

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 18, 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
Jon Baker, Councilmember
Matt Broaddus, Councilmember
Rhonda Seth, Councilmember

PLEDGE OF ALLEGIANCE

Councilmember Seth led the pledge of allegiance.

INVOCATION

Councilmember Buell led the invocation.

VISITORS COMMENTS

No visitor comments.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

CONSENT AGENDA

- A. Approval of minutes – October 4, 2021
- B. Accept board and commission minutes
 - 1. Planning Commission 090821
 - 2. Charter Review Commission 092021
 - 3. Traffic Commission 081021
- C. Ordinance amending Ch. 82 Solid Waste to prohibit scavenging of solid waste placed for collection including heavy trash items – second reading
- D. Approve resolution adopting the city's investment policy for FY 2021-22

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

- A. Approval of minutes – October 4, 2021 - *approved*
- B. Accept board and commission minutes- *accepted*
 - 1. Planning Commission 090821
 - 2. Charter Review Commission 092021

3. Traffic Commission 081021

- C. Ordinance amending Ch. 82 Solid Waste to prohibit scavenging of solid waste placed for collection including heavy trash items – second reading - *adopted*
- D. Approve resolution adopting the city's investment policy for FY 2021-22 - *adopted*

DISCUSS AND CONSIDER REQUEST TO CLOSE ALLEY BEHIND LAKE JACKSON HEAD START LOCATED ON 303 GARLAND DRIVE FROM 9:30 AM TO 10:30 AM FOR A PRIVATE TRUNK OR TREAT EVENT ON FRIDAY, OCTOBER 29, 2021 – CABRIENNA GARDNER

Cabrienna Gardner was present for this item.

Lake Jackson Head Start is hosting a fall festival trunk or treat event on Friday, October 29, 2021 from 9:00 AM to 12:00 PM. This is a private event for students, parents and staff only. It will not be open to the public.

LJ Head Start is requesting to block off the back alley from one end of their fence to the other end of their fence directly behind their building between 9:00 AM and 10:30 AM. Businesses that share the alley have been notified and are supportive of the idea. There are two businesses that were not reached.

Students will be given safety measure instructions before the trunk or treat begins. Parents and staff will be asked to wear a mask and hand sanitizers are located throughout the building for adults only.

On motion by Councilmember Baker seconded by Councilmember Seth with all present members voting “aye” the request to close the alley behind Lake Jackson Head Start located on 303 Garland Drive from 9:00 AM to 10:30 AM for a private trunk or treat event on Friday, October 29, 2021 was approved.

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

As previously suggested at the October 4th council meeting, this item was posted on the city Facebook page for citizen feedback.

The Facebook (FB) post asked citizens to submit their votes on whether Lake Jackson should allow tattoo studios. The results were overwhelmingly in favor.

A tally was taken from phone calls, FB comments, FB direct messages and emails. In total out of 904 votes, 881 approved allowing tattoo studios in Lake Jackson. Only 23 votes disapproved of allowing tattoo studios. Mayor Roznovsky stated this is a small percentage of the city. Mayor Roznovsky also said this is an approved business in the state of Texas and the city will treat it as such. Once this is allowed in the zoning, it will be open to any tattoo shop.

Councilmember Seth was very pleased with Mr. Cantu's presentation at the previous meeting on October 4, 2021.

Councilmember Baker asked Mr. Cantu if they had a specific location in mind. Mr. Cantu said the Stardust Coffee Shop is where they are looking at opening the shop. Councilmember Baker asked if letters were sent to business owners in downtown. Mr. Mundo stated if council agreed, this would

be sent to the Planning Commission for them to research and see if there are any additional regulations they would recommend and what would be the proper zone or zones to fit this business in. A public hearing would be called for the Planning Commission and Council, then an ordinance would be read on two occasions. Letters would be sent to the businesses once a location has been established.

Councilmember Broaddus asked about restrictions and limitations. Ms. Russell stated there are already a lot of regulations on the tattoo shops by the state. One stipulation that the city can add is operating hours.

Councilmember Singhania brought up the signage on windows. Currently there are no restrictions in the city's sign ordinance regarding window signage. Mayor Roznovsky noted the sign ordinance would have to be looked at to make changes if necessary.

Joan Machorro – 420 Garland Dr. #500, expressed concerns about the signage limitations.

On motion by Councilmember Seth seconded by Councilmember Buell with all present members voting “aye” council agreed to move forward with the request and send to the Planning Commission for their research and recommendation.

Mr. Mundo informed Mr. Cantu that this could be a three-month process before it can be approved. This includes the public hearing process and reading of ordinance at two different council meetings.

Antonio Mendez – 708 Austin

Mr. Mendez asked the standard time for getting a rezone. Mayor Roznovsky stated it would be up to 90 days.

Mr. Mundo informed Mr. Cantu that the minutes from council would be shared with the Planning Commission and this item would be added to the November 2nd Planning Commission agenda for discussion.

DISCUSS REQUEST FOR THE CITY TO REPAIR CURB DAMAGE ON TALISMAN STREET – SUSIE ROBINSON

Ms. Robinson is requesting the curb in front of her home be repaired. The water pools at the base of her driveway and has caused the concrete curb to break into pieces and pull away from the yard. This in turn has caused her yard to erode. There were pictures displayed for council to see the damage and water pooling.

Mr. Mundo stated this is a drainage problem that would not be fixed by the curb repair. The city will not be able to fix the drainage problem with the existing budget.

Mr. Aguirre stated the whole stretch of street was built in two phases. The drainage situation on this street was designed based on surface drainage and does not have an underground system. This will take major storm drainage repair. There is no major outfall at this location. It was noted that Talisman Street has never been on a bond project list.

Mr. Mundo stated the street looks fine on a regular day, but when it rains, it's evident there is a drainage problem. Fixing the curb is cosmetic and will not solve the underlying drainage issue.

Councilmember Singhania stated something needed to be done to protect Ms. Robinsons yard.

Mr. Mundo stated it will likely be a spot repair which is not the best long-term solution.

There was an image shared of a past curb repair on Southern Oaks Drive.

Mayor Roznovsky is not in support of redoing the whole street but did feel Ms. Robinson's location needed attention. Fixing her curb would not fix the pooling at the end of her driveway.

Mayor Roznovsky wanted council to remember that the city does not have the funding to fix curbs all through the city. Councilmember Singhania said this was the worst broken curb case he has seen.

Mr. Mundo stated an approximate cost to repair Ms. Robinson's curb would be \$600 at \$30 a linear foot. Mr. Mundo noted that to fix every curb on this street alone, it would take the whole street operating budget. The city simply can not afford to repair all requests.

Everyone agreed that this is one of the worst curbs in the city.

On motion by Councilmember Singhania seconded by Councilmember Seth with all present members voting "aye" repair to the front of Ms. Robinson's curb was approved.

Mr. Mundo informed Ms. Robinson that Ms. England would schedule the repair once all the storm debris has been picked up. This would be maybe a couple of weeks.

DISCUSS AND CONSIDER ALLOWING EARLY MORNING CONCRETE POURS BEGINNING AT 4 AM EVERY TUESDAY AND FRIDAY FROM OCTOBER 19, 2021 UNTIL JANUARY 14, 2022 AT THE VILLAS AT LAKE JACKSON LOCATED ON PLANATION DRIVE

Mr. Walton stated Rise Residential who is the contractor for the apartments located at 128 Plantation, is asking permission for early morning concrete pours. Work would start at 4:00 AM and pouring would be every Tuesday and Friday from 10/19/2021 until 1/14/2022.

Notifications were sent out to residents and two emails were received against the early morning pours.

Councilmember Buell asked what the advantage is to start so early. Mr. Walton felt this question should be answered by the contractor, but since they were not present, he offered his opinion. From what he knows about concrete, the temperature does impact the drying time. When there are large pours, the less issue you have with the temperature of the concrete. The contractor is also hoping to avoid some of the DOW traffic.

This project originally came during the fall of last year. They came in to ask for permission to clear the land before permits were even issued.

There was no representation from Rise to answer council's questions.

Charlene Weaver - 619 Walnut Street

Ms. Weaver was against the early morning concrete pours. Ms. Weaver stated Rise Residential has had ample opportunity to pour concrete without "rain events". The property in question has gone months at a time with no work at all being performed since the start of construction. Poor planning and execution on the part of Rise Residential in no way constitutes some kind of "emergency" that would require city ordinances to be violated and cause disruption to the lives of the residents of Walnut Street. During the existing work hours, those that work from home already deal with loud noise from the work site and vibrations so strong that they can be felt within their homes. The residents should not be inconvenienced even further during a time when reasonable citizens are attempting to sleep due to their lack of vision.

Councilmember Singhania stated if this is not allowed, it would take this project longer to complete.

Ms. Weaver preferred this work be completed during regular working hours rather than inconveniencing the neighbors. She did not mind having this project take longer to complete.

Councilmember Buell stated he was bothered that there was no representation from the construction company to answer questions.

Mayor Roznovsky stated one of the challenges is there is only so much concrete mixed per day and then it is shut down. Up to forty loads could be poured in one day.

Councilmember Singhania moved to deny the request for the early morning concrete pours beginning at 4 AM every Tuesday and Friday from October 19, 2021 until January 14, 2021 at the Villas at Lake Jackson, seconded by Councilmember Seth and all present members voting "aye" – request was denied.

DISCUSS AND CONSIDER RECOMMENDATION FROM THE TRAFFIC COMMISSION TO ADD A CROSSING GUARD AT THE INTERSECTION OF DAHLIA AND ANCHUSA AT BESS BRANNEN ELEMENTARY

During the October 12th Traffic Commission meeting, a resident requested a crossing guard on Dahlia & Anchusa next to Bess Brannen Elementary. The school has changed the pick-up drop off lanes and they feel as if it is not safe for a child to cross without an adult due to the children's age. On September 8th the city videotaped the intersection and counted 16 children crossing the intersection in the afternoon.

The Traffic Commission has recommended to Council that the city provide a crossing guard at this intersection.

Mr. Mundo went over the school Crossing Guard Policy. The Traffic Commission felt it was a busy intersection and should consider a crossing guard and possibly adding a 4-way stop to this intersection.

Councilmember Broaddus mentioned not wanting to burden the residents in the area with a 4-way

stop on a permanent basis. He mentioned as the school has changed to its new location, so has the traffic.

Mr. Mundo felt that having a 4-way stop could make it easier and safer for the crossing guard.

Councilmember Broaddus asked if moving the school zone further on Anchusa would help.

Chief Kibodeaux recommended putting an officer at the location to observe the traffic. This would probably be an intersection requiring only one crossing guard.

Katherine Schmidt – 415 Petunia Street

There are twenty children in the first twelve houses on Petunia. Fourteen kids go to this elementary school. Ms. Schmidt asked if a temporary stop sign would work with a crossing guard.

Ms. England was concerned if a 4- way stop was implemented, would it back up the traffic coming out and around the school.

Mr. Mundo asked Chief Kibodeaux to monitor the traffic and report if extending the school zone would benefit the situation.

On motion by Councilmember Broaddus seconded by Councilmember Buell with all present members voting “aye” adding a crossing guard at the intersection of Dahlia and Anchusa and investigating further crossing protections was approved.

This item will be back on the agenda for updates from Chief Kibodeaux for possible traffic improvements at this intersection.

Chief Kibodeaux will work on having an officer observing traffic tomorrow morning.

APPROVE PARADE ROUTE FOR A. P. BEUTEL ELEMENTARY ON MONDAY, NOVEMBER 8, 2021 ON NASTURTIUM STREET AND LIGUSTRUM STREET DURING THE HOURS OF 9:00 AM TO 11:00 AM

Mr. Mundo sent over the parade route.

On motion by Councilmember Singhania seconded by Councilmember Broaddus with all present members voting “aye” the parade route for A. P. Beutel Elementary on Monday, November 8, 2021 on Nasturtium Street and Ligustrum Street during the hours of 9:00 AM to 11:00 AM was approved.

DISCUSS AND CONSIDER PROPOSED PUBLIC IMPROVEMENT DISTRICT GUIDELINES

The application that would be filled out by the developer was discussed. Mr. Mundo mentioned the 2008 policy and process. The fee can run from \$7,500 to \$75,000 for the application process.

Mr. Mundo stated that Mr. Aplin has been given the initial guidelines so he will be familiar with the process.

Mr. Mundo stated that if something is lacking, staff will submit material to council for guidance. The initial guidelines have changed from 2008. Staff will be meeting with Sue Darcy for guidance on

the application.

Mr. Mundo said staff was seeking a blessing from council to move forward with the application and give a developer an opportunity to submit a proposal for consideration.

Councilmember Seth asked if the application has a section where the developer has familiarized themselves with the city's master plan and if a PID is approved what benefit do they bring to the city.

Mr. Mundo stated it is not in the application, but it is in the guidelines. The guidelines can be used as a gradebook on how the development will be judged and how it will fit into the masterplan. The developer gets the guidelines and the application. Council will see the answers to the application.

Council agreed to move forward with the application process.

AUTHORIZE CITY MANAGER TO EXECUTE CONTRACT WITH NEWGEN STRATEGIES FOR A RECYCLING PROGRAM EVALUATION IN AN AMOUNT NOT TO EXCEED \$34,500

For the Fiscal Year 2021-2022 budget, \$50,000 was allocated to allow for an assessment of the City's recycling program. The cost of NewGen's recycling study is \$34,500.

The purpose of this study is to assist the city in evaluating its options with regard to continuing to provide recycling services to its residents given the city is going to lose access in June 2022 to the transfer station currently used to collect and haul the City's recyclables to a MRF in the Houston area for further processing.

Because time is of the essence, the NewGen project team will conduct an evaluation of recycling processing options for the city. They will work with the City to fully understand the current challenges facing the recycling program and research the viability of options to address the issues associated with the processing of these materials in the most cost-effective manner.

Mr. Mundo stated he would like for NewGen to review heavy trash next year if they work out for recyclables.

Councilmember Singhania asked if neighboring cities would be participating in this as well. Mr. Mundo stated Clute is having the same problem, the other cities use Waste Connections. If a solution works for Lake Jackson, the city may work with Clute to do something together. The challenge is looking for the simplest solution as possible without a lot of added operational cost.

On motion by Councilmember Singhania seconded by Councilmember Seth with all present members voting "aye" the city manager was approved to execute a contract with NewGen strategies for a recycling program evaluation in an amount not to exceed \$34,500.

AUTHORIZE CITY MANAGER TO EXECUTE A CONTRACT WITH PROGRESS COMMERCIAL AQUATICS THROUGH TEXAS BUY BOARD, CONTRACT # 613-20 FOR REPLACEMENT OF UV DISINFECTANT UNITS ON THE LEISURE AND LAP POOLS AT THE RECREATION CENTER IN AN AMOUNT NOT TO EXCEED \$80,000

The secondary disinfectant UV units on both indoor pools need replacement. This project was budgeted as a CIP Project in the ½ cent sales tax fund.

Progressive Commercial Aquatics is the company that does all the city's aquatic system repairs and are on the Texas Buy Board Purchasing Cooperative. Contract # 613-20

On motion by Councilmember Baker seconded by Councilmember Broaddus with all present members voting "aye" the city manager was approved to execute a contract with Progressive Commercial Aquatics through the Texas Buy Board for replacement of UV disinfectant units on the leisure and lap pools at the recreation center in an amount not to exceed \$80,000.

DISCUSS AND APPROVE KEMPER SPORTS OPERATING CONTRACT UPDATE TO INCREASE THE MONTHLY GOLF COURSE MANAGEMENT FEE FROM \$7800 TO \$8200

This represents an annual increase of \$4,6973.16. This is \$2,351.28 higher than what was anticipated and included in the budgeting process. This is a 2 ½ percent increase over what was budgeted. Staff is confident that the additional expenditure will be covered by the increased revenue trend that the golf course is experiencing.

On motion by Councilmember Singhania seconded by Councilmember Buell with all present members voting "aye" the Kemper Sports operating contract update to increase the monthly golf course management fee from \$7,800 to \$8,200 was approved.

DISCUSS AND CONSIDER AMENDING THE CONTRACT WITH T-MOBILE TO INSTALL THREE ANTENNAS, THREE ANTENNA MOUNTS AND ONE EQUIPMENT CABINET TO THE WATER TOWER ON OAK DRIVE

Clearwire is an obsolete telecom company that executed a lease agreement with the city in 2009 for space on the Oak Drive water tower. The lease was for \$1400 a month with 3% annual increases. In 2010, the rent was increased by \$300 for one additional antenna and 4 radios. In 2019, Sprint amended the lease by adding three cabinets, 3 antennas, and 9 radios for a rent increase of \$500.

T-Mobile, using the same agreement, now wishes to replace all Sprint and Clearwire equipment and add three antennas, 3 antenna mounts, and 1 equipment cabinet. Because T-Mobile will be using additional space, and governmental entities cannot legally allow companies to use city facilities without compensation, a rent increase is required. T-Mobile has not suggested what the increase should be.

Councilmember Singhania requested that the logo on the tower not be blocked.

There was discussion on what should be charged. Ms. Russell suggested \$100 per antenna.

On motion by Councilmember Buell seconded by Councilmember Seth with all present members voting "aye" council agreed to amend the contract and increase the rent by an additional \$400.

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

On motion by Councilmember Singhania seconded by Councilmember Broaddus with all present members voting “aye” the 2022 Board of Directors representative will be Mayor Roznovsky and Buster Buell will be the alternate.

DISCUSS AND CONSIDER AN ORDINANCE AMENDING CH. 110 ZONING TO ADD A REQUIREMENT THAT A SIGN NOTIFYING THE PUBLIC OF A REQUEST TO REZONE MUST BE POSTED ON OR NEAR THE PROPERTY TO BE REZONED – FIRST READING

Councilmember Singhania questioned the ordinance stating, “on or near the property.” Ms. Russell explained that just in case the property does not have street frontage then the sign may be placed in the right of way.

On motion by Councilmember Singhania seconded by Councilmember Buell with all present members voting “aye” the requirement that a sign notifying the public of a request to rezone must be posted on or near the property to be rezoned was passed on first reading.

CITY MANAGER UPDATE

- Hurricane Nicholas Update – Mr. Mundo gave a quick update on the debris pickup. Councilmember Buell asked if the public has been notified by any means that limbs are not being picked up in black bags. Ms. England said limbs can be placed in black bags, but they can’t be taken to the mulch yard because the bag must be opened. Councilmember Buell has received several calls from residents asking why their trash isn’t being picked up. There seems to be confusion with the trash pickup. Mr. Mundo stated a message will be sent out to clarify how the trash is being picked up. The only communication that was sent out was asking residents not to mix black bags with heavy brush and not to put out additional trash since the focus is to pick up all the storm debris.

Ms. England stated heavy trash is being picked up. The south side of town has suffered the most since there was a 5th week last month.

Mr. Mundo stated TCEQ may not approve spreading mulch at the old landfill. The governor waived rules to allow the use of the old landfills with the two previous storms since they were very widespread. The City is also looking into burning debris.

Mayor Roznovsky mentioned the mulch material being used for the dunes. The county is having complications getting approval for their debris from the General Land Office. The permit they finally received is only large enough to take most of the material from the County. The County will be burning the rest of their material just like some of the surrounding cities. The hope for the City is to grind and spread it.

CONSTRUCTION PROJECT UPDATES

Mr. Aguirre gave an update on construction projects.

ITEMS OF COMMUNITY INTEREST

Councilmember Baker mentioned the October Halloween Bash and the Our Lady Queen of Peace Fall Festival.

Councilmember Seth wished Jeremy Bubnick well in California.

Councilmember Singhanian mentioned the Day Tripper show on PBS. He said it was a great show. He also mentioned that he would like to see reflective buttons installed on the concrete curbing at Oyster Creek Drive (OCD) and Yaupon, OCD and Circle Way and OCD and Sycamore.

Councilmember Broaddus mentioned the Brazoria County Fair going on this week.

Mayor Roznovsky mentioned the proclamation for Dr. Pruett.

ADJOURNMENT

There being no further business the meeting adjourned at 8:41 p.m.

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

Gerald Roznovsky, Mayor

Sally Villarreal, Interim City Secretary