

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON APRIL 20, 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 was not allowed to be physically present at this Regular Session of the City Council of the City of Jersey Village, Texas, but the meeting was available to members of the public and allowed for two-way communications for those desiring to participate via telephone with the following toll-free number: **346-248-7799 along with Webinar ID: 927 8114 9921**. Those not participating via telephone were encouraged to view the live broadcast of the meeting on YouTube at <https://www.jerseyvillagetx.com/page/city.livestream>. The agenda follows:

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

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

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

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by: Council Member, Bobby Warren

C. CITIZENS' COMMENTS

Any person who desires to address City Council regarding an item on the agenda 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 not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the City Council.

Michael Graham, 11002 Creepline Glen Court, Cypress, Texas 77429 (832) 722-2249: Mr. Graham spoke to City Council concerning the proposed chicken ordinance. He told Council that he and his wife own a very unique business that builds chicken coops, provides educational information about raising chickens, and provides chicken feed. Additionally, he is currently working with the City of Houston on their chicken ordinance. Because of this, he feels that he is in a position to help the City of Jersey Village and he wanted Council to know that he is available to assist in any way possible.

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D. CITY MANAGER’S REPORT

City Manager Bless gave the following monthly report:

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – February 2020, General Fund Budget Projections as of March 2020, Utility Fund Budget Projections – March 2020 and Quarterly Investment Report – March 2020.**
- 2. Fire Departmental Report and Communication Division’s Monthly Report**
- 3. Police Activity Report, Warrant Report, Investigations/Calls for Service 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**

In receiving the report, there were questions from Council regarding the re-opening of the Golf Course and the Dog Park. City Manager Bless stated that they hope to re-open the course on May 1, 2020. It is possible to re-open sooner if patrons can pay on-line and there are no golf pro shop employees working. There was discussion that other courses in our area are open for business. City Manager Bless stated that some remain open because it is an issue of enforcement. However, given our course is City owned and operated we are held to a higher standard and we need to set the example. There was discussion that despite being closed, much work is still happening at the golf course.

There were also questions about the City’s budget. It was mentioned that 98% of cities are experiencing budget shortfalls, which begged the question about what is happening in Jersey Village. City Manager Bless stated that sales tax revenues will be down, but we will have a better idea about how much at the end of May. He told Council that he has participated in webinars to learn more about any reductions in sales tax and has learned that some retail stores like Dollar General have had an increase in sales while restaurants have not fared as well. He told City Council that he expects that the City will have a shortfall of approximately \$700,000 in sales tax revenue. Nonetheless, he told City Council that we are prepared so there is no need to cut staff at this point. He went on to say that there are a few capital projects that have been postponed and the City is currently under a hiring freeze on open positions. These cuts will save the City some \$800,000. Additionally, Mr. Bless pointed out that the City has a five (5) month reserve in fund balance. Therefore, the City is in a good financial position compared to most cities.

With this report, some members wanted to know what the preliminary numbers look like from the Harris County Appraisal District. City Manager Bless said that we will not get those numbers until April 30. They also wanted to know if Staff is tightening their budgets. City Manager Bless

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stated that budget discussions have been on-going with Staff about spending and Staff will conduct its budget retreat on April 29.

Council then asked Chief Riggs about crime in the City due to COVID-19. Chief Riggs stated that there have been increases in assaults and disturbances. He explained what his department is doing to combat crime in the City during this time.

Council then asked about the large number of signs posted up and down Philippine. Public Works Director, Harry Ward stated that he would look into the issue.

Some wanted to know if the Parks and Recreation Department was having any issues with maintaining the parks and enforcing the closures of playground equipment. There are no issues at this time.

Council thanked and commended the City Manager and Staff for how they have handled COVID-19 and wanted to know what changes have been made as a result of COVID-19. City Manager Bless stated that EMS, Fire, and Police are all well prepared and have implemented good practices to insure proper safety.

Council asked about the 2020 census count, wanting to know how this year's numbers compare to those in 2010. City Manager Bless stated that we are at 58% and information is posted on our website.

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 March 16, 2020 and Minutes from the Special Session Meeting held on March 23, 2020.**
- 2. Consider Resolution No. 2020-17, declaring surplus property and authorizing disposition by the City Manager in accordance with the City's Administrative Procedures.**

RESOLUTION NO. 2020-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DECLARING SURPLUS PROPERTY AND AUTHORIZING DISPOSITION BY THE CITY MANAGER IN ACCORDANCE WITH THE CITY'S ADMINISTRATIVE PROCEDURES.

- 3. Consider Resolution No. 2020-18, approving an Interlocal Agreement with Harris County on behalf of Harris County Public Health Department to provide Animal Control Services; authorizing the City Manager to execute the Interlocal Agreement;**

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and providing that the City's obligations under the agreement shall be subject to annual appropriation by the City Council.

RESOLUTION NO. 2020-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY ON BEHALF OF HARRIS COUNTY PUBLIC HEALTH DEPARTMENT TO PROVIDE ANIMAL CONTROL SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING THAT THE CITY'S OBLIGATIONS UNDER THE AGREEMENT SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE CITY COUNCIL.

- 4. Consider Resolution No. 2020-19, proclaiming April as Fair Housing Month in connection with the City of Jersey Village, Texas participation in federally funded Community Development Block Grant (CDBG) projects.**

RESOLUTION NO. 2020-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, PROCLAIMING APRIL AS FAIR HOUSING MONTH.

- 5. Consider Ordinance No. 2020-08, amending the General Fund Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 by increasing line items 01-21-5515 (consultant services) in the amount of \$10,200 for expenses related to the interim police chief services.**

ORDINANCE NO. 2020-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 BY INCREASING LINE ITEMS 01-21-5515 (CONSULTANT SERVICES) IN THE AMOUNT OF \$10,200 FOR EXPENSES RELATED TO THE INTERIM POLICE CHIEF SERVICES.

- 6. Receive the 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.**

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Council Member Wubbenhorst moved to approve items 1 through 6 on the consent agenda. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

F. REGULAR SESSION

- 1. Consider Ordinance No. 2020-09, amending the Code of Ordinances of the City of Jersey Village, at Chapter 10, “Animals,” Article I. *In General*, by adding a new Section 10-6 “Keeping, harboring and owning poultry”; providing a severability clause; providing for repeal; providing a penalty as provided by section 1-8 of the code; and providing an effective date.**

Council Member, James Singleton introduced the item. He told Council that this issue was discussed back in 2015. At that time, there did not appear to be any issues with the Ordinance but it was not approved and codified. It has been 5 years since those discussions, and there appear to be a number of residents raising chickens in the Village without incident despite not having an ordinance. Therefore, we should consider codifying what is already going on in the City in connection with raising chickens. The same Ordinance that was discussed in 2015 is being proposed for tonight’s discussion. The City of Houston is also considering a chicken ordinance. Some feel that it is the wrong time to be discussing this issue given the current times, but there are some families in the Village experiencing tight budgets and the eggs from chickens would be helpful. Mr. Singleton went on to explain that there should be no roosters and the number of hens should be limited to five (5). Additionally, the chances of the chickens spreading disease is fairly low. He told Council that after Staff reviewed the ordinance, the following amendment should be added for consideration at the end of Section 2, Subsection 3a:

“... and the pen, coop, or cage shall not be located on any lot closer than 70 feet to the front lot line, three feet to a side lot line, ten feet to a rear lot line, or ten feet to a side street line.”

These changes keep the coop in the backyard. In completing his presentation, Mayor Mitcham called upon each Council Member individually for comments. He began with Council Member Holden as follows:

Council Member Holden stated that he recalled that there were issues with the Chicken Ordinance back in 2015. He told Council that he is against chickens. He does not want to live next door to someone who is raising chickens in their backyard. However, should Council decide to enact such an Ordinance, more restrictions are needed. He explained that he has researched what other cities are doing in connection with chickens. Some are only permitting three (3), not five (5). The proposed Ordinance provides that a coop can be eight (8) foot high, which is huge. Some cities state the coop must be no larger than 2

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square foot per chicken with a maximum height of six (6) feet. Council Member Holden also pointed out that the proposed ordinance does not have any provisions for the selling of eggs, slaughtering of chickens, storing of food and or the deterring of other animals. His bottom line was that should Council decide to move forward with such an Ordinance, more restrictions are needed.

The current wording was discussed. It was pointed out that State law covers some of the issues mentioned. But some felt that our Ordinance needs to be specific and not dependent upon State law. Council Member Holden also mentioned that he reached out to the Code Enforcement Officer with the City of Bellaire who does not have a chicken ordinance. She told him that she spends quite a bit of time enforcing the setbacks, noise, smells, and the number of chickens.

Mayor Mitcham called upon Council Member Warren for comments. Council Member Warren stated that the Mayor of Bellaire is a friend of his and he recently had discussions with him regarding chickens. The Mayor told him that the City of Bellaire has chickens and they exist only because there is no clear ordinance prohibiting them. He feels that it is good to have a clearer definition of what can and cannot be done in connection with chickens. He supports a chicken ordinance. However, we need to craft a policy to minimize issues.

Mayor Mitcham called upon Council Member Wasson for comments. Council Member Wasson wondered if the Planning and Zoning Commission needed to be involved in this decision. He also agreed that should we decide to move forward with a chicken ordinance, fine tuning is needed. He also suggested that it might be useful to contact the Home Owner's Associations in the City to determine what their thoughts are on this topic. He was in favor of postponing the decision for 30 to 60 days.

Mayor Mitcham called upon Council Member Wubbenhorst for comments. Council Member Wubbenhorst stated that many people have strong feelings about whether or not to have a chicken ordinance. He agreed that at a minimum, the proposed Ordinance needs the additional parameters that were outlined by Council Member Singleton. He also felt like the Ordinance needed parameters as to the size of the coop, including height requirements, square footage requirements, and "run" requirements. He also wondered if there should be a requirement for a privacy fence. He agreed that the Ordinance should be tabled to allow for more time for more feedback. He motioned to table the Ordinance until the next meeting. There was no second to his motion.

Council Member Singleton stated that he would get in touch with Michael Graham, the gentleman who offered help during the public comments section of this agenda, to ask for help in re-writing the Ordinance. Mayor Mitcham stated that we need to understand where everyone stands and get better restrictions for the Ordinance and he encouraged City Council to send any of their ideas and suggestions to the City Secretary. He stated that this Ordinance will be taken up again during the May City Council Meeting. No action was taken on the proposed Ordinance.

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ORDINANCE NO. 2020-09 – NO ACTION TAKEN

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, AT CHAPTER 10, “ANIMALS,” ARTICLE I. *IN GENERAL*, BY ADDING A NEW SECTION 10-6 “KEEPING, HARBORING AND OWNING POULTRY”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

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;
- 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 Holden: Council Member Holden agreed that Michael Graham can help with revisions for the Chicken Ordinance.

Council Member Warren: Council Member Warren stated that it looks like we are getting over the hump with COVID-19 with easing of restrictions coming in the months ahead of us. However, he cautioned that we still must take precautions such as washing hands, social distancing, etc. He encouraged residents to provide feedback on how to make the next virtual meeting better.

Council Member Wasson: Council Member Wasson thanked City Manager Bless and Staff, first responders and health officials for their work during this pandemic. He also thanked the business owners. He encouraged everyone to complete the 2020 Census, participate in the Parks Master Plan Survey and volunteer to serve on the Comprehensive Plan Update Committee. He mentioned that tomorrow is San Jacinto Day.

Council Member Wubbenhorst: Council Member Wubbenhorst also complemented City Staff and the Jersey Village Fire Department for the work they are doing in connection with COVID-19.

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Council Member Singleton: Council Member Singleton stated that the City has done a fantastic job in handling City operations during this pandemic. He stated we are in a fairly good financial position due to the work of the City Manager and Staff over the past several years. He thanked the Jersey Village Police Department for riding the Easter bunny around town and the Parks and Recreation Department for their planning of activities. He cautioned everyone to be careful. We are not over the hump yet.

Mayor Mitcham: Mayor Mitcham thanked Staff and he thanked Michael Graham for offering to assist with the chicken ordinance. In terms of COVID-19 we have a blind spot and lag time with testing. We are at the mercy of the City of Houston and Harris County. We need to protect core services such as our Police Department, Water and Sewer, Fire, EMS etc. The City has done well. Our role is to help residents to follow the CDC guidelines. If COVID-19 testing is needed, please call the Harris County Health Department. We also need to review the City's budget. We are in a better position than most cities because we have been fiscally responsible and we have always had a place holder for events such as COVID-19. He commended the past and present City Council and Staff for always having the mindset of worst case scenario. Moving forward, we will continue to operate taking care of core services and take steps to re-open the City in accordance with instructions from the Governor. We need to maintain social distancing to stay healthy so day to day emergencies have access to health care. He encouraged everyone to stay safe and to support local businesses. Additionally, if there is any feedback on running a better virtual meeting, he would like to hear it. He thanked IT Director, Bob Blevins for all his help in getting this virtual meeting ready.

H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 7:56 p.m.



Lorri Coody, City Secretary