

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON MAY 11, 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: 964 7597 1502.** 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:

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; Bob Blevins, IT Director; and Christian Somers, Building Official.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

1. Prayer and Pledge by: James Singleton, Council Member

**C. ELECTION MATTERS**

1. **Issuance of Certificate of Election to Newly Elected Officials and Administer Oath of Office to Elected Officials.**

City Secretary, Lorri Coody, administered the Oath of Office to newly elected officials Drew Wasson, Council Member Place 1; James Singleton, Council Member, Place 4; and Gary Wubbenhorst, Council Member, Place 5.

**D. 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.

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**Frank Maher, 16514 Saint Helier Street, Jersey Village, TX (713) 466-3030**: Mr. Maher spoke to City Council about the Jersey Village Fire Department. He told City Council about having a hard time manning the fire trucks safely and expressed the need to supplement the volunteer firefighters with paid firefighters.

**Mark Maloy, 7803 Hamilton Circle, Jersey Village, TX (713) 553-8625**: Mr. Maloy spoke to City Council about item number three on the regular session agenda pertaining to the chicken ordinance. In connection with same, he feels that Council Members Wasson, Holden, and Wubbenhorst should recuse themselves from voting on this measure given that they live in Wyndham Village and that neighborhood's HOA will most likely prohibit chickens. He also spoke to funding for the City's golf course. He stated that the course operates at a deficit, requiring other funds from the City to make it whole. He gave additional information in support of this claim.

**E. CITY MANAGER'S REPORT**

After a brief discussion concerning the reopening of City Parks, City Manager Bless gave his monthly report as follows:

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – March 2020, General Fund Budget Projections as of April 2020, and Utility Fund Budget Projections – April 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**

**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 April 20, 2020.**
- 2. Consider Resolution No. 2020-21, authorizing the City Manager to enter into a contract with K&P Associates, Inc. dba Specialized Billing & Collection Systems of Texas for the billing and collection of all charges and fees relating to the emergency medical services provided by Jersey Village.**

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RESOLUTION NO. 2020-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH K&P ASSOCIATES, INC. DBA SPECIALIZED BILLING & COLLECTION SYSTEMS OF TEXAS FOR THE BILLING AND COLLECTION OF ALL CHARGES AND FEES RELATING TO THE EMERGENCY MEDICAL SERVICES PROVIDED BY JERSEY VILLAGE.

3. **Consider Ordinance No. 2020-10, amending the Asset Forfeiture Fund Budget of the City for the fiscal year beginning October 1, 2019, and ending September 30, 2020, and authorizing funding associated with the purchase of new badges for the Police Department, as permitted by Chapter 59 of the Code of Criminal Procedure; and providing for severability.**

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE ASSET FORFEITURE FUND BUDGET OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, AND AUTHORIZING THE FUNDING ASSOCIATED WITH THE PURCHASE OF NEW BADGES FOR THE POLICE DEPARTMENT, AS PERMITTED BY CHAPTER 59 OF THE CODE OF CRIMINAL PROCEDURE; AND PROVIDING FOR SEVERABILITY.

4. **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.**

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

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

Nays: None

The motion carried.

**G. REGULAR SESSION**

1. **Consider Ordinance No. 2020-11, continuing a Mayoral Declaration of Local Disaster due to public health emergency; waiving certain fees during the public health**

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**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.**

Austin Bless, City Manager, introduced the item. He explained that this ordinance will extend the current declaration of local disaster. It will automatically expire on July 21, 2020 or if the Governor cancels all related COVID-19 orders, declarations, restrictions, and regulations. The City Council is scheduled to meet on July 20<sup>th</sup> and could extend the order at that point in time.

The proposed ordinance is very similar to the one passed in March. The main change from March is that it does not address groups of people gathering. Instead it recognizes and incorporates by reference the executive orders issued by the Governor.

In completing the introduction, Council engaged in discussion about the Ordinance. Some wanted to know how quarantining that is required in the Ordinance would be enforced. City Manager Bless explained that enforcement is a local issue and is enforced by the County Health Department. There was also discussion about the extent of the Ordinance. City Manager Bless explained that the Ordinance continues the City in a state of emergency and is tied back to the Governor's Orders. It provides for enforceability, the waiver of certain fees during the public health emergency, and the suspension of disconnecting water service during the public health emergency.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Ordinance No. 2020-11, 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. 2020-11

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

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NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE;  
PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

2. **Consider Resolution No. 2020-22, authorizing the Fire Chief to apply for a grant through FEMA for Staffing for Adequate Fire and Emergency Response (SAFER) and, if approved and funded, authorizing the City Manager to add four (4) new firefighters into the Fiscal Year 2020-2021 Budget.**

Mark Bitz, Fire Chief, introduced the item. He explained that the item before Council is to apply for a SAFER Grant for funding of personnel. SAFER means (Staffing for Adequate Firefighting and Emergency Response). The reason this is coming before you tonight instead of after our budget retreat is because this grant is open now and closes on the day we meet to discuss budget. In addition, a month or so ago, I received a phone call from Mayor Mitcham about our volunteer participation and response and after that discussion, Mayor Mitcham requested me to make sure I discussed volunteer staffing during the budget retreat. This agenda is the need for additional staff for manning our fire apparatus and the safety of all involved. The SAFER grant is an avenue to help fund people. We just don't have the perfect scenario of staffing for some of our responses, day or night, to man all large fire apparatus.

Jersey Village Fire Department has been a mostly volunteer fire department for the last 64 years. We currently have 37 volunteer members in the department. In 1992, we began adding part time paid staff for daytime coverage. We have one on duty every weekday during the daytime hours. In 2010, we added 1 fulltime Captain Position to satisfy the requirement of having a paramedic on duty 24 hours a day. At that time we were short a paramedic 12 // 24 hour days a month. In the last budget, we added two fulltime firefighters on day shifts to cover a shortage of staffing from part time personnel.

Over many years now we have been making attempts to recruit volunteer firefighters into our department. We have added many new volunteers over the past several years. However, during this time we have felt the reduction in volunteer response on many of our calls. There are many factors that contribute to the reduction of volunteer response. Some of those factors include younger firefighters not around as much as they used to be. We used to see our younger group staying at the station all the time and manning the apparatus ready for response. This no longer happens in part that they are now working in the industry and not available. Another factor includes many of the current active responders are EMS only, so they cannot get on one of the large fire trucks, and we do have an aging staff who have slowed their response to calls.

When we look at call types that require full response on fire apparatus and the rescue truck, these vehicles are not fully manned a majority of the time. I would love to see four people on each one of these trucks every time each one of these trucks responds to a call. Day or Night, we do not have the number of staff that would be ideal for full manning of these trucks. During the daytime, I can get two trucks with three people on them. Most days we have six people available to get at least two large trucks responding to a fire call or a call

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that requires large apparatus to roll. During the day we average 1 volunteer who can respond to assist during the daytime hours.

The National Fire Protection Association and OSHA standards say that we should have firefighters available outside the hazard areas ready to make rescue entry if a firefighters in the hazard zone go down. OSHA standards say we should have two people outside for every two people inside. The National Fire Protection Association says we should have 7.5 people per 1000 residents ready to respond to a call. This standard is unreachable to us. Between volunteer and paid staff we can't meet these requirements at all.

During the daytime hours we have one Captain, two full time firefighters and one part time firefighter to respond to calls. In addition, the fire inspector and fire chief respond to calls. This totals six people during the day to respond to calls. If we add the average one per day volunteer, this brings us to the seven staff I have told you in past that is the very minimum for most calls including a major accident. If we have a fire call during the day, we can get three people on two of our fire trucks.

With the fire inspector and me around to assist, our numbers are better but still not what we should have. That is why we encourage our volunteers around during the day to respond if they can. At night our average response for volunteers is 4-5 firefighters. With the Captain response as one person and the average of volunteers being four persons, that is five persons responding to a call.

In years past I have told you that on major incidents like a motor vehicle accident we need seven people at the very minimum. The last Motor vehicle Accident we responded to just this last Thursday night had two people on the rescue truck and one person on the fire truck. We also had the Captain respond and an Ambulance crew. That totaled six people who responded to the scene. It can be done with that amount of people as long as the motor vehicle accident is one that wouldn't overwhelm resources. Most of the time the fire truck driving with one person is usually going to be a blocking truck. It is not ideal and for safety reasons we shouldn't do it. But, sometimes that is all you have and I understand that. It is the major accident with three vehicles and an entrapment that the two people on the rescue truck, the one person on the fire truck will have difficulty with. Of course we also have the ambulance crew coming too which adds more people responding. But, we are talking about manning the fire trucks and rescue truck, not the ambulance. EMS we do not normally see any issues with response.

A structure fire would need two fire trucks and the rescue truck from JV to respond. Ideally, we need 12 personnel for those trucks, but if I speak of a minimum number of personnel that could respond, we could do that with nine personnel. Three per large apparatus. During a fire, we also have other departments coming to help us. Prior to 2020, those departments like Cy-Fair and Northwest Fire Department were also facing the same challenges with responses. Both departments have now started the process of hiring personnel to protect their communities.

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When you have a combination department which means volunteer and paid personnel working together, the last thing any Fire chief wants to do is add more paid people. For sure, volunteers will take this personally and many will think the goal here is to get rid of them. That is not our goal. The goal here is to add firefighters to help supplement staffing and provide more people to help our volunteers. The goal here is to give the volunteers two more people at night to respond with them. The goal here is to make sure fire trucks and the rescue truck have people on them when we need people. There is a need day and night for personnel. Our objective is to protect the community and do it safely.

I think of Bryan Texas a few years back when they had two firefighters on the inside and when something went wrong, one of them could not get out. During the rescue, two firefighters were burned in the process and one of the rescuers and the person they were trying to rescue died when they could not get him out. They had three people on each truck and had multiple trucks on scene. Today, they mandate four personnel per truck.

When I listened to the survivor's story with Frank Maher at a conference in Bryan, Texas, Frank and I heard what they were saying and we have made it a priority to make changes to keep our staff safer. We want our staff, regardless of their pay status, to go home to their families. We have made several changes on our apparatus for firefighter's safety because the safety of our firefighters is our number one goal. When we have minimal staff responding to calls and we cannot fill the large apparatus, we have a huge problem as it relates to the safety of staff and the protection of our community. The bottom line is this is a dangerous profession and firefighters risk a lot no matter how many people show up. Standards tell us what we should have and we try to follow them. When we don't the Safety Factor for firefighters diminishes greatly and someone could get hurt or killed! This is why it is important for me to tell you, we are not having enough firefighters and it is unsafe in our responses when it comes to the amount of personnel we have responding. Some may think that one person on a fire truck is acceptable, but it is not. It is dangerous and no large fire truck should respond with one person. Unfortunately, this has to happen sometimes day or night because our staffing response numbers dictate this!

This budget season, the discussion I had with the city manager about the upcoming budget added four fulltime firefighters and one full time fire inspector for the daytime to meet two objectives. Adding an additional fire inspector during the day will allow us to have an extra person for response but also will allow for us to prepare for the increase in inspections the Village Center will bring and to add personnel on nights and weekends. That discussion yielded the four firefighters that would allow us to continue to maintain our current day response of six people plus one volunteer on average and add the supplemental two firefighters at nighttime to respond with our volunteers.

If tonight's conversation proves the need exists which I believe we have, I believe it's important to seek money from other revenue sources to help cover the cost. This grant provides 75% funding of personnel the first and second year and then 35% funding the third and final year. After this the city bares all the cost.

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Frank Maher is still on the meeting if you have questions for him. I am prepared to discuss and answer questions as well. Thank you.

After receiving the introduction by Fire Chief Bitz, Mayor Mitcham called upon each Council Member for comments. What follows is a summary of their statements:

**Council Member Singleton** mentioned that information has been presented to transfer from a volunteer fire department to a paid fire department. Such a transfer will take a team effort. This transfer takes nothing away from the efforts of our volunteers, as they will continue to be a part of our fire department system. He also mentioned that certain standards were outlined in the introduction of this item. These standards are not reachable; however, if certain Memorandum's of Understanding are taken into account we get closer to achieving these standards. Nonetheless, we cannot count on other departments in the area to be our backup. The number of firefighters currently responding is not enough. Accordingly, Council Member Singleton stated that he supports the grant application.

**Council Member Holden** agrees with Council Member Singleton. We must look at long range planning for the fire department in the up-coming budget to insure that "good enough" is not our standard. We have done much with too little for too long.

**Council Member Wubbenhorst** wondered if the SAFER Grant was offered annually. Chief Bitz stated that it was an annual process. Council Member Wubbenhorst continued stating that given the budget issues facing the City with the pandemic, he wondered if it might be more prudent to apply for only two firefighters this year and then another two in the following year. He also had questions about the ambulance crew to which Chief Bitz responded. The number of volunteers responding to CPR calls was also discussed. He closed his comments stating that he supports additional fire fighters but would like further discussions during the budget work session before moving forward with the grant application.

**Council Member Warren** appreciates the wealth of experience on Council in addition to our professional staff. It helps with understanding the issue. He feels it is important to look at both fire and police. He wishes there was a fire prevention fund to help ease our budget. He also stated that all of the items listed in the Capital Improvements Plan come secondary to fire and police. He agreed that we should try for the grant; however, there is a compelling case that we need additional firefighters whether we get the grant or not.

**Council Member Wasson** stated that public safety comes first. Equally is the safety of those providing public safety. He supports the grant for the four firefighters requested, and we need to look at how to fund after the grant runs out.

**Mayor Mitcham** stated that during every budget session in which he has participated, there are always discussions about staffing fire and police. Making this transfer in the fire department has always been on the horizon. Firefighting today is more demanding than years gone by, and it takes much training to stay safe and to be certified. Given all the

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information presented, it is time to move forward with this grant; however, it does not mean that we do not need volunteers. Volunteers are always needed and wanted. The grant will help ease the transition into paid, full time firefighters. Long term planning can be discussed during the budget work session to insure that we exceed standards and not be “just good enough.”

After receiving Council comments, there was discussion that four firefighters is the appropriate number for the grant request.

With no further discussion on the matter, Council Member Singleton moved to approve Resolution No. 2020-22, authorizing the Fire Chief to apply for a grant through FEMA for Staffing for Adequate Fire and Emergency Response (SAFER) and, if approved and funded, authorizing the City Manager to add four (4) new firefighters into the Fiscal Year 2020-2021 Budget. 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. 2020-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE FIRE CHIEF TO APPLY FOR A GRANT THROUGH FEMA FOR STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) AND, IF APPROVED AND FUNDED, AUTHORIZING THE CITY MANAGER TO ADD FOUR (4) NEW FIREFIGHTERS INTO THE FISCAL YEAR 2020-2021 BUDGET.

- 3. Consider Ordinance No. 2020-12, 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.**

James Singleton, Council Member, introduced the item. This item was discussed during the last Council Meeting. Since that time, Council Member Singleton has reached out to other cities. He found that some cities prohibit chickens while others are allowing it. Currently, the City of Houston is looking at adopting a chicken ordinance. He believes that a strong Ordinance is needed to allow chickens in Jersey Village. He stated that he does not believe that having chickens will affect neighbors. He told Council that he worked with Chicken Mike on updates to the Ordinance being presented this evening. Chicken Mike’s insight was very helpful. He stated that the wording presented was taken out of the best worded Ordinances from other cities. In concluding, he mentioned that the word “poultry” in Section 2 should be changed to “chickens.”

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Council engaged in discussion about the proposed Ordinance. There was discussion about the suggested change from “poultry” to “chickens.” Some felt that it should reference the scientific name. City Attorney Pruitt stated that the word “chicken” should be used throughout the Ordinance.

Section 10-6(d) was discussed. There was discussion about prohibiting the placement of the coop against the residential structure. The concern was the use of heat lamps that could cause fires. It was mentioned that there are additional codes that govern the placement of coops. Building Official, Christian Somers, stated that the coop should not be placed up against the residential structure or the back fence, and there must be clear areas for firefighters along the side lot lines. With this in mind, there was discussion of a one foot separation from the residential structure or the garage. Additionally, heat lamps were discussed and the requirements for same. LED lighting was suggested.

Some members were concerned about enforcement and the cost involved, wondering if a fee should be included in the Ordinance. There was discussion about the ability to enter an owner’s back yard. City Building Official Somers stated that the property could only be entered for enforcement if the Ordinance permitted same and that would most likely happen as an annual inspection. The draft Ordinance does not provide for enforcement; therefore, the only way enforcement would come about is with a complaint from a neighbor. Such a complaint is filed with Municipal Court. Council then discussed how other cities are enforcing the Ordinance.

Council Member Holden does not support the Chicken Ordinance. He does not want to live next to a neighbor raising chickens and believes that most of Jersey Village would agree. He feels the Ordinance allows residents to build a coop closer to their neighbor, and believes that permitting the raising of chickens would decrease property values. It is a net negative value as the Ordinance only benefits a few.

Some felt that the virtual format prohibited residential input, stating that most recent emails did not support the Ordinance. Others felt that residents need to take a more proactive approach to voice their opinions. Nonetheless, the meeting format does accommodate public input.

The question of property rights was discussed with some wondering if there is a way to allow the raising of chickens with reasonable requirements that mitigate the impacts upon neighbors.

Changes to the Ordinance were discussed to provide for locating the coop with a separation from the residential dwelling. There was a concern for fires being started by heat lamps. The pros and cons of adding these changes were discussed in depth. Other changes were discussed, but there were concerns about making the requirements too restrictive that no home owners would be able to raise chickens.

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Council Member Wasson was concerned about enforcement of this Ordinance and the cost to the City. To address this concern, Council discussed adding the issuance of a permit to the Ordinance. The permit could serve as an enforcement mechanism and would help provide revenue to support the cost of enforcement. Some suggested the permit fee could be \$40 per year.

Property rights were discussed further with mention that current home owners purchased their property without an ordinance allowing the raising of chickens.

Enforcement was discussed further with the City Attorney explaining how the Ordinance could be amended to provide for enforcement measures via the permitting process.

With no further discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2020-12, 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 Warren seconded the motion. The vote follows:

Ayes: Council Members Singleton and Warren

Nays: Council Members Wasson, Holden, and Wubbenhorst

The motion failed.

ORDINANCE NO. 2020-12 - FAILED

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.

- 4. Consider Ordinance No. 2020-13, receiving the Draft Capital Improvements Plan, Future Land Use Plan and Impact Fee Study Report and calling for a public hearing to discuss the proposed ordinance amending land use assumptions, the capital improvements plan, and the impact fee.**

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

The Local Government Code at Section 395.052 provides for the periodic update of Land Use Assumptions and Capital Improvements Plans. Under this Section, if a political subdivision imposes an impact fee, it must update the Land Use Assumptions and Capital Improvements Plan at least every five years.

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Accordingly, since City Council adopted the 2015 Capital Improvements Plan on October 19, 2015, the time has come for Council to review and evaluate its current Land Use Assumptions and update the Capital Improvements Plan.

To assist with this process, the City has engaged Jones | Carter, an engineering firm. We anticipate the following schedule for this review:

- May 11 – Council receives updated plan and calls for a Public Hearing (PH) on July 20
- June 17 – The PH Notice appears in the Houston Chronicle
- June 17 – The plan amendments are posted to the City website for public inspection
- June 17 thru July 15 – Capital Improvements Advisory Committee meets to prepare recommendations/written comments.
- July 15, 2020 – Deadline for CIAC to file their written recommendations and or comments
- July 20, 2020 – City Council to conduct the Public Hearing

Within 30 days after the public hearing, City Council shall approve or disapprove the amendments on Land Use Assumptions and Capital Improvements Plan, and modifications of impact fees.

This item is to receive the Draft Capital Improvements Plan, Future Land Use Plan and Impact Fee Study Report and call for a public hearing on for July 20, 2020 for the purpose of discussing the proposed ordinance amending land use assumptions, the capital improvements plan, and the impact fee.

Public Works Director, Harry Ward, introduced Alan Moon from Jones | Carter to provide an overview of the firms work.

Mr. Moon told Council that his firm is presenting the draft Capital Improvements Plan, Future Land Use Plan and Impact Fee Study for your consideration. Per Texas Local Government Code Chapter 395, all three of these items are required for the City to assess impact fees and need to be presented to the public and allow public comment. Our goal is to have a public notice in June for a public hearing in July with approval of the CIP, Land Use Plan and Impact Fee Study in August to begin implementing in the next fiscal year. We have worked extensively with the City to determine the historical water demands and wastewater flows and to project future types of development and their time periods for developing. We collected records to determine the existing number of connections and their usage by type of connection (i.e. single family, multi family, commercial, etc.), then to assess the return factor of how much of the water used is converted to wastewater flows. We analyzed the capacity of the system based on the existing facilities and current water and wastewater flows. The City's growth was projected by type of connection for a 5-year and 10-year time frame based on the future land use plan and the timelines of development.

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The City is expecting quite a bit growth during these time frames especially with the Village Center southwest of US-290 developing. We then assessed the City's capacities in the water and wastewater system to see if the facilities can serve the future projected growth. It does appear there is enough capacity within the water and wastewater system to serve the future growth during the 5-year and 10-year time period.

We worked with the City to create a Capital Improvements Plan based on their current needs and necessary improvements to serve the future development. We utilized the City's old CIPs, reports and identified other projects that are necessary to create the Water and Wastewater CIP. The CIPs were then used to calculate the water and wastewater impact fees. Only projects that are meant to serve future development can be used to calculate impact fees. Projects that are for rehabilitation, to fix any deficiencies within the existing system, or to better serve existing customers cannot be used to calculate the impact fees. There are several projects that were identified to serve future growth within the Village Center area and the ETJ that were used to calculate the water and wastewater impact fees. The total projected additional water demands and wastewater flows from new development were converted to equivalent service units, i.e. the equivalent of a single family house. Then the percent of total project cost to serve the future growth within the 10-year time period was divided by the total equivalent service units to determine the water and wastewater impact fees. The calculated Water Impact Fee is \$3,044.93 per equivalent service unit and the calculated Wastewater Impact Fee is \$1,518.46 per equivalent service unit. This is utilizing the 50% reduction as outlined in the Texas Local Government Code Chapter 395. Both of these fees are slightly higher than the current impact fees calculated in the 2015 Impact Fee Study.

After receiving answers to questions concerning the new impact fee rates, Council Member Warren moved to approve Ordinance No. 2020-13, receiving the Draft Capital Improvements Plan, Future Land Use Plan and Impact Fee Study Report and calling for a public hearing to discuss the proposed ordinance amending land use assumptions, the capital improvements plan, and the impact fee. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE DRAFT CAPITAL IMPROVEMENTS PLAN, FUTURE LAND USE PLAN AND IMPACT FEE STUDY REPORT AND CALLING FOR A PUBLIC HEARING TO DISCUSS THE PROPOSED ORDINANCE AMENDING LAND USE ASSUMPTIONS, THE CAPITAL IMPROVEMENTS PLAN, AND THE IMPACT FEE.

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**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 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 Wasson:** Council Member Wasson thanked Jersey Village Residents for their patience with COVID-19. He wished mothers a happy belated Mother's Day and reminded everyone that the deadline for a property tax protest is Friday.

**Council Member Warren:** Council Member Warren thanked City Council for the debate on raising chickens. He gave a salute to Jason Alfaro, Director of Parks and Recreation who will be leaving the City for a position with the City of Victoria. He told Director Alfaro that he will be missed and that he has made an impact on the City's Parks and Recreation Department. He thanked Alfaro for his service.

**Council Member Singleton:** Council Member Singleton also told Director Alfaro that he will be missed and thanked him for his service. He stated that he was happy to see the progress being made by Super 7. He closed by saying that the discussions had today on the Chicken Ordinance was great and showed the Council's values. He is happy to live in a City with so many engaged in the community. He thanked the Fire Chief for bringing the SAFER Grant to Council's attention to insure the safety of firefighters.

**Council Member Wubbenhorst:** Council Member Wubbenhorst congratulated Director Alfaro and thanked him for his service. He knows that COVID-19 is on everyone's mind. He reminded everyone to follow the guidelines and suggested everyone wear a mask.

**Council Member Holden:** Council Member Holden thanked Council for the good and spirited debate, it makes public service fun. He stated that COVID-19 is impacting our country, but Jersey Village is impacted less because of the planning by City Council and Staff. He thanked City Staff for watching spending. Jersey Village is in good financial shape with good management. He closed by thanking Director Alfaro for his service.

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**Mayor Mitcham** stated that our decisions and those made in years past have put us in a position to make it through this difficult time better than most cities. Grants and good financial management have made it possible. He mentioned that in his experiences, most people are wearing masks. He encouraged all to follow the CDC guidelines to stay healthy. The conversation tonight on chickens was good. Spirited debate is fun. Code enforcement should be an easy and anonymous process without having to pit neighbor against neighbor. He thanked Jason Alfaro for his service to the City, telling him of a job well done. He thanked the residents for contacts about their concerns pertaining to the City's firefighters and emphasized the need to resolve this issue. He closed by stating that he is offering holidays as the Mayor to Jersey Village seniors. For more information, visit the City's website.

**I. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 9:26 p.m.



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Lorri Coody, City Secretary