

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, April 3, 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
Sherri Russell, City Attorney
Sally Villarreal, City Secretary
James Bryson, Finance Director
Jonathan Phillips, Asst. Parks Director
Sal Aguirre, City Engineer
Sabrina England, PW Director
Milford John-Williams, Asst. to the CM
Paul Kibodeaux, Police Chief

PLEDGE OF ALLEGIANCE

Councilmember Singhania led the pledges.

INVOCATION

Mayor Roznovsky led the invocation.

VISITOR COMMENTS

There were no visitor comments.

PRESENTATIONS

Mayor Roznovsky proclaimed April 28, 2023, as Arbor Day.
Stacy Lewis and Glen Jones were present to accept the proclamation.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflict of interest.

CONSENT AGENDA

1. Approval of minutes – March 20, 2023
2. Accept Board and Commission minutes:
 - a. KLJB – 022223
 - b. Parks – 022823
 - c. LJDC – 032223
3. Resolution No. 916 approving budget amendment of the Economic Development Fund for FY2022-23 to include the Azalea Street extension from Circle Way to Center Way in the amount of \$750,000 and to remove the Civic Center Fountain Removal /Gazebo Installation project in the amount of \$185,000

4. Resolution No. 917 approving budget amendment to transfer \$1,200,000 from the Utility Fund to the Utility Projects Fund and \$1,300,000 from the General Fund to the General Projects Fund
5. Resolution No. 918 acceptance of Texas Opioid Abatement Fund installment of \$23,789 to be added to the General Project Fund
6. Award Bid # 22-08-1526 for the Dunbar Pavilion restrooms and Pee Wee Field restrooms site work to Matula & Matula Construction in an amount not to exceed \$148,578 as budgeted

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

1. Approval of minutes – March 20, 2023 – *approved*
2. Accept Board and Commission minutes: *approved*
 - a. KLJB – 022223
 - b. Parks – 022823
 - c. LJDC – 032223
3. Resolution No. 916 approving budget amendment of the Economic Development Fund for FY2022-23 to include the Azalea Street extension from Circle Way to Center Way in the amount of \$750,000 and to remove the Civic Center Fountain Removal /Gazebo Installation project in the amount of \$185,000 – *approved*
4. Resolution No. 917 approving budget amendment to transfer \$1,200,000 from the Utility Fund to the Utility Projects Fund and \$1,300,000 from the General Fund to the General Projects Fund - *approved*
5. Resolution No. 918 acceptance of Texas Opioid Abatement Fund installment of \$23,789 to be added to the General Project Fund – *approved*
6. Award Bid # 22-08-1526 for the Dunbar Pavilion restrooms and Pee Wee Field restrooms site work to Matula & Matula Construction in an amount not to exceed \$148,578 as budgeted – *awarded*

DISCUSS AND CONSIDER DHK'S PROPOSAL FOR A SECOND WOODSHORE ACCESS POINT

Mr. Mundo reviewed the request from Mr. Konopka with DHK for an optional access point. He noted in September, City Council approved access to Oyster Creek Drive with the stipulation for a curb cut and a median cut with acceleration and deceleration lanes. In October, the final plans were presented, but it was all contingent upon a back access. This optional proposal is something that could be started sooner than the back access.

Mr. Snipes stated the request is for a secondary access point with ingress and egress lanes. Mr. Snipes mentioned Clute City Council considered pursuing potential eminent domain and stated this would take some time. He stated Mr. Konopka was about to lose a potential buyer for the property. When this was initially discussed, the second proposed option was mentioned, but Mr. Konopka did not want this to happen, he has since changed his mind and is asking for it to be considered.

Councilmember Singhania was not pleased with the way Mr. Konopka has handled this issue. He noted that Mr. Konopka informed council the lots were sold.

Councilmember Singhania asked Mr. Snipes if he would be interested in cutting the median on Woodshore to provide a straight exit. Mr. Snipes was unsure of the ability to do that.

Mayor Roznovsky asked if the offer to put in the secondary egress in and out at this location vs. the back access, does it meet the initial intent of the option for the curb and median cut on Oyster Creek Drive.

Mr. Mundo noted that Clute wanted to keep both options on the table. If the proposed option did not work, they wanted to keep the back access option open.

The concern for the back access is basically a situation where there was an offer to buy the property in question. At the time everything was put together, the potential buyer didn't like the price. If access is denied they assumed the price would go down for the property. There are two property owners who are battling this out. The City of Clute has done all they can. Mr. Konopka is now agreeable to what the City of Lake Jackson had offered before.

Councilmember Blanchard stated the City of Lake Jackson was ready to bend over backwards to help Mr. Konopka in the past. Councilmember Blanchard is not in favor of allowing any type of agreement.

Councilmember Seth agreed with Councilmember Blanchard as far as the development, but noted the citizens of Clute are not to blame for what has occurred.

Councilmember Broaddus asked if the Woodshore crossing is approved and then the buyer is able to secure the back access, would they choose one over the other? Mr. Snipes stated the City of Clute is going to pursue both access points.

Councilmember Baker questioned the intent of Mr. Konopka if this proposal is approved.

Mr. Mundo noted the City of Clute would ensure the agreement would be followed.

Councilmember Broaddus asked if this is allowed, would the back access still happen. Mr. Snipes stated if Mr. Konopka does not get the curb cut with the secondary access, the sale falls through.

Mr. Mundo noted that Mr. Konopka needs to secure a secondary access point for a permit. If the back one is not secure but the front one is, a permit will be issued based on he is going to build the front access. If it is ready to go, he is promising to build at the same time. Clute would still pursue an additional access.

Councilmember Singhania asked what the back access agreement would entail. Mr. Snipes stated there is an encroachment of about 18-inches between the two properties. It is apparent the original plans provided for two points of access and egress into the parking lot. For whatever reason, this was not secured into an agreement during the negotiation process.

Councilmember Seth noted when Mr. Konopka came to city council, he said the lots were already sold. Mr. Snipes stated he has made an offer that has been accepted for one of the lots.

Mr. Mundo stated Mr. Konopka sent a rather upsetting letter. Council now needs to put that behind them and concentrate on the proposal as if it were an alternate in September.

Mayor Roznovsky noted the original agreement was that council would allow for the curb cut and deceleration and acceleration lanes with the stipulation that he acquired a second entrance and exit. He is now coming back and acquiring a second entrance and exit.

City Council is not happy with the way Mr. Konopka has handled this situation, but at the same time, the curb cut off Oyster Creek Drive will be important for anybody who wants to put a business into that piece

of property instead of coming off a residential street into a business location.

Councilmember Blanchard noted Mr. Konopka debunked everything that was agreed to in the letter he sent last week. He mentioned the trees he was supposed to provide.

Councilmember Singhania stated he would like to help the City of Clute, but he does not feel Mr. Konopka is trustworthy and does not approve of the way he conducts his business.

Mr. Snipes stated if Mr. Konopka does not secure a permit, the sale will fall through.

The City of Clute passed an ordinance that states if you have commercial property that attaches to each other there must be joint access and cannot be obstructed. The ordinance was created after the Kroger development.

Mayor Roznovsky stated that city council is not pleased with the way this has developed. He does not want to issue a permit until the City of Lake Jackson gets validation that the buyer owns the property and is about to break ground. He can break ground without the permit.

Mr. Snipes confirmed that city council wants to see progress on the ground.

Mr. Mundo stated he would rather not approach Mr. Konopka about the trees. Councilmember Blanchard disagreed and felt him giving the trees was basically meeting the city in the middle.

Mayor Roznovsky noted the letter council received from the lawyer mentioned they were offended that the city suggested a different location for the trees. Councilmember Singhania recalled the agreement was that the city could use the trees anywhere. Mayor Roznovsky noted Mr. Konopka offered the trees. He can deliver the trees and staff will find a place for them.

Mr. Mundo noted before a permit is issued, the stipulations are:

- Grub work to include scraping of dirt and breaking of concrete is to be started off Woodshore Drive showing Clute has approved access and the lot has been secured by Mr. Konopka.
- A replat will be needed by the Clute Planning Commission.

Mr. Mundo noted the option in the back does not go away.

Imminent domain was mentioned and noted it is the last resort.

Councilmember Seth wanted to clarify what grub work entailed. Mayor Roznovsky stated it would be to busting the curb, stake it out and scraping the dirt for the pathway.

Councilmember Broaddus confirmed once it has been replatted, a house cannot be built on the property. Mayor Roznovsky noted they would not get an Oyster Creek Drive curb cut until all the criteria mentioned has been met and they are issued a permit. A permit would not be good until these benchmarks have been met.

Councilmember Seth motioned to accept the DHK proposal for a second Woodshore access point contingent upon the plat is approved by the City of Clute, the grub work is approved prior to the Lake

Jackson permit being issued for the curb cut and the addition of the 50 tree donation to be placed at the discretion of city council, seconded by Councilmember Broaddus with all present members voting “aye,” except Councilmember Blanchard and Councilmember Singhanian voting “nay,” motion carried.

ACCEPT 2022 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR)

Mr. Cadenhead – KML Services

Mr. Cadenhead stated it was a difficult audit year that was expected due to staffing changes. Overall, the year was a success with everything being turned in on time for the GFOA Certificate of Excellence. Mr. Cadenhead noted there were no audit findings in the audit itself.

He stated the financial results have leveled off and are not impacting the financial statements. He noted the biggest impact is for leases on water towers and values placed.

Mr. Cadenhead noted KML Services did not do a single audit for compliance auditing on federal programs. He did believe it would happen this next audit year.

Mr. Cadenhead noted the audit went according to plan with no findings out of the planned area other than extra time spent on the audit and a few funds over budget on the expenditure side. There were no control deficiencies.

Mr. Cadenhead thanked James Bryson for meeting the deadline and thanked staff for their full cooperation.

Mayor Roznovsky asked what the federal funds audit would consist of when involving ARPA funds.

Mr. Cadenhead stated KML would be looking at it from a compliance standpoint. Were the things that the dollars were spent on meet the compliance requirements of the federal program.

REJECT ANIMAL CONTROL FACILITY BIDS RECEIVED ON FEBRUARY 22, 2023

Councilmember Singhanian motioned to reject the animal control facility bids received on February 22, 2023, seconded by Councilmember Baker with all present members voting “aye,” motion carried.

UPDATE ON NEW BUSINESS

Ms. England gave an update on new and current business permits.

Mayor Roznovsky shared the new Xfinity store located in front of Walmart is a full-service store.

There is still no update for Cavender’s.

CITY MANAGER UPDATES

Mr. Mundo noted an action item will be to wait for the plat from Clute for the driveway and the grub work to begin before the issuance of a permit. Mr. Mundo will notify Mr. Konopka with city council’s decision.

CONSTRUCTION UPDATES

Mr. Aguirre gave an update and discussed construction projects.

ITEMS OF COMMUNITY INTEREST

- Councilmember Seth announced the shredding event on Saturday, April 15, 2023, to begin at 8:00 a.m. to about 11:30 a.m. Councilmember Seth also thanked Mr. Sanchez for his years of service.
- Councilmember Baker mentioned the Lake Jackson early voting location discrepancy on the county website. Ms. Villarreal confirmed the county has corrected the link.

Athelstan Sanchez announced his retirement and thanked city council for their support during his years with the city. Mayor Roznovsky thanked him for his dedication to the city.

ADJOURNMENT

There being no further business this meeting adjourned at 7:39 p.m.

These minutes read and approved this 17th day of April 2023.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary