

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, September 19, 2022, 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  
Matt Broaddus, Councilmember  
Vinay Singhanian, Councilmember  
Chase Blanchard, Councilmember

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

ABSENT: Jon "J.B." Baker, Councilmember

PLEDGE OF ALLEGIANCE

Councilmember Broaddus led the pledge of allegiance.

INVOCATION

Mayor Roznovsky led the invocation.

VISITORS COMMENTS

Meagan Arceneaux – 1005 Cardinal, Richwood

Ms. Arceneaux commented on the demolition of 305 Gardenia. She was not happy with the way the homeowner was treated. She shared that she did not feel the city exhausted all their options. Mayor Roznovsky informed her she could continue to comment on agenda item #10.

PRESENTATIONS

Mayor Roznovsky proclaimed September 17-23, 2022, as Constitution Week

DECLARATION OF CONFLICTS OF INTEREST

There were declarations of conflicts of interest.

CONSENT AGENDA

1. Approval of minutes – September 6, 2022
2. Accept Board and Commission minutes:
  - a) Planning Commission – 080222
  - b) Traffic Commission – 080922
  - c) DSDB - 062922

3. Cast vote for Jose Sanchez, Personnel Director to the TML Health Benefits Pool Board of Trustees for Region 14
4. Resolution No. 904 allowing the Turkey Trot to use one lane of neighborhood street that are close to LJI on Thanksgiving for future years
5. Resolution No. 902 amending the budget for funding the 2023 County Road project for North and South Southern Oaks Drive in an amount not to exceed \$230,000
6. Authorize City Manager to execute a contract with NewGen Strategies for Utility Rate Study through HGAC Cooperative Purchasing contract # HP08-21 in an amount not to exceed \$38,000
7. Ratify contract with Central Square Technologies, LLC for LJ Police Department new software, first phase in an amount not to exceed \$600,000
8. Approve Amendment No. 8 to GLO Natural Gas Contract No. 09-235-000-3779 to extend contract an additional two years

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

1. Approval of minutes – September 6, 2022 - *approved*
2. Accept Board and Commission minutes: *accepted*
  - a) Planning Commission – 080222
  - b) Traffic Commission – 080922
  - c) DSDB - 062922
3. Cast vote for Jose Sanchez, Personnel Director to the TML Health Benefits Pool Board of Trustees for Region 14 – *approved*
4. Resolution No. 904 allowing the Turkey Trot to use one lane of neighborhood street that are close to LJI on Thanksgiving for future years - *adopted*
5. Resolution No. 902 amending the budget for funding the 2023 County Road project for North and South Southern Oaks Drive in an amount not to exceed \$230,000 - *adopted*
6. Authorize City Manager to execute a contract with NewGen Strategies for Utility Rate Study through HGAC Cooperative Purchasing contract # HP08-21 in an amount not to exceed \$38,000 - *approved*
7. Ratify contract with Central Square Technologies, LLC for LJ Police Department new software, first phase in an amount not to exceed \$600,000 – *approved*
8. Approve Amendment No. 8 to GLO Natural Gas Contract No. 09-235-000-3779 to extend contract an additional two years - *approved*

PUBLIC HEARING FOR REZONING A 3-ACRE PORTION OUT OF LOT 2, BLOCK 1, SECTION 13 OF PLANTATION VILLAGE, CURRENTLY ADDRESSED AS 220 LAKE ROAD (THE FAMILY LIFE CHURCH SITE) FROM B-3 (INSTITUTIONAL) TO B-1A (PROFESSIONAL OFFICES)

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

Mr. Mundo shared that the owner wanted to sell the property and have it rezoned for professional offices.

Chris Reese – 220 Lake Road

Mr. Reese stated the property (14 acres) was purchased 21 years ago. The current building was built on seven acres, this leaves an additional seven acres for future use. As they have reevaluated the past couple of years the church realized they do not have use for the remaining seven acres. They would like to sell the three acres to help pay their debt. They have procured a buyer if the rezoning is approved.

Councilmember Singhania noted that the Planning Commission recommended the rezoning.

Public hearing closed at 6:45 p.m.

DISCUSS AND CONSIDER FIRST READING OF AN ORDINANCE TO REZONE A 3-ACRE PORTION OUT OF LOT 2, BLOCK 1, SECTION 13 OF PLANTATION VILLAGE, CURRENTLY ADDRESSED AS 220 LAKE ROAD (THE FAMILY LIFE CHURCH SITE) FROM B-3 (INSTITUTIONAL) TO B-1A (PROFESSIONAL OFFICES)

Mr. Mundo read the ordinance caption.

On motion by Councilmember Singhania, seconded by Councilmember Broaddus with all present members voting “aye,” the ordinance to rezone a 3-acre portion out of Lot 2, Block 1, Section 13 of Plantation Village, currently addressed as 220 Lake Road (Family Life Church) from B-3 (Institutional) to B-1A (Professional Offices) was approved.

DISCUSS NORTHWOOD PEDESTRIAN CROSSING AT FM 2004 AND THAT WAY

Mayor Roznovsky stated he has received questions from citizens asking why there is not a crosswalk at this location.

Mr. Mundo stated this has been discussed by council in the past. It was not accepted due to a safety issue with the speed. Mr. Mundo stated a meeting with TxDot will be held tomorrow to discuss the sidewalk connection.

Chief Kibodeaux brought up Hwy 332 as a reference for a multi-lane crossing. It was so unsafe that it was closed off. Chief Kibodeaux sympathized with the situation, however the speed at 35mph is still unsafe with the amount of traffic. He noted there are so many cars that could make it very unsafe crossing.

Mayor Roznovsky shared history about the state not allowing funding for bussing students living within a two-mile radius. An arrangement was made with BISD to cover the cost of approximately \$7,000 a year. Since then, the state legislature allows the school district to designate a neighborhood or area for that specific purpose. He stated if enough people in the neighborhood are interested in this option, they would need to go to BISD to discuss. There are 33 students from the neighborhood that attend Bess Brannen.

Danielle Nelson – 51 Sago Court

Ms. Nelson understands the logistics in not getting the crossing guards.

She suggested making the school lines a little bit longer or pushing back the yield line from the intersection. She also suggested adding 3-5 seconds to the crossing time or pushing the lane back a few feet to allow for better visibility of the people crossing. She does not think ten seconds is enough time for the crossing time.

Councilmember Singhania has noticed kids pressing the crosswalk light button by themselves to keep the lights red for them to cross.

Ms. Nelson noted visibility is a key factor and doesn't feel the kids are visible enough from cars.

Mayor Roznovsky stated this has been an ongoing issue with TxDot. Mr. Mundo stated the city will try to expedite the process and will meet with TxDot tomorrow.

Ms. Nelson stated the stopping point is well over 120 feet. It is ridiculous to ask for that stop to be further out for the 35-mph zone. The easiest temporary solution would be to push it back and extend the crossing time. There was discussion about adding a curb to the intersection exiting That Way.

Councilmember Singhania suggested no right turn on red during school hours. This would prevent people from cutting the curb trying to make a right-hand turn when kids are trying to cross. Mayor Roznovsky stated the curb could create congestion on That Way. This would be a TxDot call.

Councilmember Blanchard asked if this intersection is set up for when students come from Bess Brannen it is still allowing green lights and people turning right on FM2004. Ms. Nelson said yes.

Councilmember Blanchard suggested making all lights red when children are in the crosswalk. When the crosswalk button is pushed, it would create a complete stop for all cars to allow students to walk across.

Councilmember Seth asked who is having the conversation with BISD for potential bussing. Mayor Roznovsky stated he has started the conversation, but the residents need to contact BISD and continue the discussion.

Ms. Nelson believed the neighborhood would use the bus pickup if it were available.

Councilmember Blanchard asked if it must be the neighborhood residents that take this to BISD. He suggested perhaps council could put more pressure on the situation to make something happen.

Mayor Roznovsky didn't feel the need to pressure BISD since they are open to the idea. The neighborhood would need to see how many people are interested. Ms. Nelson stated she would be happy to be the liaison and gather that information.

DISCUSS AND CONSIDER LICENSE TO ALLOW NORTHWOOD HOA TO INSTALL PRIVATE FLOCK SECURITY CAMERAS IN RIGHT OF WAY ON DEERWOOD AND NORTHWOOD DRIVES

Mr. Mundo stated the police chief received a request from the HOA for putting up private Flock security cameras. These would be owned by the HOA, but the city would have access to the data for police investigations. This request needs city council approval because they are wanting to put the cameras in city right of way.

Chief Kibodeaux shared that this has been a great program so far. The police department is looking forwarding to the partnership.

Mike Heather – 216 Canyon Oak Drive

Mr. Heather stated an email or letter was sent to all 201 homeowners, it was posted on their Facebook page and followed up with a Q&A with input received.

All the feedback received has been very positive. There is only one individual concerned about privacy and the cost. They feel that two cameras are enough.

Councilmember Seth asked if it would change with the development with Northwood Phase 4.

Mr. Heather stated it would be the same cost, but it would be divided between more homes. Most people see it positive for home value because it promotes safety.

On motion by Councilmember Singhania, seconded by Councilmember Blanchard with all present members voting "aye," the license to allow Northwood HOA to install private Flock security cameras in the right of way on Deerwood and Northwood Drives with no other types of signage allowed was approved.

Councilmember Seth wanted to make sure that the LJP had access if needed to the cameras. Mr. Heather said they would have access.

## DISCUSS ANY WAY TRAFFIC STUDY UPDATE

Ms. England stated the city received a request from concerned citizens for excessive speeding on Any Way. This concern was directed to the Traffic Commission with an in-house speed study performed. There was still concern after the study, so Kimley Horn was brought in to do an additional study. The city performed a second study with new locations to get even more data.

Mr. Mundo stated the second data received was being shared.

Ryan Eurek, PE – Kimley-Horn and Associates, Inc.

Mr. Eurek stated their study was completed in April. There were two types of data collection, north and south of the curve on Any Way. There were radar spot speeds near the Mistletoe location as this was the primary area of concern.

The findings indicated the speeds were generally within the 30-35 mph range. With the radar both northbound and southbound it was found generally to be within 30-33 mph.

Mr. Mundo asked Mr. Eurek when you would start looking at the toolbox for options.

Mr. Eurek stated when there is 8% - 10% of people not following the speed, then that is generally when you start looking at tools that can be used to try to fix a problem.

Mr. Eurek spoke about the three "E's", Engineering, Education and Enforcement.

Regarding the engineering side of things, there is a perceived issue. Most drivers are obeying the speed limit with a few outliers. From this standpoint, there is a larger toolbox that can be looked at, but the data collected does not indicate an immediate call for action.

The education part is making sure people driving on the road are aware of the 30-mph speed limit. One recommendation was putting some static signs reminding people there is a 30-mph speed limit.

Lastly, the enforcement: These are resources from the Police Department and Fire Department. This takes manpower. Ticketing should be enforced if necessary.

Going through the curve, the advised speed limit is 25 mph.

The recommendation from the study is to put static speed limit signs on either side of Any Way indicating the 30-mph speed limit.

Councilmember Blanchard stated he asked for a second study because once you get through the S curves it is a straight away until you get to FM 2004. He wanted to make sure that area was captured.

Mr. Eurek said they captured the area around Bougainvillea.

There was discussion on the speed studies and the data collected. Councilmember Blanchard pointed out the top speeds on the study. He couldn't understand how the highest speeds did not trigger some form of action needed.

Ms. England stated when studies are completed, the 85th percentile is what is looked at and is what triggers action.

Councilmember Blanchard noted that this came up the first time because a car went into a house. He didn't feel a sign would stop the speeding.

Mr. Mundo asked Mr. Eurek what is recommended to stop speeders when the 85<sup>th</sup> percentile is within range.

Mr. Eurek said that with these types of studies, the speeders are just belligerent, sometimes intoxicated, street racing or just blatantly disregard the speed limit. Mr. Eurek stated the most recent data collected, does not show more than 5% exceeding 40 mph. There will always be a few drivers breaking the speeding limits.

Councilmember Blanchard asked if it would have met the next threshold, what would the recommendation have been. Mr. Eurek said a splitter in the middle of the road to narrow the lanes or chicanes to shift people.

Mr. Mundo asked if the tools mentioned could be used on a 27' wide street. Mr. Eurek said that is the challenge. The city would need to work with the Fire Department to make sure emergency vehicles could pass. All the options may not work for every area.

Doug Smith – 233 Any Way

Mr. Smith lives at the north end of the strait of way. He said the house next to his has been hit and a tree was taken out of his yard.

Councilmember Blanchard asked Mr. Smith if his neighbors had any suggestions.

Mr. Smith said they are all numb to the noise and they are all concerned about the situation.

Councilmember Blanchard stated that he does not want to wait for something to happen before a change is made.

Mayor Roznovsky noted that the study findings are being discussed. This item can come back to council for further discussion and explore other options.

Councilmember Blanchard thanked Mr. Eurek for their work, he would just like to see something happen to improve the situation.

Mr. Mundo asked if the city assumes any liability if a traffic study is completed and the study does not warrant any action. Ms. Russell said this is a discretionary situation.

Councilmember Seth mentioned the static signs going up to remind people.

Councilmember Singhania asked what is causing people to use Any Way as a through street. He noted that there is a lot of blockage between Oyster Creek Drive and That Way to Hwy 332. The traffic backs up on Oyster Creek Drive. He suggested maybe TxDot could improve the light and allow more cars to go through.

Mayor Roznovsky recalled in the past, TxDot has said their number one concern is traffic exiting off Hwy332/Hwy 288 to get onto Oyster Creek Drive. They can't allow for the traffic to stack up on the highway. This is likely contributing to the traffic on Oyster Creek Drive.

Councilmember Singhania suggested that there be a traffic study of Hwy 332 and Oyster Creek Drive. Perhaps

TxDot could help alleviate some of the problem.

Councilmember Seth shared that all tools can be used and there will still be people that will break the law.

Mayor Roznovsky noted that the 85<sup>th</sup> percentile is to see if there is a consistent issue. The studies revealed there is not a consistent issue on this street.

Councilmember Singhania felt that a bigger traffic flow problem was created when the hash marks were put in on Oyster Creek Drive.

Councilmember Seth stated if the hash marks are not there, people cannot get out.

Councilmember Blanchard asked for a month to talk to people in the neighborhood to see if he could bring forward a group that would like something done. Council agreed to discuss further at a future meeting.

DISCUSS AND CONSIDER THE FIRST READING OF AN ORDINANCE ALLOWING FOR ADMINISTRATIVE INSPECTIONS OF MASSAGE ESTABLISHMENTS TO CHECK FOR COMPLIANCE WITH STATE LAWS

Ms. Russell went over a few changes to the ordinance that were discussed at the last meeting.

1. The tinting was put back in.
2. Clear view of the reception area.

Councilmember Singhania received comments from shift workers that would like for establishments to open earlier. Ms. Russell stated it was listed at 6:00 a.m. Councilmember Singhania felt it should be 5:00 a.m.

Ms. Russell said she could list it as 5:00 a.m., but that wouldn't mean that establishments will open that early.

Ms. Hearn stated she would not be opening her establishment at 5:00 a.m. She has had people request earlier appointments, but it is not something she would like to do.

Mayor Roznovsky stated there were concerns in the past regarding the blacked-out windows. Council suggested that people should be able to view the reception area from outside. You can still have tint or blinds, but you must be able to see inside. Ms. Hearn agreed with that addition.

Mike Walls – 59 Southernwood Ct.

Mr. Walls mentioned that some establishments in hallways do not have windows. Would these places be required to install something?

There was discussion about the types of establishments that do not have windows since they are in halls.

Councilmember Blanchard stated this was mainly for the businesses that have glass. Council did not want these establishments to be allowed to black out their windows.

Ms. Russell will add an exemption for interior units that are in a multi-use building.

Councilmember Broaddus noted Sec. 50-80(a)(5) says: May not have an entrance or exit providing a direct passageway to any other type of business. He was concerned it could be a problem. Ms. Russell said that is state law. Ms. Russell stated she can have the same interior unit exception. She did not want two interior units connecting to each other.

Ms. Russell will make the suggested changes and have it ready for the second reading.

On motion by Councilmember Singhania, seconded by Councilmember Seth with all present members voting "aye," the first reading of an ordinance allowing for administrative inspections of massage establishments to check for compliance with state laws was approved.

DISCUSS AN ORDINANCE DRAFT THAT ESTABLISHES AND REGULATES MOBILE FOOD VENDOR COURTS

Ms. Russell went over the draft ordinance and noted the following changes:

- The site plans will be reviewed by David Walton.
- Paving – the mobile units cannot be on the grass. The language matches what is in the subdivision code. It is nothing different than any other place.
- Parking requirements – are set by the Planning Commission
- Utilities – there will not be generators unless there is an emergency.
  - The courts are providing the water and electric service for the mobile units.

Councilmember Singhania suggested clarification for permanent electrical services.

- All courts must have restrooms, not port-a-potties.
- Dumpsters will be required for the garbage in the courts, so it stays closed and not a nuisance to the neighbors.
  - 60' from residential property, which is the normal amount of everything that must stay away from residential areas in the zoning code.
- The grease interceptor will be engineered to the correct size.
- No amplified sound equipment so it will not be heard inside of a house or another business.
- The city will inspect the courts at least twice a year for compliance.
- For non-compliance, a notification will be sent first, followed by a citation if not corrected.

Ms. Russell will make the changes from Councilmember Singhania.

Winnies has two lots with a truck on each lot. That location has a separate situation because they are a non-conforming use. They cannot keep adding on or they will lose that status.

AWARD BID TO SENTINEL FOR THE RECREATION CENTER POOL PAK IN AN AMOUNT NOT TO EXCEED \$615,000

Mr. Mundo shared that one bid was received for this project. The bid came in at \$850,000. The vendor and Engineering Department met and were able to knock it down to the base bid of \$599,000. Staff is recommending alternate 3. The only thing that creates an issue and will have to come back next year is the duct sock replacement. This will get us closer to the project limit.

Councilmember Singhania asked if this budgeted item originally included the duct work.

Mr. Mundo said yes, but alternate 1 is \$123,000 and will have to come back next year.

On motion by Councilmember Seth, seconded by Councilmember Broaddus with all present members voting "aye," the bid to Sentinel for the Recreation Center Pool Pak in an amount not to exceed \$615,000 was awarded.

APPROVE INTERLOCAL AGREEMENT PROJECT WITH VELASCO DRAINAGE DISTRICT TO REPAIR THE CITY'S

## PORTION OF OUTFALL PIPE AT ROSS SWITCH GATE IN AN AMOUNT NOT TO EXCEED \$60,000

Mr. Aguirre stated this item is similar to a past partnership with interlocal agreements with Velasco Drainage District (VDD).

The Velasco Drainage District will be undertaking a lining project for the Ross Switch Ditch Outfall Gate Wells and 60-inch pipe lead to Oyster Creek before the end of the year and are asking if the City of Lake Jackson would like their portion of the pipe within this same project. In the past, the city has participated in similar outfall gate projects such as the Huckleberry, Jackson Oaks, Dunbar Park and Timbercreek.

The City's part will be: 1 – 363-ft lengths of 54-inch CMP that runs from the railroad at Old Angleton Road east to the VDD well gates and to the flap gate at Oyster Creek. The district's part includes the gate wells and 137-lf of 60-inch GGM pipe.

The work involves the lining of the pipe inverts only (lower half of pipe) with a 1.5-inch thick geokrete polymer by "Vortex" a system applied by VDD in the Mall outfall pipe in years past.

The estimate for the City's part is 1,670 sq. ft. x \$35.00 = \$58,450.

Mr. Mundo stated this is not a budgeted item. If Council is agreeable a budget amendment for the Capital Projects Fund will be prepared for the next Council meeting.

On motion by Councilmember Broaddus, seconded by Councilmember Seth with all present members voting "aye," the interlocal agreement project with Velasco Drainage District to repair the city's portion of outfall pipe at Ross Switch Gate in an amount not to exceed \$60,000 was approved.

## DISCUSS AND INFORM COUNCIL OF THE DANGEROUS STRUCTURE DETERMINATION BOARD PROCESS

Mr. Mundo asked Mr. Walton to go over the DSDB process and answer any questions from council.

Ms. Russell stated the city's ordinance is modeled by State Law.

Mr. Walton presented and went over the following Dangerous Structure Procedures.

### **Complaint**

- Internal
  - Code enforcement or other city staff identifies a structure that appears to be dangerous or in need of repair.
  - Complaint may come from drive by inspection or code enforcement action.
- External
  - Citizen complaint regarding building that appears to be dangerous or in need of repairs
  - May come from neighbor, building resident, or other concerned party.

### **Investigation**

- Building Official makes site visit to verify validity of complaint
  - Visual inspection from public way
  - Visual inspection from neighboring properties with owner's permission
  - Attempt to make contact with owner/resident to discuss concerns

## **Inspection**

- Send letter via regular and certified mail with date to inspect with consultant engineer – Allow minimum 21 days from letter issuance to date of inspection.
  - Voluntary inspection with owner present allowing access
  - Involuntary inspection with or without owner present
    - Obtain warrant with affidavit signed by magistrate

## **Determination**

- Receive copy of engineer's report outlining condition of structure with repair estimate.
- Send copy of inspection report to owner via regular and certified mail.
- Send letter via regular and certified mail with Dangerous Structure Determination Board meeting date (if applicable)

## **DSDB Board Meeting**

- City Secretary sets DSDB meeting a minimum 10 days in advance. Standard 21 days' notice provided.
- Post meeting notice in paper 10 days before meeting date
- Board hears evidence from Building Official and owner/owners' representative for abatement by repair or demolition
- Board makes decision to abate through repair or demolition with timelines for completion.

## **Notice of Decision**

- DSDB order and letter sent via regular and certified mail to owner or personal service within 10 days of board decision.
- DSDB order posted in yard and on building

## **Appeal**

- Owner has 10 days from order date to appeal the board decision in writing to the building official or city secretary.

## **DSDB Board Meeting**

- City Secretary sets DSDB appeal meeting a minimum of 10 days in advance. Standard 21 days' notice provided.
- Post meeting notice in paper 10 days before meeting date.
- Board hears evidence from owner/owner's representative for appeal to the board decision.
- Board amends or affirms previous decision to abate through repair or demolition with timelines for completion.

## **Notice of Decision**

- DSDB order for amendment or affirmation decision and letter sent to owner via certified and regular mail or personal service within 10 days of board decision.
- DSDB order for amendment or affirmation posted in yard and on building within 10 days of board decision.

## **Abatement by repair**

- Owner provides plans, applications, and scope of work to building department for permit issuance.
- Owner makes progress towards repair according to DSDB order timeline.
- City verifies progress through regular building inspections.
- Upon completion of work city issues new certificate of occupancy

## **Abatement by demolition**

- Owner Abatement by demolition
  - Owner abates by demotion within the specified timeframe as ordered by the DSDB.
- City Abatement by demolition
  - City solicits a minimum 3 contractors for bids for the demolition.
  - City calls for utility locates and coordinates with utilities for disconnection of services.
  - Contractor starts demolition as ordered by board within 30 days of order.
  - Contractor completes demolition by removal of all structures, slabs, driveways, and contents
  - Contractor leaves empty lot with building location backfilled.

## **Cost recovery**

- If city demolishes the buildings, then the owner is invoiced for the cost of demolition.
- If the owner is unable to pay the cost of demolition, then a lien is placed against the real property with Brazoria County Clerk's Office.

Councilmember Singhania noted that repairs are not cosmetic repairs, they are safety related repairs.

Councilmember Broaddus asked if the repairs that need to be made are easily determined or is an engineer needed. Mr. Walton said that an untrained eye may not notice structural damage as some problems may be covered up, therefore the city uses a structural engineer and specializes in that profession to verify the concerns.

Ms. Russell explained that the DSDB consists of experts in the field. The board is made up of the city engineer, a doctor or nurse, and three members coming from architecture, real estate, building construction, framing, contracting, or engineering. This board is not made up of five random volunteers. The city meets the standards every time.

Councilmember Seth asked Mr. Walton if the board has discretion to add additional days for repairs. Mr. Walton stated the ordinance states the work needs to be completed within 90 days. Ms. Russell said if they want longer than 30 days, a specific workplan must be submitted to the building official. If the owner is showing due diligence in getting work completed, they can always come back to the board for more time.

Ms. Russell stated that the board tries to help the owners.

Councilmember Blanchard noted the DSDB is regulated by law, therefore council has no say so over it. Ms. Russell stated that council appoints the board members. If council is not satisfied, they can remove a board member. The appeals go to the district court and not to city council.

Councilmember Blanchard asked if council could insert suggestions into the process. For example, if someone is coming to the board and getting to a point where they are unable to fix their home, could council insert a step for the board to meet, such as list of resource availability. Councilmember Blanchard suggested stopping the process if someone applied for HUD money, but there wasn't any HUD money available.

Mayor Roznovsky stated that staff is already looking to formalize a list of resources. Mayor Roznovsky sits as the liaison of the DSDB. He stated that DSDB asks these types of questions and Mr. Walton does a good job of trying to help the property owner.

Ms. Russell stated it should not be inserted into a step for the board. It should be something to include in

the building officials' steps. By the time these cases come to the DSDB, there is already a dangerous structure, and you cannot wait for HUD. The electricity has likely been cut off and the state of the property is already affecting the neighbors. These helpful resources should be given to the owner before it gets to DSDB.

Councilmember Seth pointed out that the city needs to be very careful about not creating a specific list. The list would need to be opened to the public.

Ms. Russell stated she would not want a list with specific names. The people who own these properties are usually very vulnerable people and there are a lot of scammers that take advantage of these situations. Ms. Russell suggested listing contact information for HUD or maybe a real estate board for recommendations.

Mr. Walton added that the city does not have the discretion on how these properties are treated. They are all treated the same. In the case where there is a single person who lives in the house vs. someone who has 35 properties around the town.

Mr. Mundo stated the county program only assists the homeowner, and not a landlord.

Mr. Mundo noted that Ms. Hartmann had applied for HUD in 2021 and did not get funding. He stated that there are not enough funds for all the applications. Many people apply for funds, and they are basically put into a lottery. Most of the homes they are receiving applications for now, the cost of the repairs is too high. It could be years before an applicant is selected.

Mr. Walton agreed that staff must be careful on what information is given to citizens. The city cannot recommend specific people or businesses.

Councilmember Singhania asked if there is anything that is relayed to the owners to make sure they understand the process. Mr. Walton stated that the owners attend the meetings and have the opportunity to ask questions. He said he has never been to a meeting that he felt the owners did not understand. Ms. Russell commented that David goes above and beyond in making sure the property owners understand.

Mayor Roznovsky shared that he has received a couple of comments asking if there are any other steps that can be done to make the community aware of these properties. He noted that when DSDB is activated to look at a property, Mr. Mundo will bring it to the attention of council. Mayor Roznovsky also mentioned the email that comes from Ms. Acuña the morning after a council meeting notating action taken. He suggested this be done with all board meetings to help keep council informed.

Councilmember Seth asked what happens when council is made aware of a DSDB property. Mr. Mundo replied that they are just made aware because they cannot stop the process. Councilmember Seth asked what could be done to get the word out.

Mr. Mundo noted this will happen again. There have been 14 structures before DSDB since 2017. Out of the 14, half have been repaired and the other half demolished.

If anyone is interested, citizens can sign up for board notifications when a meeting is coming.

Councilmember Seth mentioned the notice that was put in the newspaper. People will have time to attend the meeting or help with raising funds.

Mr. Mundo noted that the city cannot make the property owner accept help.

Councilmember Blanchard commented that as a Councilmember he did not know. He would have liked to help the homeowner.

Meagan Arceneaux raised the question of how many of these people are elderly that didn't have the resources to make the repairs. Repairs can run into the thousands of dollars. When the city goes in and finds problems, it leads to other problems that need fixing. It can be intimidating for homeowners. She didn't think Ms. Hartmann had the help she needed.

Mr. Walton stated the intent is not to go into a building and find problems. When he goes into a home and sees exposed wires, it is a danger. The power must be cut off to make repairs. Ms. Hartmann had a permit to make repairs. Mr. Walton gave Ms. Hartmann his number for her to call him so he could come out and check the progress. He never received a call from Ms. Hartmann.

Mr. Walton stated the city does the best they can to help the property owners. The city cannot go to people and suggest helping or purchasing the property. Some owners will not want their business out there. Mr. Walton did not want to divulge Ms. Hartmann's information, but stated staff tried to help her as much as they could.

Councilmember Seth stated it is always a good idea to help answer questions. She went back to the DSDB minutes and read all the attempts that the DSDB tried to help her. Councilmember Seth feels confident that staff and Mr. Walton gave all their effort in trying to help her. She also noted that these situations do not benefit the city in any way other than keeping the neighborhood safe from a structural standpoint.

Mr. Mundo stated there was a rumor that the city wanted the property. This is untrue. The property is still owned by the property owner.

Mr. Walton shared that these actions are not taken lightly by anyone in the city.

Councilmember Seth addressed the reason the city was not helping load Ms. Hartmann's belongings. It turns out when this has happened in the past, a homeowner accused staff of theft. It is not fair to put city staff in that predicament. Mr. Mundo confirmed this happened.

Mike Walls – 59 Southernwood Court

Mr. Walls asked why council wasn't made aware as a body that this was taking place.

Mayor Roznovsky said that everyone on council received a copy of the agenda the week before. The agenda states the day and time of the meeting, the specific properties that will be discussed and the discussion would include demolition of the said properties. Council was made aware by agenda.

Councilmember Broaddus asked why Ms. Hartmann never approached council.

Councilmember Blanchard suggested an email or phone call when something like this arises.

Mr. Mundo addressed that going forward, these cases will be on the council agenda under managers update. Council will be informed when the board has been called and when they will meet.

Councilmember Broaddus did not have a good sense for the timeframe of the process. Mr. Walton gave an example of a house that the back caved in. It wasn't visible from the front yard. In this case, it was just a matter of months. The mandatory notices and requirements can be taken care of within a few months. In

most cases it will range from five to eight months.

Mr. Walls sincerely believes that everyone who sits on all the boards are wonderful people. He does not believe the city did not have Ms. Hartmann's best interest at heart.

Mr. Walls deals with elderly people and is also in the real estate business. This is a situation he cares deeply about. This situation is unique because the home was inherited from her mother. Mr. Walls mentioned he was waiting on information from an open records request.

Mr. Walls would have loved to know about this situation. He knows people that may have been able to help the owner of the property.

Mr. Mundo stated he is hesitant to put a list of individuals together because they will not be vetted.

Mr. Walls wanted to know how the public can be made aware of this. DSDB puts the public notice in The Facts. In this situation he would hope there is another way to put information out.

Councilmember Seth asked Mr. Walls what his suggestions would be to get information out there.

Mr. Walls said a lot of people do not get the newspaper. Social media could be utilized to reach more people. Councilmember Seth noted with the permission of the owner.

Mr. Walls stated he could not find the meeting minutes on the website. Mr. Walls expressed his feelings that there was not enough done to help the homeowner. He is asking for DSDB to look into people with non-normal behavior and do a little extra to help them.

Mr. Walls suggested that all boards and commissions be made aware of these situations so they can pull their resources and help. Mr. Walls said if he would have known about this, he would have reached out to Ms. Hartmann.

Mr. Mundo asked Mr. Walton if anyone had reached out to adult protective services.

Mr. Walton stated he did not reach out to adult protective services. He felt that when working with these people, it would be an overreach in suggesting they are in a state of mind that they can't handle their affairs. Mr. Walton stated if he were in this position, he would be very offended if someone contacted the state to make a determination for him.

Mr. Mundo stated that staff did nothing wrong, and they worked very hard to assist Ms. Hartmann.

Mr. Walls agreed with Mr. Mundo. He shared that Mr. Walton does an incredible job in helping people. Mr. Walls did not want his concerns to come across as if he is admonishing individuals. He would like to see something done for these unique situations.

Mayor Roznovsky mentioned the list and noted it should consist of organizations whose role in the community is to help people, it cannot be individuals.

Mayor Roznovsky stated that DSDB is a hard board to sit on. It gets emotional and we all care for people in the community.

Mr. Walls shared that he would like to be a part of any idea sessions on how to potentially save these situations in the future.

Councilmember Singhania asked if draft minutes could be posted. Ms. Russell stated they need to be approved before they are posted.

Mayor Roznovsky summarized the steps going forward:

- A resource list will be put together for property owners.
- DSDB meetings will be added to the managers update during council.
- Next day meeting summary will be sent out from City Secretary's office of all board and commissions to council and boards.

#### DISCUSS AND CONSIDER RESOLUTION NO. 903 APPOINTING REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS FOR 2023

On motion by Councilmember Seth, seconded by Councilmember Broadus with all present members voting "aye," Resolution No. 903 was adopted with Mayor Gerald Roznovsky appointed as representative and Councilmember Vinay Singhania appointed as the alternate to the Houston-Galveston Area Council Board of Directors for 2023.

#### APPROVE CHANGE ORDERS 15-20 AN INCREASE OF \$36,695.50 FOR PHASE 3 OF THE DOWNTOWN REVITALIZATION PROJECT

This item was deferred to a future meeting.

#### CITY MANAGER UPDATES

- Ms. England stated the leaks have significantly dropped.
- Mr. Mundo shared that Public Works staff is going to City of Houston for a Bulk Waste Collection visit.

#### CONSTRUCTION UPDATES

Ms. Borth updated council on the downtown projects and informed them of the next downtown meeting with business owners. Ms. Borth will send a master schedule of the project before the meeting.

Mr. Aguirre updated council on construction updates.

#### ITEMS OF COMMUNITY INTEREST

Mayor Roznovsky informed council that the visitor comments are being split into two sessions in the event they are needed.

Councilmember Seth mentioned the Skatepark is officially open and commended Parks and Recreation staff for a job well done.

Councilmember Singhania would like for council to consider reviewing the fine in the tree ordinance. The current fine is \$500.

Councilmember Blanchard would like to see the façade and bunny items on the agenda at the next meeting.

Councilmember Seth reminded everyone of the KLJB meeting.

Mr. Mundo thanked Ms. England and Chief Sidebottom for working on the approval of the site closure for the burn site from TCEQ.

ADJOURNMENT

There being no further business the meeting adjourned at 9:20 p.m.

These minutes read and approved this 3rd day of October 2022.

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Gerald Roznovsky, Mayor

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Sally Villarreal, City Secretary