

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, June 19, 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
Chase Blanchard, Mayor Pro-Tem
Jon "J.B" Baker, Councilmember
Matt Broaddus, Councilmember
Vinay Singhania, Councilmember

ABSENT: Rhonda Seth, Councilmember

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

PLEDGE OF ALLEGIANCE

Councilmember Blanchard led the pledges.

INVOCATION

Mayor Roznovsky led the invocation.

VISITOR COMMENTS

Jeri Yenne was present to address her concerns regarding the Yaupon traffic study. Ms. Yenne asked the council to consider installing traffic counters on each side of the road to collect data truly and fairly. Ms. Yenne also asked the city council to consider creating a local task force of people who are invested in the community and who can submit real life input.

PRESENTATIONS

The Chamber of Commerce Tourism Report – Ms. Fischer went over the report and explained how the Chamber promotes tourism through industry partners, shows, and conferences and advertising and promotional efforts. She shared details of the TXDot study tour and the Shop Local Event being held on June 23-25.

Governor's Office Film Friendly Certificate – Gabriel Ornelas with the Texas Film Commission was present to recognize the City of Lake Jackson for the work that has been completed to become Film Friendly Certified. He thanked Lora-Marie Bernard, the City Council, and the staff for making that possible. Mr. Ornelas explained what it means to be Film Friendly Certified and presented Mayor Roznovsky with the certificate.

TAMIO Awards

Ms. Bernard explained the meaning of the awards that were received at the Texas Association of Municipal Information of Officers Convention.

The awards are:

- Special Events – Best Recurring
- Marketing – Most Creative with Least Dollars

DECLARATIONS OF CONFLICTS OF INTEREST

Councilmember Broaddus recused himself from regular agenda items 1 and 2.

CONSENT AGENDA

1. Approval of minutes – June 5, 2023.
2. Accept board and commission minutes:
 - a. Planners - 050223
 - b. LJDC - 032923
 - c. LJ Historical Museum - 061422
3. Accept letter of resignation from KLJB member Corrine Cammarata.
4. Award contract for health insurance to TML Health.
5. Award a one (1) year contract extension for annual electrician services to Brazosport Electric with an hourly service call rate of \$80 an hour.
6. Appoint Christian Mares to the Youth Advisory Commission.
7. Approve the request for a one-lane closure on the outer northbound lane of Dixie Drive along the Slade Field parking lot from the light at Brazoswood Drive to the first entrance of the Brazoswood 9th grade road on Saturday, September 16, 2023, from 7:15 a.m. to 10:00 a.m. for the BISD 5K Run.

On motion by Councilmember Blanchard, seconded by Councilmember Broaddus with all present members voting "aye," consent items 1-3 and 5-7 were approved. Consent item number 4 was moved to the regular agenda for further discussion at the request of Councilmember Blanchard.

1. Approval of minutes – June 5, 2023 - **Approved**
2. Accept board and commission minutes: - **Accepted**
 - a. Planners - 050223
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 - c. LJ Historical Museum - 061422
3. Accept letter of resignation from KLJB member Corrine Cammarata -**Accepted**
4. Award contract for health insurance to TML Health – **Moved to regular agenda for further discussion.**
5. Award a one (1) year contract extension for annual electrician services to Brazosport Electric with an hourly service call rate of \$80 an hour - **Awarded**
6. Appoint Christian Mares to the Youth Advisory Commission – **Appointed**
7. Approve the request for a one-lane closure on the outer northbound lane of Dixie Drive along the Slade Field parking lot from the light at Brazoswood Drive to the first entrance of the Brazoswood 9th grade road on Saturday, September 16, 2023, from 7:15 a.m. to 10:00 a.m. for the BISD 5K Run - **Approved**

AWARD CONTRACT FOR HEALTH INSURANCE TO TML HEALTH

Councilmember Blanchard requested it be on official record to do an annual RFP to shop for health insurance to ensure the employees are getting the best rates.

Councilmember Singhania noted this is not something that is done for every contract every year. He didn't think it should be done yearly. Mayor Roznovsky stated an RFP has not been completed for a while.

Mr. Mundo agreed that one should be done next year. If there is no response for two to three years, he suggested taking a break. If an RFP is completed and the city switches firms, it would probably be better to stay with that firm a couple of years.

Mr. Mundo stated Human Resources could test this out for a couple of years to see if it brings in more submittals. Mr. Mundo noted the past two years have proven to be high claim years, which has driven up the cost of rates.

Ms. Russell stated an RFQ or RFP does not have to be completed every year. There are certain categories that can be negotiated.

Councilmember Singhania agreed with adding the caveat. It's either to do it every time or not.

Mayor Roznovsky noted to use discretion about going out for an RFP depending on what type of claim history there is the year before.

Medical insurance is handled differently than other processes.

Mr. Mundo indicated that he would review the issue in the February timeframe and seek advice from the City Council on whether to submit a request for proposals.

Councilmember Blanchard motioned to award the contract for health insurance to TML Health with the caveat that the city will go out for an RFP annually, seconded by Councilmember Broaddus and all present members voting "aye," motion carried.

INTERVIEW CANDIDATE(S) TO REPRESENT LAKE JACKSON ON THE BRAZOSPORT WATER AUTHORITY BOARD OF DIRECTORS

Mr. Mundo noted the city's long-standing representative, Juan Longoria, has stepped down. Mr. Woodruff from BWA stated they would like to fill the vacancy soon.

Duane Koch – Timbercreek

Mr. Koch applied for the position of BWA representative with the recommendation of Juan Longoria. He introduced himself and went over his experience.

Councilmember Singhania brought up the challenges that the water situations can bring. He asked that the chosen representative look out for the citizens of Lake Jackson.

Mr. Koch shared some of his knowledge pertaining to future water growth. He requested the City Council inform him of their expectations should he be appointed to this position.

Mayor Roznovsky stated he would like BWA to remember who the partners are and that is the participating cities and DOW. He has a problem with BWA selling additional capacity to other entities. He would like to see the representative fight for the City of Lake Jackson and Brazoria County, not other counties.

Mike Walls –

Mr. Walls shared his experience with water projects in municipalities. He shared his passion for the city and said he is looking for a role that he can stay in for a while.

Mayor Roznovsky asked Mr. Walls about his experience with project management. Mr. Walls stated he had experience starting from the ground up using certain systems.

Councilmember Singhania asked Mr. Walls what he would do to protect the citizens of Lake Jackson when working with other cities and DOW. Mr. Walls stated he is not too familiar with the BWA internal processes. He would like to lean on the city council and would make his focus the citizens of Lake Jackson. He would also get familiar with the challenges and do his research.

Mayor Roznovsky brought up the Desalination plant and how it has been delayed. He stated the person who is appointed to this position should be able to provide oversight and bring any issue to city council that can't get resolved. This person is there to represent the city council and the city.

DISCUSS AND CONSIDER THE APPOINTMENT OF A REPRESENTATIVE TO THE BRAZOSPORT WATER AUTHORITY BOARD OF DIRECTORS

Councilmember Singhania stated Mr. Koch comes recommended from the current representative. He believes he has the capabilities and knowledge of water and issues that face this part of the county. Mr. Singhania said he would be a great fit.

Councilmember Blanchard appreciates Mr. Koch but he was concerned about the years he spent in the industry, but he does not want the focus to be towards industry as much for the citizens. He wants the person in this role to fight for the citizens and the city.

Councilmember Baker stated he has been in Law Enforcement for 40 years and he would want someone to come to him and educate him. He was very impressed with Mr. Koch's knowledge. He would like to see someone with a lot of experience in this role.

Councilmember Singhania motioned to appoint Mr. Koch as the representative to the Brazosport Water Authority Board of Directors, seconded by Councilmember Baker with Councilmember Baker, Councilmember Singhania and Mayor Roznovsky voting "aye," Councilmember Blanchard voting "nay," and Councilmember Broaddus abstaining from the vote, the motioned carried.

DISCUSS CHANGING THE AMOUNT OF FEES CHARGED IN CH. 90 SUBDIVISIONS WHEN A DEVELOPER DOES NOT NEED TO DEDICATE PARKLAND

Ms. Russell stated she has worked with the Engineers to streamline Ch. 90 in the technical manual to remove conflicts. This is a big change, as the cash and lieu of parkland hasn't been changed in approximately 30 years. It goes two ways: (1) If the city does not think it needs parkland in the development, they can buy their way out of it or (2) they can convince the city they don't need it.

Currently the city uses a base market value of \$18,000 per acre when determining the amount of fees needed when a developer does not need or want to dedicate parkland. The amount is outdated. The parks and recreation board recommended the fair market value of land should be based on the appraisal district's appraisal.

Changes would include having an average of the appraised value of a developed subdivision that is comparable to what is being developed. Once this is determined, each lot in the subdivision would be divided for value. The engineering department would calculate the value and discuss with the developer. If the developer disagrees, they could then come to the Planning Commission to negotiate.

Mayor Roznovsky asked if it would then come to the city council. Ms. Russell said it would not, she said the Planning Commission would be final. She asked the council if they wanted it to come to them.

Mayor Roznovsky stated the city council needs to elect to accept funds according to how it is currently written. The fee can be negotiated. Mayor Roznovsky noted it was done this way with Oyster Bend. This ended up being swamp land instead of a park.

There was discussion on whether it should come to the city council or end with the planning commission. Mayor Roznovsky stated it starting with the planning commission since they meet with the developers and them making a recommendation to city council to accept funds vs. parkland and then city council can decide. In summary, the city council decides yes or no, the engineering department determines value, then the developer will cut a check or negotiate. Ms. Russell asked if the council would want to see it after negotiations or would the planning commission be the final.

Mayor Roznovsky stated he does not ever want the city council to accept a swamp for parkland. Ever since that happened it needs to be written down that a core sample will be completed to prove it will not be a swamp.

Ms. Russell noted due diligence before parkland is accepted.

Mayor Roznovsky asked if is going to be appraised as a swamp after the analysis is complete. Ms. Russell noted the appraisal will be for a completely developed subdivision with all the sewer and utilities.

Mr. Aguirre stated it does not start with an acreage. It starts with an adjacent property that you think is the most similar.

Ms. Russell will include wording to specify the funding level will be calculated each time using current appraisals. This will come back to the council.

CONSIDER APPROVING THE SELECTION OF CONSULTANT FREESE AND NICHOLS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR FLOOD AND DRAINAGE IMPROVEMENTS

Milford John-Williams noted the city received six RFQs. Out of the six submittals, staff narrowed it down to three with the recommendation being Freese and Nichols.

Councilmember Singhania motioned to approve the selection of consultant Freese and Nichols and authorize the city manager to negotiate a contract for flood and drainage improvements, seconded by Councilmember Baker with all present members voting “aye,” the motion carried.

DISCUSS CAPITAL IMPROVEMENT PROJECTS

Mr. John-Williams noted the following changes to the city council.

- Remove Yaupon alternative study - \$100,000.
- Add Oak Drive pedestrian crossing - \$100,000.
- Defer the sale of police renovation bond issue - \$2,400,000.

Mr. John Williams stated staff would like to recommend incorporating any traffic study on Yaupon into a future transportation mobility plan.

Mr. Mundo noted he spoke to Kimley Horn about the Oak Drive pedestrian crossing. The \$100,000 is more than enough to cover a study but wouldn't be enough to cover a pedestrian crossing.

Councilmember Singhania said he liked the crossing that Brazoswood High School has.

Mr. Mundo touched on the bond issue. He noted it may be premature to sell the debt for the police department renovations, but he recommended selling all the debt of the rest of the projects which is a \$16.5 million issue. Mr. Mundo mentioned this is being looked at to see how it will affect the tax rate.

Councilmember Singhania stated the timing is not right for the traffic timers that are on Yaupon. Being that school is out it will not give accurate data. Mr. Mundo stated the counters will be removed.

APPROVE CHANGE ORDERS 27-38 FOR AN INCREASE OF \$110,233.17 FOR PHASE 3 OF THE DOWNTOWN REVITALIZATION PROJECT

Mr. Aguirre reviewed the summary submitted by Mr. Herrera below.

Contingency Beginning Balance: \$1,090,079.00
Cost of Change Orders 1-38 (approximate): \$463,876
Cost of Canopy change order: \$39,699.57
Sewer Main Replacement at Uncommon Market: \$113,512
United Rental Lights: \$37,051.78
Terracon (Construction Management Contract): \$138,000
Remaining Contingency Balance (approximate after today): \$285,995

Staff recommends approval for Change Orders 27 – 38 outlined on the table below.

CO #	Description	Amount
27	To install Root Protection barrier in areas where trees are planted too close to new street pavement. This will prevent or delay pavement damage from the root systems.	\$12,480
28	To pay for bus stop foundations that were required for the cantilevered bus shelters. The engineer did not have a pay item for this work in the bid form.	\$6,840.54
29	To relocate the dumpster enclosure drain into the dumpster enclosure. The drawings showed the drain in a location that would not catch liquid in the enclosure.	\$3,279.39
30	To pay for form changes due to a sidewalk elevation oversight that was caught before concrete was placed but after forms were set according to the plans.	\$4,086.88
31	To pay for different pedestrian crosswalk buttons than what was specified by the engineer. The model specified by the engineer has become obsolete since the plans were completed.	\$2,554.46
32	To pay for electrical service connections that were mistakenly specified by the engineer to be installed by the service provider.	\$31,555.29
33	To pay for a drainage pipe to drain the small alleyway / easement between Grazia's and Treasure Chest. The area was not accounted for in the original engineer design.	\$1,714.80
34	To pay for modified pedestrian ramps at Backyard and Downtown Tacos. The ADA slope requirements could not be met with the elevation difference between the two sidewalks.	\$7,530.02
35	To pay for raising a fire hydrant at That Way and Oyster Creek Drive. The street was raised slightly due to a drainage change and the fire hydrant needs to be raised to match.	\$1,601.02
36	To pay for a handrail needed near the Gerald Shanks building. The engineer overlooked the handrail needed on the sidewalk.	\$6,204.74
37	To pay for additional wall height needed to create a bench area as shown in the plan details. Additional concrete and brick were required to complete the work as intended.	\$20,736.43
38	To pay for high strength early gain concrete and cement stabilized base at the alley by the Veterinarian Clinic to allow heavy delivery trucks to use the service alley while That Way was being replaced.	\$11,649.60
TOTAL		\$110,233.17

Councilmember Singhania asked if there was a way to indicate there are speed tables downtown so motorists are not taken by surprise. Mr. Aguirre stated signs could be installed.

Councilmember Broaddus motioned to approve change orders 27-38 for an increase of \$110,233.17 for Phase 3 of the Downtown Revitalization Project, seconded by Councilmember Singhania with all present members voting “aye,” the motion carried.

DISCUSS AND CONSIDER AN AGREEMENT FOR THE DONATION OF PARK PROPERTY AND FM 2004 PROPERTY IN EXCHANGE FOR THE CONSTRUCTION OF THE AZALEA STREET EXTENSION - MODESTO MUNDO.

The Texas Dow Employees Credit Union (TDECU) has offered to donate approximately three acres of property adjacent to Oak Drive and the current TDECU site near FM 2004. The donation will include an open space with trails and outdoor event amenities.

In exchange for the donation, the city will construct the extension of Azalea from Circle Way to Center Way; assume maintenance of the open space and structures for 20 years; improve parking along Circle Way; and improve pedestrian crossing at Oak Drive to the new TDECU-City Centre Site.

The city’s estimated commitments and funding sources are noted in the table below:

	<i>General Projects Fund</i>	<i>½ Cent Economic Development Fund</i>	<i>Community Development Block Grant (CDBG)</i>
<i>Azalea Extension (Circle Way to Center Way)</i>		\$490,734	
<i>Phase 1 Parking</i>		\$100,000	\$230,000
<i>Pedestrian Crossing Improvements at Oak Drive</i>	\$100,000		
<i>Subtotal</i>	\$100,000	\$590,734	\$230,000

EXECUTIVE SESSION – Mayor Roznovsky adjourned into executive session at 8:07 p.m.

RECONVENE AND TAKE ACTION ON EXECUTIVE SESSION Mayor Roznovsky reconvened to open session at 8:35 p.m. to consider an agreement for the donation of park property and FM 2004 property in exchange for the construction of the Azalea Street extension.

Councilmember Singhania motioned to authorize the city manager to execute the agreement with TDECU as per the document drafted with the three changes listed below:

1. Section 1.5 - Council will ask for the property on FM 2004 to be donated within 36 months and not 48 months.
2. Section 2.1.5 – There is a \$1 million reimbursement for the road if the donation failed. The council has asked to identify the commitment to the parking lot if the city should construct it before the donation, in case it fails the reimbursement would not exceed \$500,000.
3. Exhibit D-1 item 11 – Changing one of the buildings from a civic center to a civic building.

Councilmember Blanchard seconded the motion with all present members voting “aye,” the motion carried.

STAFF UPDATES

City Manager updates:

- The customer convenience center is now open with the new road.
- The chlorine conversion is to be complete by June 27th.
 - Councilmember Singhania said the conversion this year is coming along very well with little to no spikes.

Council meeting action item summary:

- Notify BWA of the appointment of Mr. Koch as the LJ Representative.
- The City Council is to send individual expectations to Mr. Koch.
- Ms. Russell will come back with wording for the parkland dedication fees when Chapter 90 comes back.
- Staff will bring back the Freese and Nichols contract once it has been negotiated.
- Install speed table signs downtown.
- Remove traffic counters on N. Yaupon.

CONSTRUCTION UPDATES

Mr. Aguirre gave an update on construction updates.

Ms. Hyden gave an update on Recreation projects.

ITEMS OF COMMUNITY INTEREST

- Mayor Roznovsky received an email from a resident complimenting the city sanitation department employees and said they are doing a very good job considering the conditions outside workers are dealing with.
- Reminder of Fridays, Summer concert series.

ADJOURNMENT

There being no further business, this meeting adjourned at 8:53 p.m.

These minutes read and approved this 3 day of July 2023.

Sally Villarreal, City Secretary

Gerald Roznovsky, Mayor