

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 3, 2021 at 6:30 p.m. in Public Hearing and Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall with the following in attendance:

Gerald Roznovsky, Mayor  
Jon "JB" Baker, Mayor Pro Tem  
Vinay Singhania, Councilmember  
Matt Broadus, Councilmember  
Buster Buell, Councilmember

Modesto Mundo, City Manager  
Meagan Borth, Assistant City Manager  
Alice A. Rodgers, City Secretary  
Sherri Russell, City Attorney  
Sal Aguirre, City Engineer  
Sabrina England, Public Works Director  
David Walton, Building Official  
Pam Eaves, Finance Director  
Jeremy Bubnick, Parks and Recreation Director

PLEDGE OF ALLEGIANCE

Rhonda Seth led the pledge of allegiance.

INVOCATION

Will Brooks led the invocation.

VISITORS COMMENTS

There were no visitor comments.

COMMENDATIONS

There were no commendations.

PRESENTATIONS - ANNUAL POLICE REPORT

Police Chief Paul Kibodeaux, Assistant Chief Chris Anderson, Admin Sargent Roy Welch, Patrol Lieutenant James Cromeens, Administrative Lieutenant Bryan Sidebottom and Lieutenant Kerry Langford.

Chief Kibodeaux presented the Police Department Annual Report.

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

- A. Approval of minutes – April 19, 2021
- B. Accept Board and Commission Minutes
  1. Keep Lake Jackson Beautiful 031621
  2. Planning Commission 030221
    - a. Agenda 050421

- b. Engineers Memo 050421
- 3. Traffic Commission 030921
- 4. Parks Board 032321
- 5. Dangerous Structure Determination Board 031021
- C. Ordinance rezoning 401 Garland Drive from B-1 (neighborhood business) to T-1 (single family townhomes) for a proposed townhouse rental concept – second reading

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

- A. Approval of minutes – April 19, 2021 - approved
- B. Accept Board and Commission Minutes - accepted
- 6. Keep Lake Jackson Beautiful 031621
- 7. Planning Commission 030221
  - a. Agenda 050421
  - b. Engineers Memo 050421
- 8. Traffic Commission 030921
- 9. Parks Board 032321
- 10. Dangerous Structure Determination Board 031021
- C. Ordinance rezoning 401 Garland Drive from B-1 (neighborhood business) to T-1 (single family townhomes) for a proposed townhouse rental concept – second reading – passed and adopted on second and final reading.

PUBLIC HEARING ON THE CITY’S NOMINATION OF BASF TO THE OFFICE OF THE GOVERNOR AS A TEXAS ENTERPRISE ZONE PROJECT

Mayor Roznovsky opened the public hearing at 6:59 p.m.

Modesto Mundo introduced Erika Schmeider with Ryan, LLC and Jansen Gibbons who are assisting BASF with this.

Ms. Schmeider also introduced Mr. Barksdale. This is a State program that allows companies to apply, it is a job retention and capital investment program. Companies that participate receive sales tax refund. She stated that the amendment of the ordinance is to add incentives to the list that was in the ordinance that was first introduced in the ordinance in 2004.

Modesto Mundo stated that the incentives are not just what the city offers but others in the area.

Mayor Roznovsky stated that the municipality has to set up the enterprise zone to make this possible.

Modesto Mundo stated the first one was in 2003 or 2004 and this would be the third amendment.

Alan Barksdale CEO BASF thanked everyone for allowing them to seek this nomination and for the support of the city.

Mayor Roznovsky asked what the closest operations they compete with to bring in manufacturing.

Mr. Barksdale stated their biggest north American competition would be in southern Louisiana. He named their global competition.

Council member Buell asked when Dow and Badische separated.

Mr. Barksdale stated in 1978.

Mayor Roznovsky closed the public hearing at 7:04 p.m.

ORDINANCE NOMINATING BASF CORPORATION TO THE OFFICE OF THE GOVERNOR AS A TEXAS ENTERPRISE ZONE PROJECT, FOR DESIGNATION AS A QUALIFIED BUSINESS AND SINGLE JUMBO ENTERPRISE PROJECT – FIRST AND FINAL READING

On motion by Council member Buell second by Council member Singhania with all members present voting “aye” the rule that an ordinance be read on two separate occasions was suspended due to the deadline to file the application with the Governor’s office.

On motion by Council member Singhania second by Council member Buell with all members present voting “aye” an ordinance nominating BASF Corporation to the Office of the Governor as a Texas Enterprise Zone Project, for designation as a qualified business and Single Jumbo Enterprise Project was passed and adopted on first and final reading.

UPDATE ON ALDEN DOW MUSEUM – DAVID THOMAS EXECUTIVE DIRECTOR LAKE JACKSON HISTORICAL ASSOCIATION

David Thomas, Museum Director was present to give an update on the Alden Dow Museum. He spoke on the repairs that are being made and that are planned. He reported how the funds are being raised to make these repairs.

The whole building will be restored. The interior usage plan will be varied, areas on Alden Dow’s work, oral history area and an ADA compliant restroom will be included.

DISCUSS AND CONSIDER AN ORDINANCE REZONING LAKEWOOD MANOR DEVELOPMENT FROM R-2A, R-3, PURZ R-3 AND R-4 TO A PUD (HIGH DENSITY DETACHED SINGLE-FAMILY HOME DISTRICT) OVERLAY ZONE WITH AN UNDERLYING RESIDENTIAL ZONE (HUISACHE ST.) – FIRST READING

Sherri Russell gave a brief overview of the development and the changes in the PUD that were discussed during the workshop.

The Lakewood Manor PUD has been updated with the comments and concerns that were brought up during the public hearing and the workshop.

Tenants will now have 1.5 additional parking spaces per dwelling unit. The requirement to use the garages has been added to the PUD.

Also, considering that this development is infill, as opposed to the development of raw land, the parkland dedication required in Ch. 90 of the Lake Jackson Code of Ordinances is waived.

Modesto Mundo reviewed the trash pickup and stated this will be the same as an apartment complex. Some use dumpsters and others use compactors. The developer has the choice of either of these.

On motion by Council member Broaddus second by Council member Baker with all members present voting “aye” an ordinance rezoning Lakewood Manor Development from R-2A, R-3, PURZ R-3 and R-4 to a PUD (high density detached single-family home district) overlay zone with an underlying residential zone (Huisache St.) was passed on first reading.

### DISCUSS AND CONSIDER SETTING GROUP RATES AT THE WILDERNESS GOLF COURSE

Jeremy Bubnick presented the following information:

At the April 5, 2021 City Council Meeting the Council was approached by The Pan American Golf Association (represented by Joe Luna) with a request for a discounted rate for group play on Saturdays prior to 12PM. Although the Parks Board and City Council had recently ruled on the available rates during weekend mornings, PAGA requested special consideration for being a long-time customer who plays the course at least 6 times a year. City Council asked for this issue to be taken back to the Parks Board for consideration.

On April 20, 2021, the Parks Board voted to remain consistent and not offer a discounted rate for groups like PAGA during the Weekend Mornings (before Noon).

The ONLY Rates available during the Weekend AM are below:

Standard Rate \$71

Area Resident Discount \$66

Lake Jackson Resident Discount \$61

Tournament \$71

It is the recommendation of the Parks Board and staff that in order to remain consistent with all groups and players that no rates other than what is listed above are available during weekend mornings.

Discounted rates are available weekdays or weekend afternoons.

There was no action on this item.

### DISCUSS AND CONSIDER POLICE DEPARTMENT TRAINING

Mr. Mundo stated that in March last year all training stopped or was cut due to budget restraint and COVID. The department had been using online training. However, training opportunities are starting to open up again for them.

He recommended restoring the police training budget to \$6,500. That will get the department through the summer with training. He has asked the department to look long term into next level training for the officers to be addressed in the next budget.

The city tries to get the officer to complete more training than what is basically required.

### APPROVE UPDATE OF PURCHASING POLICY MANUAL

Meagan Borth presented the updated purchasing policy manual for review with the following information.

As it has not been reviewed by Council since 2007, Staff is recommending that the Purchasing Manual be revised to include the following additions:

1. Purchasing Cards, including a separate Purchasing Card Policy.

If approved, staff will start off with only two Purchasing Cards- one for the Buyer and one for the Assistant City Manager. The Buyer's card will be utilized for purchasing typical operations items that cannot be bought without a credit card (the third party does not accept Purchase Orders, Checks, or EFTs). The ACM's card would be utilized for monthly or annual subscriptions (i.e. Zoom, Design Software) and travel expenses. Should the transition go smoothly, and once both administration, finance, and IT are comfortable with the new program, we have the ability to expand card ownership to other staff members as approved by the City Manager. After researching which bank other Texas and Brazoria County cities use, staff has

recommended that the cards be through Citibank, who also holds a state comptroller contract for public purchasing through Texas Smart Buy.

2. Vendor Credit Card Form for employees to request payment for credit cards already in existence, including Lowe's, Wal-Mart, Hobby Lobby, Office Depot, and Shell Gas station. This is submitted to the Purchasing office along with receipts for record keeping.
3. Change Order Form allows for employees that have requisitioned for a purchase order to get approval from their Supervisors or Directors in order to make necessary changes to purchase orders that require a higher dollar amount. This is to ensure that Department Heads have full transparency and approval rights when it comes to money being spent from their budgets.

Each of these additions are intended to either encourage better purchasing habits or increase the City's ability to make purchases in an ethical manner consistent with policy.

Discussion followed on the need for checks and balance of the purchases made.

On motion by Council member Baker second by Council member Buell with all members present voting "aye" approval was granted for the updated purchasing policy manual.

ORDINANCE REPEALING ORDINANCE 99-1606 SENIOR CITIZENS COMMISSION TO REPLACE THE CURRENT SENIOR CITIZEN COMMISSION WITH A SENIOR PROGRAM ACTIVITY ADVISORY COMMITTEE – FIRST READING

On motion by Council member Buell second by Council member Broaddus with all members present voting "aye" an ordinance repealing ordinance 99-1606 Senior Citizens Commission to replace the current Senior Citizen Commission with a Senior Program Activity Advisory Committee was passed on first reading.

APPROVE PURCHASE OF A MOHAWK TR-75 HEAVY TRUCK LIFT. PURCHASE THROUGH TEXAS STATE CONTRACT #TXMAS-18-23V05 IN THE AMOUNT NOT TO EXCEED \$117,676.71

Gaye Shockley, Garage Supervisor stated that this equipment has been fully funded in the equipment replacement fund. After requesting several quotes, we have selected the Mohawk TR-75 Heavy Truck Lift which includes two 50,000 rolling jacks and a rolling oil drain pan. This amount includes removal of the existing Mohawk TR-60, which was purchased in 2001, and installation of the TR-75. This lift is considered a critical part of daily operations.

On motion by Council member Singhania second by Council member Buell with all members present voting "aye" approval was granted for the purchase of a Mohawk Tr-75 Heavy Truck Lift. Purchase through Texas State Contract #Txmas-18-23v05 in the amount not to exceed \$117,676.71.

SET DATE FOR OFFICIAL CANVAS OF THE MAY 1, 2021 ELECTION

On motion by Council member Singhania second by Council member Baker with all members present voting "aye" the date for the official canvass of the May 1, 2021 election was set for May 12, 2021.

ACCEPT 2021-22 STRATEGIC PLAN

Meagan Borth stated that as the 2021-22 Strategic Plan has now been completed by staff and Ron Cox, it is being brought to Council for final acceptance. Staff will highlight the major changes and additions to the plan and provide a list of accomplishments from the 2020-21 Strategic Plan.

The major changes and additions include:

- The reorganizing of the Vision Elements to show that specific year's priorities first

- This year’s priorities were based on the need to address infrastructure, employee vacancies, and service levels.
- To meet these needs, staff recommended:
  - Make compensation, employment requirements and scheduling adjustments
    - Market and/or merit increase for employees to increase competitiveness
  - Establish cost recovery standards for major service areas
    - Fire inspections, liquor license fees, utility fees- cost recovery schedule
  - Change bond debt strategies
    - Addressed by staff immediately following the Strategic Planning sessions
  - Evaluate private sector service provider options
  - Establishing improvement programs after getting assessments of streets, water and utility system, technology, and drainage
- Other additions from staff and/or Council include:
  - Redirecting the efforts of the Assistant to the City Manager now with the addition of the PIO position- economic development & community liaison
  - Consider live-streaming City Council meetings for better transparency

Council accepted the 2021-22 Strategic Plan.

### FLOODPLAIN MANAGEMENT 101 PRESENTATION

Athelstan Sanchez presented the following:

Over the years, it has been an ordeal to ensure that fences built along Oyster Creek are not encroaching into the floodplain/floodway coupled with the understanding by a few keeping a watchful eye that fences are only to be installed above the High Bank as per Sec. 90-7 “Perseveration of High Bank” ordinance. Note that the City needs to properly manage the flood plain to participate in the Flood Insurance Program (FIP) so homeowners of Lake Jackson can enjoy the lower cost federally backed flood Insurance.

He presented a map showing the flood zones along Oyster creek and components of a 100-floodplain.

Options currently available for homeowners to choose from to locate/relocate fences and corresponding actions to be taken pending on option chosen:

- **Option One**, which is a long-standing Policy, governed by the attached City’s Preservation of high Bank Ordinance. Fence could be relocated above the High Bank and clearly shown and marked in the field by City Personnel
  - **Action to be taken:** Relocate/locate fence above the high bank after City Personnel clearly show and mark the high bank
- **Option Two** being the most recent unwritten policy governed by Best Floodplain Administrative / Management Practices (BFMP):
  - Fence can be relocated above the Federal Emergency Management Agency (FEMA) regulated Base Flood Elevation (BFE).
  - **Action to be taken:** Relocate/locate fence above the BFE after a surveyor has provided cross-sectional profile coordinates and City approves where the surveyor marked, the BFE
- **Option Three** being a long unwritten policy governed by BFMP: Fence can be located or relocated, or remain at the current location, or extended further towards the creek to a point where a Hydraulic Analysis, shown will not raise the BFE
  - **Action to be taken:** Relocate/locate fence further towards the creek *after* the City accepted a No Rise Certificate from an engineer

Participating in the Flood Plain Management Program allows the residents a lower cost in insurance.

Mr. Mundo stated that staff is trying to educate the public that lives along the creek. If the city does not make the

effort to correct the situation, they could lose the current flood plain insurance rates.

Mayor Roznovsky stated that the distance someone can build down the bank still needs to be determined. Residents need to be aware that the creek plays a large role in drainage from flooding conditions.

Discussion followed on giving residents time to correct any violations of structures or fences built below the high bank and the education process.

Staff is following the existing policy and will come back to council when the procedures are in place for council approval.

#### CONSTRUCTION PROJECT UPDATES

Construction Funds Financial Update

General Fund Projects

Utility Fund Projects

Sal Aguirre reviewed the construction project updates.

#### UPDATE ON CITY OF LAKE JACKSON LOCAL EVENTS

Megan Borth presented Council with a folder that included local events that were coming up. She stated there would be a folder at their place each council meeting alerting them of any upcoming events.

#### ITEMS OF COMMUNITY INTEREST

Sabrina England stated that crews were currently working on a couple of large water main leaks caused by a failure in a fire hydrant. The leak on Forest Drive and Oyster Creek Court are the worst. Hopefully, the crews would have these repaired quickly.

Mayor Roznovsky announced National Day of Prayer on Thursday, May 6th at noon at the Civic Center.

Mayor Roznovsky stated that Jackson Hopkins an Eagle Scout as his project rebuilt the flower bed area at the entrance of Dunbar Park along with benches and lights for the flagpole. The dedication will be May 15th at 10:00 a.m.

#### ADJOURNMENT

There being no further business the meeting adjourned at 8:56 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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Gerald Roznovsky, Mayor

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Alice Rodgers, City Secretary