

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, March 7, 2022, at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall with the following in attendance:

Gerald Roznovsky, Mayor  
Buster Buell, Mayor Pro-Tem  
Vinay Singhania, Councilmember  
Matt Broaddus, Councilmember  
Rhonda Seth, Councilmember  
Jon "J.B." Baker, Councilmember

PLEDGE OF ALLEGIANCE

Councilmember Seth led the pledge of allegiance.

INVOCATION

Councilmember Buell led the invocation.

VISITORS COMMENTS

Gary Chamblee – 139 Mulberry Street

Mr. Chamblee stated the drainage ditch behind his house was supposed to have had culverts when the subdivision was built behind his house. He said it never happened. The ditch banks are eroding away and is taking his fence with it.

Mayor Roznovsky informed Mr. Chamblee that staff would be following up with him.

Michael Dougherty – 105 Pin Oak

Mr. Dougherty asked council what needed to be done to change an ordinance to limit the number of animals allowed in city limits. Mr. Dougherty stated a neighbor has 12 dogs. The dogs bark all night long. He has spoken to the humane department as was told the city does not have an ordinance limiting the number of animals a resident can have. The house is rental property. Mr. Dougherty said they have been dealing with this for about 1 ½ years.

Mayor Roznovsky stated the city has a nuisance ordinance. This situation may fall into that category. Mayor Roznovsky informed Ms. Dougherty that staff would follow up with her.

PRESENTATIONS

There were no presentations.

DECLARATION OF CONFLICTS OF INTEREST

There were no declaration of conflicts of interest.

## CONSENT AGENDA

1. Approval of minutes – February 22, 2022
2. Accept board and commission minutes:
  - a) Planners 020122
  - b) KLJB 011122
  - c) Parks 101921

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

1. Approval of minutes – February 22, 2022: *approved*
2. Accept board and commission minutes: *accepted*
  - a) Planners 020122
  - b) KLJB 011122
  - c) Parks 101921

## DISCUSS GUIDELINES AND REQUIREMENTS FOR MOBILE FOOD ESTABLISHMENTS AND MOBILE FOOD ESTABLISHMENT COURTS – LEE GARCIA

Ruben Lee Garcia stated his business is with Winnies Watering Hole.

Mr. Garcia stated when COVID hit, Winnie’s was shut down for months. TABC came out and said restaurants could open, but not straight bars. Shortly after, TABC allowed bars, but only if food was served. When this was happening, Mr. Garcia stated he decided to get a food truck. Mr. Garcia stated both of his sons have been running the business for 4 years now.

Mr. Garcia stated the coffee truck parked at his location is a nonprofit organization. She uses the proceeds to help veterans, children, and others. Mr. Garcia does not want for her to have to move. Mr. Garcia stated his sons have their food handler’s certificates and vendors.

Mr. Garcia stated everything is set up except for the city’s permission and inspection. Mr. Garcia stated he has a brand-new trailer that cost \$50,000.

Mr. Mundo asked Mr. Garcia himself had a trailer he wanted to operate in addition to the coffee trailer. Mr. Garcia said yes. Mr. Mundo asked if she moves the trailer every night. Mr. Garcia stated she does not move it daily. He also shared that moving a trailer is more complicated than people think. The coffee trailer is open from 6:00 a.m. to 6:00 p.m. To park a food truck in the driveway it must be less than 35 ft.

Mr. Mundo confirmed that Mr. Garcia is wanting to have two trucks at his location.

Mr. Garcia stated he owns the property from the State Farm Insurance to the other side of Winnie’s. They were told they could install a pole for permanent power to be used for a trailer. The coffee trailer is not operating on a generator.

Mr. Mundo asked Mr. Garcia if they had a grease trap. Mr. Garcia stated grease traps are not hard to get or get emptied. It is just a metal box to pour oil into it. There are plenty of people that want to pick up the oil, but the coffee trailer does not require a grease trap.

Mr. Mundo shared that council is looking at two different ordinances. One is for single food trucks and their requirements and a food truck court that is more than two trucks at any location.

Mayor Roznovsky explained if Mr. Garcia wanted to have more than one truck, he would be looking at a food court. Currently council is discussing setting guidelines and one truck per site. Mr. Mundo stated council has asked staff to look at the possibility of a food truck court.

Mayor Roznovsky noted exceptions were made during COVID and there is always a possibility that they would be made in the future. No one wants to see a business close.

Councilmember Seth stated she did not want Mr. Garcia to get discouraged. Mr. Garcia said it was hard when the Governor had orders to shut bars down during the pandemic.

Mayor Roznovsky stated city council is now having the conversation because food trucks are starting to get out of control on Plantation. Lake Jackson is one of the more lenient cities in the area when it comes to food trucks. The goal is not to run them out of the city, but to put appropriate guidelines in place so everyone follows the same rules.

Mr. Garcia shared that requiring the trucks to move daily will be very, very tough.

Mayor Roznovsky thanked Mr. Garcia for his input. He noted that Mr. Garcia's interest is tied to his business and that is something that will need to be worked into the ordinance going forward. An ordinance is to avoid a truck parking in an empty lot and running by a generator. Mayor Roznovsky again thanked Mr. Garcia.

Mr. Mundo suggested asking staff to look at the rules for a temporary truck vs. a permanent truck. Standards will have to be met.

Dillon Garcia – moving the trucks every 24 hours is good if you have a commissary to go to in this area. There is not a commissary in this area. Bigger cities have warehouses that are subdivided into kitchens that have water and all other amenities tied in. If a person has several trucks, they can come back nightly and refresh. If a food truck is equipped with refrigeration and all the amenities, there should be no reason to require trucks to move every 24 hours.

Mayor Roznovsky asked what they would do with all the grey waters and waste. Mr. Garcia said they would need to partner with someone and have an agreement. It is not required to dump grease every night. The grey water should be done every day. There are portable receptacles that can be used to store and dump the waters. Mayor Roznovsky stated 15-gallon tanks that are portable will not work in the city. The idea is to leave every 24 hours to dump the waste where it belongs appropriately, and the truck returns refreshed.

Dillon Garcia asked where the waste is supposed to go if there is no commissary. Mayor Roznovsky replied an agreement would be needed with someone for dumping to be able to operate in the city. Mayor Roznovsky noted that there are trucks that have not moved for years.

Mayor Roznovsky also noted that food trucks are coming to a parking lot and setting up next door to a resident. This ordinance will come in and have a setback tied to the parking so neighbors are not being

disturbed.

Mayor Roznovsky stated the city does not have an ordinance that keeps a site from having more than one truck at this time. Mr. Mundo noted while it is true the city does not currently have an ordinance, there will be a time when the trucks will have to comply. There will not be a grandfathered option with food trucks.

Council agreed that the input from the Garcia's was good.

Mayor shared the concept of having a preapproved site. As a property owner you would allow a food truck to come into your business. There will be requirements for the property owner to be able to have a food truck come in and out. This will allow the property owner the shop around for different trucks.

The Garcia's were encouraged to attend the next council meeting for further discussion.

DISCUSS AND CONSIDER THE REQUEST FOR A RIGHT TURN LANE AT THE INTERSECTION OF HWY 332 FEEDER ROAD AND WESTBOUND PLANTATION DRIVE – SABRINA ENGLAND

Ms. England stated this item has been presented to the Traffic Commission. A citizen has made the request to add a right turn only lane at the intersection of Hwy 332 feeder road and westbound Plantation Drive. The citizen states during heavy traffic vehicles are taking the Plantation Drive extension to Plantation Court and accessing Hwy 332. They then attempt to access Hwy 288, and this has caused some near misses and created a dangerous section of road. They state this happens as motorists do not want to get stuck behind a vehicle attempting to go straight across Hwy 332 to continue along Plantation Drive. They believe a dedicated right turn lane would alleviate this dangerous area of travel. Staff has also reached out to TXDOT for possible solutions.

Ms. England asked council if they would want to proceed with a traffic study to consider the right turn lane.

Councilmember Singhania did not feel a traffic study would indicate a true picture of the problem on Plantation Drive as long as the Plantation Court exit is there.

Ms. England replied and said that would be included in the traffic study to review all options.

Mayor Roznovsky stated this same concern occurs on Abner Jackson by Lowes with people trying to jump on the highway. This situation is around the city at several locations. When there is a traffic line, people will still look for alternate routes.

Councilmember Singhania noted that on Plantation Drive, there are two close intersections trying to get on the highway.

Mayor Roznovsky shared that he did not think enough money can be spent to fix the problem.

Councilmember Baker stated the high traffic times are during lunch, school, and end of school day. All other times are fine.

Mr. Mundo recalled discussions with TXDOT and them being fine with closing the Plantation Ct. exit.

He asked Ms. England if there would be a requirement to do a study if only Plantation Ct. were being closed.

Ms. England stated the city would need to file for a permit with TXDOT to look into the situation, but she was not sure if a traffic study would be required. However, if any changes were to be made at the Plantation Dr. intersection for a right turn lane, a traffic study would need to be completed.

Mr. Bjune stated the residents that live on Plantation Ct. have all agreed to come forward when called upon to discuss closing it off completely or just closing the exit point. He also noted that 44,000 cars went through the Plantation Ct. exit in 30 days.

Mayor Roznovsky restated that the Plantation Drive right turn lane will end up stacking up and the 44,000 cars will find another way to go. He did not feel there is a good solution. That traffic will just be moved somewhere else.

Travis Pate – 302 Caladium

Mr. Pate suggested if it is not a right turn lane, perhaps a flashing light like the one on Dixie Drive and Oyster Creek Drive would work. Making it a right turn only during set hours of the day. This would be a good start and the most cost-effective way to alleviate some of the traffic. The traffic is horrendous morning and evening and carries on through other surrounding streets.

Mr. Mundo clarified with Mr. Aguirre and Ms. England that the suggested signage would need TXDOT's blessing. He asked Ms. England to explore with TXDOT if it would still require a traffic study.

Mr. Walton noted he has observed traffic speed at the intersection trying to beat the light at Plantation Dr.

Councilmember Broaddus stated if the main problem is based on school traffic, then a timed right turn only may be a helpful solution. The peak traffic times are from 11:00 a.m.–noon and 3:00 p.m.-4:00 p.m.

Mr. Broaddus asked if there has been a previous study. Mr. Mundo replied that there has not been a study completed. The intersection design is from TXDOT.

Mr. Aguirre stated that TXDOT typically does a study before any designs they put in place. That information could possibly be released if requested.

Councilmember Broaddus noted things have changed since the original design. Buc-ee's draws a lot of traffic that goes straight on Plantation Dr.

Mr. Mundo stated TXDOT is basically saying a study must be completed. The city cannot make alterations without TXDOT's approval.

Chase Blanchard – 108 Portulaca

Mr. Blanchard shared that if you are walking to Buc-ee's from Plantation Dr., there is not a sidewalk under the highway. Mr. Blanchard referred to a mention that this has come before council and nothing has been done. He felt council should do something about it and start the study and get the ball rolling.

Mayor Roznovsky informed Mr. Blanchard that the city must ask permission from TXDOT to install a sidewalk. TXDOT is not for allowing pedestrians so close to the highway. City council is not brushing off this request, there is a process that must be followed.

Mayor Roznovsky also stated from the discussion so far, the study would be taking the request back to TXDOT and talk to them about the option of putting a flashing light for a right turn only lane during certain times of the day. This could potentially be a change to the traffic light.

Councilmember Baker noted that TXDOT could always deny the study.

Mr. Mundo stated staff could get a proposal from Kimley Horn. Depending on the price of the project, it may have to be on the CIP list.

Councilmember Broaddus asked why the street curves on Plantation Dr. He asked if the turn could be straighter. Mr. Aguirre stated that making a change like that would take the alignment out of the lanes going into the overpass.

Councilmember Seth asked Mr. Bjune if he has had feedback from the citizens on Planation Court. Mr. Bjune stated the biggest complaint is that cars block the entrance to Plantation Ct. when they are trying to exit onto the highway. The design creates traffic flow problems.

Councilmember Baker *called to question*.

Mayor Roznovsky took a vote from all councilmembers for ending the discussion.

Councilmember Baker, Councilmember Buell, Councilmember Broaddus, and Councilmember Singhania all voted "aye." Mayor Roznovsky voted to continue discussion. Discussion ended.

Mr. Mundo noted the following:

- Ms. England will communicate with TXDOT and ask about signage like the Dixie/Oyster Creek Drive intersection.
- Will TXDOT be open to the idea or will it trigger a traffic study?
- If it does trigger a traffic study, then staff with open discussion with Kimley Horn to get a proposal before the next meeting if possible.
- If it does not, staff with look at recommended times with the Police Department and bring a proposal to council at the next meeting.

#### DISCUSS SETBACK REQUIREMENTS FOR RESIDENTIAL PROPERTY BY PARKLAND AND DRAINAGE WAYS – MODESTO MUNDO

Mr. Mundo noted the Planning Commission did not want to make a complete change but first explore the options with the Zoning Board of Adjustments (ZBA). The Planning Commission did feel if council felt strongly about the change, they would collaborate with council for a solution.

Mr. Mundo wanted the Parks Board to look at it as well. The Parks Board felt it could have a possible negative effect if a large structures were built by a park.

Ms. Hyden shared that the Parks Board felt it would set a precedent for all homeowners to want to

build a larger structure backing up to a park.

Councilmember Seth stated there is a 15 ft. easement with an 8 ft. setback. If you are building a 200 sq. ft. building, you can use seven of the 15 ft., if you are building a 201 sq. ft. or larger building, you must build outside the 15 ft.

Councilmember Seth asked where the decision for a 200 sq. ft. building came from and why must you stay out of the setback for anything larger than 200 ft. It was noted that it came from an old ordinance.

Councilmember Seth does not think it makes sense to not be able to use any of the setback.

The citizen that came requesting to build a 360 ft. workshop has options to build his shop. He could build the workshop within his space if he does not touch the easement. The other option is he could go to the ZBA and ask for a variance. It will be harder step with ZBA because he would need to prove a hardship.

Mayor Roznovsky shared that when the ordinance was created there was size taken into consideration. Setbacks were put in place. Going back to the parks board comments, pocket parks are large areas with a little playground in the middle of a large area. The purpose of setbacks is to not impose on the neighbors.

There are also restrictions from building by the drainage ditch. Mr. Mundo stated if there are structures along a drainage easement, it makes it hard for staff to get back there if there are any problems.

Councilmember Seth shared that homes that back up to a park should not have the same restrictions as ones that back up to a neighbor.

Councilmember Broaddus stated it may not always be true that all parks have plenty of space between playground equipment and back of homes. Some parks may have less area making it something that could be reviewed by the Zoning Board of Adjustments.

Mr. Mundo stated the city does not have a specific setback for parks, the city just honors the same setback requirements.

Mayor Roznovsky stated the requestor is going about it the right way. He noted there are large structures through the city that are built within the setbacks. This request is not backing to residential property but to a park.

Councilmember Broaddus asked if the Parks Board was concerned about height. Ms. Hyden said the Parks Board felt that everyone would now start setting up large buildings backing up to a park.

Mr. Walton addressed accessory structures and height limitations. The accessory structure height limit is 15 ft. He also noted that the building code regulates structures over 200 ft. This could be where the 200 sq. ft. building came from.

Mayor Roznovsky stated somewhere along the process a 15 ft. setback was put in place for residential property. The question is if a residential property backs up to a park that is open or a large storm sewer,

is it necessary to keep the setback or just do an 8ft. setback?

Councilmember Singhania suggested considering children that live on corner lots and their play area in the backyard. It is safer for them to play in the backyard vs. the front yard by the street.

Councilmember Seth asked if there is really any harm in allowing people to use their property, they purchased by a park area.

There was discussion on how to state a motion to tie in all the factors discussed. Mayor Roznovsky requested clear direction for staff to either move forward or to end all discussions for this topic.

On motion by Councilmember Seth seconded by Councilmember Buell with all present members voting “aye” council agreed to move the required setback from 15 ft. to 8 ft. for residential areas that back up to a park, waterway, or storm drain.

Staff will move forward with the process of an ordinance change.

DISCUSS AND CONSIDER ADDING ADDITIONAL HOLIDAYS TO THE APPROVED MUNICIPAL BUILDING STRIP LIGHTING POLICY – ROBIN HYDEN

The annual holiday lights would run from sunset to midnight for the following holidays:

Valentine’s Day	Solid red
St. Patrick’s Day	Solid green
Friday night spring concerts	At City Manager’s direction
President’s Day	Red/white/blue slow fade
Texas Independence Day	Red/white/blue slow fade
Memorial Day	Red/white/blue slow fade*
Independence Day	Red/white/blue slow fade*
First Responder’s Day	Blue/white slow fade
Patriot’s Day (September 11)	Red/white/blue slow fade*
Halloween	Orange/purple slow fade
Veteran’s Day	Red/white/blue slow fade*
Christmas Season	Solid warm white*
Pearl Harbor Day	Red/white/blue slow fade

\*Previously approved holiday light schedule

On motion by Councilmember Seth seconded by Councilmember Baker with all present members voting “aye” approval was given to add the additional holidays to the approved Municipal Building Strip Lighting Policy.

RESOLUTION APPROVING BUDGET AMENDMENT TO CARRYOVER UNSPENT BUDGETED PROJECT FUNDS FROM FISCAL YEAR 20-21- PAM EAVES

Ms. Eaves stated this is the normal budget amendment that is completed every year to carryover funds budgeted for projects that were not completed in the prior fiscal year.

On motion by Councilmember Buell seconded by Councilmember Seth with all present members voting

“aye” the resolution approving budget amendment to carryover unspent budgeted project funds from Fiscal Year 20-21 was approved.

CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR PARK RESTROOMS AND PLAYGROUNDS– PAM EAVES

Councilmember Seth asked what the CO debt is and is there any type of limit. Ms. Eaves was not sure of the debit amount, but stated the city tries to limit the amount of debt service so that the balance in the fund equals next year’s debt service.

Mr. Mundo stated in April 2023 will be the last payment for the golf course.

Mayor Roznovsky mentioned that the city cannot go out for a general obligations bond because the way the ½ cent sales tax was setup by the state. The only way to take out debt is through a CO.

Mayor Roznovsky stated this if for \$3.5 million obligation bonds for Park restroom renovations and playgrounds.

On motion by Councilmember Buell seconded by Councilmember Seth with all present members voting “aye” the resolution authorizing publication of notice of intention to issue certificates of obligation for park restrooms and playgrounds was approved.

UPDATE ON NEW BUSINESS COMING TO THE CITY – DAVID WALTON

Mr. Walton informed council that there have been no new applications received for plan review within the past two weeks.

CITY MANAGER UPDATES

- a. Debris – No changes. Staff is preparing an application to send to Altamira for approval. The debris volume has started to decrease.

CONSTRUCTION UPDATES

- b. General Fund Projects
- c. Utility Fund Projects
- d. Downtown Phase III
- e. Bond Projects
  1. Infrastructure
  2. Facilities
- f. Half-cent Projects

Mr. Aguirre updated council on the construction updates.

Ms. Hyden updated on the roofs at the Recreation Center and the Skate Park.

Ms. Borth announced the animal control facility and library flooring is coming along.

Councilmember Seth shared that a citizen reached out to her letting her know there are no trash receptacles downtown. Mr. Mundo noted that the city is aware, and the city does not have staff to pick up the trash and clean them up.

ITEMS OF COMMUNITY INTEREST

Ms. Hyden announced there are still adult easter egg tickets left at \$15 each. Must be 18 years or older for the adult hunt. The hunt is April 14, 2022.

Mayor Roznovsky shared information of a scam where people are going door-to-door walking around with a company shirt that says LUMINO. They are telling people that their power meter may have been damaged during the freeze and may be reading incorrectly. They are telling people that they are willing to replace it at no cost. Mr. Mundo stated the Police Chief will investigate.

Mr. John-Williams reminded council of the Northwood PID Workshop tentatively scheduled for Monday, March 14, 2022 at 6:00 p.m.

ADJOURNMENT

There being no further business the meeting adjourned at 8:26 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Gerald Roznovsky, Mayor

\_\_\_\_\_  
Sally Villarreal, City Secretary