU BUYBOARD CONTRACT #529-17. THE AMOUNT IS NOT TO EXCEED \$116,327.08 (BUDGETED AMOUNT WAS \$120,000.00)

On motion by Council member Buell second by Council member Broaddus with all members voting "aye" approval was granted for the purchase of a 2018 New Holland TS6.110T4B/Alamo slope mower from Lansdowne Moody thru Buyboard contract #529-17 with the amount is not to exceed \$116,327.08 (budgeted amount was \$120,000.00).

RESOLUTION TO CARRY OVER BUDGETS FOR THE FOLLOWING INCOMPLETE PROJECTS: ADD TO GENERAL PROJECT FUND Animal Shelter Trailer \$ 50,000; Dog Park Plan Development \$ 6,615; East side Drainage Study \$ 184,175; City owned Sidewalk Repairs \$ 27,671; Brazos River Flood Study \$11,251; Artificial Range Tee -Golf Course \$20,000; Pecan Lakes Outfall Lining \$71,500; Fire Hose Replacement \$25,000; Outdoor BBQ / Keg Cooler \$ 2,573; ADD TO THE

ECONOMIC DEVELOPMENT FUND: Rec Center repairs – natatorium paint \$ 25,861; Rec Center – Phase protection \$10,000; ADD TO THE UTILITY PROJECTS FUND: Sanitary Sewer Rehab \$87,250

On motion by Council member Brooks second by Council member Scott with all members voting “aye” a resolution was approved to Carry Over Budgets for The Following incomplete Projects: Add to General Project Fund Animal Shelter Trailer \$ 50,000; Dog Park Plan Development \$ 6,615; East Side Drainage Study \$ 184,175; City Owned Sidewalk Repairs \$ 27,671; Brazos River Flood Study \$11,251; Artificial Range Tee-Golf Course \$20,000; Pecan Lakes Outfall Lining \$71,500; Fire Hose Replacement \$25,000; Outdoor BBQ / Keg Cooler \$ 2,573; Add to The Economic Development Fund: Rec Center Repairs – Natatorium Paint \$ 25,861; Rec Center – Phase Protection \$10,000; Add to The Utility Projects Fund: Sanitary Sewer Rehab \$87,250

APPROVE CONTINUING PARTICIPATION IN THE BRAZORIA COUNTY CDBG AND HOME PROGRAM FOR FYS 2019-2021

The City has been a partner with the County and other Brazoria County Cities for the past 20 plus years in the

County CDBG, Home and ESG programs. The relationship has allowed our program to pool our CDBG funding under one umbrella. The County oversees the program which allows the Cities to focus on projects while the County interfaces directly with the Department of Housing and Urban Development and handles grant administration duties.

Staff recommends continuing participating in the Brazoria County CDBG, HOME and ESG Programs through September 30, 2021.

On motion by Council member Buell second by Council member Broaddus with all members voting “aye” approval was granted to continue participation in the Brazoria County CDBG and home program for FYs 2019-2021.

DISCUSS AND CONSIDER A RESOLUTION TO DENY CENTERPOINT ENERGY ELECTRIC’S REQUEST TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR.

On motion by Council member Broaddus second by Council member Brooks with all members voting “aye” a resolution denying CenterPoint Energy Electric’s request to amend its distribution cost recovery factor.

DISCUSS CENTERPOINT ENERGY GAS’ INTERIM RATE ADJUSTMENT

Ms. Russell stated that currently there is a temporary rate and could be delayed if Council so desired.

Mr. Yenne stated that the city really doesn’t have a say and the time period is 45 days, he would just let it go.

Council took no action.

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

Phase I: Completed

Phase II (approx. 70% Completion):

Had a discussion with Freese & Nichols (FNI) on the review submitted of the Hydrology & Hydraulic (H&H) models for the existing conditions of coverage under this phase.

Phase III (Final Phase):

Sometime within the week of 16th April, Athelstan Sanchez and Clute Public Works Director will be meeting with FNI to discuss timeline, process, and information flow to start this Phase with us all be in

sync and knowing when what needs to be done and by whom.

UPDATE ON CONSTRUCTION PROJECTS

- A. CONSTRUCTION FUNDS FINANCIAL UPDATE
- B. SIDEWALK PROJECTS
- C. UTILITY REPAIR PROJECTS
- D. DRAINAGE REPAIR PROJECTS
- E. SOUTH PARKING PLACE

Sal Aguirre stated the South Parking Place project would be completed by the end of the week.

Mayor Pro Tem Roznovsky asked if there would be some type of opening for this area.

Mr. Yenne stated Mr. Mundo is working on a ribbon cutting. The rental of this area will be handled through the Civic Center.

ITEMS OF COMMUNITY INTEREST

Council stated the 75th celebration was outstanding the committee did a great job.

Mayor Pro Tem Roznovsky stated there was a Brazosport Symphony Fundraiser at the Civic Center on Thursday.

Mr. Yenne gave kudos to Vicki Murray and his staff for their work on the 75th Celebration.

ADJOURNMENT

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

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

Joe Rinehart, Mayor

Alice A. Rodgers, City Secretary