

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, May 1, 2023, at 6:30 p.m. in Regular Session at 25 Oak Drive, Lake Jackson, Texas, Lake Jackson City Hall in the Alice Rodgers Council Chambers with the following in attendance:

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

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

PLEDGE OF ALLEGIANCE

Councilmember Seth led the pledges.

INVOCATION

Mayor Roznovsky led the invocation.

PRESENTATIONS

Ezee Fiber – Jason Carnes

Mr. Carnes shared the history on how Ezee Fiber started. He also shared details on the construction of the project and how it would impact the city's Engineering resources with permitting and inspections. He reviewed the Ezee Fiber pricing.

Mr. Carnes noted Ezee Fiber would be doing a lot of community engagement through letters, door hangers, yard lollipops and social media. There will be a guaranteed 24-hour response time for construction questions or concerns. The goal is to minimize disruption during the process.

Mr. Carnes stated they would like to use Lake Jackson as a HUB for Angleton and Freeport. Ezee Fiber intends to hire local people. Local sponsorship dollars will also stay local.

Mr. Carnes stated Ezee Fiber would not seek individual customer commitments. This would be their starting point. Mr. Carnes also noted that they have submitted permits already.

Mayor Roznovsky asked how this would impact the citizens of Lake Jackson. He mentioned there may be residents that do not allow anyone in their backyard. Mr. Carnes stated they do not anticipate adding additional poles in peoples' yard. The equipment will be to install boxes and wiring for overhead residents.

The project is very large, once it starts it will take approximately 90 days from start to finish for 4,000 -5,000 homes. In this area he would anticipate extending that to 120 days. It will not take more than a full day on a resident's property to dig, install pipe and pull the fiber. All trucks working on the project will be identifiable, and workers will also be wearing vests and hard hats.

Mayor Roznovsky shared an incident that happened to him by a utility company and the problem it caused. He shared the problem became his to correct. Mr. Carnes stated they work very closely with the utility companies, and they will be involved with any problems.

Councilmember Baker wanted reassurance for the community that Ezee Fiber would be there for any problems that arise with Lake Jackson homeowners. Mr. Carnes stated Ezee Fiber will be as local as they can and are very accessible. Mr. Carnes stated they are considering leasing a building locally to remain present.

Mr. Mundo stated Ezee Fiber is not looking for approval. The city cannot deny them accessibility to the right of way. The city will review permits to ensure Ezee Fiber is staying within the right of way and away from municipal utility lines.

Councilmember Singhania asked if Ezee Fiber carries enough insurance so that if there is damage to homeowners' property or city property, it would be covered. Mr. Carnes stated all insurance requirements are met.

DECLARATION OF CONFLICTS OF INTEREST

No conflicts of interest.

CONSENT AGENDA

1. Approval of minutes – April 17, 2023
2. Accept Board and Commission minutes:
 - a. KLJB – 032123
3. Approve a one-year contract extension to Midtex Oil for unleaded fuel, diesel and oil with an unleaded fuel and diesel markup of 0.0116 for the Service Center and markup of 0.1100 for The Wilderness Golf Course and oil priced per gallon
4. Approve a one-year contract extension to Houston Poly Bags for black refuse bags at a continued unit price of 0.1624
5. Appoint Raygan Brymer and Paris Ponce to the Youth Advisory Commission

On motion by Councilmember Singhania, seconded by Councilmember Seth with all present members voting "aye," the consent agenda items 1-2 and 4-5 were approved as follows:

1. Approval of minutes – April 17, 2023 - **approved**
2. Accept Board and Commission minutes: **accepted**
 - a. KLJB – 032123
3. Approve a one-year contract extension to Midtex Oil for unleaded fuel, diesel and oil with an unleaded fuel and diesel markup of 0.0116 for the Service Center and markup of 0.1100 for The Wilderness Golf Course and oil priced per gallon – **moved to regular agenda at the request of Councilmember Singhania**

4. Approve a one-year contract extension to Houston Poly Bags for black refuse bags at a continued unit price of 0.1624 - **approved**
5. Appoint Raygan Brymer and Paris Ponce to the Youth Advisory Commission - **appointed**

APPROVE A ONE-YEAR CONTRACT EXTENSION TO MIDTEX OIL FOR UNLEADED FUEL, DIESEL AND OIL WITH AN UNLEADED FUEL AND DIESEL MARKUP OF 0.0116 FOR THE SERVICE CENTER AND MARKUP OF 0.1100 FOR THE WILDERNESS GOLF COURSE AND OIL PRICED PER GALLON

Councilmember Singhania asked what price is being approved for the oil priced per gallon. Mr. Mundo stated council would be approving the markup for oil and a special agricultural diesel.

On motion by Councilmember Singhania, seconded by Councilmember Broaddus with all present members voting “aye,” the one-year contract extension to Midtex Oil for unleaded fuel, diesel and oil with an unleaded fuel and diesel markup of 0.0116 for the service center and a markup of 0.1100 for The Wilderness Golf Course and oil priced per gallon was approved.

DISCUSS REQUEST TO RELOCATE PUBLIC PARKING ON CIRCLE WAY WITH CROSS ACCESS AGREEMENT FOR RETAIL DEVELOPMENT

Jesse Carroll was present for this agenda item.

He reviewed previous construction the company has completed.

Mr. Carroll went over concepts for the building. He noted that parking is going to be an issue. Mr. Carroll asked to relocate parking by the baseball fields. Mr. Carroll reviewed their proposed plan for relocation.

■ Option 1

- ▶ No restaurant
 - Required Parking 94 @1000:5 ratio (Blended 77)
 - Total Parking 111
- ▶ With a Restaurant
 - Required parking 148 @1000:5 (Blended 136)
 - Total Parking 162
 - Delta 37 1000:5 or 25 Blended
 - Restaurant @250 total occupancy

■ Option 2

- ▶ No restaurant
 - Required Parking 137 @1000:5 ratio (Blended 110)
 - Total Parking 162
- ▶ With a Restaurant
 - Required parking 188 @1000:5 (Blended 168)
 - Total Parking 162
 - Delta 26 1000:5 or 3 Blended
 - Restaurant @250 total occupancy

Mr. Carroll stated if council were open to the idea, he would perform detention studies.

The proposal was to remove the black top across from the baseball field on Circle Way and convert it into green space in exchange for the parking that is being sought at the corner of Circle Way and Center Way and adding parking off the street. This would be public parking owned by the city. Mr. Carroll asked council if they would consider it, he would complete a drainage study.

Mr. Mundo noted the city is considering adding parking on the corner of Azalea and Circle Way where the old fire station used to be. He also mentioned a cross access agreement allowing sharing of the parking. Mr. Mundo stated there is a provision in the parking ordinance that allows the planning commission to

consider an alternate plan that may not require additional parking.

The swap is square footage to square footage. It would not reduce green space. A challenge could be the drainage standards as they have changed.

Mayor Roznovsky stated the way people shop has changed along with the demands for physical parking spaces. He shared he is in support of looking at what the tenants may need and discuss the blend to see if an adjustment can be made to avoid laying more concrete. Mr. Carroll stated a restaurant increases the parking requirements.

Councilmember Singhania liked the concept but was concerned about the drainage and it being on two separate drainage plans.

Mr. Aguirre said the swap could be matched, i.e., the parkway land locations can be swapped because the open ground can be turned into a parking lot and the existing parking lot turned into open ground. He noted the drainage for the HEB area and everything around it including the proposed parking, is concentrated in the channel that comes along Oak Drive which connects to the planned detention system that outfalls through Oak Drive to the Clute/Lake Jackson channel. This would have to be reconsidered if changing. The existing parking lot uses another drainage system that veers off around Whatley Field and Gator Field. This would not require detention if changing to open ground.

Mayor Roznovsky mentioned a grid type parking lot that allows water flow. This is something that is going to be investigated. It is being used in many cities to get around not having to lay down concrete. Mr. Carroll would be paying for the swap and the drainage study.

Mr. Mundo asked council if they would like to receive feedback from the parks board. Mayor Roznovsky agreed and would like community feedback as well.

Ms. Russell clarified that Mr. Carroll would be paying for the parking swap and add the green space and parking lot. This would be needed to do a cross access agreement.

There was discussion about future development and the lack of parking.

City Council was receptive to the idea of the swap. Mr. Mundo invited Mr. Carroll to the Planning Commission meeting on May 2nd to hear the parking item with Walmart.

DISCUSS AND CONSIDER CANCELLING THE AGREEMENT WITH OMKAR FOR THE AZALEA STREET EXTENSION

City staff has been in discussions with Omkar Enterprises and TEDCU regarding the Azalea Street extension to serve proposed development behind HEB which includes a proposed new TDECU branch, donated park, and site for 20,000 square foot city building and a Home 2 Suites hotel.

The City and Omkar Enterprises entered into an agreement on February 7, 2023, allowing Omkar Enterprise to build the Azalea extension with the understanding that the city would reimburse 75% of the cost not to exceed \$750,000. The agreement also allowed for the city to construct the road with Omkar reimbursing the city 25% for the cost of construction. The agreement assumed that Omkar could build the extension faster and at a reduced price.

Since the execution of the agreement, the city has learned that its cost estimate was incorrect. Staff now estimates the cost will be less than \$750,000. Since estimated costs are now within the city's construction budget, Omkar and city staff request to cancel the funding agreement and allow the city to complete construction of roadway with understanding that Omkar would be responsible for funding sidewalks serving their development in the proposed right-of-way and any costs exceeding the \$750,000 construction budget. The city is scheduled to open bids for construction on May 10, 2023. Mr. Mundo stated the city has an agreement with Omkar for a 75/25 split. Omkar now believes it can be completed for less.

Councilmember Seth asked if Omkar is still requesting a cap over the \$750,000. Mayor Roznovsky noted they discussed if a bad bid were received and the cost was over \$750,000, Omkar would pick up the additional cost with no cap. A high bid is not expected. Mr. Mundo noted he still retains the option to build a private road if he chooses.

Mr. Mundo stated the new agreement would be on the next council agenda after bids are opened.

Councilmember Singhania asked how the city could prevent Omkar from building a private road. Mayor Roznovsky stated it cannot be prevented.

On motion by Councilmember Seth, seconded by Councilmember Singhania with all present members voting "aye," cancelling the agreement with Omkar for the Azalea Street extension was approved.

REQUEST TO EXTEND THE SET-OUT TIME FOR LARGE TRASH TO THE FRIDAY BEFORE THE PICKUP SCHEDULE

Councilmember Singhania stated people that are off on Friday's like to work in their yards. It would be helpful if these citizens can set their heavy trash out on Friday's, so they do not have to store it away just to bring it back out the next day.

Mayor Roznovsky noted there are people who complain about big trash being out too long. This would extend the time big trash is out even longer.

Councilmember Singhania stated people are already putting out the trash on Friday, so why not make it legal. If the ordinance is not changed, then people who put it out early should be fined. The ordinance should be enforced.

Mr. Mundo stated the 5th week causes confusion with residents. They put large trash out on that week.

Councilmember Seth asked if moving the day would impact sanitation. Ms. England stated her department does not warn people if they do it here and there. If someone does it regularly and complaints are received, they are notified. Ms. England did share that she would prefer if people did not put it out on Friday. Ms. England stated it works fine the way it is. If it changes, she will need to change paperwork for her crews.

On motion by Councilmember Singhania, seconded by Councilmember Blanchard with Councilmember Singhania and Blanchard voting "aye," and Councilmember Baker, Seth, Broaddus and Mayor Roznovsky voting "nay," the motion failed.

DISCUSS AND CONSIDER EXTENDING THE SPCA LEASE AGREEMENT

Mr. Mundo stated the SPCA would like to start investing in the building now with no formal lease agreement. The lease time would not start until the city leaves and then start charging for the building.

The City of Lake Jackson and the SPCA of Brazoria County have a proposed lease agreement extension for 20 years. This would have the SPCA continue to be a tenant of 141 Canna Lane.

Key Points

- Area for expansion is identified by metes and bounds.
- Interim Term would commence on the recommended date of June 1, 2023
- Full term would begin when City opens city animal control facility.
- Term date is 20 years once full term begins.
- Term extension is 10 years with written agreement of both parties.
- Rent during the full term is \$1,000 per month.
- The SPCA is also responsible for reimbursing the City for insurance, pest control, and contract mowing.

Councilmember Blanchard asked if the agreement could be changed if the numbers did not come back favorable. Ms. Russell replied that it could be changed.

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting “aye,” the extension of the SPCA lease agreement was approved.

UPDATE ON TXDOT TRANSPORTATION ALTERNATIVES PRE-APPLICATION

Mr. John-Williams updated council on the TxDOT alternatives pre-application.

The application was submitted on time for the 10-ft. shared use path along Lake Road to Oak Drive South with a few spurs with the idea to connect the neighborhoods along Lake Road to employment centers, Dow and downtown. The preliminary estimate was \$2.5 million dollars with an 80/20 split with the city putting in 20%.

He noted the criteria did not pass the requirements and changes would need to be made, increasing the scope of the project.

Mr. John-Williams stated going forward, staff is not prepared to apply for this round of funding. He asked council if there is a future round of funding, what would be a 20% matching amount that council would be comfortable with.

Mr. Mundo stated the ½ cent budget would be looked at to see if money could be set aside for the city’s portion. When the conflict points are looked at, it may be advisable to seek an outside Engineer to do the preliminary assessment and design for the cost estimate. They are familiar with TxDOT requirements. He noted traffic lights would have to be moved.

Councilmember Blanchard noted the engineering firm that was used. Mr. Mundo stated Lankford was used to help with the application, but they do not develop the scope and price of the work. An outside Engineer would be needed for that.

Councilmember Seth stated she is not comfortable putting money aside for any other project that must be funded and maintained.

Mr. John-Williams stated that when this was initially presented, he noted there would be caveats with nothing set in stone. He said staff did not want to go further without getting council’s view.

There was no charge from the consultant that was used for submitting the application.

Council did not feel this would be a good grant for the city. There are too many conflicts with the project. The city's pedestrian system is based around sidewalks.

UPDATE ON NEW BUSINESS

Mr. Walton went over the new business report.

CITY MANAGER UPDATES

CIP Workshop – Monday, May 22, 2023 @ 5:30 p.m.

Council meeting action item summary –

- Send survey to see if July 15th or July 22nd works best for the Saturday Budget Workshop.

CONSTRUCTION UPDATES

Mr. Aguirre gave an update on construction projects.

ITEMS OF COMMUNITY INTEREST

- Councilmember Baker announced the last day of Early Voting is tomorrow, May 2nd and Saturday, May 6th is Election Day with voting at the library.
- Mayor Roznovsky announced Thursday, May 4th is the National Day of Prayer at noon, Port of Freeport - May 6th is Take Your Child Fishing event, Summer Series starts on May 12th, Brazoria County Dream Center is having their Cinco de Mayo fundraiser on May 5th and the SPCA is having their Crawdad for Paws drive on May 6th.

ADJOURNMENT

There being no further business this meeting adjourned at 8:23 p.m.

These minutes read and approved this 15th day of May 2023.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary