

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 16, 2021, 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

Present Via ZOOM:
Rhonda Seth, Councilmember

Modesto Mundo, City Manager
Meagan Borth, Asst. City Manager
Sally Villarreal, Interim City Secretary
Sherri Russel, City Attorney
Sal Aguirre, City Engineer
Sabrina England, Public Works Director
David Walton, Building Official
Pam Eaves, Finance Director
Jeremy Bubnick, Parks and Recreation
Lora-Marie Bernard, PIO
Milford John-Williams, Asst. to City Manager

PLEDGE OF ALLEGIANCE

Councilmember Singhania led the pledge of allegiance.

INVOCATION

Mayor Pro-Tem Buell led the invocation.

VISITORS COMMENTS

Glen Jones – 118 Cypress

Mr. Jones asked if the convenience center is open and suggested enhancing the opening by notifying residents.

Mr. Jones suggested that a “*No Dumping*” sign be installed at the Gardenia bridge on Magnolia and Cypress.

PRESENTATIONS

Mayor Roznovsky presented a proclamation to Wende Hester for Constitution Week on September 17-23.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

CONSENT AGENDA

- A. Approval of minutes – August 2, 2021
- B. Accept board and commission minutes
 - 1. Planning Commission – 070721
 - 2. Traffic Commission – 060821

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

- A. Approval of minutes – August 2, 2021 - approved
- B. Accept board and commission minutes
 - 1. Planning Commission – 070721 - accepted
 - 2. Traffic Commission – 060821- accepted

PUBLIC HEARING TO CONSIDER THE PROPOSED FY 2021-2022 ANNUAL BUDGET

Mayor Roznovsky opened the Public Hearing at 6:39 p.m.

Ms. Borth presented the following budget summary for FY 2021-2022.

Budget Priorities

- Increase capital investment to help maintain or improve the city’s infrastructure
- Restore operational funds for maintenance
- Continue investing in employees so the city can attract, train and retain staff

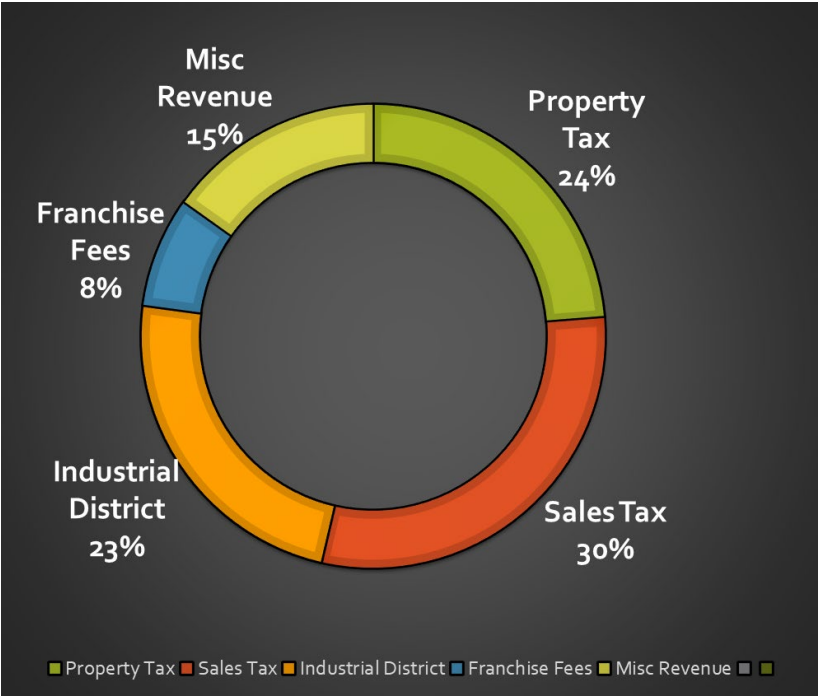
General Fund Budget: \$22.56M

	FY 19-20	FY 20-21	FY 21-22
GF Revenues	\$22,340,112	\$21,636,818	\$22,564,410
GF Expenditures	\$22,340,112	\$21,636,818	\$22,564,410
UF Revenues	\$14,672,592	\$14,450,633	\$15,124,805
UF Expenditures	\$14,672,592	\$14,450,633	\$15,124,805

Highlights

- Proposed tax rate – **33.90** cents from 32.90
- \$927,592 increase from FY21 Budget; \$224,298 increase from FY20 Budget
- **\$4.2** million in CIP projects
- **\$1.075** million cash and **\$3.5** million debt projects in the Half-Cent Fund
- Utility rate increase of **\$2.90** per month for 5,000 gallons
- Residential sanitation rate increase of **\$1.30** per month to **\$19** per month
- Commercial sanitation rate increase of **5%**
- **4%** Market adjustment for all positions – reimplement pay for performance
- Add part-time attorney for Municipal Court
- Add funds for street repairs

General Fund Breakdown



Ms. Borth went over and compared the Regional Tax Rates.



Taxes Imposed on Average Home

	2020	2021	Change
Total tax rate (per \$100 of value)	\$0.328977	\$0.339000	increase of \$0.010023, or 3.05%
Average homestead taxable value	\$214,983	\$224,410	increase of \$9,427, or 4.38%
Tax on average homestead	\$707.24	\$760.75	increase of \$53.51, or 7.57%
Total tax levy on all properties	\$8,319,481	\$8,754,776	increase of \$435,295, or 5.23%

Proposed Monthly Residential Base Rates

	FY 20-21	FY 21-22	FY 21-22 Over 65
Water	\$13.85	\$14.50	\$8.70
Sewer	\$14.00	\$14.75	\$8.85
Total Bill 2,000 Gals.	\$27.85	\$29.25	\$17.55

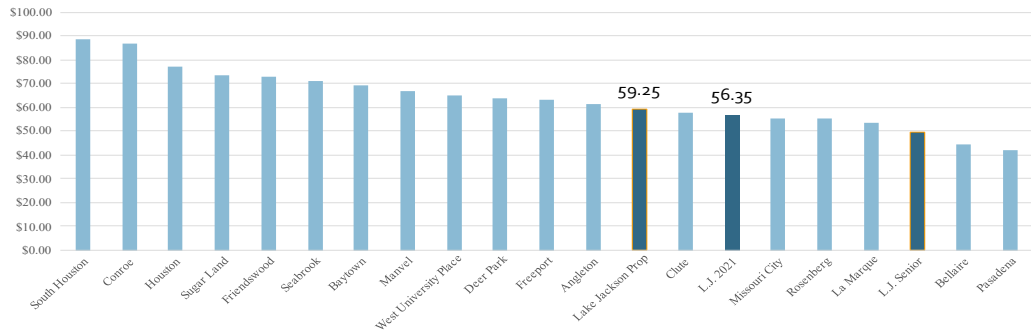
Proposed Per Thousand Rates Above Base

	FY 20-21	FY 21-22
Water		
2,000 – 20,000	\$4.50	\$4.75
Over 20,000	\$5.00	\$5.35
Sewer		
2,000 – 15,000	\$5.00/tag	\$5.25

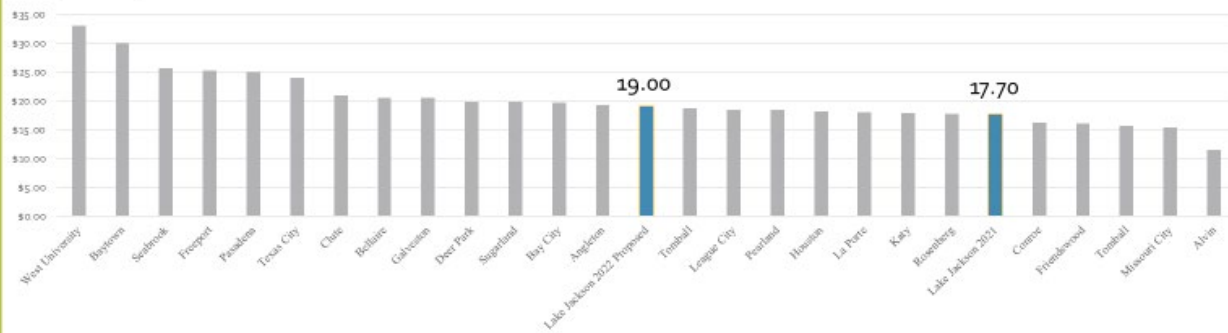
**PROPOSED
WATER &
SEWER RATES**

Water & Sewer Rates

5,000 gal Monthly Cost



Monthly Bill Comparison



RESIDENTIAL GARBAGE RATES

Economic Development Fund

- \$1.075 million cash projects for parks & recreation
- \$3.5 million debt for restrooms and playgrounds

CIP Projects

- \$1,899,000 General Projects: Chlorination Upgrade; Beachwood Chemical Building; Lift Station Upgrades; Sewer Modeling Analysis
- \$2,289,136 Utility Projects: Fuel Tanks; Rec Center Roof; City Hall Restrooms; UPS Battery backup for 911; payoff of Creekside Bridge

2021 Bond Projects – Phase 1

- \$7,600,000 Bond Projects: Animal Control; Pin Oak, N. Shady Oaks, Forest Oaks Ln.; Street Panels; Library Flooring

American Relief Fund \$3.372 million

Councilmember Broaddus asked about the impact of taxes after Covid. Mr. Mundo stated it has been very minimal.

Ms. Borth noted that two positions have been restored one to Streets and one to Parks. There have been four part-time positions eliminated. A part time attorney has been added. Three PD positions have been regraded along with one personnel position. The increase to water and sewer bills has increased from the base rate of \$27.85 to \$29.25. The utility rate increase is \$2.90 per month for 5,000 gallons which is the average usage. Most people will see an approximate \$3.00 increase to their bill for normal usage.

The Senior Citizen water rate is lower as proposed. The City of Lake Jackson is very comparable and competitive in the area.

Anyone who is a senior in Lake Jackson can get a special rate. That Senior rate is a 40% discount off the base bill.

The monthly garbage bill will increase from \$17.70 to \$19.00.

Commercial service will increase 5%. The garbage rate for general population is still very competitive. Mayor Roznovsky stated the increase is driven by the landfill price increase.

Ms. Borth stated in order to focus on infrastructure, the city is dedicating a substantial amount of approximately 26 million dollars of the budget debt and bond dollars this next year to projects. Also, the city will be receiving over 3 million of American Relief Fund money. At least half of those funds will be received this next fiscal year to be used for additional projects that are not included in the projects that have already been discussed for this next year.

Ms. Halnon – 112 Strawberry

Asked the required age for the Senior discount on utility bills. Mayor Roznovsky said you need to be 65 to qualify for the Senior discount. Your name must be on the utility bill to qualify.

Mayor Roznovsky closed the Public Hearing at 6:50 p.m.

PUBLIC HEARING TO DISCUSS THE PROPOSED TAX RATE OF \$0.339000 (PER \$100), WHICH WOULD INCREASE TAXES ABOVE THE NO-NEW-REVENUE RATE BY 4.39% FOR THE CITY OF LAKE JACKSON FISCAL YEAR 2021-2022

Mayor Roznovsky opened the Public Hearing at 6:51

Mr. Borth stated the city has done the most it can do to adhere to the strategic plan.

Councilmember Singhania commended city staff for keeping close to the budget.

Public hearing closed at 6:52 p.m.

CONSIDER RATIFYING THE PROPERTY TAX INCREASE OF 4.39% AS REFLECTED IN THE BUDGET FOR FISCAL YEAR 2021-2022

Mayor Pro-Tem Buell moved to ratify the property tax increase of 4.39% as reflected in the budget for fiscal year 2021-2022 seconded by Councilmember Baker with all present members voting “aye” motioned passed.

DISCUSS AND CONSIDER A RESOLUTION ADOPTING THE FISCAL YEAR 2021-2022 ANNUAL BUDGET

Councilmember Baker moved to adopt the resolution adopting the fiscal year 2021-2022 annual budget seconded by Mayor Pro-Tem Buell with all present members voting “aye” motion passed.

DISCUSS AND CONSIDER AN ORDINANCE TO ADOPT THE PROPOSED TAX RATE OF \$0.339 - FIRST AND FINAL READING

On motion by Councilmember Singhania second by Councilmember Broaddus with all present members voting “aye” the requirement for two reading was suspended.

Councilmember Singhania moved to adopt the proposed property tax rate of \$.339000 which is effectively a 4.39% increase in the tax rate seconded by Councilmember Baker with all present members voting “aye” motion passed.

UPDATE ON STRAWBERRY DRIVE AND TIMBERCREEK DRIVE CONNECTING PATH PROJECT – JEREMY BUBNICK

Mr. Bubnick gave the following update:

Mr. Bubnick stated that one of the adjacent homeowners is not supportive of the new connecting path that is planned to be installed through the 30-foot City Easement that runs adjacent to her property. Ms. Halnon (112 Strawberry Drive) has asked to come to City Council to share her objection.

Mr. Bubnick has visited three of the four homeowners that border the easement (he has not been able to connect with the owner of 110 Strawberry). The other two homeowners on Timbercreek Drive have no objections or issues with the project. Ms. Halnon has shared with Mr. Bubnick that

she would prefer the connection be installed on Lake Road. Unfortunately, this is not feasible as the city does not own the property there. That location would require the path to run through two private lots. Mr. Bubnick thinks it is important to point out that the easement is already being utilized by many members of the public as it is now (grass/drainage) and that she experiences people cutting through her front yard as well. Our hope is that the new path will reduce that from happening as it will clearly define the proper route to travel.

The path will be five feet wide and approximately 380 feet long. It will connect the north side of the Timbercreek Neighborhood to the south. The goal of the project is to provide a safe passage for the neighborhood. Mr. Bubnick is in the process of gathering quotes for the job and has met on site with Eddie Herrera and a couple of contractors thus far. The plan is to run the path as close to the middle of the easement as possible minimizing any impact to the adjacent homes. One tree will need to be removed; however, it needs removal due to its health anyway.

Also, to improve visibility of the path at night (since there is not adequate street lighting), Mr. Bubnick is investigating an option of installing a luminescent aggregate that speckles the surface of the concrete (on portions of or all this path). During the daylight it looks like a regular concrete path, and in the dark the speckles glow.

Councilmember Baker asked how long the sparkles on the concrete would last.

Mr. Bubnick said it is a new product that should last approximately 20 years. The sparkles glow for about 10 hours a night. The cost for these sparkles on the concrete would be between \$4,000 - \$5,000. The budgeted amount for this complete project is \$25,000 and it will come in under that amount.

Ms. Halnon – 112 Strawberry

Ms. Halnon stated they moved into their house in 1997, the easement was used a lot. The teenagers in the area liked to use the driveway for access to the street. They eventually wore a path by cutting through there. Ms. Halon is very particular about her yard and is worried about trash ending up in her yard.

When their house was built, she was required to build a sidewalk and she doesn't understand why some homeowners are not required to have one. Ms. Halnon would like to revisit the sidewalk around Lake Road. She feels it is a better solution than the proposed connection. Ms. Halnon is opposed to the sidewalk.

Joan Machorro – 420 Garland Drive #500

Ms. Machorro asked what the average home value is in the neighborhood. An estimate of \$380,000 was mentioned with the average house in Lake Jackson being \$225,000. Ms. Machorro felt the money could be spend in a better way.

Mayor Roznovsky mentioned the revitalization of the playground areas. Also moving the playground due to demographics. The new playground area will make the connection to Strawberry. This was the best route to tie Strawberry into the area.

Mr. Bubnick informed Ms. Machorro that the park on Garland Drive was also being revitalized.

Mr. Aguirre discussed the sidewalk history in the area and the ordinance only applies to the concrete streets.

DISCUSS THE POSSIBILITY OF ROYAL HAZE, A HOOKAH LOUNGE THAT SELLS ALCOHOL, OPENING IN THE CITY – STACY BERNARD

Mr. Walton gave the following history on Royal Haze:

Stacy Bernard operated the Royal Haze Hookah Bar which was a smoking lounge located at 38 Circle Way. The certificate of occupancy was issued on 5/31/2019, and Royal Haze closed May 11, 2020 (water account records). Royal Haze was operating as a membership club offering indoor smoking and alcoholic beverages under a TABC private club permit. As of 8/16/2021 Royal Haze has been closed for 462 days.

Ms. Bernard is seeking approval to reopen Royal Haze at a new location (3 Circle Way) under the same business model. Staff has informed Ms. Bernard that she cannot operate under the same business model since membership clubs were removed from the zoning code.

Membership Club: This was an allowed use without a definition in the B-1, B-2, and C-1 zoning districts. It had been previously used as a loophole to allow a bar (alcohol service without restaurant) to operate in Lake Jackson. Membership club was removed from all zoning districts by ordinance 19-2182 adopted 5/5/2019.

Smoking Lounge: This is a term used in the 2018 International Mechanical Code that has a minimum ventilation requirement to remove smoke and aide in maintaining a healthy interior environment. Ventilation is calculated at 60 cfm per occupant and 70 occupants per 1000 sf of floor area.

Hookah: The use of a water pipe for smoking shisha tobacco or other products. The CDC, FDA, and Mayo Clinic all recognize that shisha is a tobacco product.

Lake Jackson Code of Ordinances Section 38 prohibits smoking in enclosed spaces with a few exceptions. Lake Jackson is a dry city and does not allow bars, taverns, or other drinking establishments without food service. Only a restaurant can be issued a non-retail TABC license. While these statutes keep her from opening Royal Haze in the same manner as before, she is working with David Walton, Building Official to open a smoking lounge in compliance with our ordinances.

The following options were discussed with Ms. Bernard on 7/26 and 7/28 respectively:

1) Restaurant: This option was originally mentioned to Ms. Bernard on 7/26, to which she was not interested in opening a restaurant. On 8/12/2021 after further review of Section 38 it was determined that a smoking room with solid walls and an independent ventilation system could be built up to 30% of the floor area. This would allow for indoor smoking and onsite alcohol sales.

2) Billiard Hall: This option allows Ms. Bernard to open a smoking lounge but would not qualify her for a TABC permit as it would not be a restaurant. While this option was discussed, it was not further pursued.

3) Retail Tobacco Store: This option allows Ms. Bernard to open a smoking lounge but would not qualify her for a TABC permit as it would not be a restaurant.

Most of the conversation centered around a retail tobacco store as she intends to sell cigars in addition to offering hookahs to her guests. Mr. Walton wrote a letter to Ms. Bernard outlining the requirements to change the occupancy classification from a B-Business use to an M-Mercantile use.

Stacy Bernard – 285 Fawn Trail

Ms. Bernard discussed the history of her business and how they fit under TABC licensing.

Ms. Bernard stated they are trying to relocate to 3 Circle Way. She is asking to reopen under the same business structure.

Councilmember Seth confirmed with Ms. Bernard that she closed her hookah bar due to the pandemic. Councilmember Seth asked Ms. Bernard what has changed as we are still in the middle of the pandemic.

Ms. Bernard said nothing has changed, but the new location is larger making it safer. The larger space makes it easier to implement safety precautions. The last space was more of an outdoor setting, this new space is indoors. They will not be starting off with cigars due to the ventilation requirements. Later down the road, the ventilation requirements will be addressed.

Mayor Roznovsky asked Ms. Bernard to explain the full business model.

Ms. Bernard said the full business model is for cigar and hookah smokers. They will have a membership and pay their fees/dues. There will be food and beverages. The clients will come into the establishment and be able to smoke privately.

Mayor Roznovsky asked Ms. Bernard what she needed to be able to operate as a membership.

Ms. Bernard stated that is what they were before they closed. It makes sense to Ms. Bernard to come back to council and explain their business model and purpose. During all the membership and TABC confusion, she felt it was better to come back before council and get approval.

Mayor Roznovsky stated the city did away with membership clubs to avoid the large umbrella and opening an operation that doesn't fit into an existing zone without council approval. Mayor Roznovsky asked why her current business model wouldn't work with the city's current zones.

Ms. Bernard said it wouldn't work because membership club has been taken out of the zoning.

Mr. Walton said there are several methods in which Ms. Bernard can legally open a smoking lounge in the City of Lake Jackson. Those options are a smoking retail shop, a dedicated smoking area in a business that meets all the ventilation requirements. An example: A restaurant in which she provides food which would get her a mixed beverage license. Currently with Lake Jackson being a dry city, there is no avenue where TABC can issue a private club license because the city took out the membership portion of our ordinance. A pool hall also allows smoking.

Councilmember Singhania wanted clarification that you can open a restaurant and allow smoking as long as the ventilation requirements are met.

Mr. Walton stated a restaurant cannot be a smoking establishment, but there is a provision in the ordinance that states you can have a smoking area inside of the establishment if the ventilation requirements are met. It cannot be in the general seating area.

Councilmember Baker asked the difference between the Lounge in the old HEB area and what Ms. Bernard is trying to do.

Mr. Walton said the Lounge has a dedicated commercial kitchen attached to it. It is a restaurant and fits into an A2 occupancy in which case they are allowed to have a mixed beverage TABC license because of the food service.

Councilmember Singhania asked about the main business being reversed, and her main business being smoking. Mr. Walton stated the size of the smoking area is limited to 30% of the area. In a restaurant it must be separated.

Mr. Mundo brought up a retail business such as Tobacco Tin. If you wanted to buy a cigar and smoke it, would there be a restriction on size there? Mr. Walton said there is not. You could smoke it in the entire retail establishment.

Ms. Russell stated in July 2019 membership club was taken out of the zoning. TABC does give out permits for private clubs. The city's intent of taking out membership clubs knowing that private clubs are there, there must be a separate use other than a private and it must fit into something the city has zoned. For example: if someone wanted to come in and open a gambling outfit, have a private club and serve alcohol, it would not be allowed because gambling is not allowed in town. Ms. Russell also stated her business model of a smoking stress relieving building does not fit into our zone. Once the use has stopped, it is all zoning. Once the hookah bar was closed at 38 Circle Way, and someone else is coming in and taking over, you cannot reopen someplace else because it is a land use that was attached to that piece of property. Things that get grandfathered are land uses. For example: Winnies Lounge has managed to stay open year after year even though it's not in the zone. They will not be allowed to move anywhere else in town. It is tied to the property itself, not the business or the people.

Ms. Bernard asked for clarification whether she could re-open her business. Ms. Russell said not exactly the way it was. Ms. Russell said because the city does not have membership clubs anymore and she was grandfathered under that property and location.

Ms. Bernard asked for a resolution. Ms. Russell stated Ms. Bernard would need to convince city council to put membership clubs back into the zone or convince them to allow something else in the zoning such as the smoking stress relief building and then try to get a private license through TABC.

Ms. Bernard wanted to make sure council understood that she was not trying to go underneath the radar and open her business.

Councilmember Broaddus asked for the zoning. Mr. Walton said it is B2 Central Business. There was discussion on what is allowed in the B2 zone.

DISCUSS AND CONSIDER AMENDING THE CONTRACT WITH TRANSCEND, INC. FOR A SKATEPARK FROM \$550,000 TO AN AMOUNT NOT TO EXCEED \$675,000

Mr. Bubnick stated since City Council approved this contract on January 21, 2020, Transcend, Inc. has requested a price increase to \$620,000.

Mr. Bubnick stated the cost for the skate park will be \$620,000 but the contingency allows up to \$675,000.

On motion by Councilmember Singhania seconded by Councilmember Buell with Councilmembers Baker, Broaddus voting “aye” and Councilmember Seth voting “nay” the amendment to the contract with Transcend, Inc. for a skatepark from \$550,000 to an amount not to exceed \$675,000 was approved.

DISCUSS AND CONSIDER LICENSE PLATE RECOGNITION PROGRAM – CHIEF KIBODEAUX

Chief Kibodeaux explained that recognition cameras are used all over the United States and by hundreds of police agencies. They are effective in locating stolen vehicles and provide valuable evidence when investigating crimes. LJPD is asking City Council for the approval to install 5 cameras as a pilot program for one year.

Chief Kibodeaux presented the following information.

How does it work?

Officers currently view events in their presence and have limited video recollection in public spaces

- They can access vehicle registration information associated with license plates through TCIC/NCIC
- They can receive stolen vehicle alerts through NCIC associated with license plates they check
- They can use current OSSI, locally stored vehicle information to create “hot lists”
- They can review stored video for evidence

With Flock, cameras are placed at strategic locations

- Solar powered
- LTE Cellular Connections to transmit data
- Infrared nighttime capability

Cameras capture vehicle images, record DTL, software determines color, make, model and, most importantly, license plate characters

This extrapolated data is stored in a searchable format for 30 days

- Compares license plate data against NCIC stolen vehicle database to trigger alerts for stolen vehicles, or other alerts such as “Amber” and “Silver”
- Other search parameters can be established by users (PD) to create other alerts “Hot Lists” for investigative purpose

Private partner and business camera owners share data with law enforcement, who receive alerts (they maintain ownership of the data); saving the city from purchasing more came

Who else is using Flock LPR?

- 1000 US cities have Flock technology
- 38 States
- 500 Police Department in the United States
- 120 stolen vehicle reads per hour

- Katy PD purchased 22 cameras but there are now more privately owned cameras
- Jersey Village, Texas over 50 cameras; one down every street

What are the benefits?

- Current information for Officers responding to crimes
- Vehicle description information: color, make, model in addition to registration information
- Searchable historical vehicle-location information
- Vehicle “Hot Lists” to locate stolen vehicles or aid in other investigations
- Partnerships with business and other privately funded cameras
- Crime analysis and traffic patterns

Where can they be placed?

Any private location by a property owner or association

- business building locations to deter crime and assist in crime resolution
- storage facilities
- Parking lots
- Apartment complexes
- Areas controlled by homeowner associations

Any desired/approved public space

- Highways and other Roadways
- City Parks and other Recreation locations
- Around public buildings
- subdivision or neighborhoods

What difference would it make?

- 2019 00380 Greenvale Ct. murder case
- 2020 01431 Edgewater Shooting Homicide
- 2020 02183 Brazos River murder case
- 2021 00522 Highway Aggravated Assault w/Firearm
- 2021 00356 U Turn Oak Drive Deadly Conduct

What is the cost?

Lease cost is \$2500.00 per camera

- Installation
- Maintenance
- Unlimited access
- \$250.00 relocation fee

Mayor Roznovsky asked if there were any other similar cameras in surrounding communities and if the information that is captured possible to be subpoenaed? Chief Kibodeaux stated Pearland does. Councilmember Baker noted that larger subdivisions such as Lake Savannah and Shadow Creek have them. Chief didn't think it would need to be subpoenaed because the information that is gathered is the same thing you'd see on camera.

Ms. Machorro asked if only stolen vehicles would come up. Chief Kibodeaux said that is true from Flock.

The data can be searched from the PD for crimes.

Carlos Robinson - 285 Fawn Trail

Mr. Robinson asked where the locations of the cameras would be. Chief Kibodeaux stated it would vary. It could be in neighborhoods and main highways coming in and leaving town such as SH 288 or SH 332.

Councilmember Broaddus asked about the reliability. Chief Kibodeaux said the data is very accurate. Councilmember Broaddus said it may be beneficial for the Traffic Commission.

CITY MANAGER UPDATE

1. Drainage mowing

Mr. Mundo stated the first round of mowing with Yellowstone has started along the highways. Ms. England has met with the county extension office about growth retardant. It is mainly for the Johnson grass.

Mr. Mundo mentioned going out for bid and getting pricing in January and securing contracts and activating those contracts in the summer with the savings from personnel positions.

Councilmember Singhania mentioned the contractor that was used to help did not do a very good job. The contractor left a bunch of weeds around the structures. City crews were going behind them cleaning up. Mr. Mundo said we would investigate that. Ms. England has made suggestions on crews working more efficiently.

CONSTRUCTION PROJECT UPDATES

- A. Construction Funds Financial Update
- B. General Fund Projects
- C. Utility Fund Projects

Mr. Aguirre gave an update on the construction projects.

ITEMS OF COMMUNITY INTEREST

Councilmember Broaddus wanted to recognize Ms. Borth and Mr. Williams for the update they provided at the BBA. He said they did a fantastic job.

Mayor Roznovsky announced that the swim team will be rescheduled for the next meeting.

ADJOURNMENT

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

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

Gerald Roznovsky, Mayor

Sally Villarreal, Interim City Secretary