

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the City Council of Lake Jackson met on Tuesday, September 5, 2023, at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall in the Alice Rodgers Council Chambers with the following in attendance:

Gerald Roznovsky, Mayor  
Jon "J.B." Baker, Councilmember  
Matt Broaddus, Councilmember  
Vinay Singhania, Councilmember

Modesto Mundo, City Manager  
Riazul Mia, Assistant City Manager  
Sherri Russell, City Attorney  
Sally Villarreal, City Secretary  
Milford John-Williams, Asst. to the City Manager  
Sal Aguirre, City Engineer  
James Bryson, Finance Director  
Robin Hyden, Parks Director  
Sabrina England, Public Works Director  
Carey Lankford, Asst. Police Chief

**ABSENT:**

Rhonda Seth, Councilmember  
Chase Blanchard, Mayor Pro-Tem

**PLEDGE OF ALLEGIANCE**

Councilmember Baker led the pledges.

**INVOCATION**

Mayor Roznovsky led the invocation.

**VISITOR COMMENTS**

There were none.

**DECLARATION OF CONFLICTS OF INTEREST**

There were none.

**CONSENT AGENDA**

1. Approval of minutes – August 21, 2023
2. Accept board and commission minutes:
  - a. Charter – 072523 & 080823
3. Approve Ordinance No. 23-2270 revising fees charged for water, sewer, garbage, and dumpster services– second reading.
4. Accept resignation from Traffic Commission member Nicholle Wilson.
5. Approve the 2024 Holiday Schedule.
6. Approve the second reading of Ordinance No. 23-2272, setting a credit card processing fee.
7. Authorize increase with Kemper Sports Management Operating Contract not to exceed 4.9% as budgeted.
8. Award Bid # 23-06-1117 to Gulf Fence for Suggs Park Baseball Field Fence Replacement in an amount not to exceed \$106,750.

9. Award Bid # 23-07-003 Contract Mowing Parks to Scott and Company (dba Southern Oak Services) for Parks groups three and six in an amount not to exceed \$127,584 as budgeted.
10. Award Bid# 23-07-003 Contract Mowing Parks to BrightView Landscape for Parks groups one, two, four, and five in an amount not to exceed \$214,284 as budgeted.
11. Approve street closure of Circle Way for Halloween Event on Saturday, October 28, 2023, 12:00 p.m. – 10:00 p.m.

*On motion by Councilmember Broaddus, seconded by Councilmember Baker with all present members voting “aye,” consent agenda items 1-6 and 8-11 were approved as presented. Item #7 was deferred to the September 18, 2023, council meeting agenda at the request of Councilmember Seth.*

1. Approval of minutes – August 21, 2023 - **approved**
2. Accept board and commission minutes: **accepted**
  - a. Charter – 072523 & 080823
3. Approve Ordinance No. 23-2270 revising fees charged for water, sewer, garbage, and dumpster services– second reading. - **approved**
4. Accept resignation from Traffic Commission member Nicholle Wilson. - **accepted**
5. Approve the 2024 Holiday Schedule. - **approved**
6. Approve the second reading of Ordinance No. 23-2272, setting a credit card processing fee. - **approved**
7. Authorize increase with Kemper Sports Management Operating Contract not to exceed 4.9% as budgeted. – **deferred to September 18, 2023, council meeting**
8. Award Bid # 23-06-1117 to Gulf Fence for Suggs Park Baseball Field Fence Replacement in an amount not to exceed \$106,750. - **awarded**
9. Award Bid # 23-07-003 Contract Mowing Parks to Scott and Company (dba Southern Oak Services) for Parks groups three and six in an amount not to exceed \$127,584 as budgeted. - **awarded**
10. Award Bid# 23-07-003 Contract Mowing Parks to BrightView Landscape for Parks groups one, two, four, and five in an amount not to exceed \$214,284 as budgeted. - **awarded**
11. Approve street closure of Circle Way for Halloween Event on Saturday, October 28, 2023, 12:00 p.m. – 10:00 p.m. – **approved**

**DISCUSS AND CONSIDER APPOINTING A NEW MEMBER TO THE TRAFFIC COMMISSION TO FILL THE UNEXPIRED TERM OF NICHOLLE WILSON**

On motion by Councilmember Baker seconded by Councilmember Singhanian with all present members voting “aye,” Travis Pate was appointed to fill the unexpired term of Nicholle Wilson.

**DISCUSS AND CONSIDER RESOLUTION NO. 925 NOMINATING CANDIDATES FOR THE BRAZORIA COUNTY APPRAISAL BOARD**

Mr. Mundo explained the nomination process and timeline. He noted the deadline is October 15. Mr. Mundo received a letter, and based on the new values, the city has 43 votes. Mr. Bryson is working on getting a vote count from all the other entities.

Councilmember Singhanian asked what the role of the nominee is. Mr. Mundo said a couple of the more significant roles are setting the budget for the Brazoria County Appraisal District and hiring the administrator.

He also stated this is not the board that sets the appraisals.

After a brief discussion, Councilmember Baker motioned to defer this agenda item to the September 18, 2023, meeting agenda, seconded by Councilmember Singhania, with all present members voting “aye,” the agenda item was deferred.

DISCUSS AND CONSIDER APPROVING THE SUBMITTAL OF A REQUEST TO THE LAKE JACKSON DEVELOPMENT CORPORATION FOR THE FUNDING OF EMERGENCY REPAIRS TO THE OUTDOOR POOL AT MADGE GRIFFITH PARK IN AN AMOUNT NOT TO EXCEED \$100,000

Ms. Hyden noted the pool will not pass inspection next year if the repairs are not completed. The plaster is starting to chip in the pool. It has been nine years since it has been replastered. Ms. Hyden also noted repairs needed for the baby pool. Some minor repairs have been budgeted, but this extensive repair was not.

Councilmember Baker asked if this would affect the budget. Mr. Mundo said the half-cent fund is where the funding will come from, and it can handle this repair.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting “aye,” the submittal of a request to the Lake Jackson Development Corporation for the funding of Emergency Repairs to the Outdoor Pool at Madge Griffith Park in the amount not to exceed \$100,000 was approved.

DISCUSS AND CONSIDER ADOPTING THE BOND CALENDAR FOR \$16.5 MILLION FOR GENERAL OBLIGATION BOND ISSUANCE

Mr. Bryson provided a calendar from Hilltop Securities showing the proposed calendar for the \$16.5 million. The sale would happen the week of Thanksgiving, and proceeds would be delivered by December 18, 2023. It is a 20-year GO Bond, approved by citizens in May 2021.

Mayor Roznovsky asked about the rates for bonds.

Mr. Bryson said that this bond was proposed at four percent and today is about 3.7% for 20 years.

Mr. Mundo noted the bids would be received during the week of Thanksgiving on November 20, 2023. He wanted to ensure a quorum for the November council meeting due to the Thanksgiving Holiday. The sale of the bonds can be moved.

Mr. Mundo explained the bond sale over a five-to-six-year period. Mr. Mundo said the sale was planned to be in phases to keep the tax rate and burden as low as possible.

Mayor Roznovsky noted the city tries to finish out projects before taking on new debt.

On motion by Councilmember Broaddus, seconded by Councilmember Singhania with all present members voting “aye,” the Bond Calendar for \$16.5 million for General Obligation Bond Issuance was adopted.

DISCUSS AND CONSIDER APPROVING THE PROPOSED FEE SCHEDULE FOR THE CIVIC CENTER AND JASMINE HALL

Ms. Hyden reviewed the following proposed fee schedule:

The Civic Center and Jasmine Hall FY 2023-24 budget rose 53% due to unforeseen increases in operations. Staff

and the Parks and Recreation Advisory Board recommend the following changes to offset rising operational costs and maintain the facility correctly. (See attached breakdown)

#### Civic Center

1. Increase all hourly and daily rental fees by 5%. The following will still receive a discount: Residents 10% Sunday to Saturday rentals; Non-profit, Active Military 30% Sunday to Thursday rentals only.
2. Allow the Plaza Rooms, Terrace Rooms, and Ballroom to be rented by the hour (5-hour minimum and up to 8 hours) from Sunday to Friday. Currently, renters may only rent these rooms hourly on Sunday - Thursday, but staff have received requests from groups who rented the room all day Saturday to rent the room for a few hours on Friday to decorate for Saturday's event. Saturday rentals will remain All Day rentals.
3. No longer allow hourly weekday renters the option of cleaning themselves after their event. Cleaning fees will be added to all hourly and daily rental fees.

REASON: Renters are not cleaning the rooms properly, and staff has to clean the rooms to prepare them for the next rental. When this occurs, deposits are not refunded, but it still adds additional work on staff when they need to make a quick turnover for the next rental. In 2022, 540 out of the 952 rentals used contract cleaning.

#### Jasmine Hall

1. To encourage more weekday rentals, allow hourly rentals from Monday to Friday at Jasmine Hall. Saturday and Sunday rentals will remain All Day rentals. Hourly rental fees will be \$30 per hour with a 5-hour minimum and 8-hour maximum (anything over 8 hours will be charged as an All-Day rental).
2. Increase the All-Day rental fee at Jasmine Hall to \$350 (\$100 of the fee pays for contract cleaning after their event) and increase the deposit to \$300. Jasmine Hall is an older building; the extra fee will help offset the maintenance cost.

Ms. Hyden stated the fee schedule would begin October 1<sup>st</sup> for new reservations. It will not affect reservations that have already been made in advance.

On motion by Councilmember Baker, seconded by Councilmember Singhania and all present members voting "aye," the proposed fee schedule for the Civic Center and Jasmine Hall was approved.

#### DISCUSS AND CONSIDER APPROVING THE PROPOSED FEE SCHEDULE FOR THE RECREATION CENTER

Ms. Hyden noted last year, there was a 10% increase in fees. This is only the fourth time in 25 years that the prices have increased. The fees are still below average in comparison with the competition. The Parks advisory board has proposed to increase residential membership by 10% and non-residential rates by 20%.

To offset the rising operational and maintenance costs and to ensure the facilities are adequately maintained, the following fee changes are being recommended by staff and the Parks and Recreation Advisory Board to begin October 1, 2023.

- Increase Resident membership fees by 10%. (Anyone with a 77566-zip code)
- Increase Non-Resident Memberships Fees by 20%.

*As of 8/30/23, there are 2029 Active Memberships, 1126 Residents/903 Non-Residents.*

- Change the maximum number of family members allowed on a membership from unlimited to six (6). Families with more than six (6) members will be charged the Additional Dependent fee for each member over six (6).

#### DAY PASS FEES

- Change the Daily Entry Fees for the Recreation Center and the Outdoor Pool for anyone age three and older to a flat fee of \$7.00 for the Recreation Center and \$4.00 per person for the Outdoor Pool.

#### OUTDOOR POOL RENTALS

- To offset increases in operating costs, increase rental fee for 2-hour/75-person Private Pool Party from \$200 to \$220 (10% increase). This will also help cover the increase in chemical fees.
- There is a little covered area with tables that can be rented while the pool is open for 2-hours/25 people for \$125.

Councilmember Baker asked who is considered family for the memberships. Ms. Hyden replied that it would be anyone who is claimed on your taxes. Ms. Hyden did say there have been times that proof has been asked for.

There was a discussion on a QR code that people can scan for questions.

Councilmember Singhania shared that he has received a lot of positive comments about the parks and the Recreation Center. He appreciates all the hard work the employees are doing.

Councilmember Baker asked if the city has any handicapped parks. Ms. Hyden said all the parks have inclusive elements for special needs. Ms. Hyden is looking at the need for future new playgrounds. To make an all-inclusive handicapped park would be costly.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting "aye," the proposed fee schedule for the Recreation Center was approved.

#### DISCUSS AND CONSIDER APPROVING MATULA & MATULA CONSTRUCTION INC. FOR EMERGENCY REPAIRS TO WATER DISTRIBUTION LINES, SIDEWALK, AND DRIVEWAY BREAKS DUE TO THE DROUGHT IN THE AMOUNT NOT TO EXCEED \$200,000

Ms. Webb noted during the current drought; the city is averaging eight main breaks a day; this does not include service lines or more minor breaks. These repairs are expensive. Ms. Webb stated the city crews cannot keep up with the repairs. She noted that \$100,000 is for the construction crew to help with the repairs, and \$100,000 is for the concrete crew. This approval will hopefully help get through the end of September.

Mayor Roznovsky asked Mr. Mundo if it would require going out for bid once it reaches a level of expenditure.

Mr. Mundo stated he considered this an emergency repair for the water. The city is out for a bid for concrete. Once that is open, it can be rolled into unit pricing. Currently, these expenses may be covered by revenue brought in by citizens watering their lawns and open positions. When funding these repairs, an amendment may be needed later.

Mayor Roznovsky asked if Mr. Mundo foresees receiving funding through the drought disaster declaration route. Mr. Mundo did not recall funding through that before but would watch for it. The funding and expenses are being tracked.

Councilmember Singhania suggested a new agenda item for the employees working on these repairs in the heat.

On motion by Councilmember Broaddus, seconded by Councilmember Baker with all present members voting "aye," Matula & Matula Construction Inc. was approved for emergency repairs to water distribution lines, sidewalk, and driveway breaks due to the drought in the amount not to exceed \$200,000.

DISCUSS AND CONSIDER APPROVING RAMIREZ CONCRETE FOR EMERGENCY REPAIRS TO SIDEWALKS AND DRIVEWAYS IN THE WATER DISTRIBUTION SYSTEM DUE TO THE DROUGHT IN THE AMOUNT NOT TO EXCEED \$100,000

Ms. Webb stated Ramirez Concrete also has a concrete crew following city crews and helping with repairs.

On motion by Councilmember Broaddus, seconded by Councilmember Singhania with all present members voting "aye," Ramirez Concrete was approved for emergency repairs to sidewalks and driveways in the water distribution system due to the drought in the amount not to exceed \$100,000.

DISCUSS AND CONSIDER APPROVING CZ CONSTRUCTION FOR EMERGENCY REPAIRS TO WATER DISTRIBUTION LINE BREAKS DUE TO THE DROUGHT IN THE AMOUNT NOT TO EXCEED \$200,000

Ms. Webb stated CZ Construction has been helping and completing many jobs in Lake Jackson. They are sending two teams, but they are not used every day.

Mr. Mundo noted that taking care of the leaks helps keep the water usage down.

Councilmember Singhania asked if there is a local contractor that the city can utilize. Ms. Webb stated that Matula & Matula and Ramirez Contractors are being utilized as local contractors.

Mayor Roznovsky clarified that the expenditure for water line repairs being approved are up to \$500,000 in total. It does not mean that is what these repairs will cost. This will allow staff to complete these repairs without returning to the council each time.

On motion by Councilmember Baker, seconded by Councilmember Broaddus with all present members voting "aye," CZ Construction was approved for emergency repairs to water distribution line breaks due to the drought in the amount not to exceed \$200,000.

DISCUSS AND CONSIDER THE FIRST READING OF ORDINANCE NO. 2273 AMENDING CH. 18 BUSINESSES TO CHANGE THE RENEWAL DATE FOR SIDEWALK CAFÉ PERMITS

Mr. Walton explained that the amendments to the ordinance are to eliminate the redundancies and tie the sidewalk café permit to the food establishment license. This will reduce staff time and the number of mailings as they can incorporate the sidewalk café into the license itself. If a health license is revoked or suspended, the sidewalk café would also be included.

Councilmember Baker asked how many sidewalk cafés the city has. Mr. Walton said the city has three or four

sidewalk cafés. The sidewalk café is an agreement made between the city and business to incorporate a portion of city property for their purpose.

Mr. Mundo noted it is a nominal charge of \$50 annually. The agreement is to keep it clean and power washed. The agreement is more for the maintenance obligation.

Mr. Walton stated that as part of the renewal, an annual copy of the plan will be requested to ensure nothing has changed from what was initially agreed upon.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting “aye,” the first reading of Ordinance No. 2273 amending Chapter 18 Businesses to change the renewal date for sidewalk café permits passed on first reading.

Mr. Mundo read the ordinance caption.

DISCUSS AND CONSIDER THE FIRST READING OF ORDINANCE NO. 2274 ADOPTING THE 2023 NATIONAL ELECTRIC CODE AS THE ELECTRICAL CODE FOR THE CITY

Mr. Walton stated every three years, the Texas Department of Licensing and Regulations updates the minimum code statewide for licensed electricians. By adopting the 2023 National Electrical Code, the city would like to follow suit to adopt the state minimum standard to keep parity with TDLR rules. This will keep electricians from operating differently in Lake Jackson.

The 2023 Electrical Code calls for safety measures. Below are some highlighted changes.

- Section 210.8(A)(6) removes the term “receptacles serving the countertop” to expand GFCI protection to any plug- and cord-connected appliances in kitchens. It removes the distance limitations between the kitchen sink and 125–240-volt receptacle outlets connected to single-phase branch circuits, 150 volts to ground or less
- Section 110.26(A)(4) now requires that when electrical equipment has open doors that create an egress path less than 24 inches wide or 78 inches high, the opening must be large enough to prevent the doors from blocking the path.
- Section 110.3 adds cybersecurity to the standards for judging the safety and performance of electrical equipment.
- Section 125.18 requires installing a surge protection device in dwelling units, dormitory units, guest rooms, and guest suites of hotels and motels, as well as patient sleeping rooms in nursing homes and limited care facilities.
- Section 406.12 requires tamper-resistant receptacles in childcare facilities, dormitories, boathouses, mobile homes, and motel rooms. It makes an exemption for single receptacles for single appliances or duplex receptacles for two appliances that are not readily accessible.
- Section 440.11 requires that, in residential spaces where unqualified persons can readily access the means to disconnect an air conditioner, the disconnect enclosure or the hinged door that exposes energized parts must be capable of being locked or require a tool to be opened.
- Section 625.50 requires that electric vehicle supply equipment rated greater than 16 amps or 120 volts must be supplied by an individual branch circuit. Single branch circuits can supply more than one electric vehicle supply equipment when the loads are managed by an energy management system.
- Section 625.49 permits electric vehicle power export equipment (EVPE) and bidirectional electric vehicle

supply equipment (EVSE) that incorporate a power export function to be a part of an interconnected power system that can operate in island mode. (“Island mode” is sometimes called “off the grid” or “back-up mode.”)

Mr. Walton stated that any work previously completed would still comply with the code in which it was built. The residential code also provides provisions that new homes can still be built to the older code because the residential code mirrors the electrical code. The city has not adopted a newer building code.

Mr. Mundo read the ordinance caption.

On motion by Councilmember Broaddus, seconded by Councilmember Singhania with all present members voting “aye,” the first reading of Ordinance No. 2274 adopting the 2023 National Electric Code as the electrical code for the city was approved on the first reading.

DISCUSS AND CONSIDER THE FIRST READING OF ORDINANCE NO. 2275 AMENDING CH. 50 HEALTH AND SANITATION TO CHANGE THE PROCEDURES FOR FILING GREASE TRAP SERVICING REPORTS AND FOR INSPECTION OF FOOD TRUCKS

Mr. Walton noted a couple of changes to this ordinance. It changes the reporting responsibilities to the hauler at the time of servicing. This will document the pickup and the hauling to the licensed facility. It will reduce the number of warnings and citations to the restaurants. Currently, the restaurant is required to provide a service report every three months. The service report is the final report of disposition.

Councilmember Singhania was concerned about getting the paperwork from haulers out of town. Mr. Walton stated there is a system that can be viewed to see reports and noncompliance. The restaurant is still responsible for servicing the grease traps; it just puts the responsibility on the hauler to send the report. Mr. Walton did not think this would cause extra work for his department.

Mr. Mundo suggested that he report to the council in a year with an update on how the reporting has worked out.

Mr. Walton stated it should help with compliance and fewer citations should be issued. He noted he would only be contacting the haulers for the reports.

Mr. Mundo read the ordinance caption.

Mr. Walton noted changing the language under Sec. 50-16 Inspections to mirror TEFR. Also, remove under item (b) the address of 25 Oak Drive and change to a site designated by the city.

Mr. Walton also noted the \$11.50 pass-through charge that will still be collected.

On motion by Councilmember Baker, seconded by Councilmember Broaddus with all present members voting “aye,” the first reading of Ordinance No. 2275 amending Ch. 50 Health and Sanitation to change the procedures for filing grease trap servicing reports and for inspection of food trucks was approved.



### NEW BUSINESS UPDATES

Mr. Walton reviewed the new business update and new and existing construction.

### STAFF UPDATES

- a. City Manager updates - none
- b. Council meeting action item summary
  - i. Deferments for Consent Item #7 and Regular Item #2
  - ii. Options to express gratitude for utility crews.

### CONSTRUCTION UPDATES

Mr. Aguirre went over the construction updates.

### ITEMS OF COMMUNITY INTEREST

- Councilmember Baker announced the BBQ Cook-off for the Police Association on Saturday, September 9, 2023, at the Brazos Mall parking lot from 11:00 a.m. – 4:00 p.m.
- Councilmember Baker also noted the 9/11 event at the Civic Center.

### ADJOURNMENT

There being no further business, the meeting adjourned at 7:53 p.m.

These minutes were approved on the 18th day of September 2023.

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Sally Villarreal, City Secretary

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Gerald Roznovsky, Mayor