

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, February 22, 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 Buell led the pledge of allegiance.

INVOCATION

Councilmember Baker led the invocation.

VISITORS COMMENTS

There were no visitor comments.

PRESENTATIONS

Mayor Roznovsky recognized Adalyn Garza for being named 2021 TAAF Female Athlete of the Year.

Susan Buell thanked City Council for their support of the Alden Dow Museum. Ms. Buell stated the Alden Dow Museum project is almost complete. New ADA compliant restrooms have been installed and the paint is complete. The next task is to provide memorabilia and historic content.

Susan Buell introduced the new Lake Jackson Historical Association Director Lindsay Scovil.

Ms. Scovil introduced herself and stated she was very thrilled to be in Lake Jackson.

Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting and Distinguished Budget Presentation Award

Mr. Mundo recognized Ms. Eaves and Ms. Truly for their work in financial reporting and the Budget Presentation Award. Mr. Mundo also thanked Mr. John-Williams, Ms. Borth and Ms. Bernard for their work on the budget.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

CONSENT AGENDA

1. Approval of minutes – February 7, 2022
2. Accept board and commission minutes:
 - a) KLJB – 011122
 - b) Traffic – 121421

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

1. Approval of minutes – February 7, 2022 – *approved*
2. Accept board and commission minutes: – *accepted*
 - a) KLJB – 011122
 - b) Traffic – 121421

DISCUSS AND APPROVE THE PROPOSED SICK LEAVE POOL POLICY – JOSE SANCHEZ

Jose Sanchez, Personnel Director explained the city would like to have a pool of sick time available to employees that qualify. For an employee to qualify, they would have to apply for the pool and would have already exhausted all their own leave. Employees would donate vacation time that goes into a pool and it would be paid out as sick time. This is an answer to short term disability. An employee would have to go one week without pay to qualify.

Mr. Mundo also explained the way the policy would work. He explained the differences between donating sick leave vs. vacation leave and the reason the vacation leave was chosen for this policy. Donating sick leave is not paid upon separation. If sick leave were to be donated by employees, it would be an accrued liability. Vacation leave is paid upon separation.

The donation is made towards to a pool, an employee cannot choose who it is donated too. There is no limit to how much employees can donate, but it must be donated in increments of 4 hours.

Councilmember Baker asked if there is a board set up to monitor the pool. Mr. Sanchez stated there is not a special board, but the same guidelines used for FMLA will be followed.

Councilmember Singhania asked if the county does sick leave. Councilmember Baker said the county does use sick leave.

On motion by Singhania seconded by Councilmember Baker with all present members voting “aye” the proposed sick leave pool policy was approved.

DISCUSS AND APPROVE AN UPDATED WORKERS’ COMPENSATION POLICY- JOSE SANCHEZ

Jose Sanchez, Personnel Director explained the city would like to replace the current Accident or Injury Leave (FT, PT, T/S) policy with the new Workers’ Compensation policy. This new policy clarifies that FMLA leave runs concurrently when an employee is placed on Workers’ Compensation. The policy also defines the maximum amount of time an employee may be gone while on Workers’ Compensation.

On motion by Councilmember Buell seconded by Councilmember Seth with all present members voting “aye” the updated Workers’ Compensation Policy was approved.

REPORT ON HGAC TEMPORARY WORKER JOB GRANTS – JOSE SANCHEZ

Mr. Sanchez explained the city entered a partnership with Houston Galveston Area Council (HGAC) and G&A Partners for temporary workers. HGAC and G&A Partners work as a temporary agency for the city. These employees must qualify for the program to qualify to use the grant funds. The city signs off on eligible workers that are recommended. The workers are then employed by G&A Partners and assigned to the city. The city has had thirteen temporary workers in the program. One worker has been hired as a direct employee. Three have left the program and the city currently has nine workers. The hope is that these employees will work out and be hired by the city.

The grant pays for all the salary and benefits of temporary employees. This program does not cost the city anything.

Councilmember Seth asked where the workers are coming from. Mr. Sanchez stated some of the workers are coming from the local workforce and some as far as Houston.

Mr. Sanchez stated he has requested twenty-five employees. It used to take 3 months to get approved for the program and that is now down to 3 weeks. Decisions to direct hire are made within the first week if they work out. Some may take longer to evaluate. The intent of the grant is to find workers permanent employment.

Councilmember Buell asked who screens the workers. Mr. Sanchez shared the city reviews the resume and does the screening when they are offered permanent employment.

Mayor Roznovsky asked how much longer the city has on the grant. Mr. Sanchez believed it is till the grant funds run out.

Mr. Mundo recognized Mr. Sanchez for working hard on this program.

SUBMISSION AND APPROVAL OF RACIAL PROFILING REPORT FROM THE LAKE JACKSON POLICE DEPARTMENT AS REQUIRED BY STATE LAW, CODE OF CRIMINAL PROCEDURE ART. 2.132 COMPILATION AND ANALYSIS OF INFORMATION COLLECTED – CHIEF KIBODEAUX

Chief Kibodeaux stated the Police Department is required to submit this report by March. For the most part the numbers remain the same through the years.

Councilmember Seth noticed that the LJPD has made over 12,000 stops and they have been managed very well to prevent situations from escalating.

Chief Kibodeaux stated there is a check box for traffic stops if there was a use of force resulting in bodily injury. This is only use of force associated with traffic stops.

Mayor Roznovsky asked when the boxes are checked off by the officer. Chief Kibodeaux stated most of the time the officer making the stop will be prompted to check the boxes at the time of the stop. There are exceptions if the stops are conducted by hand.

Councilmember Singhania asked if the body cameras that PD uses are sufficient? Chief Kibodeaux stated overall they are satisfied, but like all electronic equipment it does have a life that comes with maintenance and nonsupport.

DISCUSS MOBILE FOOD ESTABLISHMENT GUIDELINES AND REQUIREMENTS – DAVID WALTON

Mr. Walton discussed the current situation with food trucks on Plantation. This discussion is to figure out if and how the city wants to regulate food trucks.

Mr. Walton went over the following presentation:

Current Requirements:

- All inspections of food trucks take place at city hall.
- All food trucks must be readily movable.
- Toilet facilities must be readily available for all workers during operating hours.
- All food trucks have a Central Preparation Facility.
- Food trucks can have an annual or temporary health permit.

Items to consider:

OR

Limit number of total food truck licenses issued per year

Limit number of food trucks permitted per site

6-month lease

1-year license

Limit length of stay at single location

No length of stay limitation

Review site placement for things like setback from ROW, signage and banners; and parking requirements

No review of site

Require site improvements like:
Designated improved surface and permanent power source

No site improvement requirements

Require certain distance from brick-and-mortar food establishments

No set distance from brick-and-mortar restaurants

Require certain distance from Residential Areas

No required distance from homes or apartments

Councilmember Seth asked if this was being considered as a food court. Mr. Walton stated there are two different things to look at. One being an ordinance to establish zoning for a food court and what it would look like including required amenities. This discussion is for the individual vendor operating on an individual commercial site.

Mayor Roznovsky noted the food court request is going before the Planning Commission. Ms. Borth stated this discussion is just to look at the individual food truck ordinance and to get feedback from council for a possible ordinance change. There has not been an ordinance drafted.

Mayor Roznovsky stated this started from comments he received about food trucks on Plantation Drive. One particular property went from having one truck to two trucks.

This could be a violation of current code because restrooms are supposed to be provided for the workers. The brick-and-mortar business that was there has closed. So, the question is do the workers still have access to restrooms. Another point is the original food truck sits there 24/7 with a second truck parking there up against the property line and homes.

Mayor Roznovsky stated a food truck should come and go and not sit at a location permanently. The truck should leave its sight to get rid of their waste and reload and then come back the next day.

Mayor Roznovsky shared that as he was driving down Plantation Drive, he noticed two properties that had more than two food trucks on them. Unless the city has a food court ordinance, if a location is going to have more than one food truck, they will be a food court and the city does not have food court zoning yet. This is why the mayor wanted to bring this discussion back to council to clear up some of the concerns and get input.

One reason Lake Jackson is seeing more food trucks is other cities have increased their requirements on food trucks therefore pushing them to our city.

Mr. Walton stated this discussion is not to discourage food trucks but to provide minimum standards to which the site or food truck needs to accommodate. Some improvements could be property improvement such as a hard surface pad for the truck to sit on or stipulations for the food truck itself.

Councilmember Seth asked if the city has received any feedback from the brick-and-mortar businesses about the increased number of food trucks.

Councilmember Singhania stated he has received feedback and they were not opposed to it but would welcome the idea if it would help their business.

Mr. Walton stated someone brought forth the idea of a food court located on Plantation Drive almost directly across from Dairy Bar. There have been two other individuals who brought forth the idea of a food truck court in other areas of the city. Food truck courts are becoming more popular.

Mr. Mundo stated the mayor mentions a good point. If there is not an ordinance in place the city could find itself having a quasi-food court.

Councilmember Seth agreed with the mayor about food trucks needing to come and go. If the trucks are not moving every night, it could become a food court.

Councilmember Singhania questioned if the trucks are not moving, how are they emptying out their waste?

Mayor Roznovsky stated a food truck court would put all these requirements in place.

Mr. Walton noted that there are some trucks that sell prepackaged foods, so their cleanup is not the same as others. As part of their annual health license, they must submit a copy of their food managers certification and an agreement with a central preparation facility.

Mr. Mundo asked about the requirements for restroom facilities. Mr. Walton stated restrooms are supposed to be available for the workers.

Mr. Walton also noted that the Fire Marshal's office does an annual inspection. The Health Inspector will perform two inspections per year.

Mayor Roznovsky stated there should be restrictions on the locations and the food trucks as well.

Ms. Russell asked if the food trucks do not move everyday then how are they mobile? By not moving they are avoiding regulations.

Ms. Borth went over the following staff recommendations:

- Limit # of food trucks per site
 - 1 or 2 per site
- Review site placement
 - Setback from ROW
 - Temporary signage and banners
 - Parking Requirements
 - Designated improved surface
 - Permanent power
- Must move offsite every day

Mr. Mundo brought up the parking requirements. Are the brick-and-mortar stores meeting the parking requirements with food trucks on their property?

Mayor Roznovsky noted that the city of Tomball has a nice food truck court to visit.

Councilmember Broaddus expressed concerns about different sizes of property. How would the city regulate how many trucks are allowed on different sites?

Councilmember Seth asked about business hours. Staff will look into hours of operation.

Councilmember Baker asked what the difference is between the food trucks at the LJ Farmers' Market and the ones at the Farmers' Market at the Brazos Mall. Mr. Walton stated the vendors all go through the same process with getting their mobile units inspected. The food trucks at the mall and the pavilion are treated the same.

Mr. Walton suggested making the food trucks move and provide potential relief to brick-and-mortar restaurants also allowing for a rotation of fresh trucks.

There was discussion about site placement. Mayor Roznovsky stated if a site is approved for a property owner it would allow for rotation of trucks so long as food truck meets requirements. It is like a partnership between a business and a food truck. Or a business that has an approved site would have the opportunity to shop for a food truck to park on weekends or whenever they would want so long as they are permitted with the city.

Improved surfaces and permanent power were discussed. It was agreed that trucks should park on an improved surface and have a permanent power source.

The zones for food trucks were also discussed. Comments and questions made were how close can trucks be to a residential area? We would not want to see food trucks up against residential property. Things to consider are noise, traffic, patrons, lighting constraints and hours of operation.

Mr. Glen Jones – 118 Cypress

Mr. Jones felt council was going through all this to allow single food trucks. He preferred a food court. If a food truck court were brought in, would single food trucks still be allowed throughout the city? The answer is yes. Mr. Mundo stated the city does not limit a type of business. Mr. Jones stated he likes food trucks. He thinks the city will have a lot of food trucks to deal with if there is not a food truck zone. Mr. Jones would like to see Plantation Drive build its' own identity.

Council agreed to the following for consideration:

- Having trucks move every 24 hours with a log
- Limit one truck per site
- Look into hours of operation
- Yearly inspections
- Review of site placement
 - Property owner could get site pre-approved
- Improved surface and permanent power source required
- Consider proximity to residential zones
- No limit on length of stay at a single location
- Exception for traveling food trucks parked less than 2 hours

Staff will gather information and bring this item back for discussion.

AUTHORIZE THE CITY MANAGER TO WAIVE BANNER PERMIT FEES AND ISSUE A 30-DAY EXTENSION FOR A BANNER PERMIT AS ALLOWED IN BANNERS, SEC. 78-10.5(F) TO BUSINESSES AND PROPERTIES AFFECTED BY PHASE III OF THE DOWNTOWN REVITALIZATION PROJECT– MEAGAN BORTH

On January 3rd, 2022, the construction of Phase III of the Downtown Revitalization project began. The project was bid for 365 days, which is considered an “extended event”.

Due to the nature of the project and the potential impact it could have on businesses and properties within the scope of work, staff is requesting an extension of banner permits as allowed in in Banners, Sec. 78-10.5(f). Staff is also requesting waiving banner permit fees for these businesses and properties during this construction period.

This request was brought forward after discussion with business and property owners that are currently being impacted by the construction. Staff believes allowing them an extension for placing banners will cover the amount of time work is being completed in front of their store/property. The goal is to ensure the public is aware the businesses are open and that temporary entrances are available.

Mayor Roznovsky explained how this would help local businesses. This would only be for the businesses within the scope of work.

On motion by Councilmember Baker seconded by Councilmember Seth with all present members voting “aye” the city manager was authorized to waive banner permit fees and issue a 30-day extension for a banner permit as allowed in Banners, Sec. 78-10.5(f) to businesses and properties affected by Phase III of the Downtown Revitalization project.

UPDATE ON NEW BUSINESS COMING TO THE CITY – DAVID WALTON

Mr. Walton went over the following chart listing new business coming to the city.

Building Department Updates			
Name	Address	Last Update Date	Progress Status
New Permits			
Ongoing Permits			
Taco Bueno	310 This Way	12/22/2021	Under Construction
Next Level Urgent Care	101 Winding Way	4/22/2021	Framing and MEP
Villa's Apartments	128 W Plantation	7/25/2019	Building Slaps Poured
Christian Brothers	218 W Hwy 332	3/22/2021	Final Building and Site Work
Surgery Center (Neighbors)	103 Winding Way	8/5/2021	Framing and MEP
Dr. Liang DDS	421 This Way	2/2/2022	Permit Issued
La Madeline	401 This Way	1/12/2022	Ready to Issue
Arlans White Box	165 Oyster Creek Dr Ste F	12/17/2021	Ready to Issue
New Applications in Plan Check			
Family Dollar	165 Oyster Creek Dr	2/2/2022	Correction Letter Sent
Chicken Salad Chick	101 Winding Way Ste E	2/9/2022	Revisions Received
McAlister's Deli	401 This Way	2/3/2022	Qued
Ongoing Plan Review			
Lakewood Manor		NA	Waiting for Building Plans
Harmony Park		NA	Waiting for Building Plans
BBVA New Building		NA	On Hold by Owner

CITY MANAGER UPDATES

Any Way Street – Mr. Mundo stated that Ms. England has hired a traffic engineer from Kimley Horn to do a proper speed study to determine if there is a problem on Any Way Street. The data will be brought back to council and the traffic commission. If a problem is recognized a proposal will be brought back to council for further studies.

Debris – received the opening from TCEQ following the subchapter t requirements. TCEQ has granted an extension till March 31, 2022. The city has received two viable bidders from bids received.

Calendar – Ms. Borth updated council with their next meetings.

- Monday, February 28, 2022 for Strategic Planning.
- Monday, March 14, 2022 for the Northwood PID Workshop.

CONSTRUCTION UPDATES

- a. General Fund Projects
- b. Utility Fund Projects
- c. Downtown Phase III

- d. Bond Projects
 - 1. Infrastructure
 - 2. Facilities
- e. Half-cent Projects

Mr. Aguirre went over the construction updates. He stated there was an 8” or 10” water line that was busted by Walgreen’s. Contractors will be repairing that break when restaurants close this evening. The busted water line is the main focus at this time. The canopy work is progressing. Mr. Aguirre stated a pre-construction meeting will be held with the new management team for the Lakewood Manor project.

Ms. Borth went over the Bond Projects.

The library flooring will be brought to council at the Strategic Planning meeting. Ms. Borth will bring renderings of the materials being used. The library will be closed during the month of April during the project. Staff is accommodating groups that are displaced while the library is closed.

Animal Shelter preliminary designs have been received and they look amazing. There have been very minor changes. The design will be wrapped up and brought to council.

The naming of the PD building is underway with a contractor.

Ms. Hyden reported the following:

- The flat roof is near completion
- Contractors will be starting on the metal roof soon
- Looking at March for the Natatorium roof
- Tennis court resurfacing should be completed by Mid-March
- Ideas for adult recess

Mr. Mundo suggested a groundbreaking ceremony for the skate park.

ITEMS OF COMMUNITY INTEREST

Councilmember Broaddus announced early voting taking place this week at the LJ Annex Building.

Mayor Roznovsky shared his experience with a gentleman from a local retirement home.

ADJOURNMENT

There being no further business the meeting adjourned at 8:47 p.m.

These minutes read and approved this _____ day of _____ 2022.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary