

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the City Council of Lake Jackson met on Monday, November 6, 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
Vinay Singhania, Councilmember
Rhonda Seth, Councilmember
Matt Broaddus, Councilmember (6:43 p.m.)

Modesto Mundo, City Manager
Riazul Mia, Assistant City Manager
Sherri Russell, City Attorney
Ana Acuña, Assistant City Secretary
Sal Aguirre, City Engineer
Nicholle Wilson, Assistant City Engineer
Milford John-Williams, Asst. to the City Manager
Lora-Marie Bernard, Public Information Officer
Debra Webb, Interim Public Works Director
James Bryson, Finance Director
Robin Hyden, Parks Director
Paul Kibodeaux, Police Chief

PLEDGE OF ALLEGIANCE

Councilmember Singhania led the pledges.

INVOCATION

Mayor Roznovsky led the invocation.

PRESENTATIONS

Texas A&M AgriLife Extension Service

Kimberly Mayer – Horticulture Agent

Ms. Mayer shared an overview of AgriLife Extension and presented Mayor Roznovsky with a certificate of appreciation for his participation in the Strawberry Jamboree that was held on September 29th.

Mayor Roznovsky stated that it is a great program and mentioned recent events.

Councilmember Baker complimented their program.

Councilmember Seth asked how one gets certified. Ms. Mayer noted the required courses.

VISITOR COMMENTS

There were none.

DECLARATION OF CONFLICTS OF INTEREST

There were none.

CONSENT AGENDA

1. Approval of minutes – October 16, 2023
2. Accept board and commission minutes:
 - a. KLJB – 091923
 - b. Charter – 101023
3. Approve Interlocal Agreement IS24-0005 with Brazoria County for repair of asphalt lanes on Medical Drive.
4. Approve Interlocal Agreement IS24-0008 with Brazoria County to overlay the parking lot at Madge Griffith Park.
5. Approve a contract with BISD for two bus drivers to transport patrons from the Recreation Center to the Lake Jackson Police Department for the Festival of Lights in an amount not exceeding \$1,000.
6. Resolution No. 931 approving a budget amendment for a police equipment grant in the amount of \$5,000 for the Southeast Texas Housing Finance Corporation.

On motion by Councilmember Singhania, seconded by Councilmember Baker with all present members voting “aye,” consent agenda items 1-6 were approved as follows:

1. Approval of minutes – October 16, 2023 – **Approved**
2. Accept board and commission minutes: – **Accepted**
 - a. KLJB – 091923
 - b. Charter – 101023
3. Approve Interlocal Agreement IS24-0005 with Brazoria County for repair of asphalt lanes on Medical Drive. – **Approved**
4. Approve Interlocal Agreement IS24-0008 with Brazoria County to overlay the parking lot at Madge Griffith Park. – **Approved**
5. Approve a contract with BISD for two bus drivers to transport patrons from the Recreation Center to the Lake Jackson Police Department for the Festival of Lights in an amount not exceeding \$1,000. – **Approved**
6. Resolution No. 931 approving a budget amendment for a police equipment grant in the amount of \$5,000 for the Southeast Texas Housing Finance Corporation. – **Approved**

APPROVE THE FIRST READING OF ORDINANCE NO. 2278 TO RELEASE A PORTION OF THE CITY’S EXTRATERRITORIAL JURISDICTION TO THE CITY OF BRAZORIA

Ms. Russell mentioned that the first reading had all the items discussed at the previous meeting. She stated it is noting the City of Brazoria can have the small section of the ETJ in accordance with the local government code.

Mr. Mundo read the ordinance caption.

On motion by Councilmember Seth, seconded by Councilmember Baker with all present members voting “aye,” the first reading of Ordinance No. 2278 was approved to release a portion of the city’s extraterritorial jurisdiction to the City of Brazoria.

This item will return as a second reading on the November 20th council agenda.

APPROVE RESOLUTION NO. 932, CASTING 43 VOTES FOR CANDIDATES FOR THE BOARD OF DIRECTORS OF THE BRAZORIA COUNTY APPRAISAL DISTRICT

Mayor Roznovsky recalled that at the previous council meeting, the city council agreed to nominate Gail Robinson and Glen Jones. It is now time to cast the votes (43).

Councilmember Seth motioned to cast all 43 votes for Glen Jones, and Councilmember Baker seconded the motion.

Councilmember Singhania noted there are two candidates and felt the votes should be split between the two.

Councilmember Singhania motioned to amend the motion to split the votes between the two approved candidates by casting 21 votes for Gail Robinson and 21 for Glen Jones, leaving one vote unused.

The amended motion failed due to a lack of a second, therefore, going back to the original motion with all 43 votes cast for Glen Jones.

Councilmember Blanchard stated he would vote against it because he did not want to vote for anyone.

Councilmember Singhania agreed with Mr. Blanchard and felt Ms. Robinson should not be to blame for the increase in appraisals. He shared that she has done what she can.

Councilmember Seth stated the appraisal board strongly impacts the appraised rates because they appoint a chief appraiser and hold them accountable. She felt that Ms. Robinson had never benefited from the appraisals, but she was concerned with anyone in the industry who could benefit from higher appraisals.

A vote was held on the initial motion to cast all 43 votes for Glen Jones. The votes are as follows:

In favor: Councilmember Seth, Councilmember Baker, Councilmember Broaddus, and Mayor Roznovsky

Against: Councilmember Blanchard and Councilmember Singhania

The motion carried.

APPROVE RESOLUTION NO. 933 TO SUSPEND THE EFFECTIVE DATE OF CENTERPOINT GAS RATE INCREASES

Ms. Russell stated that CenterPoint Gas sent the city a notice of intent to raise prices. The city still retains its original jurisdiction and can suspend it. The coalition typically does this and hires consultants to check rates. This time, the effect needs to be investigated because cities are being lumped into one division instead of separated. If this resolution is passed, the rates will not go into effect and will go in front of the railroad commission.

Councilmember Seth asked if there would be any feedback once it goes to the railroad commission. Ms. Russell stated there would be feedback once it had been finished.

Mayor Roznovsky asked if it would return to the city council for acceptance.

Ms. Russell was not sure since it was a coalition of people. Passing the resolution would start the study process.

On motion by Councilmember Seth, seconded by Councilmember Singhania with all present members voting "aye," Resolution No. 933 to suspend the effective date of CenterPoint Gas rate increases was approved.

APPROVE CHANGE ORDERS 1-4 FOR THE BEECHWOOD CHEMICAL BUILDING PROJECT IN AN AMOUNT NOT EXCEEDING \$38,010 FOR A NEW CONTRACT AMOUNT OF \$946,453

Ms. Webb and Mr. Green with HR Green were present for this item. Ms. Webb noted the four change orders for this project.

Councilmember Singhania said as a standard industry practice when building on the Gulf Coast, windstorm requirements must be met. He stated to approve the change orders, he would recommend changing the paperwork to specifically state the windstorm requirements in bid documents and contracts to avoid this in the future.

Councilmember Seth agreed with Councilmember Singhania. She noted the change orders should have been included to begin with.

Councilmember Blanchard asked how change order No. 1 happened and how it got to this point. Ms. Webb stated the contractor hired a windstorm engineering firm that looked at the slab design and then wanted to upgrade it. This started the walls needing to be attached, the slab being tied into the walls on top and bottom, and an extra beam. For them to get it inspected at the end, the engineer has made this recommendation. It is a matter of opinion on how the foundation should have been built. Since an engineer will certify it for them, this was recommended. Mr. Green explained the changes and recommendations.

Councilmember Baker noted this should have been looked at initially. Mr. Green stated the plans were not 100% prescriptive.

Mr. Mundo noted that an extra step would be to hire the windstorm engineer, detail it out specifically, and leave no speculation going forward.

Mayor Roznovsky noted the job was spec'd out to meet windstorm inspections. He asked who was now coming in asking for a change. Is it the contractor's engineer or the inspector?

Mr. Green said the contractor, by contract, is required to build certifiable. He stated they would get the TDLR for the inspection and sign off on it. This leaves the particular contractor responsible for getting that signature.

Mayor Roznovsky asked if the contractor was supposed to build a windstorm building from the start, and now it's costing an additional \$17,000, why is the city paying that and not the contractor.

Mr. Green said this has been in discussion for six months. Councilmember Seth asked if the contractor would be willing to split the cost.

Mr. Green stated the contractor claims the plans did not detail it, but it was in the specs. He claims he followed the plans.

Councilmember Seth said his original bid did not meet windstorm requirements.

Councilmember Blanchard noted the city is stuck if the engineer does not stamp it. At this point, it needs to be completed.

There was discussion about having this in future documents to prevent this from happening again.

Councilmember Seth asked if this discussion could be tabled to the next meeting to hold the contractor accountable.

Ms. Webb noted this has been in discussion for months.

Councilmember Seth was frustrated because when this happens, the contractors get away with it because the project has already started. She said the contractor should know what the requirements are.

Mr. Mundo asked how far along this project is. Ms. Webb stated about 40% up and 85% ordered. The chemical equipment should arrive this week; the electrical is almost finished. She said they have been trying to work with the contractor for five months.

Councilmember Singhania agreed with Councilmember Seth, but this would delay the work. He asked if this would affect the chlorine conversion if it is tabled. Ms. Webb said it would not.

This is not a contractor that the city has used before, but they are also the lowest bidder for the wastewater treatment upgrade.

Councilmember Seth strongly felt that the contractor should be held responsible for the cost of the change orders, totaling \$38,006, but she would be willing to compromise and half the cost.

Mr. Mia stated that \$12,000 was a mistake on the plans asking for a 10" header, but it should have been a 12" header. He asked to approve the \$12,000 to continue with the header, and staff could discuss the rest with the contractor. Councilmember Seth was accepting of the \$12,000.

Mr. Mundo asked if Change Order No. 3 was a new item or if it was specified in the plans. It was noted that it was affected by the city and should be approved.

There was a total of two bidders. The price difference was close. Matula bid approximately \$140,000 more than the low bidder.

Mr. Mundo asked if the contractor had bid on a non-rated windstorm door. Ms. Webb replied yes, and they are asking for the upgrade cost to bring it up to Windstorm. The contractor is giving the exact cost to the city. The city would have paid for it if it were caught from the beginning.

Councilmember Singhania stated that windstorm compliance should have been included in the bid, and the contractor should pay for it.

Councilmember Seth motioned to approve change orders 2 and 3 and decline change orders 1 and 4 for the Beechwood Chemical project, seconded by Councilmember Singhania with all present members voting “aye,” the motion carried.

Councilmember Singhania stressed that it is important to ensure the documentation includes the windstorm requirements in the future.

Councilmember Blanchard suggested that if something like this happens in the future, an RCI should be done to document what happened and why and create action items in the future to keep this from happening again.

NEW BUSINESS UPDATES

Mr. Walton gave his report on new business updates.

STAFF UPDATES

City Manager updates:

- Festival of Lights: November 17th and 18th
 - Pajama Jam/flyer has been sent out.
 - In case there is rain, everyone will be notified on Saturday at noon for the parade.
 - Ms. Bernard will notify all parties (vendors/ residents/ emergency personnel).
- Chlorine Conversion Schedule - November 30th to December 14th (not the 20th).
- December 13th – tentative Police Department banquet.

Council meeting action item summary:

- The second reading of the ETJ ordinance will be at the next council meeting.
- Change orders approved 2 & 3 and declined 1 & 4.

CONSTRUCTION UPDATES

Mr. Aguirre gave construction updates.

The railings near downtown tacos should be completed by the week after Thanksgiving.

Councilmember Seth suggested partnering with KLJB in future landscaping projects.

Councilmember Singhania asked if there was an update regarding Parking Place in front of R&M. Mr. Aguirre stated there have not been any problems observed. Councilmember Singhania suggested painting the curb yellow. There was discussion about allowing people time to get used to it and what would be required to reconstruct the intersection.

ITEMS OF COMMUNITY INTEREST

- Councilmember Seth:
 - Voting is Tuesday on constitutional amendments.
 - Acknowledged Public Works and KLJB for shred day.
- Councilmember Singhania thanked Public Works for asphalt tops on road repairs.
- Mayor Roznovsky announced that the Veteran’s Day Parade is on Saturday in Angleton.
- Mr. Mundo will get the information for the parade and pass it along.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:40 p.m.

These minutes were approved on the 20th day of November 2023.

Sally Villarreal, City Secretary

Gerald Roznovsky, Mayor