

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, July 18, 2022, 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
Rhonda Seth, Mayor Pro-Tem
Matt Broaddus, Councilmember
Vinay Singhania, 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
Robin Hyden, Parks, and Rec Director
James Bryson, Finance Director
Sabrina England, PW Director
Chris Anderson, Asst. Police Chief
David Walton, Building Official
Milford John-Williams, Asst. to the CM
Lora-Marie Bernard, PIO

PLEDGE OF ALLEGIANCE

Councilmember Broaddus led the pledge of allegiance.

INVOCATION

Councilmember Baker led the invocation.

VISITORS COMMENTS

There were no visitor comments.

PRESENTATIONS

Ms. Hyden introduced Matthew Cohen, General Manager at New Wilderness Golf Course.

Mr. Cohen introduced himself and shared his background.

Mr. Bryson presented the City's Investment Report as of June 30, 2022.

DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

CONSENT AGENDA

1. Approval of minutes – July 5, 2022
2. Accept Board and Commission minutes:
 - a) Planning Commission 060722
 - b) LJDC 060822 and 070722
3. Accept resignation from Traffic Commission member Brad Whitehead

4. Award Bid No. 22-06-007 for Annual Electrician Services to Brazosport Electric with an hourly service call rate of \$80.00 an hour
5. Award bid to Brothers Electric Company for the Tank Mixer Improvements project in an amount not to exceed \$331,392

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 – July 5, 2022 - *approved*
2. Accept Board and Commission minutes: *accepted*
 - a) Planning Commission 060722
 - b) LJDC 060822 and 070722
3. Accept resignation from Traffic Commission member Brad Whitehead – *accepted*
4. Award Bid No. 22-06-007 for Annual Electrician Services to Brazosport Electric with an hourly service call rate of \$80.00 an hour - *awarded*
5. Award bid to Brothers Electric Company for the Tank Mixer Improvements project in an amount not to exceed \$331,392- *awarded*

DISCUSS AMENDING CHAPTER 10 ANIMALS OF THE CODE OF ORDINANCES TO LIMIT THE NUMBER OF ANIMALS ALLOWED PER HOUSEHOLD

Bobbi Krihwan – 420 Garland #216

Ms. Krihwan was present to represent her parents who live at 105 Pin Oak.

Mr. Krihwan stated her parents' neighbor still has 15 dogs. They are the only ones being affected by the dogs next door because no one lives on the other side. Ms. Krihwan asked if there was a way to amend the current code to limit the number of dogs allowed per household and help citizens.

Ms. Krihwan felt that 15 dogs is too many dogs for one household to have.

Mr. & Mrs. Dougherty – 103 Pin Oak

Mrs. Dougherty stated she came to council in February asking for help.

The neighbor now has 15 dogs, three cats and puppies. These dogs bark constantly and causes them lack of sleep. Their daughter, Ms. Krihwan has started helping her parents with chores around the house. They feel like they are living next to a dog pound.

Mr. Dougherty stated he has lived there 43 years. He asked if everything is up to code with the dogs. The dogs bark at him and his wife when they go to the side of the house. He stated there were a lot of black garbage bags lined up and down the fence line which he felt is matter from the dogs. He stated the dogs are very noisy at all hours of the day and night. Mr. Dougherty would appreciate councils help in finding a resolution.

Councilmember Broaddus asked about the noise ordinance. Ms. Russell stated the noise ordinance pertains to the construction hours.

Mr. Walton stated that staff has been out on several occasions. They have been inside the home and the back yard. They did not witness any violations during their visits. The grass has been mowed and other unsightly issues have been taken care of.

Mr. Walton stated that during his visits, the dogs did bark but not more than a few minutes. The dogs respond well to the owner. The dogs are a medium size. Code enforcement has observed a large number of animals, but they have not seen any indication that the animals are being sold. Mr. Walton and Ms. Doyle said the animals are very well cared for.

Chief Kibodeaux confirmed the number of animals at 105 Pin Oak. The humane department has reported that the animals are being fed, have clean water and are being taken care of. The owner has veterinarian records for all the animals. The dogs do bark when they see a stranger, but it does not last long.

Mr. Mundo stated the resident is in compliance with all the ordinances. There are no violations known at this time and there is no evidence that the owner is running a kennel. The dogs appear to belong to the neighbor. Mr. Mundo also confirmed that the SPCA is not working with the owner at 105 Pin Oak.

Chief Kibodeaux shared that nuisance complaints are the hardest to address. What is bothersome to one person may not be to another. Chief Kibodeaux also agreed that there are no violations at this time.

Mayor Roznovsky noted a case of a home with a lot of cats, but it also affected health. The smell of urine could be smelt outside. This house was investigated and an environmental cleaning had to be completed.

Mayor Roznovsky shared several stories of neighbors who have a large number of animals. There are people who take very good care of many animals and there are some who can't handle one. Mayor Roznovsky noted it is difficult setting a limit and where to draw the line. These type of cases are typically handled through the nuisance ordinance. Another challenge is for people who foster animals who already have their own animals.

Councilmember Blanchard noted it if a limit were put into place, it would be difficult to enforce.

Councilmember Seth stated she lives next to someone who fosters dogs. The neighbor takes very good care of the animals. She did not feel the animals are the problem, but more of the owners. Councilmember Seth encouraged the Dougherty's to call the police department at 2:00 a.m. if there is a problem.

Ms. Krihwan stated they have recently installed surveillance cameras.

Councilmember Seth asked staff if they have the tools to address this issue.

Chief Kibodeaux said it is difficult because they do not live next to the dogs. He agreed that is a lot of animals. The cameras will be very helpful if it were to go before a judge.

Mrs. Dougherty said she is afraid to call in fear of something happening to her. Her goal is for council to find something to do going forward.

Mayor Roznovsky informed Mr. & Mrs. Dougherty and Ms. Krihwan that council can bring this item back if they would like to discuss further.

DISCUSS AND CONSIDER REQUEST FROM DHK DEVELOPMENT TO ALLOW FOR AN ADDITIONAL 30-FT CURB CUT AT OYSTER CREEK DRIVE FOR A RIGHT IN, RIGHT OUT COMMERCIAL DRIVE INTO A 4.3 + ACRE COMMERCIAL PARCEL BETWEEN THE ADJOINING KROGER'S COMMERCIAL SHOPPING CENTER AND THE WOODSHORE COMMUNITY DRIVE

Mr. Mundo shared history on the development. Initially there were to be three driveways on Dixie Drive and two driveways on Oyster Creek Drive along with a traffic light. As the property developed the outparcel separated from the Kroger development. There is not a secured cross access agreement. The owner has now made a request for a curb cut or a driveway out on the property. DHK Development has come up with a right in and right out only. The Planning Commission is concerned about a lot of U-Turn traffic.

Doug Konopka- DHK Development.

Mr. Konopka is requesting the curb cut. He explained the 4-acres were initially part of the development. Mr. Konopka stated his company developed the Woodshore residential development but not the Woodshore Marketplace development. He stated that land was sold to Sencore and they did the commercial development. He also stated the 4-acre tract it is bordered by the residential areas of Woodshore on the south and east. There are three lots platted where home construction will start soon. This is all part of section 1. This was platted and under development by the time Sencore decided they would not go forward with the purchase of the 4-acre tract. The tract was initially part of the entire commercial development. The studies that were completed anticipated that the 4-acres would be served with the rest of the development curb cuts and traffic signal. He also stated that they anticipate three users on the 4-acre tract. Mr. Konopka stated DHK paid for the initial traffic study.

There is not a designated parkway on the property, just a right of way. Mr. Konopka stated they have instituted a 40-ft. setback so there is a 40-ft. green setback from the right of way line to the back. The intention is to continue the 10-ft. sidewalk to the end of his property. This would be maintained by him. The new car wash coming is buying the 40-ft. but they are not allowed to build on it.

There was discussion about the cuts and how it may cause excessive U-turns.

Mr. Mundo asked Mr. Snipes asked about the fire code and if there is a requirement for a second entrance to the property. Mr. Snipes stated that is one of the variables they are using to attempt the cross-access agreement between the two parties. He believed the fire code will require a second access.

Councilmember Singhania stated he is concerned about U-Turns becoming a big problem. His suggestion is to send to the Traffic Commission and have them make a recommendation.

Mayor Roznovsky suggested taking this back to their Traffic Engineer for their professional recommendation.

Councilmember Blanchard suggested using his property for the cut through. Mr. Konopka stated he had this discussion with the HOA, and they were very much against direct access coming into the community.

Councilmember Blanchard was against granting the access when a Lake Jackson business was denied a similar request.

Councilmember Seth agreed with Councilmember Blanchard and would not feel comfortable agreeing to any type of cuts without a traffic study.

Councilmember Singhanian and Councilmember Baker are concerned the traffic could get backed up.

Mayor Shiflet stated the City of Clute would make certain that emergency vehicles would have access to the property even if it meant legal action. There will be a cross access at some point.

Mr. Mundo suggested to Mr. Konopka to involve the Traffic Engineer and ask what the best access to the property is via either Oyster Creek Drive and/or the Kroger site and give advice on the best option.

Mr. Sanchez shared a little history regarding the cross-access and traffic study.

Mayor Roznovsky informed Mr. Konopka that council would like to see another traffic study completed and brought back with the engineer's recommendations so council can make a decision.

DISCUSS AND CONSIDER STREAMING OF CITY COUNCIL MEETINGS EQUIPMENT AND GUIDELINES

Mr. Mundo informed council that equipment would be ordered soon. He asked for guidance on where they would want the cameras placed and setting guidelines for streaming future meetings. City Council needs to define how meetings will operate.

Mayor Roznovsky noted that the goal is to keep it simple but improve the quality and features such as the indexing that will be very helpful. He gave examples of meetings he had attended with different camera setups. He believes simplicity over complexity is best if staff would need to run the meetings.

After discussion, council agreed to setting up three cameras with one facing the podium.

Mr. Mundo talked about the video conferencing options.

Mayor Roznovsky noted that for video conferencing the requirements are more stringent than just phoning in. When it comes to the display size of the individual conferencing in, it must be large enough for the public in attendance to view their expressions. The screen would need to be larger than a standard monitor.

Mr. Mundo stated this would be the guideline for council only and no other board and commissions. Mayor Roznovsky shared that he has spoken to other governing bodies, and they have all converted back to face-to-face meetings. He also noted that meeting dates can be changed if necessary.

Councilmember Blanchard cited Government Code Section 551.127 discussing video conferencing. He did not want to see this option taken away from any of the councilmembers.

The way council meetings are operated would be decided by city council. This would not require charter amendments.

Mayor Roznovsky stated that video conferencing is more complex. The statute states that if a member video conferences in and the feed is lost, the meeting will need to be recessed. If the feed is not reestablished within six hours, the meeting would have to be adjourned. This keeps someone from accidentally manipulating a meeting from the outside.

Mayor Roznovsky said if this is something that council wants to move forward with, then council needs to work within the guidelines and make changes to the current operations.

Agendas will need to reflect a video conferencing. His assumption was that when council moved away from Covid, council would return to standard face to face meetings. He asked council to decide if they wanted to have that capability, if so, it can be worked into the process.

Councilmember Broaddus asked Ms. Russell about the requirements for video conferencing. Ms. Russell stated the person needs to be heard and seen. A councilmember could call and listen in but would not be able to say anything or be counted present.

Councilmember Seth asked how often this has been utilized. Mr. Mundo stated it was done when Covid started and with Mayor Sipple. The mayor must be physically present to facilitate a meeting. The mayor cannot zoom in and run a meeting as a presiding officer.

There was discussion about the Texas Government Code Section 551.127.

Only two councilmembers can zoom in at a time. A quorum must be physically present. If a physical quorum cannot be met, then the meeting date would need to change.

Mr. Mundo stated that if a councilmember requests to video conference in, staff will work to accommodate the request.

Councilmember Blanchard believes the video conferencing is working well and does not want to see the option taken away.

Mr. Mundo stated staff would work through the video conferencing details.

Councilmember Baker suggested putting a limit on how many times a councilmember is allowed to zoom in. Councilmember Singhania agreed with Councilmember Baker to set a limit.

Councilmember Seth suggested moving forward with the way things are being handled now. If there are problems, then it should be revisited.

Mayor Roznovsky suggested a cut off of 72 hours. If someone finds out within the 72 hours of the agenda being posted, video conferencing should not be allowed. Everyone should know in most cases if they will be available for the meeting.

There was discussion regarding agenda posting requirements. It was determined that each agenda could have special wording covering a councilmember in case something came up and they would not be physically present.

RATIFY EMERGENCY REPAIRS FOR PD DISPATCH, EMERGENCY OPERATIONS CENTER, AND MUNICIPAL COURT CHILLER UNIT TO DIGITAL AIR CONTROLS IN AN AMOUNT NOT TO EXCEED \$115,954

Mr. Mundo informed council this is an unforeseen circumstance and only Digital Air Controls can fix this air condition.

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting "aye," the emergency repairs for PD Dispatch, Emergency Operations Center and Municipal Court chiller unit to Digital Air Controls in an amount not to exceed \$115,954 was approved.

APPROVE RESOLUTION NO. 899 AMENDING THE GENERAL PROJECT FUND FOR REPAIRS TO THE PD AC IN AMOUNT OF \$85,000

On motion by Councilmember Singhania, seconded by Councilmember Blanchard with all present member voting "aye," Resolution No. 899 amending the General Project Fund for repairs to the PD AC in an amount of \$85,000 was approved.

APPROVE CHANGE ORDER 1 AN INCREASE OF \$39,699.57 FOR NORTH PARKING PLACE FAÇADE RENOVATION FOR PHASE 3 OF THE DOWNTOWN REVITALIZATION PROJECT

Ms. Borth stated this is the only change order for this project.

Downtown Revitalization Project

Contingency Beginning Balance: \$1,090,079.00

Remaining Contingency as of today (approximate): \$712,365.52

Canopy Removal Sub-Project

Original Project Contract: \$279,000.00

Change Order 1: \$54,699.57

Contract Contingency: \$15,000.00

New Contract Sum w/ Change Order: \$318,699.57

Total Project Contingency Balance after Sub-Project Change Order (approximate): \$672,665.95

Staff recommends approval for Change Order 1 as we agree with the modifications to structural framing made due to unforeseen conditions of the buildings during and following canopy removal.

Mr. Mundo stated most change orders are completed in the field to keep the work moving. This is the only change order for this work.

On motion by Councilmember Seth, seconded by Councilmember Broaddus with all present member voting "aye," the change order one an increase of \$39,699.57 for North Parking Place façade renovation for Phase 3 of the Downtown Revitalization Project was approved.

AWARD RFP 22-06-001 DISASTER DEBRIS MANAGEMENT AND MONITORING TO THOMPSON CONSULTING SERVICES WHO SUBMITTED THE BEST PROPOSAL AS RECOMMENDED BY THE EVALUATION COMMITTEE

Ms. England stated the current contract is up. Ms. England is recommending awarding the bid to Thompson Consulting.

Mr. Mundo stated this service is required if there are reimbursement submittals for debris to FEMA.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present member voting "aye," the Disaster Debris Management and Monitoring RFP# 22-06-002 was awarded to Thompson Consulting Services.

APPROVE REPAIR OF SEWER MAIN NEAR UNCOMMON MARKET WITH CZ CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$100,000

Ms. Borth stated staff has spoken to the owner of the Uncommon Market and they are aware and willing to work with the city.

Mr. Aguirre explained how this will help the overflow of the system upstream.

Councilmember Singhania asked where money would come from if there are more change orders downtown. Mr. Mundo stated there is \$498,000 from Covid funds that was recommended for the wastewater treatment plant. He recommended holding off and having that as a safety cushion till this project is near complete.

Mr. Aguirre noted that only 37% of the contingency monies have been used and 40% of the downtown project is complete. Moving forward, all the work is above ground. There should not be many surprises, therefore Mr. Aguirre is confident the balance of the contingency will cover any unforeseen issues.

Mayor Roznovsky asked about the risk of busting pipe and possible effects to businesses.

Mr. Aguirre stated they will be doing impact pipe bursting, but static pipe bursting without any impacts for certain areas. Mr. Aguirre stated the group that has been selected for the impact pipe bursting is very reputable.

On motion by Councilmember Baker, seconded by Councilmember Seth with all present member voting "aye," the repair of the sewer main near Uncommon Market with CZ Construction in an amount not to exceed \$100,000 was approved.

DISCUSS AND CONSIDER PROPOSED FY 2023 ANNUAL BUDGET AND GIVE DIRECTION TO STAFF

Mr. Mundo stated the only cost item is new vest for the police department at approximately \$11,200. The budget remains the same.

Ms. Borth stated when the budget is adopted, it also includes the strategic plan.

CONSTRUCTION UPDATES

Ms. Borth stated the next meeting with the downtown businesses is Thursday, July 28, 2022.

Mr. Aguirre updated council on the construction projects.

ITEMS OF COMMUNITY INTEREST

- Mayor Roznovsky noted the traffic commission opening. The new applicant information will be sent out to all councilmembers to review before the August 1, 2022, meeting where the appointment will be made.
- Mayor Roznovsky shared that he and Mr. Mundo did a walk through at the Recreation center and noted the lighting is in bad shape and needs to be addressed right away.
- Mayor Roznovsky touched on the façade improvement options.

ADJOURNMENT

There being no further business the meeting adjourned at 8:59 p.m.

These minutes read and approved this 1st day of August, 2022.

Gerald Roznovsky, Mayor

Sally Villarreal, City Secretary