

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the City Council of Lake Jackson met on Tuesday, September 18, 2023, at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall in the Alice Rodgers Council Chambers with the following in attendance:

Gerald Roznovsky, Mayor
Chase Blanchard, Mayor Pro-Tem
Jon "J.B." Baker, Councilmember
Matt Broaddus, Councilmember

ZOOMED IN:

Rhonda Seth, Councilmember
Vinay Singhania, Councilmember

Modesto Mundo, City Manager
Riazul Mia, Assistant City Manager
Sherri Russell, City Attorney
Sally Villarreal, City Secretary
Milford John-Williams, Asst. to the City Manager
Sabrina England, Public Works Director
Sal Aguirre, City Engineer
Debbie Webb, Assistant Public Works Director
James Bryson, Finance Director
Robin Hyden, Parks Director
Paul Kibodeaux, Police Chief
Bradley Tyler, Senior Systems Analyst

PLEDGE OF ALLEGIANCE

Councilmember Blanchard led the pledges.

INVOCATION

Councilmember Baker led the invocation.

PRESENTATIONS

Camila Gonzalez was recognized and awarded a plaque for being named the 2023 Lake Jackson Female Athlete of the Year.

Benjamin Albarran was recognized and awarded a plaque for being named the 2023 Lake Jackson Male Athlete of the Year.

VISITOR COMMENTS

Mr. Aguirre introduced the new Assistant City Engineer, Nicholle Wilson.

DECLARATION OF CONFLICTS OF INTEREST

There were none.

CONSENT AGENDA

1. Approval of minutes – September 5, 2023
2. Accept board and commission minutes:
 - a. Charter – 082223
 - b. Planning Commission – 080123
 - c. Traffic Commission – 071123
3. Authorize the City Manager to enter a contract with BMO/Harris Bank and Paya in coordination with Central Square Payments pertaining to credit card fees for services provided by the City of Lake Jackson.
4. Approve the one-year contract extension with Ceres Environmental for disaster debris removal services.
5. Approve Ordinance No. 2273 amending Ch. 18 Businesses to change the renewal date for sidewalk café permits – second reading.
6. Approve Ordinance No. 2274 adopting the 2023 National Electric Code as the electrical code for the city – second reading.
7. Approve Ordinance No. 2275 amending Ch. 50 Health and Sanitation to change the procedures for filing grease trap servicing reports and for inspection of food trucks – second reading.
8. Authorize the City Manager to approve an increased rate with Vernor Materials for staging recycling material in an amount not to exceed \$193,500 as budgeted.

On motion by Councilmember Singhanian, seconded by Councilmember Broaddus with all present members voting “aye,” consent agenda items 1-8 were approved as follows:

1. Approval of minutes – September 5, 2023 - **approved**
2. Accept board and commission minutes: **accepted**
 - a. Charter – 082223
 - b. Planning Commission – 080123
 - c. Traffic Commission – 071123
3. Authorize the City Manager to enter a contract with BMO/Harris Bank and Paya in coordination with Central Square Payments pertaining to credit card fees for services provided by the City of Lake Jackson. - **approved**
4. Approve the one-year contract extension with Ceres Environmental for disaster debris removal services. - **approved**
5. Approve Ordinance No. 2273 amending Ch. 18 Businesses to change the renewal date for sidewalk café permits – second reading. - **approved**
6. Approve Ordinance No. 2274 adopting the 2023 National Electric Code as the electrical code for the city – second reading. - **approved**
7. Approve Ordinance No. 2275 amending Ch. 50 Health and Sanitation to change the procedures for filing grease trap servicing reports and for inspection of food trucks – second reading. - **approved**
8. Authorize the City Manager to approve an increased rate with Vernor Materials for staging recycling material in an amount not to exceed \$193,500 as budgeted. – **approved**

PUBLIC HEARING TO CONSIDER AMENDING THE B-2 CENTRAL BUSINESS ZONE TO ALLOW SPECIAL EVENT VENUES AS CONDITIONAL USE

Mayor Roznovsky opened the Public Hearing at 6:42 p.m.

Ms. Russell stated the Planning Commission liked the idea and would like to recommend to the City Council to allow the special event venues as conditional use. Allowing conditional use would allow interested parties

to come forward and discuss parking and events.

Brandi Victoria was present to update the city council. She stated that Aplin Homes has pulled the lease she signed in May, saying she is no longer allowed to lease the building. The presentation she submitted for the event venue is no longer valid. She stated she would continue pursuing the idea and find another location to lease.

Mr. Mundo stated during this request, the focus was on B-2 Central Business because that is where Ms. Victoria requested to open her venue. The City Council could also consider C-1 Commercial or C-2 Commercial zones for event venues.

Councilmember Singhania asked if the city council could still consider approving this if there is a future need.

Mr. Mundo stated the plan is still for the city council to consider the amendment to the B-2 Zone. Mayor Roznovsky also noted this will be for any business that meets the criteria.

Mayor Roznovsky closed the public hearing at 6:46 p.m.

DISCUSS AND CONSIDER THE FIRST READING OF ORDINANCE NO. 2277 AMENDING THE B-2 CENTRAL BUSINESS ZONE TO ALLOW SPECIAL EVENT VENUES AS CONDITIONAL USE

Mr. Mundo read the ordinance caption.

On motion by Councilmember Seth, seconded by Councilmember Singhania with all present members voting "aye," the first reading of Ordinance No. 2277 amending the B-2 Central Business Zone to allow special event venues as conditional use was approved.

DISCUSS AND CONSIDER APPROVAL OF GOLF COURSE FEES

Matt Cohen, General Manager for the Wilderness Golf Course was present for this item.

He noted the following fee increases.

Increase both weekday and weekend green fee rates for the Lake Jackson resident, Non-Resident, and Senior golfer categories by a minimal \$1 for an estimated \$21,706 in additional revenue.

Increase the Player's Club fees by \$10 per month for an estimated \$42,480 in additional revenue in program dues over 12-months. The Player's Club is in high demand, with 354 current participants and a waitlist of nearly 50 individuals.

Increase the 4-day Annual Pass by \$15 per month and the 7-day and corporate pass programs by \$20 per month for an estimated \$14,496 in additional revenue.

Apply for a TABC Mixed Beverage Permit for The Wilderness Golf Course to help eliminate the budget deficit and allow The Wilderness Golf Course to finish the next fiscal year in a profitable position.

Total Estimated Revenue above what was budgeted:

Fee Increases Only:	\$78,682.00
Mixed Beverage Permit:	\$47,808.00
Total Estimated Impact:	\$126,490.00

Below is a table reflecting the proposed increases.

FY 2023-24 FEE SCHEDULE FOR THE WILDERNESS GOLF COURSE							
BREAK EVEN GOLF RATES - WITHOUT MANAGEMENT FEE - @\$78,500 impact							
Green Fee Classifications	2022 Rate	2023	2023 % Increase	2023 Rounds	Recommended Increase	Expected Financial Impact	Recommended % Increase
Resident	\$53.00	\$53/\$63	no increase	3204	\$54/\$64	\$3,204	1.7%
Non-Resident	\$65.00	\$71/\$82	9.23% (33% higher than Res)	14660	\$72/\$83	\$14,660	1.3%
Military, Police, Fire	\$49.00	\$49	no increase	146	no increase	no increase	no increase
Senior	\$40.00	\$44	10.00%	3842	\$45/\$55	\$3,842	2.1%
Junior (Walking)	\$28.00	\$31	10.70%	710	no increase	no increase	no increase
Player's Club	\$20.00	\$20	0.00%	10294	no increase	no increase	no increase
						\$21,706	
Area Resident – Includes Angleton, Brazoria, Clute, Danbury, Freeport, Jones Creek, Old Ocean, Oyster Creek, Quintana, Surfside Beach, Sweeny and West Columbia residents.							
All rates include cart fee except for Junior rates.							
RANGE PASS FEES (unlimited use Monday - Sunday)							
RANGE PASS	2022 Rate	2023 Monthly Rate	2023 % Increase	Utilization	Recommended Increase	Expected Financial Impact	Recommended % Increase
Single Mthly Plan (ACH)	\$64.95	\$64.95	No increase	0	0	0	0
Family Mthly Plan (ACH)	\$74.95	\$74.95	No increase	1	0	0	0
Singe Yrly Plan	\$779.00	\$779.00	No increase	0	0	0	0
Family Yrly Plan	\$899.00	\$899.00	No increase	1	0	0	0
ANNUAL PASS AND PLAYERS CLUB PROGRAM AND FEES							
PLAYERS CLUB HOLDERS	2022 Monthly Rate	2023 Monthly Rate	2023 % Increase	Utilization	Recommended Increase	Expected Financial Impact	Recommended % Increase
Players Club Fees	\$59.95	\$59.95	No increase	354	\$69.95	\$ 42,480.00	16.70%
4-Day Annual Pass	\$234.00	\$234.00	No increase	7	\$249.00	\$ 1,260.00	6.40%
Add'l Person	\$172.00	\$172.00	No increase	0	\$179.00	0	0
7-Day Annual Pass	\$289.00	\$289.00	No increase	49	\$309.00	\$ 11,760.00	6.90%
Add'l Person	\$172.00	\$172.00	No increase	2	\$179.00	\$ 168.00	4.10%
Corporate 7-Day Pass	\$289.00	\$289.00	No increase	3	\$309.00	\$ 720.00	6.90%
Add'l Person	\$172.00	\$160.00	No increase	7	\$179.00	\$ 588.00	4.10%
						\$ 56,976.00	
TOTAL FINANCIAL IMPACT =						\$78,682.00	

Mr. Cohen stated Kemper Sports obtained legal counsel and advice from the Kemper Sports legal team. They have recommended pursuing a TABC Mixed Beverage permit for the Golf Course property. He stated they feel it would have an approximate \$50,000 financial impact for the following year. Mr. Cohen said he has

experience and understands the laws and responsibilities of the MB permit. Mr. Cohen requested approval for the TABC license and the fee increases.

Ms. Hyden noted that the green fees were increased last year, and this year, the increase is minor. The plan has always been to increase the pass fees because they have not increased in years. The goal is for the golf course to be 100% sustainable.

The golf course is currently selling alcohol, but it is confined to just beer. Ms. Hyden stated staff go through the training and the team does a good job. Ms. Hyden is bringing this back to find ways to increase revenue to narrow the gap.

Councilmember Singhania asked if the golf course would only offer mixed beverages in the clubhouse or the course. Mr. Cohen stated it would be in the clubhouse and on a beverage cart on the golf course. He noted that all the servers have the maximum TABC training, which will continue with all employees with any contact with serving alcohol. Ms. Russell said that a restaurant mixed beverage license would be required. Mr. Cohen stated he was aware as they were beginning the process. He would make sure everything was done correctly.

Mayor Roznovsky asked if the mixed beverages would be offered at all times and not just as a package. Mr. Cohen confirmed that is correct. It would be available at all times daily other than the restricted TABC times of alcohol sales.

Councilmember Seth asked if the food sales would need to be 60% for the mixed beverages. Mr. Cohen said he understood the food sales would have to be over 50% to sell alcohol. Councilmember Seth asked Mr. Cohen if he had the current ratio of food and alcohol sales. Mr. Cohen stated food sales were currently at 55% and 45% for beer sales. Mr. Cohen noted this would be monitored closely with a potential increase in alcohol sales with a mixed beverage permit.

Ms. Russell noted to the city council that they could not vote on the alcohol permit because it was not specified on the agenda to discuss the sale of alcohol. This subject would need to be brought back on the next agenda.

Mr. Cohen said there would not be glass bottles on the golf course. All alcohol would be through single-serve small plastic bottles.

Mayor Roznovsky asked Ms. Russell if staff were presenting the fee increases and the mixed beverage permit as part of the agenda item. Ms. Russell stated the sale of alcohol is not posted; although it is in the item summary, it is not on the agenda. Mayor Roznovsky noted the agenda read for the increase of course fees.

Mr. Mundo stated this would return to the next agenda to discuss and consider the mixed beverage with a food and beverage certificate TABC license.

On motion by Councilmember Broaddus, seconded by Councilmember Blanchard with all present members voting "aye," the golf course fees were approved.

DISCUSS AND CONSIDER APPROVING THE FY 2023-2024 KEMPERSPORTS FIXED MANAGEMENT FEES NOT TO EXCEED \$112,080

The request will increase the KemperSports Fixed Management Fee from \$8,900 to \$9,340 monthly. Mr. Cohen explained what is covered by the management fee.

Per the management agreement with KemperSports, the fixed management fee may be adjusted upward or downward annually to reflect changes in the cost of operations as reflected by fluctuations in the Consumer Price Index for Urban Wage Earners and Clerical Works "All Items" ("All Items Index") as published by the U.S. Department of Labor, Bureau of Labor Statistics.

The increase (4.9%) in the CPI All Items Index for the last 12 months will increase the current monthly fee of \$8,900 to \$9,340 or an annual increase of \$5,280. This is a substantial decrease in inflation from the previous year's 8.3%.

Mr. Cohen reviewed the items covered in the KemperSports Management fee increase in Fiscal Year 2023-2024 below:

- Salaries of Support Staff
- Program Support and Corporate Initiatives
- Corporate Contracts – Leveraging Purchase Power
- Marketing

Below is a table depicting Historical Financials since the last extension of the Management Agreement (2019)

	TOTAL REVENUE	TOTAL COGS	TOTAL PAYROLL	TOTAL OPEX	TOTAL EXPENSE	EBITDA
2018	1,311,302	183,257	847,367	586,865	1,617,489	-306,187
2019	1,302,033	178,469	834,477	619,445	1,632,391	-332,151
2020	1,441,011	187,652	878,673	615,337	1,681,662	-240,650
2021	1,900,419	250,430	916,299	784,645	1,951,374	-50,955
2022	2,189,550	312,815	984,107	916,599	2,213,521	-23,970
2023 (Thru 11 Months)	2,227,510	345,685	990,157	876,958	2,212,800	14,709
2023 FORECAST	2,435,000	370,000	1,075,000	950,000	2,395,000	40,000
% GROWTH	85.70%	101.90%	26.90%	61.90%	48.00%	
	1,123,698				777,511	

TOTAL REVENUE GROWTH = 85.7% over 6 year time period

TOTAL EXPENSE GROWTH = 48% over 6 year time period

TOTAL EBITDA GAIN = ~\$345,000 over 6 year time period

Councilmember Seth asked if KemperSports primarily manages private or public courses. Mr. Cohen stated they probably manage more public and municipally owned courses. He estimated approximately 90 to 100 are public courses, with at least 50% being municipally owned and 50 private courses.

Councilmember Singhania asked what the most requested item people want from the course that it isn't offered now. Mr. Cohen stated it is golf course conditions. The most heavily criticized are the golf course conditions, pace of play, and food and beverage. Mr. Cohen complimented Blayne Sparks and his scores for the golf course. He noted he receives scores of nine, which are very difficult to achieve.

On motion by Councilmember Blanchard, seconded by Councilmember Broaddus with all present members voting "aye," except Councilmember Seth voting "nay," the FY 2023-2024 Kemper Sports Fixed Management Fees not to exceed \$112,080 were approved.

APPROVE THE FIRST READING OF ORDINANCE NO. 2276 REMOVING SCHOOL ZONES AND SIGNAGE AROUND ELISABET NEY SCHOOL

Mr. Mundo noted that Elisabet Ney School was closed. He reached out to the BISD Superintendent and verified there are no plans to reopen the campus as a school.

Staff recommend removing the signs and school zones. Mr. Mundo stated the signs have been turned off and will be bagged. The signs will be removed and stored.

Ms. England verified that the building will still be used for Administration, but there will not be children at the location.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting "aye," the first reading of Ordinance No. 2276 removing school zone times and signage around Elisabet Ney School passed.

DISCUSS AND CONSIDER REMOVING THE SPEED HUMP IN FRONT OF 224 ANY WAY STREET

Mr. Mundo stated the resident of 224 Any Way Street has requested to have the speed humps removed from in front of his home. The noise has affected his sleep.

Mr. Mundo noted that letters were sent to nearby residents to see if anyone would be willing to have the speed humps placed in front of their homes on both sides of the street. Mr. Mundo stated there was not a pair of neighbors willing to have them in front of their home. These speed humps are the furthest away from where the accident occurred by the curve.

Mr. Mundo stated that staff recommends removing this one speed hump only.

No action was taken on this item due to a lack of motion.

DISCUSS AND CONSIDER RESOLUTION NO. 925 NOMINATING CANDIDATES FOR THE BRAZORIA COUNTY APPRAISAL BOARD

Mr. Mundo explained the number of votes and noted the city council can make a nomination. He said the school district has the most significant number of votes and usually dictates who serves as the representative.

Councilmember Seth stated in 2019, the city council did not make a recommendation. She did not want to submit a name for anyone who currently sits on the appraisal board. Councilmember Seth cannot recommend anyone who has sat on this board, considering what has happened to the appraisals in the last couple of years. Whoever is put on this board should be fighting back on the appraisals.

Councilmember Singhania would like to appoint someone; it does not have to be the same person.

There was a brief discussion on the responsibility of the nominee and the Texas State Legislature.

Councilmember Seth was saying not to vote for anybody is still a vote against anyone on the list.

Mr. Mundo stated the first step is to make a nomination. Once the nominations are tallied, each entity will be allowed to vote.

Councilmember Blanchard agreed with Councilmember Seth. The city only gets 43 votes. By not nominating someone on the board, it will make a statement. There was a suggestion to nominate someone not currently serving on the board. Mayor Roznovsky stated this item would be deferred to the next meeting on October 2, 2023.

APPROVE CDBG PROJECT REVISION REPLACING THE CIRCLE WAY PARKING LOT PROJECT WITH STREET PANEL REPLACEMENTS

Mr. Mundo noted the need for the Circle Way parking lot has gone away. He stated staff went back to look at the five areas eligible for CDBG projects with a low to moderate-income population of over 50%. Downtown is one of them; the other area that staff looked at is the Huisache area. Both areas have panel replacement needs on Oak Drive, Huisache, Pecan, and Holly. The staff is asking for permission to resubmit the project to the county. The county confirmed there are 45 days to resubmit the project so they can start the public hearing process.

On motion by Councilmember Broaddus, seconded by Councilmember Seth with all present members voting "aye," the CDBG project revision replacing the Circle Way Parking Lot project with street panel replacements was approved for submittal.

REJECT BIDS FOR CITY PROJECT NUMBER 23-03-0735 FOR THE FIRE STATION NO 1 RESTROOM RENOVATION

Mr. Aguirre stated bids were opened on the project. There were two respondents. When staff started looking at the numbers, one of the submittals was not completed correctly. They did not acknowledge some of the addendums that were put into the project. Mr. Aguirre stated that he is recommending rejecting both bids. He also noted that new bid documents will be simplified.

Councilmember Baker asked what the project consisted of. Mr. Aguirre said it is the complete breaking of the restroom walls and re-piping of the system that is leaking behind the walls, along with restoring the surfaces and new equipment. This is something that needs to be completed soon. Mr. Aguirre stated they could start advertising tomorrow.

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting "aye," the bids for city project number 23-03-0735 for the Fire Station No. 1 restroom renovation were rejected.

RATIFY FELDER WATER WORKS EMERGENCY REPAIRS TO WELL 8 AND WELL 9 NOT TO EXCEED \$78,725

Ms. Webb explained the emergency repairs that were needed. She noted that both wells are on the Oak Drive side, with neither one pumping. This took us down to three active wells on the Oak Drive side, so it was imperative to get these up to keep up with the capacity needed. They are both repaired, back online, and pumping.

Councilmember Blanchard motioned to ratify Felder Water Works emergency repairs to Well 8 and Well 9 not to exceed \$78,725, seconded by Councilmember Seth with all present members voting “aye,” the motion carried.

ADOPT RESOLUTION NO. 926 AMENDING THE FY 22-23 BUDGET FOR EMERGENCY WATER LINE AND WELL REPAIRS FOR A TOTAL AMOUNT OF \$580,000

Mr. Bryson reviewed the approvals for the repairs.

Mr. Mundo read the resolution.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting “aye,” Resolution No. 926 amending the FY 22-23 budget for emergency water line and well repairs for a total amount of \$580,000 was adopted.

STAFF UPDATES

City Manager Updates – Mr. Mundo announced a luncheon on Wednesday for the Utility Department. Ms. Webb extended an invitation to the City Council.

Council Meeting Action Item Summary

- Items deferred to the October 2, 2023, meeting.
 - Appraisal District nomination.
 - TABC Mixed Beverage w/ Food and Beverage license for the golf course.

CONSTRUCTION UPDATES

Mr. Aguirre gave an update on all the construction projects.

ITEMS OF COMMUNITY INTEREST

- Councilmember Singhania thanked Ms. Villarreal and Mr. Tyler for organizing the Zoom meeting, allowing him and Councilmember Seth to attend.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:59 p.m.
These minutes were approved on the 2nd day of October 2023.

Sally Villarreal, City Secretary

Gerald Roznovsky, Mayor