

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON AUGUST 19 2019 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

The meeting was called to order by Mayor Mitcham at 7:07 p.m. with the following present:

Mayor, Andrew Mitcham	City Manager, Austin Bless
Council Member, Drew Wasson	City Secretary, Lorri Coody
Council Member, Greg Holden	City Attorney, Scott Bounds
Council Member, Bobby Warren	
Council Member, James Singleton	
Council Member, Gary Wubbenhorst	

Staff in attendance: Eric Foerster, Chief of Police; Mark Bitz, Fire Chief; Isabel Kato, Finance Director; Christian Somers, Building Official; Jason Alfaro, Director of Parks and Recreation; and Bob Blevins, IT Director.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by former Council Member, Sheri Sheppard

C. CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT

1. **Receive the adopted fiscal year 2019-2020 budget from the Jersey Village Crime Control and Prevention District (CCPD).**

Council received submission of the 2019-2020 fiscal year approved budget from the Jersey Village Crime Control and Prevention District (JVCCPD) through the Board's Secretary, Lorri Coody.

2. **Conduct a public hearing on the Jersey Village Crime Control and Prevention District's budget for the fiscal year 2019-2020.**

Mayor Mitcham opened the public hearing at 7:10 p.m. in order to give all interested parties the right to appear and be heard on the adopted fiscal year 2019-2020 Crime Control and Prevention District budget that had previously been submitted to Council by the Jersey Village Crime Control and Prevention District (JVCCPD) Directors for Council's approval.

Mayor Mitcham called upon Chief of Police, Eric Foerster, to give a summary of the 2019-2020 JVCCPD budget. Chief Foerster explained that the budget being presented includes the following 2019-2020 supplementals:

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JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT SUPPLEMENTAL EXPENDITURES FY 2019-2020									
	80-27-3585 Supplies	80-27-3523 Other Equipment	80-27-4504 Software	80-27-4599 Miscellaneous Equipment	80-27-5523 Personnel	80-27-6572 Special Equipment Account	80-27-6573 Computer Hardware	80-27-9781 Equipment Purchase Contribution	TOTAL
Medical Supplies	\$ 1,000.00								\$ 1,000.00
Taser Supplies		\$ 3,500.00							\$ 3,500.00
Thermo Handhelds		\$ 5,000.00							\$ 5,000.00
Bimoculars		\$ 1,750.00							\$ 1,750.00
Oxygen Detective Software			\$ 1,200.00						\$ 1,200.00
Audio Recorders				\$ 1,000.00					\$ 1,000.00
LED Strobe Lights				\$ 500.00					\$ 500.00
2 Additional Full Time Patrol Officers					\$ 160,000.00				\$ 160,000.00
Laser Shot Training Simulator						\$ 25,373.00			\$ 25,373.00
Bulletproof Vest						\$ 9,600.00			\$ 9,600.00
Dispatch Radio Control Computers							\$ 4,000.00		\$ 4,000.00
5 Vehicles								\$ 260,000.00	\$ 260,000.00
Total	\$ 1,000.00	\$ 10,250.00	\$ 1,200.00	\$ 1,500.00	\$ 160,000.00	\$ 34,973.00	\$ 4,000.00	\$ 260,000.00	\$ 472,923.00

With no one signing up to speak on the 2019-2020 JVCCPD budget, Mayor Mitcham closed the public hearing at 7:11 p.m. and called the next item on the agenda.

3. Consider Resolution No. 2019-50, adopting the Jersey Village Crime Control and Prevention District’s Budget for fiscal year 2019-2020.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2019-50, adopting the Jersey Village Crime Control and Prevention District’s Budget for fiscal year 2019-2020. Council Member Singleton seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2019-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE FISCAL YEAR 2019-2020 CRIME CONTROL AND PREVENTION DISTRICT BUDGET

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D. PRESENTATIONS

1. Presentation of Employee of the Month.

The Employee of the Month Program was developed to encourage recognition of Jersey Village employees who show exemplary individual achievement, contribution, and performance in their jobs. These individuals consistently exhibit a positive and supportive attitude and make contributions beyond the usual expectations of their employment.

City Manager Austin Bless presented this month's employee of the month award to Jennifer Johnson.

E. CITIZENS' COMMENTS

Citizens who have signed a card and wish to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy. Citizens are limited to five (5) minutes for their comments to the City Council.

Representative Jon Rosenthal, 7902 Swan Hallow Court, Houston, Texas (979) 264-6540:

Representative Rosenthal thanked City Council for the opportunity to address the residents. He introduced one of his workers and invited the residents to attend a town hall meeting on September 5, 2019 at 6:00 p.m. at the high school on Huffmeister Road.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 553-8625:

Mr. Maloy spoke to City Council about the amount of money that the City spends on the golf course. He feels that when Council Members are elected that they get to spend city money however they want without letting the community vote. He complained that the new City Hall is being moved from its current location to the South side of US HWY 290 without giving the residents an opportunity to vote on the new location. He pointed out that the golf course was purchased and the Council continues to spend City tax dollars on the course. He believes that the community should be permitted to vote on projects so that Council will know the true desires of the community.

F. CITY MANAGER'S REPORT

Before giving his monthly report that follows, City Manager Bless gave an update on the status of the Golf Course and Convention Center project. He told the Council that Staff is working with PGAL to get new cost estimates. Once the estimates are finalized, Staff will review the project taking into account the new estimates.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – June 2019, General Fund Budget Projections as of July 2019, and Utility Fund Budget Projections – July 2019.**
- 2. Open Records Requests – Non-Police**
- 3. Fire Departmental Report and Communication Division's Monthly Report**

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4. **Police Activity Report, Warrant Report, Investigations/Calls for Service Report, Staffing/Recruitment Report, and Police Open Records Requests**
5. **Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Speeding and Stop Sign Citations within Residential Areas Report, and Court Proceeds Comparison Report**
6. **Public Works Departmental Report and Construction and Field Projects Update**
7. **Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Budget Summary; Golf Course Social Media Summary Report, and Parks and Recreation Departmental Report**
8. **Report from Code Enforcement**
9. **City Social Media Summary Report**

G. CONSENT AGENDA

The following items are considered routine in nature by the City Council and will be enacted with one motion and vote. There will not be separate discussion on these items unless requested by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

1. **Consider approval of the Minutes for the Regular Session Meeting held on July 15, 2019 and the Special Session Meeting held on July 16, 2019.**
2. **Reconsider approval of the Minutes for the Regular Session Meeting held on May 13, 2019 as corrected.**
3. **Consider Resolution No. 2019-51, approving the Rules of Procedure adopted on July 17, 2019 by the City of Jersey Village Board of Adjustment.**

RESOLUTION NO. 2019-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE RULES OF PROCEDURE ADOPTED ON JULY 17, 2019 BY THE CITY OF JERSEY VILLAGE BOARD OF ADJUSTMENT.

4. **Consider Resolution No. 2019-52, rescheduling the Monday, October 21, 2019, Regular City Council Meeting for Monday, October 14, 2019 at 7 PM.**

RESOLUTION NO. 2019-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, RESCHEDULING THE MONDAY, OCTOBER 21, 2019, REGULAR CITY COUNCIL MEETING FOR MONDAY, OCTOBER 14, 2019 AT 7 PM.

5. **Consider Ordinance No. 2019-32, amending Section 14-225(b) of the Code of Ordinances of the City of Jersey Village, Texas, adopting the new Flood Insurance Study (FIS) of Harris County and incorporated areas and accompanying Flood Insurance Rate Maps (FIRM) dated November 15, 2019; providing for severability;**

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providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.

ORDINANCE NO. 2019-32

AN ORDINANCE AMENDING SECTION 14-225(B) OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, ADOPTING THE NEW FLOOD INSURANCE STUDY (FIS) OF HARRIS COUNTY AND INCORPORATED AREAS AND ACCOMPANYING FLOOD INSURANCE RATE MAPS (FIRM) DATED NOVEMBER 15, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

6. Consider Resolution No. 2019-53, approving the 2019 Flood Insurance Assessment.

RESOLUTION NO. 2019-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE 2019 FLOOD INSURANCE ASSESSMENT.

7. Consider Resolution No. 2019-54, approving the City of Jersey Village to become a member of the Texas SmartBuy Membership Program.

RESOLUTION NO. 2019-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE CITY OF JERSEY VILLAGE TO BECOME A MEMBER OF THE TX SMARTBUY MEMBERSHIP PROGRAM.

8. Consider Resolution No. 2019-55, authorizing the City Manager to enter into an Interlocal Agreement with Region 8 Education Service Center to join Membership in the Interlocal Purchasing System (TIPS).

RESOLUTION NO. 2019-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH REGION 8 EDUCATION SERVICE CENTER TO JOIN MEMBERSHIP IN THE INTERLOCAL PURCHASING SYSTEM (TIPS).

Council Member Wubbenhorst moved to approve items 1 through 8 on the consent agenda. Council Member Singleton seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

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H. REGULAR SESSION

- 1. Consider Resolution No. 2019-56, setting the maximum proposed ad valorem tax rate; setting dates for any necessary public hearings on the proposed tax rate; and setting the date City Council will adopt the fiscal year 2019-2020 ad valorem tax rate.**

Isabel Kato, Finance Director, introduced the item. Background information is as follows: During the 2013 Legislative Session, SB 1510 was passed which requires that municipalities change the notice requirements for the truth in taxation process.

In the past, municipalities were required to publish multiple notices at different stages/dates during the truth in taxation process. These notices included the Notice of Effective and Rollback Tax Rates, the Notice of Public Hearings on Tax Increase, and Notice of Tax Revenue Increase.

SB 1510 combined all the notices into one notice. However, the new law requires that the new notice be published in the City's Official Newspaper not later than September 1. Since meeting the September 1 deadline proved problematic for some cities, HB1953 was passed during the 2015 Legislative Session. HB 1953 provides that the notice is to be published not later than the later of September 1 or the 30th day after the first date that the taxing unit has received its certified appraisal rolls. The effective date of HB 1953 is January 1, 2016.

Nonetheless, since the very first sentence of the new notice states "A tax rate of \$ _____ per \$100 valuation has been proposed for adoption by the governing body," it is appropriate that City Council set a "maximum" **proposed** tax rate. The proposed Resolution accomplishes same.

In approving this Resolution, Council is NOT setting the tax rate for FY 2019-2020, as that will be accomplished during the September 16, 2019 meeting. Approving the Resolution merely states that City Council will not exceed a tax rate of 0.742500 cents per \$100 taxable value. Additionally, the vote approving the Resolution must be a record vote.

Mrs. Kato told City Council that Staff recommends keeping the tax rate at 0.7425 even though our effective tax rate is 0.777733. The effective tax rate has changed from what was included in the meeting packet because Harris County contacted the City today with new numbers. When the new numbers were included in the calculation the effective tax rate changed to 0.777733.

The effective tax rate is the rate that generates the same amount of revenue in the new fiscal year on taxable property that was in the tax roll the previous year. City Council could propose the effective tax rate of 0.777733 without the necessity of conducting the extra meetings. However, since Council increased the homestead exemptions this year to 14% from 8% and also increased the Over 65 and Disability Exemptions, proposing the effective tax rate would negate those increases by bringing in the same amount of revenue as last year.

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In approving this Resolution, Council is not setting the tax rate for FY 2019-2020 as that will be accomplished during the September 16, 2019 meeting. Approving the Resolution merely states that City Council will not exceed a tax rate of 0.7425 cents per \$100 taxable value”

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2019-56, setting the maximum proposed ad valorem tax rate; setting dates for any necessary public hearings on the proposed tax rate; and setting the date City Council will adopt the fiscal year 2019-2020 ad valorem tax rate. Council Member Warren seconded the motion. The record vote follows:

Council Member Wasson: Aye
Council Member Holden: Aye
Council Member Warren: Aye
Council Member Singleton: Aye
Council Member Wubbenhorst: Aye

The motion carried.

RESOLUTION NO. 2019-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SETTING THE MAXIMUM PROPOSED AD VALOREM TAX RATE; SETTING DATES FOR ANY NECESSARY PUBLIC HEARINGS ON PROPOSED TAX RATE; AND SETTING THE DATE CITY COUNCIL WILL ADOPT THE FISCAL YEAR 2019-2020 AD VALOREM TAX RATE.

