

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, June 3, 2019 at 5:30 p.m. in Special Session and 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
Jon "J.B." Baker, 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
Paul Kibodeaux, Police Chief
David Walton, Building Official

TO INTERVIEW, DELIBERATE THE APPOINTMENT, EVALUATION, DUTIES OF APPLICANTS TO SERVE ON THE VARIOUS BOARDS, COMMISSIONS AND ADVISORY BOARDS

City Council interviewed the following candidates:

Henry Mendez
Paul Perkins
Kayoko Takahashi Gentry
Michael Musquiz
Daryl Wilson

On motion by Council member Matthew Broaddus second by Council member Buell with all members present voting "aye" the following appointments were made:

Locke Sanders, John Fey and Joe Rinehart were re-appointed to serve two-year terms on the Planning Commission.

Michael Dougherty, Kevin Land and Douglas Kincannon were re-appointed to serve a two-year term.

Amy Lozano, Elaine Conley and Debra Perry were re-appointed to serve two-year terms and Michael Musquiz was appointed to serve the unexpired term of Alvin Bartek on the Parks and Recreation Board.

Mary Meyers and Stephanie Zamora were appointed to serve two-year terms on the Library Board.

Stacy Lewis, Lisa Perry, Darren Merritt and Marsha Albert were re-appointed to serve two-year terms on the Keep Lake Jackson Beautiful Board.

Tere Sandlin, Aurora Leshner, Linda Robertson and were re-appointed and Daryl Wilson, Ruth Lindviet and Kay Gentry to serve two-year terms on the Senior's Commission.

Heather Melass was appointed to the HOT Committee.

Henry Mendez, Paul Perkins, Matthew Bjune were appointed to Charter Review Commission.

MAKE CITY COUNCIL APPOINTMENTS TO SERVE AS COUNCIL LIAISONS TO VARIOUS BOARDS, COMMISSIONS AND ADVISORY BOARDS

Mayor Sipple asked that this item be placed on the next agenda.

REGULAR AGENDA - 6:30 P.M.

PLEDGE OF ALLEGIANCE

Council member Singhania led the pledge of allegiance.

INVOCATION

Council member Buell led the invocation.

VISITORS

There were no visitors present.

PRESENTATION INVITATION FROM KERRY MAGEE TO CITY COUNCIL TO ATTEND A CEREMONY AT CARRIAGE INN ON JUNE 12 FOR FLAG DAY

Kerry Magee, Nancy Borg and Cara Brothers were present to invite the City Council and their families to attend a ceremony at Carriage Inn on June 14, 2019 for Flag Day at 3:00 p.m.

PRESENTATION OF AWARDS FROM THE ANNUAL TPWA SOUTHEAST REGION PUBLIC WORKS PICNIC

Eric Wilson reported on the TPWA Southeast Region Public Works Picnic. He stated that the picnic was May 21-22 where Lake Jackson's art entry received 1st place, 3rd place in the BBQ competition, 2nd place for brisket, 2nd place for ribs and the dessert received 4th place.

CONSENT AGENDA

- A. Approval of Minutes – May 20, 2019
- B. Boards and Commissions
- C. Ordinance Amending Chapter 98 Traffic of the Lake Jackson Code of Ordinances to remove wording that regulates uninvited parking on private property – second reading

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

- A. Approval of Minutes – May 20, 2019 - pulled
- B. Boards and Commissions - accepted
- C. Ordinance Amending Chapter 98 Traffic of The Lake Jackson Code of Ordinances to remove wording that regulates uninvited parking on private property – second reading – passed and adopted

DISCUSS AND CONSIDER REQUEST FROM HIVES FOR HEROES FOR A MENTORSHIP PROGRAM EMPOWERING VETERANS THROUGH BEEKEEPING

Steve Jimenez, 919 Oak Street, Houston stated he is a Marine OIF and OEF veteran. The program he works with is Hives for Heroes and is as an organization, which serves veterans, military personal, and their families'. In the Houston Area, they provide classroom instruction, practical application and availability of mentors though out the city for veterans to be successful in the area of animal

husbandry. Hives for Heroes has created a safe, sustainable mentorship program for trauma survivors, friends and family to participate in activities and events which support our local communities. Developed by veterans and civilians in collaboration with local bee keepers and organizations with the same goal, we believe community, resources, and personal relationships are the answers to save lives of both bees and veterans.

Through this letter, we acknowledge specific roles and responsibilities we will fulfill in this alliance. In the event this program is funded, we would expect our role in the City of Lake Jackson to include:

- Provide training, practical application, equipment and mentorship to qualified veterans and their families in order to complete a 12-16 month beekeeping program.
- Provide jobs to members of the organization to include, bee rescue, farming, harvesting, production, packaging, labeling and distribution of bee products to various customers.
- Continue to grow a business platform which serves the community in the public, and private sector to include; the individual client, public and private sectors, local, state and national entity service contracts.
- Provide mentorship, community, camaraderie and purpose though a learnable hobby.
- Continue the conservation, preservation and population growth of the honey bee in a safe and healthy environment from the local to national levels.

Hives for Heroes will take responsibility to lead the proposal, utilizing the current program to impact the veteran community through bee conservation, suicide prevention and a healthy transition from service. This project will use the proven program, resources and partnerships already created to grow in each community showing interest in this program.

Mr. Jimenez stated he is looking to work with someone in the city to set up this program in Lake Jackson. They save the bees, harvest the honey and sell it. The money made goes back into the program. An apiary is 6 hives. His proposal is to find a piece of property they can make safe, fenced off and possible concrete pad. They are asking for 600 square feet.

Consensus of council was to have Mr. Jimenez work with Mr. Yenne and Eric Wilson to see if they can find a location for this project.

DISCUSS AND CONSIDER REQUEST FROM THE BREAKFAST LIONS CLUB TO WAIVE THE FEES AT THE CIVIC CENTER FOR THEIR DISTRICT MEETING ON JULY 20TH

Ronnie Martin, Lake Jackson Breakfast Lions Club was present to request the waiving of fees at the Civic Center to host their district meeting on July 20th.

On motion by Council member Roznovsky second by Council member Baker with all members present voting “aye” approval was granted for the waiving of \$800 in fees for the Civic Center.

DISCUSS AND CONSIDER REQUEST FROM HELEN ANDERSON TO ALLOW PRIVACY FENCES OR FENCES OTHER THAN ORNAMENTAL SEE-THRU (SPACES SIX (6) INCHES TO EIGHTEEN (18) INCHES IN WIDTH) IRON OR STEEL FENCES WITH BRICK PILLARS

The Andersons were not able to attend for this item due to an illness. They asked that this be placed on the next agenda.

Council asked that this be placed on the next agenda.

L.J.E.M.S. (LAKE JACKSON EMERGENCY MEDICAL SERVICE) REPORT – CHRIS SERMARINI

Chris Sermarini, EMS Director presented the LJEMS bi-monthly report.

DISCUSS AND CONSIDER APPOINTING APPLICANTS TO THE BOND TASK FORCE

On motion by Council member Roznovsky second by Council member Singhanian with all members present voting “aye” the following residents were appointed to the Bond Task Force:

Amy Tasto, Brenda Colegrove, Corinne Cammarata, Daryl Wilson, David Howarth, Debra Perry, Donald L. Caldwell, Douglas Kincannon, Edward Birdsong, Elaine Conley, Franz June, Gary Weeks, Glen Jones, Henry Mendez, Jay Gibson, Jim Martin, John Ward, Juan Longoria III, Locke Sanders, Lowell Good, Melanie Calvin, Mitchell Jacobs, Richard Brod, Sandy Seeley, Sharon Suggs-White, Stacy Lewis, Stephanie Zamora, Tere Sandlin, Tom Chaffin, Antonia Menzel, Vorin Dornan, Wes Copeland, Michael Cloeter, Bruce Meyers, Cheryl Barnard, Lisa Nicks, Donny Peltier

AUTHORIZE SUBMITTAL OF PROJECTS TO LJDC: Skate Park \$605,000; Increase Golf Course Operating transfer \$300,000-\$500,000; Golf Course Lake Dredging \$50,000; Misc Repairs at Golf Course \$55,000; Replace Pumps at Golf Course \$95,000; Rec Center Pool Slide Repair \$45,000; Playground Replacement \$100,000; Asphalt Overlays Parking Lot Jasmine Hall \$25,000;

Staff recommends seven projects for funding through the half-cent sales tax fund and increase the Golf Course Operating transfer from \$300,000 to \$500,000 annually. The increase to Golf Course operation reflects the three-year trend in revenues due to inclement weather. To maintain the recommended ending fund balance, staff has split the new Skate Park project over two fiscal years, this delays construction until August 2020. Should golf course revenues exceed projections this summer and the City receives an anticipated FEMA reimbursement for the 2016 flood, the Skate Park project could be completed in the next fiscal year.

The recommended projects are:

New Skate Park At Maclean Park	\$605,000
Increase Golf Course Operating Transfer from	\$300,000 to \$500,000
Golf Course Lake Dredging	\$50,000
Miscellaneous Repairs at Golf Course	\$55,000
Replace Pumps at Golf Course	\$95,000
Recreation Center Pool Slide Repair	\$45,000
Playground Replacement	\$100,000
Asphalt Overlays Jasmine Hall Parking Lot	\$25,000

On motion by Council member Buell second by Council member Roznovsky with all members present voting “aye” approval was granted for staff to submit these projects to the Lake Jackson Development Corporation for approval.

AWARD ONE (1) YEAR EXTENSION TO CROWDER GULF FOR DEBRIS REMOVAL SERVICES WITH A PRICE ADJUSTMENT OF 1.75%

In accordance with the terms, the contract may be extended based upon contractor satisfactory performance and funding as made available by the City through its regular budgeting process on an annual basis. Total contract term will not exceed a period of five (5) consecutive years. According to the Contract, Section VI Compensation, the prices may be adjusted yearly. The price adjustment will be 1.75% each year. The new pricing sheet is listed below.

The initial contract terms were from July 23, 2017 to August July 23, 2018. The second-year terms were from July 23, 2018 to August 23, 2019. This will be the third year of the five allowed.

On motion by Council member Singhanian second by Council member Buell with all members present voting “aye” a one-year extension was awarded to Crowder Gulf for debris removal services with a price adjustment of 1.75%.

AWARD ONE (1) YEAR EXTENSION TO THOMPSON CONSULTING SERVICES FOR DEBRIS MONITORING WITH A PRICE INCREASE ADJUSTMENT OF 1.41%

In accordance with the terms, the contract may be extended based upon contractor satisfactory performance and funding as made available by the City through its regular budgeting process on an annual basis. According to the Contract, Section VI Compensation, the prices may be adjusted yearly. The new pricing sheet is listed below.

The initial contract terms were from July 24, 2017 to August 24, 2018. The second-year terms were from July 24, 2018 to August 24, 2019. This will be the third year.

On motion by Council member Broaddus second by Council member Baker with all members present voting “aye” a one-year extension was awarded to Thompson Consulting Services for debris monitoring with a price increase adjustment of 1.4%.

RESOLUTION AMENDING THE FY 18-19 BUDGET FOR THE REPLACEMENT OF FINE SCREENS AT THE DYSON CAMPBELL WATER RECLAMATION CENTER BY INCREASING EXPENDITURE OF THE UTILITY CAPITAL IMPROVEMENT FUND BY \$75,000

One of the two fine screens at the waste water treatment plant has failed due to normal aging. The fine screen is the first filter for all debris, trash, or any undesired larger objects entering the facility. It removes this debris and deposits it into a dumpster via the corkscrew conveyor.

The replacement of the fine screen is estimated at \$68,000 plus \$7,000 for contingency. The Public Works Department has begun preparing bid specifications and estimate that it may take 4 to 5 months before the replacement screen is installed. Staff recommends amending the FY 17 18 Utility Capital Improvement Budget by adding a project expenditure of \$75,000 for a new WWTP fine screen.

On motion by Council member Roznovsky second by Council member Buell with all members present voting “aye” a resolution was approved to amend the FY 18-19 Budget for the replacement of fine screens at the Dyson Campbell Water Reclamation Center by increasing expenditure of the Utility Capital Improvement Fund by \$75,000.

DISCUSS AND CONSIDER AMENDING FEE SCHEDULE FOR BUILDING PERMITS TO ELIMINATE VALUE BASED FEE

Current Condition: Last week, the Texas Municipal League reported on H.B. 852, which prohibits cities from calculating their residential building permit fees on the cost of a proposed residential structure or improvement. The bill was signed by the governor on May 21, and it was effective immediately. No grace period applies, so affected cities should change their system as soon as possible.

Specifically, the bill provides that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

League staff and the Building Officials Association of Texas (BOAT) have been fielding questions from many Texas cities regarding how to implement H.B. 852. BOAT has prepared the following to assist affected cities.

First Step. If your city has a residential building permit fee schedule based on construction valuation, consider interim fee options prior to the adoption of a revised fee schedule. Several interim options are

available:

- Stop charging for permits until a new fee schedule is adopted.
- Ask the permit applicant to hold their permit application for up to 45 days (permitted by Texas Local Government Code Section 214.904), which should allow time to adopt a new fee schedule.
- Have the permit applicant agree to pay the current fee and offer to refund any fee difference when a new fee schedule is adopted.
- Issue the permit and invoice the permit applicant at a later date when a new fee schedule is adopted.
- Preparing a waiver form explaining H.B. 852 and stating that the city will process permits but not issue them until a new fee schedule is adopted. In the alternative, if the permit applicant agrees to sign the waiver, the city will charge existing permit fee costs and issue the permit immediately.

Second Step. Adopt a new fee schedule. Several options are available for a new permit fee schedule.

Consider the following:

- Per square foot charge for the different types of residential permits.
- Per square foot charge multiplied by percentage add-on (such as administrative costs, GIS, plan review, etc.).
- Per square foot charge with a set multiplier determined by cost recovery.
- Flat fees for the different types of residential permits.
- Tiered flat fees for residential construction over a certain square foot sizes (perhaps up to four tiers).
- Additional flat fee for plan review.
- Flat fee for inspections.
- Tiered per square foot charge for inspections.

How are cities calculating a new fee schedule based on square footage? One method is to review all residential inspections going back some period of time, noting the square footage of each home and the residential permit fee charged for each home. Add up all of the residential permit fee charges and then divide that by the total square feet of the homes inspected. (e.g., \$2,269,472.02 dollars divided by 3,439,076 square feet = \$0.66 per square foot)

The City of Irving has provided permission to distribute its ordinance as an example of square footage-based fees. It was recently completed and is an excellent example of fee methodology.

Every city official should consider that fees should be reflect the reasonable costs of administration and enforcement and should consult with their city attorney regarding the implementation of the bill.

David Walton stated that staff was unaware that this bill would be effective immediately.

Council member Roznovsky asked what the interim action would be.

Mr. Walton suggested an interim process and stated that the applicant could obtain the permit and pay the current fee prior to the enactment of a new ordinance with the understanding there could be a refund or an amount owed, or the applicant could wait up to 15 days on obtaining a permit until after Council makes a decision on a new fee structure.

Council concurred to move forward with the interim process.

DISCUSS AND CONSIDER AMENDING CHAPTER 90 SUBDIVISIONS TO ALLOW THE PLACEMENT OF STREET LIGHTS AT INTERVALS SHORTER THAN 600 FEET

Mayor Sipple stated he asked for this item to be placed on the agenda. He stated he received a lot of input from several areas of the city on street lighting. He stated this is in the city's Strategic Plan. He

has taken foot candle readings around midnight and he feels there are areas, particularly courts, that have zero-foot candles. The residents have given him input that these are dark.

Mayor Sipple stated he has looked at lumens, foot candles and the various types of lighting that is available today. Our poles are 25-foot poles and most of the lights are 100-watt. He stated he would like the city to get in line with the Illuminating Engineering Standards of North America. That would change the 600-foot distance between lights and courts. Our current standards are 40+ years old.

Mayor Sipple asked to have at least one council member along with staff and engineering to work with him to improve the street light program. He is looking at cases of new construction and the 12 courts that virtually are dark with no foot candle.

This would require amending the subdivision footing requirement for street lights.

Council member Roznovsky stated that one of the actions in the city's strategic plan was to address pedestrian lighting. He stated that when it was placed on the Strategic Plan and the expectation was that staff was going to work and bring back to council a plan to handle street lighting and pedestrian lighting. There is nothing in the city's policies that addresses pedestrian lighting. He stated he would like to work on the street lighting with Mayor Sipple.

Mayor Sipple said he raised this to a level of priority for public safety and said he felt strongly about this project.

Council member Roznovsky stated if there is a neighborhood that feels there is a need for a street light, the ordinance allows for the city manager to make the decision to place a light in that neighborhood. The issue comes up in a lot of the older parts of the city where there is not an easement for the placement of the light.

It was agreed that Mayor Sipple and Councilmember Roznovsky would work with staff to bring alternatives back to city council for consideration.

DISCUSS PRIVATE FUNDING FOR ELECTRONIC SIGN AT CIVIC CENTER

Mayor Sipple stated over the years since the loss of the last civic center sign he has gotten quite a number of questions of what is going on at the civic center. The previous sign was limited on its height and scroll time. He felt the lettering was so small that it was dangerous because you had to slow down to read it. We are looking at different options on a sign that budgets \$45-50,000 for a one-sided sign. It is another \$10,000 for a two-sided sign. He has heard a lot of comments from the citizens about the need for a sign at the civic center.

Mayor Sipple stated that currently there is no funding for a sign at the civic center. He asked if he could obtain private funding would council be okay with it.

Council's concern was that someone from the private sector may want their name or logo on the sign. Would they want to advertise on the sign? Discussion followed on what would be allowed on the sign.

Council member Roznovsky stated he felt guidelines needed to be set on what the city will or will not do when talking to someone to fund the sign.

Mayor Sipple asked council to send in ideas on what could be allowed on sign and what would not be allowed.

ORDINANCE AMENDING CH. 62 OFFENSES AND MISCELLANEOUS PROVISIONS TO

REMOVE ORDINANCES THAT ARE PREEMPTED BY STATE LAW, TO ALLOW THE MUNICIPAL COURT JUDGE TO REQUIRE PARENTS OR GUARDIANS PAY FOR DAMAGES CAUSED BY THEIR CHILDREN – FIRST READING

On motion by Council member Broaddus second by Council member Buell with all members present voting “aye” an ordinance amending Chapter 62 Offenses and Miscellaneous Provision to remove ordinances that are preempted by State law, to allow the municipal court judge to require parents or guardians pay for damages caused by their children was passed on first reading.

UPDATE ON THE BRAZOS RIVER AUTHORITY FLOOD STUDY

Athelstan Sanchez, Assistant City Engineer gave the following update.

The Lower Brazos River Floodplain Protection Planning Study which started in 2014 came to an end with the submittal of a final report on March 1, 2019. In October 2015, Council voted to cost share making this study possible by committing \$25,000. At a glance, it seems the City did not receive as a byproduct of this study, an acceptable quantifiable overflow (hydrograph) from the Brazos River being the engineers currently engaged in the 2018 Bastrop Bayou Flood Study, decided not to use the outcome of this study but instead determined a more reasonable and acceptable lesser overflow to use in their analysis. However, looking at the broader picture and recollecting what devastation many communities along the Brazos River upstream and downstream of Lake Jackson experienced from varying magnitude of storm events occurring in 2015, 2016, and 2017, the City should be proud in help making this study comes to fruition. As a cost sharing participant, the City has helped set in place a regional hydraulic and hydrological model that was used to generate a broad range of conceptual alternatives to alleviate the one percent (1%) annual change of exceedance (ACE) flooding regionally and/or at a localized level and can be built upon to evaluate across jurisdictional boundaries, any adverse impact from future developments.

The executive summary of the study gives a summary of the many recommended next steps to this study that if followed, would reduce the flood risk from the Brazos River and those different levels of storm events.

Mr. Sanchez also reviewed key point in the report, including a potential \$160 million levee around the Timbercreek, Lake Jackson, Buffalo Camp and Sugar Mill area.

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

Mr. Sanchez gave the following update:

Phase I: Completed

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

Alternative development / recommended drainage improvements morphed into Phase III.

Phase III (Final Phase went from 62% Completion to 65%):

FNI continues with the alternative development Hydraulic & Hydrological modeling. At the next City Council Meeting will be officially extending an invitation to you to attend the next upcoming 3-hrs Alternative Workshop to be held sometime between 24Jun19 and 03Jul19. During this workshop, will focus on reviewing and discussing the results of the alternative conceptual designs modeled to date. It is very important that FNI received as much feedback as possible from different perspectives.

UPDATE ON CONSTRUCTION PROJECTS

- a. CONSTRUCTION FUNDS FINANCIAL UPDATE
- b. SIDEWALK PROJECTS
- c. UTILITY REPAIR PROJECTS
- d. DRAINAGE REPAIR PROJECTS
- e. PLANTATION DRIVE BRIDGE

Eddie Herrera gave an update on the construction projects.

ITEMS OF COMMUNITY INTEREST

Council member Baker complimented Chief Kibodeaux and his department for catching the “smash and go” burglars coming down from Houston.

Mayor Sipple recognized the residents have responded to the articles in the newsletter by making efforts to keep the sidewalks free of trash and autos not on lawns.

Mayor Sipple thanked the BISD Education Foundation Board

Mayor Sipple asked everyone to start now preparing for the hurricane season.

Mr. Yenne stated there is a Hurricane Preparedness Expo on June 22.

Council member Singhania asked what the cause of Oyster Creek coming up faster this last time with the recent flooding. Mr. Yenne said there is an apparent new breach in the river south of the Harris Reservoir near CR 31.

ADJOURNMENT

There being no further business the meeting adjourned at 8:23 p.m.

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

Bob Sipple, Mayor

Alice A. Rodgers, City Secretary