

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, May 18, 2020 at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, in the Council Chambers at the Lake Jackson City Hall with the following in attendance:

Bob Sipple, Mayor  
Jon J.B. Baker, Council member  
Matt Broaddus, Council member  
Gerald Roznovsky, Council member  
Buster Buell, Council member  
Vinay Singhanian, Council member

William P. Yenne, City Manager  
Modesto Mundo, Asst. City Manager  
Sally Villarreal, Asst. City Secretary  
Meagan Borth, Asst. to City Manager  
Sabrina England, Public Works Director  
Jeremy Bubnick, Parks & Rec Director  
Sherri Russell, City Attorney

Staff remained in their offices ready to answer questions if needed.

PLEDGE OF ALLEGIANCE

Council member Singhanian led the pledge of allegiance.

INVOCATION

Council member Buell Sipple led the invocation.

VISITORS

There were no visitors to speak on a non-agenda item.

COMMENDATIONS

There were no commendations.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

- A. Approval of Minutes – May 4, 2020
- B. Award one (1) year extension to Midtex Oil for unleaded and diesel fuel for Service Center transport load with a markup rate of .0125 fuel and .0125 for diesel; and The Wilderness Golf Course tank wagon load with a markup rate of .1100 fuel and .1100 for diesel.
- C. Award one (1) year extension to Crowder Gulf for debris removal services with a price adjustment of 1.75%
- D. Award one (1) year extension to Thompson Consulting Services for debris monitoring with a price increase adjustment of 1.0%
- E. Approve the update to Policy 1518 – Motor Vehicle Operation and Safety in the Employee Handbook and Safety Manual to address unnecessary idling of City vehicles in order to stay

in compliance with the terms of the Volkswagen Environmental Mitigation Program grant the City received

On motion by Council member Singhania second by Council member Buell with all present members voting “aye” the consent agenda was approved as follows:

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DISCUSS AND CONSIDER APPROVING A DANCE RECITAL BY BARBIE RHODES DANCE ON THE PLAZA IN JULY – MONA SCHREIBER

Mona Schreiber – 303 Deerwood Drive  
Allison Holt – 115 Bayou Road

Ms. Schreiber started off by thanking Council for considering their proposed 33<sup>rd</sup> annual dance recital. Ms. Schreiber stated Governor Abbot’s office declared sports camps and leagues can re-open on May 31<sup>st</sup> and parents are allowed to watch with social distancing.

The Barbie Rhodes staff will ensure that all guidelines set by the Governor and the CDC regarding social distancing and sanitation are followed. Ms. Schreiber submitted a diagram outlining seating arrangements that would space seating 6 ft. apart. Details were given on the measures that would be taken to ensure the safety of participants and their immediate family members. Sanitation and disinfecting of seating areas would be taken in between shows. This event would not be open to the public.

There will be multiple shows throughout the day starting at 10am and ending at 10pm. The desired date for the dance recital is as early as possible, but no later than July 11<sup>th</sup>.

Ms. Holt mentioned they have gone through great lengths to ensure they are in compliance with COVID preparedness, the Texas Department of Human Services, CDC, and the county guidelines. Prior to the event, the family of each dancer in attendance will receive a packet which will include tickets to ensure no money is exchanged at the event. Maps and instructions on entering and exiting the venue will also be included. Each family member will also be provided the COVID isolation guidelines. In addition to these measures, the following will also be required:

- Each family member would be required to wear a mask. If they do not come in with a mask, a mask will be provided for them.
- Each family unit will be a maximum of 6 immediate family members including the dancer
- A COVID questionnaire will be required from all attendees

- No one will be allowed to enter until 15 minutes before their dancer is set to perform
- Everyone in attendance will have their temperature checked upon entering
- There will be hand sanitizing stations for everyone to use at the entrance and exit of restrooms and entrance and exit to the venue
- Upon arrival the family members will be brought to their assigned seating for the duration of the show
- People in high risk groups will be asked to not attend

Council member Singhania asked who would be enforcing their plan. Ms. Holt said they have a group of 18 adults that will be making sure all guidelines are followed. In addition to the group of 18 adults, there will be officers as well.

Jeremy Bubnick stated that Ms. Schreiber and Ms. Holt have gone above and beyond with their details and have put together a great plan that he supports. However, the groups of 10 is the only restriction that he sees will hinder them being able to have the dance recital on or before July 11<sup>th</sup>. Until we have the clearance to have bigger groups, Mr. Bubnick would not feel comfortable committing to a date yet. It will depend on a forthcoming Governor's order on whether their desired date can be scheduled. Mr. Bubnick also stated that all rentals through the end of June have been cancelled. Rental groups have not been changed by the latest update.

Council member Baker asked if this was on the latest update from the Governor's office. Mr. Bubnick stated that the Governor's report that was released today (5/18/20) has not changed for rentals.

Mr. Yenne stated there are specific detail exceptions, but this particular type of event has not been released by the Governor. Mr. Yenne also stated sporting events with no fans were released. We are stuck in not knowing because he did not lift the groups of 10. Mr. Yenne stated he asked that specific question during a recent call. What we want to avoid is allowing this to go forward and then having to cancel it. Maybe on June 1<sup>st</sup> changes will be made and everyone will be comfortable with holding this type of event. Mr. Yenne was very pleased with the proposal that had been submitted.

Council member Roznovsky asked what the difference is between what they were trying to do and having an exercise group. Mr. Bubnick replied and said the Governor has specifically addressed gyms and that is what concerns the Recreation Center. For picnic pavilion rentals and civic center rentals, the governor is still saying it must not exceed a group of 10. An exception has been made of outdoor sports as of May 31<sup>st</sup>.

Mayor Sipple asked if it was possible to approve the plan with a date TBD. Mr. Yenne stated if the event is not specifically listed in the Governor's orders then it is not allowed. Otherwise you must go back to the original order, CDC, and Texas Human Health Department rule. The 10-person rule has not been lifted yet.

Council member Baker suggested this be brought back to the next council meeting on June 1st to see if changes are made from the Governor.

Mr. Bubnick again stated their planning is great. If we were not in this situation with restrictions on gatherings, then there would be no reason for them to even be at this Council meeting. They are only here for an exception from City Council.

Council member Singhania asked if a reservation can be made for Barbie Rhodes event and not allow

that date to be taken by anybody else until their event can take place. Mr. Bubnick said that could be done.

Council member Roznovsky stated dance and cheerleading are sports. His opinion is that this is not different than any other organization having a sports camp or sports education. This being a final period to close out the season. He also stated he felt this should fall under the guidelines that were set today by the Governor. People are taking these guidelines and making decisions to go forward to go with things like this.

Mr. Bubnick was only looking at it as a facility standpoint. He was not arguing the fact of whether it was considered a sport. He is totally supportive of the event.

Ms. Russell stated this order does not lift the 10-person restriction. Mr. Yenne stated he had hoped the amount of people would have gone up. Ms. Russell went over the Governor's orders regarding groups.

Mayor Sipple stated we were in a dilemma and a decision could not be made at this time, but if necessary, they could come back to the June 1<sup>st</sup> meeting. If it has been determined that they can have the event, then it can be booked without having to come back to council.

Council member Roznovsky suggested Ms. Russell go to the attorney general. Mr. Yenne stated if we can get a ruling in writing, that would be wonderful, and we could go on with this. Mr. Bubnick suggested asking and getting clarification on how to handle indoor activities.

Everyone was very thankful for the presentation. As soon as a decision can be made, they will be contacted.

#### DISCUSS AND CONSIDER A DRAFT NO CAMPING ORDINANCE

Sherri Russell shared the issues the subcommittee had discussed and the draft that is being proposed.

Ms. Russell stated the subcommittee had discussed the problems being encountered with the homeless. The problems are with storing their personal items keeping the citizens and city employees from using the spots in the way they were meant to be. Basically, do not store personal items and if you do, you will be asked to pick them up and move them or they will be picked up and destroyed in 30 days.

Council member Buell asked if this is for the downtown area. Ms. Russell stated that there is no geographical area restricted. If an area is set, you could potentially see it pushed out to another area.

Council member Roznovsky liked the draft because it focused on the problem and is not specific to any type of person or individual. This is to resolve a known issue.

Ms. Russell stated they are taking up spots that cannot be used. The storage of personal property interferes with the property's intended use and interferes with the work of city employees and contractors.

Mr. Broaddus commended the committee and Ms. Russell for their hard work. This is not an easy ordinance to draft up.

Council member Singhania asked if this ordinance would be enforced. Ms. Russell said that it would be enforced. Chief Kibodeaux was on the committee and had a lot of input.

Council member Roznovsky asked where personal items would be stored at. Ms. Russell stated the PD has a spot they will use. If more room is needed, a small rental area has been discussed.

Mayor Sipple stated it would clear up certain situations.

Council will move forward with the ordinance. Ms. Russell will bring it back to the next meeting as first and final reading.

**DISCUSS AND CONSIDER ON THE RECREATION CENTER COVID-19 REVISED OPERATION PLAN (PHASE 1)**

Jeremy Bubnick went over the plan in detail. He stated putting this together, the focus is on the Governor's regulations and CDC and National Recreational Parks Association. This recommendation is set on social distancing on how to manage keeping staff and patrons safe.

The following operation plan was discussed:

The Parks & Recreation Team has been working hard to develop a plan that will allow us to reopen the Recreation Center for use while keeping the safety and health of our members and staff as our top priority. Although, we all wish that the threat of the Covid-19 Pandemic would go away and that we could simply go back to normal, the reality is that we may be dealing with this "new normal" for the foreseeable future.

As the Parks & Recreation Department moves forward with these revised/temporary operating procedures/policies we will be keeping the need for continued social distancing paramount in our planning. We will be using recommendations from Governor Abbot along with CDC Guidelines and recommendations from the National Recreation and Parks Association (best practices) as we move forward with reopening our facilities for use.

We are already operating the Wilderness Golf Course with revised procedures (Phase 1) and we are developing a plan for the reopening of the Civic Center to present to City Council at the June 1st meeting. At this time, we will be committing to Phase One through August 31st, however unless the threat of Covid-19 disappears over the next three months, we anticipate extending this phase, as necessary. We will be reevaluating in August.

The following is our plan for the Recreation Center/Programs for Phase 1.

**Recreation Programs**

**Cancellations**

We have cancelled all programs where social distancing is not viable. These programs include Open/Rec Swim, TAAF Youth Volleyball, the World's Largest Swim Lesson, Ballroom Dancing, Wrestling, Swim Team, Senior Rec Days (Travel Lunch Group), Rec'ing the Parks, Open Gym/Basketball and Racquetball, Mother and Son Dance, Private Pool Parties, etc.

**Programs that we still intend to provide include:**

- **Swim Lessons** (parents in water with child, instructor on deck and six-foot separation)
- **Lap Swim** – Maximum 8 (1 per lane)

- **Water Aerobics** – Maximum 15 (with six-foot separation)
- **Group X Fitness Classes** – Maximum 50 (in Gym with six-foot separation and marked spots)
- **Cardio and Weight Training** – Maximum 25 total (moved cardio equipment to aerobics room so that all equipment can have six-foot separation)
- **Pickle Ball**- Maximum 12 (in ½ of gym)
- **Adult Softball** (with players using bleachers or standing outside of fence instead of dugout so that they can social distance)
- **Adult Kick Ball** (with players using bleachers or standing outside of fence instead of dugout so that they can social distance)
- **Outdoor Summer Movies in the Park** (limited number of families, will reserve designated/marked spaces distanced six feet apart)
- **Fitness on Demand**
- **Virtual Recreation** (we are working on putting together some virtual programs as most Parks & Recreation Agencies across the country are doing.)

### **Revised Recreation Center Operations:**

We greatly value our members and residents and know the value of our services to the community. As stated before, with maintaining the safety of our members and staff as top priority and the need for social distancing, the operation of the Recreation Center during Phase 1 will be different. Although, the traffic patterns and occupancy will be limited, we will be focusing on providing outstanding service and a clean and safe facility. Social distancing will be especially important inside the Recreation Center due to the nature of the use (users are sweating and breathing hard).

As described above, we will have limited occupancy at each area of the building (Weight Room/Cardio Room, Group X Fitness 1/2 of Gym, Pickle Ball 1/2 of Gym, Lap Pool and Leisure Pool). In order to properly manage these areas, we will move to a staggered schedule where members can sign up 24-hours in advance for a time slot or class (see attached sample schedule). Entrance to the center will be limited to members or swim lesson participants only during this revised plan. We feel this is best (at least as we start out), to make sure that our members are getting top priority of use.

Each scheduled area is staggered to avoid long lines or a gathering of people at the front entrance (either coming or going). We will have more staff working in the building so that we can continually, be wiping down and sanitizing high touch areas (restrooms, railing, counters, machines, etc.). We have 15-30-minute gaps scheduled between each block of time so that we can sanitize the use area prior to the next group coming in.

The KidZone, Racquetball Courts, Sauna, Showers & Changing areas will remain CLOSED during Phase 1. Locker Rooms will only be opened as restroom facilities (showers and changing areas cannot be properly sanitized between groups and throughout the day).

To accommodate the need for additional staffing levels throughout the operating hours, and the reduction of non-fitness programs we are proposing the following schedule:

### **Monday-Friday**

**5:45AM – 8PM**

*Closing 1 hour early for staff to have the extra time to sanitize and prepare the building for the next day. Also, typically the building is typically very quiet from 8-9PM and our last block of time for scheduled use ends at 7:45PM.*

**Saturday**

**8AM-2PM**

*We would regularly close at 6PM, however without open gym, rec swim, and pool party rentals there is no need to be open. Those who exercise on the weekends do it prior to 12PM.*

**Sunday**

**CLOSED**

*Typically, we would be open from 1-6PM, without open gym, rec swim, and pool party rentals there is no need to be open.*

All staff members will be provided with gloves and masks and required to wear them when working with the public or while in a public area of the building.

**We will open in this new capacity as soon as June 1, 2020, however that will be determined by when Governor Abbott allows for the level of service we plan to provide.**

Mr. Bubnick also mentioned the following items:

- The Recreation center will be open to members only. New members will be accepted, but no drop ins will be allowed.
- Memberships can be put on hold and refunds will be issued if requested.
- Locker rooms are only open for restroom use.
- On deck shower will be available.

Mayor Sipple thanked Mr. Bubnick for all his work and professionalism on putting together this important plan. Mr. Bubnick said it has been a lot of meetings. The goal is health and safety of staff and participants.

On motion by Council member Singhania second by Council member Broaddus with all present members voting “aye” the Recreation Center Covid-19 Revised Operation Plan (Phase 1) was approved.

**DISCUSS AND CONSIDER RESCHEDULING BOARD AND COMMISSION MEETINGS FOR THE REMAINDER OF THE YEAR**

Mr. Yenne recommended that at this time, only Council meet on a scheduled regular basis. All other boards and commissions will meet on an “as called” basis for the remainder of the calendar year.

On motion by Council member Buell second by Council member Broaddus with all present members voting “aye” all boards and commissions will meet on an “as called” basis with the exception of Council which will meet on a scheduled regular basis for the remainder of the 2020 calendar year.

**APPROVE EMERGENCY REPAIR OF 4000’L.F. OF SEWER PIPE BY KING SOLUTION SERVICES IN AN AMOUNT NOT TO \$252,500.00**

Ms. England went over the issue that starts by Oyster Creek Ct. and runs along Oyster Creek Drive all the way to Lift Station #15 which is by the Fire Station. The city was alerted by a resident that there was a problem. We tried to do the repair in-house, but couldn’t due to the condition of the pipe. King Solution

Services has done work for us before on Yaupon. They have started the project and are doing a very good job. This job is estimated to be completed by Friday, May 22<sup>nd</sup>.

Council member Roznovsky asked what type of inspection program the city is doing to monitor this. Mr. Yenne stated we have a program being used with cameras. Ms. England stated that Deb Webb is aware of other areas and is planning in advance, so we do not have emergency repairs. Ms. Webb is looking at an approximate amount and figuring out where we need repairs most.

On motion by Council member Roznovsky second by Council member Baker with all present members voting "aye" the emergency repair of 4000'L.F. of sewer pipe by King Solution Services in an amount not to exceed \$252,500,00 was approved.

#### DISCUSS ENFORCING SIGN ORDINANCE DURING COVID 19

Mr. Yenne stated this is before council because the signs have gotten a little crazy. One of the things we have been talking about is taking a "hands off" approach to the businesses putting signs out. We have asked our code enforcement to enforce it on right of ways or signs on other people's property. We have seen some snipe signs and banners.

Council member Roznovsky stated when 288 overpasses came through, we knew it would have an impact on businesses on the frontage road. Council would allow additional banners and it would not count against their time to do those. The ordinance was written to allow city manager's discretion. His thought would be to operate on a similar type deal.

Mr. Yenne wanted to hear Council's thoughts on this item.

Mr. Walton stated it was discussed to allow businesses to put a banner out and not infringe on their yearly banner permit. It would be up till July 31<sup>st</sup> or until council dictates. Once the emergency is over and the area and businesses have returned to normality the option to do a \$25 permit for their 60 calendar days would be available. This would help keep the city looking nice without allowing snipe signs. Mr. Walton stated, if you allow snipe signs in the entrance of the city, you must allow them in all the city. Ms. Russell stated you cannot dictate where those will be placed.

Mr. Walton stated our current sign permit is \$25 for 60 days for anytime between Jan. 1<sup>st</sup> and Dec. 31<sup>st</sup>. A sign can be put up at will and taken down at will for a total of 60 calendar days. This suggestion is in addition to the current sign permit. It would not take the place of or count against them. It does however have a sunset date of July 31<sup>st</sup>. At this time, they could apply to keep a banner up and would count towards the 60 days.

Mayor Sipple stated the Chamber was advertising to their membership to come get your free signs to say you are open. It was for the Brazosport Community. This put us in a difficult spot. Mayor Sipple received several calls from businesses asking to allow the signs and proper marketing to let people know they are open. This is where we have come up with the "hands-off" approach until the end of May. Mayor Sipple stated his preference is to take it in increments rather than keeping it for a longer time.

Council member Singhania wanted to encourage people to come and shop.

Council member Roznovsky suggested looking at this on a 30-day basis to keep it from getting out of hand.

Also, he asked everyone to remember this is on the business's property. No off-premise signs allowed.

Keep the signs on your property in front of your own building.

Mayor Sipple stated the current situation is “hands-off” until May 31<sup>st</sup>.

This item will be revisited at the June 1, 2020 Council meeting.

### COVID-19 UPDATE

Mr. Yenne gave an update on the latest information from the Governor and the county.

Restaurants can now go to 50% beginning Friday the 22<sup>nd</sup> if they can social distance. Smaller restaurants will have a problem with that because their occupancy can go up, but they can't social distance because they have a smaller facility.

Youth sports are opening. Mr. Bubnick will be working with that.

The number of cases continues to go up county wide. LJ currently has 4 active cases. The latest one came from the testing with the Military. Out of the 99 tests taken, 96 were negative and 3 were positive. One came from Matagorda County, one from Angleton and one from Lake Jackson. With more testing going on, there will be more cases. What is driving more of the positive cases now is the horrible situation with the nursing homes in Pearland. All nursing homes will be tested, but not assisted living facilities.

The Rec Center hopefully will be able to resume some activity on June 1<sup>st</sup>. The City is working on controlling costs. The city is taking a big dip in revenues. We want to see the businesses rise.

Mr. Bubnick stated that playgrounds are not recommended to open anytime soon because it is not possible to sanitize and keep social distancing.

### ITEMS OF COMMUNITY INTEREST

Council member Roznovsky mentioned the clearing of Oyster Creek is on the north end now. He also mentioned that sadly a couple of businesses would be closing and not re-opening. Businesses are being impacted in the city. Council member Roznovsky also brought up the Beechwood facility and noticed a bid had been rejected. Mr. Yenne stated that Deb Webb is working on another solution.

Council member Baker asked about Luby's and if they are going to open. There was no word of them closing. Mr. Walton stated one of the difficulties with an establishment with a very large dining room is having enough meal turnover to make it worth opening. There is a number of meals that must be sold to justify having the dining room open. Now that the Governor is allowing a 50% occupancy, you may see more restaurants open.

Mayor Sipple spoke of small business survival and how it will take a group effort. Mayor Sipple also complimented Meagan Borth and Mr. Yenne for the Facebook posts and mentioned the great feedback. Police Appreciation week was last week, if you see a police officer, thank them for their service and great job.

### ADJOURNMENT

There being no further business the meeting adjourned at 8:10 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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Bob Sipple, Mayor

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Alice A. Rodgers, City Secretary