

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the City Council of Lake Jackson met on Monday, January 8, 2024, 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

Matt Broaddus, Councilmember

Jon "J.B." Baker, Councilmember

Vinay Singhania, Councilmember

Rhonda Seth, Councilmember

Chase Blanchard, Mayor Pro-Tem

Riazul Mia, Assistant City Manager

Sherri Russell, City Attorney

Ana Acuña, Assistant City Secretary

Sal Aguirre, City Engineer

Nicholle Wilson, Assistant City Engineer

James Bryson, Finance Director

Debra Webb, Interim Public Works Director

Robin Hyden, Parks Director

David Walton, Building Inspector

Paul Kibodeaux, Police Chief

Lora-Marie Bernard, Public Information Officer

PLEDGE OF ALLEGIANCE

Councilmember Singhania led the pledges.

INVOCATION

Councilmember Baker led the invocation.

VISITOR COMMENTS

There were none.

DECLARATION OF CONFLICTS OF INTEREST

There were none.

CONSENT AGENDA

1. Approval of minutes – December 18, 2023
2. Accept Board and Commission minutes:
 - a. Planners – 110723
3. Approve the election contract with Brazoria County for the May 4, 2024, Municipal Election

On motion by Councilmember Singhania, seconded by Councilmember Broaddus with all present members voting "aye," the consent agenda was approved as follows:

1. Approval of minutes – December 18, 2023 – **APPROVED**
2. Accept Board and Commission minutes:
 - a. Planners – 110723 – **ACCEPTED**
3. Approve the election contract with Brazoria County for the May 4, 2024, Municipal Election – **APPROVED**

APPROVE CHANGE ORDER NO. 1 IN AN AMOUNT NOT EXCEEDING \$7,027 FOR THE CITY HALL RESTROOM RENOVATION

Mr. Aguirre mentioned the change order is for an additional toilet in the men's restroom. Initially, it was planned and approved with one toilet, and the administration department thinks it would be ideal to have two toilets.

The architect was advised that the accommodation should be made.

Initially, the extra toilet was removed to meet ADA compliances. After looking at the ADA requirements, they could add the additional toilet and stay in compliance.

Councilmember Baker asked if it would go back to two with the corrections. Mr. Aguirre confirmed it would. Councilmember Seth also agreed that adding the extra toilet was a good idea.

Councilmember Baker motioned to approve Change Order No. 1 in an amount not exceeding \$7,027 for the City Hall restroom renovation, seconded by Councilmember Singhania with all present members voting "aye," the motion carried.

APPROVE CHANGE ORDER NO. 3 IN AN AMOUNT NOT EXCEEDING \$7,156 FOR THE CITY HALL RESTROOM RENOVATION

Brent Bowles – Architect at iAD Architects, LLC.

Mr. Bowles clarified the change orders were separate issues in the men's restroom. The contractor claims they did not know what was behind the walls. They made assumptions that the drain lines connecting to the water closets in the urinals were above grade.

After pulling the drywall, they discovered that each drain went directly into the slab. Mr. Herrera stated they should have investigated that, knowing the age of the building.

Mr. Bowles mentioned that the contractor had a contingency for unforeseen conditions.

Councilmember Singhania mentioned the contractors should be aware of the contingencies when they bid on the project and thinks they should be responsible for it, not the taxpayers.

Councilmember Seth asked if there was a budget in place for contingency.

Mr. Bowles stated it was initially discussed, but the city did not set aside a contingency budget.

Councilmember Singhania does not agree to pay for the unforeseen contingencies of the contractor. Mr. Bowles noted that if the city added more responsibility for unforeseen contingencies to the contractors, the city would not get any bids.

Councilmember Seth asked if we had plans available for the contractors to view. Mr. Aguirre noted that

plans were available, but no plumbing details were noted.

Councilmember Blanchard said he understood Councilmember Singhania's frustration on the unforeseen contingencies, but the city also made changes they did not initially catch.

Mr. Bowles mentioned that if the Council did not want to deal with other contingencies that the city may have to pay, it should look into having a construction manager at risk.

Mayor Roznovsky stated he would rather approve the unforeseen change orders to complete the project.

Councilmember Singhania stated he is voicing his concern and displeasure with the system but does want the project completed.

Councilmember Seth motioned to approve Change Order No. 3 in an amount not exceeding \$7,156 for the City Hall restroom renovation, seconded by Councilmember Baker with all present members voting "aye," the motion carried.

AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH LOCKWOOD ANDREWS & NEWMAN, INC. (LAN) UNDER RFQ 001-2023 FOR THE CITY WATER MASTER PLAN IN AN AMOUNT NOT EXCEEDING \$225,000

Mr. Mia noted this will be the planning portion of the Water Master Plan. He said the city is over 70 years old, which means the infrastructure is getting older. This Master Plan is giving the proactive approach instead of waiting to do a reactive approach.

This review will look at all infrastructure including waterline, treatment plan, booster station, and setting a 5-year, 10-year and 25-year plan. This will include a rate study to pay for that.

At the next meeting, staff will bring the Wastewater Master Plan.

Russ Ford – Consultant Representative w/ Lockwood Andrew & Newman, Inc.

Mr. Ford noted that the specialty of LAN is Water Master Plans. The company recently completed a plan for a larger city with a population of 250,000. They had to look at water sources for them. He noted Lake Jackson does have a good water source but pointed out that the older parts of the city have piping that may need to be updated.

Mr. Ford stated their goal is to work with the city where they have had failures over the last few years. He noted he wanted to prioritize the recently fixed pipes in the CIP plans so the city could budget for the next five, ten, and 25 years.

Mr. Ford stated the company has public involvement. They will ensure the citizens understand what is going on. He noted he would be the direct contact and advised that the council can reach out whenever.

Mayor Roznovsky asked what the citizens will expect from them when they are out in the field. Mr. Ford noted that they typically will do virtual meetings to stay within budget.

They may have to perform potholing, which is using vacuum excavation to dig down and see what type of material is there. It may be possible that doing that will affect the citizens, but they will advise them beforehand.

Mayor Roznovsky stated that recent repairs have been made on the wastewater side for emergency repairs. He likes identifying the problem and prioritizing what needs to be fixed. The last wastewater assessment did report what needed to be fixed, but no other recommendations were made.

Councilmember Singhania asked what would be fixed first. Mr. Ford would send out reports on their recommendations via email.

Councilmember Broaddus asked if this was water distribution only and not wastewater. Mr. Ford confirmed.

Councilmember Blanchard asked if they would keep a relationship with the city after completing the assessment and plans. Mr. Ford noted that he is their trusted advisor and will take the model and carry beyond that.

Councilmember Singhania motioned to authorize the City Manager to execute a contract with Lockwood Andrews & Newman, Inc. (LAN) under RFQ 001-2023 for the City Water Master Plan in an amount not exceeding \$225,000, seconded by Councilmember Seth with all present members voting "aye," the motion carried.

APPROVE THE SELECTION OF THE GENERAL CONTRACTOR, WEBUILDTX, FOR THE CONSTRUCTION MANAGER AT RISK FOR THE ANIMAL CONTROL FACILITY AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE THE CONTRACT TERMS AND BRING IT BACK TO THE CITY COUNCIL FOR AN AWARD OF THE CONSTRUCTION CONTRACT

Mr. Mia noted this would be a two-step process. Staff needs authorization to meet with the contractor to discuss contract terms, costs, and conditions. WeBuildTx is the only contractor within a reasonable budget; the other two were about \$900K.

Lindsey Thorn - Thorn Architects

Mr. Thorn noted he has worked with Control Managers at Risk (CAMR) for various city projects. He said that WeBuildTx received great feedback from 3 previous clients as he called and reached out to the references they provided.

Councilmember Blanchard asked if the \$194K was part of their bid or if it was an additional one. Mr. Thorn explained that the price is the fee charged to build the facility.

Ms. Russell explained the fee is for the contractor to ensure that the project is done within the budget to manage the building portion of the project.

Mr. Mia noted that the council's discussion is approving the authorization of discussing with WeBuildTx, and no charges will be made.

Councilmember Singhania noted he does not believe there is an incentive for the contractors to save the city money, as they will get the fee charged regardless. Mr. Thorn gave examples of how they have worked with a county on a project and, by working with a CMAR, helped save \$200K.

Councilmember Seth stated the item being brought forth is not about the expenditure of the contractor but for approval of discussion with the contractor about the project. Councilmember Seth thanked Mr. Thorn for speaking to WeBuildTx's references over the break.

On motion by Councilmember Seth, seconded by Councilmember Singhania with all present members voting "aye," except Councilmember Blanchard voting "nay," the motion to approve the selection of the general contractor, WeBuildTx, for the Construction Manager at Risk for the Animal Control Facility and authorize the City Manager to negotiate the contract terms and bring it back to the City Council for an award of the construction contract was approved.

APPROVE THE SECOND READING OF ORDINANCE NO. 2280 PROHIBITING PARKING ON DAHLIA, OAK DRIVE SOUTH, AND COTTON DRIVE

Ms. Russell noted that she made the changes the council requested.

Councilmember Seth stated that a few citizens contacted her, and all favored adding the "No Parking" signs. Parents were upset about the late delay for the walkers, but Councilmember Seth advised them to contact the school as the council does not control that.

Mayor Roznovsky also had residents contact him, stating they favored the signs. He mentioned some citizens followed up as the school decided to make changes of their own with the late release of the walkers. He stated that if the school felt this was a safety issue, BISD should have contacted the council. He also mentioned having the Traffic Commission meet to discuss adding No Parking Signs onto the "S" of Anchusa.

Mr. Mia read the ordinance caption.

Councilmember Singhania motioned to approve the second reading of Ordinance No. 2280 prohibiting parking on Dahlia, Oak Drive South, and Cotton Drive, seconded by Councilmember Seth with all present members voting "aye," the motion carried.

DISCUSS AMENDING THE CHARTER TO ADD AN EFFECTIVE DATE FOR LAWS THAT ARE PASSED BY INITIATIVE

Ms. Russell noted this was brought to the attention of the Charter Review Commission by the last petition with the rabbits. The commission wanted to clarify “Thereupon” to “immediately.”

Ms. Russell stated she researched the verbiage of other cities’ charters and believed “upon canvassing the vote” would be the best amendment.

Councilmember Broaddus asked if what is presented to the voter would be what is codified. Ms. Russell stated the rabbit petition is the only one the City of Lake Jackson has had, and it was not a difficult transition.

Mayor Roznovsky noted that the canvas date will give the city time to prepare the ordinance. Ms. Russell stated she brought the rabbit ordinance to the meeting after the ordinance.

Councilmember Blanchard agrees that the council and staff may need time to prepare for an ordinance that might be difficult to implement, but those who went through the extent of petitioning will want that ordinance to pass immediately.

There was discussion about canvassing the votes and the procedures. Council did not want the verbiage to be ambiguous from “thereupon” or “immediately” but also wanted to give more of a timeline.

Ms. Russell noted that she will prepare this by the next meeting.

Mayor Roznovsky directed staff to get a timeline of the county’s certification to amend the verbiage “thereupon.”

RATIFY \$100,000 IN EMERGENCY REPAIRS TO THE CIVIC CENTER BUSS WEATHERHEAD AND CT ENCLOSURE WITH MELTON ELECTRICAL

Ms. Hyden noted that on December 23rd, the Civic Center’s entire panel caught on fire. Staff had an electrician complete some known repairs.

The Civic Center did have some quotes and options, but the repairs only came out to cost \$55,860, as stated in option one of their quotes.

Mr. Mia suggested that the council amend the motion to approve only the \$55,860.

Councilmember Singhania thanked staff for getting the Civic Center back into business.

Councilmember Blanchard asked if the insurance company would claim this. Mr. Mia confirmed that this incident has been filed and reported to the insurance company.

Councilmember Seth motioned to ratify \$88,860 in emergency repairs to the Civic Center Buss Weatherhead and CT Enclosure with Melton Electrical, seconded by Councilmember Singhania with all present members voting “aye,” the motion carried.

NEW BUSINESS UPDATE

Mr. Walton read over the updates and stated the table was updated as requested with a completion percentage.

Staff Updates

- a. City Manager
 - Election - Filing for a place on the ballot - January 17 to February 16.
- b. Council meeting action item summary
 - Ms. Russell to work on charter amendments.

CONSTRUCTION UPDATES

Mr. Aguirre went through the construction updates.

Mayor Roznovsky asked staff to advise council when they will meet to discuss the pre-construction of the street repairs. Mr. Aguirre said they would meet with the contractors on Tuesday, January 9th, discuss when they want to start, and set a town hall meeting.

ITEMS OF COMMUNITY INTEREST

- Councilmember Baker shared the following events:
 - Saturday, January 13th –Lake Jackson Fire Department will host their banquet at the Civic Center at 7:00 PM
 - Saturday, January 13th –MLK Banquet at the DOW Academic Center at 2:00 PM
 - Monday, January 15th – MLK Parade in Freeport is at 11:00 AM
- Councilmember Seth wished everyone a happy New Year!
- Councilmember Broaddus wished everyone a happy New Year. He also reminded everyone that the next council meeting will be on January 22nd.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:53 p.m.

These minutes were approved on the 22nd day of January 2024.

Sally Villarreal, City Secretary

Gerald Roznovsky, Mayor