

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 17, 2022, 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
Rhonda Seth, Mayor Pro-Tem
Matt Broaddus, Councilmember
Vinay Singhanian, Councilmember
Chase Blanchard, Councilmember
Jon "J.B." Baker, Councilmember

Meagan Borth, Asst. City Manager
Sherri Russell, City Attorney
Sally Villarreal, City Secretary
Sal Aguirre, City Engineer
Sabrina England, PW Director
James Bryson, Finance Director
Pau Kibodeaux, Police Chief
Lora-Marie Bernard, PIO
David Walton, Building Official
Milford John-Williams, Asst. to the CM

PLEDGE OF ALLEGIANCE

Councilmember Singhanian led the pledge of allegiance.

INVOCATION

Mayor Roznovsky led the invocation.

VISITORS COMMENTS

Gary Hunter – 117 Mesquite Street

Mr. Hunter commented on the Any Way Street item. Mr. Hunter suggested a static solution such as speed bumps to help control the speeding problem. He lives in the neighborhood and sees people speeding down the roads all the time. Mr. Hunter stated that he was willing to help talk to the residents along with Councilmember Blanchard. He would like to see the implementation of corrective measures and for city council to place temporary speed bumps.

PRESENTATIONS

Mayor Roznovsky proclaimed November 6, 2022, as Brazosport Symphony Orchestra Day.

Paula Matzke was present to accept the proclamation.

Wes Copeland was in attendance to present the Annual Brazosport Fine Arts Council report. Mr. Copeland explained how the Hotel Occupancy Tax funds that are passed on to them are spent. He mentioned the center is working hard on marketing and he noted the visitor counts.

Mr. Copeland announced the sale of the Elizabethan Madrigal Feast tickets.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest

CONSENT AGENDA

1. Approval of minutes – October 3, 2022
2. Accept Board and Commission minutes:
 - a) Planners – 090722
 - b) Traffic – 091322
3. Adopt Ordinance No. 2256 that establishes regulations for food trucks and food truck courts second reading
4. Approve renewing the contract for the municipal prosecutor in an amount not to exceed \$40,000 as budgeted
5. Approve purchase for the replacement of the four main consoles from Motorola Solutions in an amount not to exceed \$334,000 as budgeted
6. Authorize down payment of \$900,000 to Siddons-Martin for the Fire Department ladder truck through HGAC Contract #FS12-19
7. Award contract to Gulf Fence for the Pee Wee Complex & Dugouts fence replacement in an amount not to exceed \$118,226 as budgeted – Robin Hyden

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting "aye," consent agenda items were approved as follows:

1. Approval of minutes – October 3, 2022, *approved*
2. Accept Board and Commission minutes: *accepted*
 - a) Planners – 090722
 - b) Traffic – 091322
3. Adopt Ordinance No. 2256 that establishes regulations for food trucks and food truck courts second reading - *adopted*
4. Approve renewing the contract for the municipal prosecutor in an amount not to exceed \$40,000 as budgeted- *approved*
5. Approve purchase for the replacement of the four main consoles from Motorola Solutions in an amount not to exceed \$334,000 as budgeted - *approved*
6. Authorize down payment of \$900,000 to Siddons-Martin for the Fire Department ladder truck through HGAC Contract #FS12-19 - *approved*
7. Award contract to Gulf Fence for the Pee Wee Complex & Dugouts fence replacement in an amount not to exceed \$118,226 as budgeted – Robin Hyden - *awarded*

DISCUSS AND CONSIDER FULL OR PARTIAL CLOSURE OF HUISACHE STREET DURING CONSTRUCTION FROM NOVEMBER 1, 2022, TO APRIL 2023

Ms. Borth stated staff has spoken to BISD. There is a bus route that goes through this street, but it could be rerouted. This is something that the BISD Superintendent Danny Massey is comfortable with.

Barry Ferguson – Bridge Tower Homes

Mr. Ferguson stated the request is for safety. If the closure is granted it will allow for better flow. During the construction phase there are contractors, framers, large equipment, and deliveries. It would be safer for the construction workers if they did not have to dodge vehicles passing through while the development is underway.

Construction started at the beginning of September. There are 61 homes under construction with 12 more will be permitted soon.

The closure would be for 24 hours a day during the duration of construction, which would be four to five months.

Ms. Borth noted a 10-day traffic study revealed approximately 400 cars a day. The study does not register the direction or how many times the same car goes over it.

Councilmember Baker asked how emergency vehicles would navigate if it were to be closed. Mr. Ferguson did not foresee a big impediment.

Mayor Roznovsky asked if staff had received any comments from residents not being able to get to their homes since the construction started in September. Staff nor Councilmembers have received calls or complaints.

Councilmember Blanchard stated it would be an inconvenience for the people who live on Fern St., Huisache Ct. and Primrose St.

Councilmember Baker asked if surveys have been sent out to the residents that would be affected. Ms. Borth stated that staff had not sent anything out.

After brief discussion, council would like to send a notice to the neighbors to receive feedback on the closings before this moves any further. Ms. Borth stated this would be taken care of.

DISCUSS AND CONSIDER REQUEST FOR LAKEWOOD MANOR TO CONSTRUCT ENTRY SIGN AT THE ENTRANCE OF HUISACHE STREET

Barry Ferguson stated the ordinance granted a 64 sq. ft. sign. This sign will be utilized for leasing information. He stated that people have asked them about the development and shared their history from years ago.

Mayor Roznovsky suggested changing the design to look more mid-century and not so industrial looking. He sees the value in the sign. Mayor Roznovsky also noted the PUD would need to be reopened. There was also a notation that when the PUD is reopened there could be other changes that council could address.

Council agreed to move forward and open the PUD for further discussion on signage.

Councilmember Seth would like to see a rendering of a new design.

DISCUSS AND CONSIDER THE REQUIREMENTS THAT WILL BE PLACED ON RESIDENTS WHO KEEP RABBITS WITHIN THE CITY LIMITS

Mayor Roznovsky stated he spoke to his veterinarian about rabbits. He shared the following information:

- There are 58 recognized breeds of rabbits by the American Association of Rabbit Breeders.
- An adult rabbit's weight can vary from 2 lbs. to 60 lbs. depending on the breed.
- A female can start reproducing at the age of 12 months for up to 6 years.
- Out of every 16-day period, a female rabbit can become pregnant if she's around a male. The gestation period is 25 to 30 days.
- Research on feral domestic rabbits indicated a few cities are struggling with rabbits.
- Another associated challenge is a domestic feral rabbit cannot be captured by an animal control officer (ACO) and released. They must go to an animal shelter, but many cities do not take rabbits and they have to be euthanized.

- There are no required vaccinations for rabbits as they are not known to carry rabies.

Ms. Russell pulled out different regulations from other city ordinances. Ms. Russell reviewed regulations for a permit pertaining to:

- Basics – number of rabbits, no breeding, no slaughtering on premises, not for business purposes
- Permit – sketch identifying pen locations, breed, and number of rabbits, annual or only one needed, permit not transferable to a different property or person, humane inspects before permit is issued
- If FFA/4-H the only residents allowed to have rabbits, then what additional permit requirements would be applied – proof of membership, ends upon graduation or unenrollment from program
- Revocation of permit – failure to abate nuisance, false information on permit, more than (?) times at large, more than (?) sanitation/cruelty finding by humane officers, judge orders permit revocation, humane orders permit revocation and can appeal to judge
- Hutch requirements –(?) ft. from houses or commercial buildings, (?) feet from property line, (?) sq. ft. per rabbit for enclosure, (?) feet high, different hutch for each sex, watering area not to attract mosquitoes, feeding areas – no rotten food, no flies

Ms. Russell noted council could remove the definition of rabbits under livestock or they could consider an ordinance requiring the permits.

Sue Williams – 125 Mesquite

Ms. Williams asked how rabbits are defined livestock. Ms. Russell stated they were added in the 70's when council decided they didn't want rabbits. State law does not list rabbits as livestock, but the city ordinance does.

Ms. Williams stated the State's definition of livestock as cattle, horses, mules, hogs, sheep, and goats.

Councilmember Seth reviewed the list provided by Ms. Russell.

It was stated that an ordinance would not affect the E-1 zone which allows incidental livestock.

Mayor Roznovsky mentioned FFA can show one animal or a hutch of three. This would give guidance on where to start. Councilmember Seth did not want to limit it to just 4H students.

Mayor Roznovsky clarified that he supported going forward with 4H or FFA.

Councilmember Singhania stated a lot of children in Lake Jackson already have rabbits as pets in their home. If council applies the ruling of only FFA students, it will leave out the other children. He does not want those children to have to give up their pet rabbits. He stated citizens have been told in the past that they could have rabbits.

Ms. Russell stated this would only be on a complaint basis and not a house-to-house search.

Councilmember Blanchard said if going forward with the ordinance, it should be open to everybody not just FFA students.

Councilmember Singhania suggested grandfathering the people who already have rabbits. Mayor Roznovsky rejected that suggestion. Councilmember Singhania pointed out he felt this way because it is unfair to those people who were told they could have them.

After discussing this section of an ordinance, council agreed on limiting up to three rabbits (with a permit), no breeding, no slaughtering on premises and not for business purposes.

Ms. Williams asked what could be done to completely oppose the rabbits. Ms. Russell informed her of the referendum process, and that it would take a couple of meetings to pass an ordinance.

Justin Pulliam – 8919 Japonica | Rosenberg, TX

Mr. Pulliam did not comprehend why council had not been able to come to a conclusion on the rabbits. He suggested that council allow the rabbits in city limits.

Sherry Hunter – 117 Mesquite

Ms. Hunter asked why Mr. Pulliam was sharing his complaints in the City of Lake Jackson since he lives in Rosenberg.

Councilmember Seth did not agree with the spay and neuter requirement. If no breeding is already listed, this would be redundant and an extra expense. She also did not feel the need for the distance for a pen. Councilmember Seth felt the process was getting overly complicated.

Mayor Roznovsky did not think there was a need for permitting since there would be no inspections.

Councilmember Blanchard said to keep it simple: no permits required, limit of three rabbits allowed, no breeding, no slaughtering, no business, no permit fee and avoid a nuisance claim.

There was mention of the Angleton ordinance and what it allowed.

Mr. Hunter is concerned about the breeding of rabbits. Mr. Hunter stated he felt like this is a back door approach to allowing chickens and ducks just like Angleton. Mr. Hunter read notes from a previous meeting and felt council will regret letting this go through.

Councilmember Blanchard stated he supported the rabbits and chickens. He is not trying to hide anything. He supports limited government. Councilmember Blanchard stated he would like to have a normal conversation with the Hunter's, but he was cussed out last time.

Mayor Roznovsky stated he has voted no on several occasions because he knows of people who do not want rabbits or chickens in the community. He votes for what is best for the city. Mayor Roznovsky also stated he does not feel there is any kind of agenda other than people sitting on council getting opinions from the community. Council's job is to represent all the people.

Councilmember Seth stated she was shocked with the number of people who asked about chickens when she was running for office.

Councilmember Baker asked to end the discussion. He stated he would like to discuss items such as streets, downtown work, and other construction.

Councilmember Seth agreed with Councilmember Baker, but she stated the citizens are the ones who keep bringing this topic up.

Mayor Roznovsky stated council has given Ms. Russell direction to draft an ordinance. Ms. Russell stated she felt comfortable bringing it back for a first reading at the next meeting.

Mayor Roznovsky stated the only way to end the discussion is to put a motion out to not make any changes to the existing ordinance. If it receives a second, there will be discussion and a vote.

Councilmember Baker motioned that the rabbit and chicken discussion end and council get back to other city business such as streets, downtown work, and other construction, Councilmember Singhania seconded the motion.

Justin Pulliam stated the city must respect the rights of the minority. He said rabbits are harmless. He shared his opinions on rights. He also suggested that council approve an ordinance before the end of the meeting.

Councilmember Baker clarified his motion and stated he motioned to drop the rabbit and chicken discussions all together and get back to normal city business such as construction, employees, and business at hand.

Councilmember Seth said shutting this topic down would be ignoring what citizens have brought to council.

Councilmember Singhania withdrew his second to the standing motion because he did not agree with ending the discussion all together. His understanding was the discussion would end for this meeting and the prior discussion was still valid.

Mayor Roznovsky summarized that after the conversations, the city attorney has been given direction for a first reading of an ordinance. City Council will have an opportunity to discuss it again and vote to move forward or not.

Councilmember Baker stated he is willing to speak to citizens and listen to their concerns. He has not spoken to any citizens.

DISCUSS CONCEPT OF LIMITED CHARGING PARKING STATIONS FOR ELECTRIC VEHICLES IN DOWNTOWN

Ms. Borth stated staff has been approached by a couple of companies interested in EV charging stations in the downtown area. This item is to see if council would be comfortable with this concept and move forward with it.

Ms. Borth stated this would go out for formal bidding for a request for proposals.

Mayor Roznovsky has been asked where the closest EV charging station is located. He refers people to go to The Marriott and a few other places. These people want to charge their vehicles while visiting the downtown area.

This would require them to lease city property.

Ms. Borth stated her dealings with the downtown businesses have not been favorable because they would like more parking spaces. These spaces are open to anyone, but most people do not park there if they do not have an EV.

Ms. Borth will include the options for other areas in the request.

Councilmember Seth also mentioned remarks from the Fire Department.

Councilmember Blanchard noted he spoke with the Fire Marshal and Code Enforcement.

Council agreed to move forward with this item.

DISCUSS TRAFFIC CALMING MEASURES FOR ANY WAY STREET

This item will go to the November 7, 2022, meeting.

DISCUSS AND CONSIDER AN ORDINANCE FOR A LIMITED RIGHT TURN LANE ON DIXIE DRIVE AT BRAZOSWOOD DRIVE – FIRST READING

Ms. Borth read the ordinance.

Mayor Roznovsky noted the time needs to be added to the ordinance.

The hours to add would be 6:30 a.m. to 9:00 a.m., Monday - Friday.

On motion by Councilmember Broaddus, seconded by Councilmember Singhanian with all present members voting "aye," the first reading for a limited right turn lane on Dixie Drive at Brazoswood Drive was approved with the addition of 6:30 a.m. to 9:00 a.m., Monday thru Friday.

DISCUSS METHODS TO DETER DEVELOPERS FROM CLEAR CUTTING PROPERTY OR FROM REMOVING PROTECTED TREES

Ms. Russell stated the \$500 fine cannot be increased, but a fine can be imposed for each tree.

Councilmember Seth mentioned this has happened several times. Mayor Roznovsky noted an incident that occurred many years ago over a weekend.

This is more for commercial. When a subdivision is being developed it is considered commercial.

Northwood did a clear cut; however, the bigger violation is doing work without a plot which is required by ordinance. Mayor Roznovsky asked if there is anything that can be put in place when the requirements are not followed. Ms. Russell stated the city does not have anything in place at this time, but that is something that can be discussed. Other cities stop work. Ms. Russell stated it is difficult placing a monetary value on what is done.

Councilmember Singhanian stated we must be careful about placing too many fines. This happened on Plantation and no work was completed for eight to nine months. Mayor Roznovsky said it was the developer's choice to stop work and not anything the city imposed.

Mr. Hunter brought up a resident who took down trees on That Way. He would like to see a reason for people cutting down trees. He does not think people should take down trees for no reason.

Mr. Pulliam asked where he could buy a home that was developed within the last three years. He was told he could purchase a home in Creekside. Northwood and Lakewood Manor will be coming soon. He gave his opinion on why people choose not to live in the City of Lake Jackson.

Mayor Roznovsky stated the city is limited on new residential development because the city does not have the land. He explained how the city comes up with building and landscaping requirements. He noted that Alden is a prime piece of property. There is infrastructure there already. Mayor Roznovsky also noted the tools the city uses such as the 380 agreement which is a nondestructive form of abatement. The city also agreed to a PID for Northwood.

Councilmember Seth stated when there is an agreement with a developer and they disregard the agreement, a \$500 fine is nothing. She said the State legislature likes to impose a one size fits all. Lake Jackson is different from surrounding cities. She will still defend the right of the community to dictate what type of community they want. Councilmember Seth listens to citizens' concerns whether she agrees with them or not.

Mr. Pulliam thanked council for the dialog.

Ms. Russell asked for direction from council. Councilmember Seth stated if there is an agreement with a developer, they need to keep their word. If they do not, there should be more than a \$500 fine.

Mr. Aguirre stated this ordinance came about from two situations. Neither one had a site or plat associated with it. The owner of the property decided to take it down on his own at night or over the weekend. This was the product of people flagrantly taking it out on their own.

Mr. Aguirre stated a \$500 fine is nothing for a developer spending millions of dollars on a project.

Councilmember Broaddus asked at what point of the development process is a site plan required.

Mr. Aguirre responded it is required at the get go. All developments require a site plan. Clear cutting can only be done on agricultural land, but not in a zoned area.

Mayor Roznovsky asked if the Planning Commission should review it. The frustration is not having a tool from keeping a developer from buying land and clear cutting it tomorrow. The only thing he can think of is penalizing them from developing. Is this something the Planning Commission would want to review?

Mr. Aguirre was not sure where state law would fall with this.

The consensus is to have the Planning Commission review this topic and make a recommendation to council.

Councilmember Seth stated the Planning Commission should consider something that will impact the developer.

DISCUSS AND CONSIDER RECOMMENDATION FROM THE PARKS BOARD TO IMPLEMENT THE NEW FEE SCHEDULE FOR THE RECREATION CENTER AND PARK PAVILIONS TO BEGIN NOVEMBER 1, 2022

Ms. Borth stated this will not impact the FY 22-23 budget. It is to improve the cost recovery.

