

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, October 3, 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  
Jon "J.B." Baker, 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

PLEDGE OF ALLEGIANCE

Councilmember Seth led the pledge of allegiance.

INVOCATION

Councilmember Baker led the invocation.

VISITORS COMMENTS

Justin Pullium – 8919 Japonica Drive

Mr. Pullium addressed council on transparency. He stated that it is time to adopt a culture of transparency and accountability.

John Gray – Richwood, Tx.

Mr. Gray addressed council about a text message and transparency. Mr. Gray also commented on the demolition at 503 Gardenia.

Sherri Hunter – 117 Mesquite

Ms. Hunter thanked council for the strips that were installed at the Recreation Center.

PRESENTATIONS

Water Modeling Report – Kit Professionals

Sunil Kommineni was present to present the water modeling report.

Mr. Kommineni explained that water modeling is a digital tool that mimics the real water system in the ground. The inputs including water plants, pipelines, and infrastructure. Operation, controls, and customer demands are input into this tool.

Once this information is input into the model, it is used to predict things such as water pressures in the system and water traveling times.

Mr. Kommineni discussed the findings from the report. The report may be used by the engineering department for determining the right size of pipes. He stated that the city is maintaining a very good pressure in the system.

Mayor Roznovsky commented and noted the water model has already helped the city with issues in the northside of town. It has been a positive tool.

Mr. Kommineni stated they are working on a better way for flushing.

Mr. Mundo commented that the water modeling report is very enlightening. He also commented on the pipe size and water age. The water modeling report has helped and prevented oversizing pipes in the next Northwood phase.

Mr. Mundo said it was very enlightening to see the water model.

Councilmember Singhania asked about the water age at the Beechwood Subdivision. He was looking at a particular area that has the water age listed as four days. He asked why? Mr. Kommineni said it did not include the storage like water plant facilities, he said they will be focusing on improving how to minimize the water age. Councilmember Singhania clarified that is due to elevated storage tanks, the retention time in pipes is greater. Mr. Kommineni said yes.

Councilmember Blanchard asked if the fire hydrants and flow rates were plotted with the report. Mr. Kommineni stated they will be able to see how much flow will come out of each hydrant.

Ms. Webb said that is already being conducted. The fire hydrants are tested every other year and the data is tracked. Councilmember Blanchard commented that having a plot map is helpful for the Fire Department to be able to see a hydrant layout and pressures. Ms. Webb stated that is already being plotted. Mr. Mundo asked Ms. Webb to follow up with the Fire Marshal and Fire Chief regarding that information.

Councilmember Singhania asked if the frequency of fire hydrant flushing would improve the retention time. Ms. Webb said with the data, it will help determine what area needs to be flushed. Ms. Webb stated they will take this data and use it with another flushing plan.

Councilmember Singhania noticed some of fire hydrants that used to get flushed frequently, do not get flushed at all. He asked if this changed in the last eight to ten years. Ms. Webb stated the flushing patterns could change due to dirty water complaints. They are all on a monthly cycle. She also stated they are doing uni-directional flushing by making the water flow in one direction and not creating turbulence and more dirty water by flushing.

Councilmember Singhania also brought up the notification of residents when flushing hydrants.

Councilmember Baker asked how this will work with the well system. What would happen if the city had to go straight to the well system without BWA. Ms. Webb it has been done in the past and pressures are still maintained. Ms. Webb said it can still be done.

### DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

### CONSENT AGENDA

1. Approval of minutes – September 19, 2022
2. Accept Board and Commission minutes:
  - a) KLJB – 071922 & 082322
  - b) Parks Board – 081622
  - c) LJDC – 071422
3. Adopt Ordinance No. 2255 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)- second reading
4. Approve Festival of Lights parade route and median closure
5. Appoint Modesto Mundo as President and Meagan Borth as Vice President to the Lake Jackson Development Corporation
6. Approve request to close the alley behind Lake Jackson Head Start located on 303 Garland Drive from 9:00 a.m. to 10:30 a.m. for a private Trunk or Treat event on Monday, October 31, 2022
7. Authorize City Manager to execute a contract with Sky Wonder Pyrotechnics, LLC for the 4<sup>th</sup> of July Fireworks in an amount not to exceed \$30,000 as budgeted
8. Resolution No. 905 amending the General Capital Projects Budget for the Ross Switch Ditch Outfall Pipe repair in an amount not to exceed \$60,000
9. Resolution No. 906 amending the General Fund for grant revenue of \$12,000 and amending the General Fund training expenses for \$12,000
10. Award Bid #22-09-012 for Chlorine and Sulfur Dioxide to DXI Industries for \$1.0277/lb. for 1-ton liquid chlorine, \$1.60/lb. for 150 lb. liquid chlorine cylinders, and \$0.6125/lb. for 1-ton sulfur dioxide as budgeted
11. Award contract extension to Horticare Lawn Maintenance for Utility Contract Mowing in an amount not to exceed \$46,705 as budgeted
12. Authorize the City Manager to execute contract with Progressive Commercial Aquatics under the Buy Board Purchasing Co-Op #613-20 for the Recreation Center Leisure Pool Replastering not to exceed \$63,050 as budgeted
13. Authorize the City Manager to execute a contract with Progressive Commercial Aquatics under the Buy Board Purchasing Co-Op #613-20 for the Recreation Center Natatorium Pump Room Re-piping not to exceed \$62,425 as budgeted
14. Authorize the City Manager to execute a contract with Gametime for a new playground at Timbercreek Park under the Buy Board Purchasing Co-Op #592-12 not to exceed \$304,852 as budgeted
15. Authorize increase with Kemper Sports Management not to exceed 8.3% as budgeted- ***Councilmember Seth requested this item move to regular agenda.***
16. Approve the purchase of two Dodge Durango's from Cameron Chrysler Dealership in an amount not to exceed \$88,940 as budgeted -***Councilmember Singhania requested this item move to regular agenda.***

*On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting "aye," consent agenda items 1-14 were approved and items 15 and 16 moved to regular agenda.*

1. Approval of minutes – September 19, 2022 – *approved*
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3. Adopt Ordinance No. 2255 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)- second reading - *adopted*
4. Approve Festival of Lights parade route and median closure - *approved*
5. Appoint Modesto Mundo as President and Meagan Borth as Vice President to the Lake Jackson Development Corporation – *appointed*
6. Approve request to close the alley behind Lake Jackson Head Start located on 303 Garland Drive from 9:00 a.m. to 10:30 a.m. for a private Trunk or Treat event on Monday, October 31, 2022- *approved*
7. Authorize City Manager to execute a contract with Sky Wonder Pyrotechnics, LLC for the 4<sup>th</sup> of July Fireworks in an amount not to exceed \$30,000 as budgeted - *approved*
8. Resolution No. 905 amending the General Capital Projects Budget for the Ross Switch Ditch Outfall Pipe repair in an amount not to exceed \$60,000 -*adopted*
9. Resolution No. 906 amending the General Fund for grant revenue of \$12,000 and amending the General Fund training expenses for \$12,000 -*adopted*
10. Award Bid #22-09-012 for Chlorine and Sulfur Dioxide to DXI Industries for \$1.0277/lb. for 1-ton liquid chlorine, \$1.60/lb. for 150 lb. liquid chlorine cylinders, and \$0.6125/lb. for 1-ton sulfur dioxide as budgeted -*awarded*
11. Award contract extension to Horticare Lawn Maintenance for Utility Contract Mowing in an amount not to exceed \$46,705 as budgeted - *awarded*
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AUTHORIZE INCREASE WITH KEMPER SPORTS MANAGEMENT NOT TO EXCEED 8.3% AS BUDGETED

Matt Cohen explained the 8.3% increase is reflective of operating and labor costs as well as inflationary increases seen across the board. In the industry it is closer to 11% or 12% for golf operations as reported by the National Golf Federation.

Councilmember Seth asked if this is tied to the past couple of years the golf course exceeding the cost revenues. Is this tied to revenues or the cost of doing business. Mr. Cohen replied that is due to cost of doing business and directly tied to the Consumer Price Index (CPI).

Mayor Roznovsky stated although the CPI goes up, if the level of service goes down, the increase does not have to be accepted. It is not mandatory to approve.

Mr. Mundo pointed out that the contract is written to state it may be requested. This should also be done during the budget process.

Councilmember Broaddus motioned to authorize increase with Kemper Sports Management in an amount not to exceed 8.3% as budgeted, seconded by Councilmember Singhanian with Councilmembers Broaddus, Singhanian, Baker and Mayor Roznovsky voting "aye" and Councilmembers Seth and Blanchard voting "nay," motion carried.

APPROVE THE PURCHASE OF TWO DODGE DURANGO'S FROM CAMERON CHRYSLER DEALERSHIP IN AN AMOUNT NOT TO EXCEED \$88,940 AS BUDGETED

Councilmember Singhanian asked if this was for the replacement of Fords and Tahoe's.

Chief Kibodeaux stated it is extremely hard to get a Tahoe or Explorer at this time. This is a good chance and alternative to be able to have these vehicles now. He has no reason to believe they will not hold up.

Councilmember Singhanian asked if there are any known issues with these cars. Chief Kibodeaux said the only problem he has been made aware of is going through the brakes quicker.

Councilmember Baker asked what company is used to outfit the units. Chief Kibodeaux recalled Blue Line or Thin Line outfitters. They do an excellent job.

Justin Pullium

Mr. Pullium commented and stated it is a serious issue that some departments do not have enough vehicles. He stated it is a great opportunity and he hoped council would approve the purchase.

Councilmember Singhanian motioned to approve the purchase of two Dodge Durango's from Cameron Chrysler Dealership in an amount not to exceed \$88,940, seconded by Councilmember Seth with all present members voting "aye," motion carried.

CONSIDER REQUEST TO CLOSE A PORTION OF CIRCLE WAY IN FRONT OF BODEGA FOR A CAR SHOW ON SATURDAY, NOVEMBER 5, 2022 FROM 4:00 P.M. TO 10:00 P.M.

Kent Devine – Bodega

Mr. Devine stated he has had car shows in the past. Due to the downtown construction and the monetary value of the cars, he is requesting the closure to protect the cars as much as possible. He is working with a gentleman named Mr. Levario for the car show. Mr. Devine will be bringing in port-a-potties for the people that attend.

Councilmember Baker asked if he would be using a part of Parking Way also. He replied and said the only part of Parking Way is his parking lot that is his concrete for the business.

Ms. Borth stated the portion that is currently being worked on will be completed by the beginning of November. The Divas at Dusk event will be November 7, 2022 and the contractor has guaranteed Ms. Borth that they will have that area cleaned up by November 1, 2022 for the Divas at Dusk event. The sidewalk and pavers may not be completely done, but it will be open to thru traffic. If the Bodega side of Circle Way is closed for this event, the opposite side will be for traffic.

Councilmember Baker asked Mr. Devine how many cars are expected. Mr. Devine said Mr. Levario said they had an RSVP for 150 vehicles. Mr. Levario will handpick according to the number of parking spots available.

Mr. Devine stated they did not need law enforcement. He said traffic control should not be an issue if the road is closed. The Nfinite racing group that puts on these events are a big part of this community. They have hosted three fundraiser events for BISD. They are known for caring and taking care of anything that occurs. Mr. Levario will have people helping with the event.

Ms. Borth stated there may not be parking completely open on the opposite side of Circle Way.

Councilmember Blanchard asked if staff will be having a conversation with the Fire Dept. for a contingency plan in case something happens in the blocked off section. Council agreed this was a good idea. Mr. Devine stated there will always be space to run cars through.

Councilmember Singhania asked that all areas be labelled and barricaded properly to warn pedestrians not to walk in areas where they should not be.

Councilmember Seth asked how this event is being advertised.

Mr. Devine stated Mr. Levario promoted it on Facebook. Mr. Devine considered purchasing a banner.

On motion by Councilmember Baker, seconded by Councilmember Blanchard with all present members voting "aye," the request to close a portion of Circle Way in front of Bodega for a car show on Saturday, November 5, 2022 from 4:00 p.m. to 10:00 p.m. was approved.

DISCUSS AND CONSIDER WHETHER RABBITS SHOULD BE ALLOWED IN CITY LIMITS OR FOR K-12 PROJECTS SUCH AS FUTURE FARMERS OF AMERICA (FFA)

Ms. Kilsby was thankful that there was an avenue for her to keep their rabbits. She is wanting to continue working to allow rabbits within the city. She is the voice for those people who do not live on an estate lot. She noted that there are not many complaints from rabbits compared to dogs and cats. She does not understand why rabbits are being considered a nuisance.

Councilmember Seth asked if the city had to put a number on how many rabbits should be allowed, what would be reasonable. Ms. Casey's daughter stated it depends on what type of rabbits are being raised. There are market rabbits or breeding rabbits. It is not necessary to breed rabbits. Ms. Kilsby understands the city has the right to put a limit on it. They have approximately twenty-three rabbits.

Councilmember Baker was under the impression this was for FFA and not for breeding rabbits. Ms. Kilsby clarified that is the type of rabbits, there are breeding rabbits and meat pen rabbits. This does not mean every rabbit will be bred. Students can bring home the rabbit if it is considered a breeding rabbit. Breeding can mean a whole lot of rabbits or just one. It just means the rabbit will not be processed after the show.

Mayor Roznovsky mentioned the Brazoria County Fair started a freezer auction for the meat.

Ms. Kilsby clarified they are not breeders of rabbits; they show breeding rabbits.

Mayor Roznovsky asked what a student would do if they just wanted to show one rabbit.

Ms. Kilsby said there are certain parameters a rabbit must meet to be a showable winning rabbit. First, you would find a breeder or a person who has a show rabbit. Then, you would take it to the show to be judged. After that, the student would keep it or sell it.

Mayor Roznovsky asked if a student wants to get into the FFA and show rabbits and go into the breeding because you do not want to have one for meat. How would a student go from purchasing a rabbit, taking care of it to showing it.

Ms. Kilsby said it depends on where the rabbit is purchased from. They use Boling Bunny Farm out of Needville. They have a whole barn specifically for FFA students. They will walk you through the whole process. There is also a book that can be used with the required steps. For a lot of larger shows, the student must have a sponsor. The care is not a lot to do. When a student has a large quantity it can become a lot, but it depends on how much work a student puts in.

The Kilsby's started out with just one bunny to show. Showing rabbits is not a one and done. They can be shown for years and years. There are outlets for students who no longer wish to be in the program. Other students can show their rabbits. The students who are in this program spend a lot of time and money. Ms. Kilsby stated she is just looking for a good compromise for the animals.

Mayor Roznovsky noted the language in the ordinances from other cities. Some limit the animals to one year. Ms. Kilsby commented that a renewal would be better than a total disposition of the animal.

Councilmember Broaddus asked Ms. Kilsby to explain the type and amount of oversight the programs have on individual rabbits. Ms. Kilsby stated the student must be in 4H or FFA to enter a lot of the shows. There are registration nights for the shows. As far as the day-to-day care, there is no involvement. There is no specific place to house these type of animals.

Ms. Kilsby remembers when she was at Brazoswood there was a place to keep the rabbits on campus. The organization does not come to the student's house to investigate.

Councilmember Seth shared that her neighbor had rabbits for two years and she never smelled anything. She does not feel there is a reason people cannot have rabbits. She thinks there needs to be a balance with private property rights.

Councilmember Blanchard asked if there was a draft for an ordinance yet. Ms. Russell stated she is waiting for input and direction on what council wants.

Councilmember Seth read some of the ordinances, and she does not agree with requiring your neighbor's permission. She also mentioned she did not want to see people pushed out by putting ridiculous requirements.

Ms. Russell informed council the item on the agenda is for discussion for considering whether rabbits should be allowed and if council wants to move forward, it is not for the ordinance.

Chief Kibodeaux stated he is in the process of gathering more information.

Mr. Pullium shared that he participated in FFA projects, and it was a big part of his identity during school. It taught him a lot of responsibility. He believes as a government, people should be able to engage in activities that develop the youth. He did not feel the need for permits and regulations. Mr. Pullium agreed with Councilmember Seth on having rabbits.

Mr. Gray commented on allowing rabbits.

Ms. Kilsby stated that FFA is a program through the high school and 4H is not. 4H is an educational program that anyone can join. It is not tied to a specific school or teacher. The projects are all done through 4H or FFA. The groups exist so students can get together.

Ms. Kilsby stated that she knows plenty of people who have rabbits, and no one knows about it. She again stated she thinks people should be allowed to have rabbits as she does not think they are a nuisance to the community.

Councilmember Seth stated that she did not think allowing rabbits should be tied to a school project. People should be able to have rabbits.

Gary Hunter – 117 Mesquite

Mr. Hunter did not want to come across as a bad guy. He wanted to clarify the possibility of future requests council would receive. Chickens will be next, then pigs, goats, and lamb. Whatever council comes up with should be carefully worded to avoid everyone coming for all kinds of animals.

Councilmember Seth appreciated Mr. Hunter and Ms. Hunter's involvement with the community. She noted that the great thing by taking this case by case is that it allows council to discuss each request. Because one request is approved, does not mean all have to be approved.

Ms. Kilsby stated council is here to listen to citizens requests. There is nothing wrong with bringing concerns to council. It will be what the majority votes. She addressed council and asked them to make a decision.

If a resolution can not come to an agreement, this could be taken to the voters at an election.

Councilmember Broaddus asked if anyone had seen an ordinance from another city that they liked. He would like to see one to work off. There was comment about Angleton's ordinance.

There was discussion of a referendum and taking it to the voters.

Councilmember Seth wanted to see council come to agreement.

Councilmember Singhanian stated that a lot of people already have rabbits in Lake Jackson and people do not know about it. If it does not bother their neighbors, what is the problem?

Councilmember Broaddus said if it does not bother their neighbor, then it is not a problem. But what happens when it does bother the neighbors?

Councilmember Blanchard asked to move forward with an ordinance to allow council to discuss and vote for or against it.

Councilmember Baker called to question to end discussion, seconded by Councilmember Singhanian. Councilmembers Broaddus, Baker and Singhanian voted to end discussion. Councilmembers Blanchard, Seth and Mayor Roznovsky voted to continue discussion. Motion failed – discussion continued.

Councilmember Seth asked if council could reference the Angleton ordinance. She thinks the ordinance is very well written and puts the responsibility on the owner. It should not be a nuisance to the neighbors. It specifically addresses the FFA and 4H questions. Councilmember Seth believes their ordinance can be used as a model and tailored to fit Lake Jackson. She has still not heard why the bunnies are a nuisance. Councilmember Seth stated that she does not want to limit rabbits to FFA student projects.

Mr. Mundo noted the conflict with the ordinance that references rabbits. The definition of livestock in the animal ordinance includes rabbits, but the definition in the zoning code does not reference rabbits. Ms. Russell stated E-1 is the only zone that allows livestock. The rest of the city is controlled by the animal ordinance. Rabbits were allowed at one time, but then rabbits were added to the livestock definition years ago.

Mr. Mundo asked if rabbits could be taken out of the livestock definition in the animal ordinance. Ms. Russell replied yes. It would require two readings.

Councilmember Broaddus noted that the Angleton ordinance has components for both. Mayor Roznovsky stated it takes away the permitting for FFA projects.

Mayor Roznovsky suggested to bring this item back at the next meeting for council to specifically review and modify the Angleton ordinance. The motion will be to adopt the ordinance with the changes and then vote on it.

Councilmember Seth would rather just remove the rabbits from the livestock definition to allow them within city limits.

Ms. Russell stated she would rather bring back items and council can decide what they want.

Mr. Mundo asked if there will be a draft ordinance at the next meeting. Ms. Russell stated she would have a multiple-choice list for council to choose items from so she can draft an ordinance.

Councilmember Blanchard asked why they could not have a draft ordinance at the next meeting. Ms. Russell stated the procedure is for council to discuss first and then draft a first reading.

Mayor Roznovsky summarized that Ms. Russell would have a list for council to check off at the next meeting. Ms. Russell will then use that checklist to draft an ordinance.

Ms. Hunter asked if this could be taken to the voters of Lake Jackson for them to decide. She stated she would be willing to get signatures, and this should be a choice of all the people. Ms. Russell stated she had an option to repeal an ordinance. This option is listed in the city charter.

Councilmember Broaddus asked if you go to the voters for something and you get the four hundred signatures. There would need to be a detailed ordinance. The repeal would be easy.

Councilmember Seth said if Ms. Hunter wanted a referendum to bypass council because council could not decide, the petitioners would write the ordinance however they wanted. If it passes with the voters and something goes wrong with the ordinance and it allows all farm animals, council would not be able to change it, it will need to go back to the voters.

Councilmember Broaddus shared that drafting the words for the ordinance is by far the hardest part. He asked if there is an option for council to draft an ordinance for the voters or does council have to adopt it and then it be repealed. Councilmember Broaddus understands there are a lot of feelings from both sides. He does not want there to be an impediment to going to the voters being the drafting of an ordinance that it is either this or nothing. If there is a way to craft something reasonable and send that to the voters, he would be in favor of it. Ms. Russell stated she would need to investigate that to see if it is possible.

Mayor Roznovsky stated if council cannot come to an agreement, then it could be taken to the voters. However, council is still discussing and hoping to come to a resolution.

Councilmember Seth felt this should come back to the next meeting for discussion.

#### DISCUSS AND CONSIDER FAÇADE GRANT PROGRAM GUIDELINES

Ms. Borth reviewed the draft of a Storefront Revitalization Program with council. This program would be open to all businesses that meet the parameters. It is not meant for one specific area.

Below are the major highlights of the program as presented to include:

- Grants of up to \$5,000 per business/property
- Eligible exterior improvements including: signage, windows / doors, awnings, painting, masonry / brick repair, ADA improvements, lighting, correct building code violations, and/or planters / benches / bike rack / landscaping
- No interior renovations or roof work
- Only major determining factors for grant approval are the number of employees they have (must be less than or equal to 50) and/or gross annual income of less than \$5 million
- Ineligible applicants: National chain franchises, government-owned entities, political/lobbying entities, home-based businesses
- Tenants must provide signed owner consent form for improvements
- Copy of property deed is required for all applicants
- Copy of proof of business operating at their application address (like a utility bill from the city)
- No match requirement for funds and the city will pay the contractor selected directly for work completed (applicants select the contractor and execute a contract with them)
- Applicant must receive two cost estimates and go with the lowest unless given permission

There was \$200,000 set aside for this program from the second round of Covid money. The funds will come from the American Rescue Plan (ARP).

Councilmember Singhania asked what else this money could be used for. Mr. Mundo said it could be used for any capital projects on the utility or general fund. This money would not be used for operations.

Councilmember Seth does not agree with \$5,000 per business. She felt when these conversations started, she was thinking more like \$500 per business. To give \$5,000 per business would only help forty businesses. She felt some of this money could be used for other projects.

Councilmember Singhania cannot justify spending this amount of money for a façade. The city has failing streets such as Oyster Creek Drive, Lake Road, and other residential streets that this money could be used for.

Ms. Borth stated the \$5,000 amount came from conversations with the business association and some business owners. She felt if it came down to \$500 to \$1,000, there may not be as many participants based on her conversations.

Mayor Roznovsky stated that according to the Small Business Association, there is not much value unless you do \$10,000 or above. There is not much you can do for \$5,000.

Councilmember Singhania suggested helping a lot of businesses with a smaller amount.

Councilmember Borth noted this would be one of the first grants for businesses. It is hard to determine how much engagement there will be. This is like a pilot program.

Councilmember Singhania again stated there are a lot of other places to spend this money. If it must be spent, then perhaps it can be for a smaller amount.

Mayor Roznovsky asked Ms. Borth for an example of how the city currently handles the process of paying a contractor that someone else uses. Ms. Borth shared when there is a wreck, and it is through the insurance. If you have a city vehicle that hit a third-party citizen vehicle, the citizen would get the quote and the city would pay the auto shop directly.

Mayor Roznovsky shared his concern. What protects the city from getting into a conflict if a contractor completes work for the business owner and there is a dispute between the contractor and business owner. Ms. Russell replied and said the city would pay and they would have to settle their differences. The check would be written to the contractor once the work is completed. There would be a final walk thru to verify the work was completed.

Councilmember Seth stated this process gets city government way too involved.

Mr. Mundo noted this is just a draft. Any of the items can be changed or taken out. Ms. Borth is looking at what other cities have successfully done.

Mayor Roznovsky stated the application process is too detailed when asking for gross income. He felt small businesses would think there are a lot of strings with the application. Ms. Borth stated this is the simplest application she could fine.

Mayor Roznovsky asked if this program is for the business owner or property owner. Ms. Borth replied both. Mayor would prefer to see it go to the business owner rather than the property owner.

Councilmember Blanchard stated he has spoken to property owners. One is very open to improving his façade. He does not feel it should be taken away from the property owners.

Councilmember Seth asked for clarification. If a tenant of a property wants to make a modification, the city is requiring some type of permission from the owner. Ms. Borth replied that there is an addendum for that.

Councilmember Blanchard asked how many businesses would meet these requirements. Ms. Borth said the city does not require a business license so it would be hard to determine that.

Mr. Mundo shared that you could estimate it by looking at areas around town. The majority would be in the downtown area and Plantation Drive. The program is city wide.

Councilmember Broaddus asked how long this would grant be open? Mayor Roznovsky stated this is stipulation that can be added. It could list a time to apply.

Councilmember Singhania stated most people wanting to apply for this grant will be downtown businesses. Mayor Roznovsky said it would be scattered around the city.

Councilmember Seth asked how this would be advertised to ensure everyone has an equal opportunity to apply.

Ms. Borth recommended a FAQ sheet be added to social media and the website. She also suggested sending out a mailer and contacting the business association.

Ms. Borth stated there will be no scoring. The criteria are either met or not. It will be on a first come first serve basis. Mayor Roznovsky stated he did not like the idea of scoring.

Mr. Mundo stated the applications would not be processed until the deadline.

Mayor Roznovsky suggested setting a date to allow everyone time to prepare. The date of receipt in the office should be considered.

Councilmember Singhania noted the capital improvement projects that have been on a list for years. If there is money available, those funds should be used for those improvements. This will benefit all citizens of the city.

Mayor Roznovsky said he is concerned about doing damage to slabs during the downtown construction. He is hesitant to do anything until the downtown project is complete.

Ms. Borth said there is no timeline for when these funds must be used.

Mayor Roznovsky acknowledged the good work Ms. Borth has put forth towards the grant program.

Councilmember Blanchard mentioned the \$200,000 came out of the first tranche of the \$3.3 million. Since this money has already been put aside for a grant program, it should be used to help these businesses. These businesses bring money into the city. He did not think the \$5,000 is too much to help businesses.

Councilmember Singhania mentioned the city is already spending a lot of money on downtown improvements. The property value has been enhanced since the revitalization projects. He feels enough has been done for downtown improvements. It is time to do something for all citizens. There are a lot of streets in the city that need repair and drainage issues that need to be addressed.

Justin Pullium asked if it was permissible for the city to spend public funds to help people correct code enforcement violations. Mr. Mundo stated if a grant process is available. Mr. Pullium stated this is being funded with the covid assistance funds. Many counties and cities across Texas use these funds to create

grant programs for assistance with bills for homeowners. He asked if the City of Lake Jackson has ever had a grant program using these federal funds to help assist citizens.

Mr. Mundo stated a rebate was given to all utility customers in the City of Lake Jackson for water and sewer bills.

Mr. Pullium asked if there was a program helping citizens for rent or mortgage assistance.

Ms. Borth replied that it was not allowed. Mr. Pullium suggested when the city is bulldozing homes, they should not be using public funds to help businesses. He also felt this is too much money to spend on the façade program. He hoped this item would be cancelled.

Mr. Gray commented on how much \$5,000 would have helped Ms. Hartmann. Mr. Gray was very upset that council would consider giving businesses \$5,000 when people are in Ms. Hartmann's position. There are people who need the help more than the businesses.

Cynthia Roye – 104 Poppy

Ms. Roye stated this all started with one street where the facades were taken down. These businesses were told they would get help. These are very small businesses who do not make \$5,000,000 a year.

Ms. Roye noted they have windows and doors that leak now. They have 16' of covering over the sidewalk to keep the sun and water from coming in. They received a quote of \$40,000 to replace two windows and a door.

Mr. Hunter asked how the city would prevent kickbacks. How does the city make sure that there will be no corruption with these funds and a business? What if a business owner gets a quote for \$5,000 and only does a \$1,000 worth of work but gets all the \$5,000?

Councilmember Seth said that was a valid point. These are details that would need to be considered.

Mr. Devine stated Covid broke a lot of business owners. The idea of the contingency on the grant program until the road construction is complete, he felt this was a stretch. This money has already been earmarked for this use. His business does not make \$5,000,000 or even \$1,000,000 a year. He noted most business owners cannot afford to make repairs right now. The construction has hurt most of the businesses. During the construction alone, Mr. Devine has not had a paycheck. The idea of a grant like this allows for repairs. Mr. Devine had to let go of six employees this past month and is back to Covid staffing. He knows he will lose money during the remainder of this construction project. His property values will increase with the new roads and so will his taxes and rent.

Mayor Roznovsky mentioned suggestions he received from business owners when talking about a façade program. Businesses said during the pandemic, the government shut them down and they still had bills to pay. A façade program would be great if the business owner wanted to do that. A suggestion was it would be better if there was a way to recoup for the cost they had to cover during the pandemic when they were shut down such as dumpster fees. Mayor Roznovsky stated a program like that would put money in the pockets of a business owner. Either use it to do a façade or do something for their employees.

Councilmember Seth stated she wants to help these businesses, but this is a hard decision.

The responsibility of the council is to spend the money in a way that benefits most of the citizens in the city. The numbers that are being proposed for this program are not what she had in mind.

Smokey Roye – 104 Poppy

In the 1950's, why did the city let the business owners build a porch in the front? The canopy was there to prevent the water from getting into the businesses. The store fronts were not meant to be without a canopy. He felt the city should help the businesses.

Mayor Roznovsky stated Dr. Anderson did not vote it out. The city went to the business owners and asked if there was a way, would they want a façade back?

The city spent \$450,000 to remove the failing façade. Staff collaborated with an architect for a design. The cost was over \$350,000 to put the awnings back up. The city did not have the funds for the project in the budget.

Dr. Anderson was the largest property owner, so his vote ruled.

Councilmember Singhania clarified that council never agreed to spend the money.

Mr. Roye suggested the city should do something to help them to replace the canopy that was removed. Councilmember Singhania said the city has helped the business owners. Mr. Roye said it actually hurt the businesses. The buildings were not designed to not have a porch. That is why they were there.

Mr. Roye stated he had no choice but to put an awning up because he had water coming in. He would not be able to get two quotes. He was under the impression that the city was going to help them during the meetings that were held. He wished council would see their point of view. No other awnings were removed in the city but theirs.

Mr. Mundo said the CDBG funds are for low to moderate income areas. Would it be fair for council to ask this grant to be designated for low to moderate income areas? Ms. Russell replied that low to moderate would need to be defined.

Councilmember Seth stated she felt the best use for the money would be to use it more broadly for infrastructure projects.

Mr. Mundo stated the city is two years away for being eligible for CDGB funds.

Mayor Roznovsky thanked Ms. Borth for her work on this assignment.

There was no action taken on this item.

DISCUSS AND CONSIDER FIRST READING OF AN ORDINANCE THAT ESTABLISHES REGULATIONS FOR FOOD TRUCKS AND FOOD TRUCK COURTS

Mr. Mundo read the ordinance caption.

Ms. Russell went over the changes that were made by council.

On motion by Councilmember Seth seconded by Councilmember Singhania with all present members voting “aye,” the first reading of an ordinance that establishes regulations for food trucks and food truck courts was approved.

ADOPT ORDINANCE NO. 2254 ALLOWING FOR ADMINISTRATIVE INSPECTIONS OF MASSAGE ESTABLISHMENTS TO CHECK FOR COMPLIANCE WITH STATE LAWS – SECOND READING

Ms. Borth read the ordinance caption.

Ms. Russell went over the changes from the first reading.

Councilmember Singhania stated one of the concerns he received from a therapist is that she has clientele that works odd hours. She requested to have hours from 5:00 a.m. to 10:00 p.m.

Melinda Hearn – 234 Sleepy Hollow

Ms. Hearn said she had a client that would work out at 5:00 a.m. This client wanted a massage at 6:00 a.m.

Ms. Hearn did not have any issue with opening at 5:00 a.m.

Ms. Russell stated the point of the hours is to cut businesses from staying open all night.

Councilmember Singhania stated the therapist had mentioned being able to be there at 3:00 a.m. for shift workers.

On motion by Councilmember Singhania seconded by Councilmember Seth with all present members voting “aye,” Ordinance No. 2254 allowing for administrative inspections of massage establishments to check for compliance with state laws was approved.

UPDATE ON NORTHWOOD PEDESTRIAN CROSSING AT FM 2004 AND THAT WAY

Mr. Mundo stated that staff met with TXDOT Area Engineer’s office on 9/20/22 and discussed crossing improvements at FM 2004 and That Way. Below is a summary of the meeting.

1. The city will submit plans and permit for the sidewalk connection on That Way. Our goal is to be completed before the Christmas Holidays.
2. TXDOT is getting bid for safety improvements in the area in March. They will look at adding the following:
  - a. Continental crosswalks for better visibility. It also has the effect of moving the stop line further back.
  - b. Larger curb landings
  - c. Crosswalk times: they will speak with the light division in Houston District Office about adding leading pedestrian interval (LPI). A leading pedestrian interval (LPI) **gives pedestrians the opportunity to enter the crosswalk at an intersection 3-7 seconds before vehicles are given a green indication.** Pedestrians can better establish their presence in the crosswalk before vehicles have priority to turn right or left.
  - d. Crosswalk All Stop: Staff could not answer, they will discuss with Houston District Office.
  - e. Traffic light arm: they will discuss with Houston light division the possibility of new longer arm
  - f. Reduction of speed: TXDOT will need to conduct a speed study for reduction in speed as it nears intersection. If approved, then the school speed limit would be reduced as well.

Mr. John-Williams explained the LPI to council.  
Curbing or striping could be done in within the next year.

Mayor Roznovsky stated he reached out to Ms. Nelson, but he does not have any information yet.  
Mr. Massey stated BISD is open for discussion on bussing students from Northwood. Mr. Massey asked that the mayor pass along his number to Ms. Nelson so she could contact him and discuss the next step.  
Mayor Roznovsky stated he asked Mr. Massey to keep him in the loop.

In 2020 there was similar discussion but there was not enough interest.

DISCUSS RECOMMENDATION FROM THE TRAFFIC COMMISSION FOR A LIMITED RIGHT TURN LANE ON DIXIE DRIVE AND BRAZOSWOOD DRIVE GOING NORTHBOUND

Ms. England stated staff had a meeting with BISD. They are looking for a sign just like the one on Oyster Creek Drive at the intersection of Dixie Drive with the same hours. The location has not been established yet for the sign. The light is approximately \$4,000, and Mr. Toscano would make the signs. There will be a delay in getting the lights.

Mayor Roznovsky asked if the signage could be put up before the lights. Ms. England would look into it. She felt the lights would be needed to let people know.

There is not a right turn lane at this location. BISD is wanting to install one to make it right turn only during school traffic hours.

Ms. England will talk to a traffic engineer and Chief Kibodeaux to see what is recommended.

Councilmember Singhania noted there is a center lane that cannot be used.

Councilmember Blanchard stated no one pays attention to the lights. He lives by the one on Oyster Creek Drive and said people ignore it. He understands the concept but thinks it will be a waste of money.

Councilmember Broaddus asked if the remodel changed how the entrance by the ninth-grade wing is utilized. Ms. England said not at this time.

Mayor Roznovsky asked what would dictate if a flashing light were needed. Ms. England was not sure; she stated the flashing light is more for a safety issue to let people know there is a change.

Ms. England prefers a flashing light. She will find out what type of signage is necessary. Mayor Roznovsky is not confident it will improve, and that people will abide. He was not sure about spending the \$4,000 on it.

Councilmember Singhania suggested putting a sign on the arm "right turn only" to start with. Eventually when the traffic light is installed by the ninth-grade campus, this light could be useless. Councilmember Singhania said there is a lot of traffic that needs to turn right on Dixie Drive. Mayor Roznovsky said the other light will only serve the ninth-grade campus.

Councilmember Broaddus clarified that the point is to point people to get in the left lane if they are not going to turn right.

Mayor Roznovsky suggested going forward with the signage without the flashing light to get it in place and if the engineer comes back saying we must have flashing, then put flags on the signage until the flashing comes in.

Councilmember Singhania motioned to move forward with the signage on Dixie Drive northbound at the intersection of Brazoswood Drive, install signs to indicate a right turn only lane between the hours requested along with the same sign on top of the traffic arm on Dixie Drive, seconded by Councilmember Seth with all present members voting “aye,” motion carried.

ACCEPT JOHN LEIDIG'S DENIAL TO SERVE ON THE TRAFFIC COMMISSION AND CONSIDER APPOINTING A NEW MEMBER TO FILL THE UNEXPIRED TERM OF BRAD WHITEHEAD

Councilmember Seth suggested appointing Jay Foster due to his experience with the Fire Department and EMS. Councilmember Blanchard also commented about Josh McCain.

Councilmember Seth motioned to nominate Jay Foster to fill the unexpired term of Brad Whitehead on the Traffic Commission, seconded by Councilmember Broaddus with all present members voting “aye,” motion carried.

UPDATE ON LIST OF RESOURCES TO BE PROVIDED TO OWNERS OF PROPERTY CONSIDERED FOR DEMOLITION BY THE DANGEROUS STRUCTURE DETERMINATION BOARD

Mr. Walton reviewed a list that is suggested to be provided to property owners whose homes are in the state of disrepair. Mr. Walton focused on programs that will provide repair or rehabilitation services to homeowners. It would have to be given to any owner regardless of if it is a vacant home or occupied home.

Mr. Walton noted that there was information from the list that was shared with Ms. Hartmann, but the program had run out of funds when she applied.

Mr. Mundo asked if the HGAC area for aging had a limit on the dollar amount they help with. Mr. Walton said he did not know but he would investigate that.

Councilmember Seth asked if local organizations such as Brazosport Rotary Club could be added to a list of resources. Mr. Walton stated that organization has been asked before and they chose not to act at that time. Mr. Walton said staff will not give out people’s information or stories without them taking that step.

There was discussion on church groups and other organizations. The churches sometimes help with utility services or partial rent payments. Most of them have limited monetary resources.

Mr. Walton stated that staff will be contacting local rotary groups and Lions Club. They will be asked how involved they want to get and how often they want to be approached so the city is not overtaxing the local organizations. Staff does not want to flood these groups with too much information and have them feel like they are not doing enough when they provide the community with so much already.

Another thing that is important is that staff can provide information to the citizens. However, it will be up to the applicant to make these contacts. Once they have contacted an organization, staff can work with the agencies with permit processing, timelines or assist however possible.

Councilmember Seth added that it should not be the government’s responsibility.

Mr. Pullium said that when government gets involved in something, citizens must be treated right. He stated the government got involved in something very radical as destroying someone's home. He was against the demolition of Ms. Hartmann's house.

Mr. Pullium stated the list was not sufficient. He suggested coming up with a program to help citizens in these positions. His point was to stay out of people's private property. But when you get involved, people must be treated right.

Mr. Gray stated that he tries to help people. He said all he did was record when the house was being demolished. He said that he had 30 minutes notice, not that Ms. Hartmann had 30 minutes.

He added that he would have helped if he had more than 30 minutes. Mr. Gray stated that he will be at all future DSDB meetings and stream it live so people know.

Councilmember Seth agrees with Mr. Gray that all levels of government need watch dogs. Although she does not agree with the way Mr. Gray goes about his business, she respects it and appreciates it. Councilmember Seth stated she is the same person as she was before she was elected. Councilmember Seth apologized to Mr. Gray and Mr. Pullium for calling them morons.

Mr. Gray asked that the city stop bulldozing people's property.

Mr. Pullium thanked Councilmember Seth for the apology. Mr. Pullium was thankful that Councilmember Seth was willing to exchange in dialogue.

Mr. Mundo stated the list can be resource specific with organizations helping in different ways.

Mr. Walton agreed with Mr. Gray that the more people who know about the demolitions increases the chance for help.

REJECT BID SUBMITTED BY SENTINEL FOR THE RECREATION CENTER POOL PACK IN THE AMOUNT OF \$615,000

Ms. Hyden stated this bid needs to be rejected. This item was bid out on a lump sum, and not on individual pricing. This item will go out for bid again.

On motion by Councilmember Seth, seconded by Councilmember Broaddus with all present members voting "aye," the bid submitted by Sentinel for the Recreation Center Pool Pack in the amount of \$615,000 was approved.

APPROVE CHANGE ORDERS 15-19 AN INCREASE OF \$40,070.30 FOR PHASE 3 OF THE DOWNTOWN REVITALIZATION PROJECT

Ms. Borth went over the next group of change orders.

Change Order	Description	Amount
15	To pay for reinstallation of existing pavers in the parking median between Wurst Haus and Grazias that was removed to add a U-Turn for traffic.	\$4,025.00
16	To pay for the removal of the old Lake Theater sign near the new artwork installation in the City parkway at Circle Way and N. Parking Place.	\$14,375.00
17	Add a new pay item to install 1" services in lieu of 2" proposed services that were oversized, and for additional service lines not shown on the plans. Existing services were replaced with the same size tubing.	\$18,016.27
18	To pay for extra material needed to meet windstorm requirements of the new artwork.	\$1,872.00
19	For additional asphalt needed to temporarily use the Bodega driveway as a traffic route to open Circle Way to traffic sooner.	\$1,782.03

On motion by Councilmember Broaddus, seconded by Councilmember Baker with all present members voting "aye," change orders 15-19 an increase of \$40,070.30 for Phase 3 of the downtown revitalization project was approved.

UPDATE ON NEW BUSINESS

Went over the new business. He noted nothing new has come through the office. Marco's Pizza plans to open next Monday.

Councilmember Blanchard asked Mr. Walton to reach out to him about the EV charging stations

CITY MANAGER UPDATES

- Concrete and yard repairs – Ms. Webb updated council on repairs. She stated as of Friday, Matula has one they were working on, and Ramirez Concrete had three on their list. These are short pieces of sidewalk that shouldn't take long. Ms. Webb also stated that staff is getting caught up on yard repairs.

CONSTRUCTION UPDATES

There were no questions on construction updates.

VISITORS COMMENTS

No visitor comments.

ITEMS OF COMMUNITY INTEREST

- Councilmember Seth mentioned that KLJB is having a shred day on October 8, 2022 at 8:00 a.m.
- Mayor Roznovsky mentioned that the county has asked about an E-waste project.
- Mayor also mentioned only two weeks left hurricane season.

ADJOURNMENT

There being no further business the meeting adjourned at 10:16 p.m.  
These minutes read and approved this 17th day of October 2022.

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Gerald Roznovsky, Mayor

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Sally Villarreal, City Secretary