

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 Tuesday, July 6, 2021, at 5:30 p.m. in Special Sessions and 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
Jon Baker, Councilmember
Rhonda Seth, Councilmember

Modesto Mundo, City Manager
Meagan Borth, Assistant City Manager
Sally Villarreal, Asst. City Secretary
Sherri Russell, City Attorney
Sal Aguirre, City Engineer
Sabrina England, Public Works Director
David Walton, Building Official
Pam Eaves, Finance Director
Jeremy Bubnick, Parks and Recreation Director
Will Ammons, Fire Marshal
Jose Sanchez, Personnel Director
Milford John-William, Asst. to City Manager
Lora-Marie Bernard, PIO

DISCUSS WATER PRESSURE INCIDENT THAT OCCURRED ON JUNE 19TH THAT RESULTED IN A BOIL WATER NOTICE

Hector Renteria, Public Works Superintendent

We have increased the amount of personnel to the normal alarm list. We have also created an emergency alarm list that will voice dial personnel. This emergency call list will also include the police dispatch which is operated 24/7. All GFCI have been replaced with a standard 120-volt outlet at all 17 communication sites. The UPS has been replaced at Ag Tower. We have updated the logic programming of the SCADA to allow for a backup tower to take over. For example, if this issue occurred again the system would automatically use the next tower for a reading. This will also allow us to use a different tower in the event the lead tower is offline.

By adding discharge pressure monitors at the WTP's we will add another back up system if all towers fail. This is also good information to have. We have ordered more UPS backups for all sites. Due to shortages and shipping issues that have been affecting many goods, we could not get these quickly. As soon as we receive them, they will be installed. We are also currently looking for new backup power options that will give us a longer life in the event of a power loss.

We are going to budget for the replacement of these two generators. Adding voltage monitors will be an expensive endeavor. We plan on exploring this option and will get an update to budget for this if desired.

Mr. Mundo stated staff was receiving text messages when an alarm went off instead of receiving a phone call. That has been changed to a voice call. Staff will also not work a 12-hour shift prior to being placed on call. The superintendent will now be the second in the loop of notification and will receive a voice call instead of an email. The alarm call will now go to the police department who will contact staff.

Meagan Borth stated measures are being taken to ensure that staff is being trained on the procedures that need to be followed.

Council thanked staff for the information provided and working to ensure this will not happen again.

The workshop was closed at 6:00 pm.

PLEDGE OF ALLEGIANCE

Council member Seth led the pledge of allegiance.

INVOCATION

Allison Beal, Willow Church led the invocation.

VISITORS COMMENTS

There were no visitor comments.

COMMENDATIONS

There were no commendations.

PRESENTATION OF PROCLAMATION – JULY AS PARKS AND RECREATION MONTH

Mayor Roznovsky presented Jeremy Bubnick, Parks and Recreation Director with a proclamation for July as the Parks and Recreation Month.

PRESENTATION OF THE FY 2021-22 ANNUAL BUDGET

Mr. Mundo presented the FY 2021-22 Annual Budget.

He announced there will be a budget workshop on Saturday, July 10, 2021.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

CONSENT AGENDA

- A. Approval of minutes – June 21, 2021
- B. Accept Board and Commission Minutes
 1. Planning Commission Agenda 070721
 2. Lake Jackson Development Corporation 070821
- C. Discuss and consider an ordinance for the disannexation of Lot 1 of the McElya Subdivision, 777 County Road 698 – second reading

- D. Award one (1) year extension to Napco Chemical Company for Zinc Orthophosphate contract approximately 500 gallons a month at \$9.50 a gallon.

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

- A. Approval of minutes – June 21, 2021 - approved
- E. Accept Board and Commission Minutes
 - 1. Planning Commission Agenda 0707/21 - accepted
 - 2. Lake Jackson Development Corporation 070821
- F. Discuss and consider an ordinance for the disannexation of Lot 1 of the McElya Subdivision, 777 County Road 698 – second reading – passed and adopted on second and final reading
- G. Award one (1) year extension to Napco Chemical Company for Zinc Orthophosphate contract approximately 500 gallons a month at \$9.50 a gallon - approved

DISCUSS AND CONSIDER REQUEST FOR A PUBLIC IMPROVEMENT DISTRICT FOR THE NORTHWOOD 4 ADDITION OF 104 HOMES – REG APLIN

Mr. Mundo stated that at the previous meeting staff gave an overview of Public Improvement Districts. There are two types of PIDs – one is reimbursement and the other is supported by debt.

Reg Aplin, 107 Sumac was present to request council to consider granted a PID. He submitted the following information:

1. A Cash Flow (Pay as you go) PID is a simple and straight forward way to assist residential development at NO risk, or cost to the city, or any Current Resident. Other PID’s (mostly used) do require a City Bond so the developer is paid upfront for these cost----The NW 4 PID is not that.
2. In a simple Cash Flow PID, the Developer comes out of pocket for Land, and all development cost, those specific homes repay their assessment over 30 years, or they can pay it off at any time without penalty.
3. The PID Amount for Northwood Phase IV is set at \$1,260.00/Year, that is fixed for 30 years, or until paid off.
4. The Average home in Northwood Phase IV is expected to be \$600,000, so with 108 Lots, that’s \$64,000,000 in Tax Value for the City of Lake Jackson.
5. Brazoria County will add Northwood Phase IV PID to the Tax Statement – They will collect and send the total amount to the city. The city has 1 check per year written to Northwood IV LLC.
6. Buyers of Homes in Northwood IV will certainly know, and be told of the PID cost, and HOA cost. Both of these are prominent documents that are explained and signed at closing. When Resales occur again this will be well known.
7. HOAs, PIDs, and MUDs are very common in i.e. Sugarland, Pearland, and now Angleton – So these tools are essential to new residential developments.

Council member Seth asked how many PIDs Mr. Aplin has done.

Mr. Aplin stated the first one is in Angleton, but he has a team that has done a lot of them in the Dallas area. He stated he is looking at this option because of the cost to address the drainage issues

in this area to meet the flood zone requirements.

Mr. Mundo asked how the PID is disclosed to the buyer.

Scott Bean, Haus Hills stated they give a notice to purchasers and there is something in the contract that discloses the PID. The disclosure will be required of all the builders in the subdivision. These are recorded at the county level and typically shows up on the title report.

Discussion followed on what would happen if someone got behind on their PID tax. It was explained that the tax is a line item on the tax bill. If the property owner is behind on one tax they are probably behind on all taxes. The PID is not billed separately.

Council member Seth stated there were two ways the PID can be collected one with the county and one with a third party. What is the advantage to the city, county, and the taxpayers since the collection of this tax will be a cost to them?

Mr. Bean said the county tax office will take their cut of the PID payment. The city takes care of the PID revenue account. The cost of collection can be charged to the developer at the discretion of the city and the county.

Mayor Roznovsky asked if there is a reason to not go with a third party.

Mr. Bean said they had to use a private collector in League City because the county did not want to do it.

Mayor Roznovsky said if the developer went with a third party the city would be less involved.

Mr. Bean stated the city would still have to collect the revenue per state statutes. It would be privately collected but would end up with the city.

Mr. Bean stated that there is no state reporting on a cash flow PID. The only state reporting is on a bond PID. He only does cash flow PIDs.

Council member Buell asked if the PID was approved how much work is the city involved in.

Mr. Bean stated that he would provide all the notices, petitions, and ordinances that the city secretary would need to have in her office for public inspection. They will run a public hearing notice in the newspaper. The city would hold a public hearing that establishes the PID. He takes care of all the paperwork.

Council member Singhania asked what would happen if down the road the county does not wish to continue collecting the tax. How would it affect the city?

Mr. Bean stated that anyone delinquent on their taxes would receive a notice from a tax attorney just as they would any other tax.

Council member Singhania asked if there was a contract with the county would it run the length of the PID.

Mr. Bean said he did not know that, all he knows is it would be under contract.

Mr. Aplin stated they are working with Brazoria County now on the contract details.

Discussion followed on how delinquent PID monies and foreclosures would be collected and the escrow account the developer would establish. The PID is a one-time fee that once the balance is paid it is complete and will not continue.

Council member Singhania recommended hiring a consultant for the city to work out the details.

Mr. Mundo stated he would reach out to Sue Darcy to assist in developing a policy for a PID. Ms. Darcy helped the city develop a policy for MUDs.

Consensus of council was to leave it in the hands of staff to work at developing a policy for a PID and bring it back to council.

Council member Seth asked Mr. Aplin if the PID was not approved would he still develop this property. He said he did not believe he could.

DISCUSS AND CONSIDER AMENDING THE HOTEL OCCUPANCY TAX AGREEMENT WITH THE MARRIOTT HOTEL TO EXTEND THE AGREEMENT FOR FIVE YEARS IF THE HOTEL TAX REIMBURSEMENT DOES NOT REACH \$2,750,000 BY FEBRUARY 2032

On motion by Council member Broaddus second by Council member Buell with all members present voting "aye" approval was granted to amend the Hotel Occupancy Tax Agreement with the Marriott Hotel to extend the agreement for five years if the hotel tax reimbursement does not reach \$2,750,000 by February 2032.

DISCUSS FOOD TRUCK COURTYARD CONCEPT STANDARDS

David Walton said that staff has received an increase in food truck permit requests and inquiries about operating a food truck court. At the June 21 meeting a citizen brought a food court concept before council and they in return have requested staff gather information with regards to what existing courts in other cities require in function and design, what the city's ordinances currently allows, and any required changes based on several different concepts. He presented the following information for consideration:

Discuss a centralized area to attract food trucks in an organized and controlled environment.

Discuss possible ordinance changes affecting mobile vending units.

Definitions:

Commissary or Central Preparation Facility –A licensed food establishment where MVU is supplied with fresh water, empties wastewater, and is supplied with ice, raw ingredients, and prepared foods.

Grease Interceptor –A plumbing device or tank used to capture fats, oils, and greases before introduction to a wastewater system.

Mobile Vending Unit (MVU) -A truck, cart, or trailer built or modified for food service to a consumer.

TFER–Texas Food Establishment Rules established by Texas DSHS and 25 TAC 228.

Zone Considerations:

Suitable and similar to established uses allowing drive through eating places. B-1 Neighborhood Business *A neighborhood shopping zone wherein businesses supply commodities or services to meet the daily needs of the surrounding neighborhood. (Summarized)*

B-2 Central Business *This zone is the principal area and permits most types of general commercial enterprise.*

PUD

Ordinance should be amended to allow use or park designated as drive through eating establishment. Separation from residentially zoned uses is consistent with other areas with food establishments.

TCEQ Requirements:

TFER requires all inspections of MVU's to take place at a site designated by city.

All MVU's must be readily movable.

Toilet facilities must be readily available for all workers during operating hours.

Grease trap and grease waste receptacles

Grease trap sizing must be by professional

Wastewater handling must be disposed of to a permitted wastewater treatment facility, includes toilet, urinals, and water used for food preparation

City Requirements:

Onsite restrooms

Trash receptacles and screened dumpster

Onsite parking including accessible spaces

Vehicle parking on concrete or asphalt surfaces

Banners and signs per ordinance

Onsite seating areas

Landscaping

Parking

Per Current Ordinance:

Number of required parking spaces

High Turnover and Fast Food = 26 Spaces

15 Spaces per 1,000 Sq Ft

General

20 Spaces per 1,000 Sq Ft = 34 Spaces

Sq Ft = MVU pad sites

IE –6MVU spaces at 24'x12' = 1728 Sq Ft

* Are patio/seating area and play areas?

Alternate Method:

3 parking spaces per MVU (Los Fresno TX)

2 Accessible parking spaces with an access isle if the required spaces are 25 or more

Other considerations

Onsite commissary

Covered area for cleaning, supplying, or servicing

Onsite grease interceptor and grease waste bin.

Pad site power, gas, and water/sewer connections.

Park operator with TABC license or BYOB

Playground area

Noise generation and proximity to residentially zoned properties for live music or onsite events

Site Lighting

Food truck licenses

Limit number of issued licenses

Assign via lottery

6 Month license to rotate food trucks

Limit amount of time at single location

Allow review of placement on site

Setback from ROW

Signage location and types

Does not occupy accessible or required parking spaces

Partner with area cities for inspection reciprocity.

Cities such as Houston, Pearland, Sugarland etc. that have an active inspection program similar to Lake Jacksons

Health Department Inspection

Texas Food Establishment Rules and TCEQ Compliant

Fire Marshal Inspection

Annual gas piping test and hood suppression certification.

Waive Lake Jackson pre-inspection for trucks providing acceptance in last 12 months from partnered cities.

Council asked that staff press forward and take this to the Planning Commission for consideration.

DISCUSS AND CONSIDER WHETHER TO SUBMIT TO THE VOTERS AT A FUTURE ELECTION THE SALE OF PARKLAND PROPERTY LOCATED AT 818 LAKE ROAD (.4893 ACRES) AND 902 LAKE ROAD (.9657 ACRES)

Jeremy Bubnick presented maps showing the location of this parcel. He presented the following information:

At the June 15, 2021, Parks Board Meeting the board unanimously voted to recommend the sale of 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.

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. This project is included in the 2021-2022 CIP Budget.

If City Council approves the recommendation, staff will have the property surveyed and will prepare ballot language to take the proposal to the voters in November 2021.

On motion by Council member Buell second by Council member Seth with all present voting aye approval was granted for staff to move forward and have all paperwork ready to be able to place this item on the May 2022 ballot.

CITY MANAGER UPDATE - GOVERNOR'S COMMUNITY ACHIEVEMENT AWARD

In November the city was informed by TxDot that the bids came in for the original design that included a tree, and the bids were \$300,000 more than expected. An alternate plan was put together for a monument at the corner of Oak Drive and SH332

CONSTRUCTION PROJECT UPDATES

1. Construction Funds Financial Update
2. General Fund Projects
3. Utility Fund Projects

Mr. Aguirre stated that with the weather the projects have not moved forward. Tomorrow, bids will be open on the downtown project.

ITEMS OF COMMUNITY INTEREST

Council member Buell congratulated Council member Broaddus on his new daughter.

Council member Seth thanked staff for helping her and being so welcoming.

Council member Baker said he had a great time at the 4th of July concert.

Mayor Roznovsky said he was notified by a resident about a planned outage near North Yaupon.

Center Point is rescheduling that outage and will be sending a letter to the residents.

ADJOURNMENT

There being no further business the meeting adjourned at 8:35 p.m.

These minutes read and approved this _____ day of _____ 2021.

Gerald Roznovsky, Mayor

Alice Rodgers, City Secretary