Ms. Hyden stated there is a loss of revenue when renting rentals. The fees are still lower than any of the recreation centers in surrounding areas. This will not impact the South Parking Place Pavilion. The purpose of increased rates is to recover costs.

Ms. Hunter asked if the fees are going up for swimming classes. Ms. Hyden stated it will go up ten percent.

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting "aye," the recommendation from the Parks Board to implement the new fee schedule for the Recreation Center and Park Pavilions to begin November 1, 2022, was approved.

REVIEW OYSTER CREEK DRIVE MEDIAN CUT NEAR KROGER SHOPPING CENTER

Mr. Aguirre stated this came back after the last discussion with Mr. Konopka. The determination was to allow the opening of the median with the condition of a deceleration lane and that the City of Clute initiate an agreement for cross access with the Marketplace development.

Ms. Borth stated this has already been discussed and approved by council. The developer wants to ensure that their plan is exactly what council had in mind and agreed to before they get cost estimates.

Councilmember Singhania questioned whether this was approved by council. Ms. Borth assured him that it was discussed, and council agreed to move forward pending the deceleration lane and the cross-access agreement.

Councilmember Singhania did not think if there was a cross access agreement, then it would not require the median cut. Councilmember Singhania felt this would be creating a long-term problem.

Mayor Roznovsky stated during the last discussion, it was said they would have two openings, one through the Kroger parking lot. Council agreed to move forward with the plan after requiring them to have a deceleration and acceleration lane. This would include the crosscut. All the other options that were proposed would require that people make U-turns. The crosscut does not require that anybody make a U-turn.

Discussion continued pertaining to traffic flow. Mayor Roznovsky suggested making the acceleration lane a full right turn lane. This would make it an acceleration lane plus right-hand turn lane and may allow people to get out of traffic quicker.

Councilmember Singhania noted that he did not vote in favor of this agreement. He thinks it will be a long-term problem.

Councilmember Seth thinks it is all a bad idea. She believes there are too many entrances and there is too much going on in the area. She noted no one ever mentioned the train and the traffic that gets backed up.

Councilmember Broaddus noted the nearby intersection that people can use.

Clute is pursuing the second entrance for safety and emergency vehicles.

Ms. Borth noted she would add Mayor Roznovsky's suggestion to make the acceleration lane a right turn lane into Woodshore.

FISCAL YEAR-END FINANCIAL UPDATE

Mr. Bryson provided council with a financial update.

Mayor Roznovsky asked if this information could be shared on the city's website. Mr. Bryson said yes. This report will be provided quarterly.

APPROVE RESOLUTION NO. 907 ADOPTING THE CITY'S INVESTMENT POLICY FOR FY 2022-2023

Ms. Borth read the resolution caption.

Mr. Bryson went over the proposed changes listed below.

Page 1 - III Scope:

Change Comprehensive Annual Financial Report to Annual Comprehensive Finance Report to reflect the GFOA change in the title of the report

Page 7 - XX Diversification and Maturity:

Change the percentage of investments allowed to 95% from 75% for authorized investment pools. The city actual investment portfolio averages over the current maximum percentage. PFIA does not set a specific percentage for this investment type.

Page 8 - XXII Monthly Reporting:

PFIA requirements are quarterly reporting to Council.

On motion by Councilmember Seth, seconded by Councilmember Broaddus with all present members voting "aye," Resolution No. 907 adopting the city's investment policy for FY 2022-2023 was approved.

CONSTRUCTION UPDATES

Ms. Borth stated the next downtown meeting will be held on Thursday at 2:00 p.m.

Bids will be opened at the beginning of November for the Animal Control Facility.

Mayor Roznovsky noted the new Recreation Center lights are very nice.

VISITORS COMMENTS

Justin Pulliam thanked the LJPd for their quick responses on their Public Information Request.

He also thanked the LJ Patrol Department for a job well done in helping with a Clute situation.

ITEMS OF COMMUNITY INTEREST

Councilmember Singhania thanked Mr. Pulliam for his PD remarks.

Councilmember Blanchard noted agenda item #5 was moved at his request. He passed out letters to residents and wanted to give them time to submit their feedback if they had any. The letter will be shared with city council.

ADJOURNMENT

There being no further business the meeting adjourned at 9:16 p.m.

These minutes read and approved this 7th day of November 2022.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary