

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, June 1, 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 Roznovsky led the pledge of allegiance.

INVOCATION

Council member Baker 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 18, 2020

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

- A. Approval of Minutes – May 18, 2020 - approved

DISCUSS AND CONSIDER A RESOLUTION APPROVING ISSUANCE UP TO A MAXIMUM AMOUNT OF \$15,000,000 BRAZOSPORT WATER AUTHORITY SPECIAL PROJECT REVENUE BONDS (HARRIS RESERVOIR EXPANSION PROJECT), TAXABLE SERIES 2020 AND ANY ADDITIONAL SERIES

Ronnie Woodruff, Brazosport Water Authority introduced Time Finley with Dow Chemical. Mr. Finley reported on Dow’s plans for the expansion of the Harris Reservoir. Dow approached BWA to seek a Texas

Water Development Board loan of \$15 million to pay for the study and design of the project. Dow will pay this money back to the BWA over a period of time.

Mr. Finley stated that Dow has insufficient **stored water** to assure the reliable operation of our facilities and/or the reliable delivery of stored water to BWA and other local industrial users through a serious drought. Dow, BWA and Local Industrial User using Dow Surface Water Supply currently have ~2 months of reliable local storage; both Dow and the State of Texas have determined they need 6 months of local storage. This **stored water** gap is being managed today with short-term BRA contracts that are potentially “at risk” storage supply and will be unavailable in the very near future.

Mr. Finley stated there would be no rate increase due to this project. This project enables BWA to increase stored water reserves for the existing 15.7 MGD surface water plant from 60 days to 180 Days

Mr. Finley stated Dow anticipates that partnering and use of financial advantage funding will provide a \$20 MM capital equivalent advantage to BWA for securing stored water in the Expand Harris Project. State required 180 days of local BWA storage is expected to be provided at no cost to BWA or BWA member Cities (Assuming BWA Secures Rosenberg BRA Contract Water)

Mr. Finley said this project protects local industries capability to produce; Supports retention of and/or creation of local jobs. There will be zero BWA and Member City risk for supporting planning phase loan; Dow is committing to 100% repayment plus costs. He said design/construction partnering must be developed to be a very clear Win-Win for BWA and member cities, as well as for DOW.

Since Lake Jackson is a charter member of the Brazosport Water Authority, the City Council need to vote for or against this debt issue. Four of the seven charter members need to vote yes for the proposal to move forward.

On motion by Council member Buell second by Council member Baker with all members present voting “aye” a resolution approving issuance up to a maximum amount of \$15,000,000 Brazosport Water Authority special project revenue bonds (Harris Reservoir Expansion Project), taxable series 2020 and any additional series was adopted.

DISCUSS AND CONSIDER COVID-19 CIVIC CENTER OPERATION PHASE 1

Jeremy Bubnick, Parks and Recreation Director state that the Parks & Recreation/Civic Center Team has been working hard to develop a plan that will allow the reopening of the Civic Center for use while keeping the safety and health of the public and staff as the 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 **staff will be keeping the need for continued social distancing paramount in the planning.** Staff will be using recommendations from Governor Abbott along with CDC Guidelines and recommendations from the National Recreation and Parks Association (best practices) moving forward with reopening the facilities for use.

It should be noted that staff cannot proceed with the revised operations of Phase 1 until Governor Abbott lifts his restrictions on meeting and convention space. As of 5/28/2020, staff is following the order of groups limited to 10 or under until specified differently for this type of facility. Once Governor Abbott, allows 25%

occupancy staff can move forward with Phase 1 with the exception of Banquet/Dining Set Up (Banquet/Dining Set Up will require the 50% occupancy).

Although Phase 1 does require the state to allow 25% and then 50%, staff will be operating with the need for continued social distancing as a key in our planning. Staff have taken each meeting/rental space in the Civic Center and calculated the maximum occupancy of each space while following the CDC Social Distancing Guidelines. Theater Seating will have chairs spaced 6 feet apart, Classroom Seating will have 1 chair per six-foot table, and Banquet/Dining Seating will have 3 chairs per table and be spaced six feet apart. The following adjustments are based on these standards.

Proposed Seating and Capacity for Civic Center

Ballroom

- Theater Seating – 120 (800)
- Dining Seating – 174 (575)
- Classroom – 53 (300)

Terrace Room (2)

- Theater Seating – 36 (200)
- Dining Seating – 52 (130)
- Classroom – 16 (125)

If a rental typically would fit in one Terrace Room but now requires two, due to the spacing requirements) we will only charge the renter the 1 room rate.

Plaza Rooms (3)

- Theater Seating – 16 (80)
- Dining Seating – 24 (50)
- Classroom – 7 (45)

If a rental typically would fit in one Plaza Room but now requires two or three, due to the spacing requirements) we will only charge the renter the 1 room rate.

Conference Room

- Classroom – 10-12 (24)

Jasmine Hall

- Theater Seating – 32 (100)
- Dining Seating – 48 (100)
- Classroom – 14 (100)

South Parking Place & Civic Center Plaza

- Potential renters will be required to submit a proposal/plan detailing how they plan on managing their event/rental with social distancing guidelines in mind for approval prior to finalizing rental agreement.

In addition to the occupancy set up restrictions listed above, we will be encouraging social distancing by not renting or setting up for a dance floor or allowing a party to have a disc jockey or live band as part of their event.

Revised Civic Center Rental Hours:

Normally there are three Building Attendants and a Custodian on staff. Due to budget restrictions, the custodian position is frozen. Currently there is one and potentially two of the remaining Building Attendants out on medical leave. In consideration of the short staffing situation and what staff expects to be a lower than normal demand for facility rentals (during Phase 1), we are proposing the following rental hours:

Monday

CLOSED (for rentals) *Monday is historically a very slow day for facility rentals. We would still have the office open from 8AM-5PM*

Tuesday-Thursday

8AM-9PM

Friday

8AM-10PM

Saturday

8AM-12AM

Sunday

12PM-8PM

Typically, we would be open for rentals from 8AM-12AM.

All staff members will be provided with masks and required to wear them when interacting with the public when not behind the office glass.

At this time, staff is committing to Phase One through August 31st, however unless the threat of Covid-19 disappears over the next three months, staff anticipates extending this phase, as necessary. Staff will be reevaluate in August.

The plan is to open in this new capacity as soon as soon as Governor Abbott lifts the necessary restrictions on conference and meeting space facilities (TBD).

On motion by Council member Singhania second by Council member Buell with all present voting “aye” approval was granted on the Phase I plan with keep the Friday night rentals until 12AM and depending on the Governor’s next executive order.

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

This item was pulled from the agenda.

DISCUSS AND CONSIDER REQUEST TO ALLOW THE FARMERS MARKET TO REOPEN ON SOUTH PARKING PLACE – FRED ORTIZ

Fred Ortiz was present requesting to open the Farmers Market again this month. He passed out farmers market guidelines from the CDC. He shared a map of the layout of his proposed farmers market showing a booth in every other space. There would be no entertainment, no tables and chairs for patrons to sit at, he will require vendors to use gloves and is encouraging them to use Apple pay.

He stated that the State has not shut down farmers markets. He would be open on Saturday from 9am until noon.

Mr. Ortiz stated that in the event the city would not allow him to rent the space on South Parking Place he has a spot on the corner of West Way and Circle Way that Dr. Anderson owns and will let him use. This would at least keep the farmers market downtown.

Council member Singhania stated Angleton had their farmers market last weekend.

Council member Roznovsky stated that the other farmers markets are on private property and not city

owned property. He stated the issue is this is a city facility and the Governor's recommendation on city owned swimming pools was the cities know best.

Mr. Yenne suggested that Mr. Ortiz use Dr. Anderson's property and hopefully by July the city can rent the South Parking Place pavilion again. We just cannot rent to some people and not others.

Discussion followed on how social distancing and not allowing groups larger than 10.

There was no action on this item.

DISCUSS AND CONSIDER THE PLACEMENT OF SIGNS AT CITY PARKS STATING THE CDC GUIDELINES FOR PLAYGROUND EQUIPMENT

Modesto Mundo, Asst. City Manager provided the following for the Council packets.

Playgrounds were closed and taped off in March based on the recommendations of the Centers for Disease Control and Prevention (CDC), White House Guidance, and the Texas Governor's Orders.

Currently, the CDC does not recommend playground usage (please see guidance language to park administrators):

CDC guidance to park administrators:

Make sure people are social distancing in popular areas of the park. During periods of sustained community transmission, park administrators should:

*Monitor areas where people are likely to gather and consider temporary closure to support social distancing practices. These areas might include sports fields, playgrounds, skateparks, basketball courts, tennis courts, and picnic areas. In the event of facility closures, park administrators might want to place physical barriers in these areas and post **signs** communicating that the area is closed.*

The Governor's Order 23 for Reopening Texas provides the following guidance for parks:

Individuals should avoid being in a group larger than 10 individuals, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals.

Direct guidance for playgrounds in Parks is not provided. However, guidelines for shopping malls, museums, zoos, waterparks, and gyms state that child play areas must remain closed.

In practice, we find that most citizens are respecting the closure of the playground. Occasionally however, the tape is removed at a playground and we must re-install the yellow tape. If we have citizens that ignore the closure, we provide guidance only as to why the playground is closed. Some citizens choose to comply others do not.

Since we cannot monitor or enforce compliance, staff recommends removing yellow tape at the playgrounds and installing signs that inform the public of the risks of using the playground equipment.

Council member Singhania asked how this was different from a farmers market?

Jeremy Bubnick stated the farmers market is a facility rental and the playgrounds are not. Mr. Bubnick stated the

tape has to be replaced regularly and it is not stopping people from using the playground equipment. These signs would be in every park.

Council member Roznovsky moved to approve the signage at the parks without the tape, second by Council member Singhanian, with all members present voting “aye” motion passed.

DISCUSS AND CONSIDER SAFETY AND HYGIENE PRACTICES FOR DOOR-TO-DOOR SOLICITORS DURING COVID-19 PANDEMIC

Sherri Russell presented the following for consideration: Since the Governor has recently allowed businesses and schools to re-open, the City has issued a few door-to-door solicitation permits. Because the Governor has ordered that municipalities cannot require people to wear masks, the City is not requiring that the solicitors wear masks. However, door-to-door sales are conducted in the one place that is supposed to be safe from COVID – the home. Therefore, implementing guidelines for door-to-door sales may be appropriate. For example, the city could require masks and social distancing during door-to-door sales. The city could also implement a PR campaign to encourage residents not to answer the door unless the solicitor wears a face mask.

After some discussion it was decided that residents had the option to not open their doors if someone came to the door not wearing a mask.

No action was taken on this item.

DISCUSS THE APPRAISAL RECEIVED FOR THE 5.2 ACRES LOCATED AT THE CORNER OF FM2004 AND SH288, CONSIDER SELLING THE PROPERTY AND SET A MINIMUM BID PRICE

Mr. Yenne reviewed the following information.

On March 16, 2020, Mr. Yenne informed City Council that a group wanted to purchase the 5.2 acres on the corner of SH 288 and FM 2004 for \$750,000. The City Council directed staff to obtain an appraisal on the property and ask the Volunteer Fire Department if they had interest in locating a third fire station on the property.

Below is a summary of Council discussions and actions on the property.

- May 4, 1996 – Voters authorize City to sell 5.2-acre tract or exchange the land for other land.
- Sep 16, 1996 – Resolution R96-332 is approved authorizing sale of land
- Oct 10, 1996 – Bid Deadline. Minimum price set at \$500,000. No bids received.
- Oct 22, 1996 – Received appraisal from Robert G. Salisbury in the amount of \$861,000
- Nov 25, 1996 – Received appraisal from Swanson Appraisal Company in the amount of \$685,000
- Mar 17, 1997 – Resolution R97-341 is approved authorizing sale and setting minimum price at \$750,000
- May 5, 1997 – Bid Deadline. Minimum price set at \$750,000. No bids received.
- June 1997 – Informed that TXDOT will only allow access to property on FM 2004. Access to SH 288 is denied.
- July 26, 1999 – Lake Jackson Church of the Nazarene request City to lower minimum price to \$200,000.
- Nov 1, 2004 – City Council discussed leaving property as a “green area”. No action taken.
- Mar 16, 2020 – City Manager informs City Council that group is interested in purchasing the property. Council directs staff to obtain appraisal for further discussion.
- Apr 22, 2020 – Received appraisal from Angleton Real Estate Appraisal in the amount of \$680,000

Staff has received the appraisal from Angleton Real Estate Appraisal. The appraiser recommends a market value of \$680,000. Staff discussed the site with Chief Harvey of the Volunteer Fire department. He does not recommend the site for a future fire station.

Discussion followed on keep this property green with no development.

Mike Kessler 111 Arrowhead stated that no one in Northwood Subdivision wants to see a business on this piece of property. The Northwood HOA requests that the property remain as it is.

Council member Singhania asked if the commercial property sign could be removed.

Modesto Mundo stated the sign has remained in place so the adjacent property owners know they are building next to property zoned commercial.

DISCUSS AND CONSIDER AMENDMENT TO THE GROUND LEASE AGREEMENT BETWEEN THE CITY OF LAKE JACKSON AND THE GULF COAST CENTER (NOW THE GULF COAST TRANSIT)

The City and the Gulf Coast Center executed a lease for space at the City's service center in February of 2019. The GCC has changed its concept and, therefore, needs to change the location and size of its facilities. The changes are reflected in re-drafted site and floor plans.

On motion by Council member Roznovsky second by Council member Buell with all members present voting "aye" the amendment to the ground lease agreement between the city of Lake Jackson and the Gulf Coast Center (now the Gulf Coast Transit District) was approved.

REJECT BIDS THAT WERE OPENED ON MARCH 11, 2020 FOR THE BEECHWOOD CHEMICAL BUILDING

Sabrina England presented the following for Council consideration:

Staff recommends we reject the current bids for the Beechwood chemical building. All bids came in at least 50% more than estimated and thus the budgeted amount is insufficient. Staff is in the process of scaling the project back to allow the current budget to suffice while keeping safety as their top priority.

On motion by Council member Singhania second by Council member Roznovsky with all members present voting "aye" bids were rejected that were opened on March 11, 2020 for the Beechwood Chemical Building.

DISCUSS AND CONSIDER AN ORDINANCE PROHIBITING CAMPING AND THE STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY - FIRST AND FINAL READING

The homelessness subcommittee has determined that the focus in Lake Jackson should be on actions that have negative effects on the health and welfare of the community and that deter people from using public property for its intended purpose. Therefore, the ordinance focuses on camping and storage of personal property. If approved, violations of this new ordinance will be Class C misdemeanors with a maximum fine of \$500.00.

On motion by Council member Roznovsky second by Council member Singhania with all members present voting "aye" motion to suspend the rules that an ordinance be read on two separate occasions was approved.

On motion by Council member Buell second by Council member Singhania with all members present voting "aye" an ordinance prohibiting camping and the storage of personal property on public property was adopted on first and final reading.

DISCUSS AND CONSIDER A HOMESTEAD EXEMPTION FOR LAKE JACKSON IN RESPONSE TO A LETTER FROM TAX COLLECTOR RO'VIN GARRETT

Mr. Yenne stated that Ro'Vin Garrett, Tax Collector, has submitted a letter to the City outlining the option of adopting a homestead exemption for the property tax rate. However, Mr. Yenne explained that if you give a homestead exemption to homeowners the burden would shift to businesses and small businesses couldn't handle that during this pandemic.

Council consensus was not to initiate a homestead exemption now.

COVID-19 UPDATE

Mr. Yenne gave an update on COVID-19 and stated staff was waiting for the next Governor's Order.

ITEMS OF COMMUNITY INTEREST

Mayor Sipple stated that the median on Fern Court needed mowing.

Mr. Yenne read the following:

Over forty years ago, in late December of 1979, I rolled into Lake Jackson driving a U-Haul with all my worldly possessions and towing my much beloved 1968 VW Beetle that had been damaged in the move.

I was filled with excitement and anxiety at the same time. Moving to a new town to take a new job was quite an adventure for this then 25-year-old.

On January 2nd, 1980 I walked into Lake Jackson City Hall as an employee for the first time. I was to be the Assistant City Manager to a local and city manager icon, A.A. "Mac" MacLean. Mac had been with the city for some 24 years when this whippersnapper came to work for him. Mac taught me a lot in the eleven years that I worked for him. The greatest thing I learned from him was the love he had for this city. I, too, fell in love with this incredible city. And, upon Mac's retirement on the last day of February in 1991 I was humbled and honored to assume the position of City Manager on March 1st, 1991.

I have given my heart and soul to this city for over 40 years now. I love this city deeply for many reasons. The greatest reason to me is that it was here that I met the love of my life. Together we built a home here and were blessed by God with two amazing and beautiful children.

We have seen this city through many highs and lows. There have been good financial times and bad financial times. We have weathered many a storm over these forty years. And this amazing city has always come out of these storms stronger and better.

There have been very few political storms in our city over the years, but there have been a few.

But whether a hurricane, flood or political turmoil, my faith in God, the support of my family and the love that I have for this city saw me/us through those challenging times.

This city has grown and prospered over these past 40 years and I hope, in some small way, I have helped make this beautiful city a better place.

Throughout these 40 years I have been blessed to have worked with the finest employees any organization could ever imagine. These dedicated employees have taught me so much about this city and about life in general.

Also, over these 40 years I have been honored and privileged to work for the finest Mayors and Council members anyone could wish for. Their collective dedication to this city and her residents have been an inspiration to me.

Mr. MacLean warned me that time goes by quickly. He was so right. In a blink of an eye 40 years has passed and I find myself again excited and anxious about a new direction in my life.

Mr. Mac also told me I would know when the right time to leave would be. He came to that decision for himself in 1991. I have now come to that decision in 2020.

So, I am announcing that on August 31, 2020 I will retire from the City of Lake Jackson. I will walk out of City Hall that day knowing that I leave this city that I love in the hands of an outstanding City Council and the capable hands of a remarkable city staff, led by my long time Assistant City Manager, my right hand man for 25 years, Modesto Mundo.

The Lord bless thee and keep thee,
the Lord make his face shine upon thee,
and be gracious to thee:
The Lord lift up his countenance upon thee and give thee peace.

Numbers: 6:24-26 (KJV)

Thank you for an amazing forty years.

Bill

ADJOURNMENT

There being no further business the meeting adjourned at 8:31 p.m.

These minutes read and approved this _____ day of _____ 2020.

Bob Sipple, Mayor

Alice A. Rodgers, City Secretary