

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 15, 2017 at 6:30 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  
Gerald Roznovsky, Council member  
Will Brooks, Mayor Pro-Tem  
Heather Melass, Council member  
J. B. Baker, Council member  
Buster Buell, Council member  
Matt Broaddus, Council member

Modesto Mundo, Asst. City Manager  
Alice A. Rodgers, City Secretary  
Sherri Russell, City Attorney  
Pam Eaves, Finance Director  
Sal Aguirre, City Engineer  
Rick Park, Police Chief  
Jeremy Bubnick, Parks & Rec Director  
David Van Riper, Public Works Director  
Terri Cardwell, Volunteer Coordinator  
Eddie Herrera, Engineering  
Athelstan Sanchez, Asst. City Engineer

PLEDGE OF ALLEGIANCE

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

INVOCATION

Council member Melass led the invocation.

VISITORS

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

RECOGNITION OF WILL HORSLEY FOR EARNING HIS C LEVEL WASTEWATER OPERATOR LICENSE FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

David Van Riper recognized Will Horsley for earning his C level Wasterwater Operator License from the Texas Commission on Environmental Quality.

PRESENTATION FROM 2017 RELAY FOR LIFE OF SOUTH BRAZORIA COUNTY

Mayor Rinehart announced that Relay for Life has presented the city with a plaque thanking us for our support.

PRESENTATION OF A DONATION CHECK IN THE AMOUNT OF \$21,585.50 FROM THE JUNIOR SERVICE LEAGUE FOR THE CONSTRUCTION OF A PAVILION AT THE JUNIOR SERVICE LEAGUE PARK

Jeremy Bubnick stated that Junior Service League approached him several months ago with the idea for a pavilion at the Junior Service League Park on North Yaupon. The Junior Service League of Brazosport has been a great partner in maintaining and improving the Junior Service League Park on Yaupon. This year the board has decided to help the City fund the installation of a new Picnic Shelter at the Park. They are donating \$21,585.50 of the \$56,585.50 total cost. This project was completed earlier this month.

Members of Junior Service League were present to present a check to the city in the amount of \$21,585.50.

PRESENTATION BY BRAZOSPORT CHAMBER OF COMMERCE

Edith Fischer, Brazosport Chamber of Commerce gave their annual presentation to city council and thanked the

city for their continued funds.

**CONSENT AGENDA**

- a. APPROVAL OF MINUTES -MAY 1, 2017
- b. MINUTES OF BOARDS AND COMMISSION

On motion by Council member Baker second by Council member Melass with all members present voting "aye" the consent agenda was approved as follows:

- a. APPROVAL OF MINUTES -MAY 1, 2017
- b. MINUTES OF BOARDS AND COMMISSION

**CONSIDER A RESOLUTION CANVASSING THE ELECTION OF MAY 6, 2017**

Modesto Mundo read the following election results into the minutes

| <b>Position Number 1</b> |                 |                     |                            |                    |
|--------------------------|-----------------|---------------------|----------------------------|--------------------|
|                          | <b>Absentee</b> | <b>Early Voting</b> | <b>Election Day Voting</b> | <b>Grand Total</b> |
| <b>Connie Cammarata</b>  | 3               | 162                 | 102                        | 267                |
| <b>Matthew Broaddus</b>  | 14              | 589                 | 239                        | 842                |

| <b>Position No. 3</b>   |                 |                     |                            |                    |
|-------------------------|-----------------|---------------------|----------------------------|--------------------|
|                         | <b>Absentee</b> | <b>Early Voting</b> | <b>Election Day Voting</b> | <b>Grand Total</b> |
| <b>Gerald Roznovsky</b> | 17              | 608                 | 264                        | 889                |

| <b>Position No. 5</b>      |                 |                     |                            |                    |
|----------------------------|-----------------|---------------------|----------------------------|--------------------|
|                            | <b>Absentee</b> | <b>Early Voting</b> | <b>Election Day Voting</b> | <b>Grand Total</b> |
| <b>Cassandra Zamoralez</b> | 4               | 236                 | 154                        | 394                |
| <b>Timothy Scott</b>       | 14              | 497                 | 179                        | 690                |

On motion by Council member Melass second by Council member Buster with all members present voting "aye" approval was granted for a resolution canvassing the May 6, 2017 election.

**OATH OF OFFICE BY CITY SECRETARY**

Alice Rodgers, City Secretary administered the oath of office to Matt Broaddus, Gerald Roznovsky and Tim Scott.

**APPOINT MAYOR PRO-TEM**

On motion by Council member Brooks second by Council member Scott with all members present voting "aye" Gerald Roznovsky was appointed to serve as Mayor Pro-Tern.

**CONSIDER AND DISCUSS DESIGNATING THE FACTS AS THE OFFICIAL NEWSPAPER OF THE CITY OF LAKE JACKSON**

On motion by Council member Brooks second by Council member Buell with all members present voting "aye" the Facts was designated as the official newspaper of the city of Lake Jackson.

**SET REGULAR COUNCIL MEETING DAYS AND TIMES**

On motion by Council member Brooks second by Council member Broaddus with all members present voting "aye" the regular meeting dates and times were set for the first and third Monday of each month at 6:30 p.m.

SET INTERVIEW DATE FOR BOARD AND COMMISSION APPLICANTS

On motion by Council member Buell, second by Council member Brooks with all members present voting "aye" the interview date for boards and commission interviews was set for June 5, 2017 at 5:00 p.m.

DISCUSS AND CONSIDER APPOINTING 2 COUNCIL MEMBERS TO SERVE ON THE LAKE JACKSON DEVELOPMENT CORPORATION

Mayor Rinehart asked that this be brought back to the next meeting.

DISCUSS AND CONSIDER APPOINTING 2 COUNCIL MEMBERS TO SERVE ON THE MUSEUM BOARD

On motion by Council member Brooks second by Council member Roznovsky with all members present voting "aye" Mayor Rinehart and Council member Buell were appointed to serve on the Museum Board.

DISCUSS AND CONSIDER REQUEST FROM FIRST BAPTIST CHURCH TO CLOSE A PORTION OF MAGNOLIA STREET FROM YAUPON TO WINDING WAY ON MAY 24, 2017 FROM 5:00 P.M. TO 8:30 P.M.

On motion by Council member Roznovsky second by Council member Brooks with all members present voting "aye" approval was granted for the closure of Magnolia Street from Yaupon to Winding Way on May 24, 2017 from 5:00 p.m. to 8:30 p.m.

DISCUSS AND APPROVE THE CITY OF LAKE JACKSON DEBRIS MANAGEMENT PLAN

David Van Riper introduced Chris Munson with Ardurra.

The City of Lake Jackson has contracted Ardurra Group to write the Debris Management Plan for the City. The plan follows incorporates the 12 requirements of FEMA for a Debris Management Plan. The plan was put together under the guidance of City staff to serve the City in the event of a natural disaster that would require debris removal.

On motion by Council member Roznovsky second by Council member Broaddus with all members present voting "aye" the Debris Management Plan was approved as presented.

DISCUSS RESTRICTING THE PLATTING OF FLAG SHAPED COMMERCIAL LOTS

The Mayor stated that this was on the Planning Commission last agenda. The Commission discussed the item but did not make a recommendation as of yet. He stated he would like to see a recommendation from the Planning Commission before anything is decided by Council.

Sherri Russell stated that the Planners had come up with three options and she would like to see if Council felt they were going in the right direction before going further with the work just to have Council say they did not like it.

Flag Lot Suggestions for Business and Commercial Lots  
Highlighted text indicates the Planning Commission's Choices

Definition:

*Flag lot* means a lot with a staff.

*Staff* means a narrow strip of land that does not meet the minimum lot frontage required by the city.

Restriction in the city's sign code:

1. Signs shall be prohibited on the staff end of flag shaped lots unless the staff is a driveway that allows vehicular access to the principle portion of the lot.

AND/OR

2. Businesses can rent part of their sign allotment to a contiguous business owner. For example, a clothing business is allowed to have a 64 sq foot sign, but only has a 32 sq ft sign. A donut business directly behind could use the other 32 sq ft for their business.

Restriction is in city's subdivision code:

1. Flag lots shall only be allowed if access to a public street from the principal portion of the lot is not available. The vehicular access area of the staff must be at least 20 feet in width.

OR

2. Each flag lot shall provide for vehicular access to the principal portion of the lot through the staff. The vehicular access area of the staff must be at least 20 feet.

Council member Buell stated he would like to hear from Planners first.

Sherri Russell stated that flag lots are not a good way to develop a city. This is just commercial areas. Originally the Planning Commission wanted to address this in the sign code. She felt Council might not want the flag shaped lots addressed in the sign code and brought back more choices to the Planning Commission. The Planning Commission came back with if you want a sign on the narrow strip to the road you would also have a driveway. They came up with a sign sharing for continuous property,

Council member Roznovsky stated he would only agree to that if there was an open parking lot between the two businesses. He is not in favor of flag lots. His concern for the driveways would be a developer could raise the price of a piece of property that was off the highway by putting in a driveway to the highway. If they put a drive in then they could put a 35 foot sign on the road.

Mayor Rinehart stated that this originated with the Randall's property. He did not want to see a number of signs in that area.

Council member Roznovsky stated he felt that is what would happen with the sign sharing.

Sherri Russell asked if Council was in favor of a flag shaped lot if the lot would be otherwise land locked.

Council member Roznovsky stated he agreed with that. He did not mind a flag shaped lot if there was no other access.

Modesto Mundo asked Council if they wanted staff to spend the time working on this issue.

Sherri Russell stated that currently the ordinances were silent on whether a flag shaped lot could be platted.

Mr. Mundo stated that the Planning Commission is not unanimous on any of the ideas. They may need guidance on if this was an issue Council wanted addressed.

Mayor Rinehart stated he was concerned that there was nothing in the ordinances that would prevent this.

Discussion followed on whether to have the Planning Commission go forward with this issue. No one wished for there to be the ability to have flag shaped lots that would create more signs along the highway.

Mr. Aguirre stated that the way property is subdivided in Lake Jackson requires that no property is land locked.

Council felt this needed to go back to the Planning Commission to establish criteria to prevent flag shaped lots. Council did feel a flag shaped lot that held the main drive to the property could be allowed.

Sherri Russell stated she would take this information back to Planners and make sure they understand the sign sharing could only happen in one open parking lot.

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

Athelstan Sanchez had submitted the following information to be included in the Council packets.

Phase I:

Will be submitting on Phase I report and the actual hydraulic and hydrologic model to Freese & Nichols (FNI), closing this phase in May 2017.

Phase II;

FNI entered a contract with Doyle & Wachtstetter (Surveying & Mapping Co.) to conduct an aerial flight, by Drone (UAV), of the approximately 291 acres covering the areas in Phase II.

Both Doyle & Wachtstetter and The Wilson Group (FNI original contracted Surveying Team) will be conducting UAV and convectional topographic surveying respectively, starting the ending of May, 2017. Hence I am in the process of coordinating with Public Works and VDD to mow all minor & major ditches as shown in PHASE II in the attached "FNI\_Exhibit2\_Phases

-optmzs.pdf" (see legend for ditches same exhibit) so both surveying parties will be able to pick up as near to bare earth elevations, better defining these ditches.

Phase III:

Will be working on getting a contract, between the Cities of Clute & Lake Jackson and FNI, going for this Phase as soon as I get through reviewing Phase I and delivering all requested information for Phase II.

#### UPDATE ON CONSTRUCTION PROJECTS

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

#### ITEMS OF COMMUNITY INTEREST

Council member Buell stated that the Intercoastal Pirates were planning Friday night at the Civic Center. Council member Roznovsky stated that this week was Law Enforcement Appreciation week.

Mayor Rinehart reminded everyone that the city picnic would be June 10<sup>th</sup> at Maclean Park. Mayor Rinehart stated that July 15<sup>th</sup> would be the budget workshop.

Mayor Rinehart stated that last Monday the Brazosport ISD Symphonic Band were awarded the Sudler flag. David Van Riper stated that the public works picnic would be held May 24<sup>th</sup> at Maclean Park.

Jeremy Bubnick stated that the Touch a Truck event would be held May 20<sup>th</sup>

Mayor Rinehart thanked Jeremy Bubnick and David Van Riper for their work at the pavilion at Maclean Park

#### EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT SECTION 551.071(1)(A) TO DISCUSS PENDING OR CONTEMPLATED LITIGATION ON TEXAS PROPANE GAS ASSOCIATION VS. RAILROAD COMMISSION OF TEXAS, ET AL

Mayor Rinehart convened the meeting to Executive Session at

7:37 p.m.

Mayor Rinehart reconvened the meeting to open session at 7:46

DISCUSS AND CONSIDER RETAINING LLOYD GOSSELINK ATTORNEYS AT LAW TO REPRESENT THE CITY IN TEXAS PROPANE ASSOCIATION LITIGATION

On motion by Council member Buell second by Council member Broaddus with all members present voting "aye" approval was granted to retain Lloyd Gosselink Attorneys at Law to represent the city in the Texas Propane Association Litigation.

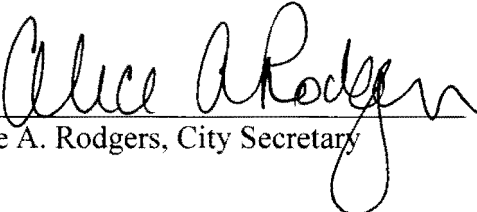
ADJOURNMENT

There being no further business the meeting adjourned at 7:47 p.m.

These minutes read and approved this 5<sup>th</sup> day of June 2017.

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Joe Rinehart, Mayor

  
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Alice A. Rodgers, City Secretary