

RESOLUTION NO. 14-682

A RESOLUTION OF THE CITY OF LAKE JACKSON, TEXAS, CANVASSING THE CITY ELECTION OF MAY 10, 2014 AND DECLARING THE RESULTS

WHEREAS, the Council of the City of Lake Jackson, Texas ordered an official election to be held on Saturday, May 10, 2014; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:

That the City Council officially finds and determines that the following votes were cast at said election for the Position of Mayor, Position Number 2, and Position Number 4:

Mayor				
	Absentee Voting	Early Voting	Election Day Voting	Total
Joe Rinehart	190	1094	521	1805

Position No. 2				
	Absentee Voting	Early Voting	Election Day Voting	Total
Will Brooks	167	945	460	1572

Position No. 4				
	Absentee Voting	Early Voting	Election Day Voting	Total
R.L. "Buster" Buell III	73	307	166	546
John A. Fey	24	296	163	483
Glenda Mendoza Rose	43	383	155	581
Douglas Kincannon	71	267	122	460

The City Council officially finds and determines that the following votes were cast at said election for the proposed amendment to the levy and collection of the ½ cent sales and use tax:

Sales and Use Tax Proposition				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	128	625	250	1003
Against	89	599	354	1042

The City Council officially finds and determines that the following votes were cast at said election for the sale of parkland

Parkland Proposition				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	185	993	466	1644
Against	34	258	145	437

The City Council officially finds and determines that the following votes were cast at said election for each of the proposed City Charter amendments

Amendment No. 1				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	196	981	461	1638
Against	19	181	100	300

Amendment No. 2				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	69	431	166	666
Against	155	790	439	1384

Amendment No. 3				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	74	447	169	690
Against	151	776	440	1367

Amendment No. 4				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	160	808	373	1341
Against	62	404	229	695

Amendment No. 5				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	166	806	373	1345
Against	57	407	230	694

Amendment No. 6				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	89	531	236	856
Against	134	680	368	1182

Amendment No. 7				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	196	1009	527	1732
Against	22	207	73	302

Amendment No. 8				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	205	1008	494	1707
Against	17	171	96	284

Amendment No. 9				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	172	891	423	1486
Against	44	279	152	475

Amendment No. 10				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	203	1020	504	1727
Against	18	155	80	253

Amendment No. 11				
	Absentee Voting	Early Voting	Election Day Voting	Total

For	192	955	453	1600
Against	28	222	134	384

Amendment No. 12				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	212	1072	535	1819
Against	8	112	56	176

Amendment No. 13				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	164	894	426	1484
Against	55	276	149	480

Amendment No. 14				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	193	992	463	1648
Against	23	178	112	313

Amendment No. 15				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	204	1088	516	1808
Against	9	104	64	177

Amendment No. 16				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	93	521	209	823
Against	120	656	372	1148

Amendment No. 17				
	Absentee Voting	Early Voting	Election Day Voting	Total
For	153	867	403	1423
Against	56	297	163	516

Amendment No. 18				
	Absentee Voting	Early Voting	Election Day	Total

			Voting	
For	193	1040	495	1728
Against	21	147	87	255

AND, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:

That the following persons are hereby elected to their respective offices:

Mayor	Joe Rinehart
Position No. 2	Will Brooks

That the City Council officially declares that Proposition 11, selling approximately 0.28 acres of parkland, gained a majority of the votes.

That the City Council officially declares the adoption of the amendments to the charter in accordance with Amendments 1, 4, 5, 7-15, 17 and 18. The text of the newly amended sections of the City Charter is attached hereto and incorporated herein for all purposes as Attachment A.

PASSED AND APPROVED by the Council of the City of Lake Jackson on the 19th day of May, 2014.

Joe Rinehart, Mayor

ATTEST:

Alice A. Rodgers
City Secretary

APPROVED AS TO FORM:

Sherri Russell
City Attorney

EXHIBIT A

Text Amendments to the City of Lake Jackson Home Rule Charter

Amendment 1

Sec. 1.03(e). - Extension of boundaries.

Extending limits by action of the city council. The city council shall also have the power by ordinance to fix the boundary limits of the City of Lake Jackson and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, with or without the consent of the inhabitants of the territory annexed, in a manner consistent with procedural rules prescribed by law applicable to cities operating under Charters adopted or amended under article XI, section 5, of the constitution of the State of Texas. Said ordinance, in original or amended form, as said city council in its judgment may determine, may be finally passed, and any territory so annexed shall be a part of the City of Lake Jackson.

Amendments 4 and 5

Sec. 3.01(f). - Number, selection and term.

(f) (1) A person who has served three (3) terms as a councilmember shall not be eligible to serve in such office thereafter for a period of 18 months, at which time that person's eligibility to serve another three (3) terms for that office shall be restored. A person who is elected as a councilmember at any city election or who is appointed or elected to serve an unfinished term of office shall be not deemed to have served one (1) term for term limit calculations.

(2) A person who has served one (1), two (2), or three (3) terms as a councilmember shall be eligible to serve another three (3) terms as mayor.

(3) A person who has served three (3) of terms as mayor shall not be eligible to serve as a councilmember or as mayor thereafter for a period of 18 months, at which time that person's eligibility to serve another three (3) terms in those offices shall be restored. A person who is elected as mayor at any city election or who is appointed or elected to serve an unfinished mayoral term of office shall not be deemed to have served one (1) term for term limit calculations.

Amendment 7

Sec. 3.04(d). - Compensation.

(d) A city councilmember may, at his or her discretion, waive receiving compensation for attendance at its meetings.

Amendment 8

Sec. 3.11. - Procedure for passage of ordinances.

The city council shall only consider ordinances and resolutions that are in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be clearly expressed in

the title. Ordinances making appropriations shall be confined to the subject of the appropriations. No ordinance shall be finally passed until it has been read on two (2) separate regular meetings of city council, unless the requirements for reading it on two (2) separate regular meetings of city council are dispensed with by an affirmative vote of all of the councilmembers present. If the second reading is dispensed with, the reason shall be recorded in the minutes of the meeting. The final reading of each ordinance shall be in full, unless written or printed copy thereof shall have been furnished to each member of the city council prior to such reading. The enacting clause of all ordinances shall be: "Be it ordained by the Council of the City of Lake Jackson.

Amendment 9

Sec. 4.04(d). - Municipal court.

The city manager shall appoint the clerk of the municipal court.

Amendments 10 and 11

Sec. 4.06(d). - Department of health and sanitation.

Sanitary code: The Texas Health and Safety Code or such sanitary code provided for by state law shall be used as the basis for the city's sanitary code. Such code shall provide for timely inspections to assure that its provisions are complied with; said inspections to be made in the manner designated, and by persons selected by the city manager. The powers of the city council to establish necessary rules and regulations for the purposes of this code shall include, but not to the exclusion of other powers , the following:

- (1) The power to establish quarantine stations and pest houses and to adopt ordinances necessary for the control of contagious or infectious diseases.
- (2) The power to regulate, license and inspect persons, firms, corporations, common carriers or associations operating any public place where food or drink or candies or manufactured sweets are served, sold or otherwise handled within the corporate boundaries of Lake Jackson; to prescribe health regulations with reference to any employees or workers used in any such place; to regulate, license and inspect the sanitary condition of such places; and to condemn all articles not wholesome or fit for human consumption.
- (3) The power to define all nuisances and prohibit the same within the city and outside the city limits for a distance of five thousand (5,000) feet; to prohibit the pollution or stoppage of any stream, draw or drainage ditch; to work in cooperation with the drainage commissioners for the improvement of the drainage system and mosquito control.
- (4) The power to license, regulate and inspect producers, carriers and retailers of meats and dairy products inside or outside the city limits from which meat or milk is furnished to the residents of the city.
- (5) The power to require property owners to make connections with the sanitary sewer system; to provide for fixing penalties for failure to make such connection and to provide for fixing a lien against any property owner's premise who fails or refuses to make such connection and to charge the cost against said owner and make it a personal liability.
- (6) The power to inspect restrooms open to the public and require their maintenance in a condition of cleanliness.

(7) The power to provide for the fixing of penalties for the failure of any person, firm or corporation to comply with such rules and regulations as are prescribed by the city council under the provisions of this article or the laws of the State of Texas, it being the intent of this Charter to vest in the city council not only the powers expressly enumerated in this article but all other powers, express or implied, granted under the general laws and constitution of the State of Texas in matters pertaining to health and sanitation.

PROPOSED AMENDMENT 12-14

Sec. 4.09. - Keep Lake Jackson Beautiful Commission.

There shall be established and maintained a Keep Lake Jackson Beautiful Commission for the restoration, preservation, and enhancement of scenic beauty, consisting of five (5) or more members who shall be residents of the city and who shall serve without compensation.

(a) *Selection.* The members of the Keep Lake Jackson Beautiful Commission shall be appointed by the city council; half of the members shall be appointed each year within thirty (30) days following the regular city election. In the event of an odd number of members, the extra member will be appointed in even-numbered years. The term of office of each member shall be two (2) years. In addition, the director of parks and recreation, as a representative of the city manager, shall be an ex officio member of the commission, and shall serve the commission in an advisory capacity, but shall have no voting rights and shall attend the meetings of the Keep Lake Jackson Beautiful Commission.

(b) *Vacancies.* Membership on the commission shall be accompanied by active participation in the activities of the commission and the city council may by ordinance provide attendance requirements. The commission shall at once notify the city council that a vacancy exists. Vacancies occurring in the commission, for whatever reason, shall be filled within thirty (30) days by appointment by the city council for the remainder of the unexpired term.

(c) *Rules of procedure; quorum; open meetings; records.* The commission shall annually elect one (1) of its members as chairman, and shall establish its own rules and procedures which shall include the following: A quorum shall consist of the majority of the voting members of the commission and an affirmative vote of the majority of those present shall be necessary to pass upon pending questions, the chairman being entitled to vote upon questions. Meetings shall be held, each month unless cancelled by the chair following meeting posting requirements, shall be open to the public, and a record of all proceedings shall be kept, which records shall be filed with the person performing the duties of the city secretary and shall be a public record.

(d) *Powers and duties.* The Keep Lake Jackson Beautiful Commission shall be and is hereby vested with the following powers and duties:

(1) Recommend to the city council for adoption, policies regarding the landscaping, the placement of trees, grass, shrubs, flowers and decorations within the corporate limits of the City of Lake Jackson, Texas, including public parks and private property used for public purposes.

(2) Recommend to the city council for adoption, policies concerning the aesthetic qualities that are involved in preserving and enhancing scenic beauty in planning and zoning the future development and redevelopment of the municipality.

(3) Make recommendations concerning the aesthetic placement of trees, grass, shrubs, flowers and decorations within the city and hold public hearings as necessary.

(4) Perform such other duties and be vested with such other powers as the city council shall from time to time authorize.

(e) *Liaison with city council.* The director of parks and recreation as representative of the city manager shall also coordinate the activities of the Keep Lake Jackson Beautiful Commission and those of the parks and recreation board and the director of parks and recreation as representative of the city manager or any member of council appointed by the city council shall serve as a liaison between these boards and the city council.

PROPOSED AMENDMENT 15

Sec. 1.03. - Extension of boundaries.

The boundaries of the City of Lake Jackson may hereafter be enlarged and extended by the annexation of additional territory as authorized under the terms and provisions of Texas Local Government Code ch. 43, as it now exists or may be hereafter amended, in any one (1) of the methods hereinafter designated:

(a) Extending limits in accordance with Texas Local Government Code ch. 43. Where such additional territory adjoins the corporate limits of the city and contains three (3) or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the city in the manner and in conformity with the procedure set forth in Texas Local Government Code ch. 43, as now or hereafter amended.

Sec. 2.02. - General powers adopted.

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the city shall have and may exercise all power of local self-government and all other powers which, under the constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Lake Jackson shall have and may exercise all the powers enumerated in the laws of the State of Texas, as now or hereafter amended.

Sec. 3.07(p) - Powers of the city council.

Exercise exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same as provided in Texas Transportation Code ch. 313, as now or hereafter amended.

Sec. 8.01. - Platting of property.

(a) Hereafter, every owner of any tract of land situated within the corporate limits of the City of Lake Jackson, who may divide the same in two (2) or more parts for the purpose of laying out any subdivision or any addition to the city, shall comply with the provisions of Texas Local Government Code ch. 212, as now or hereafter amended, and said Texas Local Government Code ch. 212, as now or hereafter amended is hereby adopted and incorporated herein for all purposes.

Sec. 8.04. - Zoning board of adjustment.

The city council shall appoint a zoning board of adjustment of five (5) members who shall be citizens of the City of Lake Jackson, shall be appointed to serve for a term of two (2) years, shall adopt rules in accordance with the zoning ordinance of the city, shall select one (1) of their number chairman and shall meet at the call of said chairman and at such other times as the board may determine. All meetings of such board shall be open to the public and minutes shall be kept of all proceedings, showing the vote of each member present upon every question. The board shall have all powers granted in Texas Local Government code ch. 211 as now or hereafter amended, which shall include the power to hear and determine appeals from refusal of building permits, and to permit exceptions to or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions and procedure specified in the zoning ordinance. Of the number first appointed to the zoning board of adjustment, three (3) members shall be appointed to serve until April 30, 1954 and two (2) to serve until April 30, 1955. Thereafter three (3) members shall be appointed thirty (30) days after the regular city election each even-numbered year, and two (2) members shall be appointed within thirty (30) days after the regular city election each odd-numbered year.

Sec. 11.13. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by Texas Local Government Code ch. 9, as now or hereafter amended.

Sec. 11.14(b). - Charter review commission.

(b) *Action by the city council:* The city council shall receive and have published in the official newspaper of the city any report presented by the Charter review commission, shall consider any recommendations made, and if any amendment or amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by Texas Local Government Code ch. 9, as now or hereafter amended.

PROPOSED AMENDMENT 17-18

Sec. 8.03(d). - Planning commission.

Powers and duties. The commission shall have the power and shall be required to:

(1) Make, amend, extend and add to the master plan for the physical development of the city.

(2) Approve or disapprove plats of proposed subdivisions submitted in accordance with section 8.01 of this Charter. In considering such plats, the planning commission shall require that the proposed subdivisions shall meet, so far as is practicable, all the standards of layout and street and sidewalk construction on comparable property within the corporate limits of the City of Lake Jackson, and shall further require that restrictions be placed on the use of the property which are consistent with the restrictions on comparable property within the City of Lake Jackson. Upon approving such plats, and before they are released for recording, the planning commission shall submit all copies of the approved plats to the city council for inspection.

(3) Make, and recommend to the city council for adoption, a zoning plan and recommend or disapprove proposed changes in such plan.

(4) Make, and recommend to the city council for adoption, plans for the clearance and rebuilding of blighted districts and blighted areas which may develop within the city.

(5) Meet each month unless cancelled by the chair following meeting posting requirements; meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in a newspaper in general circulation in the City of Lake Jackson.

(6) Perform such other duties and be vested with such other powers as the city council shall from time to time prescribe.