

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, October 4, 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
Vinay Singhanian, Councilmember
Jon Baker, Councilmember
Matt Broaddus, Councilmember
Rhonda Seth, Councilmember

ABSENT:
Buster Buell, Mayor Pro-Tem

PLEDGE OF ALLEGIANCE

Councilmember Singhanian led the pledge of allegiance.

INVOCATION

Councilmember Baker led the invocation.

VISITORS COMMENTS

No visitor comments.

ANNUAL REPORT FROM THE BRAZOSPORT FINE ARTS COUNCIL – WES COPELAND

Mr. Copeland went over the Brazosport Fine Arts Council report. Mr. Copeland reported that thirty eight percent of their traffic during the day is from outside of Brazoria County. The musicals bring in approximately nineteen percent on average from outside of Brazoria County.

There will be a special event on New Year's Eve held at the Courtyard by Marriott. This will be a fundraising event.

Mayor Roznovsky thanked Mr. Copeland for the Brazosport Fine Arts Council's efforts in promoting the city.

GFOA DISTINGUISHED BUDGET PRESENTATION AWARD

Modesto Mundo thanked the budget committee for their hard work in receiving this award for the 29th year. The budget committee consisted of Megan Borth, Toni Truly, Milford John-Williams, Lora-Marie Bernard and Pam Eaves.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

CONSENT AGENDA

- A. Approval of minutes – September 20, 2021
- B. Accept board and commission minutes
 - 1. KLJB 081721
 - 2. Charter Review Commission 090721
- C. Ordinance rezoning a 4-Acre tract at 111 FM 2004 adjacent to and behind the Buc-ee's convenience store from B-1 (Neighborhood Business) to T-1 (Single- Family Residence, Townhouse) – second reading
- D. Request closure of Circle Way Street on Friday, 11/19 from 4:00 PM to 11:00 PM for Festival of Lights Tree Lighting and Santa Pajama Jam and on Saturday, 11/20 & Sunday, 11/21 from 6 AM to 10 PM for Festival of Lights festivities with Sunday, 11/21 being an inclement weather reschedule day

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

- A. Approval of minutes – September 20, 2021 - *approved*
- B. Accept board and commission minutes – *accepted*
 - 1. KLJB 081721
 - 2. Charter Review Commission 090721
- C. Ordinance rezoning a 4-Acre tract at 111 FM 2004 adjacent to and behind the Buc-ee's convenience store from B-1 (Neighborhood Business) to T-1 (Single- Family Residence, Townhouse) – second reading - *adopted*
- D. Request closure of Circle Way Street on Friday, 11/19 from 4:00 PM to 11:00 PM for Festival of Lights Tree Lighting and Santa Pajama Jam and on Saturday, 11/20 & Sunday, 11/21 from 6 AM to 10 PM for Festival of Lights festivities with Sunday, 11/21 being an inclement weather reschedule day - *approved*

DISCUSS AND CONSIDER REQUEST FOR USE OF TRASH BINS FOR RESIDENTIAL GARBAGE COLLECTION – ANDREW CHAMBERLAIN

Mr. Chamberlain was not present for this item and requested this be on a future agenda.

DISCUSS AND CONSIDER REQUEST FROM SEVEN SOULS TATTOO STUDIO TO INCLUDE TATTOO AND BODY PIERCING STUDIOS TO ZONING IN LAKE JACKSON - DEE CANTU

Dee Cantu - 1201 Brazosport Boulevard was present for this item.

Mr. Cantu said his studio does tattoos, permanent make-up and piercings. They also participate in annual food drives and Toys for Tots during Christmas time. They are very active in helping the community.

Mr. Mundo explained the process of bringing a tattoo studio to the city. If Council wanted to continue to look at this request, it would go to the Planning Commission to start the public hearing process. The Planning Commission would examine the appropriate zone and location then make a recommendation to Council.

Ms. Russell stated a general discussion would be first to determine where a tattoo studio would be and if any restrictions would be applied. Then there would be a public hearing to amend the zone.

Microblading and permanent makeup is allowed in the city under a beauty parlor.

Councilmember Singhania asked what percentage of their clients are Lake Jackson residents. Mr. Cantu stated about half of his clients are from Lake Jackson. Mr. Cantu also stated his shop has a lot of out of state clients. Mayor Roznovsky mentioned that tattoos offer positive effects to cover up surgery scars and scars for breast cancer victims. Mr. Cantu mentioned that they do a lot of tattoo revisions for people coming in to correct bad tattoos.

Mayor Roznovsky asked if they had a specific location in mind to open a tattoo studio. Mr. Cantu mentioned a location close to Academy and where there is a current microblading business.

Councilmember Seth asked about sterilization. Mr. Cantu stated they use Stericycle and are inspected twice a year by the health inspector. There is not a test required to become a tattoo artist. There is a blood born pathogen test and Covid-19 test that is taken.

Councilmember Baker asked what their title is. Mr. Cantu said they are tattoo artists. The process to become a tattoo artist is working under a mentor until they feel you are ready.

Councilmember Baker asked how many tattoo artist are in Brazoria County. Mr. Cantu estimated between twelve and twenty with six working in his shop. The license comes from the Health Department.

There is an additional license for a piercing artist. The license is the same health license but you must work under a mentor before you are allowed to be on your own. Their shop sells all the materials needed for piercings.

They have had two complaints, but their shop was determined to be fine. They were rated an 8 out of 10 on their last audit. If the state comes out and finds things that they don't like, they can be shut down. A shop can lose their license if there are too many infections within a year.

Mr. Cantu mentioned that Angleton and Clute require a special use permit that is evaluated every six months.

Councilmember Seth asked why they would want to come to Lake Jackson from Freeport. Mr. Cantu felt Lake Jackson would be a better location for their business and help them grow and expand.

Mayor Roznovsky asked if they have ever refused service to a customer. Mr. Cantu said they have and will refuse service to anyone under the influence. The state requirement for tattoos is eighteen years or older. ID's must be presented. There are piercings for minors if accompanied by a parent, however, there are no piercings under the age of fifteen.

The business is required to have insurance, but tattoo artists are not required to have it individually. Hours of operation are Monday thru Thursday from noon to 10 pm, Friday and Saturday from noon

to 1 am. Mr. Cantu would like to expand to include ten tattoo artists and three piercers.

Councilmember Singhania suggested adding this to the next council meeting to receive feedback.

Mr. Cantu mentioned a petition that has been signed in support of his business. Not all signatures are from Lake Jackson.

Joan Machorro – 420 Garland Dr. #500

Ms. Machorro stated she is a customer of Seven Souls Tattoo Studio and noted they are very detailed with their paperwork.

Mr. Mundo asked if they have ever come across a city that has additional regulations on top of state requirements.

Mr. Mendez -708 Austin

Mr. Mendez said he worked at a shop in Victoria that had to close at a specific time per city ordinance.

Mr. Walton said this wouldn't be treated any different than any other business offering professional services. The only restriction could be the time that a business would have to close depending on location. The business would have a preopening inspection by the health department.

Councilmember Seth asked Mr. Cantu if the tattoo artists are required to take continuing education classes. Mr. Cantu said they are required to do it every year. Their office maintains a record of completed classes.

Mayor Roznovsky and Councilmember Seth stated they wanted feedback. Mr. Cantu was encouraged to have his Lake Jackson customers reach out to the city via email, phone or Facebook. Councilmember Singhania also mentioned putting this topic on the city's website and Facebook page for feedback before the next council meeting.

DISCUSS AND CONSIDER PROPOSED PUBLIC IMPROVEMENT GUIDELINES

On August 30, 2021, a workshop was held to discuss Public Improvement District (PID) guidelines to supplement the 2009 Policy Guide for the Use of Special Districts and Special Incentives. Following the workshop, staff has worked with Sue Darcy from Marsh Darcy Partners to create internal review questions and an analysis summary.

Ms. Borth went over the questions used to evaluate proposals.

Mayor Roznovsky felt the questions helped both sides.

Councilmember Seth stated she has looked at many types of PIDS, MUDS, etc., she has concerns and does not agree with adding taxes.

Ms. Borth stated the guidelines could be approved and a specific PID could still be rejected.

Sue Darcy stated the request for PID's is what the market situation has become. If the city does not grant the PID, the developer will push it to the customer in the price of the home. When you have a

large development, every time a piece of property trades hands, for example from the developer to the builder, the price goes up. So, the end person must finance it into a mortgage over 30 years at a mortgage rate as opposed to allowing the homeowner to pay it back at the bond rate that the city has plus one percent. You're basically giving the property owner tax exempt interest rates to pay the amount as opposed to market mortgage rates.

Mayor Roznovsky noted the city's tax rate being lower than surrounding cities.

The purpose of the PID is to have a tool available to use. It does not mean it has to be granted if a developer requests it.

Ms. Darcy stated the statute says the interest on a PID assessment can be charged at one percent above the city's current bond issuance rate.

Mayor Roznovsky asked if it was possible for a property owner to write a check to the county once a year, then city sends to developer. Mayor Roznovsky asked if that is possible.

Sue Darcy mentioned the tax accessor collector responsibilities. If the assessment becomes delinquent, then the tax accessor collector should be charged with good faith efforts to try to collect assessment. If it's not collected, then it can be foreclosed.

This is like an installment loan; you pay it off over time. During that time the statute says it is a lien against the property and it is the responsibility of the property owner. This is how it can be foreclosable. Ms. Darcy suggested setting it up as a set fee.

Councilmember Broaddus noted the city does assessments for other things like sidewalks. Ms. Eaves stated payments are usually collected when a home sells.

Mayor Roznovsky would like to see staff put something together and put definition behind it to clarify what the city is looking for.

Ms. Darcy highly recommended to work the city's purposes and goals into the PID.

Councilmember Seth would like to make sure the application is very clear that meeting the criteria does not mean approval.

This item will come back to council with a complete document on how it will appear to the applicant.

DISCUSS AND CONSIDER RESOLUTION NOMINATING CANDIDATES FOR THE BRAZORIA COUNTY APPRAISAL BOARD

Every two years the Brazoria County Appraisal District calls for nominations for their Board of Director Positions. The last two times the city did not nominate a candidate but did cast it's 47 votes in the last two elections. Below is the recent history of Lake Jackson's vote or nomination actions.

- 11-06-17 Votes were distributed to all five nominations
- 09-16-19 We didn't have any nominations

- 11-18-19 All votes (47) were cast for Gail Robinson

Mr. Mundo stated that BISD has nominated Gail Robinson and all their votes will be for her.

On motion by Councilmember Singhania seconded by Councilmember Broaddus with all present members voting “aye” Gail Robinson will be nominated by the city.

DISCUSS AND CONSIDER RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS FOR 2022

Mayor Roznovsky explained the responsibilities of the alternate.

Mayor Roznovsky will get with Councilmember Buell to see if he still wants to serve as the alternate. Councilmember Singhania volunteered to serve. This will come back to the next meeting for the appointments.

REVIEW AND CONSIDER GRANTING DRAINAGE EASEMENT TO VELASCO DRAINAGE DISTRICT FOR CREEKSIDE OUTFALL

This is a cleanup item left from the Creekside Subdivision development process that slid by with our and Velasco Drainage District notice. When the developer prepared the legal description of the subdivision detention reserve transfer to the city, it was done at the 4th and last phase of full development as agreed by City and developer.

The length of time and those involved in carrying this through failed to include VDD in the portion of this reserve where the pipe and positive flood gated structure lie which typically is controlled and maintained under our interlocal agreement with them.

Since the outfall installation, there have been past events where either operational gate problems or safety issues raised questions of responsibilities in these. After some of these, we both realized VDD had been inadvertently left out of the responsibility by not having this in an official easement. They were willing to assist us in the gate operation at the time with the understanding that this be done for future control. This is in line with the agreement that we have and would like to have your approval.

On motion by Councilmember Broaddus seconded by Councilmember Singhania with all present members voting “aye” the drainage easement to Velasco Drainage District for Creekside Outfall was approved.

DISCUSS AND APPROVE A CONTRACT WITH KIMLEY-HORN FOR THE PRELIMINARY ENGINEERING ANALYSIS OF LIFT STATION 1 LOCATED AT OAK DRIVE AND HWY 332 IN AN AMOUNT NOT TO EXCEED \$76,300

This scope of work is intended to provide Preliminary Engineering services to analyze two potential options for the lift station rehabilitation and force main replacement and make recommendations for the final design. This will consist of analyzing and preparing two (2) options for lift station rehabilitation. It is understood one option will focus on a complete lift station rehabilitation, and the second will focus on construction of a new lift station adjacent to the existing. This task includes

analysis of the electrical and structural components for the lift station rehabilitation and new lift station.

On motion by Councilmember Seth seconded by Councilmember Baker with all present members voting "aye" the contract with Kimley-Horn for the preliminary engineering analysis of Lift Station 1 located at Oak Drive and Hwy 332 in an amount not to exceed \$76,300 was approved.

DISCUSS AND CONSIDER ORDINANCE AMENDING CH. 82 SOLID WASTE TO PROHIBIT SCAVENGING OF SOLID WASTE PLACED FOR COLLECTION INCLUDING HEAVY TRASH ITEMS – FIRST READING

The city ordinances prohibit searching through recyclables or bagged trash, but they do not address heavy trash. Most people pick up the heavy trash, such as appliances, and work on them elsewhere. However, there is now at least one person that is disassembling the appliances and leaving the unwanted pieces scattered on the ground. This ordinance is an attempt to prevent this behavior.

On motion by Councilmember Singhania seconded by Councilmember Broaddus with all present members voting "aye" the ordinance amending Ch. 82 Solid Waste to prohibit scavenging of solid waste placed for collection including heavy trash items passed on the first reading.

DISCUSS AND CONSIDER APPOINTING JEROME ALDRICH TO FILL THE POSITION OF PART-TIME CONTRACT PROSECUTOR

During the budget process, Council added a prosecutor as a part-time contract position. For the first prosecutor, the City Attorney wants a local attorney with criminal and courtroom experience. Jerome Aldrich is a local attorney who has decades of experience prosecuting and defending criminal defendants. Further, the contract allows the City to terminate the contract with 30 days' notice.

Ms. Russell explained why she would like Mr. Aldrich to serve in this position. Mr. Aldrich has been local and practicing since 1983.

Mr. Aldrich has been in private practice for nine years. He is looking forward to becoming the city's prosecutor.

On motion by Councilmember Baker seconded by Councilmember Seth with all present members voting "aye" Jerome Aldrich was accepted to fill the position of part-time contract prosecutor.

DISCUSS AND CONSIDER FIRST AMENDMENT TO INTERLOCAL AGREEMENT FOR ANIMAL CONTROL AND PROTECTION SERVICES WITH SPCA OF BRAZORIA COUNTY

Mr. Mundo stated the key benefit to this amendment is to allow the SPCA to keep one set of books and report back to the cities, rather than keeping two accounting books. Another benefit is securing the amount each city contributes rather than calculating it by animal count. Lake Jackson will pay \$261,737 per year and will not be tied to an animal count.

On motion by Councilmember Baker seconded by Councilmember Seth with all present members voting "aye" the first amendment to the interlocal agreement for animal control and protection services with SPCA of Brazoria County was approved.

DISCUSS AND CONSIDER AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THORN ARCHITECTS FOR THE ARCHITECTURAL DESIGN OF THE ANIMAL CONTROL FACILITY

On September 2nd, the City of Lake Jackson received responses to the Request for Qualifications from Architects to design the Animal Control Facility bond project.

The city received a total of nine submissions to the RFQ. An evaluation tabulation sheet was made that shows how each were scored by the seven City staff members that make up the selection committee. These staff members were selected based on their knowledge of the project and their involvement with it moving forward.

Based on the tabulations, the top two architect firms, Thorn Architects and PGAL, were interviewed on September 22nd and 24th.

Thorn Architects was the unanimous choice by the selection committee and on September 28th they were notified of the committee's decision.

Thorn Architects are the firm that completed the architectural work on the Atascosa Animal Control Facility, which is considered the "vision" for this project for staff and Council.

The selection committee is confident in the firm's ability to meet or exceed expectations for this project. Therefore, we recommend that Council allows the City Manager to execute a contract with Thorn Architects for the design of the Animal Control Facility.

Mr. Mundo stated if approval is granted, staff will bring back a contract for council approval.

On motion by Councilmember Seth seconded by Councilmember Broaddus with all present members voting "aye" the city manager was authorized to negotiate a contract with Thorn Architects for the architectural design of the animal control facility.

DISCUSS AND CONSIDER REZONING SIGN REQUIREMENTS FOR PROPERTIES BEING PROPOSED FOR REZONING IN THE CITY

This item was requested by Councilmember Singhania.

There was discussion on types, costs and sizes of signs. Councilmember Singhania wanted to make this a simple sign with black lettering and a phone number. A sign was used as an example with a QR code that would bring up the public hearing newspaper advertisement. The QR code may not work for all properties.

The idea of the signs was accepted well by council.

Ms. Russell will work on an ordinance amendment to add the requirement of rezoning signs. The city will provide the sign, but the developer/owner will have to put it up. An affidavit and picture will be included.

Staff will bring a new example with appropriate wording to the next council meeting.

CITY MANAGER UPDATE

HURRICANE NICHOLAS UPDATE – Mr. Sanchez gave a report on how Hurricane Nicholas affected the City of Lake Jackson. Mr. Mundo and Mayor Roznovsky gave an update on the debris removal.

FESTIVAL OF LIGHTS UPDATE – Ms. Borth announced that The Festival of Lights will return this year. Ms. Borth went over some of the activities being held including a mayor’s tree lighting.

CONSTRUCTION PROJECT UPDATES

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

Mr. Aguirre gave an update on construction projects.

Councilmember Seth asked if there is an update on the construction behind Buc-ee’s. Mr. Aguirre stated there is no update at this time. Their permit is active for 6 months from the last progress. Mr. Walton stated people are on site, but they are not seeing any progress or doing any inspections.

Ms. Borth went over the bond projects.

ITEMS OF COMMUNITY INTEREST

Councilmember Broaddus mentioned he received a good legislative update. Councilmember Baker mentioned Neighborhood night out on Tuesday. Mayor Roznovsky noted the new drone tool that was utilized for the hurricane operations. County Fair is back and is back big. The parade will be back stronger and there are some changes for the rodeo.

Mr. Mundo introduced the new Facts reporter. Theresa will be leaving to go to Angleton. Mr. Mundo also announced that Jeremy Bubnick will be moving to Moreno Valley in California. He has accepted a new job.

ADJOURNMENT

There being no further business the meeting adjourned at 9:08 p.m.

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

Gerald Roznovsky, Mayor

Sally Villarreal, Interim City Secretary