

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, February 6, 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
Rhonda Seth, Mayor Pro-Tem
Jon "J.B" Baker, Councilmember
Chase Blanchard, Councilmember
Matt Broaddus, Councilmember
Vinay Singhania, Councilmember

Modesto Mundo, City Manager
Meagan Borth, Asst. City Manager
Sherri Russell, City Attorney
Sally Villarreal, City Secretary
Robin Hyden, Parks and Rec Director
Sal Aguirre, City Engineer
Sabrina England, PW Director
Milford John-Williams, Asst. to the CM
James Bryson, Finance Director
Paul Kibodeaux, Police Chief
Lora-Marie Bernard, PIO

PLEDGE OF ALLEGIANCE

Councilmember Baker led the pledge of allegiance.

INVOCATION

Mayor Roznovsky led the invocation.

VISITORS COMMENTS

No visitor comments.

PRESENTATIONS

Mayor Roznovsky proclaimed February 11, 2023, as Vow22 Day.

David Vincent shared the Vow22 Day event details.

Mayor Roznovsky proclaimed February 19, 2023, as Texas Ceremonial Day.

Ms. Scovil spoke about the event and its meaning. She noted the details for the event are on the LJ Historical Museum website.

DECLARATION OF CONFLICTS OF INTEREST

There were no conflicts of interest.

CONSENT AGENDA

1. Approval of minutes – January 3, 2023
2. Accept board and commission minutes
 - a. KLJB – 111522
 - b. Parks - 092722
3. Appoint Lindsey Scovil to the Hotel Occupancy Tax Committee to represent the LJ Historical Museum
4. Approve purchase of two CNG Autocar Rear Load Refuse Trucks from Chastang Ford through BuyBoard Contract #601-19 in an amount not to exceed \$793,568 as budgeted
5. Authorize city manager to purchase banquet chairs for the Civic Center from MityLite Inc., through BuyBoard Contract# 667-22 in an amount not to exceed \$90,000 as budgeted
6. Authorize city manager to execute a contract with Jaco Roofing under the TIPS Cooperative Purchasing contract# 21060301 for Fire Station No. 1 roof repairs to fire and EMS bays in an amount not to exceed \$72,900
7. Award bid for Wilderness Golf Course renovations to Matula & Matula Construction in an amount not to exceed \$64,445 as budgeted

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting "aye," the consent agenda was approved as follows: 1-5 and 7 approved

1. Approval of minutes – January 3, 2023 – **approved**
2. Accept board and commission minutes – **accepted**
 - a. KLJB – 111522
 - b. Parks - 092722
3. Appoint Lindsey Scovil to the Hotel Occupancy Tax Committee to represent the LJ Historical Museum - **appointed**
4. Approve purchase of two CNG Autocar Rear Load Refuse Trucks from Chastang Ford through BuyBoard Contract #601-19 in an amount not to exceed \$793,568 as budgeted - **approved**
5. Authorize city manager to purchase banquet chairs for the Civic Center from MityLite Inc., through BuyBoard Contract# 667-22 in an amount not to exceed \$90,000 as budgeted- **approved**
6. Authorize city manager to execute a contract with Jaco Roofing under the TIPS Cooperative Purchasing contract# 21060301 for Fire Station No. 1 roof repairs to fire and EMS bays in an amount not to exceed \$72,900 – **moved to regular agenda at the request of Councilmember Seth**
7. Award bid for Wilderness Golf Course renovations to Matula & Matula Construction in an amount not to exceed \$64,445 as budgeted – **awarded**

AUTHORIZE CITY MANAGER TO EXECUTE A CONTRACT WITH JACO ROOFING UNDER THE TIPS COOPERATIVE PURCHASING CONTRACT# 21060301 FOR FIRE STATION NO. 1 ROOF REPAIRS TO FIRE AND EMS BAYS IN AN AMOUNT NOT TO EXCEED \$72,900 – MOVED TO REGULAR AGENDA FROM CONSENT

Councilmember Seth asked Mr. Aguirre if the city has opted for an overlay vs. re-roofing in the past and if he was comfortable with the longevity. She had concerns since the roof is hitting its 20-year lifespan.

Mr. Aguirre said that parts of the Fire Station 1 has had the overlay and it is still working fine. It carries the same warranty period.

Fire Marshal Ammons stated this project will be to complete the overlay on the three remaining roof structures that are left from the original structure construction. Fire Marshal Ammons stated staff has consulted with two companies and they both agree that a full replacement is not necessary.

Councilmember Seth wanted to make sure that staff was comfortable with an overlay versus a new roof.

Fire Marshal Ammons said the only thing that would change is the depth of the insulation versus a new roof. A new membrane will be installed over the existing membrane.

Councilmember Singhania asked what the guarantee is versus a new roof. Fire Marshal Ammons said it is the same 20-year warranty as a new roof.

On motion by Councilmember Seth, seconded by Councilmember Singhania with all present members voting "aye," the city manager was authorized to execute a contract with Jaco Roofing under the TIPS Cooperative Purchasing Contract #21060301 for Fire Station No. 1 roof repairs to fire and EMS bays in an amount not to exceed \$72,900.

SUBMISSION OF THE CERTIFICATE OF SUFFICIENCY BY THE CITY SECRETARY FOR THE INITIATIVE PETITION TO PLACE AN ORDINANCE TO ALLOW RABBITS AS PETS ON THE MAY BALLOT

Ms. Villarreal certified the petition that was submitted for allowing rabbits to be kept in the city limits. Ms. Villarreal noted the petition met all the requirements listed in the city charter.

DISCUSS AND CONSIDER PROPOSED ORDINANCE SUBMITTED BY PETITIONERS TO REMOVE RABBITS FROM THE LIVESTOCK DEFINITION AND ALLOW RABBITS AS PETS WITHIN THE CITY LIMITS – FIRST AND FINAL READING

Ms. Russell explained the administrative duty of council after the petition was deemed sufficient by the city secretary. The options are either to adopt the proposed ordinance as written by the petitioners or to send it to the voters.

Councilmember Seth noted she was very proud of the petitioners for going through the process of gathering signatures. Councilmember Seth suggested adopting the resolution and taking the matter to the voters in May.

Councilmember Broaddus asked about the requirements for the E-1 zone where rabbits are allowed. He wanted to make sure the change would not affect the E-1 zone requirements. Ms. Russell confirmed the change would not affect anyone in the E-1 zone.

Mike Walls – 59 Southernwood Court

Mr. Walls asked if council were to accept the ordinance as is and make some type of amendment to the ordinance, would it need to go back to the petitioners? Mayor Roznovsky noted if any changes were to be suggested, it should go back to the petitioners. However, Mayor Roznovsky shared that he did not believe anyone on council would want to change the intent of the petitioners. That would be going against the will of the petitioners.

Gary Hunter – 117 Mesquite Street

Mr. Hunter was for taking it to the voters and letting them decide.

Sherri Hunter – 117 Mesquite Street

Ms. Hunter also believed this item should also go to the voters.

There was no action taken on the ordinance.

RESOLUTION NO. 909 ORDERING THAT A SPECIAL ELECTION BE HELD FOR THE PURPOSE OF REMOVING RABBITS FROM THE LIVESTOCK DEFINITION AND ALLOW RABBITS AS PETS WITHIN THE CITY LIMITS

Mr. Mundo read the resolution caption.

Ms. Russell noted the language on the ballot will be just as the petitioners submitted on their proposed ordinance with the addition of FOR or AGAINST.

On motion by Councilmember Seth, seconded by Councilmember Blanchard with all present members voting "aye," Resolution No. 909 ordering a special election be held for the purpose of allowing rabbits to be kept in city limits with no changes made to the ordinance submitted by the petitioners was approved.

RESOLUTION NO. 910 ORDERING THAT AN ELECTION BE HELD FOR THE PURPOSE OF ELECTING COUNCILMEMBER POSITIONS ONE, THREE AND FIVE

Mr. Mundo read the resolution caption.

On motion by Councilmember Singhania, seconded by Councilmember Seth with all present members voting "aye," Resolution No. 910 ordering that an election be held for the purpose of electing councilmember positions one, three and five was approved.

DISCUSS AND CONSIDER TEXAS DOW EMPLOYEES CREDIT UNION (TDECU) LAND DONATION AND PARTNERSHIP IN THE DEVELOPMENT OF PROPERTY LOCATED BEHIND HEB

Josh Brian stated the TDECU board members have voted and agreed to move forward with the following deal points.

- Mr. Brian discussed the piece of land the city would take over. It has yet to be determined if it is one, two or three acres.
- The current TDECU location would be donated to the city for future city infrastructure.
 - Naming rights and a timeline were mentioned. The TDECU members do not want an aging structure in the city. If the current building is demolished, TDECU would like a timeline.
- City center for citizens to utilize funded by TDECU.
- Potential partnering with CenterPoint for a potential grant to help build it out further.
- TDECU's portion of the building and maintenance of Azalea Street.
- Two additional parking spots in the green belt that have been discussed for the city center.
- A curb cut on Oak Drive and 50 trees to replace the trees that will be taken down in the development of the property.
- A crosswalk from Downtown to the park and a lease back of the park and maintenance of the park.

Mr. Brian stated that initially the discussion was TDECU would hold on to the park, but he would like to discuss giving the park to the city to maintain. This could be worked out in the Memorandum of Understanding (MOU).

Councilmember Singhania noted the minimum amount of land for it to be effective for the city would need to be a minimum of one acre. He would like it addressed as a minimum of one acre and up to three.

Councilmember Singhania also asked if the TDECU building moves, would the name move with it? Mr. Mundo stated that TDECU would have the right to name the complex or common area but not the building. Councilmember Singhania was referencing the Police Department Building that was recently named. Mr. Brian said TDECU would not want to take that away.

Mayor Roznovsky asked Mr. Brian if they had a timeline for Azalea Street and additional parking. Mayor Roznovsky said it should go in as the development of green space starts. Mr. Brian stated the goal is to open the branch in 2024. At this time, they would want the additional parking when everything opens.

The 50 trees will come from the curb cut project on Oyster Creek Drive in front of the Kroger Shopping Center.

Councilmember Baker asked about the crosswalk from downtown to the park. Ms. Borth said it is to connect to the South Parking Place pavilion where the bank is to go across the street.

It would be similar to an intersection for pedestrians with pavers. It would not be an overhead bridge or in the air, but it would go over the ditch.

Mayor Roznovsky thanked Ms. Borth for her role in this project.

Corrine Cammarata – 401 Huckleberry

Ms. Cammarata inquired about the new building and the possibility of it being a new library.

Mayor Roznovsky stated the library building is not for sure, it was just something that was mentioned during conversation. Mr. Mundo noted the size would be roughly 20,000 square feet and it has not been determined what the building would be yet.

Ms. Cammarata asked to involve the library staff if a building was to be considered for a future library. She stated they know the current needs of the community and can help plan for future growth.

POSSIBLE EXECUTIVE SESSION

THE CITY COUNCIL WILL ADJOURN INTO EXECUTIVE SESSION TO DISCUSS PARTICIPATING WITH TDECU IN THE DEVELOPMENT OF PROPERTY LOCATED BEHIND HEB UNDER TEXAS GOVERNMENT CODE SEC. 551.072 (DELIBERATING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY) AND SEC. 551.073 (DELIBERATING A NEGOTIATED CONTRACT FOR A GIFT AND/OR DONATION).

There was no executive session.

CONSIDER TDECU LAND DONATION AND PARTNERSHIP IN THE DEVELOPMENT OF PROPERTY LOCATED BEHIND HEB

On motion by Councilmember Blanchard, seconded by Councilmember Singhania with all present members voting “aye,” council approved to consider the TDECU land donation and partnership in the development of property located behind HEB and to create documents for a final agreement.

DISCUSS AND CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH OMKAR ENTERPRISES TO EXTEND AZALEA STREET TO CENTER WAY IN AN AMOUNT NOT TO EXCEED \$750,000

Mr. Mundo stated as part of the next stage of the agreement, the city’s commitment is to help fund the road. Omkar, the hotel development on the site next to the property has offered to build the road during their construction with the agreement that the city would reimburse for 75% of the cost and they would pay the other 25%. This is part of the construction agreement. For the remaining portion of the property, which is vacant, the city would access the property if they wanted access in the future. If so, the city would pay 50% of the road and the other 50% would be paid by the future property owners. This is only if they want access.

Mayor Roznovsky asked how this would be documented for future ownership. Ms. Russell stated to do the assessments, you can't just send a bill. There would be public hearings and estimates required. As this is done, it should be documented that 25% has not been paid. This would sit until someone comes along and shows interest in the property. This would not be in the deed records because the city does not own it.

Mr. Aguirre stated in the past, property owners or the government puts in a non-access easement. This would be recorded in the plat for the future buyer.

Councilmember Singhania clarified that Omkar would be building the street to city standards and meeting all city requirements. Mr. Mundo confirmed all city standards must be met.

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting "aye," the city manager was authorized to execute an agreement with Omkar Enterprises to extend Azalea Street to Center Way in an amount not to exceed \$750,000.

DISCUSS AND CONSIDER REQUEST FROM BEST WESTERN HOTEL TO ALLOW PARKING OF SEMI-TRUCKS AND CAR HAULERS ON ONE SIDE OF THE STREET ON LOGANBERRY BETWEEN O'REILLY'S AUTO PARTS AND BEST WESTERN HOTEL

Jacob Boyington - General Manager, Best Western Plus

Mr. Boyington requested to have the parking ordinance changed to allow commercial vehicles to park on Loganberry Street. Mr. Boyington noted the hotel staff would erect signs so truck drivers would know where to park.

Mayor Ronzovosky noted citizens' complaints from the area that do not want to drive past the semi-trucks to get to their homes. Mr. Roznovsky shared his concerns about tanker trucks parking so close to residential properties and on city streets. He shared a story about an explosion in Houston that caused a lot of damage.

Councilmember Seth agreed with Mayor Roznovsky. She was not comfortable seeing semi-trucks parking on public roadways in a residential area.

Gary Hunter – 117 Mesquite

Mr. Hunter did not agree with the trucks parking there either. He shared concerns about the integrity of the road if trucks park there.

Councilmember Blanchard shared another concern. How are the trucks going to get in and out of Loganberry? This will cause more problems with the intersection at Plantation near Bucees.

Councilmember Seth once again shared her feelings about it not being a city problem. This is something that Best Western will need to figure out.

DISCUSS PROHIBITING SEMI-TRUCKS PARKING IN PUBLIC PARKING AREAS

Councilmember Singhania stated he has seen tanker trucks parking close to residential areas off Circle Way and does not feel it is a good idea. He is concerned about the safety aspect if there are leaks from the tanker trucks.

Mayor Roznovsky shared that an ordinance would need to be in effect to prohibit semi trucks in certain areas. Mayor Roznovsky felt it could be for all city owned parking lots such as Civic Center, Jasmine Hall and MacLean Park.

Ms. Russell asked council for specifics on size of trucks to include in the ordinance.

Councilmember Broaddus did not feel comfortable with the trailers.

Ms. Russell will research ordinances and bring ideas back for discussion.

Mr. Hunter stated the legal limit for a semi rig is 80,000 lbs. Mr. Hunter does not think community parking is for the benefit of truckers trying to find an overnight parking spot. Public parking is for citizens who participate in park activities.

AWARD BID NO. 22-12-015, SALE OF .4893 ACRES AT 818 LAKE ROAD TO THE HIGHEST BIDDER IN THE AMOUNT OF \$105,500

Ms. Hyden stated there was only bid received for this lot from Peltier Builders.

On motion by Councilmember Singhania, seconded by Councilmember Broaddus with all present members voting "aye," council approved to award the bid to the highest bidder in the amount of \$105,500.

AWARD BID NO. 22-12-014, SALE OF .09657 ACRES AT 902 LAKE ROAD TO THE HIGHEST BIDDER IN THE AMOUNT OF \$162,200

A correction was noted on the acreage size, it should be .9657 acres. Ms. Hyden stated there were three bids received for this property. The highest bid was \$162,200.

On motion by Councilmember Singhania, seconded by Councilmember Seth with all present members voting "aye," council approved to award the bid to the highest bidder in the amount of \$162,200.

RESOLUTION NO. 911 OF SUPPORT TO RESTORE GENERAL LAND OFFICE (GLO) FUNDING FOR VELASCO DRAINAGE DISTRICT PORTION OF FREEPORT PROJECT

Mr. Mundo read the resolution caption.

Mr. Mundo stated that VDD had signed a commitment a number of years ago with the Army Corps of Engineers to improve the levy system. There was an agreement with the state and GLO for funding their portion. They committed to the Army Corps of Engineers but subsequently it was not funded by the legislature. The VDD is asking industry and cities to support their efforts in the upcoming session to restore the commitment and their portion of their funding.

Councilmember Seth asked what would happen if VDD decided they didn't want to continue with the project. Mayor Roznovsky said the reality is the project was supposed to be \$240 million dollars and all that was funded was \$20 million. Mayor Roznovsky stated that a lot of the project was undefined.

Glen Jones

His understanding is that there was a written agreement.

Councilmember Blanchard was concerned that no one from VDD was present for the request. Mayor Roznovsky believed the board president was at a meeting in Freeport.

Councilmember Seth stated she reviewed the GLO budget. She spoke to the state representative, and he stated they would be requesting the full amount of funding.

Councilmember Blanchard commented that there are a lot of unknowns.

Mayor Roznovsky noted this is just a request to restore the funding.

On motion by Councilmember Broaddus, seconded by Councilmember Singhania with all present members voting "aye," except Councilmember Seth who voted "nay," resolution no. 911 of support to restore General Land Office funding for Velasco Drainage District portion of the Freeport project was approved.

DISCUSS AND CONSIDER FEE WAIVER/REDUCTION POLICY FOR PARK RENTALS

Ms. Hyden stated that currently there is no set policy or parameters on who is eligible for fee waivers/reductions for park rentals, which has caused inconsistencies and confusion for staff. Staff recommends adopting the same Fee Waiver/Reduction policy that was approved for the Civic Center. The policy will ensure all organizations are treated equally and fairly and provide a guide for staff to ensure all reservations are performed consistently.

Recreation Center rental fees are determined by operating costs therefore staff does not recommend offering Fee Waivers/Reductions for Recreation Center Rentals.

On motion by Councilmember Seth, seconded by Councilmember Blanchard with all present members voting "aye," the fee waiver/reduction policy for park rentals was approved.

NEW BUSINESS UPDATE

Mr. Walton stated there is nothing new at this time. He noted his department has not received plans for Cavender's.

CITY MANAGER UPDATES

Strategic Plan reschedule date - Mr. Mundo wanted to formally inform council that the Strategic Plan meeting is now scheduled for March 27, 2023.

CONSTRUCTION UPDATES

Mr. Aguirre went over the construction updates.

Mayor Roznovsky commented on the sandblasting of the Dunbar tower. He stated the material is stacking up on FM 2004. Mr. Aguirre stated he would contact the contractor.

ITEMS OF COMMUNITY INTEREST

- Councilmember Blanchard mentioned the upcoming Vow22 walk.
- Councilmember Seth thanked Ms. Borth for her time and great work.
- Mayor Roznovsky said it is always a pleasure to work with someone like Ms. Borth. He wished her the best. He appreciated the new thoughts and ideas Ms. Borth brought to the city.

ADJOURNMENT

There being no further business the meeting adjourned at 8:12 p.m.

These minutes read and approved this 21st day of February 2023.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary