

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, May 7, 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  
David Van Riper, Public Works Director  
David Walton, Building Official  
Athelstan Sanchez, Asst. City Engineer

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.

PRESENTATION FROM KEEP LAKE JACKSON BEAUTIFUL TO DISCUSS 2017-2018 YEAR ACTIVITIES AND ANNOUNCE KEEP TEXAS BEAUTIFUL GOVERNORS COMMUNITY ACHIEVEMENT AWARD

Terri Cardwell, Volunteer Coordinator and members from KLJB, Darren Merritt, Corinne Cammarata, Shirley Miller, Amy Tasto, Stacy Lewis Haagensen, Cassandra Zamorales and Debbie Soltesse gave a report on what this board does and how they accomplish it. They presented City Council with the 2018 Keep Texas Beautiful Governor's Community Achievement Award for the 13<sup>th</sup> time in the amount of \$230,000 in a landscape grant for the highway medians.

BRAZOSPORT CHAMBER OF COMMERCE ANNUAL PRESENTATION

Edith Fischer, Brazosport Chamber of Commerce Tourism gave their annual presentation.

NATIONAL PUBLIC WORKS WEEK MAY 20-26, 2018

Mayor Rinehart proclaimed May 20-26, 2018 as National Public Works Week.

CONSENT AGENDA

- A. Approval of minutes – April 16, 2018
- B. Boards and commissions

- C. 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) – second reading
- D. Discuss and consider resolution approving fiscal 2017 year end transfers from utility fund to general projects fund (\$450,000); and to utility projects fund (\$550,000)

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 – April 16, 2018 - approved
- B. Boards and commissions - accepted
- C. 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 and adopted on second and final reading
- D. Discuss and consider resolution approving fiscal 2017 year end transfers from utility fund to general projects fund (\$450,000); and to utility projects fund (\$550,000) – passed

PUBLIC HEARING TO DETERMINE WHETHER THE CITY SHOULD LEASE A PORTION OF THE DOW CENTENNIAL PARK TO THE BRAZOSPORT WATER AUTHORITY FOR THE PURPOSE OF INSTALLING A BRACKISH GROUNDWATER WELL AND A SANITARY CONTROL EASEMENT FOR THE BRAZOSPORT WATER AUTHORITY’S BRACKISH GROUNDWATER DESALINATION PROJECT.

Mayor Rinehart opened the public hearing at 6:53 p.m.

Sherri Russell stated this is a wild area of parkland in the Dow Centennial Park and this is the best location to place this well. Part of this project will be on the Dow Centennial Park property. Since this is parkland a public hearing is necessary to make sure that there is not a feasible other location for this lease and that the lease will minimize harm to the land as a park. She stated that the lease will state that they have to put it back to its natural state if the well ever goes out of use. This public hearing is required by state law.

Mr. Yenne reviewed a map that showed the actual location of the well and the current location of the Brazosport Water Authority plant.

Juan Longoria, BWA Representative for Lake Jackson stated that with all 7 cities agreeing to the desalinization plant their research showed that a brackish plant was the best alternative. He stated they could have chosen salt water or sea water desalination or brackish water. They found the sea water plant is twice as expensive as a brackish well. They have done one well on the far side of the plant at 1250 feet. They capped that well at 825 feet. The salinity is about 900 ppm which is good water but they did not get the flow they wanted. Well number 2 will be built within the 20-acre plant site. They have not built it yet. They are waiting for approval from the Corps of Engineers. Well number 3 is 1251 feet from the plant and a line can be built to the plant which would be cheaper than building the well in another location. The 5 wells they are looking at building would be about 1,000-1,200 feet. Well number 3 and well number 1 will be connected. They will build a small pilot plant to determine how best to run the plant once they have it in place. The location of well number 3 is ideal.

Mr. Longoria stated they are looking for a 33-year lease at a dollar per year. With a renewal at the end of the 33 years they and an additional 33 years after that. The well, pump and motor with a backup generator will be located on 1.2 acres and it will be elevated and above the 100-year flood plain. BWA will assume all liability. There will be a security fence around the well and will have access via FM2004.

Council member Buell asked what brackish water was.

Juan Longoria stated that it is sea water. When cities drill for potable water the upper 30% of the Aquaphor is potable water, the rest of it is saline water. The salinity changes as you go down. Salt water or sea water has 35,000 ppm. The first well we drilled was 900 ppm which is good but it did not have the flow they wanted. They will go down farther which will have a little higher salinity but more flow.

Mayor Rinehart closed the public hearing at 7:06 p.m.

DISCUSS AND CONSIDER A RESOLUTION TO LEASE A PORTION OF THE DOW CENTENNIAL PARK TO THE BRAZOSPORT WATER AUTHORITY FOR THE PURPOSE OF INSTALLING A BRACKISH GROUNDWATER WELL AND A SANITARY CONTROL EASEMENT FOR THE BRAZOSPORT WATER AUTHORITY'S BRACKISH GROUNDWATER DESALINATION PROJECT

On motion by Council member Brooks second by Council member Scott with all members present voting "aye" a resolution to lease a portion of the Dow Centennial Park to the Brazosport Water Authority for the purpose of installing a brackish groundwater well and a sanitary control easement for the Brazosport Water Authority's Brackish Groundwater Desalination Project was passed.

LAKE JACKSON EMERGENCY MEDICAL SERVICES BI MONTHLY REPORT

Fred Ortiz, LJEMS Director presented the bi-monthly report.

DISCUSS AND CONSIDER A RESOLUTION AMENDING THE FY 2017-18 BUDGET BY INCREASING REVENUES IN THE GENERAL PROJECT FUND FOR THE ACCEPTANCE OF A DONATION FROM DOW CHEMICAL AND INCREASING EXPENDITURES IN THE AMOUNT OF \$20,000 TO FUND A RECYCLING PROGRAM IN THE LAKE JACKSON ELEMENTARY SCHOOLS

Keep Lake Jackson Beautiful has received a donation of \$20,000 from Dow Chemical to improve recycling efforts in the Lake Jackson Elementary Schools.

Staff recommends amending the Capital Budget to record the donation and track expenditures over two fiscal years.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting "aye" a resolution amending the FY 2017-18 budget by increasing revenues in the general project fund for the acceptance of a donation from Dow Chemical and increasing expenditures in the amount of \$20,000 to fund a recycling program in the Lake Jackson Elementary Schools was passed.

APPROVE THE PURCHASE OF A 2018 CNG FORD F150 FROM SILSBEE FORD THRU GOODBUY CONTRACT #18-18 8F000 IN AN AMOUNT NOT TO EXCEED \$38,247.75

On motion by Council member Roznovsky second by Council member Buell with all members present voting "aye" approval was granted for the purchase of a 2019 CNG Ford F150 from Silsbee Ford thru Goodbuy contract #18-18 8F000 in an amount not to exceed \$38,247.75.

AWARD THE REPLACEMENT OF WATER WELL #5 TO FELDER WATER WELL AND PUMP SERVICE IN AN AMOUNT NOT TO EXCEED \$297,000.00

The City received two very good bids for the replacement of water Well #5.

1. O'Day Drilling Company-\$387,000.00
2. Felder Water Well Service-\$297,000.00

Staff recommends that the City award Felder the bid. Felder has done well work for the City for many years and has a great reputation for performing excellent work.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” bid was awarded to Felder Water Well and Pump Service for the replacement of Water Well #5 in an amount not to exceed \$297,000.00.

AWARD THE SANITARY SEWER REPLACEMENT IN THE LIFT STATION SIX (6) SUB BASIN B BID TO KING SOLUTION SERVICES IN AN AMOUNT NOT TO EXCEED \$483,131.00

Lift station is in the area where Sycamore and Plantation intersect. The sanitary sewer has been targeted for a complete replacement including taps, sewer line, and manholes. The project is part one of a three phase project to replace all of the system which flows into lift station six (6).

The City advertised the project over a two-week span and opened bids on April 6th, 2018.

The City received bids from 5 competitors:

1. Matula and Matula-\$533,873.90
2. IPR South Central-\$490,257.15
3. Horseshoe Construction -\$486,165.00
4. King Solution Services-\$483,131.00
5. Nerie Construction-\$433,030.50

Nerie Construction was the lowest bid followed by King Solution Services. Staff checked reference on Nerie Construction and received unfavorable references on two projects and one favorable. Staff could not contact several of the references and some of the references had wrong numbers.

Staff received very good references from the second lowest bidder King Solution Services and is recommending award of bid to King Solution Services for that reason.

On motion by Council member Brooks second by Council member Broaddus with all members present voting “aye” bid was awarded to King Solution Services for the sanitary sewer replacement in the lift station 6 sub basin B in an amount not to exceed \$483,131.00.

DISCUSS AND CONSIDER JOINING LETTER OF SUPPORT FROM HOUSTON MAYOR SYLVESTER TURNER AND HARRIS COUNTY JUDGE ED EMMETT TO GOVERNOR GREG ABBOTT URGING THAT THE STATE OF TEXAS UTILIZE THE ECONOMIC STABILIZATION FUND OR OTHER STATE FUNDING SOURCE TO PARTICIPATE IN THE FEMA 404 HAZARD MITIGATION GRANT PROGRAM AT 100% TO COVER THE LOCAL MATCH.

On motion by Council member Buell second by Council member Brooks with all members present voting “aye” approval was granted to join a letter of support from Houston Mayor Sylvester Turner and Harris County Judge Ed Emmett to Governor Greg Abbott urging that the State of Texas Utilize the economic stabilization fund or other state funding source to participate in the FEMA 404 Hazard Mitigation Grant Program at 100% to cover the local match.

DISCUSS AND CONSIDER TEMPORARY HOUSING IN MULTIFAMILY AND SINGLE-FAMILY RESIDENTIAL ZONES

Sherril Russell presented the following as requested by City Council from the previous meeting.

Ch. 58 Manufactured Homes and Trailers

ARTICLE I. - TEMPORARY ~~POST-DISASTER~~ HOUSING

Division 1. In General

**58-1. Purpose**

The purpose of this article is to allow people to live close to their homes during times of repair due to emergencies such as hurricanes or fires. This article shall be used only when no other housing options are available.

## **58-2. Definitions.**

Emergency means an event that renders a house uninhabitable, such as a fire.

State of disaster means a situation that causes the mayor or mayor pro tem to make an official declaration that activates the city's emergency management plans and authorizes the furnishing of aid and assistance.

*Temporary ~~post-disaster~~ housing* means a prefabricated structure mounted on a permanent chassis, including, but not limited to, manufactured homes, recreational vehicles, and travel trailers.

## **Division 2. Multi-Family Zones**

### **58-6. Location.**

For multi-family zones, temporary ~~post-disaster~~ housing may only be placed ~~in R-4 zones with on~~ sites that have adequate water, sewer, and power for the number of people to be housed.

### **58-7. Request.**

(a) The owner of the site must file a written request with the city manager for the installation of temporary post-disaster housing. The request must contain the following:

- (1) A site plan;
- (2) Pictures of the site and the proposed housing;
- (3) An explanation of why the temporary post-disaster housing is needed;
- (4) The length of time the temporary housing will be on the site; and
- (5) An explanation of how the owner will take care of water, sewage, power, solid waste and security needs.

(b) If the request is complete, the city manager shall submit the request to the city council at their next regular meeting. The city manager or his designee may inspect the plans and the site before city council discussed the request.

### **58-8. Criteria for approval.**

(a) City council may grant the request if the housing is needed due to recovery and relief efforts related to events ~~during for which city officials declared a local~~ a state of disaster.

(b) If city council grants the request, the owner of the site must ensure that the following ~~regulations are complied with standards are met~~:

- (1) The temporary post-disaster housing is not rundown, dilapidated, or unsafe;
- (2) The chassis for each unit of temporary post-disaster housing is safe for travel;
- (3) All solid waste is stored and disposed of in a manner that will not create a health or fire hazard;
- (4) An adequate and safe sewer system is provided for storage and disposal of all sewage; and
- (5) At least one ADA compliant unit of temporary housing is available for every five units installed.

(c) City council may impose other reasonable ~~regulations-standards~~, such as a limited time period for the housing to be on the site.

### **58.9. Removal.**

After the time period set by city council has ended or upon an order by city council, the temporary ~~post-disaster~~ housing shall be removed from the site. The site shall be cleaned and all solid waste removed. City council may order that the temporary housing be removed if any of the standards set forth in this article are not met.

### **58.10. Liability.**

The city and its officers, agents, and employees shall have no liability of any nature for any personal injury or injury to property on the site of the temporary post-disaster housing.

## **Division 3. Single Family Zones**

### **58-11. Location.**

In single-family zones, temporary housing may only be placed in the driveway or in the backyard of property that has an uninhabitable home. The site must have adequate water, sewer, and power for the number of people to be housed.

### **58-12. Request.**

(a) The owner of the property must file a written request with the city manager for the installation of temporary housing. The request must contain the following:

- (1) Pictures of the property and the proposed housing;
- (2) A site survey showing setbacks, easements, and planned location of the temporary housing;
- (3) An explanation of why the temporary housing is needed;
- (4) The length of time the temporary housing will be needed;
- (5) A schedule of the repairs needed to make the home inhabitable;
- (6) The reason that the owner cannot stay elsewhere;
- (7) An explanation of how the owner will take care of water, sewage, power, solid waste and security needs;
- (8) A letter of approval from the property owners or lessees that are next to and across the street from the uninhabitable home; and
- (9) Other information that the city manager needs to evaluate the request.

(b) If the request is complete, the city manager shall grant or deny the request.

### **58-13. Criteria for approval; standards.**

(a) The city manager may grant the request if a. The housing is needed due to recovery and relief efforts related to events during a state of disaster or for an emergency that renders the home uninhabitable, such as a fire; and  
b. There are no other housing options available.

(b) If city manager grants the request, the owner of the site must ensure that the following standards are met: (1)

- The temporary housing is not rundown, dilapidated, or unsafe;
- (2) The chassis for the temporary housing is safe for travel;
  - (3) All solid waste is stored and disposed of in a manner that will not create a health or fire hazard; and
  - (4) An adequate and safe sewer system is provided for storage and disposal of all sewage.

(c) The city manager may impose other reasonable standards.

### **58.14. Removal.**

(a) After the initial time period has ended, the temporary housing shall be removed from the site. The site shall be cleaned and all solid waste removed.

(b) If the owner needs to remain in the temporary housing past the initial time period, the owner must request an extension of time from city council.

(c) The city manager may order that the temporary housing be removed if any of the standards set forth in this article are not met.

### **58.15. Liability.**

The city and its officers, agents, and employees shall have no liability of any nature for any personal injury or injury to property on the site of the temporary housing.

Council asked that this be brought back in ordinance form.

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

The following was presented by Athelstan Sanchez, Assistant City Engineer.

Phase I: Completed

Phase II (approx. 70% Completion):

After the initial discussion with Freese & Nichols (FNI) addressing my review comments on the Hydrology & Hydraulic (H&H) models for the existing conditions of coverage under this phase, updated my comments clarifying information previously sent. FNI addressing my comments.

Need to provide feedback on the proposed alternative for this phase. But note that have requested FNI to look at these alternative developments at the same time and along with the proposed developments from Phase III to better see any adverse impact from one verses the other.

Phase III (Final Phase):

On the 20th April 2018, myself and Clute's Public Works Director meet with FNI in a kick-off meeting for this phase. Discussed the sequencing of field topographic surveying by the Wilson Survey Group, timeline to provide both Cities as to when Cities would need to coordinate the moving of ditches for surveying to be done and to notify residences of such surveying activities occurring within respective neighborhood, and establishing what needs to be done and by whom and when.

The follow was a project update submitted by Freese & Nichols.

Phase 2

- Received comments on the H&H model from Lake Jackson on 03/29/2018.
- Reviewed and began addressing Lake Jackson's comments.
- Participated in conference call with Lake Jackson on 04/11/2018 to further discuss H&H comments.
- Received most recent plans for the AP Beutel Elementary School from Lake Jackson on 04/11/2018.
- Received updated H&H comments from Lake Jackson on 04/18/2018.

Phase 3

- Received Notice to Proceed on 04/03/2018.
- Received log-in information for Pictometry from Lake Jackson on 04/05/2018.
- Attended external Kick-Off Meeting with both Cities on 04/20/2018.
- Received Woodshore Section 4 plans from Clute on 04/20/2018.
- Began Data Collection. Survey by the Wilson Survey Group (WSG) started on 04/30/2018 in Area 1. Two weeks' notice will be provided to the Cities for the Cities to coordinate mowing and/ or property notification within neighborhoods.

UPCOMING ACTIVITIES:

Phase 2

- All H&H comments will be addressed, and the H&H model will be finalized as soon as possible.
- At the request of Lake Jackson, Alternative Development will be postponed to coincide with Phase 3 Alternative Development.

Phase 3

- WSG to continue survey.

PROJECT SCHEDULE AND UPCOMING DELIVERABLES:

Phase 2

- Alternative Development is on hold.

Phase 3

- Data Collection is in progress.

UPDATE ON CONSTRUCTION PROJECTS

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

Mayor Rinehart stated staff asked if the Council would like to have a ribbon cutting for the opening of South Parking Place. Council asked for potential dates to be sent to them.

ITEMS OF COMMUNITY INTEREST

Council member Buell thanked Mayor Rinehart and Council member Brooks for the time they have served on this Council.

Council member Roznovsky said that Fred Ortiz played a big part for the National Day of Prayer at the Civic Center.

ADJOURNMENT

There being no further business the meeting adjourned at 7:35 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Joe Rinehart, Mayor

\_\_\_\_\_  
Alice A. Rodgers, City Secretary