2. Receive an update, in accordance with the Texas Water Development Board Grant, on the new storm siren.

Mark Bitz, Fire Chief, introduced the item. Background information is as follows: The Texas Water Development Board granted the City of Jersey Village funding for half the cost of a storm siren. The storm siren has been installed at Carol Fox Park area near the volley ball court. The Siren is capable of reaching as far North as the bypass channel, West to the Fire Station, East to the Beltway and South of 290. It will not reach all of Jersey Village. It will penetrate through homes within a ¼ mile of the siren. We are asking the siren company to reprogram the tones so they are longer. The current tones last only 5 seconds and then a voice notification. We have asked for 20 seconds and 30 second tones and then voice. The system when activated will repeat a tone set three times before shutting off.

Tones can be set off directly from dispatch. The tone sets are:

- “Tornado Warning, please take shelter now”
- “Flood warning, please prepare your home for flooding”
- “Evacuation, please evacuate the area cautiously”
- “Shelter in place, go in doors and secure your windows and doors”

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- “This is a test of the emergency warning system, this in only a test”
- “This concludes the test of the emergency warning system, this was only a test”

Tests of the system will be done 4 times a year on a quarterly basis. These test will be done around noon time. The test will run through each tone function. All tests will be done with minimum volume except for one tone at full volume output.

This item is to give a presentation concerning the siren system. The presentation is a requirement of the grant that help to fund the siren.

Chief Bitz introduced the contract manager who was present from the Texas Water Development Board. She briefly introduced herself and provided background information about herself and the grant.

Chief Bitz then gave a presentation covering the following topics:

- History of Events
- Texas Water Development Board Requirements for Reimbursements
- Siren Map and Coverage Area
- Photos Displaying the Installation Process
- Quarterly Testing

Council engaged in discussion about the volume of the siren and some wondered if it could damage one’s hearing. Chief Bitz explained that he was under the siren during testing and has not had any issues. The coverage area was also discussed. Some Members wondered if the residents on the outer edges of the coverage area were contacted to see if they could hear the siren during the testing periods. Chief Bitz stated that they were not contacted by the City; however, several residents from Chichester and Welwyn contacted the City after the testing, stating that they could hear the siren.

It was the consensus of Council that prior to testing the siren, the City should give notice. Some suggested using social media and the city website to provide this notice. Council also discussed that this initial siren was installed to help during flooding events. However, it was discussed that perhaps the coverage area could be expanded with additional sirens in the coming years. With no further discussion on the matter, Mayor Mitcham called the next item as follows:

- 3. Discuss and take appropriate action concerning a progress report from the Owners of the property located at 16884 NW FWY, Jersey Village, Texas concerning the progress on the performance of the permitted work required under Ordinance 2019-11, which found the structures on the Property to be substandard and a public nuisance; ordered JERSEY VILLAGE LODGING, LLC to abate the substandard and dangerous structures on the Property within 180 days; authorized the repair or demolition of the structures on the Property if the owners fail to abate the**

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substandard and dangerous structures; authorized a lien against the Property for the costs of repair or demolition; and made other findings and provisions related thereto.

Christian Somers, Building Official, introduced Kathlyn Jones with Patel Gaines, Attorneys at Law, representing Jersey Village Lodging, LLC and Mr. Chan Patel, principle owner of 16884 N.W. Freeway, and Chetan “Chet” Patel with RK Patel Design and Planning, LLC.

Ms. Jones addressed City Council, stating that she had the Project Manager present with her today. She reported that since the last meeting, all documents have been submitted and she anticipates that permits will issue this week. She told the Council that much progress has been made on the project. Mr. Patel with RK Patel Design addressed City Council. He told the Council that he has been working on the project for a month and half now and he has submitted drawings to the City last Monday. He is waiting on the comment letter from the City. Once it is received, he will rework the drawings. He told the Council that he has made several visits to the property and has as built drawings.

Council wanted to know if the documents were submitted to the City by the July 15, 2019 deadline. Mr. Patel told Council that one was submitted, but after he got involved, he submitted a second and third set of drawings. The application for permits has not yet been submitted.

Council asked Ms. Jones if the trespass affidavit has been signed and submitted to the City. Building Official Somers confirmed that it has not been submitted. Ms. Jones stated that there is no objection to this affidavit. She thought it had been submitted. She will check on it and submit.

Council called upon Building Official Somers to give an update. His update is as follows:

The occupancy taxes / fees have not been paid. It looks like a payment was made, but sent to the City of Houston by mistake. They owe approximately \$5,266.

Thursday, July 11th, 2019 @ 1:53: E-mail sent to Mr. Luke Beshara of Patel Gaines and his client, Mr. Chan Patel, principal owner of the property in question, notifying them that when on my rounds that morning, which included additional concerns about possibly severe weather and a report of a transient sort emerging from one of the rooms in Building 1 over the weekend, I took a closer look then I had done the previous day (which was related primarily to landscape maintenance). I didn't see anything unusual at Building 1, but did notice that Building 4 had a gap in the fencing where the temporary fencing had pulled away from the masonry veneer near the housekeeping / linen room. I requested that they please have someone reassess securing the structures. Also, I mentioned that the temporary fencing is meant to be temporary. We have gone for quite some time with the temporary fencing being utilized in lieu of something more permanent. If there are unlocked rooms, they need to be secured, by double-checking the locking of doors – and other means if they do not lock. It occurred to me that the abandoned frame for the

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directional ground signage not only still needed to be removed per our sign ordinances, but also now because it is not secured against wind loads and could break-up, blocking inlets or impacting other objects and structures. I also mentioned that for that matter, all the permanent fencing that remained in disrepair (and was to have been tackled the week of the initial submittal per Mr. Chan Patel) also represented a problem. Mr. Beshara responded by e-mail @ 1:57 pm that he would visit with his client and update me shortly.

Wednesday, 7/17/2019 @ 4:41 pm: E-mail sent to Ms. Kathlyn Jones and Mr. Luke Beshara with Patel Gaines sending an example of a CoH Trespass Affidavit provided by Mr. Austin Bless, City Manager. The email requested Patel Gaines to draw up something for their client to sign, have it notarized and submitted to the City. I also informed them that city staff would address the gap in the fencing at Building 4 where the temporary fencing had pulled away from the masonry veneer near the housekeeping / linen room and provided a picture of the area of concern.

Monday, 7/22/2019 @ 10:22 am: E-mail sent to Ms. Kathlyn Jones with Patel Gaines and Mr. Chan Patel, the owner and Patel Gaines' client, with pictures of subject property, requesting that the property be better secured and that lot maintenance be completed at rear of Buildings 2 - 4. The previous Friday evening, 7/19/2019 the fencing was not re-secured at Building 1 (after mowing inside the temporary fencing occurred). Then, on the morning of 7/22/2019, it was still open, and now a gaping section at Building 3 was, too (after opening to access for mowing over the weekend). I couldn't initially locate the pole to close the gates at Bldg. 3; hence, I sent the e-mail. Later that morning, I was able to locate a pole allowing me to secure the fencing at Building 3. I sent another e-mail @ 11:36 am explaining that Building 1 remained unsecured. Again, later that day, though I couldn't quite get the gates to align such that I could reinstall a pole correctly at Building 1, I was able to jerry-rig same such that it was as secure as any other section of the temporary fencing.

My e-mail mentioned that I still thought it a better option to install the temporary fencing across Tiny Lane on the East side, from the existing picket fencing to Building 4, and then another section from the S-corner of the pool barrier, across to Building 1 and then down the front of Building 1, with a return to Building 1's corner, or all the way across to the lot line fence between Building 1 and Taquerias Arandas. I also requested that they let me know how quickly securing the property might occur and then, thereafter, addressing the landscaping maintenance.

Also on Monday, 7/22/2019 @ 4:51 pm: The construction plan resubmittal – the first actual submittal that resembled construction documents (at least once beyond the piecemeal submittals between 7/15/2019 – 7/19/2019) – staff identified the plans for return to the applicant, with my having developed 28 comments and Chief Mark Bitz another 5 comments to address.

Tuesday, 7/23/2019 @ 11:41 am: Kathlyn Jones with Patel Gaines thanked me for the e-mail update and requested that I always include Mr. Luke Beshara. I was provided no

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update regarding landscape maintenance. At 11:46 e-mail I responded that I would include Mr. Beshara. At 11:49 am, I requested that Mr. Gordon Gibson, CEO, send lot maintenance letters since neither the owner nor his counsel were responding. He'd been kept apprised of landscape maintenance issues and been provided pictures.

Wednesday, 7/24/2019: Mr. Gordon Gibson, CEO, mailed a letter to J.V. Lodging LLC @ 11950 Webb Chapel Rd, Dallas, TX 75234-7724, one copy regular mail and one copy USPS Certified mail, the latter signed as received on Saturday, 7/27/2019. The letter requested abatement of a violation of Sec. 34-37 (a) and (b) in relation to mowing, edging, weeding and removal of brush, etc. including those at the rear of the buildings @ 16884 Northwest Freeway within ten days from the date of when the letter was mailed.

Thursday, 7/24/2019 @ 12:07 pm: Mr. Chet Patel, Project Coordinator and principal liaison (as required by Council Order No. 2019 – 11), requested a meeting for the following Mon., Tuesday or Wednesday. At 1:23 pm, I responded that my first availability was Wednesday, July 31st @ 2:15 pm, since staff was readying for our CRS visit the morning of July 31st. I asked that he send me a calendar invite since I was out-and-about and using Siri. He never did. When he contacted me on the 29th to confirm, I was also out-and-about, but noticed the slot was filled. I then offered a later time, but mistakenly conflated the 31st for August 1st – and I had the 31st afternoon filled with meetings already! After all of that confusion, he swung by late on the 31st, and with an external customer having canceled with me, we met briefly in the lobby to go over some questions for the next submittal, before I had another meeting.

Monday, 8/5/2019: When the landscape maintenance violations were not abated a second and final notice was mailed to the same address, again one copy by regular mail and one by USPS Certified mail, giving an additional ten days to abate the aforementioned violation, this letter was signed as received on 8/7/2019.

Monday, 8/19/2019: To date the violation still exists – though they have tackled mowing grass elsewhere this past weekend (though not completely “edged” @ fencing).

I've a professional working relationship and good rapport with the Project Coordinator -- a liaison position required by Order No. 2019-11 -- Mr. Chet Patel, is a conscientious individual and has been working diligently toward permitting.

I also have a good and professional working relationship with Patel Gaines, Attorneys at Law, specifically Luke Beshara and Kathlyn Jones. The disconnect, as it historically has been, is with the ownership. Once the attorneys get with their client, the client doesn't follow-through, and then the attorneys cannot respond. Be it the Trespass Affidavit's not being returned, issues with lot / landscaping maintenance, not employing someone local to monitor the property and addressing any issues, such as ensuring that it's secured, and re-securing when necessary. Rather, the attorneys' client is utilizing city staff to monitor – in my case, twice each working day – and address issues. This taxes city staff, thus our

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resources and adversely affects all other customers' delivery outcomes – including those which are typically and readily achievable.

In completing his update, Council had the following questions for Building Official Somers:

Question: It sounds like the project began with certain violations, and now that it is underway, there are additional violations, correct?

Answer: I have been working well with Chet Patel. The issue seems to be with the client releasing the funds to get items addressed.

Question: Have you approved how the property has been secured?

Answer: Yes, but it is very temporary.

Question: Have they filed the mold reports?

Answer: Yes, the preliminary and a revised report.

Question: Have they filed the roof and asbestos reports?

Answer: Yes

Question: Have they filed the construction documents?

Answer: Yes, but there are still some 13 comments to be addressed.

Question: In your opinion, will the project complete within the 180 day time frame set by the Ordinance?

Mr. Chet Patel responded, stating that a general contractor has been engaged, but they are waiting on the final numbers and costs to set a timeline. They are also waiting on the building permits to be issued.

Mr. Somers stated that he has confidence that the permits will issue, but does not believe that the construction will go smoothly.

Council discussed the permitting process, which is as follows:

- 1) Plans are submitted;
- 2) Comments are issued for inconsistencies and discrepancies;
- 3) Comments are received by applicant and addressed; and
- 4) Plans are revised and resubmitted.

Currently, we are on our 3rd set of plans and one month overdue. Some members felt that the owners are working towards the finish, but stumbling terribly. At the first hearing, Mr. Luke Beshara appeared and told this Council that his client wanted to do everything it takes to complete the project. Now his client has not lived up to that promise. Others felt that

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the owner is not allocating the resources to get the job done. It was the consensus of Council that the construction needs to be completed correctly within the timeframe allotted. With no further questions for Mr. Somers, Council Member Warren moved that the City Council move into Executive Session pursuant to the Texas Open Meetings Act, specifically Texas Government Code Section 551.071 Subsection 1, part A & B as well as Subsection 2 to conduct a closed meeting in order to consult with the City Attorney regarding agenda item H3. Council Member Singleton seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

Mayor Mitcham recessed the Regular Session at 7:59 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 – Consult with Attorney.

Mayor Mitcham adjourned the Executive Session at 8:24 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive Session.

Mayor Mitcham stated that we will continue with item H3 on the agenda. He summarized the previous discussions of Council on this matter, stating that the project has a good designer and a good attorney; however, what is lacking is the owners' sense of urgency. The Council needs to see a sense of urgency from these owners moving forward. Currently they are on very thin icy with this Council. Council has outlined the expectations in its Ordinance. The owner continues to offend the Ordinance. What is upsetting is the owner uses the City Staff's time to be the designer and enforcer of the project and this is not right. It impacts customer service and other areas of the City. There is much going on in our City at this time with a lot of interest for development. When a project such as this one from the very start plugs up the pipeline of development it impacts all of us. We are not happy about this and we will not stand for it. So your client is on very thin ice and we need to see meaningful progress. We do not want to be back here next month with a report that the property has not been mowed, has not been properly secured, and has vagrants coming and going from the premises. Make sure that your client understands Council's position and prepares for the next meeting on September 16, 2019 at 7:00 p.m.

With no action taken on this item, Mayor Mitcham called the next item on the agenda as follows:

4. Consider Resolution No. 2019-57, authorizing rejecting all bids for the Street Panel Replacement Project.

Austin Bleess, City Manager, introduced the item. Background information is as follows:

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Recently we went out for bid for replacement of street panels on Clevedon Lane, Koester Street, Smith Street, Rio Grande Drive and Congo Lane. We had a budget for the project of \$105,000.

The City received two bids for the project one from Conrad Construction Co, LTD in the amount of \$366,550 and one from TLC Trucking and Contracting, Inc. in the amount of \$384,681.

The City engineer is recommending that we reject all bids for this project. We can rebid the project as part of the Wall Street project and should see a better rate for this project when bundling it with a larger one.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2019-57, authorizing rejecting all bids for the Street Panel Replacement Project. Council Member Wasson seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2019-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, REJECTING ALL BIDS FOR THE STREET PANEL REPLACEMENT PROJECT

5. Consider Resolution No. 2019-58, authorizing the City Manager to enter into a contract for the build out of the new Public Works Facility.

Austin Bleess, City Manager, introduced the item. Background information is as follows: In 2018 the city purchased a building on Taylor Road to serve as the new public works facility. The building requires about 2,500 sq. feet of buildout work to be completed. The city advertised bids for that work and has received two bids.

Those two bids are as follows:

Urban Constructors Inc.:	\$415,199.50
Patriot Contracting LLC:	\$610,000.00

The City Engineer has reviewed the bids and is recommending the city award the contract to Urban Constructors.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2019-58, authorizing the City Manager to enter into a contract for the build

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out of the new Public Works Facility. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2019-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE BUILD OUT OF THE PUBLIC WORKS FACILITY.

I. MAYOR AND COUNCIL COMMENTS

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Wubbenhorst: Council Member Wubbenhorst recognized Jennifer Johnson, this month's Employee of the Month. He stated that Jennifer is a very hard worker and great employee.

Council Member Singleton: Council Member Singleton agreed with Council Member Wubbenhorst. Jennifer Johnson is an incredibly hard worker and the golf course would not be the same without her. Also wanted to note that Jersey Village values safety and security. He hopes that the owners of Super 7 understand the weight of the urgency of the situation and that they work to provide safe and secure fencing.

Council Member Wasson: Council Member Wasson echoes the sentiments about Jennifer Johnson and the safety and security of the City. With school starting next week, he urged everyone to drive safely.

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Council Member Holden: Council Member Holden had no comments.

Council Member Warren: Council Member Warren echoes what has been said about Jennifer Johnson. She is a fantastic employee. She works tirelessly. She is particularly responsible for the success of the kids program.

Mayor Mitcham: Mayor Mitcham agrees that Jennifer Johnson is doing a great job. She always has a smile on her face and a positive attitude. Thank you for attending and for your comments and faith in City Council.

J. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:32 p.m.

Lorri Coody, City Secretary

