

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 Tuesday, September 21, 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	Modesto Mundo, City Manager
Vinay Singhania, Mayor Pro-Tem	Meagan Borth, Interim Assistant City Manager
Matt Broaddus, Council member	Sally Villarreal, Assistant City Secretary
Gerald Roznovsky, Council member	Sherri Russell, City Attorney
Buster Buell, Council member	Jeremy Bubnick, PW Director
Jon J.B. Baker, Council member	David Walton, Building Official

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

PLEDGE OF ALLEGIANCE

Council member Broaddus led the pledge of allegiance.

INVOCATION

Mayor Sipple the led invocation.

VISITORS

Rhonda Seth - 230 Almond

Ms. Seth stated that tomorrow night (9/22) there will be a forum on Facebook with the two candidates running for State Representative for our district. The forum will start at 7:30 p.m.

CONSENT AGENDA

- a) Approval of minutes – August 3, 2020 & September 8, 2020
- b) Ordinance amending Section 102.1 of the Code of Ordinances by revising fees to be charged for water, sewer, garbage, and dumpster services – second reading

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

- a) Approval of minutes – August 3, 2020 & September 8, 2020 - approved
- b) Ordinance amending Section 102.1 of the Code of Ordinances by revising fees to be charged for water, sewer, garbage, and dumpster services – second reading - adopted

DISCUSS AND CONSIDER THE REQUEST FROM TBT REAL ESTATE FOR A ONE LANE ROAD CLOSURE ON PARKING WAY ON SATURDAY, OCTOBER 24, 2020 FROM 2:00 PM TO 7:00 PM FOR A TRUCK OR TREAT EVENT

Tammy Bell – TBT Real Estate

Ms. Bell stated there are a few changes from what they have requested in the past due to Covid. This year they are requesting that the street be closed on Parking Way between This Way and That Way to allow more room space between vehicles. In the past they have asked for only ½ street closure. There

will be 4 port a potty's and 2 hand washing stations. There will not be the bounce houses as in the past. Also, they have asked that the businesses that participate hand out the candy rather than having the children reaching in and grabbing it themselves. There will be tables with hand sanitizers and patrons will be asked to wear masks. Photos will be taken for the costume contest and placed online for votes rather than everyone congregating together for the contest.

Council member Baker asked how many participants they have had in the past. Ms. Bell stated they usually have between 35-40 vehicles. As far as children, probably around one hundred.

Mayor Sipple asked if there had been any discussion with the neighboring businesses. Ms. Bell said they have. The businesses on their side of the street are not open on Saturdays.

Council member Baker asked if they have reached out to the Police Department for the shutdown of the roadway. Ms. Bell stated she has never done that before. Council member Roznovsky and Mr. Mundo stated that Public Works would block off the street and there is still a lane to travel so it will not be necessary to involve PD.

On motion by Council member Singhania second by Council member Roznovsky with all present members voting "aye" the request from TBT Realty for a one lane road closure on Parking Way on Saturday, October 24, 2020 from 2:00 p.m. to 7:00 p.m. for a truck or treat event was approved.

REQUEST FROM BOB CASALE TO END UNSOLICITED PHONE CALLS

Mr. Casale - Huckleberry

Mr. Casale came back to discuss the unsolicited phone calls. He strongly felt that something could and should be done about this. Mr. Casale suggested having a meeting with other local Mayor's and City Manager's to hear their point of view as well as the general public. The first plan would be to put a letter together for the Attorney General's Office. Mr. Casale would like to see this go forward to help put a stop to the calls.

Mayor Sipple stated he contacted Randy Webber's office.

Mr. Casale suggested having a big meeting in Lake Jackson if City Council agreed.

Council member Roznovsky asked Mr. Casale if he had spoken to other cities.

Mr. Casale stated he had not, and he did not want to spend his time going to each city. He would like a general letter to go out instead inviting all of them. Mr. Casale stated he has worked on many projects and they have all been very successful.

Mr. Casale felt the phone companies could do something about it. They have the know-how on how to put an end to this. The end resort is that a file can file a strong lawsuit against them.

Mr. Casale stated he had spoken to Council member Roznovsky and he had some good ideas.

No action was taken on this item.

BI-MONTHLY REPORT FROM LAKE JACKSON EMERGENCY MEDICAL SERVICES - CHRIS SEMARINI

Chris Semarini presented the LJEMS report.

Mr. Semarini mentioned that LJEMS sent an ambulance for twelve days going back and forth from San Antonio to Beaumont. They provided evacuation and re-population efforts for Hurricane Laura.

Council member Roznovsky asked Mr. Semarini for clarity on how the need for the city supplement funding is calculated.

Mr. Semarini gave a quick summary.

DISCUSS AND CONSIDER AMENDING THE CONTRACT BETWEEN LAKE JACKSON EMS AND THE CITY TO CHANGE LJEMS' FISCAL REPORTING DATES FROM 120 DAYS AFTER SEPTEMBER 30TH TO 120 DAYS AFTER DECEMBER 31ST

Mr. Semarini asked to change to the calendar year rather than Fiscal Year for simplicity.

On motion by Council member Roznovsky second Council member Broaddus by with all present members voting "aye" the change to the LJEMS' fiscal reporting dates from 120 days after September 30th to 120 days after December 31st was approved.

CONSIDER SETTING A MAXIMUM GREEN FEE TO BE CHARGED AT THE WILDERNESS GOLF COURSE FOR TOURNAMENT/EVENTS TO NOT EXCEED THE ADVERTISED RESIDENT RATE FOR THE DAY OF THE PROPOSED EVENT

Jeremy Bubnick stated the following:

Historically, the directive to Kemper Sports and the General Manager is to negotiate the green fees with prospective tournament/event organizers based on the current market conditions as to not undercut the market. Typically, these rates would be between the current resident rate and the nonresident rate, however when business is slow the rates may fall even below the current rental rate (to bring in business and increase rounds played).

The current green fee rates are:

	Monday-Thursday	Friday-Sunday
Resident	\$51	\$61
Area Resident	\$58	\$66
Non-Resident	\$61	\$71

Recently, Doug was approached by Josie LaChance regarding hosting a tournament to raise funds for the Natalie Woolsey Toy Drive. She was quoted a green fee amount of \$71 (the top of the range), due to the very hot market and what he is averaging per paid round on the weekends. Since tournament fees are negotiable and change based on the current market conditions, she took exception to being charged the higher fee and felt like her group was being unfairly charged based on other events in the past.

During the discussions with Mrs. LaChance, we learned that she felt that the rates for tournaments should be advertised on the website and not fluctuate based on demand for the course.

The argument was made that since tournaments are essentially committing to bringing in large group of golfers to the course, they should at the very least receive the lowest regular rate for the proposed day of the week. In this case that fee would have been \$61 instead of the \$71 originally quoted.

Although, the current system for booking tournaments has worked well over the years we see some value in having a published regular rate for tournaments/events, however still giving the General Manager the autonomy to discount that rate if the market calls for it.

This would allow us to advertise/post the rate on the Wilderness Website, however potential event/tournament planners would still need to meet with the General Manager to discuss availability, additional fees (catering/beverage service) and requirements for hosting an event.

Staff's recommendation is that going forward tournament green fees are to be capped at the resident rate for the proposed day/date (currently \$51 M-Th, and \$61 F-Sun)

Council member Roznovsky asked what kind of dollar difference we would be talking about if it were decided to cap the fee at \$61 a player. What would the impact be to the taxpayer?

Mr. Bubnick stated it would be tying the hands of Mr. Borow a little bit by putting a cap on it.

Council member Broaddus asked if the rates included carts. Mr. Bubnick said the fees include carts and green fees.

Council member Buell asked if the rates were negotiable. Mr. Bubnick stated the green fees listed are not negotiable. They would be negotiable if someone were coming in asking to host an event for a larger number of people such as a tournament.

Mr. Bubnick stated the proposal is to cap it at the resident rate.

Mr. Bubnick gave an example: Our Lady Queen of Peach approached them in February about hosting a weekday tournament. The course was not as busy in February as it is now. They were going to pay below resident rate. That tournament has since been cancelled due to Covid and rescheduled for October. Mr. Borow is honoring the rates that they were quoted. There was no way to know what the market would be like today, back in February.

Council member Singhania stated he would be interested in knowing if a max rate were set, what would the revenue loss be. The golf course should be operated as a business and not have to be funded through the taxpayers. We need to really understand that number before any consideration is taken for a cap.

Mr. Bubnick felt Kemper Sports should have the flexibility to negotiate the fees.

Josie La Chance - 201 Violet

Ms. La Chance stated this is the 10th year to hold the toy drive. She stated she did not feel they were given a fair rate. When she was quoted \$71, she did not think anything of it. She asked for a discount and was told it was the busiest day and no discounts could be given.

Ms. La Chance was told there would not be an opportunity to shotgun to prevent people from collaborating in the parking lot. Ms. La Chance asked if Our Lady Queen of Peace was being allowed to shotgun.

Mr. Bubnick stated that Our Lady Queen of Peace has a flier that states shotgun, but Mr. Borow has already notified them that it will not be allowed due to Covid.

Ms. La Chance continued to talk about the shotgun and the unfairness that she could not have it but was

glad that Our Lady Queen of Peace could have it.

Council member Roznovsky corrected Ms. La Chance and stated no one is getting shotgun as she had continued to say. Mr. Bubnick had just stated that Our Lady Queen of Peace was notified by Mr. Borow that they could not have shotgun as they mentioned in their flier.

Council member Broaddus asked if the contract with Kemper allowed them to charge the fees. Ms. Russell said the fees are not in the contract. The fees are set with discussions on what is and what is not feasible. Mr. Mundo stated council sets the fees each year. Sometimes the fees are recommended by Kemper.

Discussion continued the fairness of the fees being charged, the shotgun and tournament revenues.

Ms. La Chance felt as she was being treated unfairly.

Mr. Glen Jones – 118 Cypress

Mr. Jones stated a while back Mr. Mundo stated council sets green fees during budget. Does this take council by surprise that any fee is just set based on demand? More than \$71 cannot be charged. Fees should be set, and we should live with them.

Ms. La Chance would like to see fees published. Council member Singhania stated fees should not be published because other golf clubs will try to take your business.

Council member Singhania stated that council would look at it and decide on something that is fair.

Council member Broaddus brought up the question of setting a cap. If we set a cap at is sixty-one dollars and Mr. Borow is presented with an opportunity to have a Saturday tournament. The option at that point is no, you cannot have the tournament. What if someone comes in and really wants to have a tournament and offers over a hundred dollars per golfer, we will have to say no because we set a cap at sixty-one dollars?

Ms. La Chance said if she would have been given the opportunity to have the tournament at sixty-one dollars a player, it would have been a profitable weekend for the golf course.

Mayor Sipple stated he understood her point, but members get very upset when they cannot play on Saturday's.

Ms. La Chance asked if the membership could be revisited as far as the days they can play.

Council member Broaddus asked if we could get revenue numbers per day. Mr. Bubnick said he could get that information.

Ms. La Chance stated she wanted to see fairness and consistency for all organizations.

Mayor Sipple asked if we needed to get more data.

Mr. Mundo felt we needed more data from Kemper. Also, if we did go this route, we need to look at the big picture. The schedule right now is to bring the Regional Manager in on October 19th.

Council member Roznovsky stated he did not feel the discussion was handled properly. This should be noted with Kemper. Mr. Mundo stated that would be discussed with the regional manager.

No action was taken on this item. It will be back on the agenda at the October 19th meeting.

DISCUSS AND CONSIDER THE CORONAVIRUS RELIEF FUNDS (CRF) PARTNERSHIP COMMITMENT LETTER WITH BISD

Brittany Rosenbohm – 103 Canvasback Dr.

Ms. Rosenbohm stated that Coronavirus relief funds were issued to cities, municipalities and counties based on percentage per capita. TEA is allowing the schools to go to the cities and request a certain amount of funding for dollar per dollar match. These funds can be used for technology. What the district has spent about \$1 million dollars on chrome books and hot spots. There are many students who have limited connectivity at home. We want to ensure we have all the technology they need.

Kelly Lackey – 912 Oleander

The understanding on the CRF funds is that cities, counties, and local municipalities have a 75/25 percent funding requirement. Seventy five percent of the funds that are pulled for the CRF must be spent in one of three ways - 1) medical expenses 2) public health expenses, and 3) payroll expenses. The other 25% can be used for expenses of actions to facilitate compliance with Covid 19 related public health measures such as: expenses to facilitate distance including technological improvements in connection to school closings to enable compliance with Covid 19 precautions.

Ms. Borth explained the City has spent approximately \$50,000. This is what is covered under the 75% rule. The 25% is what we can use to help the school districts. If we request \$600,000 worth of expenditures under the CARES act, 75% of that must come from the first three categories mentioned. We do not believe we can spend more than \$100,000 at this time. This is our projection.

Ms. Lackey stated that the partnership contribution would mean TEA would match dollar for dollar.

Mr. Mundo stated the city wants to help, but most likely will not be able to give any grants to any businesses. We were looking it as our own utility grant we have given. We would have to come up with over \$600,000 worth of expenditures and we will not get there.

Council member Broaddus asked if there was a timing problem. Ms. Lackey said the local municipalities have until December 30th to utilize the CRF funds.

Ms. Lackey stated they would need a commitment letter that provides a dollar amount to submit by the deadline of December 30th.

Mr. Mundo asked if we could commit to a max of \$25,000 and when would a check be needed. Ms. Lackey said a check would have to be issued to them by the December 30th deadline.

Mr. Mundo explained how the grant works for the city. The city was allotted \$1.5 million, they have advanced us 20% so we have \$300,000 dollars sitting in the bank account. But for that to be released, 75% must be spent on the first 3 items and then we can spend the 25% on the request. At this time, we have identified close to \$50,000 of items 1-3.

TEA matches what the city puts in.

Ms. Lackey stated Hot Spots that will be distributed will go home with the students.

Ms. Borth asked Council if they were comfortable, they could approve the content. She will submit expenses and see if they would be covered and come up with a better number.

On motion by Council member Singhania second by Council member Buell with all present members voting “aye” it was agreed to allow the City Manager to investigate the expenditure of \$300,000 and not to exceed commitment to BISD for \$25,000.

DISCUSS AND CONSIDER AMENDING CH. 46 FLOODS IN THE LAKE JACKSON CODE OF ORDINANCES TO ADOPT THE 2020 REVISED FLOOD INSURANCE RATE MAP AND FLOOD INSURANCE STUDY TO BECOME EFFECTIVE DECEMBER 30, 2020 AND TO APPOINT A NEW FLOOD PLAN ADMINISTRATOR – FIRST READING

On motion by Council member Roznovsky second by Council member Baker with with all present members voting “aye” the adoption of the 2020 revised Flood Insurance Rate Map and Flood Insurance Study to become effective December 30, 2020 and the appointment of a new Flood Plan Administrator was approved.

DISCUSS AND CONSIDER AMENDING CH. 98 TRAFFIC AND VEHICLES TO THE CODE OF ORDINANCES TO HAVE EACH ALL-DAY AND AFTERNOON SCHOOL ZONE TIMES END AT 4:35 P.M. – FIRST AND FINAL READING

On motion by Council member Roznovsky second by Council member Singhania with all present members voting “aye” the rule was suspended to require two readings of the ordinance.

On motion by Council member Roznovsky second by Council member Singhania with all present members voting “aye” the ordinance to have each all-day and afternoon school zone times end at 4:35 p.m. was approved.

RESOLUTION DEDICATING THE LAKE JACKSON CITY HALL AS THE WILLIAM P. YENNE BUILDING

On motion by Council member Buell second by Council member Baker with all present members voting “aye” the resolution dedicating the Lake Jackson City Hall as the William P. Yenne building was approved.

APPROVE PURCHASE OF A JOHN DEERE 5075E UTILITY TRACTOR THROUGH BUYBOARD CONTRACT #529-17 (PG 67CG 70) IN AN AMOUNT NOT TO EXCEED \$42,691.77

On motion by Council member Singhania second by Council member Roznovsky with all present members voting “aye” the purchase of a John Deere 5075E Utility Tractor through BuyBoard contract #529-17 (PG 67CG70) in an amount not to exceed \$42,691.77 was approved.

RESOLUTION APPROVING THE FY19-20 YEAR END TRANSFERS FROM THE UTILITY FUND TO THE UTILITY FUND PROJECTS IN THE AMOUNT OF \$820,000 AND FROM THE GENERAL FUND TO THE GENERAL FUND PROJECTS IN THE AMOUNT OF \$680,000

Mr. Mundo stated we held up to 1.4 million in the general fund and \$900,000 in the utility fund. This transfer would usually be in February. We held on because revenues were starting to decline and Covid hit. We did not know if we were going to need those funds. We have exceeded our conservative estimates and sales tax is getting close to hitting the budget number of a year ago. We currently have 21 positions open. With unemployment pay exceeding some of the salaries for certain jobs within the city, it is hard to hire people. People are making more money staying at home than coming to work.

We think we can release these funds back.

All employees are evaluated once a year. Mr. Mundo’s proposal is to give all full-time employees a lump sum of \$1000 and \$500 to part time employees. If an employee has not been here a year, their amount would be prorated. Employee raises were not budgeted for this year. This would give us the

ability to amend the budget to give a lump sum. This does not move their hourly rate but gives them something for recognition.

Council member Roznovsky was concerned about the economy taking another dip. What would happen if we needed those funds? If we do a lump sum because we have the money today, what if we need it next year?

Mr. Mundo stated we have significant savings because of open positions.

Council member Roznovsky asked if we could raise the hourly wage.

Mr. Mundo said one-time funds cannot be used to increase hourly wages. The only way to do that is if the projection shows enough savings in operation ongoing.

Council member Broaddus asked how long can the city sustain a 21-person shortage?

Mr. Mundo stated what is suffering the most is the mowing. This is why the city is looking at bringing in a contractor to see if they are interested, because we cannot fill those first line positions. Contracted employees are also hard to keep. They are quitting 2-3 days into the job.

Mr. Mundo stated other cities are also having the same issues.

Council member Singhania was uneasy about making the decision because of the uncertainty of Covid. However, he said if Mr. Mundo felt comfortable about being covered financially, then he would be fine with it.

Mr. Mundo stated an approval would need to be made for the transfer because of the end of the fiscal year.

On motion by Council member Singhania second by Council member Buell with all present members voting “aye” the resolution approving the FY19-20 year end transfers from the Utility Fund to the Utility Fund Projects in the amount of \$820,000 and from the General Fund to the General Fund Projects in the amount of \$680,000 was approved.

DISCUSS BOND TASK FORCE UPDATED PRIORITIES SURVEY RESULTS

Mr. Mundo stated the majority of the responses from the Bond Task Force were to move forward.

As the May 2020 Bond Election was cancelled due to the COVID-19 pandemic, a new election must be called by City Council to move forward. This does not need to be officially decided until February.

A survey was put together by Ms. Borth and sent to all the Bond Task Force Committee members. The following questions were asked of them.

1. Do you believe these projects should still be taken to the voters in a 2021 Bond Election?
2. Please rank the propositions by priority. If you believe one is no longer a priority, click the last option. You can rank all of them the same, with all 1's meaning keep all propositions.

Out of 20 responses, all responded “yes” that they believe these projects should be on a 2021 Bond Election. None of the projects received a “No longer a priority” ranking. Combined, the priorities ranked as follows:

1. \$11,500,000 Street and Drainage Improvements to Moss, Chestnut, Wisteria and Palm Lane
2. \$2,635,000 Street and Drainage Improvements to Pin Oak, North Shady Oaks, and Forest Oaks Lane & ADA Ramps throughout the City
3. \$9,200,000 City Hall Expansion
4. \$300,000 Library Flooring
5. \$2,300,000 Expansion of the Police Building

95.8% wanted to move forward.

COVID -19 UPDATE

Mr. Mundo stated the Governor has come out with new rules.

Mr. Walton went over the new guidance by the Governor. The Governor did give an update on the restaurants. Under the new guidelines the interior capacity has been increased to 75% from 50% of limited occupancy load. Social distancing must still be maintained.

Council member Broaddus asked if there would be many changes since the update.

Mr. Walton said patrons still need to be 6 feet apart from each other. You will see a difference in a larger restaurant.

Also included in the 75% occupancy are gyms, museums, retailers, and office business.

Elective surgeries are now being allowed.

Nursing homes can start seeing visitors as of this coming Thursday. Visitors will be limited to two designated people coming in one at a time and must be trained beforehand on how to best manage infectious disease.

Bars have not been reopened however TABC has given some guidelines to allow them to bring in food so they can open.

ITEMS OF COMMUNITY INTEREST

Council member Roznovsky mentioned his opportunity to work with a nonprofit Quilts for Vets. On September 24th, Mr. Roznovsky is partnering with Community Health Network to do a Town hall type meeting to discuss how Covid is impacting families. This will be a one-hour virtual meeting.

Council member Singhania mentioned the following items:

- The left turn on Grapevine is being completely ignored.
- The signage on FM 2004 going west at Lake Road. The traffic light says left turn yield. This is confusing because the light is a green protected turn and it still says yield.
- Walmart – The left turn lane turning into Walmart used to turn green at the same time as the lanes that go straight. Now they are separate. This is causing the left lane to back up and prevent the traffic from moving forward.
- A resident has complained that the water detention pond at Bess Brannen is not preventing the proper drainage on the streets.

Mayor Sipple mentioned he attended the Bess Brannen and OM Roberts open house. The schools are very nice. Also, on October 4th from 2 p.m. – 4 p.m., Mayor Sipple will be presenting a proclamation

to a Purple Heart Veteran.

EXECUTIVE SESSION – UNDER TEXAS GOVERNMENT CODE SECTION 551.071 (2) TO DISCUSS INFORMATION THAT IS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE.

Mayor Sipple convened the meeting to executive session at 9:03 p.m.

RECONVENE TO OPEN SESSION

Mayor Sipple reconvened meeting to open session at 9:43 p.m.

ADJOURNMENT

There being no further business the meeting adjourned at 9:44 p.m.

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

Bob Sipple, Mayor

Alice A. Rodgers, City Secretary