

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, February 7, 2022, at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall with the following in attendance:

Gerald Roznovsky, Mayor
Buster Buell, Mayor Pro-Tem
Vinay Singhania, Councilmember
Matt Broaddus, Councilmember
Rhonda Seth, Councilmember
Jon "J.B." Baker, Councilmember

PLEDGE OF ALLEGIANCE

Councilmember Seth led the pledge of allegiance.

INVOCATION

Mayor Roznovsky led the invocation.

VISITORS COMMENTS

There were no visitor comments.

PRESENTATIONS

Mr. Mundo introduced Robin Hyden as the new Parks and Recreation Director.
Ms. England introduced Cynthia Dewitt as the new Public Works Superintendent and Rick Smith as the new Utilities Superintendent.

DECLARATION OF CONFLICTS OF INTEREST

There were no conflicts of interest.

CONSENT AGENDA

1. Approval of minutes – January 18, 2022
2. Approve one year extension to Brazosport Cleaning Plus for custodial services for Civic Center rental rooms in an amount not to exceed \$70,200

On motion by Councilmember Buell, seconded by Councilmember Singhania with all present members voting "aye" the consent agenda was approved as follows:

1. Approval of minutes – January 18, 2022 - *accepted*
2. Approve one year extension to Brazosport Cleaning Plus for custodial services for Civic Center rental rooms in an amount not to exceed \$70,200 – *approved*

PUBLIC HEARING TO CONSIDER THE SALE OF .4893-ACRES OF PARKLAND LOCATED AT 818 LAKE ROAD AND .9657ACRES OF PARKLAND LOCATED AT 902 LAKE ROAD, IN LAKE JACKSON, TEXAS.

Mayor Roznovsky opened the public hearing at 6:36 p.m.

Mr. Mundo summarized the sale of the parkland and why it must go to the voters for approval. Anytime there is parkland being considered to sell, it must be taken to the voters for approval. A public hearing is the first step taken where council will vote to have it placed on the ballot for voters to approve. If approved, it would go out for bid on the property. The parkland could be broken up into separate tracts. If approved by council, this item would be on the May Election ballot.

Councilmember Singhania asked if the sale of the land would be like a public bid process. Ms. Russell stated an appraisal would be obtained. The minimum would be set from the appraisal then bids would be submitted. Mr. Mundo stated before going out for bid, council would recommend how to have this property zoned. The current zone for this parkland is (R-1) single-family residence.

Councilmember Broaddus asked if the decision to break up the land into more than one lot was something that would be done unilaterally or would it be sold as currently platted. Mr. Mundo stated it could be replatted into individual lots.

Councilmember Seth mentioned the impact of new builds on existing property.

Mr. Aguirre stated he would investigate the restrictions for lot sizes.

Councilmember Broaddus noted to avoid negatively impacting existing homes, drainage should also be reviewed for new construction.

Mr. Mundo mentioned the Parks Masterplan indicates the relocation of the existing playground. This is not tied to the sale of the parkland. These are two different projects.

Councilmember Singhania wanted to clarify that the funds from the sale of the parkland would be put back into a larger park in the area. Mr. Mundo agreed and noted that legally any proceeds from the sale of the parkland must be retained and used in the parks system. Ms. Russell stated in the resolution that has been prepared, the funds would be used for a larger park in that residential area.

Councilmember Seth asked if the city chooses not to sell the parkland would the city remove the playground and still maintain it. It was noted that there is still equipment at the existing playground, but it is not utilized.

Councilmember Seth also asked if the new playground is contingent on the sale of this parkland. Mr. Mundo stated the playground is not definitive on the sale of the parkland. Mr. Mundo stated what will be funded is the playground and the trail connection between Timbercreek and Strawberry.

Josie LaChance – 201 Violet Lane

Ms. LaChance asked if the verbiage has already been established. Ms. Russell reviewed the resolution and the language. Ms. LaChance asked if the deed restrictions could be added to the ballot to include it is only used for residential use.

Ms. Russell noted that council could include that verbiage in the resolution. Once it is added to the ballot, it cannot be changed.

Mr. Mundo recommended to list for residential use only and not list zones.

Councilmember Baker asked what the lot sizes are in the area. Mr. Aguirre stated it is zoned as an R-1 which allows a minimum of 150' x 100' lot sizes.

Mayor Roznovsky stated if the sale is approved, the city would obtain estimates on whether it would be a greater value to sell lot sizes or as it is.

Ms. LaChance asked if the property has been surveyed. Mr. Aguirre said it was plotted by the developer as two lots.

Public hearing closed at 6:53 p.m.

RESOLUTION FINDING THAT TWO TRACTS OF PARKLAND LOCATED ON LAKE ROAD SHOULD BE SOLD AND THE PROCEEDS SHOULD BE USED TO DEVELOP A LARGER PARK IN THE SAME AREA – SHERRI RUSSELL

Mr. Mundo read the resolution.

Councilmember Singhania asked if this would be for a larger park. Ms. Russell replied that it is a larger park.

Councilmember Seth asked if an order of events for the sale would be beneficial. Mayor Roznovsky clarified this is only to take it to the voters.

Ms. Russell stated she would make the change to include *for residential use only* on the resolution ordering the election which follows this agenda item.

On motion by Councilmember Baker, seconded by Councilmember Buell with all members voting "aye" the resolution finding that two tracts of parkland located on Lake Road should be sold and the proceeds should be used to develop a larger park in the same area was approved.

RESOLUTION ORDERING THAT AN ELECTION BE HELD FOR THE PURPOSE OF ELECTING THE MAYOR AND TWO COUNCILMEMBERS AND SUBMITTING PROPOSED AMENDMENTS TO THE HOME RULE CHARTER AND THE SALE OF PARKLAND TO THE VOTERS – SHERRI RUSSELL

Mr. Mundo read the resolution.

Councilmember Singhania motioned to approve the resolution as stated seconded by Councilmember Seth. Mayor Roznovsky opened for discussion.

Ms. Russell asked council if they had any desired changes for the resolution such as the recommendation to add *for residential use only* for the sale of the parkland.

The Charter propositions were reviewed. Mayor Roznovsky mentioned the charter amendment that was added was the definition of how a mayor would be selected as discussed in previous council meetings.

Ms. Russell stated that her recollection was that “Council” included the mayor so the proposition was not added, but it can be added.

Councilmember Singhania added his recollection was most of the recommended changes from the Charter Review Commission were minor in nature such as clerical type changes. The biggest change was clarification on how the mayor position would be filled in case of a vacancy.

Councilmember Singhania did not recall it was ever finalized. Council was asked to submit input on how to replace a mayor if it became necessary. Mayor Roznovsky was the only one who submitted input. This information was reviewed at a previous meeting.

Ms. Russell noted this could be brought back, but the county would need to be notified if an additional resolution would be submitted. Ms. Villarreal shared the submittal deadline was February 18, 2022. If an additional resolution is needed, a special meeting may need to be called. Ms. Villarreal will check to see if the deadline has an extension.

Mr. Mundo asked council if they agreed with all the other items in the resolution. All councilmembers were fine with the other items. Ms. Russell stated all the propositions could be submitted to the county and an additional resolution could be submitted for the mayor item proposition.

Councilmember Singhania amended his motion to include (at the end of the sentence) *and restrict the sole property to residential use only*, Councilmember Seth seconded the amended motion with all present members voting “aye” the resolution ordering that an election be held for the purpose of electing the mayor and two councilmembers and submitting proposed amendments to the Home Rule Charter and sale of parkland to the voters was approved.

DISCUSS TIMBERCREEK PARK AND TRAILS MASTER PLAN – ROBIN HYDEN

Ms. Hyden reviewed the following presentation.

TIMBERCREEK PARK & TRAILS

The Timbercreek Park Complex is made up of five individual parcels. The 2016 Parks and Open Space Master Plan calls for a nature themed playground to be constructed on the southern end of the largest parcel (11.4 acres) of land that fronts Timbercreek Drive.

We propose the sale of the two parcels of the Timbercreek Park Complex totaling approximately 1.45 acres. The property fronts Lake Road and currently houses a small playground structure. The location and size of the play structure do not meet the needs of this large neighborhood. Proceeds from the sale of this property be used to develop the larger park area.



PLAYGROUND

We are looking at Nature themed playground equipment which will be located on the southern end of the largest parcel of land that fronts Timbercreek Drive. New playground equipment has been budgeted for this site through the 1/2 CO debt fund for FY 2021-22.

Selling the two parcels of the Timbercreek Park Complex on Lake Road will allow us to add additional play and/or outdoor fitness equipment to the site.

All new playground include poured in place rubber surfacing pad, ramps for easy access and sidewalks leading the site. We also try and add elements of all inclusive play equipment to address the needs of every child.

(Playground equipment shown is an example and not the actual equipment being purchased.)



STRAWBERRY & TIMBERCREEK GLOW PATH

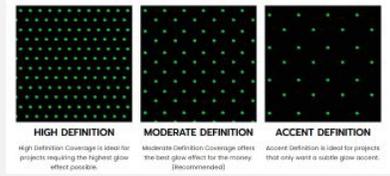
A concrete path that is not only functional but attractive and will be installed on City Easement to connect Strawberry Drive and Timbercreek Drive to connect the north and south side of Timbercreek neighborhood. The goal of the project is to provide a proper route to travel for the neighborhood to an area that is already being used by members of the community.

The path will run as close to the middle of the easement as possible to minimize any impact to the adjacent homes and will be approximately 5' x 380" L. To improve visibility at night glow rocks will be added to the fresh concrete which will illuminate the path for safety and beauty making it an attractive element to this neighborhood.



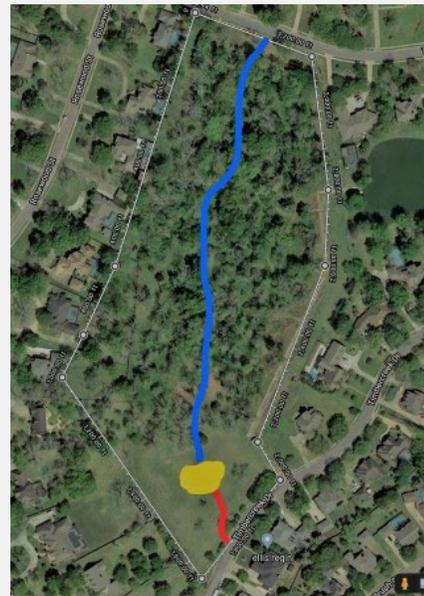
GLOW PATH

- During the day Glow Rocks are barely visible. As the sun begins to set, the Glow Stones come alive, and the surface magically glows like the stars in the sky for hours.
- Eco-friendly way to add a glowing ambiance to any dark pathway.
- The path will be as subtle or bright as needed by defining the amount of Glow Rocks you add to the path.
- Three different colors of AGI Glow Rocks to choose from that will glow 8 plus hours.
- No electricity required! Glow stones are charged by UV spectrum light.
- Maintenance-free, charging and discharging process will continue indefinitely allowing concrete surface to luminesce for many years to come.



NATURE TRAIL

We are currently working on a TPWD Recreational Branch Trail Grant to install a Nature Trail through this wooded section of parkland. The trail will help connect the north and south sides of the neighborhood to the new playground site. We are in the beginning stages of the grant process and will provide updates as we move forward. Deadline for submittal is February 2023.



Mr. Mundo asked Ms. Hyden the cost of the MacLean Park playground. Ms. Hyden stated it cost approximately \$250,000 and it is considered a smaller park. Mr. Mundo stated whatever is spent from the grant submittal can count as the city's matching share.

Cory LaChance – 201 Violet

Mr. LaChance asked if the glow rocks are set in concrete. Ms. Hyden stated they are set in fresh concrete when poured.

Ms. LaChance recommended staff do their research into a maintenance free product. Many times, companies sell their products as maintenance free for 20 years. A product that should last 20 years ends up needing maintenance within 5 years leaving the customers paying for repairs/maintenance.

Mayor Roznovsky stated these changes are just for this subdivision. In 2-3 years, as many as eight parks within the city will be upgraded.

DISCUSS SETBACK REQUIREMENTS FOR RESIDENTIAL PROPERTY BY PARKLAND AND DRAINAGE WAYS – MODESTO MUNDO

Mr. Mundo stated a resident came forward wanting to build a workshop that exceeded the accessory structure square footage which is up to 200 sq. ft. If a structure is within 200 sq. ft., it can be built outside of the building area into the setback area, but if it is over 200 sq. ft., it must be in the buildable area of the lot.

The resident has asked for the possibility of reducing the rear setback from 15 ft. to 8 ft. when backing up to a park.

Mr. Mundo noted this would be a change of zoning and would have to go through the public hearing process and ordinance change. Mr. Mundo recommended the Parks Board be included in discussion along with the Planning Commission if this change is going to be considered.

Because this is a zoning change, it must go through the public hearing process and cannot be granted to any one citizen.

Councilmember Singhania noted that in Timbercreek if the parkland is sold and down the road a different council decided to move the park someplace else, this could potentially cause a problem.

Councilmember Broaddus asked for clarification on where a 200 sq. ft. building could be placed in the setback area. Mr. Mundo stated accessory structures are allowed in the setback but cannot be placed within 5 ft. of the rear seatback. This is true for buildings up to 200 sq. ft., anything over 200 sq. ft., must be built in the buildable area of the property.

Mr. Elder – 627 Dogwood

Mr. Elder would like to put a 360 sq. ft building (18x20) in his backyard to recover the privacy he lost when the playground was upgraded.

Councilmember Seth asked if the city only needs 8 ft. for an easement, why does the city take 15 ft.?

Mayor Roznovsky stated that is a build line.

Mr. Mundo went over surrounding cities setback guidelines.

Councilmember Seth asked what the difference is between a 200 sq. ft. building vs. a 360 sq. ft. building and where it is placed.

Councilmember Singhania replied to keep people from building large buildings in their back yard. There really is not a difference, just limiting the size that is built in the setback area.

Mayor Roznovsky stated an example: If your neighbor decided to build a two-foot 300 sq. ft. building with a window facing your back yard, this could cause potential complaints because now your neighbor can see directly into your bedroom. This is an example of why build lines are in place.

Mr. Elder understands why there are build lines but feels there should be some exceptions.

Mayor Roznovsky stated if there were enough agreement, this would need to go to Planners to consider changing the zoning to allow for less of a setback of a backyard for properties that back up to city parks or large drainage areas.

Mr. Elder stated he has a 6 ft. privacy fence.

Councilmember Buell *called to question*.

Mayor Roznovsky called for a vote to end the discussion.

All councilmembers agreed to end discussion.

On motion by Councilmember Seth seconded by Councilmember Singhania with all present members voting "aye" all agreed to move this forward to the Planning Commission to start the process to change the zoning to modify the setbacks.

Councilmember Broaddus asked if the 15 ft. setback included the 8 ft. drainage easement. Mayor Roznovsky stated it is just an easement that allows the city access.

Cory LaChance asked why this is not a variance. Mayor Roznovsky said there is no allowance for a variance, this must be across the board and not just for one individual.

Mr. Mundo noted there is an avenue for a citizen to go to the Zoning Board of Adjustments (ZBA) to ask for a variance, but there is not a hardship in this case. Ms. Russell felt there could be consideration for a hardship because he has a small backyard and lack of privacy. It is not a guarantee, but there could be a chance.

Mayor Roznovsky stated to go to ZBA you need to demonstrate a hardship. If ZBA rules against the request it is dead. If they approve it, the city cannot do anything about it. Ms. Russell stated both could be done. The resident could go to Planners and ZBA.

Mr. Mundo reminded everyone this process is not a quick one. It could be up to three months. To go to ZBA, a meeting needs to be scheduled. For rezoning, notification to the surrounding neighbors must be sent out.

Mr. Elder said he was planning to have concrete poured. The price will increase in two to three months. Councilmember Seth informed the homeowner he still needs to go through the process. ZBA may be the quickest way but there is no guarantee.

Mr. Elder suggested he could just pay the city a fine. He was informed that he would be asked to move the building if he did that. Mr. Elder was informed of his options of going to the Planning Commission and/or the ZBA.

AUTHORIZE CITY MANAGER TO EXECUTE A CONTRACT WITH IAD ARCHITECTS FOR DESIGN SERVICES TO RENOVATE THE RESTROOMS AT CITY HALL IN AN AMOUNT NOT TO EXCEED \$32,500 – MEAGAN BORTH

Ms. Borth stated in this fiscal year city council approved city hall renovations in an amount of \$200,000. This item is only for architectural design. Staff feels comfortable with iAD Architects for this project. The current women's restrooms are not ADA compliant and are the original restrooms from when the building was built. Some of the doors in the restroom are barely hanging on and do not shut properly. The male restrooms are also in need of updates.

Ms. Borth noted staff feels comfortable that this project will stay within budget. With current construction costs it would likely deplete the entire \$200,000. The women's restroom may extend into a portion of the front breakroom

Councilmember Singhania stated this update is long overdue.

Councilmember Seth asked how long the project would last. Ms. Borth stated it would take a few months. The design may take a month or two. The actual construction would need to be bid out.

On motion by Councilmember Singhania, seconded by Councilmember Seth with all present members voting "aye" the City Manager was authorized to execute a contract with iAD Architects for design services to renovate the restrooms at City Hall in an amount not to exceed \$32,500.

UPDATE ON NEW BUSINESS COMING TO THE CITY – DAVID WALTON

Mr. Walton informed council of what has come to the permit department.

- Permit issued for Taco Bueno going into the old Taco Cabana building
- Next Level Urgent Care is moving into the new building by HEB on the corner of Grape Vine and Winding Way
- Proposed Chicken Salad Chick moving in new building next to HEB
- Surgery center is in construction process
- Received plans for a Family Dollar going into the old Arlan's building adjacent to a possible Harbor Freight Tools
- New dentist office at 421 This Way
- Plans received for La Madeline in old Wing Stop building
- Plans received for McCallister's deli next to La Madeline
- Christian Brothers is almost complete
- Tractor Supply greenhouse is almost complete
- HEB curbside expansion is almost complete – waiting for freezer parts
- Home 2 Suites has talked about moving to the area behind HEB

Ms. LaChance stated she signed a leasing agreement with Kenny Vernor and will be marketing the property behind HEB. She would like to collaborate with staff to find out what can be done. Ms. LaChance has two months to put marketing material together. She will be going to a conference in March to speak to developers. There will be four lots for sale.

Mayor Roznovsky suggested Ms. LaChance meet with city staff to discuss.

Councilmember Singhania asked about the Regal Storage expansion. Mr. Walton stated it has been discussed but plans have not been received.

Ms. Borth stated this would be an ongoing agenda item going forward whether there is new business to report.

CITY MANAGER UPDATES

Debris – Mr. Mundo stated he received a tentative approval from TCEQ that the city could mulch and leave the material on the old landfill if the city met all requirements of Subchapter T. Subchapter T regulates building on landfills, this means the city will have to follow all regulations as if the city were building something on the landfill.

Councilmember Singhania asked if the city would consider moving the material to the sand dunes. Mayor Roznovsky stated approval would need to be granted from the (GLO) -type what does GLO stand for.

Mr. Mundo stated that the city would be submitting for a 90-day extension.

CONSTRUCTION UPDATES

- a. Construction Funds Financial Update
- b. General Fund Projects
- c. Utility Fund Projects
- d. Bond Projects
- e. Downtown Phase III

Mr. Aguirre gave an update on the construction updates.

Ms. Hyden gave an update on the natatorium roof and skatepark starting up.

Ms. Borth stated the library flooring is coming along and meeting the timeline.

Ms. Borth recognized the Engineering Department for their great work with the Downtown Project.

ITEMS OF COMMUNITY INTEREST

Councilmember Seth announced that Altus Emergency Center will have a blood drive on February 14, 2022 from 2:00 p.m. – 5:00 p.m.

Councilmember Broaddus reminded everyone that early voting for the primary election begins on February 14, 2022 and will be at the new location at 202 Peach Street.

Mayor Roznovsky shared that the Senior's Expo had a good turnout.

The dedication to Doris Williams had a nice turnout. There has been a lot of positive feedback on the new sign.

Councilmember Baker asked about the Food Trucks on Plantation. Mayor Roznovsky stated an ordinance will be coming to council for changes.

ADJOURNMENT

There being no further business the meeting adjourned at 8:20 p.m.

These minutes read and approved this _____ day of _____ 2022.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary