

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 21, 2020 AT 7:00 P.M. PURSUANT TO SECTION 418.016 OF THE TEXAS GOVERNMENT CODE.

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

Accordingly, the public will not be allowed to be physically present at this Regular Session of the City Council of the City of Jersey Village, Texas, but the meeting will be available to members of the public and allow for two-way communications for those desiring to participate via videoconference. To attend the meeting via videoconference, please click the following link: <https://zoom.us/j/98452948254>. **The Webinar ID is 984 5294 8254. If you do not wish to participate via videoconference, you can view a live broadcast of the meeting on YouTube at <https://www.jerseyvillagetx.com/page/city.livestream>.** The agenda follows:

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

The meeting was called to order by Mayor Mitcham at 7:03 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, Scott Bounds
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; Harry Ward, Director of Public Works; Robert Basford, Director of Parks and Recreation; and Bob Blevins, IT Director.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by Peter Swann, Pastor Hope Church.

Mayor Mitcham called item D1 out of order as follows:

D. FISCAL 2020-2021 MUNICIPAL BUDGET ITEMS

1. **Conduct a public hearing on the City of Jersey Village municipal budget for fiscal year 2020-2021.**
 - a. **Receive presentation pertaining to the City of Jersey Village municipal budget for fiscal year 2020-2021.**

After the Mayor opened the public hearing at 7:06 p.m., City Manager Bless gave a presentation which included information on the following topics:

- Budget Initiatives

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- Challenges and Opportunities
- General Fund Revenues Vs. Expenditures Graph and Pie Chart 2011 to 2021
- Sales Tax Revenue 2014 to 2021
- Assessed Valuations – FY 2010 through FY 2020
- Revenues and Expenditures Across all Funds
- Budget Calendar

In completing his presentation, Mayor Mitcham called upon those desiring to speak at the public hearing as follows:

John Baucum, 15325 Chichester, Jersey Village, Texas 77040 – Mr. Baucum spoke to City Council about the budget. He appreciates all the work that the City is doing. It is important for objectives of City to be accomplished. He requests that we extend the homestead exemptions to 20% for all homeowners. He believes the tax relief would benefit the residents. He appreciates the City's efforts to apply for grants.

City Council had discussion about the homestead exemption timing. City Finance Director stated that in order to apply for this exemption with the County, it must be done in July. It was not done this year because of the unknowns due to COVID, but City Council has plans to revisit the option in the coming year.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas 77040 – Mr. Maloy was called to speak but could not be heard. He will be called again later in the meeting.

With no one else signing up to speak, Mayor Mitcham closed the public hearing at 7:16 p.m.

Mayor Mitcham resumed the normal order of the agenda, calling Citizens' Comments as follows:

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 Stembridge, 15422 Jersey Drive, Jersey Village, Texas – Mr. Stembridge told City Council that he flooded in 2016 and that he has requested a home elevation for the past four years. He stated that he has seen other homes being elevated and wants his home elevated. He does not support the TIRZ 3. He loves Jersey Village and wants to continue living here. He loves the quality of life that Jersey Village offers. He does not believe that the TIRZ presents any benefits for his family. He has consulted with City Council for a greater understanding of the TIRZ and does not believe that it is something for his family.

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City Council comments were that no one is trying to have them move out of their home. There was also mention about the zoning codes that prevent the building of large three story homes.

Mike Lesser, 15406 Jersey Drive, Jersey Village, Texas – Mr. Lesser spoke to the TIRZ. He feels that this method is a way for Jersey Village to increase tax revenues. He does not want to see a TIRZ in this neighborhood. He believes that when it is ready to be rejuvenated, the market will take care of that rejuvenation. He mentioned that he flooded in the tax day flood and feels that work on the bayou can take care of flooding issues in Jersey Village. He also stated that many in this neighborhood are elderly and cannot afford to rebuild and take on new mortgages.

City Council spoke to a letter received from Mr. Lesser, stating that he felt that the City was going to purchase these homes for less than market value. Council explained that there is a misconception of what the City is going to offer. Mr. Lesser countered stating that there is no such thing as market value since it fluctuates. Some members of Council stated that the process is about saving the homes from flooding again. In this area of the Village, home elevations are not cost effective. Council explained how the TIRZ 3 process will work to mitigate flooding. There was ongoing discussion with Mr. Lesser about this topic. There also was discussion about the deepening and widening of the bayou as an alternative. City Council pointed out that what is planned is a reshaping of the bayou, not a deepening and widening.

Jessica Medrano, Jersey Drive, Jersey Village, Texas – Ms. Medrano spoke to City Council of her concerns about the TIRZ. She stated that she has questions about elevating homes as opposed to creating a TIRZ. She wants to be on the list for elevating her home, but has not been contacted concerning her desire. She does not understand how some homes were chosen for elevations and her home was not included.

Mayor Mitcham explained the process of how homes are chosen for elevation according to FEMA grant funding regulations. It is a very competitive process.

City Manager Bless also gave input about the process. He explained the benefit costs analysis process and the limited amount of funds that FEMA offers and how these two elements play into the selection process.

Council explained that should a TIRZ 3 be created, it does not preclude a home from being elevated or bought out in the future by FEMA. It just offers another tool in the tool box to mitigate flooding.

Frank Bullington, 15317 Jersey Drive, Jersey Village, Texas – Mr. Bullington told City Council that he has lived in Jersey Village since 1999 and he knows many of his neighbors. The block he lives on is special. It should be protected and considered for home elevations. He is fine with rebuilds. He currently lives next to an empty lot and it does not bother him. His lot is very big and valuable. He does not want to leave and prefers home elevations. He does not favor a TIRZ zone. He believes that home owners will get fair market value for their homes. He believes that the market should take care of this problem as opposed to creating a TIRZ.

City Council explained how the TIRZ will work in connection with buying and selling the property for the tear down and rebuild program. Council restated that the City can do both TIRZ and home

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elevations. Buy outs will cause a checker board effect and will not preserve the character of the neighborhood, since buy out lots can never be redeveloped.

Some members stated that the sole purpose of this program is to mitigate flooding. Council expressed their concern for the negative and false information being circulated about creating a TIRZ to help mitigate flooding and how this negative information is affecting home owners' decisions.

John Baucum, 15325 Chichester, Jersey Village, Texas 77040 – Mr. Baucum spoke to parking on the sidewalks. He felt there is quite a bit of confusion with residents about the State law prohibiting same, but he feels it is self-explanatory. He has seen many homes parking their cars on the sidewalk. He stated that given some home owners have little options for parking, he would like to know how this issue can be enforced, and how City Council intends to resolve the issue.

He also made comments about the TIRZ. He does not believe that a TIRZ will benefit our City. He explained how he believes a TIRZ operates. He does not believe there is an urgency in creating a TIRZ. He believes it is a problem that the market can resolve. He likes Jersey Village because many of the homes look different. He does not support a plan where all homes look alike. He also stated that funds are already allocated in the 2020-2021 budget and would like to know where he can find this in the budget.

City Council addressed the sidewalk issue. The Council is not interested in telling the police chief how to do his job. Chief Riggs is interested in being a part of the community and engaging the community. He will educate residents and help resolve the issue with residents. City Council has no interest in ticketing people, but at the same time there are residents that have complained about the blocking of sidewalks. However, State law does prohibit this type of parking.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas - Mr. Maloy spoke about the City using the Comprehensive Plan to address issues in the City. He went on to say that there were many meanings held back in 2016 when the Comprehensive Plan was created, but less than 5% of the residents participated in this plan. He also wanted City Council to grant the full 20% homestead exemption and to increase the over 65 exemption to \$160,000 instead of the current \$75,000. He felt that other cities near us are giving this exemption. He listened to the budget work session held in July and heard that the Council is not going to increase these exemptions. He has questions about the City and the City Manager being proactive in not doing things that will put the City in a financial situation. He wants to know why the City approves increasing employee salaries 2% to 4% as well as the increase in the employees' health insurance. He does not understand how Council can make the residents wait for the exemptions when Council is considering these pay increases. He stated that over the years the City has accumulated funds for projects, but are not doing what the residents want as evidenced by the lack of participation during the 2016 Comprehensive Plan process.

City Council addressed the homestead exemption increase. The problem is that although we are adopting a budget now, the homestead exemption must be made in June and early July. Because of COVID City Council was hesitant to make that call back in July.

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Alvin Berkovsky, 16534 Delozier Street, Jersey Village, Texas – Mr. Berkovsky spoke to blocking sidewalks when parking cars. He thanked Council Member Warren for getting back to him on the definition of a sidewalk. He believes that if we can pull trucks forward, there is nine feet from the truck to the street, which provides enough room to get around the vehicle. He stated that many times he has visitors that are affected by this problem. He would like a common sense solution to this issue.

Bill Edwards, 16001 Jersey Drive, Jersey Village, Texas – Mr. Edwards stated that after checking the plans to his home, he found that when Senate was widened, the County took 18 feet from his driveway. There were similar takings for all the other homes up and down Senate. He gave information about other streets with regard to parking on the streets as opposed to parking in the short driveways. He was concerned for how this approach to the parking issue will leave very little room for navigating these streets. He told City Council that should he be forced to park on Jersey Drive, he will have to walk 80 feet to get to his front door instead of the current 20 feet. He also wants to know if a provisions will be made for handicapped parking. He read aloud the standards for handicapped parking, and questioned how State law will be reasonably enforced.

City Council stated that City Council's job is not to tell the Chief of Police how to enforce State law. However, the City Council has confidence in Chief Riggs' ability to find a reasonable solution.

Lisa Tyler 8302 Achgill, Jersey Village, Texas – Ms. Tyler stated that she had sent email to Council bringing up facts. She spoke to Council over 20 years ago. She has a concern that she purchased the home prior to the parking on sidewalks law passing. She understands that it is a State law but would like a reasonable solution. She told City Council that she parks her small car in her driveway and it still blocks the sidewalk. She felt that a re-routing of the sidewalk may be a solution. She also believes that parking for those with disabilities needs to be addressed. She wants to comply. She told City Council that parking on the street may not be a solution as she has had complaints from neighbors when she parks on the street.

David Steckbeck, 16109 Seattle Street, Jersey Village, Texas – Mr. Steckbeck stated that he walks down Seattle Street and occasionally down Carlsbad. He has lived in Jersey Village since 2008. When he first moved into the Village, code enforcement was actually enforced. At some point, enforcement became more relaxed. When he walks his children, he has problems with cars blocking sidewalks. He told a story about a problem with his son and a blocked sidewalk and how his son almost got hit by an oncoming vehicle while trying to go around a car blocking the sidewalk. With this in mind, he stated that the State law addresses the safety issue of having sidewalks without obstruction. He hopes for a reasonable solution.

David Lock 16002 Lakeview Drive, Jersey Village, Texas – Mr. Lock has been involved with the discussion of cars parking on sidewalks three times since 1976. The last time was in 1999 when Gary Elkins was consulted. At that time, the issue of cars parking on sidewalks was closed, so he is surprised to see it come up again. He told of the homes built many years ago and how the expansion of Senate took away from the driveways. He explained how this has affected his home. He went on to say that there are more than 200 homes with this problem in Jersey Village. He felt

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that these homes should be grandfathered. He feels that this issue needs to be resolved once and for all with a common sense approach. City Council responded to Mr. Lock stating that we are trying to find solutions and will work with the State after the upcoming election. Grandfathering was addressed and explained stating that in order to have this, the grandfathering must be included in the State statute.

David Bolado, 8301 Rio Grande Street, Jersey Village, Texas – Mr. Bolado spoke to the issues of cars blocking the sidewalk as it relates to his driveway. While a solution of parking on the street has been mentioned, he believes that the City needs to think about the impact this will have and the complaints they will receive. He reasoned that if you cannot park in your driveway, you will need to park in the street. He believes that parking in the street will affect property values. He closed by saying he brought up this issue when he got a warning letter. It took three months for someone in the City to tell him that he could park in his driveway until the issue is resolved. So when and if the law is enforced, it needs to be enforced fairly.

City Council asked for further clarification on the issue he had with the notice. This was discussed with Mr. Bolado.

Ashley Brown, 15602 Lakeview Drive, Jersey Village, Texas – Ms. Brown stated that she is aware that safety is a concern with parking cars on the sidewalk. However, she asked City Council to think cautiously about enforcing this law. In connection with her home, she does not have an alternative for parking. She explained that her home was recently elevated and the elevation took quite a bit away from her driveway. Currently, her truck will not fit in the driveway or the garage. She went on to address parking on the street, which would also cause issues. She experienced parking on the street during the elevation and her car was vandalized. She suggested alternative solutions such as a parking permit or enforcement on a complaint basis. She also suggested enforcement by the intent of the law rather than the letter of the law.

Council addressed enforcement on a complaint basis and how this may not be just. Therefore, the solution must be reasonable and not create greater problems.

Robert Kubala, 16001 Lakeview Drive, Jersey Village, Texas – Mr. Kubala was called to speak, but he did not answer.

Connie Rossi, 15926 Lakeview Drive, Jersey Village, Texas – Ms. Rossi bought her home three years ago. Although she was hesitant because it is a corner lot, she is excited about living in Jersey Village. She told City Council that parking in her driveway is an issue. Before she purchased the home, she did not know that parking on the sidewalk was an issue. After meeting with neighbors, she learned that her driveway was shortened due to the widening of Senate. She does not know where she can park and gave information as to the issues with the parking of her vehicles. She wants a reasonable resolution where residents can use their driveways for parking.

Kim Clemens, Jersey Village, Texas – Ms. Clemens believes the elderly and handicapped should be at the forefront of consideration when finding a solution for parking vehicles on the sidewalk. She gave background about her disabled father, explaining that the passage of ADA was very

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helpful for our disabled citizens. With this in consideration, it is important for these individuals to be mobile and safe. However, many of the homes in question were built before these ADA laws, making the parking of vehicles in short driveways an issue. She recited information about options mentioned to resolve this issue and how many of the solutions are not possible for her home. She also gave information on how some of the solutions will affect handicapped individuals.

Geoff Butler, 16125 Seattle Street, Jersey Village, Texas – Mr. Butler expressed support for keeping sidewalks free of obstructions. He gave three points of support - safety, economics, and more inviting places to walk.

Susan Edwards – 16001 Jersey Drive, Jersey Village, Texas – Ms. Edwards stated that most of the things she wanted to state have been already been stated, and there were many good comments. Bill Edwards has expressed the dilemma with their driveway. She went on to say that she can relate to handicapped individuals and their parking concerns. She moved to Jersey Village because of the sidewalks, so she likes having sidewalks. However, she does not know where the line can be drawn when enforcing State law. She brought up cyclist and how they do not abide by the laws. She felt like there are many issues mentioned this evening that will be difficult if not impossible to address. She went on to explain some of her ideas about resolving the issue.

Richard Ray, 16325 Koester Street, Jersey Village, Texas – Mr. Ray told City Council that he had distributed several documents to City Council prior to the meeting pertaining to the sidewalk issue. He spoke to these documents. He stated that most of the time you will not find a car parked in his driveway, so this issue is not about him. He is concerned about City Council setting a precedence. He purchased his home in 2007 with no restrictions concerning parking in the driveway. At this point, it has been decided to go a different directions concerning parking over the sidewalk. This is a problem. He felt that prior City Councils saw the issue differently. He wondered if it is an issue now because of a complaint, convenience, or just because enforcement now can be done. He wondered if it is a safety issue, and if so, why in were 80 homes were built in the Enclave in 2012 without sidewalks. He then gave information about sidewalks and walking around the City without having to cross a short driveway.

Karie Lawrence, Achgill Street, Jersey Village, Texas – Ms. Lawrence told City Council that she has short driveway. She stated that she understands that parking on the sidewalk is against the law, and residents may be cited for this offense. Nonetheless, she has questions about complying with the law. She wants to know if someone has researched case law on this topic. She wondered when the law was written and if the homes are grandfathered. She wondered what constitutes a vehicle being in violation. Is it 2 inches, 4 inches or how much blockage? As a home owner, she must understand what constitutes a violation. She brought up that many residents cannot park their vehicles in their garages. She also spoke to handicapped drivers and parking issues. She believes that for homes built before the law came into place, the solution is a city problem and not a home owners' problem. She wants everyone to be a good neighbor.

Mike Casas, 16202 Seattle Street, Jersey Village, Texas – Mr. Casas spoke to City Council about the parking on sidewalks issue. He stated that today he got a courtesy warning on his vehicle.

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He read the warning. He told City Council that he has a ring device that faces his vehicles. The device is activated as little as 4 a day, indicating that there is very little activity in front of his home. He stated that there are many inconsistencies around the City in regard to sidewalks. Therefore, it is hard to enforce a rule when some have a sidewalk further up than others. He can park in the driveway and vehicles do not block the sidewalk because between the end of the vehicle and the street is 8 to 9 feet. Therefore, pedestrians are able to walk around without having to get into the street. He wants to resolve the issue, but is concerned about parking in the street and safety.

Christie Crawford, Jersey Village, Texas – No answer

D. FISCAL 2020-2021 MUNICIPAL BUDGET ITEMS CONTINUED

2. Consider Resolution No. 2020-41, receiving the Jersey Village Tax Assessor's statutory certifications, submissions, and calculations under section 26.04 of the Tax Code.

Isabel Kato, Finance Director, explained that Section 26.04 of the Tax Code requires that the Jersey Village Tax Assessor:

- Submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property for the City of Jersey Village;
- Certify the current year estimated collection rate and the amount of debt taxes collected in previous year in excess of the current year's anticipated amount of collections; and
- Calculate and submit the effective tax rate and rollback tax rate.

She explained that this item accomplishes these tasks.

With limited discussion, Council Member Wubbenhorst moved to approve Resolution No. 2020-41, receiving the Jersey Village Tax Assessor's statutory certifications, submissions, and calculations under Section 26.04 of the Tax Code. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE JERSEY VILLAGE TAX ASSESSOR'S STATUTORY CERTIFICATIONS, SUBMISSIONS, AND CALCULATIONS UNDER SECTION

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26.04 OF THE TAX CODE.

3. Discuss and take appropriate action concerning any final changes to the proposed 2020-2021 Municipal Budget.

Finance Director Kato introduced the item. Background information is as follows:

Section 102-007 of the Local Government Code provides upon closing the public hearing on the proposed municipal budget, the governing body of the municipality shall take action on the proposed budget. In doing so, the governing body may make any changes to the budget that it considers warranted by the law that is in the best interest of the municipal taxpayers.

This item provides opportunity for the Council to discuss and provide for any needed changes to the 2020-2021 municipal budget before moving on to the item for budget adoption.

The changes proposed are as follows:

- **General Fund – Property Taxes** Due to significant changes in the tax law resulting from the passage of Senate Bill 2 (Texas Property Tax Reform and Transparency Act of 2019), the Harris County Appraisal District on August 19, 2020 presented the City with estimated values to be used for drafting the proposed budget. These estimated values were updated by the Appraisal District on September 1, 2020 when they presented the City with the certified appraisal roll containing property tax revenues based on the certified values. The certified values resulted in an increase of \$159,212.76 in Property Tax revenues, requiring a change to this line item in the 2020-2021 budget.
- **General Fund – Fire Department** Reduction of \$395,266.92 in Salaries and Fringe Benefits on the four new firefighters based on FEMA Grant.
- **General Fund – Community Development Department** Increase of \$20,139.38 in Salaries and Fringe Benefits for reclassification of position that will become vacant in FY 2020-2021.
- **General Fund – Street Department** Increase of \$2,857.11 in Salaries and Fringe Benefits for reclassification of vacant position for FY 2020-2021.
- **10 years CIP - FY 2020-2021** Line items 10-91-7012 (E-127 Improvements) \$1,400,000 and 10-91-7131 (Golf Course Convention Center) \$830,000 originally budgeted in Current Fiscal Year 2019-2020 were moved to Fiscal Year 2021-2022

Fund 13 – CDBG Grant report was not included in the proposed budget. It does need to be included, but it does not change the numbers in the budget.

City Council engaged in discussion about the Fire Department reduction. City Manager Bless stated the numbers were removed because the City is waiting on approval of the SAFER Grant.

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With limited discussion on the matter, Council Member Warren moved to approve the City of Jersey Village 2020-2021 budget revisions which include a change in the General Fund Budget to include a change in Property Taxes Revenue due to the changes from estimate values to certified values because of SB 2 in the amount of \$159,212.76, a reduction of the General Fund Fire Department in salaries and fringe benefits of \$395,266.92 based on the FEMA Grant, an increase of the General Fund Community Development Department Salaries and Fringe Benefits in the amount of \$20,139.38 for reclassification of position that will be vacant in Fiscal Year 2020-2021, an increase in the General Fund Street Department of \$2,857.11 for reclassification of vacant position in Fiscal Year 2020-21 and changes in the 10 years CIP – FY 2020-2021 line items 10-91-7012 (E-127 Improvements) \$1,400,000 and 10-91-7131 (Golf Course Convention Center) \$830,000 originally budgeted in Current Fiscal Year 2019-2020 and moved to Fiscal Year 2021-2022. Council Member Wasson seconded the motion. The vote follows:

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

Nays: None

The motion carried.

4. Consider Ordinance No. 2020-21, adopting the City of Jersey Village municipal budget for fiscal year 2020-2021.

Isabel Kato, Finance Director, introduced the item, stating that at the conclusion of the public hearing on the municipal budget, Council shall take action on the proposed budget.

She explained that the proposed budget has been filed with the City Secretary. Council has held the public hearing on the proposed budget for fiscal year 2020-2021, and has made the appropriate changes.

Accordingly, she recommends that the budget be adopted. The vote to adopt the budget must be a record vote.

With no further discussion on the matter, Council Member Warren moved to approve Ordinance No. 2020-21, adopting the municipal budget for fiscal year 2020-2021. Council Member Wubbenhorst seconded the motion. The record vote follows:

Council Member Wasson: Aye	Council Member Singleton: Aye
Council Member Holden: Aye	Council Member Wubbenhorst: Aye
Council Member Warren: Aye	

Mayor Mitcham, although present, did not vote.

The motion carried.

ORDINANCE NO. 2020-21

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AN ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; MAKING APPROPRIATIONS AS REFLECTED IN SAID BUDGET; MAKING CERTAIN FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

5. Conduct a separate vote to ratify the property tax increase of 4.80% as reflected in the 2020-2021 budget adopted on September 21, 2020.

Finance Director Kato introduced the item. Background information is as follows:

Council has adopted a budget that will raise more total property taxes than last year's budget by \$364,537 a 4.80 % increase from last year's budget, and of that amount \$18,811 is tax revenue to be raised from new property added to the tax roll this year.

Section 102.007(c) of the Local Government Code states that a governing body adopting a budget that requires raising more revenue from property taxes than in the previous year, must conduct a separate vote to ratify the property tax increase reflected in the newly adopted budget.

This vote, must be a record vote that is in addition to and separate from the vote adopting the budget or the vote required to set the tax rate that is provided for by Chapter 26, Tax Code, or other law.

With limited discussion on the matter, Council Member Warren moved to ratify the property tax increase of 4.80 % reflected in the newly adopted municipal budget for fiscal year 2020-2021. Council Member Wubbenhorst seconded the motion. The record vote follows:

Council Member Wasson: Aye	Council Member Singleton: Aye
Council Member Holden: Aye	Council Member Wubbenhorst: Aye
Council Member Warren: Aye	

Mayor Mitcham, although present, did not vote.

The motion carried.

E. CITY MANAGER'S REPORT

City Manager Bless gave the following monthly report. He also presented the September 2020 Employee of the Month, Patty Biggs, Cashier in the Finance Department.

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

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3. **Police Department Monthly Activity Report, Warrant Report, Criminal Investigation Division Monthly Report, Staffing/Recruitment Report, and Police Open Records Requests**
4. **Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Speeding and Stop Sign Citations within Residential Areas Report, and Court Proceeds Comparison Report**
5. **Public Works Departmental Summary and Public Works Departmental Status Report**
6. **Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Budget Summary, and Parks and Recreation Departmental Report**
7. **Code Enforcement Report**
8. **Employee of Month**

Council recognized Public Works for their good work on sidewalks and saving the City monies with doing this work in house.

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 August 17, 2020.**
2. **Consider Resolution No. 2020-42, reviewing and approving the investment policy and investment strategies used for city funds in compliance with the Texas Government Code.**

RESOLUTION NO. 2020-42

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, REVIEWING AND APPROVING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES USED FOR CITY FUNDS IN COMPLIANCE WITH THE TEXAS GOVERNMENT CODE.

3. **Discuss and take appropriate action concerning a progress report from the Owners of the property located at 16884 NW FWY, Jersey Village, Texas concerning the progress on the performance of the permitted work required under Ordinance 2019-11, which found the structures on the Property to be substandard and a public nuisance; ordered JERSEY VILLAGE LODGING, LLC to abate the substandard and dangerous structures on the Property within 180 days; authorized the repair or demolition of the structures on the Property if the owners fail to abate the substandard and dangerous structures; authorized a lien against the Property for the costs of repair or demolition; and made other findings and provisions related thereto.**

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Council Member Wubbenhorst moved to approve items 1 through 3 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.

G. REGULAR SESSION

- 1. Consider Resolution No. 2020-43, appointing members to the Planning and Zoning Commission (P&Z) and the Capital Improvements Advisory Committee (CIAC), the Board of Adjustment (BOA), the Building Board of Adjustment and Appeals (BBOAA), the Recreation and Events Committee (R&E), and the Golf Course Advisory Committee (GCAC).**

City Secretary, Lorri Coody, presented the item. She explained that the terms for members serving on various Boards, Commissions, and Committees have expired, requiring that new appointments be made by the Council at this time.

The applications of those qualified candidates who have expressed interest in serving on these Boards and Commissions were included in the Council meeting packet.

Council reviewed the openings on each of the following Boards and Committees and by consensus made the appropriate appointments as follows:

Planning & Zoning Commission and the Capital Improvements Advisory Committee

Debra Mergel to Position 5, Ty Camp to Position 6, and Rick Faircloth to Position 7 for the term that begins on October 1, 2020 and ends September 30, 2022.

The Board of Adjustment

Ken Nguyen to Position 4, M. Reza Khalili to Position 5, and Judy Tidwell to Position A2 for the term that begins on October 1, 2020 and ends September 30, 2022.

The Building Board of Adjustment and Appeals

Frank Gullo to Position 2, William Berger to Position 3, and Robert Bonagurio to Position 4 for the term that begins on October 1, 2020 and ends September 30, 2022. Position 1 remains vacant.

The Recreation and Events Committee

Ashley Brown to Position 5, Doris Michalk to Position 6, and Travis Coggin to Position 7 for the term that begins on October 1, 2020 and ends September 30, 2022.

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The Golf Course Advisory Committee

Vance Burnham to Position 1, Greg Fair to Position 2, Jane Arnett to Position 3, David L. Lock to Position 4, Ronald Schielke to Position 5, and Ceri Davies to Position 6 for the term that begins on October 1, 2020 and ends September 30, 2021. Position 7 remains vacant.

With no further discussion on the matter, Council Member Warren moved to approve Resolution No. 2020-43, appointing members as discussed to the Planning and Zoning Commission (P&Z) and the Capital Improvements Advisory Committee (CIAC), the Board of Adjustment (BOA), the Building Board of Adjustment and Appeals (BBOAA), the Recreation and Events Committee (R&E), and the Golf Course Advisory Committee (GCAC). Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION AND CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, BOARD OF ADJUSTMENT, BUILDING BOARD OF ADJUSTMENT AND APPEALS, GOLF COURSE ADVISORY COMMITTEE; AND RECREATION AND EVENTS COMMITTEE.

2. Consider Resolution No. 2020-44, selecting individuals to serve on the TML Intergovernmental Risk Pool Board of Trustees – Places 1, 2, 3, and 4 (Workers' Compensation, Property and Liability Benefits).

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees Term of Office for Places 1, 2, 3, and 4 will expire. The term of office for these positions is six years. A slate of interested candidates appears on the official ballot for election. Along with each name is a brief summary of qualifications for each candidate. The ballot must be received by the Board Secretary no later than September 30, 2020 and the official ballot must be properly signed and all pages of the ballot must be mailed in accordance with the instructions in order for the City of Jersey Village's vote to be counted.

The Risk Pool is comprised of some 2600 members. While all are eligible to vote, they are not required to vote. Of course, if a voting member fails to vote, that members vote cannot be counted. Since the Risk Pools Board of Trustee Elections are not governed by any rules that a minimum number of its members must vote, the candidates will be elected

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based upon the votes received and the candidate that gets the most votes for his/her respective position will be elected to the new term of office.

The Pool offers various insurance and risk coverage including Workers' Compensation, Liability Insurance, Property Insurance and Special Risk Coverage.

With limited discussion on the matter, Council Member Wubbenhorst moved to appoint Robert T. Herrera to Position 1, John W. (Buzz) Fullen to Position 2, Jeffrey Snyder to Position 3, and Robert S. Hauck to Position 4. Council Member Singleton seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SELECTING INDIVIDUALS TO SERVE ON THE TML INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES – PLACES 1, 2, 3, AND 4.

3. Consider Resolution No. 2020-45, authorizing the City Manager to accept the proposal from Vistex Graphics for wayfinding and building identifier signage.

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

One of the goals in the Comprehensive Plan is to update our wayfinding and building identifier signage. We have worked with Vistex Graphics to give us a proposal for these signs. Vistex is the group that made the metal letters and stars on the gateway and marquee signs.

For building signage we are proposing new signs at City Hall, Police, Fire Station, and Public Works. We could also do signs at Carol Fox Park and Clark Henry Park if the Council wishes.

The sign at City Hall would be built so it could be removed when City Hall moves and the foundation of the sign could be reused for a new sign for whatever is at the current location.

For the wayfinding signs we are proposing 8 locations, which are:

- Jones and Village Green
- Village Dr near Rio Grande
- Jersey Dr near Fire Station
- Senate and Seattle
- Senate and Lakeview
- 2 on Lakeview at Jersey (one going each direction)

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- Lakeview and Philippine

Included in the meeting packet, you will see the sample of what the signs would look like, the signs we are proposing have been circled in yellow.

If the Council wishes to add or remove signs that could be done. Installation cost would be modified slightly, but the per unit cost would be the same.

Once Council gives the approval to move forward it will take 2-3 weeks for fabrication drawings and permits to be completed. Their proposal says it would be 9 weeks from the city approving the drawings for the installation to be complete. This should be a 12-week project. The project will be funded with CIP funds already set aside for the Gateway, Marquee, and Wayfinding project.

With limited discussion on the budget for this project, the selected vendor, the uniformity of the signs at Carol Fox Park and Clark Henry Park and the pedestrian wayfinding signs, Council Member Warren moved to approve Resolution No. 2020-45, authorizing the City Manager to accept the proposal from Vistex Graphics for wayfinding and building identifier signage with the additional signs mentioned by Council Member Singleton. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL FROM VISTEX GRAPHICS FOR WAYFINDING AND BUILDING IDENTIFIER SIGNAGE.

- 4. Consider Resolution No. 2020-46, authorizing the City Manager to enter into an agreement with Backyard Investments, LTD for concessionaire services for Jersey Meadow Golf Course.**

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

Backyard Investments, LTD has served as the concessionaire for the Jersey Meadow Golf Course for over 10 years and our current agreement with them will be coming to an end December 31, 2020. Based on advice from the City Attorney the city negotiated directly with Backyard Investments rather than going out for RFQ for a new agreement.

Over the past month we have worked with Backyard Investments LTD to create a new concessionaire agreement that works better for the City and for them.

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The highlights of the agreement are as follows:

- Two year agreement with four 1 year extensions
 - If a new club house is built this agreement could be terminated with a 30 day notice
- The Concessionaire pays the city 18% of gross sales.
- Concessionaire will produce “turn food” for more grab and go options for golfers.
- There will be 3 special events on a monthly basis
- There will be special promotions for things like happy hour, food specials, etc. in addition to the special events.

Council engaged in discussion about the special events. There was also discussion about having water without having to purchase the water. The current dispenser is inoperable. Parks and Recreation Director Basford stated that moving forward it will be discontinued and a water bottle service will be implemented for \$1 and \$4 dependent upon the bottle water choice. The water dispenser was discussed.

Council also spoke about the three events per month and wondered if this is a bit aggressive. Mr. Basford explained that the events can be as small or as large as we want to make them.

With no more discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2020-46, authorizing the City Manager to enter into an agreement with Backyard Investments, LTD for concessionaire services for Jersey Meadow Golf Course. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BACKYARD INVESTMENTS, LTD FOR CONCESSIONAIRE SERVICES FOR JERSEY MEADOW GOLF COURSE.

5. Consider Resolution No. 2020-47, authorizing the City Manager to extend the contract with Flock Safety for an additional three (3) years.

Chief of Police, Kirk Riggs introduced the item. Background information is as follows:

The Jersey Village Police Department entered into a three year contract with Flock Safety to provide the city with an automated license plate recognition (ALPR) software camera system. Flock Safety operates over a wireless network, which makes it easier to install

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and/or relocate in discreet locations. The amount approved for this system in December of 2018 was \$312,000 which covered the cost of 48 cameras installation, hosting, wireless service and warranty.

The main objective for installing this type of technology was to assist the police department with identifying suspects in criminal investigations, recovering stolen assets, and monitoring suspicious vehicles. Flock has increased their cost per camera from \$2000 to \$2500 this year. As their product increases in popularity among law enforcement agencies and cities, we believe it is beneficial to extend our contract to secure the new rate for an additional three years. We currently have 48 cameras, and the four approved in this year's budget will give us a total of 52 cameras throughout the city. The system has assisted us in combating crime by apprehending several felons and recovering multiple occupied stolen vehicles, some of them containing handguns.

Flock Safety is the sole source vendor of the Flock Safety Camera and comprehensive monitoring system that has been a valuable tool in assisting us investigate and apprehend criminals who come through our city.

Council discussed if Jersey Village promotes this business. Chief Riggs stated that we do promote the company. Council wondered why they did not lower their price as opposed to increasing the price. Chief Riggs stated that he will work with the Company on future rates. Some members wanted a not to exceed clause or a rate factor increase for future renewals. The increase being quoted is quite significant and a not to exceed clause on the renewals is smart.

There was discussion about how the cameras work for paper license plates. Chief Riggs stated that the cameras do work on these type license plates.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2020-47, authorizing the City Manager to extend the contract with Flock Safety for an additional three (3) years. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2020-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT WITH FLOCK SAFETY FOR AN ADDITIONAL THREE (3) YEARS.

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6. Discuss and take appropriate action regarding a potential new TIRZ No. 3 to aid in flood mitigation efforts.

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

As the city continues to make flood mitigation a high priority and we look for ways to bring about flood mitigation efforts, staff has discussed with Council in the past during budget season about tear downs and rebuilds. Before COVID hit we had good responses from home builders, however since COVID that has become more tepid.

The original idea was to partner with a home builder(s) where they would purchase the home from the current owner and the city would provide a grant to the builder after the home was demolished. This would keep the city out of the purchase transaction. Most builders were hesitant on this type of model, as the idea has not been tested before. Their preference would be for the city to buy the property, tear down the home, and sell the empty lot.

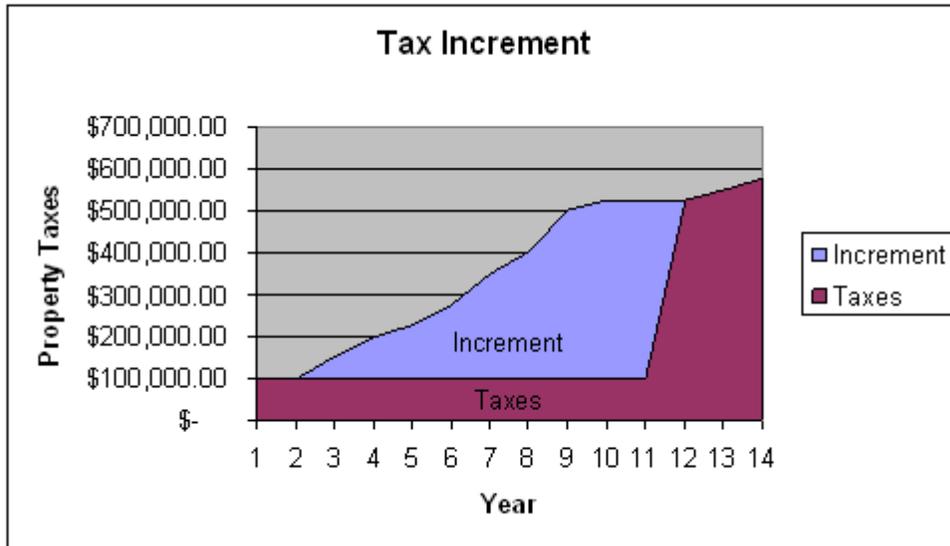
The main problem with this is the city must comply with state law on how property can be sold, which includes public auction or using a broker. That could potentially add costs, but also means the city has limited control over who would purchase the land.

In discussing all of the potential options with the City Attorney, the only other option that would work would be to create a TIRZ. In a TIRZ the city could sell property without the standard laws applying, meaning the city could work with a builder(s) and sell the property to them directly.

In the TIRZ the City could also have more flexibility on incentives and how it contracts for work related to the goals of the TIRZ. So this would mean the city could buy homes, demo them, and sell the lots to preferred builders directly. This would then mean the builders would build new homes on the lots to whatever requirements the city sets forth.

A TIRZ can only be 30% residential properties (unless it is initiated by the current property owners), which would require the TIRZ to be larger in nature than just the area we would want to see redeveloped. The proposed area, map attached, would allow for the percentage of residential area to be within the state law allowable range, and would also provide a funding mechanism for projects assuming property values in the TIRZ increase. The funding mechanism would be the increased property values each year which would be captured in an increment. Here is a visualization of how the tax increment works.

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The increment would go into the TIRZ to fund TIRZ projects, while the taxes would continue to go to the general fund. At the end of the TIRZ everything would go to the general fund.

A potentially smaller TIRZ could be created and the 30% limit on residential would not apply if the owners of property constituting at least 50% of the appraised value of the property in the area according to the most recent certified appraisal roll were to petition for the TIRZ to be created.

The amount of revenue to the TIRZ would be directly impacted by the size of the TIRZ. The larger the TIRZ, the more increment that would be created. However, that also means less new property tax growth for the general fund.

If we wanted to create a TIRZ, there are public notices that are required; and more work needs to be done. Tonight this is brought to Council to seek out guidance in moving forward with this or not.

If the Council believes this is an idea that should be pursued further, the next steps would be to go through the process of creating the TIRZ.

Below is a brief overview of the steps required to create a TIRZ:

- Prepare a preliminary financing plan (showing details how the improvements/projects will be paid for)
- Hold a public hearing (and publish notice of such) to gain public input
- Designate a reinvestment zone (through adoption of an Ordinance), outlining the zone timeframe, formally establishing the zone, noting certain findings that indicate the zone meets criteria, and creating the TIRZ Board of Directors

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- Prepare a project plan and a financing plan (Final Plans) to be consistent with preliminary plans and be approved by the TIRZ Board and City Council

In completing the introduction, Mayor Mitcham called on each Council Member for comments on the item. What follows is a summary of each Member's comments.

Council Member James Singleton – Council Member Singleton stated that he has met with several residents on this topic. He feels that a TIRZ is a good tool that provides the City with many options without any downsides. A TIRZ provides an opportunity for the homeowners and does not require participation. In moving forward, it would be good to hear from the 32 residents that will be affected if a TIRZ is created. He stated that during his conversations with residents, 26% have verbally stated to him that they want to move forward with the creation of a TIRZ. However, Council Member Singleton stated that he feels there is a problem with incorporating commercial properties in the TIRZ. On the other hand, if we only do 32 homes the amount of money available will be negligible. Nonetheless, if there are 50% of the residents wanting to move forward with a petition to create a TIRZ, it will work better since we can remove the commercial properties. City Manager Bless stated that removing the commercial will require additional funding from the general fund.

Council Member Greg Holden – Council Member Holden said that he is perplexed. For years residents have asked for programs to mitigate flooding, and now that we are working on making programs available, the residents still think the City is not looking for solutions to their problems.

Council Member Holden favors the creation of a TIRZ, stating that there are only a limited number of options to mitigate flooding, and this is one more tool in the tool box. Creating the TIRZ does not preclude residents from taking advantage of the other solutions. The problem of mitigating flooding is quite complex. So yes, the TIRZ is just one more option. All of the other options are dependent upon other entities. However, a TIRZ is something that Jersey Village controls.

Council Member Drew Wasson – Council Member Wasson likes the idea of a residential initiated TIRZ rather than including the commercial property. However, he wondered how the move to the City purchasing the lots came about. City Manager Bless explained that the conversation about a tear down and rebuild program started with the developers taking on the project. However, when the developers determined that the amount of capital needed to take on this project was too great, they communicated that if the City were to make the purchase, some of the risk to the developers would be eliminated, making the project more desirable. Council Member Wasson also addressed land values, stating that a TIRZ will not drive the value of the land. Land values will naturally increase as time goes on. Council Member Wasson is curious as to what the resident want, but commends City Manager Bless for thinking outside the box and that a TIRZ solution puts the control in the hands of the City.

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Council Member Gary Wubbenhorst – Council Member Wubbenhorst agrees with Council Member Wasson about the City Manager being creative and about Council Member Holden’s comments on criticism. He mentioned that he has receive many negative emails on a TIRZ solution. The City is talking about purchasing the home, demolishing it, and then selling the lot to the developer. He wondered who pays for this. City Manager Bless explained that that there will be monies from the sale of the lot and the increase of taxes once the home is rebuilt. City Manager Bleess went on to explain that elevations will cost the City some \$800,000, and based upon past discussion with the Council the tear down rebuild solution came about. Council Member Wubbenhorst closed his comments by stating that based upon tonight’s discussions he cannot vote for the creation of this TIRZ. In making this statement, Council Member Singleton stated that according to his discussions with residents, many want the TIRZ as another solution to flood mitigation, but did not come to tonight’s meeting.

Council Member Bobby Warren – Council Member Warren opened his comments by stating that he does not believe that City Council should hand over its decision making to the public, rather it should listen to their input and make decisions accordingly. He feels that educating the public may help them understand how a TIRZ works. He is perplex to limiting the voice to only those residents included in the TIRZ because the project will require using tax dollars and investing into only one area of the City. At end of the day, anything done in the TIRZ, the City will have to pay for this. Therefore, if more properties are included in the TIRZ, the City can pay the project off faster. The TIRZ is being offered as an alternative solution for flood mitigation because of its regulatory flexibility. Council Member Warren stated that a town hall meeting may be in order to learn more about opinions concerning this project. He also stated that the City needs to determine how many of the homes currently included in the project are non-owner occupied and if this aspect will cause a stumbling block for the project. Council Member Warren closed his comments by stating that he advocates the free market when possible. However, for this particular area, the free market is very slow, and at some point the market will eventually take care of it, but in mean time we have families waiting for a solutions.

Mayor Andrew Mitcham – Mayor Mitcham is frustrated about the response from residents about this new tool for mitigating flooding. He stated that the creation of a TIRZ is an outside of the box response to flood mitigation that does not require coordination with other entities. He believes that City Manager Bleess has come up with another solution to mitigate flooding. He stated his frustration when items are placed on the Council agenda for discussion and misinformation starts circulating around the City. This item is on the agenda because those who own property in the flood zone, that have been flooded multiple times, need more options to mitigate flooding. This new solution does not preclude residents from choosing other options. The comments made tonight that the creation of a TIRZ is just another way for the City to make more monies in taxes are unfounded, especially since this Council has lowered taxes. The Mayor went on to say that having vacant FEMA lots does not help local property values. If another flood

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comes through and brings the bayou down by 2 or 3 inches, these residents will still have water in their homes. The cost of flood insurance is raising. Some pay as much as \$5,000 a year for flood coverage. He made mention that some residents have stated that they want to preserve the character of the neighborhood. However, these residents must consider the outside factor of flooding that can change this character whether it is wanted or not. The TIRZ is another tool that can help preserve the character of the neighborhood by providing more control for the home owner, and the character is more attractive when it is resident driven. If residents learn about the program, it will be helpful. Eliminating other entities in our solution, gives us the ability to work at our pace and not theirs. He understands the risk and what can happen with flooding.

In closing, the Mayor stated that the consensus of Council is to move forward with this idea and that it be resident driven, either by petition or input through a town hall meeting in order to get buy in from residents. Any town hall meetings should be streamed live on You Tube.

- 7. Consider Ordinance No. 2020-22, continuing a Mayoral Declaration of Local Disaster due to public health emergency; waiving certain fees during the public health emergency; suspending the disconnection of water services during the public health emergency; providing restrictions on community gatherings; accounting for any potential conflict of laws; providing for a fine in an amount not to exceed five hundred dollars (\$500) for each offense; providing for severability; and, providing an effective date.**

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

This ordinance extends the current declaration of local disaster. It automatically expires on November 17, 2020 or if the Governor cancels all related COVID-19 orders, declarations, restrictions, and regulations. The City Council is scheduled to meet on September 21 and could extend the order at that point in time.

Staff is recommending a few changes to the ordinance.

As we are now 6 months into the emergency declaration, restaurants can have some indoor seating, most businesses are open, and there is more information generally available now than there was back in March, staff feels we can phase out the waiving of penalties for the signs. This provision was to allow businesses the opportunity to advertise via sign to alert the public to their being open.

Staff has looked at the number of water/sewer customers that have not paid their utility bills since the start of the disaster ordinance. The total is 16 customers. We feel the provisions for waiving late fees and suspending the disconnection of water services could be ended as well.

The ordinance, as attached, sunsets those provisions on October 15, 2020. We would utilize that time to educate residents and businesses of the changes.

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There was discussion about leaving the provisions that are being recommended for removal. Some were okay with the sunset but felt the date of October 15 is too soon. Some wondered what will happen if we do not continue the disaster declaration and we set the date for water and sewer fees for December, would discontinuing the declaration before then end the provisions for water and sewer fees? City Attorney Bounds stated that the Ordinance would have to be rewritten so that the fee extension would not expire. It was the consensus of City Council to continue the declaration until December 1, 2020

Council Member Warren moved to approve Ordinance No. 2020-22, 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 with amendments explained by the City Manager. 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. 2020-22

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

8. Discuss and take appropriate action regarding recent emails and public comments regarding sidewalks and parking as they relate to Section 14-88(a)(2) of the Code of Ordinances.

Councilors have requested that this item be placed on the agenda.

Section 14-88(a)(2) of the Jersey Village Code of Ordinances sets out the following in connection with parking and public sidewalks:

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No use of public street right-of-way or public sidewalk or adjacent property, either private or public, shall be permitted if that use inhibits or hinders the movement of normal traffic on that street or sidewalk.

The Texas Transportation Code at Section 545.302 contains state law concerning the blocking of sidewalks.

Recently, the City has received several comments/complaints concerning this requirement. Accordingly, this item is to discuss and address the recent emails and public comment concerning sidewalks and parking.

Mayor Mitcham called upon the City Attorney about the legal implication of a city knowingly saying we are not going to enforce a State law.

City Attorney Bounds gave the history pertaining to this subject. Since 1925 the law has been that one cannot park, stand or stop a vehicle across a sidewalk. It has been in the Transportation Code since 1948. In 2000 there was discussion in Jersey Village regarding this law. In January of 2000, the City considered amending the setback requirements to increase the room to park a vehicle between the property line and the structure. This is the same year that HB 674 was presented by Elkins which would allow cities to regulate parking on sidewalks for these problematic homes. While the bill passed, it was vetoed by Governor Perry who stated that this HB would permit cities to adopt an ordinance that would go against current state law.

City Attorney Bounds went on to say that it is common for cities to enforce laws with discretion. A classic example is speed. Selective enforcement is okay as long as it is not based upon an unlawful reason (sex, religion etc.). The City has no liability for not enforcing the law. It has not done so for quite some time. The City does not create danger. Danger is created by the person doing the parking unlawfully. The City does have issues with how to deal with persons with disabilities under Federal law, which states if you provide sidewalks, the sidewalk must be accessible. There are regulations for obstructions. Some residents have driveways wide enough that there is still a viable way around even with the obstructions. The city would be in a liable position to allow obstruction of the sidewalk based upon Federal law.

City Attorney Bounds went on to say that the options moving forward are for the City to see what might be done to make sidewalks accessible. Under federal law, there are ADA requirements. If there is an ADA complaint, it will need to be addressed. The City cannot grandfather residents from these laws. It has always been against the law to park across the sidewalk, even before the City of Jersey Village existed. He closed by stating that residents need to consider parking constraints before making purchases of vehicles.

Given the history, it is understandable why residents are confused. Elkins did try to resolve the issue, but was unsuccessful.

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There was discussion about forcing people to park in the street when the person you are forcing to park in the street is disabled it seems to defeat the purpose of ADA. City Attorney Bounds stated that ADA is a reasonable accommodation rule on a case by case basis. So exceptions can be made. It is hard to enact a rule that will deal with every situation that you might have. Thus reasonable accommodations are made on a case by case basis.

There was also discussion about the Enclave that does not have any sidewalks. There was also discussion about the Senate Avenue issue where residents purchased homes that allowed compliance with the parking laws, but compliance was taken away when Senate Avenue was widened by Harris County.

City Attorney Bounds stated that the law is that you cannot park across the sidewalk and under ADA if you have sidewalks they must be accessible.

If the sidewalk and driveway are made of the same material, and one is able to go around the rear of the vehicles without any problems, does that comply with ADA? City Attorney Bounds stated that as long as the paved surface is at least 32 inches wide and not more than 24 inches long and meets the slope requirements, it would comply.

Council Member Wubbenhorst stated that the sidewalk is perpendicular to driveways, if a vehicle is sticking out and you walk up to the driveway, at some homes you need to go across the grass. On a complaint basis, what if you put in a concrete triangle in the grass areas to allow people to get around the vehicle?

There was discussion about the proposal of adding concrete to make it compliant on a case by case basis. It was mentioned that this solution might have an issue with the slope of the driveway.

There was a safety concern that when a car blocks the sidewalk and a child or handicapped person must go around, the slope puts the pedestrian into the street and into traffic. With this in mind, a solution is needed to provide ample passage that accommodates slope safely.

Harry Ward stated that the problem is in the third dimension not in the slope. A normal drive apron is 4 feet wide from the street. The apron would not qualify with ADA. The triangle solution would be effective if it is 25 feet long on both sides, making it run into power poles etc. Public Works could outline the options and put pros and cons to the listing.

There was discussion about cyclists on the sidewalks. City Attorney Bounds stated if you have an area that is not suitable for bicycling, then you prohibit cycling on this section of the sidewalk. Some members felt that input from Public Works is needed, realizing that solutions will come at a cost.

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There was discussion about a comment this evening from Ashley Brown concerning her situation created from a home elevation. City Attorney Bounds stated that in this situation it may be that a reasonable accommodation is to do nothing.

There is not an easy answer to this problem. A broad solution is that if someone can park in the driveway but still allow access around the vehicle without going into the street, the intent of the law is to provide safe passage. The ADA complicates this, but we need to get into reasonable accommodation. If we build new, we need to meet ADA requirements, but to go back and retro fit, that may be unreasonable.

We may need to look at parking ordinances that will allow parking in the street without compromising public safety.

Section F of the Sec 545.302 of the Transportation Code, states some of the requirements do not apply. Some members wanted to know what that mean? City Attorney Bounds stated that if you go back in the Code there are a few Sections that deal with powers of local authority. Section 545.202 and 203 were recited. The City can adopt some rules that are somewhat inconsistent with State law. The classic example would be parking near fire hydrants. The problem with parking on sidewalks is the federal limitation – ADA requirements.

There was discussion about operating a fire truck and the parking of cars on streets. There are areas that will be blind and not safe. What would be the recourse? The allowable parking was discussed when cars can only pass one at a time. Again, City Attorney Bounds pointed out, we are coping with a physical limitation that has no solution.

If someone can park in the driveway, but still allow access around the vehicle without having pedestrians go into the street, it seems that the intent of the law to provide safe passage is achieved. This suggestion to the parking problem seems to provide the most common sense approach.

There was discussion about this solution and how much room should be allowed between the street and the vehicle. Some Members felt that the simple solution is for the ADA coordinator to conference with the Police Chief to determine the situations that would be acceptable and those that would not be acceptable and to use this information for enforcement. Some members felt that the slope is going to be an issue with ADA compliance. Others felt that an ADA coordinator will not be helpful.

Because of the difficulty of the problem, it might be better to allow the police and the code enforcement officers to address enforcement on a case by case basis with enforcement being by the intent of the law and to handle ADA accommodations when asked.

Chief Riggs was asked for input. Chief Riggs stated that if a complaint is received the situation is reviewed and then the law is enforced. Officers use common sense and discretion when enforcing the law. The department will be reasonable and look at options. The department will continue to address this issue as it does any other traffic and safety

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issue. Enforcement will be addressed according to the intent of the law, taking under consideration of how residents are doing their best to comply with the sidewalk requirements.

It was the consensus of Council to leave enforcement to law enforcement using the intent of the law with discretion, taking into consideration that if someone parks in the driveway but pedestrians still have access to get around the vehicle without going into the street, the intent of the law is to provide safe passage. This provides the most common sense approach.

Discussion was had about the November 1 deadline and the writing of citations for parking over sidewalks.

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;
- 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 Wubbenhorst: Council Member Wubbenhorst congratulated Patty Biggs on being named employee of the month.

Council Member Singleton: Council Member Singleton stated that the City was recently nominated for best place to work. He highlighted comments from the survey. He read comments about the City Manager and other comments resulting from the survey. He closed by saying great job to the City Manager and Department Heads.

Council Member Wasson: Council Member Wasson thanked Council Member Singleton for reading the comments from the best places to work survey. He also thanked Patty Biggs for her hard work.

Council Member Holden: Council Member Holden had no comments.

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Council Member Warren: Council Member Warren had no comment.

Mayor Mitcham: Mayor Mitcham thanked Council Member Singleton for reading the comments from the best places to work survey. We have great staff and the comments are well deserved. Thank you to the residents for attending and making comments. Please know that we are always open to input and suggestions and willing to answer your questions. Please reach out and know that we have only the best intention for Jersey Village.

I. RECESS THE REGULAR SESSION

Mayor Mitcham recessed the Regular Session at 12:00 a.m. to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.074 – Personnel Matters.

J. EXECUTIVE SESSION

- 1. Pursuant to the Texas Open Meetings Act Section 551.074 - Personnel Matters, conduct an Executive Session in order to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.**
- 2. Pursuant to the Texas Open Meetings Act Section 551.074 - Personnel Matters, conduct an Executive Session in order to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.**

K. ADJOURN EXECUTIVE SESSION

Mayor Mitcham adjourned the Executive Session at 12:46 a.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive Session.

L. RECONVENE REGULAR SESSION

- 1. Consider setting the City Secretary’s compensation for budget year 2020-2021.**

In consideration of this item, Council Member Warren moved to set the City Secretary’s compensation for budget year 2020-2021 at \$121,376. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

- 2. Consider setting the City Manager’s compensation for budget year 2020-2021.**

In consideration of this item, Council Member Warren moved move to set the City Manager’s compensation for budget year 2020-2021 at \$190,205. Council Member Wubbenhorst seconded the motion. The vote follows:

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

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Nays: None

The motion carried.

M. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 12:51 a.m.



Lorri Coody, City Secretary