# MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON FEBRUARY 22, 2021 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: 865 7870 1740. If you do not wish to participate via telephone, you can view a live broadcast of the meeting on YouTube at <a href="https://www.jerseyvillagetx.com/page/city.livestream">https://www.jerseyvillagetx.com/page/city.livestream</a>. The agenda follows:

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

The meeting was called to order by Mayor Mitcham at 7:02 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 by: Council Member, James Singleton
- **2.** Pledge by: Jane Mitcham

# 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.

<u>Michael Stembridge, 15422 Jersey Drive, Jersey Village, Texas (713) 983-8647:</u> Mr. Stembridge spoke to City Council about FEMA reimbursements. He also told City Council that it has been almost 5 years since the tax day flood. Since then, he has been asking for a home elevation. He explained that he was taken off the list and has never been put back on the list. Now, the residents on his block have signed a petition to create a TIRZ to address flooding.

He went on to explain his concern about how the monies that a TIRZ will raise will be spent. He stated that he did not want to join the TIRZ. He wants his home elevated. He does not understand why this only is happening in his area of the City and in no other areas. He does not understand why no elevations have been done on East Jersey Drive. He stated that it seems that the TIRZ is the only option and he is not interested in this solution.

<u>Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430:</u> Mr. Maloy spoke to City Council about the winter freeze. He had a pipe break on the outside of his home. His main reason for speaking tonight was to ask the following questions:

- 1. Why did it take 3 years to incorporate the Harris County reconstruction requirements that went into effect back in 2018? He felt it was not done because it would increase the cost of constructions?
- 2. Is the company being considered to build the GC berm FEMA approved?
- 3. Why is the golf course berm being built four feet lower than the Long Term Flood Study findings?
- 4. How will the ponds that are part of the Golf Course Berm Project affect the area when major storms hit?

He is concerned about flooding. He gave his opinion concerning flood mitigation and construction of the Golf Course Berm.

#### Mayor Comments were taken out of order as follows:

Mayor Mitcham gave update information about the recent ice storm. He gave information about the many requests to have water turned off and turned on. He thanked Public Works for all their help in this area. He also thanked City Manager Bleess and his team for their actions to help get the water back after the Boil Water Notice. He went on to say that Jersey Village was one of the first cities in the area to get their water back. He also thanked City Council for their help. During these type events, there is a void of information, but our City Council stepped up to fill the information void and to help divert speculation. He also thanked the residents that stepped up to provide information. He thanked JVPD and JVFD for their hard work all week. They made many calls to help residents and the public. He stated that many in the Fire Department are volunteers. He gave information for resource assistance to help with storm damage.

He told residents that the City Website has a form for residents to complete on damage so the City can understand the damage and the needs of residents. There is FEMA assistance on the National level, but you must file a home owner's claim first. If your home owner's insurance does not cover the event, FEMA assistance may be able to help. The City can help connect you to various resources to help you file FEMA claims. Congresswoman Lizzy Fletcher is also a resource.

Today, Harris County announced a relief fund. Information about the fund can be found on the website winterstormrelieffund.org or by dialing 211.

These resources can be helpful above and beyond your home owner's insurance.

He closed by thanking everyone who stepped up to help. He witnessed the help first hand. Neighbors helped neighbors in many ways. It was great to see. We are not through this yet. Many are on waiting lists for plumbers for repairs. So, please continue to check on your neighbors. If you need help, please reach out to the City who will help connect you with resources to help.

#### **D. PRESENTATION**

1. Receive an update from Kyle Scott, Vice Chancellor of Strategic Priorities, Lone Star College, on how the fall semester unfolded and Lone Star's plans for the spring semester.

Kyle Scott with Lone Star College gave an update on how the fall semester unfolded and Lone Star's plans for the spring semester.

#### E. CITY MANAGER'S REPORT

City Manager Bleess gave the following monthly report. Mr. Bleess thanked Public Works for their hard work during the storm. He encouraged residents to visit the City website for resource information in dealing with storm repairs. Permit fees have been waived. As far a demo debris, our Public Works Department will pick up the debris. Also, staff is looking at water bills due to busted pipes and how to handle these bills. An item will be brought to City Council for consideration if needed.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – December 2020, General Fund Budget Projections as of January 2021, and Utility Fund Budget Projections – January 2021.
- 2. Fire Departmental Report and Communication Division's Monthly Report
- **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 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. 2020 Racial Profiling Report

#### F. 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 January 18, 2021 and the Special Session Meeting held on February 8, 2021.
- 2. Consider Resolution No. 2021-10, receiving the Planning and Zoning Commission's Recommendation confirming the Commission's review and approval of the Draft City of Jersey Village's Comprehensive Plan 2020 Update document.

# RESOLUTION NO. 2021-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION CONFIRMING THE COMMISSION'S REVIEW AND APPROVAL OF THE DRAFT CITY OF JERSEY VILLAGE'S COMPREHENSIVE PLAN 2020 UPDATE DOCUMENT.

Council Member Wubbenhorst moved to approve items 1 and 2 on the consent agenda. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

#### G. **REGULAR SESSION**

# 1. Conduct a Public Hearing in order to give the public the opportunity to give testimony and present written evidence as to why the City's Comprehensive Plan should not be updated as proposed.

Mayor Mitcham called to order the public hearing at 7:37 p.m., giving all interested parties the opportunity to give testimony and present written evidence as to why the City's Comprehensive Plan should not be updated as proposed.

<u>Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430</u>: Mr. Maloy spoke to City Council about the Comprehensive Plan. He gave information about the residents that completed the survey, stating that there were 152, which is less than 2% of total population. Participation on the 2016 Comprehensive Plan was less than 5%. He stated that back in 2016, a committee was formed to work with a consulting group. Nonetheless, even with all that work it was still less than 5% who participated in creating the plan.

He gave information about residents that live along the bayou and the plan for trails outlined in the Updated Comprehensive Plan. He believes that these residents do not want these trails. He wants mention of these trails to be eliminated from the updated plan.

He also spoke to the City's golf course. He felt that too many tax dollars are spent on this facility. He gave financial information about monies spent to fund this facility. He felt it is too much. He wants the course to be repurposed into a park so that all residents can use it and enjoy it.

With no one else desiring to speak at the public hearing concerning adoption of the City's Comprehensive Plan, Mayor Mitcham closed the public hearing at 7:42 p.m.

2. Consider Ordinance No. 2021-05, adopting a Comprehensive Plan including a Future Land Use Plan; a Transportation and Circulation Plan; and other elements relating thereto; providing for a Comprehensive Plan Update Committee; providing for annual review of the Comprehensive Plan; providing for severability; providing for repeal; providing an effective date; and containing other provisions related to the subject matter.

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

In May of 2020 the City Council appointed a Comprehensive Planning Update Committee (CPUC) to work with City staff to review the Comprehensive Plan that was approved in 2016 and to update it accordingly.

That Committee went over the plan, Chapter by Chapter, over the course of 13 meetings. The Committee solicited community feedback via an online survey. That survey was promoted a number of ways, including in the JV Star, on the City's Website, on the digital marquee signs, via social media and push notifications on our mobile app.

City staff has worked to incorporate into this plan all of the thoughts and ideas the CPUC believed to be important. Many of the ideas build upon the great framework that was adopted as part of the 2016 plan.

The Plan highlights the many accomplishments that were made since the original plan was adopted in 2016. The Plan continues to look to the future and appropriately plan for future growth, improvements, and projects.

The Planning and Zoning Commission met on January 25, 2021 and reviewed the Plan. They are recommending approval of the plan to the City Council.

This item is to provide City Council the opportunity to approve the Comprehensive Plan.

Council engaged in discussion about the plan. Some members felt it was difficult to see what had changed since 2016, making it difficult to evaluate the changes. Some felt the process was cumbersome. There were questions about the code enforcement comments that seemed to imply that the City is not doing a good job in this area. However, some

members of the Council felt this is not the case and believe that City Staff does do a good job with code enforcement.

City Manager Bleess stated that the Committee spent a lot of time on Chapter 2. The 2016 plan listed 16 goals. The Committee narrowed this down to nine by combining some of the goals. He explained that the Updated Plan builds on the strategies outlined in Chapter 2. He mentioned that a section was added in the introduction that gives historical information pertaining to flooding, homestead exemptions, etc.

The Community Character section of the Plan was updated to list the work that has been done in this area since 2016.

There was discussion about Parks and Recreation wherein the focus was to work toward community involvement as opposed to a focus on facilities. The focus was to use what we have and enhance it order to bring residents together in a more organized fashion.

As far as Code Enforcement, some members felt that most neighborhoods in Jersey Village do not have an HOA, so all the City can do is follow State and local laws that address public safety issues connected to code enforcement. Not all code enforcement issues present as a health and safety issue. Code enforcement happens in Jersey Village. Residents can view this work every month in the City Council Meeting Packet.

Mayor Mitcham gave background information on how the City handles code enforcement issues. City Manager Bleess gave background information about what the Comprehensive Plan Update Committee discussed concerning code enforcement issues. He stated that most of the discussion was about the code enforcement process. Overall the Committee felt that perhaps utilizing the International Property Maintenance Code might be helpful, but they understood the confines that currently face the City.

There was discussion that most often complaints from residents about code enforcement center on abandoned properties. Some wondered if the City should spend funds to clean up private property. City Manager Bleess stated that discussion about this is highlighted in Chapter 7. It addresses blight and beautification.

The Comprehensive Plan is a frame work setting out goals that we as a community work on going forward. Priorities are set annually during the budget process. For many of the past years the focus has been flood mitigation and economic development. Residents should attend these budget meetings and voice their needs and desires for the year moving forward.

Code enforcement needs to include education. If residents understand the process, they are better prepared to understand the constraints associated with code enforcement.

There was discussion about the comment to extend West Gulf Bank to Hillcrest listed in the Updated Plan. City Manager Bleess stated that this was initially included in the 2016

Plan, as well as, the realigning of Village Drive moving existing roads south connecting to Rio Grande.

There was discussion about the City Hall, Golf Course Clubhouse, and Civic Center. These issues still need to be addressed.

There was discussion about the comment in the Plan to update City Development and Building Codes. Some members felt that this happens on a regular basis. City Manager Bleess stated that the discussion was that Planning and Development Codes should be updated to make it less cumbersome and easier to understand in a way that promotes development. Council discussed that the process needs to be easier, friendlier for builders and developers and encourage a more collaborative approach.

Mayor Mitcham named members of the Comprehensive Plan Update Committee and thanked them for their service.

With no further discussion on the matter, Council Member Wasson moved to approve Ordinance No. 2021-05, adopting a Comprehensive Plan including a Future Land Use Plan; a Transportation and Circulation Plan; and other elements relating thereto; providing for a Comprehensive Plan Update Committee; providing for annual review of the Comprehensive Plan; providing for severability; providing for repeal; providing an effective date; and containing other provisions related to the subject matter. 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. 2021-05

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ADOPTING A COMPREHENSIVE PLAN INCLUDING A FUTURE LAND USE PLAN, A TRANSPORTATION AND CIRCULATION PLAN AND OTHER ELEMENTS RELATING THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER.

 Consider Ordinance No. 2021-06, amending the Code of Ordinances of the City of Jersey Village, Texas, at Chapter 14. Building and Development, Article II, Division 1, by amending Section 14-23(a) to provide for appointments every five (5) years; providing a severability clause; providing for repeal; and providing an effective date.

Drew Wasson, Council Member, introduced the item. Background information is as follows:

The 2020 Comprehensive Plan Update Committee (CPUC) recently convened to review the City's Comprehensive Plan that was adopted on February 15, 2016.

The CPUC finalized the 2020 Comprehensive Plan Update Document on January 7, 2021 and submitted it to the Planning and Zoning Commission on January 25, 2021 for review and recommendation to City Council.

As part of the Planning and Zoning Commission discussions had on January 25, 2021, it was recommended that the four (4) year Comprehensive Plan Update Committee review period be changed from every four (4) years to every five (5) years.

This item is for City Council to consider changing the review period.

With limited discussion on the matter, Council Member Wasson moved to approve Ordinance No. 2021-06, amending the Code of Ordinances of the City of Jersey Village, Texas, at Chapter 14, Building and Development, Article II, Division 1, by amending Section 14-23(a) to provide for appointments every five (5) years; providing a severability clause; providing for repeal; and providing an effective date. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

#### ORDINANCE NO. 2021-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, AT CHAPTER 14, BUILDING AND DEVELOPMENT, ARTICLE II, DIVISION 1, BY AMENDING SECTION 14-23(A) TO PROVIDE FOR APPOINTMENTS EVERY FIVE (5) YEARS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

4. Consider Ordinance No. 2021-07, annexing an area of land into the City of Jersey Village and extending the boundary limits of the City; with said area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529; providing for the correction of the City map to include the annexed area; providing an effective date; providing a savings clause; and, providing for notification to the County.

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

Last month the City Council authorized a development agreement between the City and Sezka Limited Partnership and Ronald B. Doan, Jr. at the northeast corner of FM 529 and Jones Road.

Tonight the City Council can adopt this ordinance that will formally annex the land into the City limits of Jersey Village.

Once the land is annexed Planning and Zoning will begin the process to rezone the property. Once the rezoning is complete the owners will begin the development process.

Council discussed the area being annexed. City Manager Bleess explained that the area is three parcels by two owners. The Development terms and conditions were discussed. They run with the land.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Ordinance No. 2021-07, annexing an area of land into the City of Jersey Village and extending the boundary limits of the City; with said area of land being generally described as approximately 3.9 acres of land adjacent to the southeast City limits near Jones Road and FM 529; providing for the correction of the City map to include the annexed area; providing an effective date; providing a savings clause; and, providing for notification to the County. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

#### ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF JERSEY VILLAGE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY 3.9 ACRES OF LAND ADJACENT TO THE SOUTHEAST CITY LIMITS NEAR JONES ROAD AND FM 529; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR NOTIFICATION TO THE COUNTY.

5. Consider Resolution No. 2021-11, receiving petitions from the Property Owners representing more than fifty percent (50%) of the appraised value of an area of the City of Jersey Village requesting the creation of a Tax Increment Reinvestment Zone be created for the area, and calling a public hearing on the creation of said Tax Increment Reinvestment Zone.

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

In September 2020 the City Council discussed a possible TIRZ #3 along Jersey Drive from Equador to Lakeview to aid in flood mitigation efforts, namely to create more opportunities for the tearing down of existing homes and building new ones above the flood plain.

Since that time the residents of that area have submitted petitions to create a TIRZ for their block. The block of homes is 15301 - 15526 Jersey Drive, a map of which is included as an Exhibit to this. This block contains 32 homes.

Section 311.005 (a)(4) of the Texas Tax Code allows for a TIRZ to be created if the "area described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the municipality or county by the owners of property constituting at least 50 percent of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located."

The most recent certified appraisal roll for these addresses is a value of \$7,325,140. As of the writing of this memo we have received petitions from 18 homes, which have a value of \$4,190,717 or 57% of the total value of the area.

At this point the City Council needs to formally receive the petitions from the property owners, and call a Public Hearing on the topic of the creation of a TIRZ, which would be Tax Increment Reinvestment Zone #3.

If Council approves the Resolution for this item a public hearing will be advertised, the required notifications will go out, and staff will prepare a preliminary reinvestment zone financing plan. The public hearing will be held at our March meeting. After that public hearing the Council can act on an Ordinance that would create the district and appoint a Board of Directors.

There was discussion that creating this TIRZ does not limit home owners from pursuing other options for flood mitigation. Creating the TIRZ just provides owners with another option. Council Member Warren addressed some the questions that were asked during the public comment section of this agenda. He explained the process for the TIRZ. He also explained that flood mitigation funds are limited so it is good to have as many options as possible to help mitigate flooding. Council thanked City Manager Bleess for his work on this project and for thinking outside the box to create other options for residents.

With no further discussion on the matter, Council Member Singleton moved to approve Resolution No. 2021-11, receiving petitions from the Property Owners representing more than fifty percent (50%) of the appraised value of an area of the City of Jersey Village requesting the creation of a Tax Increment Reinvestment Zone be created for the area, and calling a public hearing on the creation of said Tax Increment Reinvestment Zone. 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. 2021-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING PETITIONS FROM THE PROPERTY OWNERS REPRESENTING MORE THAN FIFTY PERCENT (50%) OF THE APPRAISED VALUE OF AN AREA OF THE CITY OF JERSEY VILLAGE REQUESTING THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE BE CREATED FOR THE AREA, AND CALLING A PUBLIC HEARING ON THE CREATION OF SAID TAX INCREMENT REINVESTMENT ZONE.

# 6. Consider Ordinance 2021-08, providing COVID Leave for City employees, providing for severability; and, providing an effective date.

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

Back in April, the City began to offer emergency COVID Leave to employees, as required under the Families First Coronavirus Response Act (FFCRA). That leave expired on December 31, 2020 and the requirement to provide it was not extended by Congress.

Since January 1, 2021 we have had at least three employees test positive for COVID-19. Some of these employees are new and have little if any available sick or vacation leave that they could utilize for while they are required to be out.

As the vaccination is not yet widely available and COVID-19 is still a major issue we must contend with, I am asking the Council to consider providing up to 80 hours of paid COVID Leave for those that test positive for COVID-19. For those that have been exposed, we would require them to use their available banked time (ie: sick or vacation). If they test positive, then we would charge all of the time away from work (up to 80 hours) to the COVID Leave, and credit back their time used. If they test negative, after the appropriate waiting period, then they would use their banked time and report back to work as normal.

We would stipulate that this leave is only available for those who have not already utilized their full 80 hours of COVID Leave. Under the FFCRA, we were required to provide COVID Leave to those that were exposed. There are some cases where people have used some of their COVID Leave due to exposure, but tested negative and did not use all 80 hours.

Mr. Bleess is proposing for this leave to run retroactively from January 1, 2021 through May 31, 2021. Hopefully at that point in time the vaccine will have been distributed and the challenges we face with COVID-19 will have decreased.

He has reached out to other cities to see what they are doing. Seabrook, Pearland, Baytown, and Galveston have all extended their leave in some form. There are several school districts in the area that have also done similar.

Council engaged in discussion about the May 31, 2021 time frame. Some felt this date needs to be extended to July. Others wondered if a time limit needs to be entered at all, but rather just have 80 hours for the entire year of 2021.

There was discussion about how employees get paid and what the entire payroll is for a pay period. Some wondered if leave is a part of what is being offered on the Federal or State level.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Ordinance 2021-08, providing COVID Leave for City employees, providing for severability; and, providing an effective date with amendments to extend the end date through the end of calendar year 2021. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

#### ORDINANCE NO. 2020-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, PROVIDING COVID LEAVE FOR CITY EMPLOYEES, PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

7. Consider Ordinance No. 2021-09, amending the Capital Improvements Fund Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 in the amount not to exceed \$51,100 by reallocating, \$42,350 from the Capital Improvements Line item 10-91-7086 and \$8,750 from the Capital Improvements Line item 10-91-7054 to Capital Improvements line Item 10-91-7064 (Pool Office Remodel).

Robert Basford, Director of Parks and Recreation, introduced the item. Background information is as follows:

For Fiscal Year 19/20 the Council approved a budget containing \$45,000 in funds to remodel the pool house from the general fund capital outlay line item 01-39-6515. That project was scratched due to COVID-19 but there is now potential to utilize the savings from our pool re-decking project combined with a small amount of our park improvements budget to complete both desired projects.

This project includes relocating the entrance doors to the restrooms, expanding the cashier and lifeguard room (while reducing the size of the adjacent storage facility), converting that storage area to a family changing room and adding two temporary portable AC units. The relocation of the bathroom entrance is imperative to enable staff to effectively monitor the entrance, crowd control, ticketing, and child safety (ensuring they aren't near the exit adjacent to the parking lot while using the restroom). The family changing room will be

an appreciated amenity from all residents and the expansion of the cashier/lifeguard room is long overdue. The current size is not large enough to house more than three people.

The project NOT TO EXCEED estimate came in at \$69,300 to be completed by Brown and Root who are members of National IPA cooperative purchasing (Contract No. R160402, NIPA 1000311-DO-04-1338). This proposal is valid for 30 days from January 28 2021. For FY 20/21 the Parks and Recreation Department budgeted \$125,000 (10-91-7086) for the pool decking refurbishment. Our final quote for the pool refurbishment project came in at \$82,650. After clarification on a few requirements from the building department, we (contractor and department) do not foresee any change orders as of now and have 98% confidence in the accuracy of this final price. This leaves \$42,350 remaining that can be allocated to this Pool house Remodel Project. There is also \$8,750 budgeted (10-91-7054) for the pool house roof repair, which was a smaller separate portion of the pool house remodel plan that this project will consume, allowing this budget amount to be allocated to this project as well. The remaining \$18,200 needed for this project, if approved. Our desired completion date for this project is May 10, 2021: The project duration is 60 days beyond notice to proceed.

City Staff is respectfully requesting to approve Ordinance No. 2021-09, amending the Capital Improvements Fund Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 in the amount not to exceed \$51,100 by reallocating, \$42,350 from the Capital Improvements Line item 10-91-7086 and \$8,750 from the Capital Improvements Line item 10-91-7064 Pool office Remodel in order to complete a project scratched last fiscal year due to COVID-19.

City Council discussed the remodel. They also discussed the pool and the benefits the pool brings to the City. The facility is well used and well liked. Clark Henry Park is a premiere park. The pool is an asset that needs continuous improvements.

With no further discussion on the matter, Council Member Warren moved to approve Ordinance No. 2021-09, amending the Capital Improvements Fund Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 in the amount not to exceed \$51,100 by reallocating, \$42,350 from the Capital Improvements Line item 10-91-7086 and \$8,750 from the Capital Improvements Line item 10-91-7054 to Capital Improvements line Item 10-91-7064 (Pool Office Remodel). 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. 2021-09

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 IN THE AMOUNT NOT TO EXCEED \$51,100, BY REALLOCATING \$42,350 FROM THE CAPITAL IMPROVEMENTS LINE ITEM 10-91-7086 AND \$8,750 FROM THE CAPITAL IMPROVEMENTS LINE ITEM 10-91-7054 TO CAPITAL IMPROVEMENTS LINE ITEM 10-91-7064 (POOL OFFICE REMODEL).

# 8. Consider Resolution No. 2021-12, awarding the bid and authorizing the City Manager to execute a contract with SER Construction Partners LLC for the City of Jersey Village Wall Street Neighborhood Drainage Project.

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

On February 2, 2021, the City of Jersey Village Engineer, Brooks & Sparks Inc., along with City staff received bid documents related to the Wall Street Neighborhood Drainage Project. The City received bids from 7 companies for the project. Each bid was ranked against the following matrix:

Related Experience -20 points max

Capacity to Perform

Factors	<u>Max.</u> <u>Pts.</u>
Qualifications/Experience of Key Personnel Staff	4
Present and Projected Workloads	4
Quality of Proposal/Work Plan	4
Financial Capacity is appropriate to the size and scope of the project	4
Demonstrated understanding of scope of Work	4
Subtotal, Capacity to Perform	20

Proposed Cost – Max Points 40

Total Points - 80

The City and engineer worked with the GLO and FEMA to ensure the bids were done in compliance with all applicable federal, state, and local standards.

This project will be funded by four different sources of funding. FEMA has awarded the City with \$3,685,400.25. The Texas Infrastructure Resiliency Fund will provide funding in the amount of \$921,350.06. The Texas Government Land Office (GLO) has awarded the City \$1,792,344. These amounts total \$6,399,094.31. The recommended bid for the Wall Street Project has a bid price of \$5,699,739.30 and the Berm Project has a bid price of \$1,298,445.35. This means the City is responsible for \$599,090. The City has set aside

funds for this project already. There will be some other projects related to the berm, like the fence, irrigation, and restroom project that cannot be paid for using grant funds. Staff will work with contracts for those and bring those projects to Council at a later time.

SER Construction Partners LLC was the responsive, qualified bidder, submitting a bid of \$5,699,739.30 and had a point total of 78 out of 80. City Staff and City Engineer Brooks & Sparks Inc. have reviewed the bid proposal, and it is the recommendation of Frank Brooks that the City select SER Construction Partners LLC as the contactors for the project.

Jim Cartwright appeared for Brooks and Sparks. Council had discussion about mobilization. Cartwright explained that this is the contractor bringing in supplies and equipment. There was discussion about the pump and the discrepancy in the price quoted by bidders. Some members were concerned. Cartwright explained that the electrical engineer has designed the pump for the project and the contractor must provide a pump that meets those specifications. He went on to say that the specification for the pump called for a specific model so bidders were bidding the same pump.

There was also discussion about the bid documents. The documents are very specific and there were no significant questions by contractors on these specifications.

This project will bring relief for many residents. When the project started City Council was committed to pay for this project with City funds. The City was able to plan for the project because it had made a decision to pay for projects from City revenues as opposed to financing. However, with the efforts of the City Manager, much of this project is being paid for with grant funds with as little as only 10% being paid by the City. This project impacts all residents in some form or fashion.

The clock for the project begins once the contract is signed.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2021-12, awarding the bid and authorizing the City Manager to execute a contract with SER Construction Partners LLC for the City of Jersey Village Wall Street Neighborhood Drainage Project. 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. 2021-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SER CONSTRUCTION PARTNERS LLC FOR THE WALL STREET NEIGHBORHOOD DRAINAGE IMPROVEMENT PROEJCT

# 9. Consider Resolution No. 2021-13, awarding the bid and authorizing the City Manager to execute a contract with Greenscapes Six LLC for the City of Jersey Village Golf Course Berm Project.

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

On February 2, 2020, the City of Jersey Village Engineer, Brooks & Sparks Inc., along with City staff received bid documents related to the Golf Course Berm Project. The city received bids from nine (9) companies for the project. Each bid was ranked against the following matrix:

Related Experience with similar type projects on golf courses - Max Points 20

Capacity to Perform	
Factors	Max.
	<u>Pts.</u>
Qualifications/Experience of Key Personnel Staff	4
Present and Projected Workloads	4
Quality of Proposal/Work Plan	4
Financial Capacity is appropriate to the size and scope of the project	4
Demonstrated understanding of scope of Work	4
Subtotal, Capacity to Perform	20

Proposed Cost – Max Points 40

Total Points - 80

The City and engineer worked with the GLO and FEMA to ensure the bids were done in compliance with all applicable federal, state, and local standards.

This project will be funded by four different sources of funding. FEMA has awarded the City with \$3,685,400.25. The Texas Infrastructure Resiliency Fund will provide funding in the amount of \$921,350.06. The Texas Government Land Office (GLO) has awarded the City \$1,792,344. These amounts total \$6,399,094.31. The recommended bid for the Wall Street Project has a bid price of \$5,699,739.30 and the Berm Project has a bid price of \$1,298,445.35. This means the City is responsible for \$599,090. The City has set aside funds for this project already. There will be some other projects related to the berm, like the fence, irrigation, and restroom project that cannot be paid for using grant funds. Staff will work with contracts for those and bring those projects to Council at a later time.

Greenscapes Six LLC (G6) was the responsive, qualified bidder, submitting a bid of \$1,298,426.43 and had a point total of 71 out of 80. City Staff and City Engineer Brooks & Sparks Inc. have reviewed the bid proposal, and it is the recommendation of Frank Brooks that the City select Greenscapes Six LLC as the contactors for the project.

There was discussion about the bid. There was also discussion about how much the contractor has worked with golf courses. City Manager Bleess explained that G6 is very much in tune with Golf Courses and he is confident that we will be able to work with them to minimize golf course disruption.

There was also discussion about the berm and if it conforms to all FEMA regulations and will it performs as planned. Mr. Cartwright explained the details of how the project will mitigate flooding. The end result will not increase flooding downstream.

Mr. Cartwright explained why the height is what it is for the berm. He stated that making the berm higher takes up more course space and will not provide any additional benefits. A higher berm may also nd up flooding the clubhouse. Council also noted that if the City had not purchased the golf course many years ago, we would not have the property to do this project. Instead, we would have had light industrial development in this area. Now we have 43 acres of detention, green space and a golf course to protect and beautify the City.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2021-13, awarding the bid and authorizing the City Manager to execute a contract with Greenscapes Six LLC for the City of Jersey Village Golf Course Berm Project. 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. 2021-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREENSCAPES SIX LLC FOR THE GOLF COURSE BERM PROJECT

# **10.** Consider Resolution No. 2021-14, approving the Parks and Recreation Master Plan as prepared by Burditt Consultants LLC.

Robert Basford, Director of Parks and Recreation, introduced the item. Background is as follows:

In February 2021 the City Council approved a contract with Burditt Consultants for a Parks Master plan. City staff, along with the Burditt Consultants team, met several times during the course of the study. The Parks and Recreation Advisory Committee also provided feedback and assistance throughout the project. A survey was created in March of 2021 and dispersed from the months of March-September via social media, city website, Jersey Village Star, at the farmers market and other mediums to gather input from the community regarding amenities they would like to see here in Jersey Village. We received 464

responses. An open house was held in November with potential project concepts presented and Consultant staff available to gather open ended feedback, comments and concerns.

In early 2021 the final draft document and presentation was presented to the Parks and Recreation Advisory Committee. The committee voted to send this plan to City Council with no recommendation but to allow Council to view the results of the Burditt presentation. The committee chairwomen Doris Michalak will be present tonight to share the committee comments as well as answer questions and provide insight into the Parks and Recreation Advisory Committee's stance.

Tonight the full plan, along with a summative overview, is being presented for Council for deliberation, and action. This plan should not be considered the only path forward, nor the final representation of the projects but will act as a guide to assist us in planning out the next 5-10 years regarding capital improvement projects and programming for the Parks and Recreation Department. Each concept will be placed into the CIP and will be thoroughly vetted during the annual budget process and additional stakeholder input gathered before each project commences.

Paul Howard with Burditt Consultants LLC gave a presentation on the Parks Master Plan that included the following:

- Purpose of the Parks Master Plan
- Planning Process for the Parks Master Plan
- Plan Development Process
- > Online Survey Highlights
- Online Survey Key Findings
- Level of Service Analysis
- Recreation by Others
- Proposed Park Improvements
- Improvements to Carol Fox Park
- Improvements to Clark Henry Park
- Improvements to JV Dog Park
- Enhanced Jersey Meadow Nature Trail
- Improvements to St. John Park
- Improvements to De Lozier Park
- Improvements to Philippine Park
- Proposed Pleasant Colony Park
- Proposed Passive Open Space Park
- Proposed Trail Connections
- Proposed Recreation at the Civic Center
- Implementation Opinion of Probable Costs

Doris Michalak, Parks and Recreation Advisory Committee Chair, was present. She spoke to City Council about the Committee's involvement in the process. She stated that the proposal comes to City Council without recommendation. She stated that the Consultant

did a good job, but the Committee wanted to deliberate longer and pick out two or three items that were important to the Community rather than present the entire park plan.

Ms. Michalak outlined areas in the plan that the Committee appreciated such as the plan for increased lighting, the multipurpose additions to Clark Henry Park and the improvements to Carol Fox Park.

She felt that the restrooms and smell at Clark Henry need to be addressed. There were also issues at the Dog Park wherein there is a need for more lighting and storage as well as a place to wash dogs. The Committee did not feel that there was a need for a walking trail at the dog park.

City Council engaged in discussion about what is the goal in moving forward. Some felt that each item in the plan would be projects that will be discussed during budget sessions. Mayor Macham stated that this document is a guiding plan for the future. There may be items listed that may not happen for quite a while, but having it in the plan puts it on the radar to address as some future time. So the plan might very well include some wish list items. It is during the budget sessions each year when the City makes decisions on what projects will be completed for that year. Residents are encouraged to participate in the budget process each year.

There was discussion about the Parks and Recreation Advisory Committee's involvement in the planning process for the plan and their responsibility in presenting the plan to City Council.

There was discussion about the information included in the plan. The demographics information was an important inclusion. We must be aware of our demographics. In understanding the demographics, it is easy to understand why certain projects were included in the plan. It is also important to understand how the parks are used and how often the parks are used.

Chairperson Michalak pointed out that there were only 456 people responding to the survey. She wanted to know what the role of the Committee is if the Consultant prepares a plan without input from the Committee?

Some members pointed out that citizen input is often low. On this particular survey it was done online and it is not known if the responses were all residents. It was some time ago that the Council decided to move forward with this project. Some members felt that the Committee's role is to provide input. However, at the end of the day it is not the Committees plan. The Plan presented is a buffet of options. What Council really wants the Committee to do is to pick out what items or projects they feel are important.

The master plan is a list of potential projects. We do need a plan because of applying for grants. Paul Howard explained that a key component in approving grant applications is for the City to have a parks master plan in place and on file with the State. It will also be

important that the plan had public input. Most grants can be as much as \$500,000. Having the plan increases the changes of grant approval.

There was more discussion about the Committee's involvement in the process. It was pointed out that this Committee is an advisory committee. Some wondered if there is anything in the plan that was changed based upon input from the Committee. Robert Basford, Director of Parks and Recreation, explained that this document is a working document. He explained the process and how that process was affected by COVID. He explained that the Committee took part in the survey and advocated the survey. The survey responses drove the planning process. Therefore, feedback from the survey and from the Committee adjusted the plan.

There was discussion as to what degree the Committee was able to provide input on the projects outlined in the Plan. It was also discussed that some of the projects in the Plan seem to be projects where in completion is some 30 years out rather than 5 to 10 years out. Therefore, it becomes difficult to explain to residents that just because it is listed in the Plan does not mean that it will come to fruition or be funded. Some felt that the Plan was too detailed.

Chairperson Michalak agreed that listing all the projects in the Plan does make it difficult to defend to residents that do not necessarily understand the process.

Some members felt that the Committee needed more time and guidance. The summary of the projects is unrealistic for a 5 to 10 year plan. The Plan needs to be more granular. The Plan provides a framework, but the Plan presented is unrealistic. It needs to be broken down into more doable projects. The summary included too many items that were big ticket items, but there were items within those projects that are doable.

Some felt that it should be sent back to the Committee to break down the list into prioritized projects that are more doable in the next 5 to 10. It was explained that the work with the Consultant is complete in terms of the contract. Any rewrite will need to be done without Consultant help. Therefore, it was the consensus that the Plan should be sent back to the Staff to make the revisions discussed.

There was no motion on this Resolution. No action was taken.

#### RESOLUTION NO. 2021-14 - NO ACTION TAKEN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE PARKS AND RECREATION MASTER PLAN AS PREPARED BY BURDITT CONSULTANTS LLC.

# H. 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 Warren</u>**: Council Member Warren thanked all who helped neighbors during the recent storm. He thanked the Mayor and his wife for putting in many hours at the brewery helping neighbors.

<u>Council Member Singleton</u>: Council Member Singleton thanked Staff for their work during the recent storm. He also was thankful for community support and southern hospitality. We have a strong Community and we know our neighbors, which is not really common anymore. He wants to recognize all the selfless people who have helped during the storm.

**<u>Council Member Wasson:</u>** Council Member Wasson thanked Staff and all who supported residents during the recent storm. He recognized residents and how they helped each other. He pointed out several who helped and how they helped.

<u>Council Member Holden</u>: Council Member Holden thanks to all who helped during the storm. He recognized every single Council Member for their response during the storm. All of City Staff and City Council stepped up during this storm. It was remarkable. He thanked City Staff for their actions and efforts. We are very fortunate to have City Staff.

<u>Council Member Wubbenhorst</u>: Council Member Wubbenhorst seconds all that has been said about neighbors helping neighbors during the storm. He stated there was government failure during the storm, but there was much government success in Jersey Village. Staff came though better than anyone could expect. He provided details of how Staff responded to the storm and the amount of time spent serving the residents of this City.

<u>Mayor Mitcham</u>: Mayor Mitcham stated that he received many calls during the storm. He wanted to highlight what others were doing to help during the storm. He opened his business, but it was the residents who were amazing during this time. It was great to see the Community come

together. He pointed out while there were some government failures during the storm, it is local government that steps in and resolves the issues. He thanked James Singleton for his help in fixing the pipes at his home. He encouraged all to continue to check on neighbors.

#### I. RECESS THE REGULAR SESSION

Mayor Mitcham recessed the Regular Session at 10:52 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.087 – Economic Development Negotiations.

#### J. EXECUTIVE SESSION

1. Pursuant to the Texas Open Meetings Act, Section 551.087, conduct deliberations regarding Economic Development Negotiations to locate a Retail Service Center within Jersey Village.

#### K. ADJOURN EXECUTIVE SESSION

Mayor Mitcham adjourned the Executive Session at 10:57 p.m., stating that no final actions, decisions, or votes were had during the Executive Session.

#### L. RECONVENE REGULAR SESSON

# 1. Consider Resolution No. 2021-15, authorizing the City Manager to enter into the First Amendment to the Chapter 380 Economic Development Agreement with Gordon NW Village, LP.

With no further discussion on the matter, Council Member Singleton moved to approve Resolution No. 2021-15, authorizing the City Manager to enter into the First Amendment to the Chapter 380 Economic Development Agreement with Gordon NW Village, LP. 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. 2021-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH GORDON NW VILLAGE, LP.

# M. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 10:58 p.m.



Lorri Coody, City Secretary