

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 16, 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: 868 8192 6393. 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 7:01 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 Bless

City Secretary, Lorri Coody

City Attorney, Scott Bounds

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: Council Member, Drew Wasson

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.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430: Mr. Maloy spoke to City Council about regular agenda item #4 – Sale Tax Allocation. He wants to know about the allocation. He wants to know if the City chooses to re-allocate the sales tax collections, if the City will receive more monies before it reaches the new 3.5% cap. He gave background information about the tax allocation beginning back in 1995. He wants to know why the City wants to change this allocation now. He stated that the State Legislature worked to give tax relief to residents by

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setting the 3.5% cap on revenue for cities. He believes that over the years, the City Council has “stockpiled” monies for major projects without voter approval. He wants to know if City Council decides to reallocate the sales tax dollars from property tax relief to some other program, if such reallocation will permit the City to raise more monies before they reach the 3.5% cap. The Mayor stated that any reallocation changes will not affect this year’s revenues as it will not go into effect until it is presented to the citizens for a vote. This was confirmed by the City Attorney.

Mr. Maloy wanted to know if the residents will be told about how a change will affect the amount of monies the City takes in. The Mayor stated that the City will always be subject to the 3.5% state cap.

Mr. Maloy continued to ask if the City will get more monies by the reallocation. The Mayor stated that any changes will go to the residents to vote. We are not deciding anything tonight. The item is only for discussion.

Michael Stembridge, 15422 Jersey Drive, Jersey Village, Texas (832) 880-3809: Mr. Stembridge spoke to City Council about agenda item #2 – authorizing grant application for FEMA elevations. His home has flooded. He wants to be included in the home elevations. He is concerned about the TIRZ for his neighborhood. He cannot afford the TIRZ and believes it might be taxation without representation. He is concerned about the TIRZ increment and how it will be spent. Item 2 outlines that there will be 30 homes proposed for elevation, broken up into two grants of 15 homes. He spoke about the benefit cost analysis as detailed in the agenda packet. He believes that his home could be included and does not understand why his home has not been included for a home elevation. He cannot afford to move. He wants to know if he is going to be included. It does not appear that his home is included and wants to know when his home will be included. City Manager Bless stated that being located in a TIRZ will not have any effects on the FEMA application. Council Member Warren explained how a TIRZ works and how it benefits him in that it is another method to mitigate flooding and thus will reduce the number of homes needing to be elevated. The Mayor explained how the FEMA applications work, stating that the application must be prepared in such a way that increases the chances for approval. He explained that there are many homes at risk to be considered. The process is not about favorites and is non-political.

D. CITY MANAGER’S REPORT

City Manager Bless gave his monthly report as follows. He called attention to the November Employee of the Month, Danielle Cordova. There was discussion about how well the Golf Course is doing both financially and in terms of course improvements. The Mayor pointed out that all departments are doing well and thanked staff for their hard work.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – September 2020, General Fund Budget Projections as of October 2020, and Utility Fund Budget Projections – October 2020.**
- 2. Fire Departmental Report and Communication Division’s Monthly Report**

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3. **Police Department Monthly Activity Report, Warrant 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. **November 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 October 19, 2020.**
2. **Consider Resolution No. 2020-54, receiving the Capital Improvements Advisory Committee's November 2020 Semiannual Progress Report.**

RESOLUTION NO. 2020-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE'S NOVEMBER 2020 SEMIANNUAL PROGRESS REPORT.

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 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 Warren moved to approve items 1 through 3 on the consent agenda. Council Member Singleton seconded the motion. The vote follows:

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

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Nays: None

The motion carried.

F. REGULAR SESSION

1. Consider Resolution No. 2020-55, authorizing the City to seek reimbursement for any eligible Coronavirus Relief Fund (CRF) activity.

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

Back in August the City Council approved Resolution 2020-40 authorizing the interlocal agreement with Harris County for Coronavirus Relief Fund (CRF) funding and dedicating \$300,000 of it for grants to local businesses that applied through the County. The City of Jersey Village is eligible for up to \$437,910 in CARES Act Funds.

We have been in regular communication with the consultant handling CRF funding for Precinct Four cities trying to see what the needs of the businesses in Jersey Village are based upon the County Small Business Program. The consultant has informed us they are unable to determine if the Small Business Program will be able to distribute the first round of funding before the deadline that we have of December 31 to spend the money.

As such they are recommending that the City submit reimbursement for the funding we are eligible for so we do not risk losing the funds.

The easiest way to receive these funds would be for the city to submit a reimbursement request for payroll expenses for Fire and Police Employees. The US Treasury Department has determined that jurisdictions will no longer have to demonstrate that public safety and public health employees' time was substantially dedicated to COVID-19 relief in order to receive reimbursement. Funding for them has been deemed a reimbursable expenses and is generally easy to get reimbursement for.

If the Council would like to do a Small Business Grant Program on our own utilizing city general funds staff could bring a proposed program to the Council for consideration in December.

The Action tonight would be to deallocate the \$300,000 to the Small Business Grant Program and allow City Staff to seek reimbursement for any eligible CRF activity.

Council engaged in discussion about the process of bringing the funding back to the City and how the monies can be spent. Some members felt that, if possible, some monies should be put aside to help small businesses in the City in addition to reimbursable expenses due to COVID. Others felt that the reimbursements should be made first and then have discussions about any amount available for small businesses.

With no further discussion on the matter, Council Member Warren moved to approve Resolution No. 2020-55, authorizing the City to seek reimbursement for any eligible

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Coronavirus Relief Fund (CRF) activity. 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. 2020-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY SEEK REIMBURSEMENT FOR ANY CORONAVIRUS RELIEF FUND (CRF) ACT ELIGIBLE ACTIVITY.

2. Consider Resolution No. 2020-56, authorizing applications for the FEMA FY20 FMA grant to elevate homes.

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

Staff is recommending that City Council authorize two grant applications for home elevations. Based upon guidance from our grant administrator we are proposing two applications.

Since 2017 there have been about 165 homes that have been identified for potential elevation. These homes are ones that have flooded multiple times and ones that are most susceptible to future flood events even after other flood mitigation projects, such as the expansion of the E100 branch of the bayou, the berm around the golf course, and street drainage improvement projects are completed. The list was created using data from FEMA and the Long-Term Flood Recovery Plan.

A preliminary benefit cost analysis was done for all those homes. A benefit cost analysis is a process used to measure the benefits of a home elevation (i.e. savings to the flood insurance program) minus the costs associated with doing the elevation. A BCA involves measurable financial metrics such as costs saved as a result of the decision to pursue a project.

The result of a BCA is a Benefit-Cost Ratio (BCR). A project is considered cost-effective when the BCR is 1.0 or greater. A BCR has a value of 1.0 when the costs and benefits equal. If the value is greater than 1 the benefits are greater than the costs. If it's less than 1 then the costs of the project are more than the benefits of it.

With any application the city submits the maximum number of houses we can apply for and reasonably expect to be funded is about 20 homes. That means it is going to take about 7-10 years of applications to apply for every home.

The BCA information from each home was used to put all the homes into groups so that each group would be over a 1.0. That came out to 9 different groups of homes. The homes

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that have a BCA of less than 1 need to be mixed into a group that has homes of a BCA higher than 1 so that all the homes combined have a BCA or higher than 1.

FEMA does have a “Benefit Cost Ratio – Standard + Additional” category. The additional includes things like social benefits, the number of volunteers that are required to help muck out houses after flooding, and how many people in the homework outside the home. The additional only comes in to play if the standard BCR is over 0.75. In our initial analysis we only look at the standard amounts. When those additional benefits are added in for homes, we can usually achieve a BCR of around 1.2 or 1.3.

Here are the general timelines that have occurred in the past. This does not mean the timelines are the same for future years but is meant to give an estimate of how long it takes.

The City will submit the application to the state in November.

The state will submit the application to FEMA in late January.

FEMA should identify applications for further review in late May. (This is the first step in the approval process.)

It could take anywhere from 10-20 months for final approval to be given. That means the award would not be final until March – December 2021. This is 16 – 26 months after the city submits the initial application to the state.

Once the award is final it will take about 4 months for home owners to select contractors (the city pre-qualifies contractors, and homeowners select one of the pre-qualified ones by the City), for contractors to come up with specifications for the exact work to be done.

Once that is done it takes about 4 months to get the funding for the first half of the homes to be elevated. It takes roughly 3 months for a home to be elevated.

Once 70% of the funds have been spent on elevating the first round of homes, the city requests funding for the second round of homes. It takes about 4 months to get funding from the state. It takes roughly 3 months for a home to be elevated.

In total it can take between 33 months to 43 months from application to project completion.

Application 1 has 16 homes to be elevated. Using the FEMA Benefit Cost Analysis Calculator this application has a Benefit Cost Ratio of 1.37. The total project is expected to be \$4,859,790, with the federal cost share being \$4,470,793 and a local cost share of \$388,997.

Application 2 has 14 homes to be elevated. Using the FEMA Benefit Cost Analysis Calculator this application has a Benefit Cost Ratio of 1.34. The total project is expected to be \$4,649,956, with the federal cost share being \$4,195,161 and a local cost share of \$454,795.

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City Manager Bless gave a PowerPoint presentation on the process. Topics included:

- How it works
- Elevations
- Repetitive Loss
- Severe Repetitive Loss
- Elevations Most Common
- Eligibility
- Benefit Cost Analysis
- Timeline
- Home Selection Process
- Staff Recommendation For FY 20 Application
- Other Things to Note
- Future Years

Council engaged in discussion about the Benefit Cost Ratio (BCR) and what BCR does the City try to reach when applying for FEMA funding. City Manager Bless stated that there really is no requirement set by FEMA, so he looks to what other cities are doing. With this in mind, he told the Council that most cities are at a 1.2 or 1.3 BCR.

There was discussion about applying for two grants as opposed to one. City Manager Bless stated that all grant applications are reviewed independently so having two will not jeopardize either of the applications. Some members wanted to know how homes are selected to be included in the grant application. City Manager Bless explained how homes are selected in order to have the best application. There was also discussion about the E100 project and the Wall Street Berm Project and how these projects will affect future flood maps, which will in turn affect homes in the floodway and their eligibility for FEMA teardown rebuild funding.

There was discussion about the progress the City has made since the flooding event in 2001 and how we have many options to work with to mitigate flooding.

With no further discussion, Council Member Holden moved to approve Resolution No. 2020-56, authorizing applications for the FEMA FY20 FMA grant to elevate homes. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING APPLICATIONS FOR THE FEMA FY20 FMA GRANT TO ELEVATE HOMES.

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- 3. Consider Ordinance No. 2020-26, continuing a Mayoral Declaration of Local Disaster due to public health emergency; waiving certain fees during the public health emergency; suspending the disconnection of water services during the public health emergency; providing restrictions on community gatherings; accounting for any potential conflict of laws; providing for a fine in an amount not to exceed five hundred dollars (\$500) for each offense; providing for severability; and, providing an effective date.**

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

This ordinance extends the current declaration of local disaster, which is set to expire on December 1. The ordinance as drafted automatically expires on January 19, 2021 or if the Governor cancels all related COVID-19 orders, declarations, restrictions, and regulations. The City Council is scheduled to meet on January 18 and could extend the order at that point in time.

If Council wishes to end the declaration before January 19 staff has two option for Council to consider.

1. The city can seek reimbursement for expenses incurred through the end of this calendar year. So having the declaration expire on January 1, 2021 may be good for a reimbursement standpoint. Although we have incurred enough expenses to receive our full reimbursement from CRF through the County and staff does not anticipate applying for other FEMA funds as it relates to Coronavirus expenses.
2. The Council could choose not to extend this ordinance, at which point the current declaration would end on December 1, 2020.

The rest of the ordinance remains unchanged from what has been previously approved by the Council.

With limited discussion concerning past due water bills, Council Member Wubbenhorst moved to approve Ordinance No. 2020-26, continuing a Mayoral Declaration of Local Disaster due to public health emergency; waiving certain fees during the public health emergency; suspending the disconnection of water services during the public health emergency; providing restrictions on community gatherings; accounting for any potential conflict of laws; providing for a fine in an amount not to exceed five hundred dollars (\$500) for each offense; providing for severability; and, providing an effective date. Council Member Singleton seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-26

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS CONTINUING A MAYORAL DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY; WAIVING CERTAIN FEES DURING THE PUBLIC HEALTH EMERGENCY; SUSPENDING THE DISCONNECTION OF WATER SERVICES DURING THE PUBLIC HEALTH EMERGENCY; PROVIDING RESTRICTIONS ON COMMUNITY GATHERINGS; ACCOUNTING FOR ANY POTENTIAL CONFLICT OF LAWS; PROVIDING FOR A FINE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

4. Discuss and take appropriate action regarding the City of Jersey Village Sales Tax Allocations.

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

Currently the city collects 2% sales tax. It is collected in three pieces:

Type of Sales Tax	Percentage of our 2%	Dollar Amount Collected
General Revenue	1%	\$3,928,322
Property Tax Relief	0.5%	\$1,964,161
Crime Control	0.5%	\$1,964,161

Back in 1969 the City adopted the 1% General Revenue Sales Tax. In 1995 the City adopted the 0.5% sales tax for Property Tax Relief. The Crime Control sales tax was last reauthorized in 2013.

When the legislature authorized cities to adopt a general revenue sales tax in 1967, it provided that the rate of the general revenue sales tax must be set at one percent—no higher and no lower. After initial adoption of a general revenue sales tax, cities had no authority to call an election to raise or lower the one-percent general revenue sales tax.

This general structure remained in place until 2015. House Bill 157, passed in 2015, authorizes a city to hold an election to impose its general sales tax at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeded the maximum local sales and use tax rate of two percent. In other words, a city with an existing one-percent general revenue sales tax may now order an election to increase or decrease the tax, assuming that there is room under the two-percent local sales tax cap for any potential increase.

Legislation that passed in 2005 permits a city to repeal or lower one dedicated sales tax, and raise or adopt a different dedicated sales tax, all with one combined ballot proposition. The fact that this can be accomplished by one combined ballot proposition protects the city’s interest by eliminating the risk that one tax will be voted out by the citizens without the other tax being voted in.

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With the most recent changes in 2019 that the state legislature made to property tax rate calculations, the 0.5% portion of our city sales tax that is called “Property Tax Relief” impacts our property tax rate since revenues from the sales tax for property tax relief are subtracted from the city’s no-new-revenue tax rate and voter-approval property tax rate calculations. This subtraction has the effect of decreasing property tax revenue by an equivalent amount.

Because of this reduction, city staff has looked at ways to modify our sales tax allocation to limit the impact.

In accordance with current tax laws, the City is permitted to modify the sales tax allocations at 1/8 of a percent increments. Based upon our FY2019 sales tax collections, below is a listing of the amount of sales tax collected for each 1/8 increment:

Dollar Amount	Percent
\$ 491,040.25	1/8
\$ 982,080.50	1/4
\$ 1,473,120.75	3/8
\$ 1,964,161.00	1/2
\$ 2,455,201.25	5/8
\$ 2,946,241.50	3/4
\$ 3,437,281.75	7/8
\$ 3,928,322.00	1

There are several different options that the city has in modifying the sales tax allocations.

General Revenue

If the Council wanted to maintain the most flexibility on sales tax the “General Revenue” sales tax could be increased. This means the money would go to the General Fund and the City Council would set the budget priorities as they do every year during the budget season.

Economic Development

A portion of the sales tax could be dedicated Economic Development. There are two different types of Economic Development Sales Tax, Type A and B. These are explained in more detailed in the Exhibits.

For Economic Development sales tax the city itself does not expend sales tax proceeds. Instead, the city creates an economic development corporation that is governed by a board of directors. The board of the economic development corporation is responsible for deciding how to spend the proceeds of the sales tax for economic development. The city council must approve each expenditure; however, hence the city has a sort of “veto” power over the corporation. An economic development corporation is something that was suggested in the 2016 Comprehensive Plan and also during the update going on now.

Fire Control, Prevention, and Emergency Medical Services Districts

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The Local Government Code Chapter 344 authorizes a Fire Control, Prevention, and Emergency Medical Services District (FCPEMSD), which is similar to a Crime Control Prevention District. A sales tax of up to 0.5% may be levied for this. Eligible costs include costs for personnel, administration, expansion, enhancement, and capital expenditures, fire apparatus and equipment, emergency communications centers, and several other things.

Street Maintenance

A portion of the sales tax could be dedicated for street maintenance. The revenue from this is spent to repair and maintain existing city streets and sidewalks. This sales tax revenue would need to be reauthorized by the voters every 10 years.

Crime Control Prevention District

The Crime Control Prevention District (CCPD) is something the City Council is familiar with as we have one in Jersey Village.

The Exhibit to this agenda item in the meeting packet is from the Texas Municipal League. It is a more in-depth synopsis of each type of Sales Tax, except the Fire Control, Prevention, and Emergency Medical Services District. The authorizing statute for that can be found here: <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.344.htm>

Regardless of the desired option, if the Council wishes to change our allocation, such change will require it to be approved by the voters in May. The Council could put any type of allocation change at any 1/8 increment to the voters that they wish.

Tonight this item is for discussion and feedback. Based upon the discussion, staff and the city attorney will work to draft the necessary language and bring the next steps to the Council. If an election will be called, we will try to have the Council approval of the election in January so it can be held in May.

City Manager Bless address concerns indicated in public comments, stating that these discussions will not increase the monies only reallocate the monies.

Council engaged in discussion about sales tax allocations. There was discussion about how some of the options included in the meeting packet require a 10 year reauthorization. City Manager Bless stated that Street Maintenance and Crime Control and Prevention District have 10 year reauthorization requirements. City Attorney Bounds also addressed the question, stating that some options will have different time frames for reauthorization depending upon the tax in question. In connection with reauthorization, some were concerned that should Council decide to split the allocation up among the four different proposed options that there may be a risk of some not being reauthorized. Some wondered if the CCPD can be reallocated since it is up for reauthorization in 2023. City Attorney Bounds explained that the statute does not preclude the City from calling an election earlier than 2023 to reallocate sales tax funding.

In reviewing, some felt that all four categories are items desired by the residents. There is also the option to place it all in general revenue and have City Council allocate it during

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the budget process. However, there is something to be said about voters having a say in how the monies are allocated. The City has certainly had success with the CCPD as our Police Department is well ahead of most cities.

The Council discussed the four categories. There was also discussion about the property tax relief that is currently in effect. City Attorney Bounds explained that the property relief tax is designed to reduce the property tax. Some wondered if eliminating the tax relief will affect the calculation of the State 3.5% cap on revenues. City Attorney Bounds stated that it would permit the city to collect additional revenue that will not impact the property tax revenues.

There was discussion about the calculation and how the monies will be allocated and how it does affect property taxes. However, some felt that upon approval of a sales tax reallocation by the voters, it will not change the property tax rate. It was explained that the current property tax relief does affect the amount of tax ultimately paid by the tax payer.

There was discussion about new businesses and rebates to encourage redevelopment. It was mentioned that rebates are not taken into account in terms of the calculation for truth and taxation. So if we re-categorize the allocation, it will bring in new business and history has shown that we have been able to keep property taxes flat and even reduce them as a result.

The FCPMSD was discussed. Some felt that residents would be interested in having fire department funds supplemented in this manner as they are familiar with this type of funding with our police department.

Others felt that more information is needed to determine the amount of allocation that could be made and for which options.

It was mentioned that by reallocating the sales tax revenues, the City gains flexibility in how the sales tax monies can be spent. The current sales tax relief was discussed further. Finance Director Kato explained the process and how it affects the taxes paid by the residents. Council Member Warren also explained the process by giving an example.

The reallocation is revenue neutral. The reallocation changes the City's cap but not what the residents will pay.

There was discussion about the Economic Development District options. Some were concerned about creating another District and not having members volunteer to serve on the Board.

There was also discussion about the benefits of creating a FCPMSD. Some did not think that the Street Maintenance option is needed.

Regardless of the reallocation option the City Council choose, it will have to be approved by the voters. Therefore, it was pointed out that Council must weigh what the residents

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will ultimately want and vote to approve. The CCPD and FCPEMSD will most likely be appealing. The need for fire department funding was discussed.

All options were discussed. Most were not in favor of Street Maintenance. Over allocating restrictive funds was discussed.

Most members seemed to favor the CCPD and FCPEMSD, but more information is needed in terms of projecting future funding needs for these two department over the next 10 years in order to determine how to reallocate the sales tax dollars and at what percent.

It was the consensus of Council that reallocation is a good idea. However, any standing 380 Agreements must also be taken into consideration.

5. Discuss and take appropriate action concerning Charter amendments to be included on the May 2021 special election ballot in order that staff may begin preparations of the appropriate order to call this special election for Council's final decision at the January 2021 meeting.

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, made its report and recommendations to City Council on October 19, 2020. The report outlined the following recommended Charter Amendments:

1. Delete Sections 1.08 and 1.09 as follows:

~~**Sec. 1.08. – Reserved.**~~

~~**Sec. 1.09. – Limitations on power of council.**~~

~~**The limitations on the powers of the City Council in Section 1.08 related to photographic traffic signal systems shall not apply to any contract or contractual obligation incurred by or on behalf of the City on or before January 1, 2016**~~

2. Amend Section 2.12 as follows:

Sec. 2.12. – Publication of ordinances and other required public notices.

Except as otherwise ~~provided~~ **required** by law or this Charter, the city secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing said ordinance, or its caption and penalty, to be published **(i)** at least one time within ten (10) days after passage thereof in the official newspaper of the city, **or (ii) by posting on the municipal bulletin board for City Council agendas at City Hall and on the city's internet website continuously**

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for twenty (20) days after passage. Except as otherwise provided by law or this Charter, any requirement of the city council, or any board, department or official of the city, to provide notice with respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, publication of such advertisement or notice on the municipal bulletin board and on the city's internet website, continuously for at least seventy two (72) hours or for such other longer time frame for advertisement or prescribed by law, if any, shall be sufficient public notice.

3. With respect to gender-neutral language, the Commission recommends that the entire text of the Charter be amended to reflect gender-neutral language.
4. With respect to Term Limits the Commission recommends the following changes:

The council shall be composed of a mayor and five (5) other councilmembers, each of whom, unless sooner removed under the provisions of this Charter or the laws of the State of Texas, shall serve for a term of two (2) years or until ~~his~~ a successor has been elected and installed. The members of the council, other than the mayor, shall be elected to and occupy a place on the council, such places being numbered One, Two, Three, Four and Five, respectively. Places One, Four and Five on the council shall be filled by **popular majority** vote each even-numbered year, and places Two and Three on the council shall be filled by **popular majority** vote each odd-numbered year. The office of mayor shall be filled by **popular majority** vote each odd-numbered year.

No person shall serve more than three (3) consecutive two-year terms as mayor, nor more than four (4) consecutive two-year terms as councilmember or a combination of mayor/councilmember. Any portion of a term served shall **not** count in calculating the total number of consecutive terms served. No person who has served four (4) consecutive terms as councilmember or mayor/councilmember shall hold office as mayor within the one-year period following the said four (4) terms of service.

No mayor or councilmember may qualify as a candidate for another municipal office if the term or any part thereof runs concurrently with each unless the person 1) files in writing the intent to run for the office with the City Secretary at least 60 days prior to the filing deadline for the office and 2) resigns from the municipal office the person presently holds.

In receiving the recommendations and after discussion, City Council agreed with recommendations 1 and 3.

With respect to recommendation 2, 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...” Staff has made this change so that item 2 will read as follows:

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2. Sec. 2.12. – Publication of ordinances and other required public notices.

Except as otherwise **provided required** by law or this Charter, the city secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing said ordinance, or its caption and penalty, to be published **(i)** at least one time within ten (10) days after passage thereof in the official newspaper of the city, **or (ii) by posting on the municipal bulletin board for City Council agendas at City Hall and on the city's internet website continuously for twenty (20) days after passage. Except as otherwise required by law or this Charter, any requirement of the city council, or any board, department or official of the city, to provide notice with respect to any real or personal property, act, event, hearing, or other occurrence, by advertisement or notice, publication of such advertisement or notice on the municipal bulletin board and on the city's internet website, continuously for at least seventy two (72) hours or for such other longer time frame for advertisement or prescribed by law, if any, shall be sufficient public notice.**

With respect to item 4, most Council Members were supportive of not counting unexpired terms towards term limits. However, some were concerned about the vacancy caused by requiring resignation and the almost three (3) month vacancy gap it would create. Accordingly, City Council asked for additional information or language that clarifies the gap and asked that this item be placed upon this agenda to discuss further the recommended Charter Amendments.

Since October 19, 2020, City Staff, along with the City Attorney, have reworked item 4 in order to clarify the vacancy gap as well as identify the path toward filling vacant positions. Accordingly, following are the suggested language changes to item 4:

4. Sec. 2.01. – Number, selection and term of office.

(a) The council shall be composed of a mayor and five (5) other councilmembers, each of whom, unless sooner removed under the provisions of this Charter or the laws of the State of Texas, shall serve for a term of two (2) years or until **his a** successor has been elected and installed. The members of the council, other than the mayor, shall be elected to and occupy a place on the council, such places being numbered One, Two, Three, Four and Five, respectively. Places One, Four and Five on the council shall be filled by **popular majority** vote each even-numbered year, and places Two and Three on the council shall be filled by **popular majority** vote each odd-numbered year. The office of mayor shall be filled by **popular majority** vote each odd-numbered year.

(b) No person shall serve more than three (3) consecutive two-year terms as mayor, nor more than four (4) consecutive two-year terms as councilmember or a combination of mayor/councilmember. Any portion of a term served shall **not** count in calculating the

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total number of consecutive terms served. No person who has served four (4) consecutive terms as councilmember or mayor/councilmember shall hold office as mayor within the one-year period following the said four (4) terms of service.

(c) By filing a written application for a place on the ballot for another municipal office, a person who holds a municipal office automatically resigns from the municipal office that the person presently holds. A special election shall be called to fill the unexpired term, if any, of the resigning person; however, the resigning person may continue to hold the current office until the canvass of the election returns. To the extent of any conflict with Section 2.03, Vacancies, this subsection (c) shall prevail.

This item is for City Council to direct staff concerning Charter amendments to be included on the May 2021 special election ballot in order that staff may begin preparations of the appropriate order to call this special election for Council's final decision at the January 2021 meeting.

Council engaged in discussion. Each subject of the four proposed amendments will be a separate amendment. If approved, they will go into effect as a practical matter, upon adopting an Ordinance after the election canvass.

City Attorney Bounds explained the changes proposed for Section 2.01, which includes changing popular vote to majority vote, partial terms do not count toward term limits, and consecutive terms and the need to resign in order to run for another position on City Council.

Council discussed the need to resign option. The benefit was discussed. City Attorney Bounds pointed out that with this proposed amendment, the empty position is filled by the electorate as opposed to City Council. The process was discussed and how the general and special election would be called. The time table was discussed as well. Some members were not in favor of this amendment, but do favor the other three, pointing out that there is no compelling reason to make this change. Others did not agree.

Council discussed the pros and cons of this amendment. Some felt that this amendment is important because it gives the electorate the opportunity to put in place their choice to fill the vacant office. Some wondered if this rule will deter people from running for Mayor. The pros and cons of the current process were discussed.

It was the consensus that all agreed with deleting Sections 1.08 and 1.09, amending Section 2.12, and adding gender neutral language. The amendment for Section 2.01(c) was discussed in depth. It was decided that Staff should proceed with preparing an Ordinance to call an election on all four of the proposed amendments for Council's review and vote at the January 2021 City Council Meeting.

- 6. Consider Resolution No. 2020-57, authorizing the closure and capping of the Seattle water well in perpetuity and authorizing notice of such closure and capping to the**

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TCEQ along with the submission of a permit amendment to satisfy permitting requirements.

Public Works Director, Harry Ward, introduced the item. Background information is as follows:

The Seattle water well has major issues that exceed mechanical matters. Radionuclides levels are a significant health concern that can negatively affect the public. Excessive static level drawdowns will call for a more consecutive evaluation of the well's casing, impellers, etc.

Accordingly, a long-term sustainable, equitable solution, to close the well and cap the well is recommended in the Seattle Well Recommendation included with this item.

Public Works Director Ward gave further history concerning the operation of this well as well as the various options for moving forward.

Council engaged in discussion about how this well could be out of service for 20 years and be in this condition. While the Council was disappointed in the efforts of former staff members to maintain this well, they were thankful that the current Staff is addressing the issues. However, there was concern by some Members in capping the well in that they wondered about the City of Houston's capacity to provide us with water as well as their ability to carry out preventative methods.

There was also concern about having only two wells in the event that one fails. Some wondered if one well can provide 100% of the City's water needs. Director Ward confirmed that yes, one well can provide all of the City's service needs. He gave the capacity for each well, which exceeds the City's current usage. Some members were not comfortable with going down to two wells. There was also concern about closing the well with TCEQ and getting it back if needed. Nonetheless, Director Ward pointed out that \$400,000 is needed to put this well on-line and there is no guarantee that the water will be usable.

Village Center was discussed. Director Ward stated that more information is needed, but currently a City of Houston interconnect is planned for this development.

Water coverage for the City in the event that one well goes down was discussed as well as generators to support these wells. The cost of new wells was discussed. The Council also discussed the four (4) interconnects that the City has which include the City of Houston, two MUD's and one connect that lies under US HWY 290.

Well capacity was discussed as well as the City of Houston interconnect capacity. Currently our capacity exceeds our usage by four (4) times. Accordingly, some members felt we need to move forward with closing and capping this well.

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With no further discussion on the matter, Council Member Warren moved to approve Resolution No. 2020-57, authorizing the closure and capping of the Seattle water well in perpetuity and authorizing notice of such closure and capping to the TCEQ along with the submission of a permit amendment to satisfy permitting requirements. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CLOSURE AND CAPPING OF THE SEATTLE WATER WELL IN PERPETUITY AND AUTHORIZING NOTICE OF SUCH CLOSURE AND CAPPING TO THE TCEQ ALONG WITH THE SUBMISSION OF A PERMIT AMENDMENT TO SATISFY PERMITTING REQUIREMENTS.

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 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 Singleton: Council Member Singleton thanked City Manager Bless for his work on FEMA grants. He told Council that Mr. Bless has brought this process to Jersey Village and has had incredible successful. He told Council that he has done research based on OPEN FEMA Datasets. He found that over 500 entities within Texas have received FEMA hazard mitigation grant money since 1989. In terms of most dollars awarded, Jersey Village placed 52nd. Jersey Village has received similar federal shares as the City of Brownsville, Bastrop County, Orange County, Victoria County, and the City of League City which is ten times our size. With

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this in mind, Council Member Singleton recognized staff for outperforming so many entities in Texas.

Council Member Warren: Council Member Warren thanked Council Member Singleton for the FEMA grant information. He also said that as we move into Thanksgiving it is important to focus on the things we are thankful for despite the hardships brought to us in 2020.

Council Member Wasson: Council Member Wasson thanked City Manager Bless for his hard work and for the hard work of all City Staff. He is grateful for the Mayor and Council for their hard work. He wishes all a healthy, happy, and grateful Thanksgiving.

Council Member Holden: Council Member Holden agrees with what has been said and believes the information provided by Council Member Singleton should be placed in the JV Star. He is thankful for City Council and Staff and all the hard work.

Council Member Wubbenhorst: Council Member Wubbenhorst thanked City Manager Bless for his hard work. He wishes all a happy and safe Thanksgiving.

Mayor Mitcham: Mayor Mitcham thanked Council Member Singleton for the great information on FEMA funds. He thanked City Manager Bless and Staff for their hard work, stating that they all have improved the quality of life for JV residents. He reminded everyone that there is still much going on with this pandemic. Please continue to wear your face mask and continue to patronize local businesses. Be careful. He thanked everyone for their hard work in putting this meeting together and stated that he appreciates the weekly updates. Happy Thanksgiving.

H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 10:00 p.m.



Lorri Coody, City Secretary