

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 20, 2023, at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall in the Alice Rodgers Council Chambers with the following in attendance:

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

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

PLEDGE OF ALLEGIANCE

Councilmember Seth led the pledge of allegiance.

INVOCATION

Councilmember Baker led the invocation.

VISITORS COMMENTS

No visitor comments.

PRESENTATIONS

Mayor Roznovsky proclaimed April 2023 as Fair Housing Month.

Mr. Bryson explained and presented an award for the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

DECLARATION OF CONFLICTS OF INTEREST

There was no declaration of conflicts of interest.

CONSENT AGENDA

1. Approval of minutes – March 6, 2023
2. Accept Board and Commission minutes:
 - a. Traffic – 110822
3. Approve 2023 street closures for the following events and dates:
 - a. Concert Series – Circle Way on Fridays from 5/12 – 7/7 from 6:00 p.m. – 11:00 p.m.
 - b. Independence Day – Circle Way on 7/4 from 3:00 p.m. -10:00 p.m.
 - c. Our Lady Queen of Peace Fall Festival – Circle Way on 10/22 from 6:00 a.m. – 5:00 p.m.
 - d. Festival of Lights Tree Lighting and Santa Pajama Jam – Circle Way on 11/17 from 4:00 p.m. - 11:00 p.m.
 - e. Festival of Lights festivities – Circle Way on 11/18 & 11/19 from 6:00 a.m. – 10:00 p.m., with 11/19 being the inclement weather reschedule day
4. Ordinance No. 2264 prohibiting commercial vehicles from parking in public parking lots – second reading
5. Ordinance No. 2265 changing the number of members, age range and term of office for members of the Youth Advisory Commission ordinance – second reading
6. Approve one year extension of Bid No. 20-01-001 to Brazosport Cleaning Plus for custodial services for Civic Center
7. Authorize City Manager to execute contract with Fun Abounds for new playground equipment at Garland Park not to exceed the amount of \$166,612 through the Buy Board Contract #592-19 as budgeted

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

1. Approval of minutes – March 6, 2023 – **approved**
2. Accept Board and Commission minutes – **accepted**
 - a. Traffic – 110822
3. Approve 2023 street closures for the following events and dates – **approved**
 - a. Concert Series – Circle Way on Fridays from 5/12 – 7/7 from 6:00 p.m. – 11:00 p.m.
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4. Ordinance No. 2264 prohibiting commercial vehicles from parking in public parking lots – second reading – **adopted**
5. Ordinance No. 2265 changing the number of members, age range and term of office for members of the Youth Advisory Commission ordinance – second reading – **adopted**
6. Approve one year extension of Bid No. 20-01-001 to Brazosport Cleaning Plus for custodial services for Civic Center – **approved**
7. Authorize City Manager to execute contract with Fun Abounds for new playground equipment at Garland Park not to exceed the amount of \$166,612 through the Buy Board Contract #592-19 as budgeted – **approved**

PUBLIC HEARING FOR REZONING THE BRAZOSPORT VILLAGE SHOPPING CENTER AT 410 PLANTATION DRIVE FROM A B-1 (NEIGHBORHOOD BUSINESS) TO C-1 (COMMERCIAL)

Mayor Roznovsky opened the public hearing at 6:38 p.m.

Mr. Mundo noted the request for the rezoning. The planning commission has recommended the rezone. All the required notices were sent out to neighboring residents and business owners and notice of the public hearing was advertised in the newspaper.

Mr. Mundo went over a table and map to compare zoning in the area.

Jess Charpentier – Business Owner at 301 Plantation.

Mr. Charpentier shared information regarding empty grocery stores and how they have been converted into gyms, and other heavily trafficked businesses. He noted he is opposed to the rezoning to convert the old HEB into a storage building.

Mr. Charpentier talked about businesses he owns. He asked how much sales tax will be lost if the building is converted into a self-storage facility. He also noted storage facilities where people sleep if they can get away with it. He suggested waiting on the rezone at least six months and getting in touch with the owner to reconsider.

Glenda Jacoby– Representing the Property Owner

Ms. Jacoby noted the improvements that have been made to the 30,000 square ft. center. She stated the rezoning opens the building to different options such as banks and dry cleaners. Ms. Jacoby noted the building has been vacant for quite some time. She also stated an inside storage facility is needed in Lake Jackson as it is underserved.

Councilmember Seth asked Ms. Jacoby if there has been any other type of interest from other types of businesses. Ms. Jacoby stated there has been discussion for a vet clinic with boarding and a dry cleaners.

Mayor Roznovsky stated this property does not come up when searching for retail property for lease in Lake Jackson. Ms. Jacoby noted there are signs in front of the building.

Mayor Roznovsky also noted economic development studies and they did not render the need for more storage facilities or warehousing in the city. Retail is a value to the community because it brings in more tax dollars via sales tax followed by property tax.

Mayor Roznovsky noted that city council looks at the types of businesses that can come in. When warehouse components come in, there are concerns from business owners and residents. A valid concern could be that chemicals are kept in drums.

Ms. Jacoby stated the City of Lake Jackson does not have a special use permit process for the storage.

There was discussion about the special use permit for the storage. Mr. Mundo stated the ordinance would need to be changed. Mr. Mundo noted city council can change that process, but it does not exist today.

Ms. Jacoby noted the buildings are limited in terms of uses, it is only 22 ft. tall.

Mayor Roznovsky suggested talking to the owner to see what the plans are. He mentioned economic development funds for improvement. He brought this up because the strategic planning session is coming up. The next focus on economic development will be improving Plantation Drive if the community is in support of city council.

Ms. Jacoby noted the parking lot has been resurfaced, new parking lot lights have been added and the entire front of the building has been resurfaced and painted in the last 5 years.

Mayor Roznovsky stated 410 Plantation is a cornerstone for Plantation Drive. There will be an interest for economic development that the zoning stays where economic growth can occur.

Councilmember Seth asked what research has been completed that indicates additional storage units are needed in Lake Jackson. Ms. Jacoby stated a study was completed and Lake Jackson appeared to need inside storage as it appeared to be underserved.

Councilmember Seth shared concerns that there is not a lot of active marketing to bring in other types of businesses that do provide sales tax revenue. Ms. Jacoby noted she does not handle the marketing, but she will inquire about it.

Councilmember Blanchard stated the area of Plantation Drive is unique. He does not think bringing in that commercial factor is something the residents are going to want.

Ms. Jacoby asked if the city had received feedback from residents. Ms. Russell noted a protest was received with enough signatures from property owners to make the need for a super majority vote to pass the rezone. This information will be made available to Ms. Jacoby.

Councilmember Singhania noted that property owners have the final decision on what goes in their buildings. The city does not dictate what can or cannot go in. The city council is responsible for the zoning.

Mr. Charpentier shared that five people in the shopping center do not want the rezone. He stated that he is afraid that people will store chemicals and it being an old building, it could catch on fire.

Ms. Jacoby asked to reverse the conversation back to the rezoning and not concentrate on the storage.

Mike Walls – 59 Southernwood Court

Mr. Walls owns a business off Plantation Drive on Sycamore. He stated he prefers to see this building occupied and would like to see it rezoned.

The public hearing closed at 7:08 p.m.

DISCUSS AND CONSIDER AN ORDINANCE REZONING THE BRAZOSPORT SHOPPING CENTER LOCATED AT 410 PLANTATION DRIVE FROM B-1 (NEIGHBORHOOD BUSINESS) TO C-1 (COMMERCIAL) – FIRST READING

Mr. Mundo read the ordinance caption.

Councilmember Singhania stated he is not opposed to warehousing or storage units but is concerned that there are no limitations on chemical storage. He felt there should be some type of restriction on what storage units are allowed to store. This is just a general concern.

Councilmember Blanchard asked about the history of this property being zoned as a B-1. Mr. Aguirre noted there is nothing in the history of why this has been zoned as B-1. The purpose of a B-1 is to have businesses serve neighborhoods.

Councilmember Broaddus asked if the special use permit would allow something from C -1 to operate in B-1. Mr. Mundo stated on occasion some zones allow special permit provisions. This could be revisited to see if there are things that council would like to add to B-1 to allow a special use permit.

Ms. Russell noted council cannot do contract zoning. You cannot do a rezone and take a use out or pick and choose.

The request dies due to a lack of motion. The rezoning will not move forward.

Ms. Jacoby asked what the options are for the owner. Mayor Roznovsky noted he can still pursue anything in the B-1 zone.

Ms. Jacoby felt the owner is stuck with not many options. Mr. Mundo noted this property has been zoned as B-1 since the current owner bought it and nothing has changed. The restrictions have been in place since the 1950's.

Ms. Jacoby asked how the batting cages were allowed. Ms. Russell stated recreational uses are a conditional use and that is how the batting cages came in. They would have gone before the planning commission for approval.

Mayor Roznovsky informed Ms. Jacoby that he would like to have a conversation with the owner to discuss the possibilities. The concern lies that the property is so close to residential property and how it can be impacted by different businesses. Mayor Roznovsky explained conditional uses to Ms. Jacoby.

Mr. Mundo asked Ms. Jacoby to reach out to him to schedule a meeting with staff. Discussion is to see if the planning commission wants to review the B-1 uses and expand the conditional use capability and see if there is anything in the C-1 zone that can be included in B-1 zone.

APPROVE LETTERS OF SUPPORT FOR BRAZOSPORT WATER AUTHORITY'S (BWA) GRANT APPLICATIONS FOR BWA WATER LINE TO ANGLETON AND BWA DESALINATION PROJECT

Mr. Mundo noted the BWA is seeking grant funding from the House of Representatives for two projects. One is for a 48" pipeline extension to Angleton that would serve Angleton and portions of the city's growth corridor, the second one is for the desalination project.

Ronnie Woodruff – General Manager for BWA

Mr. Woodruff stated they reached out to Congressman Randy Weber about the possibility of grant funding to help with the projects mentioned. He discussed the projects and stated the grants would be a win-win situation for the community.

On motion by Councilmember Singhania, seconded by Councilmember Seth with all present members voting “aye,” the letters of support for Brazosport Water Authority’s grant application for the BWA Water line to Angleton and BWA Desalination project were approved.

DISCUSS ANIMAL CONTROL FACILITY BIDS AND PATH FORWARD

Mr. Mundo noted the second set of bids were opened and the bids came in \$3 million over budget. The bids from the summer have gone up \$1.3 million. The recommendation from staff is to go out for RFQ’s, which is a request for qualifications for construction managers at risk. This will allow the selection of a contractor based on their qualifications. They will work with the architect to see if there is a way to lower the cost. Then they would give the city a detailed bid based on the project and a guaranteed maximum price for the project. The architect believes they can shave off a large chunk of the costs. Mr. Mundo stated there may be \$1 million in savings. This is likely the large chance to save funds without looking at tapping any of potential savings for the end of the year. Staff anticipates transferring \$1.3 million to capital projects. There is also the American Relief Funds that are unaccounted for at \$4 million that could be used. Staff wants to use as little as possible on this project, but this is the recommended path forward.

Councilmember Singhania asked what the cost would be for a redesign. Mr. Mundo was not sure and would not know until a vendor is selected. Councilmember Singhania agreed with going with a construction manager at risk. He noted companies are now using this method. Mr. Mundo noted this is a project that must be completed.

Councilmember Blanchard stated he is not comfortable spending this much money on a building. It has doubled from what the initial cost was going to be. He suggested paying back the bond early and explaining to the citizens that the cost has doubled from what staff thought it would be.

Mr. Mundo agreed that there are other viable options. However, he suggested the next step would be to try the construction manager at risk and see if the city can get a better guaranteed maximum price. The city can go through the RFQ process, select a contractor, and pay a modest fee of approximately \$15,000 to \$20,000. The fee is for their legwork to go through the plans. This allows an opportunity for staff to see if anything can be shaved off some of what the architect says and come back with something that is doable vs. the \$6.253 million. If not, then we will not know. It is at least worth the exercise to see if the city can work with a contractor to see if we can get a better price. If we can’t, then that will be a decision-making point to move forward with the project or not.

Councilmember Singhania stated the \$15,000 to \$20,000 is a fair price to pay for a viable option to see if and when to proceed with this project.

Councilmember Seth asked what specifics the architect has given to indicate this can be done for less money. Mr. Mundo stated the architect has built a facility before where it has been lower and is building a similar construction type using the same materials right now. The budget is at least 30% to 40% cheaper. He has a construction arm and is very familiar with costs. Mr. Mundo noted without detailed bid submittals, they are at a loss of why. The architect’s recommendation is to try the RFQ and team up with a contractor. This process will go line by line to identify where costs can be cut.

Ms. Russell noted the construction managers go out for their own sub-contractor bids and they guarantee the city a price. If the price goes over, the city does not pay it. This is why it's at risk.

Mr. Mundo noted a contractor is picked by experience and qualifications, not price.

Mr. Mundo stated if council is open to the idea, the bids can come back for rejection at the next meeting. The project will be delayed approximately 5 to 6 months.

AWARD BID TO IECONI INFRASTRUCTURE ENGINEERING & CONSTRUCTION FOR WASTEWATER TREATMENT PLANT HEADWORKS REHABILITATION IN AN AMOUNT NOT TO EXCEED \$2,895,969 AS BUDGETED

Ms. Webb explained the project and noted bids were opened two weeks ago. The bids came in very close together. The cost came in higher than anticipated with IECONI being the lowest bidder. There has been a follow-up meeting with HR Green looking for cost savings, but the project is not very complicated. It consists of building a bypass system that is needed. There is not an area that can be cut to bring the cost down. This company is currently working on the Beechwood Chemical Building with no problems.

Mr. Mundo stated this is the first project being funded with the \$6 million issuance.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting "aye," the bid to IECONI Infrastructure Engineering & Construction for wastewater treatment plant headworks rehabilitation in an amount not to exceed \$2,895,969 as budgeted, was awarded.

CONSTRUCTION UPDATES

Mr. Aguirre gave an update on construction projects.

Ms. Webb gave an update on the mixers.

Councilmember Singhania mentioned the parking lot and driveway next to Suggs Field is getting worse and asked when this would be fixed. Ms. Hyden noted it has been difficult getting contractors, but it is a project they will get completed.

Mr. Mundo stated the county notified staff that the Southern Oaks Drive construction will be starting this week on Wednesday.

ITEMS OF COMMUNITY INTEREST

- Councilmember Baker mentioned the Rotary Crawfish Boil on April 22nd.
- Mayor Roznovsky mentioned the Rotary after 5 shrimp boil is coming up.
- Councilmember Seth shared this Saturday at the fairgrounds is a free electronic recycling event.
- Councilmember Seth also noted tickets are still available for the Easter Egg Hunt.
- Councilmember Singhania asked about the gas station on Old Angleton Road. He noted they removed the pumps, but did they remove the tanks? Mayor Roznovsky said they did.
- Councilmember Blanchard mentioned an email about the Night On The Spotlight event on April 1st from Terri Cardwell.
- Mayor Roznovsky said frisbee disc is getting very popular.

EXECUTIVE SESSION

Mayor Roznovsky adjourned to executive session at 8:09 p.m.

RECONVENE TO OPEN SESSION

Mayor Roznovsky reconvened to open session at 8:40 p.m.

ADJOURNMENT

There being no further business this meeting adjourned at 8:40 p.m.

These minutes read and approved this 3rd day of April 2023.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary