

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 July 17, 2017 at 6:30 p.m. in Public Hearing and 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, 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  
Rick Park, Police Chief  
David Van Riper, Public Works Director  
Eddie Herrera, Engineering  
Jeremy Bubnick, Parks and Rec Director  
David Walton, Building Official

#### PLEDGE OF ALLEGIANCE

Council member Roznovsky 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.

#### CONSENT AGENDA

- A. Approval of minutes – July 3, 2017
- B. Minutes of boards and commission
- C. Discuss and consider an ordinance amending Chapter 78 Signs of the Lake Jackson Code of Ordinances amending regulations for signs in residential areas – second reading
- D. Discuss and consider an ordinance amending Chapter 78 Signs and Chapter 90 Subdivisions of the Code of Ordinances of The City of Lake Jackson to restrict platting and signage of flag shaped commercial lots – second reading
- E. Approval of Kennemer, Masters and Lunsford, LLC as the city’s auditors for the fiscal year ended September 30, 2017

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

- A. Approval of minutes – July 3, 2017
- B. Minutes of boards and commission
- C. Discuss and consider an ordinance amending Chapter 78 Signs of the Lake Jackson Code of Ordinances amending regulations for signs in residential areas – second reading

- D. Discuss and consider an ordinance amending Chapter 78 Signs and Chapter 90 Subdivisions of the Code of Ordinances of The City of Lake Jackson to restrict platting and signage of flag shaped commercial lots – second reading
- E. Approval of Kennemer, Masters and Lunsford, LLC as the city’s auditors for the fiscal year ended September 30, 2017

PUBLIC HEARING TO CONSIDER REZONING PROPERTY OF B.C.I.C. SUBDIVISION, DIVISION 15, 5 ACRE TRACT KNOWN AS 1013 SYCAMORE FROM R-2 SINGLE FAMILY RESIDENTIAL TO B-1 NEIGHBOR BUSINESS

Mayor Rinehart opened the public hearing at 6:33 p.m.

Roxanna Smith 123 Talisman expressed her concerns was with this building adding traffic and drainage problems. She felt Talisman was already used as a cut through street. She stated that the houses on Talisman were made to drain to the rear of the property to the wooded area. Her main concern is with rainwater drainage and with a business likely to cover their space with concrete it will cause more problems than those that already exist. Her house backs up to Lake Jackson Manor that has caused drainage issues in her back yard. The Apartments have made cuts in the curbs that allows them to drain into her backyard. This business will use dumpsters that will attract animals like rats.

Dude Payne County Commissioner Precinct 1. The county has been looking to build a building to replace the current location on Plantation Drive. The county bought property on Garland Drive to build on however with the retention pond that would have to be built, the Garland Drive property is not big enough. The Sheriff, Constable and Judge Brown, Justice of the Peace 1, tax office, county clerk’s office, and health department will be located in this building. Gerald Hendrix and Mary Shine were present from the county. They showed a conceptual drawing and will be in budget discussion next week. They hope to build Peach Street to bring people in off Plantation Drive and Sycamore which should alleviate some of the traffic on Talisman.

Mayor Rinehart asked that Commissioner Payne explain the connection of Peach Street.

Gerald Hendrix stated Peach Street would come off Plantation Drive and connect to Sycamore Street on the side of the property closest to Plantation Drive.

Mayor Rinehart asked that drainage be addressed.

Mr. Hendrix spoke on the drainage stating they will have a one acre retention pond along with green space for the property to drain into the pond.

Mayor Rinehart asked with the addition of other entities being located in this building would this be an 8am-5pm operation.

Commissioner Payne stated the building would be operated from 8am-5pm Mon-Fri and they will build the amount of parking the city requires.

Mr. Hendrix said currently they have just over 200 parking spaces planned.

Commissioner Payne stated that the WIC and Health Department will have a separate entrance with their busiest time of the year will be during school inoculations.

Council member Buell asked how many employees are expected to be working at this location.

Commissioner Payne stated 30-40.

Mayor Rinehart asked if the 200 spaces included the employee parking.

Commissioner Payne stated it did include the employee parking and there would be a drive through for the tax office.

Mr. Hendrix stated there would be handicap parking along the front. There will be a dumpster that will be fully enclosed.

Mayor Rinehart asked if there would be a way to move the dumpster away from the residential side.

Mr. Hendrix stated they could do that.

Council member Scott asked how the retention pond would be built, would it be grass or a pond?

Mr. Hendrix stated typically it would be a fenced in grass pond, but until a civil engineer is hired he could not answer the question.

Council member Buell asked if it would be like the retention pond at the intermediate school.

Council member Roznovsky asked if it would be a pond or a buffer. During heavy rains, it would fill up and flow out slowly or would it sit and hold water.

Mr. Hendrix stated as of right now he could not answer the question.

Mr. Yenne stated it would be a dry retention and would not hold water regularly.

Council member Scott asked if there was any concern of the runoff coming from the vehicle parking would be a concern.

Mr. Hendrix stated there has been no concern in the past with their other retention ponds. This has not been before the engineer for that aspect.

Commissioner Payne stated he hoped to hire an architect in this year's budget to get the building designed. He did not think it would be built until 2019 or 2020. He is hoping the County Engineer can put the development of Peach Street in his budget and have it built in 2018.

Mr. Yenne stated that this is currently R-2 single family and would be rezoned to B-1 neighborhood business. The area along Plantation Drive is already B-1, the apartments are zoned R-4 multifamily and Ms. Smith and her neighbors are zoned R-2 single family.

Council member Scott asked about draining into the sewer system.

Sal Aguirre said the main drainage system that services this area goes to the main channel off Post Oak Street and then crosses the highway and connects to the Clute/Lake Jackson drainage channel.

Mayor Rinehart asked if there would be a problem moving the retention pond.

Sal Aguirre stated the whole area drains to that location. The retention basin will be allowed to discharge into the main system.

Mr. Yenne stated that water and sewer are readily available to the property.

Mr. Aguirre stated that the water and sewer in the area is ample to provide service to this development. He did not fill this building would be a high demand user.

Council member Roznovsky said for clarification we are requiring them to catch the first inch of water?

Mr. Aguirre stated that a certain type of storm event must be retained there.

Council member Roznovsky said the retention pond is supposed to soften the impact of the concrete structure.

Mayor Rinehart cautioned the amount of light pollution in the area with the residential area adjacent.

Council member Roznovsky asked if the apartment complex went in and cut the pavement to drain to the neighbors after the fact.

Ms. Smith said they did.

Council member Roznovsky stated there is an ordinance against somebody making modifications where they drain property from one property to somebody else's. We need to address that.

Ms. Smith said they were expecting the apartments to fill in the gaps with cement, but instead they have put sand bags in the gaps. The water as of this morning is draining into her yard. On Talisman, the residents were told the city dug an inlet with a grate over it and the residents were supposed to grade their yards to drain into the inlet. She has not figured out how to do that. She doesn't need the apartments draining to her yard. She asked if the retention pond would hold water long enough for mosquitos to breed.

Mayor Rinehart said the water would move out.

Council member Roznovsky said as the volume downstream moves out the pond will drain.

Pam Mahon 306 Balsam stated the flooding is bad on Talisman. Her concern is the ingress and egress. She is glad Peach is going through but where this is going in it is in a school zone. There is a lot of traffic on Sycamore already. With Sycamore being a residential street she is concerned for more traffic. At least two other properties on Plantation that back into this are for sale at this time and she wondered if that property could be bought for another entrance off Plantation.

Mr. Yenne stated that would be up to the property owners.

Ms. Mahon stated her main concern was the additional traffic on Sycamore. Additional traffic on Sycamore with a childcare there and a school zone were her concerns. The ditch this will drain into is very full of vegetation and doesn't look like it would drain well.

Council member Roznovsky said there is only one entrance on Sycamore. There will not be an in and out to the property, only on Peach Street.

Mayor Rinehart said a large number of people will turn onto Peach Street from Plantation Drive.

Ms. Mahon said a lot of people will turn left on Sycamore to get back to the highway.

Mayor Rinehart said he is going to base his trust in the police department and the Traffic Commission to develop a traffic pattern that will be safe for everyone and handle the traffic adequately. The County will work to that as well.

Council member Scott asked if any other locations were looked at for this development.

Commissioner Payne stated they bought property on Garland Drive that did not work out, they looked at the Randall's building and the property across the highway. They are getting this property at a good price. They have a contract on the property pending the rezoning. They would then sell the Garland Drive property, building on Plantation Drive and the building in Clute. They looked at 5 or 6 properties.

Mayor Rinehart said he felt Garland Drive would have been a bad location due to traffic.

Commissioner Payne said the property on Garland was not large enough. It was hard to find 5 acres in Lake Jackson.

Athelstan Sanchez wanted to give assurance to the residents that the County would have to adhere to the city's regulations regarding drainage. The run off from this property would go to the detention area and would be part of the volume that the detention area would be designed for. The job of the detention basin is to hold water until it gets to a point it can be released no greater than what it is releasing right now from the ground there as it is existing. The County will be required to capture your drainage along the parameter to the detention pond.

Council member Scott asked that the city inspector go talk to the apartment complex regarding the sand bags.

David Walton stated he was unaware of the situation and will address the issue and find out why the curb was cut in the first place.

Mayor Rinehart closed the public hearing at 7:00 p.m.

DISCUSS AND CONSIDER AN ORDINANCE REZONING PROPERTY OF B.C.I.C. SUBDIVISION, DIVISION 15, 5 ACRE TRACT KNOWN AS 1013 SYCAMORE FROM R-2 SINGLE FAMILY RESIDENTIAL TO B-1 NEIGHBOR BUSINESS – FIRST READING

On motion by Council member Roznovsky second by Council member Scott with all members present voting "aye" an ordinance rezoning property of B.C.I.C. Subdivision, Division 15, 5-acre tract known as 1013 Sycamore from R-2 single family residential to B-1 neighborhood business was passed on first reading.

PUBLIC HEARING TO CONSIDER REZONING 1.04 ACRES BEING LOTS 4, 5, 6, 7 AND PART OF LOT 8, BLOCK 1, AREA L (100 Block of Holly) OF THE CITY OF LAKE JACKSON FROM R-2 (SINGLE FAMILY) TO HOLLY HOUSES SUBDIVISION PURZ (R-2 SINGLE FAMILY)

Mayor Rinehart opened the public hearing at 7:03 p.m.

Reg Aplin, stated they are asking for this rezoning to allow 7 lots in this PURZ.

Mr. Yenne stated this has been before the Planning Commission on July 10<sup>th</sup> and they recommend rezoning.

Council member Brooks asked when Mr. Aplin would get started on the development.

Mr. Aplin said as soon as he gets approval he will start on the project within a few months. He looked at this property 20 years ago, and it was not a doable project at that time.

Council member Brooks asked if he would begin in September.

Mr. Aplin said he would not begin until the first of the year.

Mr. Yenne stated this could be approved at the next planning commission meeting.

Mr. Aplin stated he has not begun engineering plans.

Council member Brooks asked if he could begin sooner.

Mr. Aplin stated he would begin as soon as he could.

Mayor Rinehart closed the public hearing at 7:07 p.m.

DISCUSS AND CONSIDER AN ORDINANCE REZONING 1.04 ACRES BEING LOTS 4, 5, 6, 7 AND PART OF LOT 8, BLOCK 1, AREA L OF THE CITY OF LAKE JACKSON FROM R-2 (SINGLE FAMILY) TO HOLLY HOUSES SUBDIVISION PURZ (R-2 SINGLE FAMILY) – FIRST READING

On motion by Council member Roznovsky second by Council member Brooks with all members present voting “aye” an ordinance rezoning 1.04 acres being lots 4, 5, 6, 7 and part of lot 8, block 1, area 1 of the City of Lake Jackson from R-2 (single family) to Holly Houses Subdivision PURZ (R-2 single family) was passed on first reading.

DISCUSS AND APPROVE AN ALTERNATE SIGN PLAN FOR A MARQUEE SIGN AT THE LAKE JACKSON RECREATION CENTER AS ALLOWED UNDER CHAPTER 78 SIGNS SECTION 78-10(G)(5) OF THE CODE OF ORDINANCES OF THE CITY OF LAKE JACKSON

Jeremy Bubnick presented the following:

A new LED message center sign is proposed for the Recreation Center. It will replace the current sign that has the manual letters and numbers that must be changed by hand periodically. The current sign is approximately 130 sq./ft. (double sided) with two exposed metal poles for support.

The proposed replacement sign is 16 ft. tall with a 43.95 sq./ft. LED Electronic Message Center. The total square feet of the face of the sign (including the supports and decorative trim is approximately 135 sq./ft. The lighted area of the sign is approximately 75 sq./ft. The maximum square footage for a sign on a 30-mph roadway is 64 sq./ft. respectively.

Sec. 78-10 (g) (5) allows for an alternative sign plan. The section reads:

Developers of business sites (not located in B-1 zones) of twenty (20) acres or more shall be allowed to present an alternative signage plan to the Planning Commission. The Planning Commission shall then send a recommendation to City Council on the design, location, size height and material composition of the proposed sign. If the City Council approves the Planning Commission’s recommendations, the Building Official shall issue the permit.

The Planning Commission approved the alternative signage at their July 10, 2017 meeting.

On motion by Council member Broaddus second by Council member Brooks with all members present voting “aye” an alternate sign plan for a marquee sign at the Lake Jackson Recreation Center as allowed under Chapter 78 Signs Section 78-10(g)(5) of the code of ordinances of the city of Lake Jackson was passed on first reading.

AUTHORIZE PURCHASE OF PHONE EQUIPMENT TO R&M TELEPHONE IN AN AMOUNT NOT TO EXCEED \$99,075 WHICH INCLUDES A 5% CONTINGENCY THROUGH THE CHOICE PARTNERS PURCHASING COOPERATIVE

On May 26, 2016, the City opened RFP’s for the replacement of the phone systems in the main city complex (Civic Center, Library, PD, Fire Station and City Hall which also provided service to the Water Reclamation Plant.) The RFP was sent out to 21 vendors who had requested the RFP. Staff received 18 responses that were evaluated.

Upon review of the proposals, and viewing of the equipment proposed the committee has selected R&M Telephone. The qualifications considered were, their equipment was preferred by the committee, their experience with other law enforcement agencies and 911 in the area was a plus, their proximity to city buildings was closer than all but one other vendor, and their price was the second lowest of all proposals. Datavox was second choice

The equipment and installation will be purchased through the Choice Partners Purchasing Cooperative administered by the Harris County Department of Education. The City Council approved an inter-local agreement with HCDE on April 3, 2017 to purchase products and services through their purchasing cooperative program.

Evaluating Committee: Bryan Sidebottom, Lieutenant, Reyna Bailon, Dispatch Supervisor, Debra Barnett, Dispatch Supervisor, Christie Lewis, Customer Service Supervisor, Crystal Faulk, Cashier, Dee Prebys, Systems Analyst – PD, Bradley Tyler, Systems Analyst.

On motion by Council member Roznovsky second by Council member Buell with all members present voting “aye” approval was granted for the purchase of phone equipment to R&M Telephone in an amount not to exceed \$99,075 which includes a 5% contingency through the Choice Partners Purchasing Cooperative.

DISCUSS AND CONSIDER TRAFFIC COMMISSION RECOMMENDATION TO DESIGNATE TWO 30 MINUTE PARKING SPACES MONDAY – FRIDAY FROM 9AM – 6PM ON CENTER WAY IN FRONT OF ABC REALTY DURING THE CONSTRUCTION OF SOUTH PARKING PLACE

The Traffic Commission recommends the placement of 30 minute Monday – Friday from 9:00 a.m. to 6:00 p.m. parking signs at 2 parking spaces at Center Way and South Parking Place in front of ABC Realty.

Ms. Tammie McQueen, owner of Tammie’s Touch made a request for limited parking at the Traffic Commission’s July 11th meeting. She stated that the parking around her store was completely full during the lunch time hours and prevented many of customers from visiting the store. The Traffic Commission took into account the construction of S. Parking Place and recommended that the 2 spaces be designated for 30-minute parking during the construction period and then evaluate the continued need after S. Parking Place is improved.

Currently the City has four 15-minute parking spaces in downtown designated by ordinance (Ordinance No. 04-1756). Two spots have been removed on North Parking Place since they were designated for the type of business at that time (Lake Cleaners) and it is no longer there.

Council asked that this be brought back in ordinance form for first and final reading at the August 7, 2017 meeting.

DISCUSS AND CONSIDER PROPOSED FY 2017-2018 ANNUAL BUDGET AND GIVE DIRECTION TO STAFF

Council had no changes for the budget.

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

Athelstan Sanchez presented the following information for the council packets.

Phase I:

Sent review comments on Phase I report and the actual hydraulic and hydrologic model to Freese & Nichols (FNI).

Phase II;

Doyle & Wachstetter (Surveying & Mapping Co.) has completed processing topographic information gathered from their aerial flight survey by Drone UAV and synchronized ground elevations with the City of Lake Jackson bench mark, making them seamlessly merged with elevation values obtain from conventional means.

The Wilson Group (FNI original contracted Surveying Team) is still conducting on the ground conventional topographic surveying of ditches and preselected cross sections of streets within the same areas surveyed by drone. They are about 80% complete.

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 review of Phase I and delivery of all requested information for Phase II is complete

Freese and Nichols Update:

***Phase 1***

Awaiting comments on submitted draft memorandum and H&H Models

**NOTE:** *All hydrologic methodologies used in Phase 1 will be used in Phase 2. If there are comments or questions on these methodologies, please bring this to FNI's attention ASAP so they can be resolved*

*immediately. A final invoice for Phase 1 also cannot be sent until completion of the phase - including the*

*City's review and FNI addressing any comments or questions.*

***Phase 2***

Survey by Doyle & Wachstetter has completed and a deliverable has been provided to FNI.

Survey by the Wilson Survey Group is approximately 80% complete.

**UPCOMING ACTIVITIES**

***Phase 1***

Address any comments from the City and finalize the draft memorandum and H&H models

***Phase 2***

Coordinate with the City and the Wilson Survey Group as needed.

Continue work on the H&H task of Phase 2 by finalizing hydrology and building on to the hydraulic model.

**PROJECT SCHEDULE AND UPCOMING DELIVERABLES**

Phase 1 has not been finalized due to waiting on feedback from the City.

Phase 2 Data Collection task is still in progress (and will continue until survey is completed).

Survey began on May 30, 2017.

D&W has completed survey and provided a deliverable to FNI.

WSG is expected to complete all field survey and submit a deliverable to FNI within 9 weeks.

Due to revising the scope for the Wilson Survey Group and adding another surveyor for drone survey, data

collection is behind schedule.

Phase 2 H&H task is in progress.

**OUTSTANDING ISSUES OR INFO NEEDS**

FNI is waiting to receive the following data from the City.

Construction/ as built plans for the recently completed Kroger at Oyster Creek Drive and Dixie Drive

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 asked about the work on Plantation Ditch. David Van Riper stated it was maintenance on the ditch.

ITEMS OF COMMUNITY INTEREST

Mr. Yenne stated the Council review of the Council appointed employees is typically the first meeting in August however he will be in Michigan on that date. He asked Council if they would like to have the evaluation of the council appointed employees at the July 24<sup>th</sup> meeting or move to August 21<sup>st</sup>. He reminded Council of the meeting at 5:30 p.m. for the Buxton presentation on Monday July 24<sup>th</sup>.

EXECUTIVE SESSION - IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SECTION 551.072: TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY BECAUSE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

Mayor Rinehart moved to executive session at 7:30 p.m.

Mayor Rinehart reconvened the meeting at 7:48 p.m.

ADJOURNMENT

There being no further business the meeting adjourned at 7:48 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Joe Rinehart, Mayor

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Alice A. Rodgers, City Secretary