

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, March 15, 2021 at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall with the following in attendance:

Gerald Roznovsky, Mayor

Vinay Singhania, Councilmember

Matt Broaddus, Councilmember

Buster Buell, Councilmember

Modesto Mundo, City Manager

Meagan Borth, Assistant City Manager

Alice A. Rodgers, City Secretary

Sherri Russell, City Attorney

Sal Aguirre, City Engineer

Sabrina England, Public Works Director

David Walton, Building Official

Pam Eaves, Finance Director

#### PLEDGE OF ALLEGIANCE

Council member Broaddus to lead the pledge of allegiance.

#### INVOCATION

Council member Buell led the invocation.

#### VISITORS COMMENTS

There were no visitor comments.

#### PRESENTATIONS

Mayor Roznovsky presented the Proclamation for April Fair Housing Month.

#### DECLARATION OF CONFLICTS OF INTEREST

There were no conflicts of interest.

#### CONSENT AGENDA

A. Approval of minutes – March 1, 2021

B. Boards and commission minutes

C. Accept resignation from Traffic Commission member Douglas Kincannon

On motion by Council member Singhania second by Council member Buell with all members present voting “aye” the consent agenda was approved as follows:

A. Approval of minutes – March 1, 2021 - approved

B. Boards and commission minutes - accepted

C. Accept resignation from Traffic Commission member Douglas Kincannon - accepted

#### DISCUSS AND CONSIDER PROPOSAL FROM THE LAKE JACKSON MOUNTAIN BIKE

ASSOCIATION TO BUILD AND MAINTAIN TRAILS IN THE DOW CENTENNIAL BOTTOMS LAND PARK – JASON ALEXANDER

Jeremy Bubnick introduced Jason Alexander the president of the Lake Jackson Mountain Bike Association.

Jason Alexander stated that mountain biking is a very popular activity and can be enjoyed by all ages and skill levels. Many of our local riders travel around the Houston area to ride on different trail systems that are constructed and maintained by the Greater Houston Mountain Bike Association through similar agreements.

These new trails would be a wonderful addition to the park and community and would provide another activity for families to recreate together. The trails will also serve to attract riders from outside of Lake Jackson to visit and discover our city.

The new trails will also be utilized by hikers and walkers as well. Bikes will enter from one trail head and the walkers will enter from the opposite side (going in opposite directions) so that each can see the others coming.

Mr. Alexander explained the difficulty level of the different trails and the way their group is organized.

The trails will be fully maintained by the LJMBA. They have liability insurance.

Mr. Alexander reviewed the following points:

- Single track – Natural surface
- Built to IMBA standards
- Shared use – Pedestrian and Bicycle – directionally opposite
- 6’ wide – Brazoria County to do initial under brushing (Mike Mullenweg, JR Norris)
- Environmentally conscious
- All trails will be GREEN rated (at least 36” wide with workarounds for all features)
- Enjoyable for all ages and skillsets
- First responder walk through & info packet
- Appropriate signage – Individual & Overall
- Trail name
- Rating
- Length
- Direction
- Features (QR only)
- Trail Forks link (QR only)
- Encourage the use of helmets
- Stop signs & landing areas

On motion by Council member Singhania second by Council member Broaddus with all members present voting “aye” the Lake Jackson Mountain Bike Association to build and maintain trails in the Dow Centennial Bottoms Land Park.

DISCUSS AND CONSIDER GRANTING AN ENCROACHMENT INTO THE RIGHT OF WAY AT 101 OLEANDER

The owner of 101 Oleander was given permission years ago to install a driveway that encroached on the City’s right-of-way. Both owners have passed, and the family wants to sell the house. Without a

formal encroachment agreement filed with the county real property records, the house cannot be sold with a clear title.

On motion by Council member Broaddus second by Council member Buell with all members present voting “aye” approval was granted for an encroachment in the right of way at 101 Oleander.

DISCUSS AND CONSIDER CALLING PUBLIC HEARING TO AMEND SECTION 110 ARTICLE V PLANNED UNIT RESIDENTIAL ZONE TO ALLOW FOR FEWER THAN 5 LOTS IN A PURZ DEVELOPMENT

Sal Aguirre stated that he spoke with the interested party and they asked that this be removed from the agenda. He was not ready to pursue this item and will bring it back at a later time.

SUBMISSION AND APPROVAL OF RACIAL PROFILING REPORT FROM THE LAKE JACKSON POLICE DEPARTMENT AS REQUIRED BY STATE LAW, CODE OF CRIMINAL PROCEDURE ART. 134 COMPILATION AND ANALYSIS OF INFORMATION COLLECTED

Chief Kibodeaux stated this is required in the Code of Criminal Procedures, agencies must present a racial profiling report to TCOLE and their governing body. He stated there are no significant changes from last year.

Rhonda Seth 230 Almond stated she read through the report and saw there were over 9,000 traffic stops and not one use of excessive force. She thanked Chief Kibodeaux for that.

On motion by Council member Buell second by Council member Singhanian with all members present voting “aye” the police department racial profiling report was accepted.

APPROVE THE LOW BID OF \$743,365.25 FOR WALNUT STREET BRIDGE CROSSING AND UPSTREAM DITCH LINING PROJECT FROM HTI CONSTRUCTION (ROSENBERG, TX) AND AWARD CONTRACT IN AN AMOUNT NOT TO EXCEED \$800,000 WHICH INCLUDES A CONTINGENCY ALLOWANCE OF \$56,634.75. PROJECT: 17-03-1993-R

Sal Aguirre presented the following information in the Council packets:

This project came before you on February 1, 2021 as a request to reject all bids on account that they were out of line with the prebid 2017 estimate of the consultant and of staff’s market adjusted ones. Staff’s request included the release of the low bid as being misled by the posted outdated bid estimate. Council approved staff’s request and agreed to go out for a rebid of the project and granting the released bidder to participate.

The rebid was readvertised and opened on March 3, 2021 with an equal response of participants as the previous ones. The bid tabulation indicated 5 bidders involved with 4 familiar local contractors and 1 unfamiliar out of the area.

The results indicate a range of cost from the low bid of \$743,365.25 to the high of \$1,571,266 but with a closer median of \$807,000 within the local bids. This time staff’s detailed analysis of all the bids finds that HTI Construction, again the low bidder, submitted a more competitive one when compared by individual work components of the others. The city’s published prebid estimate of \$760,000 fell within the 10% margin of estimate measure.

It is staff’s request that council accept the low bid of \$743,365.25 from HTI Construction and award a contract of not to exceed \$800,000 that includes \$56,634.75 as contingency allowance. The low bid timeline of 210 calendar days falls within the range of 120 - 360 calendar days proposed in the bids. The available funding budget from the 2010 Bond Fund would cover the new bid proposal.

On motion by Council member Singhania second by Council member Buell with all members present voting “aye” a bid was awarded in the amount of \$743,365.25 for Walnut Street bridge crossing and upstream ditch lining project from HTI Construction (Rosenberg, TX) and award contract in an amount not to exceed \$800,000 which includes a contingency allowance of \$56,634.75. Project: 17-03-1993-R

REQUEST APPROVAL TO AWARD BID TO TANKEZ COATINGS, INC. TO PERFORM REPAIRS AND PAINT BALSAM ELEVATED STORAGE TANK FOR THE AMOUNT NOT TO EXCEED \$500,000.00. PROJECT NUMBER: 20-04-1073

Sal Aguirre presented the following information for council review.

On February 10, 2021, the City received nine (9) bids to rehabilitate the 500,000-gallon elevated storage tank located on Balsam Street.

The coatings call for removal and replacement of exterior coating 21,000-sq. ft. and a 4-coat system. The 11,000 sq. ft. interior will receive a 3-coat system (prime, stripe, and epoxy). The tank inspection report did not indicate apparent major mechanical repairs, but a contingency allowance is included in the not to exceed amount of \$500,000.00.

Tankez, out of Fort Worth was the lowest bid in the amount of \$450,000.00 and recommended to be awarded the contract as determined by STW Inspections LLC, our tank paint and coatings consultant / inspector. Having performed similar projects satisfactorily under his project management.

On motion by Council member Buell second by Council member Broaddus with all members present voting “aye” bid was awarded to Tankez Coatings, Inc. to perform repairs and paint Balsam elevated storage tank for the amount not to exceed \$500,000.00. project number: 20-04-1073

RESOLUTION AMENDING THE UTILITY FUND BUDGET IN THE AMOUNT OF \$50,000 FOR THE ADDITION OF THE LATERAL SEWER LINE REPLACEMENT PROGRAM

In order to fund the newly established Lateral Sewer Line Replacement Program the City proposes to amend the Utility Fund Budget in the amount of \$50,000. This program is to assist homeowners with the repair of their lateral sewer lines if they involve work under the street. Once the homeowner has provided proof of a necessary repair by running a camera through the line to the City an approved contractor will be called to complete the work.

On motion by Council member Broaddus second by Council member Buell with all members present voting “aye” a resolution amending the Utility Fund Budget in the amount of \$50,000 for the addition of the Lateral Sewer Line Replacement Program was passed.

APPROVE ONE YEAR EXTENSION OF BID NO. 20-01-001 TO BRAZOSPORT CLEANING PLUS FOR CUSTODIAL SERVICES FOR CIVIC CENTER RENTAL ROOMS IN AN AMOUNT NOT TO EXCEED \$70,200

Brazosport Cleaning Plus has been providing the Civic Center with custodial services for the past year and are eligible for three (3) one-year extensions. The current manager is pleased with their services and have has requested they continue to clean for their location. Staff is recommending the contract with Brazosport Cleaning Plus be extended for an additional year as allowed in the contract terms as the first extension, beginning April 1, 2021 and ending March 31, 2022. All other terms of the contract for services will remain in effect.

On motion by Council member Buell second by Council member Singhania with all members present

voting “aye” approval was granted for a one-year extension of Bid No. 20-01-001 to Brazosport Cleaning Plus for custodial services for Civic Center rental rooms in an amount not to exceed \$70,200

#### UPDATE ON THE DOWNTOWN REVITALIZATION PROJECT PHASE 3 CANOPY REMOVAL

Meagan Borth stated that after sending letters and speaking with the property owners downtown the decision was made that the City will only be removing the canopies. Once the buttoning-up of the buildings is complete (where the removal was done), the property owner will then have the ability to redesign or decorate the façade of their building on their own. This could include adding their own canopy (providing it is not placed on or connected to City property). However, the City will not be replacing the removed canopies with a new canopy as was previously proposed to the property owners. This decision was made based on the opinions of the property owners impacted for this portion of the project.

Discussion followed on making sure that once the city has completing the scope of work the property owners will not be able to come back later to accuse the city of damaging the property.

#### CONSTRUCTION PROJECT UPDATES

1. Construction Funds Financial Update
2. General Fund Projects
3. Utility Fund Projects

Sal Aguirre reviewed the project updates.

#### ITEMS OF COMMUNITY INTEREST

Mayor Roznovsky stated he visited the SPCA at the animal shelter. He said he had not visited the shelter in 3 years and was amazed at the improved conditions and was very pleased with the new leadership.

#### EXECUTIVE SESSION – IN ACCORDANCE WITH THE TEXAS GOVERNMENT SECTION 551.071(1)(A) TO DISCUSS PENDING OR CONTEMPLATED LITIGATION RELATED TO MCINTYRE V. CITY OF LAKE JACKSON

Mayor Roznovsky recessed the meeting to executive session at 7:45 p.m.

#### ADJOURNMENT

There being no further business the meeting adjourned at 7:59 p.m.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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Gerald Roznovsky, Mayor

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Alice Rodgers, City Secretary