# MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 19, 2020 AT 7:00 P.M. PURSUANT TO SECTION 418.016 OF THE TEXAS GOVERNMENT CODE.

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public will not be allowed to be physically present at this Regular Session of the City Council of the City of Jersey Village, Texas, but the meeting will be available to members of the public and allow for two-way communications for those desiring to participate via telephone. To attend the meeting via telephone, please use the following toll-free number:

346-248-7799 along with Webinar ID: 876 9303 6165. If you do not wish to participate via telephone, you can view a live broadcast of the meeting on YouTube at https://www.jerseyvillagetx.com/page/city.livestream. The agenda follows:

# A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

The meeting was called to order by Mayor Mitcham at 7:00 p.m. with the following present:

Mayor, Andrew Mitcham

Council Member, Drew Wasson

Council Member, Greg Holden

Council Member, Bobby Warren

Council Member, James Singleton

Council Member, Gary Wubbenhorst

City Manager, Austin Bleess City Secretary, Lorri Coody

City Attorney, Justin Pruitt

Staff in attendance: Mark Bitz, Fire Chief; Kirk Riggs, Chief of Police; Isabel Kato, Finance Director; Harry Ward, Director of Public Works; Robert Basford, Director of Parks and Recreation; and Bob Blevins, IT Director.

#### B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by James Singleton, Council Member, Place 4

#### C. 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.

Michael Stembridge, 15422 Jersey Drive, Jersey Village, Texas (832) 880-3809: Mr. Stembridge spoke to City Council about opposition to the TIRZ. He cannot afford higher evaluations on his property. He told Council that he understands that there are two types of TIRZ. The small residential and business and just the residential. He has a contrarian view. He believes that the business TIRZ will get a lot more increment. He still has a few questions. He wonders, if there is not enough increment, will it cost more from the residents. He went on to discuss the

TIRZ. He does not support the TIRZ. He wants City Council to know that he opposes the TIRZ. He is concerned about the increment and when it will expire. He is not in the position to move. He cannot afford it. He is also concerned with his taxes going up because of the TIRZ.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430: Mr. Maloy spoke to City Council about the City Charter. He wants the City Council's positions and the Mayor's position to remain the way they are currently listed in the Charter. He wants appointment positions to be given to the person who ran in the prior election. He does not support compensation for City Council. There should be no lengthening of terms. He wants a staggered two year cycle. He wants district representation rather than at-large representation. He gave reasons why he supports district representation. He wants tax payers to be able to vote on projects costing many dollars, such as a new golf course convention center. The current wording should be changed that tax payers will vote on these projects regardless if the City has the funds on hand.

#### D. CITY MANAGER'S REPORT

City Manager Bleess gave his monthly report as follows. He also pointed out the Employee of the Month, Officer Danny Keele. There was discussion about the monthly activity report for the Police Department. It was pointed out that the calls for service and traffic stops differ greatly between 2019 and 2020. Chief Riggs explained that recently, the calls for service are being calculated differently. In the past, traffic stops were included in this number and should not have been included. The Chief gave a detailed explanation of the new calculations. He also explained the decrease in the number of arrests, which is a result of COVID.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report August 2020, General Fund Budget Projections as of September 2020, Utility Fund Budget Projections September 2020 and Quarterly Investment Report September 2020.
- 2. Fire Departmental Report and Communication Division's Monthly Report
- 3. Police Department Monthly Activity Report, Warrant Report, Criminal Investigation Division Monthly Report, Staffing/Recruitment Report, and Police Open Records Requests
- 4. 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
- 5. Public Works Departmental Summary and Public Works Departmental Status Report
- 6. Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Budget Summary, and Parks and Recreation Departmental Report
- 7. Code Enforcement Report
- 8. October Employee of the Month

#### E. 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 September 21, 2020 and the Special Session Meetings held on September 28, 2020 at 6:00 PM and at 7:00 PM.
- 2. Consider Ordinance No. 2020-24, amending the General Fund Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 by increasing the Fire Department's Salaries and Benefits budget by \$395,266.92 for four (4) new firefighters.

#### ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 BY INCREASING LINE ITEMS 01-25-3001 (SALARIES) IN THE AMOUNT NOT TO EXCEED \$216,420.96, 01-25-3007 (OVERTIME) IN THE AMOUNT NOT TO EXCEED \$45,333.32, 01-25-3051 (FICA/MEDICARE) IN THE AMOUNT NOT TO EXCEED \$15,278.48, 01-25-3053 (EMPLOYMENT TAXES) IN THE AMOUNT NOT TO EXCEED \$576.00, 01-25-3054 (RETIREMENT) IN THE AMOUNT NOT TO EXCEED \$30,385.52, 01-25-3055 (HEALTH INSURANCE) IN THE AMOUNT NOT TO EXCEED \$81,441.36, 01-25-3056 (LIFE INSURANCE) IN THE AMOUNT NOT TO EXCEED \$281.84, 01-25-3057 (DENTAL INSURANCE) IN THE AMOUNT NOT TO EXCEED \$4,640.48 AND 01-25-3058 (LONG TERM DISABILITY) IN THE AMOUNT NOT TO EXCEED \$908.96.

3. Consider Ordinance No. 2020-25, amending the Capital Replacement Fund for Fiscal Year 2020-2021 by increasing line item 07-73-6573 (Computer Equipment) in the amount of \$175,000 for the purchase of new Motorola Portable Handheld Radios and programming.

### ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CAPITAL REPLACEMENT FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 BY INCREASING LINE ITEMS 07-73-6573 (COMPUTER EQUIPMENT) IN THE AMOUNT NOT TO EXCEED \$175,000.

4. 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 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.

Council Member Wubbenhorst moved to approve items 1 through 4 on the consent agenda. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

#### F. REGULAR SESSION

# 1. Consider Resolution No. 2020-48, accepting the Report and Recommendation of the 2020 Charter Review Commission.

Sheri Sheppard, Chairperson, 2020 Charter Review Commission, introduced the item. Background information is as follows: In accordance with Section 9.14 of the City's Charter, Council during its Regular Session on July 20, 2020, appointed the 2020 Charter Review Commission to inquire into the operation of our city government and propose, if desirable, amendments to our Charter that would improve its effective application to our current conditions.

After conducting several meetings with staff, this Council, and the public, the Commission, makes its report and recommendations in accordance with Section 9.14(a)(4).

Section 9.14(b) requires that Council receive and publish any report presented by the Commission.

Council engaged in discussion about the report/recommendation. Council wanted to know the process moving forward. City Attorney explained that City Council accepts the report and the recommendations can be placed upon the ballot at the next election.

There was discussion that it is City Council's decision about what goes on the ballot for residents' votes. There was discussion about term limits and how it affects unexpired terms. The Commission gave a recommendation that unexpired terms will not count toward term limits. The added paragraph about resigning from office to run was discussed. Chairperson Sheppard explained why this paragraph was added. She explained that we have had appointments with members stepping into a partial term and how the current Charter counts this unexpired term in the calculations of term limits. She went on to explain why the Commission wanted the added requirement and how one cycle requires resignation and the other cycle does not, so this wording puts both cycles on even footing. Council discussed this language. There was concern about vacancies created by this new requirement before an election, and if that office is required to be placed upon the ballot.

Some members are not in favor of this amendment. It was felt that it creates a situation where a qualified person chooses not to move into the Mayor position because of this rule. It was also mentioned that we already have a shortage of people wanting to serve. This rule was discussed further. Most were supportive of not counting unexpired terms towards term limits. There was discussion about tendering a resignation and if you can withdraw it later. City Attorney Pruitt explained the resignation process. Some were concerned about the vacancy caused by the resignation and that it would be vacant almost three (3) months. The process was discussed by City Council. Some wanted more information about how the vacancy gap will be addressed. City Council requested additional information or language that clarifies the gap. This appears to be the only part of the report that needs further discussion. Council would like an item on the next agenda to discuss this further.

There was also discussion about the recommendation for publication of ordinances. It was noted that the first sentence begins with "Except as otherwise required by..." but the second sentence begins with "Except as otherwise provided by..." The second sentence should be changed to coincide with the first and should read "Except as otherwise required by..."

There was further discussion that if someone is appointed it does not apply to term limits. The consensus of Council was in agreement with this amendment.

With no further discussion, Council Member Singleton moved to approve Resolution No. 2020-48, accepting the Report and Recommendation of the 2020 Charter Review Commission. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

#### RESOLUTION NO. 2020-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ACCEPTING THE REPORT AND RECOMMENDATION OF THE 2020 CHARTER REVIEW COMMISSION FOR THE CITY OF JERSEY VILLAGE.

2. Consider Resolution No. 2020-49, designating a city representative and an alternate representative to the Houston-Galveston Area Council's 2021 General Assembly.

Lorri Coody, City Secretary, introduced the item. Background information is as follows: Houston Galveston Area Council (HGAC) has requested the City's participation in selecting a City representative for the Houston Galveston Area Council 2021 General Assembly.

Mayor Andrew Mitcham was the designated representative and Councilmember Drew Wasson was the designated alternate representative for the Houston Galveston Area Council 2020 General Assembly.

This item is to designate a city representative and alternate representative to the Houston Galveston Area Council 2021 General Assembly. A virtual meeting of Home Rule City representatives will be called on November 12, 2020 via ZOOM.

With limited discussion on the matter, Council Member Warren moved to approve Resolution No. 2020-49, designating James Singleton as city representative and Drew Wasson an alternate representative to the Houston-Galveston Area Council's 2021 General Assembly. 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. 2020-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DESIGNATING A CITY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE HOUSTON-GALVESTON AREA COUNCIL'S 2021 GENERAL ASSEMBLY.

3. Consider Resolution No, 2020-50, establishing new requirements related to Committee Membership, Terms of Office, Removal from Office and Vacancies, Duties and Responsibilities, Quorum and Voting, and Meeting Procedures for the Golf Course Advisory Committee.

Robert Basford, Director of Parks and Recreation, introduced the item. Background information is as follows: On September 25, 2000, the City Council established a Golf Course Advisory Committee (GCAC) for the purpose of providing oversight of the Golf Course Management Committee's ongoing operations of a recently purchased municipal golf course. The oversight included the areas of fiscal management; long-term facilities and grounds maintenance programs; capital improvement programs; and management effectiveness. This committee consisted of three (3) members and one (1) alternate member.

On September 24, 2001, City Council voted to increase the membership size of the Golf Course Advisory Committee to seven (7) members.

Over the course of years since 2001, the needs and the direction of the Golf Course have changed, requiring different involvement from the Golf Course Advisory Committee.

This item is to establish new requirements for involvement by the Golf Course Advisory Committee as it relates to membership, duties and responsibilities, and meeting procedures.

Council engaged in discussion about the changes. Director Basford outlined the changes, specifically the membership requirements. He also called attention to the prior history of the Committee. There was discussion of the report and how that will be handled. Director Basford explained that the report will be made twice a year or unless requested by City Council. The new membership changes were discussed. Council Member Warren provided input about the Golf Course Advisory Committee's discussions about the membership changes.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No, 2020-50, establishing new requirements related to Committee Membership, Terms of Office, Removal from Office and Vacancies, Duties and Responsibilities, Quorum and Voting, and Meeting Procedures for the Golf Course Advisory Committee. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

#### RESOLUTION NO. 2020-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ESTABLISHING NEW REQUIREMENTS RELATED TO COMMITTEE MEMBERSHIP, TERMS OF OFFICE, REMOVAL FROM OFFICE AND VACANCIES, DUTIES AND RESPONSIBILITIES, QUORUM AND VOTING, AND MEETING PROCEDURES FOR THE GOLF COURSE ADVISORY COMMITTEE.

4. Consider Resolution No, 2020-51, renaming the Recreation and Events Committee as the Parks and Recreation Advisory Committee; establishing new requirements related to Committee Membership, Terms of Office, Removal from Office and Vacancies, Duties and Responsibilities, Quorum and Voting, and Meeting Procedures for the newly established Parks and Recreation Advisory Committee; and making committee appointments.

Robert Basford, Director of Parks and Recreation, introduced the item. Background information is as follows: On October 18, 2004 the City Council created a Recreation and Events Committee for the purpose of making recommendations on recreational programs and events, promoting public interest in parks and recreational programs, and organizing volunteer groups to conduct recreational events for the City.

On October 19, 2009, City Council established place numbers and two (2) year staggered terms for the seven (7) members of the Recreation and Events Committee.

Over the course of years since 2009, the needs and direction of Recreation and Events Committee have changed, requiring different involvement from the Committee.

A change in name from the Recreation and Events Committee to the Parks and Recreation Advisory Committee is needed since this change will better represent the new direction of the Committee.

This item is to rename the Recreation and Events Committee as the Parks and Recreation Advisory Committee; to establish new requirements related to Committee Membership, Terms of Office, Removal from Office and Vacancies, Duties and Responsibilities, Quorum and Voting, and Meeting Procedures for the Parks and Recreation Advisory Committee; and to make Committee appointments.

Council engaged in discussion. Director Basford explained the changes. There was discussion about the terms and places. There was also discussion about the change in the name. Some wondered why "events" was removed. Director Basford explained why noting that events fall under recreation. Recreation in Jersey Village encompasses all events and other activities, including sporting activities, swimming, etc.

With no further discussion on the matter, Council Member Warren moved to approve Resolution No, 2020-51, renaming the Recreation and Events Committee as the Parks and Recreation Advisory Committee; establishing new requirements related to Committee Membership, Terms of Office, Removal from Office and Vacancies, Duties and Responsibilities, Quorum and Voting, and Meeting Procedures for the newly established Parks and Recreation Advisory Committee; and making committee appointments. 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. 2020-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RENAMING THE RECREATION AND EVENTS COMMITTEE AS THE PARKS AND RECREATION ADVISORY COMMITTEE; ESTABLISHING NEW REQUIREMENTS RELATED TO COMMITTEE MEMBERSHIP, TERMS OF OFFICE, REMOVAL FROM OFFICE AND VACANCIES, DUTIES AND RESPONSIBILITIES, QUORUM AND VOTING, AND MEETING PROCEDURES FOR THE NEWLY ESTABLISHED PARKS AND RECREATION ADVISORY COMMITTEE; AND MAKING COMMITTEE APPOINTMENTS.

5. Consider Resolution No. 2020-52, appointing members to the Board of Adjustment (BOA), the Building Board of Adjustment and Appeals (BBOAA), and the Golf Course Advisory Committee (GCAC).

Lorri Coody, City Secretary, introduced the item. Background information is as follows: On September 21, 2020, the Council considered appointments to various Boards and

Commissions. At that time, due to a lack of applications, the Council was unable to fill the vacant positions on the Board of Adjustment (BOA), the Building Board of Adjustment and Appeals (BBOAA), and the Golf Course Advisory Committee (GCAC). This item is to consider applications to fill these positions.

We have received the following applications from interested residents:

BOA – Nestor Mena, Judy Tidwell, Nelson L. Fenney and Theoplis A. Woodard BBOAA – Nestor Mena, Nelson L. Fenney and Theoplis A. Woodard GGAC – Diane Stock and Kevin Ross

Council engaged in discussion. It was the consensus of Council to make the following appointments concerning the Board of Adjustment:

Position 1 – Unexpired October 1, 2019 to September 30, 2021 Term: Nestor Mena Position A1 – Unexpired October 1, 2019 to September 30, 2021 Term: Judy Tidwell Position A2 – October 1, 2020 to September 30, 2022 Term: Nelson L. Fenney

It was the consensus of City Council to make the following appointment concerning the Building Board of Adjustment and Appeals:

Position 1 - October 1, 2020 to September 30, 2022 Term: Theoplis A. Woodard

It was the consensus of City Council to make the following appointment concerning the Golf Course Advisory Committee:

Position 7 – October 2020 to September 30, 2022 Term: Kevin Ross

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2020-52, appointing members to the Board of Adjustment (BOA), the Building Board of Adjustment and Appeals (BBOAA), and the Golf Course Advisory Committee (GCAC) with the names and terms previously discussed. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

# RESOLUTION NO. 2020-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT, THE BUILDING BOARD OF ADJUSTMENT AND APPEALS, AND THE GOLF COURSE ADVISORY COMMITTEE.

6. Consider Resolution No. 2020-53, authorizing the City Manager to enter into an Emergency Debris Removal Pre-Event Contract with AshBritt, Inc.

Austin Bleess, City Manager, introduced the item. Background information is as follows: Our current contract for storm debris removal services has expired.

The City has utilized the HGAC Buyboard to obtain quotes for debris removal after storms. To utilize HGAC Buyboard and still be eligible for FEMA reimbursement we solicited pricing sheets from 7 vendors pre-qualified by HGAC, and one other company that did not respond to the HGAC RFQ.

After reviewing the pricing sheets and company information, City Staff is recommending that we utilize AshBritt for our post-storm debris removal services. The City has worked with Ashbritt since 2008. They have provided good service to the city and have been very responsive to our needs. Furthermore they were very easy to work with and they provided us with all of the necessary information we needed after the Tax Day Flood to receive the full amount of FEMA reimbursement we were eligible for. Their experience and expertise in complete the work to FEMA specifications is greatly appreciated.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2020-53, authorizing the City Manager to enter into an Emergency Debris Removal Pre-Event Contract with AshBritt, Inc. 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. 2020-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMERGENCY DEBRIS REMOVAL PRE-EVENT CONTRACT WITH ASHBRITT, INC.

#### G. 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 salutary 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 salutary 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.

<u>Council Member Wasson:</u> Council Member Wasson thanked the Charter Review Commission for their work. He congratulated Officer Keele on being employee of the month. He reminded residents to complete the Parks Master Plan and to go and vote. Happy Halloween.

<u>Council Member Warren</u>: Council Member Warren encouraged residents to get out and vote. He stated that election lines are moving fairly quickly at the Civic Center. He recognized Henry Hermis who served on the Board of Adjustment since 1995. He recently passed away and his death is a loss for the community as a whole. He prays for the family.

<u>Council Member Wubbenhorst</u>: Council Member Wubbenhorst stated that he has voted. He also recognized the service of Henry Hermis.

Council Member Holden: Council Member Holden no comment.

<u>Council Member Singleton</u>: Council Member Singleton also recognized the service of Henry Hermis. He also recognized and congratulated Officer Keele. Go vote.

<u>Mayor Mitcham</u>: Mayor Mitcham congratulated Lt. Keele. He thanked the Charter Review Commission for their work. He hopes that their work will be a spring board to serve on other committees. He gave his condolences to the Hermis family and expressed gratitude for the many years of service by Henry Hermis. He closed with asking residents to go vote.

#### H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:20 p.m.



Lorri Coody.	City Secretary