

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, August 20, 2018 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:

Bob Sipple, Mayor  
Buster Buell, Council member  
Vinay Singhanian, Council member  
Matt Broaddus, Mayor Pro Tem  
Tim Scott, Council member  
Gerald Roznovsky, Council member

William P. Yenne, City Manager  
Modesto Mundo, Asst. City Manager  
Sally Villarreal, Asst. City Secretary  
Sherri Russell, City Attorney  
Pam Eaves, Finance Director  
Rick Park, Police Chief  
Sal Aguirre, City Engineer  
Terri Cardwell, Volunteer Coordinator  
David Van Riper, Public Works Director  
Eddie Herrera, Engineer Technician  
John Boehm, Asst. to the City Manager  
Athelstan Sanchez, Asst. City Engineer

PLEDGE OF ALLEGIANCE

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

INVOCATION

Council member Buell led the invocation.

VISITORS

There were no visitors present.

COMMENDATIONS

There were no commendations.

PRESENTATIONS - PROCLAMATION – PATRIOTS’ DAY SEPTEMBER 11<sup>TH</sup>

Mayor Sipple proclaimed September 11<sup>th</sup> Patriots’ Day.

CONSENT AGENDA

- A. Approval of minutes – August 6, 2018
- B. Boards and commissions
- C. Approve closure of Circle Way street on Saturday, September 8, 2018, 6pm-10pm for the Vocal Trash Concert on the outdoor plaza in celebration of the city of Lake Jackson 75th Anniversary

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

- A. Approval of minutes – August 6, 2018 - approved
- B. Boards and commissions - accepted

- C. Approve closure of Circle Way street on Saturday, September 8, 2018, 6pm-10pm for the Vocal Trash Concert on the outdoor plaza in celebration of the city of Lake Jackson 75th Anniversary - approved

PUBLIC HEARING TO DISCUSS THE PROPOSED TAX RATE OF \$.3352 (PER 100) WHICH IS 2.99% GREATER THAN THE EFFECTIVE RATE FOR THE CITY OF LAKE JACKSON

Mayor Sipple opened the public hearing at 6:34 p.m.

Mayor Sipple read the following statement: This is a public hearing on the proposed tax rate of \$ .3352 (per \$100), which would increase taxes above the effective tax rate by 2.99%, for the City of Lake Jackson fiscal year 2018-2019.

There will be a second public hearing on the tax rate on August 27, 2018 at 6:30 p.m. at City Hall, 25 Oak Drive, Lake Jackson, Texas.

The City Council of the City of Lake Jackson will vote to adopt the proposed tax rate on September 4, 2018 at 6:30 P.M. at City Hall, 25 Oak Drive, Lake Jackson, Texas.

Mr. Yenne stated when the budget was originally proposed staff received property values from the Appraisal District and proposed keeping the current tax rate the same which was \$.3375 which is one of the lowest in the State of Texas. The values came in higher than anticipated, especially the new values added to the rolls came in instead of \$50 million they came in at \$130 million. We were able to lower the proposed tax rate to \$.3352 and still accomplish everything that was included in the budget. The increased revenues we are using to fund two new dispatchers and a sergeant at the police department as well as adding crossing guards and increasing their pay some. Staff is proposing a tax rate of \$ .3352 (per \$100), which would increase taxes above the effective tax rate by 2.99%.

Paul Bruce, Clute stated that his mother owns commercial property in downtown Lake Jackson. They try to provide fair rent to their tenants. Every year it is an uphill battle with the Appraisal District. He stated that this year there was a 17% in taxes they are going to be paying on those properties due to increase in values. The city talks about raising the effective tax rate and he felt he was being pushed in a corner by the Appraisal District. He stated some of the properties downtown went up double in value. His concerns with the amount the Appraisal District is increasing the value of the property every year. He protests the taxes with the Appraisal District each year. He stated the city of Stafford does not have a property tax and thought the city might investigate the methods they are using in Stafford.

Council member Roznovsky asked if the properties Ms. Bruce owns were in the areas that have been redeveloped?

Mr. Bruce stated half were.

Council member Roznovsky said when the city started talking about the redevelopment, there is good side and then there is the impact of the improvements affecting the price and value of the property. He stated he was interested in what the impact was. He hoped at the end of the day it all evens out. He asked if those properties that doubled in values were in the redevelopment area.

Mr. Bruce stated that one property that doubled was not where any of the improvements were.

Council member Broaddus asked if the Appraisal District sited those improvements as a reason for the increase in property value.

Mr. Bruce said one person at the Appraisal District told him they were being penalized if they were too low on some of the values downtown.

Council member Roznovsky said he had problems with how the State has set the system up. The Appraisal District receives a bad grade from the State if they don't set the values high enough.

Mr. Bruce stated the values are tied to the school districts and the amount of funding they receive. The property he is referring to is Smithharts and Dominos.

Council member Singhanian stated that not only the businesses but the homeowners are suffering the same and they don't have additional income as business income and they have to budget as well. On the other hand, the city workers have waited a long time and given up so much when things were not good. They deserve getting a raise and the police department getting people they need to protect our citizens properly.

Mr. Bruce said he knew there was additional population in the area due to some growth. He understood we needed more protection from drifters coming in to our economy to take advantage of.

Mr. Yenne stated that Lake Jackson gets one number from the Appraisal District. For the city the net increase from existing property to existing property this year is 4%. Some are getting hit harder than others. We have had a tradition here that when we are able to satisfy the needs we lower the tax rate. That is what happened. We did not expect the property values to come in as high as they were particularly the new values on the tax roll. We were able to drop the rate from \$.3375 to \$.3352. That does net to a 2.99% increase over the effective rate. We are using those dollars for the two new dispatchers and the sergeant, additional crossing guards and a small increase in pay for those folks as well. This is the second lowest tax rate we have had in the history of the city. The lowest was \$.325. The way things are going we are probably headed that direction. It is the State that is driving the Appraisal District to raise the values and it is because of the school funding. Our school district does a good job and has one of the lower tax rates for a school district in the State. Lake Jackson is about the 10<sup>th</sup> lowest in the State for cities over a population of 10,000. That is something we take a great deal of pride in. During the recession the city maintained the tax rate at \$.39 even when the values went down. We actually saw a decrease in our taxable values and in our taxable income. Our budget went down during the recession. There are times when the needs are there. The police officers are doing an excellent job and they need the support staff and the dispatchers to help them. They are their lifeline. They have been running short. We understand where you are coming from, but we basically see one number from the Appraisal District and we base our numbers off of them. We are not shifting the responsibility to anybody. We are trying to be reasonable and conservative in the way that we do this.

Mayor Sipple closed the public hearing at 6:57 p.m.

DISCUSS AND CONSIDER REPORT FROM BRAZOS MALL PARTNERS, LLC ON THEIR INITIAL INVESTMENT OF \$17,518,179 TO THE BRAZOS MALL AS REQUIRED BY THEIR 380 AGREEMENT WITH THE CITY

On January 3, 2017 the City entered into an Economic Development Agreement with Brazos Mall Partners, LLC (the Mall Owner) in accordance with Chapter 380 of the Texas Local Government Code. Under terms of the agreement, the Mall Owner will expend at least \$8,000,000 to fund renovations to the Brazos Mall or tenant acquisitions, expansions and relocations within three years of the Effective Date. The City will provide certain rebates according to terms of the agreement for Sales Tax Revenue (City's 1% rate). The term of the agreement is fifteen (15) years and the Maximum Grant payment of .375 of the amount invested shall not exceed \$7,500,000. Only the 1% sales tax is shared once base sales of \$63 million is reached each year.

As part of the agreement Brazos Mall is required to report to City Council on their initial investment. As of this date the Brazos Mall Partners reports an initial investment of \$17,518,179. Centennial Brazos Mall has offered to provide an Affidavit of Owner to satisfy Article 4, Owner's Performance Conditions, specifically 4.1.

4.1 Complete the Initial Conditions. A list of eligible Projects that will be considered Investment is attached as Exhibit B. The cost estimates listed in Exhibit B are for illustrative purposes only. The estimated costs may shift among eligible Project categories shown on Exhibit B. The Investment made will be based upon documentation of the actual costs incurred for eligible Project(s).

Mr. Mundo stated that Mr. Robinson is present to review the terms in the 380 Agreement between the Mall and the City. This agreement was to entice additional investment in the Mall. This agreement takes off several properties that were in the initial agreement, Best Buy, Office Depot and Pet Smart. Those properties are now on their own and are fully taxed.

Mr. Mundo stated that this investment was to entice new development. As part of this agreement there was an initial investment that needed to be made of \$8 million dollars in the first 3 years. They have exceeded that. Their investment is approximately \$17 million. Our payment is based on a percentage of that. We have a cap of \$20 million, they still can make additional investments to the property and our proportional payments can go up, but it caps at \$20 million.

Oliver Robinson, Brazos Mall said since they started looking at the Lake Jackson market and purchased the Brazos Mall in 2015. He discussed the retail downturn that took place and the strength in this community and the economic growth that has happened, they have been able to continue growing the Brazos Mall in a way they are proud of. He talked about the construction costs. They have invested heavily in the Mall. In the time the retail took a down turn, the construction costs were increasing for a while at 1% per month for a period of time. He believes the outcome has been good and they have a more work to do. They still have vacancies they would like to see filled. They are proud of the performance of the tenants they have now. The purpose of his coming down here was to see what needed to be done to get this initial investment memorialized. He recommended the signing of an affidavit testify to the investment they have made.

Council member Singhanian asked how much of the \$17 million went to refurbishing the Mall and how much went to bring in new tenants.

Mr. Robinson stated that \$3 million went to the floors, paint and the food court, the bulk went for the big boxes to replace Sears. Ashley Furniture, TJMaxx, Home Goods and Ulta went in place of Sears. All the exterior walls had to come down and just over \$12 M went in the Sears box. Hurricane Harvey delayed the opening of TJMaxx and Home Goods that resulted in 6 months of lower revenue than anticipated for the Mall.

Council member Buell how many vacancies they have.

Mr. Robinson stated he did not know the number, but there are probably 6 significant vacancies. However, there are temporary tenants in them now. Urban Air is opening before the end of the year. They are working on a new restaurant near the new Marriott.

Council member Roznovsky stated that in talking about the agreement there was supposed to be a certain amount of money spent on infrastructure. He asked for a status on that.

Mr. Robinson stated he was not sure. They did upgrades to the pump station across from the Academy land that they are responsible for. They have not had any issues since then.

Mr. Yenne stated they have also done a lot to the inside of the building.

Mr. Robinson stated the following are projects that have been completed.

### **Investment Expenditures**

#### **Brazos Mall**

<b>Capital Expenditures Since Acquisition</b>	<b>Amount</b>
Land & Parking Lot Improvements	\$213,742
Building Improvements & Interior Renovation	10,260,511
Tenant Improvements	5,613,445
Lease Commissions	929,259
Work In Progress*	501,222
<b>Total Capital Expenditures</b>	<b>\$17,518,179</b>

\* Capital expenditures for tenants that have not yet opened

<b>2017 Marketing Expenditures</b>	<b>Amount</b>
Marketing Expenses	\$161,670
Community Outreach	43,762
<b>Total 2017 Marketing Expenditures</b>	<b>\$205,432</b>

<b>Eligible Projects</b>	<b>Amount</b>
Roof, Parking Lot, Deferred Maintenance, skylight lenses	\$213,742
Mall Renovations-Interior, Electrical, Entry, Plaza, signage	3,070,304
Sears space-Utilities, Exterior, Demising, Docks, Interior, prep for tenants, tenant allowances	12,051,046
Pangco Box-Interior buildout, exterior, prep for tenants, Tenant allowances	
Dillard's Men's Box-Interior buildout, roof, utilities, tenant allowance and buildout	501,222
Interior Shell Space near Food Court – buildout, slab, utilities, tenant allowance	
Reconfigure for Large Interior Tenant-utilities, slab, demising, tenant allowances, prep for tenant	163,527
Owner's investments since acquisition (excl amounts covered by insurance)-HVAC, roof, A&E planning costs	
New tenant acquisition – buildout, utilities, tenant allowance, commission, demising of space	460,969
Tenant expansions and relocations – buildout, slabs, utilities, commissions, demising of space	1,057,470
<b>Total 2017 Marketing Expenditures</b>	<b>\$17,518,179</b>

On motion by Council member Broaddus second by Council member Scott with all members present voting “aye” the numbers from Mr. Robinson were accepted to begin the sharing of the sales tax portion of the economic development agreement.

**REQUEST BY THE FILL STATION TO CLOSE PARKING WAY FROM OAK DRIVE TO SOUTH PARKING PLACE WEST BOUND LANE ONLY FROM 10AM-12AM SEPTEMBER 15, OCTOBER 27 AND DECEMBER 22**

Kyle Devine 120 Cottonwood, Ken Devine 157 Plantation Court, Kevin Rosenbaum presented the following information for consideration.

They plan to host three large events over the course of the next few months. For the safety and security of children and patrons, they would like approval for partial road closure from 10am to Midnight on each of the dates. The Fill Station is requesting a one-lane road closure on the westward bound side of Parking Way Street between the blocks of Oak Drive and S Parking Place. These will be ticket only events with an expectation of 500 attendees though out the day.

Dates - September 15<sup>th</sup> End of Summer Shrimp Boil, October 27<sup>th</sup> Boos, Booze and Boobs: Breast Cancer Awareness Halloween Party, December 22<sup>nd</sup> Christmas Party. The Fill Station will be providing all day live music throughout the duration of each event. In addition to their two (2) restrooms at The Fill Station, they will have four (4) portable toilets on-site during the event.

They have hired two (2) officers to provide security during the event. Beginning at 3pm until Midnight. A Lake Jackson EMS vehicle will be parked at the start of the road block on Parking Way St and the corner of Oak Drive.

This is a ticket only event and will not be open to the public.

The Fill Station will be renting a roll-away dumpster from the City of Lake Jackson to ensure cleanliness is maintained throughout the duration of the event. Following the event, we have scheduled additional help to sweep and power wash any debris remaining.

They have reached out to other local business owners to make them aware of our plans and inform them of the road closure. Fortunately, all neighboring businesses that might be affected are closed on Saturdays and should have no consequence to the road closure. These businesses include: Dr. Bui, Dr. Grady, Best Insurance, Cordoba Law Firm, and Heritage Bank.

They would like to give back to the community by having annual fundraisers such as the October event: Boos, Booze and Boobs: Breast Cancer Awareness Halloween Party. By teaming up with local initiative, the Mermaid Project, as well as Freeport LNG they have set a goal to raise \$20,000 to give back to victims of breast cancer in our community. In addition, they hope to host a Mental Health Awareness fundraiser in May.

On motion by Council member Buell second by Council member Singhania with all members present voting “aye” approval was granted to The Fill Station to close Parking Way from Oak Drive to South Parking Place west bound lane only from 10am-midnight on September 15, October 27 and December 22.

L.J.E.M.S. (LAKE JACKSON EMERGENCY MEDICAL SERVICE) BI-MONTHLY REPORT – FRED ORTIZ

Fred Ortiz, LJEMS presented the bi-monthly report.

ORDINANCE AMENDING CH. 98 TRAFFIC AND VEHICLES TO PROHIBIT THE PARKING OF PASSENGER VEHICLES IN RESIDENTIAL YARDS – FIRST READING

Sherry Russell stated that this ordinance will prevent residents from parking passenger vehicles directly on the grass or dirt in their front yards. It also requires residents to have two spaces in their driveways to ensure that they have room to park at least two vehicles in their driveways. She added the exceptions that Council discussed in June along with a definition of what park and parking means. This ordinance will become effective January 1, 2019.

Council member Singhania asked if this would prohibit yard parking beyond the build line of the house.

Ms. Russell stated that this does not allow yard parking if you can see it from the right of way. You can put the car in the back yard.

Council member Singhania said he was referring to the side of the house.

Ms. Russell said if you can see it from the right of way you cannot park on the side.

Council member Singhania said he has heard concerns from residents regarding out of town family visiting and not being able to park on the side of the house. They do not want to park in the street because of vandalism.

Ms. Russell stated she would define temporary special events, loading and unloading times.

Walter Branson said he does not allow his tenants to park in the yard and like the idea of the ordinance.

Council asked that this be brought back with changes.

DISCUSS AND CONSIDER A GUARANTEED MAXIMUM PRICE WITH NOBLE CONSTRUCTION, LLC AS THE CONSTRUCTION MANAGER AT RISK OF \$500,000 TO REPAIR THE WILDERNESS GOLF CART BARN DAMAGED DURING HURRICANE HARVEY

During Hurricane Harvey the Wilderness Golf Cart Barn was severely damaged by flood waters. In January 2018 we selected Noble Construction, LLC as the Construction Manager at Risk charged with the responsibility of providing us a Guaranteed Maximum Price for the scope of work submitted by the owner.

The project was delayed several months until the amount of insurance coverage and scope was agreed upon. TMLIRP, the City’s insurance carrier has reimbursed the City \$396,816.92 for repairs. To date the City has paid \$141,465 to remove damaged materials, repair electrical equipment and replace furnishings for damages to buildings at the golf course. The last repair to be made for building repairs is the Cart Barn. Noble Construction has provided the City with three options. The first repair option with a GMP of \$404,320 includes the replacement of the metal roof. We have experienced leaks since the storm, but the adjusters did not attribute the damage to the storm thus it will not be a covered item. The second option does not include the replacement of the roof but only minor repairs. The cost for the second option is \$354,265. The third option includes placement of a PVC overlay on the metal roof at a cost of \$420,250. Staff recommends Option 1.

A summary of the GMP options are noted below:

	Option 1 New Metal Roof	Option 2 Roof Repair	Option 3 PVC Roof Overlay
Guaranteed Maximum Price	<b>\$ 404,320.00</b>	<b>\$ 354,265.00</b>	<b>\$ 420,250.00</b>
Satellite Restroom - complete	23,365.00	23,365.00	23,365.00
Other Building Repairs (includes repairs charged to G.F. in FY 2017 - \$21,392.14)	150,543.14	150,543.14	150,543.14
Total Cost to Repair Buildings	\$ 578,228.14	\$ 528,173.14	\$ 594,158.14

On motion by Council member second by Council member with all members present voting “aye” approval was granted for a guaranteed maximum price with Noble Construction, LLC as the construction manager at risk of \$404,320 for option 1 to repair the Wilderness Golf cart barn damage during Hurricane Harvey.

AWARD CONTRACT FOR ENGINEERING SERVICES FOR THE DOWNTOWN REVITALIZATION PROJECT PHASE 3 TO KIMLEY-HORN IN AN AMOUNT NOT TO EXCEED \$936,000

In May of 2016 the voters approved the issuance of an additional \$16 million in General Obligation Bonds. The bond issue included \$9.6 million for the third phase of the Downtown Revitalization Project. This project includes the reconstruction of 2,800 linear feet of streets, sidewalks, utility lines, and public parking along North Parking Place, That Way from Parking Way to Oyster Creek Drive, and Circle Way from Oak Drive to That Way.

On May 24, 2018, the City received 11 submittals to City’s Request for Qualifications for engineering services. The selection committee consisting of Gary Rodgers, LJDC Chair, Sal Aguirre, City Engineer,

Eddie Herrera, Engineering Technician, Jeremy Bubnick, Parks & Recreation Director, and John Boehm, Assistant to the City Manager, selected 6 firms for interviews over a three day period.

Based on the interviews and each firms RFQ submittal, the committee recommended that staff seek a proposal for engineering services from Kimley Horn. After several weeks of clarify the scope of the project staff recommends the award of a contract to Kimley Horn in an amount not to exceed \$936,000. The cost of services is within the budget (\$1,420,000) for the proposed services.

On motion by Council member Roznovsky second by Council member Singhania with all members present voting "aye" contract was awarded for engineering services for the Downtown Revitalization Project Phase 3 to Kimley-Horn in an amount not to exceed \$936,000.

DISCUSS SINGLE FAMILY RENTAL INSPECTION PROGRAM AS A RESULT OF RECENT RENTAL INSPECTION PROGRAM WORKSHOP

Mayor Pro Tem Broaddus took over the meeting as Mayor Sipple owns rental property.

Mr. Yenne stated that Council did not have a chance to talk at the last meeting, so this item was added for Council to have the opportunity to discuss the rental inspection program.

Council member Buell said the landlords seemed to be dedicated to keep their houses up. He felt when someone came in to turn their water on staff could give them information to educate them on the program. He did not feel an additional employee was needed for this program.

Council member Singhania said he agreed with Council member Buell. However, there are issues that need attention. If some sort of information could be presented to people when they are renting a home to give them recourse. There are frustrated renters in the area.

Council member Buell stated he felt there were a lot of people that did not realize they could speak with staff regarding the condition of the rent houses.

Council member Roznovsky stated at the last meeting we heard from the landlords and not the renters that are one paycheck close to being evicted. There have been rental homes identified that were in terrible shape. We did not hear from the single mom who has to get a pair of channel locks to turn on the water every time their child wants to take a bath and is working to make ends meet being paid less than the workers at Bucees. He felt the city should set up a voluntary program where they could ask the city to inspect the property and they could become a blue-ribbon property. We can develop pamphlets to educate the renters and make them aware of the blue-ribbon program. We have things in place to address the issues that need to be corrected. There was a house before the DSDB board and the owner was at the workshop meeting and they were opposed to the rental program. There are great landlords that their rental properties are better than their own homes. The reason we were able to begin the apartment inspection program was because of several major incidents and the community got behind it.

Council member Scott said he sees this as a communication issue. There needs to be some way for the city to communicate to the renters and the landlords. That would give the renters an idea of what to expect and how to react and get things fixed. The landlords an idea of what to expect and how they will get feedback from the city and the renters. This is a matter of communication.

Linda Lopez, Regional Manager for a multifamily project stated she was all for the inspection process. This give landlords a conformation of the condition of the property before a new tenant moves in. The apartment complexes pay for the inspections per unit per inspection no matter if her property has a 95% pass rate. We inspect our restaurants, schools, day cares to ensure safety, why wouldn't we want the same

for rent homes. This is a minimal cost, \$24 dollars per year per unit and she has over 150 units on one property alone. Inspections should happen once annually. You should also have an inspection on long term renters simply for those renters that do not tell the landlord of issues in the home or apartment. She felt educational materials handed out by the city would be helpful. The city could offer cushion for those landlords that have a 90% or above pass inspection rate, a rebate.

Mayor Pro Tem Broaddus stated he would like to see in a voluntary program what percentage of the landlords would sign up for the program. If the program was not as productive as hoped, then revisit a possible mandatory participation. He said there is a lot of knowledge and passion with the landlords and suggested the city team up the landlord and inspectors to better define the scope of the inspections and come to an agreement on the inspections and the form.

Walter Branson 101 Caladium said the education and awareness is great. He felt a brochure when someone comes in to get their water turned on is great. Most of the landlords have a fear of bureaucracy. The blue-ribbon program is the first he had heard of it and did not know if he would want to be a part of it.

Council member Buell asked Mr. Branson why he did not want to be seen as a blue-ribbon property. People from out of town might not know Mr. Branson or if his properties were nice.

Mr. Branson said it was just one more thing to be involved in. If he needed help in renting his property because of competition, then he would be for the blue-ribbon program. People will not go to the city website to find rental property. He said the blue-ribbon program would not help him. He stated that his insurance company does inspections on his rental properties. He would be interested in the program if it showed up on Zillow, etc. He stated he started a list and is trying to get an association together for the landlords to discuss this.

Council member Scott stated they would need to meet on a regular basis and not just once a year to keep everyone on the same page.

Mayor Pro Tem Broaddus stated that the program that was presented was very detailed with sample forms and fee structure. Is there anything we can agree to? Is the \$20 fee a big deal, he thought it was not. It could be taken off the list of items to be debated.

Council member Roznovsky stated that for some of the owners it was an issue. They don't want to pay a fee associated with the program.

Mayor Pro Tem Broaddus asked if there was a core problem that needed to be focused on? Is it the vagueness of the language in the form? If that is the issue, then we need to get together and tighten up the language. Or is it generally no I don't want to register because I don't like the government. If there is a single issue we need to focus there.

Walter Branson stated he would like to sit down with David Walton to work on that. He did not think we had a serious problem in our town. Let's go work on safety somewhere else.

Council member Singhania said if there was one resident who had a problem and has to live in poor conditions that is one too many. He felt David Walton did a great job in putting his presentation together and trying to find a solution to a problem. He recommended that the landlords get with Mr. Walton to work on a solution long term, a form everyone can agree on.

Mr. Yenne stated that inspection staff does an excellent job and their concern is for the people. He felt

education is supreme and the landlords need to understand the Property Maintenance Code and what is required of them by State law. The building codes are set by the State of Texas and not the city. There was a time that there were properties throughout the town that were disgusting. Most are gone now. He felt information needed to be given to the tenants when they come in to open up their water service to let them know they can contact the inspection department should they have problems. Have meetings between the landlords and city staff, at least one a year that the city would host. We could talk about the property maintenance code and the things that are important, the problems the landlords are having and the problems the inspection department is having to try to address the issues. Our inspectors do a tremendous job, they stay within the law and they don't overreach. The only reason they are doing this is because they care.

Walter Branson stated he liked the idea of a meeting once a year.

Council member Singhania said he felt it should be the landlords that arrange for the meeting, so bureaucracy did not get credit.

John Fey 206 Rosemary stated he was a landlord with 6 houses. He thought there were avenues already existing for renters without having to start the inspection program. Maybe we communicate that to the renters when they turn their water on. Why do we have to come up with a whole new program.

Council member Roznovsky stated that the system in place today is reactive. The way the system should work is if the renter has an issue they should contact the landlord. If they can't resolve it with the landlord, then they can come to the city and code enforcement could get involved. It is a reactive system, not a proactive system. What is being suggested is a more proactive program. Some of the property owners are afraid of 'what will the inspector find'. That is why we said they have to have a very defined list of what they will go check. It will not give them carte blanc to go do a full-blown inspection. It is just to address certain things in certain areas.

John Fey said he did not think that would really work. You could have an inspection today, the renter moves in and 3 months later an issue comes up, what did the inspection get you. There should be a way for the renter to contact the city to get the issue fixed. Having an inspection program is just a snap shot in time. He is not totally against the program. He felt it was important to have a reactive program in place.

Council member Singhania said he is suggesting a voluntary program. The landlord could get a checklist to make sure everything is taken care of, so the tenant would not have to call anybody.

Mr. Fey stated he tries to be a good landlord and take care of issues. But liked the idea of a checklist. Somebody mentioned the \$25 fee, that is just another \$25 when he sees his insurance go up, property tax goes up and he cannot raise his rents as fast as all the cost keep increasing. He said at first, he felt the city was coming out with this program for the renters and not the homeowners because it was for safety. There are a lot more homeowners that have problems in their house. If you are going to inspect you need to inspect everybody.

Mr. Yenne stated that most people that buy a home have an inspection before they buy the home.

Mr. Fey said there are plenty of people out there that are living in homes that are not fit to be lived in.

Council member Scott said the City is going to hand out information, get everyone together and go over the information. We just need to get all the pieces together.

Irene McKay said she likes the blue-ribbon program but when she does inspections on food

establishments she has to be proactive and can't be reactive. She rates them excellent, good or satisfactory so any person on the street can go in and see the rating. Everyone here appears to be intelligent, you all know what excellent means, what good means and what satisfactory means. Whatever restaurant you choose to eat in is your choice, just like whatever home you choose to live in is your choice. It is our duty as employees of the city to make sure that the people who live, work and play in the city of Lake Jackson have a safe place to eat and a safe place to live. It is not just the restaurants, not just the rent homes it is also the day cares, nursing homes, grocery stores and convenience stores, school cafeterias. We cannot confine ourselves to saying 'oh another sewer leak' a sewer leak is bad, it is harmful, you can get terrible diseases just by walking through it then walking through someone's carpet and then their baby plays in it and put it in its mouth. It is not just that. It is smoke detectors, faulty wiring and leaks. Just like in the restaurants the only difference is the program we have in place for the restaurants, under the Texas Food Establishment rules gives us the power to tell them you cannot serve people here because you have a leak. You are going to contaminate your food, people will eat it, they will get sick and die. So, I think we should give the same consideration to our rent homes, whether it is a blue-ribbon hit or miss, sometimes they will call it in, sometimes they won't, whether it is a full inspection program, like our apartments that we have had so much success with since it was initiated. You have inspectors willing to do the job they just need the power to do it.

David Walton, we have been doing the apartment inspection for 10 years and it has been successful. In that time our pass/fail rate has gone from marginal to something that is very exceptional. As Ms. Lopez stated she passes 95% percent of the time with one of the oldest facilities in town. He apologized to Council member Buell for giving incorrect information the number of complaints. From January 2017 to date there have been 39 complaints at apartments. Based on 3,428 apartment units available that is one out of every 87.9 apartments have had a complaint. During that time, we have had 21 complaints at rental homes. Of the 1,146 rental properties as of March 2018 that is one complaint per 54.6 rental homes. A higher rate of rental homes is coming in over apartments.

#### DISCUSS SIDEWALK OPTIONS AS A RESULT OF RECENT SIDEWALK PROGRAM WORKSHOP

Mayor Sipple took over the meeting again.

Mr. Yenne stated there were lots of good options given at the workshop. This is another opportunity for Council to discuss this issue. Moving forward it will be a matter of communication. We can work to start to get information out. A lot of the sidewalks don't need to be replaced, just repaired. John Plaia came up with ideas for materials that residents could put on their sidewalks to make them level. One idea was to have a truck show up during a neighborhood cleanup day with cold patch in the back and allow the neighbors to load up wheel barrels to patch their sidewalks. We can identify those area that have already been done along with the new areas in town. We have a middle area of the streets we are going to be reconstructing. One idea was as we talk about the bond task force and the outstanding information that was provided on the estimated amount of sidewalk that potentially needed to be repaired. City sidewalks – the maximum we looked at was anywhere from \$350,000 to \$500,000. The residential sidewalks were considerable more than that. Council member Scott had suggested a 50/50 idea where if we got bond monies and repaired not only city sidewalks but also identified the residential properties through some assessment/review program then once the residential assessments were paid back you would use those funds to pay for the next set of repairs.

Council member Singhania said he liked the idea of section by section of areas of the city and supplying the materials for residents to work on their sidewalks.

Mayor Sipple said there are some areas where the cold patch would not work.

Council member Roznovsky said in 12 years he has served on Council and been involved in the city he had never gotten a call from a citizen asking for the sidewalk to be fixed in their front yard. What he does get on a regular basis is people can't walk down the sidewalk because cars are parked there. When we come up with capital projects we ask what is the priority? If the citizens ask for this to be a priority, then it should be moved up on the list. He stated that the property owners in his neighborhood, who could afford to repair the sidewalk, have bad sidewalks and they are not willing to make the repairs.

Mayor Sipple stated that there have been many issues on sidewalks. His concerns are for public safety. You can't walk on the sidewalks at night safely. He stated he has been approached from the public to talk about the condition of the sidewalks.

Councilmember Roznovsky stated there is another issue of people parking on the sidewalks which is as much of a safety issue as what the Mayor is saying. We have increased the amount of citations written for people parking on sidewalks. He is for safety but at the same time every time we raise the water rates he gets calls from people on fixed incomes that can't afford it. He stated we have to set a priority on where we spend our funds. If the community says they want us to go and spend \$3 million to fix the sidewalks, then we will go fix them.

Mayor Sipple said he is not talking about replacing all the sidewalks. He is talking about the areas that are heaved, sunken, differentiation of several inches, tilted away from each other. We are all for safety and we have an issue. The idea to provide material to fix those that are fixable is great. The others that cannot be patched need to be addressed. What is the best way to address this? He has gotten feedback from people that like the 50/50. There are some areas we have to get done. There are a lot of non-reported injuries.

Council member Buell asked how many injuries were on city sidewalks.

Mr. Mundo stated that the has city processed an average 1 reportable injury every two years.

Discussion followed on which sidewalks belonged to the city and how much money the city spends each year on sidewalks. Also, the need to communicate to the community the issue of responsibility and how this could be resolved.

Council member Roznovsky stated in the communication we could say if there is enough public feedback and if there is a neighborhood that want to come together to replace the sidewalks in their neighborhood they could approach the city to come up with a solution.

Mr. Yenne stated staff has begun with information in the newspaper and the upcoming Journal. He would like to explore the idea of going into different neighborhoods and help the residents. Get into the hands of the citizens on where they can get material to patch their sidewalks. In time the city will do every street in town. The 50/50 program with require Council coming up with the seed money, which is not currently in the budget. That would be in the 2019-2020 budget. In the meantime, we can see what can be done at this time.

Mayor Sipple stated the realtors needed to be informed of this.

DISCUSS AND CONSIDER PROPOSED FY 2018-2019 ANNUAL BUDGET AND GIVE DIRECTION TO STAFF

There was no discussion on this item.

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

PALM LANE

**Phase I:** Completed

**Phase II (approx. 70% Completion / Alternatives to coincide with Phase III ):**

Freese & Nichols (FNI) continues the process of finalizing response to my review comments of the Hydrology & Hydraulic (H&H) model sent for this phase.

Will be providing feedback on the proposed alternative for this phase.

**Phase III (Final Phase):**

The Wilson Survey Group (WSG) is picking up spot elevations, storm sewer inlets / pipes and/or cross sections missed during their topographic survey of all Areas 1,2,3, and 4, hence bringing this survey task to an end. FNI continues in collecting data and work on the H&H analysis for this Phase.

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 stated the striping is not done on Planation Drive bridge, working on school striping first. Repaired washout near Comfort Suites. Velasco Drainage District is continuing with clean up The Oak Drive South concrete pour scheduled for Friday. Sh332 west there is a new telephone company running lines. FM 2004 bridge rebar showed up today. Airport is bidding their utility project this week. Creekside 4 paving and utility should be done by October. Plantation Drive almost done on spot replacement. The turn signal at Circle Way and Oak Drive will be live August 28. Bid opening will be next week for the Woodland Park project.

ITEMS OF COMMUNITY INTEREST

Council member Scott stated that the Brazoria County SPCA had a successful clear the cage event this past weekend.

Council member Singhania asked about the second track Union Pacific is installing. Mr. Yenne said it will stop short of Lake Jackson city limits.

Mayor Sipple recognized that Chief Park presented a letter to Council thanking them for the Cadet Program.

ADJOURNMENT

There being no further business the meeting adjourned at 9:33 p.m.

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

\_\_\_\_\_  
Bob Sipple, Mayor

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

