

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the City Council of Lake Jackson met on Monday, October 16, 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  
Rhonda Seth, Councilmember  
Vinay Singhania, Councilmember

Riazul Mia, Assistant City Manager  
Sherri Russell, City Attorney  
Sally Villarreal, City Secretary  
Sal Aguirre, City Engineer  
Milford John-Williams, Asst. to the City Manager  
Sabrina England, Public Works Director  
James Bryson, Finance Director  
Robin Hyden, Parks Director  
Paul Kibodeaux, Police Chief  
Lora-Marie Bernard, Public Information Officer

#### PLEDGE OF ALLEGIANCE

Councilmember Seth led the pledges.

#### INVOCATION

Councilmember Baker led the invocation.

#### PRESENTATIONS

Mayor Roznovsky proclaimed October as Alzheimer's Awareness Month. Ms. Barre was present to accept the award and announced opportunities and events for Alzheimer's and Dementia awareness.

Wes Copeland presented the Annual Brazosport Fine Arts Council Report and thanked the city for their support.

Texas A&M AgriLife Extension Service – No one was present for this presentation.

Lora-Marie Bernard shared the Scenic City Bronze Award and explained its significance and how it is obtained.

#### VISITOR COMMENTS

There were none.

#### DECLARATION OF CONFLICTS OF INTEREST

There were none.

## CONSENT AGENDA

1. Approval of minutes – October 2, 2023
2. Accept board and commission minutes:
  - a. Charter – 092623
  - b. Planners – 090623
  - c. LJDC - 062923
  - d. Traffic - 080823
3. Renew the Interlocal Agreement with Brazoria Stormwater Coalition for the Regional Stormwater Management Program in an amount not to exceed \$75,000 for five years as budgeted.
4. Authorize the City Manager to execute a contract with Game Time c/o Cunningham Recreation for new playground equipment at Jasmine Park through the BuyBoard Contract #592-12 not exceeding \$279,729 as budgeted.
5. Approve Resolution No. 929 adopting the city's investment policy with no changes for FY 23-24.
6. Approve Resolution No. 930 amending the Economic Development Fund for FY 23-24 for repairs to the Outdoor Pool at Madge Griffith Park in the amount of \$100,000.
7. Authorize Phase II of the contract in the amount of \$175,000 to LSPS for the Lead and Copper line identification with GIS location as mandated by the US Environmental Protection Agency (EPA). The total contract amount with this phase is \$350,000.
8. Authorize the City Manager to execute a contract with Progressive Commercial Aquatics under the BuyBoard Purchasing Contract #701-23 for the Outdoor Pool plastering at Madge Griffith Park not to exceed \$100,000.

*On motion by Councilmember Seth, seconded by Councilmember Singhania with all present members voting "aye," consent agenda items 1-8 were approved as follows:*

1. Approval of minutes – October 2, 2023 - **Approved**
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5. Approve Resolution No. 929 adopting the city's investment policy with no changes for FY 23-24. - **Approved**
6. Approve Resolution No. 930 amending the Economic Development Fund for FY 23-24 for repairs to the Outdoor Pool at Madge Griffith Park in the amount of \$100,000. - **Approved**
7. Authorize Phase II of the contract in the amount of \$175,000 to LSPS for the Lead and Copper line identification with GIS location as mandated by the US Environmental Protection Agency (EPA). The total contract amount with this phase is \$350,000. - **Approved**
8. Authorize the City Manager to execute a contract with Progressive Commercial Aquatics under the BuyBoard Purchasing Contract #701-23 for the Outdoor Pool plastering at Madge Griffith Park not to exceed \$100,000. - **Approved**

DISCUSS THE TEMPORARY CLOSURE OF THE SEABREEZE LANDFILL AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY NECESSARY SHORT-TERM CONTRACTS FOR WASTE DISPOSAL SERVICES

Dave Matthews – District Manager of Waste Connections

Mr. Matthews explained that during the torrential rains, they started seeing cracks in the ground at the landfill early in the month. As these cracks began growing, they considered safety and shut down operations at the landfill. They moved all the waste out including transfer waste, internal waste, and city waste.

Once the operation was shut down, part of the hill moved within that night. Over the next 36 hours, it continued to move. A third-party engineer was brought in to study the situation to ensure everyone was safe before operations were back up. Mr. Matthews stated they are getting closer, but there is no firm date on when it will reopen. He noted they hope to have an answer by the end of the week. It will be opened on a smaller scale for some cities and surrounding customers. The regular operations will not open till after the beginning of the year.

Mr. Matthews said commercial, residential, and some industrial waste will be taken in. He also noted that Sprint can come back in for the city.

Mayor Roznovsky asked about the failing cell and the new cell.

Mr. Matthews noted they are in the middle of constructing cell #17. They plan to open the first half of cell #17 by mid-December. The new cell is 14 ½ acres.

Mr. Matthews explained what a cell is. It's basically a big, lined bowl where nothing can get through the bottom of the landfill to protect the environment.

Ms. England explained Seabreeze has continued to honor the contract. The city has incurred additional costs from staff overtime, truck wear and tear, and fuel costs. Ms. England mentioned taking the sludge to a different landfill because the landfill on the Beltway is not taking it. She did not have a cost estimate at the time. This landfill is about the same distance as Blue Star on the Beltway, just in a different direction. She also noted that Sprint will be a considerable cost because they are forced to go to another landfill. Ms. England pointed out that city staff has taken some of the waste to help keep the Sprint costs down.

Mayor Roznovsky asked if there is a long delay, such as with the Sprint material, would the city try to absorb the cost as much as possible, or are we looking at an increase in rates?

Mr. Mia stated that if this situation continues through December and January, it will return to the council for discussion.

Councilmember Seth asked if the city is still servicing the construction roll-offs. Mr. Mia replied that all services have continued.

Mr. Matthews stated they offered a discounted rate of one dollar per yard for residential and commercial to help defray some of the costs.

Mayor Roznovsky stated his concern is the equipment. Ms. England replied that this is a concern since some of the equipment is getting toward the end of life.

The city is scheduled to have the two new rear-loader garbage trucks, with one next week and the other is expected by Thanksgiving. An additional two have been ordered and should be here next year. Currently, the city operates five residential trucks, three commercial trucks, and two recycling trucks.

Mr. Mia stated a proposal would be returned to the city council to purchase another commercial truck. The orders are taking anywhere from 18 months to two years to get. It is advised to order one because all three trucks are getting old.

Councilmember Singhania thanked Ms. England for her work.

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting “aye,” the city manager was authorized to execute any necessary short-term contracts for waste disposal services.

DISCUSS WHETHER TO RELEASE A PORTION OF THE CITY’S EXTRATERRITORIAL JURISDICTION TO THE CITY OF BRAZORIA

Mr. Mia explained the overlapping of the ETJ. He noted a part of the area where the city already has a contract with the county, and the city is no longer regulating it.

Mr. Aguirre reviewed a map illustrating where the ETJ is overlapping. He noted the only thing the city has in the ETJ (according to state law) is the subdivision authority over the ETJ area. The city cannot zone or regulate construction. The city has delegated that area to the county. The county now regulates any subdivision that occurs on the other side of the river.

Mr. Aguirre stated the city of Brazoria came to the city requesting for the city to surrender the portion that overlaps with theirs.

Councilmember Seth asked if this has already been delegated to the county and if they need to discuss it with the county.

Jorge Reyna – Attaco Engineering

Mr. Reyna explained the process that happens with the cities. The cities will visit the county to see if they need to update their local agreement to encompass new land. He stated each city would receive a call from the county for verification that the city would no longer regulate the land.

Ms. Russell noted the cities are getting their pieces together to submit to the county. She also said she would bring back an ordinance.

There is an estimated 435 acres, according to the Brazoria County online map.

The City Council directed Ms. Russell to draft an ordinance.

DISCUSS AND CONSIDER HIRING A CONSULTANT TO ASSIST IN APPLYING FOR FLOOD CONTROL GRANTS

Mr. Mia explained the dollars that are coming to the State of Texas. He advised applying for some of these dollars.

He noted the application will open in January, and staff would like to hire a consultant to see where the city can qualify for some of these funds.

There will be a request for proposals to obtain a consultant.

Mr. Mia noted in his experience the city can pay for the design, and the grant can cover the construction.

Councilmember Seth noted her concerns with strings attached to grant money. She wanted to make sure that was not overlooked.

Mr. Mia stated this would come back to the City Council with a resolution; at this time, staff is just asking for approval to hire a consultant.

Councilmember Seth would like to set a dollar limit for the consultant.

The City Council agreed to allow staff to hire a consultant to assist in applying for flood control grants.

APPROVE THE SUBMITTAL OF MEDICAL DRIVE ASPHALT REPAIRS FOR THE 2024 REQUEST FOR ROAD CONSTRUCTION PROJECTS WITH BRAZORIA COUNTY IN AN AMOUNT NOT TO EXCEED \$120,000

Mr. Aguirre stated this is the annual request for projects from the county. He explained that the list the city is submitting for 2024 will include a reclamation of the road bid with the asphalt portion left on the Medical Drive corridor. This came about from the Dow work surge back in 2010. The city agreed to do something, and Dow partnered with the city with money.

The \$120,000 is an estimate based on material costs. The \$120,000 will replicate the project on Southern Oaks Drive.

Councilmember Singhania suggested asking Dow if they would contribute to the cost since they are keeping the gate open and are the most significant users of the road.

Mayor Roznovsky noted the gate is open for projects. After the initial period, the blacktop road was going to be cemented or closed and go back to two lanes. Medical Drive is used by more people than just Dow traffic. If the city went back to two lanes, there may be feedback from the community.

Councilmember Baker motioned to approve the submittal of Medical Drive asphalt repairs for the 2024 request for road construction projects with Brazoria County in an amount not to exceed \$120,000, seconded by Councilmember Broaddus with all present members voting "aye," the motion carried.

Mr. Mia noted that the staff will send a formal letter to Dow asking for a contribution.

## QUARTERLY FINANCIAL AND INVESTMENT REPORT

Mr. Bryson went over the Quarterly Financial and Investment Report.

Mr. Bryson noted a couple of corrections to the report. The date of the water-sewer billing analysis report was incorrect. The total water sales were \$6.3 million, and sewer sales were \$5.9 million year to date, October 1<sup>st</sup> through September 30<sup>th</sup>. This is an improvement over last year.

Mayor Roznovsky noted that after the Azalea project is complete, the 2014 bond will be closed, followed by the 2016 Downtown Revitalization bond being closed.

## APPROVE CHANGE ORDERS 39-44 FOR AN INCREASE OF \$33,163.56 FOR PHASE III OF THE DOWNTOWN REVITALIZATION PROJECT

Mr. Aguirre noted this is next to the last batch of change orders for the downtown revitalization project. He stated there is still one remaining item, estimated at \$75,000. This item is still under discussion. There was a discussion about the change order for Downtown Tacos.

On motion by Councilmember Singhania, seconded by Councilmember Seth with all present members voting "aye," the change orders 39-44 for an increase of \$33,163.56 for Phase III of the Downtown Revitalization Project was approved.

## STAFF UPDATES

City Manager updates:

- Mr. Mia announced that Ms. England will be leaving at the end of the month, and Ms. Webb will be the acting Interim Public Works Director. The position has already been advertised.

Council meeting action item summary:

- Send a letter to Dow to see if they are interested in funding Medical Drive.
- Ordinance for ETJ change from Ms. Russell.

## CONSTRUCTION UPDATES

Mr. Aguirre gave construction updates and noted bids that were going out for projects.

Councilmember Baker noted a citizen was concerned about the darkness on Huisache Street by Fern Court.

## ITEMS OF COMMUNITY INTEREST

- Councilmember Seth – KLJB shred day November 4<sup>th</sup>.

## ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m. These minutes were approved on the 6th day of November 2023.

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Sally Villarreal, City Secretary

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Gerald Roznovsky, Mayor