

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON DECEMBER 16, 2019 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

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, Scott Bounds
Council Member, Bobby Warren	City Attorney, Justin Pruitt
Council Member, James Singleton	
Council Member, Gary Wubbenhorst	

City Attorney, Justin Pruitt was not present when this meeting was called to order, but joined the meeting in progress at 7:28 p.m.

Council Member Singleton was not present when this meeting was called to order, but joined the meeting in progress at 7:29 p.m.

Staff in attendance: Mark Bitz, Fire Chief; Kirk Riggs, Interim Chief of Police; Christian Somers, Building Official; Jason Alfaro, Director of Parks and Recreation; and Harry Ward, Director of Public Works.

Finance Director, Isabel Kato, was not present at this meeting. Fire Chief, Mark Bitz was not present when this meeting was called to order, but joined the meeting in progress at 7:12 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Prayer and pledge by: Rene Tourant, a Representative from Foundry United Methodist Church, Jersey Village, Texas.

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.

John Brogan, 6718 Ashmore Drive, Houston, Texas 77069 (281) 799-1066: Mr. Brogan spoke to City Council about the Boy Scouts. He is the District Commissioner for the eastern half of the Cy-fair Independent School District. He thanked City Council for the use of the City of Jersey Village facilities for meetings and trainings. He invited City Council and the Jersey Village residents to attend their next meeting which will be held on January 9, 2020 at 7 PM. During that meeting, they will share the peace light, a flame from Bethlehem that has been shared across the United States. He then gave a handout that explained the peace light.

Jon Rosenthal, State Representative. District 135: Mr. Rosenthal is the State Representative for District 135. He thanked Council for welcoming him and allowing him to speak. He has been in office 12 months serving as our Representative. He does the best to hold the City of Jersey Village's interest at the State Capital. He spoke to several bills designed to take power from cities.

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He voted against them. He introduced himself to the audience and gave his office location. He invited the residents to his open house that will be held this Saturday.

Merrilee Beazley, 14910 Lakeview Drive, Jersey Village, Texas: Ms. Beazley spoke to City Council about the concerns she has for the City of Jersey Village. She is very troubled about the Jersey Village Police Department and stated that Jersey Village has a speed trap. She stated she was concerned about problems with former Chief of Police, Eric Foerster. She wanted to know when all of the City Officials learned about the problems with the former chief. She wanted to know what was done about it. She mentioned the former Chief's termination letter and stated that she was concerned for the safety of employees. She is also concerned how tax dollars are being spent.

Fire Chief, Mark Bitz, joined the meeting in progress at 7:12 p.m.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 553-8625: Mr. Maloy spoke to City Council about HB 2840 concerning public comments during public meetings. In connection with this bill, he told City Council that during the November 18, 2019 City Council Work Session Meeting, he was not permitted to speak during the item concerning the golf course clubhouse and convention center. Rather, he was only permitted to speak during the public comment session which was held at the beginning of the meeting. He said that during the actual item, a question was asked about the total dollars spent so far on the project. The question was not answered. He wanted an answer to the question and was not permitted to press for same. He told City Council that he feels that residents should be permitted to speak on each item, rather than at the beginning of the meeting during the public comment section.

D. CITY MANAGER'S REPORT

City Manager Bless, gave his monthly report as follows:

1. **Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – October 2019, General Fund Budget Projections as of November 2019, and Utility Fund Budget Projections – November 2019.**
2. **Open Records Requests – Non-Police**
3. **Fire Departmental Report and Communication Division's Monthly Report**
4. **Warrant Report, Investigations/Calls for Service Report, Staffing/Recruitment Report, and Police Open Records Requests**
5. **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**
6. **Public Works Departmental Summary and Public Works Departmental Status Report**
7. **Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Budget Summary; Golf Course Social Media Summary Report, and Parks and Recreation Departmental Report**

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8. **Report from Code Enforcement**
9. **City Social Media Summary Report**
- E. **CONSENT AGENDA**

The following items are considered routine in nature by the City Council and will be enacted with one motion and vote. There will not be separate discussion on these items unless requested by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

1. **Consider approval of the Minutes for the Regular Session Meeting and the Work Session Meeting both held on November 18, 2019.**
2. **Consider Resolution No. 2019-80, approving the Municipal Court Clerk's application for appointment of Deputy Clerk.**

RESOLUTION NO. 2019-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE MUNICIPAL COURT CLERK'S APPLICATION FOR APPOINTMENT OF DEPUTY CLERK.

3. **Consider Ordinance No. 2019-40, amending the General Fund Budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019 by increasing line item 01-10-7621 (city sales tax) in the amount not to exceed \$320,000, line item 01-10-7622 (sales tax reduction property taxes) in the amount not to exceed \$160,0000, line item 01-12-5023 (grants and incentives) in the amount not to exceed \$416,500 and line item 01-14-3502 (postage and freight) in the amount not to exceed \$3,700.**

ORDINANCE NO. 2019-40

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 BY INCREASING LINE ITEM 01-10-7621 (CITY SALES TAX) IN THE AMOUNT NOT TO EXCEED \$320,000, LINE ITEM 01-10-7622 (SALES TAX REDUCTION PROPERTY TAXES) IN THE AMOUNT NOT TO EXCEED \$160,0000, LINE ITEM 01-12-5023 (GRANTS AND INCENTIVES) IN THE AMOUNT NOT TO EXCEED \$416,500 AND LINE ITEM 01-14-3502 (POSTAGE AND FREIGHT) IN THE AMOUNT NOT TO EXCEED \$3,700.

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

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

Nays: None

The motion carried.

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F. REGULAR SESSION

- 1. Consider Resolution No. 2019-81, appointing a member to fill the unexpired term ending September 30, 2020 for Position Five (5) on the Recreation and Events Committee.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows: Position Five (5) on the Recreation and Events Committee is vacant. This item is to fill the unexpired term of Position Five (5), which began on October 1, 2018 and will expire on September 30, 2020. Three applications were included in the meeting packet for consideration.

With limited discussion on the matter, Council Member Wasson moved to approve Resolution No. 2019-81, appointing Ashley Brown to fill the unexpired term ending September 30, 2020 for Position Five (5) on the Recreation and Events Committee. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2019-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING A MEMBER TO FILL THE UNEXPIRED TERM ENDING SEPTEMBER 30, 2020 FOR POSITION FIVE (5) ON THE RECREATION AND EVENTS COMMITTEE.

- 2. Consider Resolution No. 2019-82, appointing members to serve as Directors on the Tax Increment Reinvestment Zone Board for the City of Jersey Village Tax Increment Reinvestment Zone No. 2 for the Term to begin on January 1, 2020 and end December 31, 2021.**

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

This item is to make appointments to the Tax Increment Reinvestment Zone Board.

Currently, there are no vacant positions open on the Board; but the term of office for Positions 1, 2, and 6 expire on December 31, 2019. The new term for these positions begins on January 1, 2020 and will end on December 31, 2021.

Ty Camp, who currently serves on the Board in position 2, desires reappointment. Andrea Grimm, serving in position 1 and Simon Hughes serving in position 6 do not desire reappointment. Two applications were included in the meeting packet for consideration.

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With limited discussion on the matter, Council Member Warren moved to approve Resolution No. 2019-82, appointing John Baucum to Position 1, Ty Camp to Position 2, and Robert Ottmann to Position 3 to serve as Directors on the Tax Increment Reinvestment Zone Board for the City of Jersey Village Tax Increment Reinvestment Zone No. 2 for the Term to begin on January 1, 2020 and end December 31, 2021. Council Member Wasson seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2019-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO SERVE AS DIRECTORS ON THE TAX INCREMENT REINVESTMENT ZONE BOARD FOR THE CITY OF JERSEY VILLAGE TAX INCREMENT REINVESTMENT ZONE NO. 2 FOR THE TERM TO BEGIN ON JANUARY 1, 2020 AND END DECEMBER 31, 2021.

3. Consider Resolution No. 2019-83, appointing the Presiding Municipal Court Judge and the Municipal Court Judges for the term beginning January 1, 2020 and ending December 31, 2021.

Austin Bleess, City Manager, introduced the item. Background information is as follows: Discussions were had on October 14, 2019 in Executive Session concerning this item.

This item is to appoint the presiding judge of the Municipal Court and the Municipal Court judges for the period beginning January 1, 2020 and ending December 31, 2021. This is in accordance with Section 5.07 of the City of Jersey Village Charter.

With limited discussion on the matter, Council Member Warren moved to approve Resolution No. 2019-83, appointing the Presiding Municipal Court Judge and the Municipal Court Judges for the term beginning January 1, 2020 and ending December 31, 2021. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2019-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING THE PRESIDING MUNICIPAL COURT JUDGE AND THE MUNICIPAL COURT JUDGES FOR THE TERM BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2021.

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City Attorney, Justin Pruitt joined the meeting in progress at 7:28 p.m. Council Member James Singleton joined the meeting in progress at 7:29 p.m.

4. Consider Resolution No. 2019-84, appointing Humberto Ramirez as Municipal Court Clerk of the City of Jersey Village for the term beginning January 1, 2020 and ending December 31, 2021.

Austin Bleess, introduced the item. Background information is as follows: Section 5.07 of the Charter calls for the appointment of a municipal court clerk for a term of two years to run concurrently with the term of judge(s). Humberto Ramirez currently serves as the City of Jersey Village Municipal Court Clerk. Staff respectfully requests the Humberto Ramirez be appointed to serve another term as Municipal Court Clerk beginning January 1, 2020 and ending December 31, 2021.

With limited discussion on the matter, Council Member Wasson moved to approve Resolution No. 2019-84, appointing Humberto Ramirez as Municipal Court Clerk of the City of Jersey Village for the term beginning January 1, 2020 and ending December 31, 2021. 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. 2019-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING HUMBERTO RAMIREZ AS MUNICIPAL COURT CLERK OF THE CITY OF JERSEY VILLAGE.

5. Consider Resolution No. 2019-85, authorizing the City Manager to submit a grant application to TxVEMP for a new street sweeper to replace the City's existing sweeper.

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

On 7/29/2017, the City purchased a used street sweeper from Bexar County through a used sweeper dealer. The Town Manager informed us of this grant and we apparently qualify for a portion of the grant. We are seeking authorization to submit this grant with the intention of purchasing a new sweeper if approved by the TxVEMP group. The grant is for \$116,253.00.

Applicants selected for award must commit to:

- Rendering the vehicle or engine being replaced under the grant inoperable; and

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- Using the grant-funded vehicle at least 51% of the vehicle's annual miles of operation in a priority area for an activity life of five years.

We have currently budgeted \$157,200 towards a new sweeper and if this is approved we have more than enough to acquire a new sweeper.

With limited discussion on the matter, Council Member Warren moved to approve Resolution No. 2019-85, authorizing the City Manager to submit a grant application to TxVEMP for a new street sweeper to replace the City's existing sweeper. 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. 2019-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO TXVEMP FOR A NEW STREET SWEEPER TO REPLACE THE CITY'S EXISTING SWEEPER.

- 6. 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.**

Christian Somers, Building Official, introduced the item. Background information is as follows: On May 13, 2019, City Council approved Ordinance No. 2019-11, which found the structures on the Property located at 16884 NW FWY to be substandard and a public nuisance and ordered JERSEY VILLAGE LODGING, LLC to abate the substandard and dangerous structures on the Property within 180 days.

Since May 13, 2019, Council has received progress reports on compliance with Ordinance No. 2019-11 on June 17, 2019, July 15, 2019, August 19, 2019, September 16, 2019, October 14, 2019 and November 18, 2019.

In completing the November 18, 2019 progress report, City Council expected the following items to be completed by the next progress report on December 16, 2019:

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- 1) Payment of the Hotel Taxes; and
- 2) Construction work in progress.

To date, the following actions have been taken by the property owner:

- 1) The Hotel Taxes have not been paid - \$11,281.78 is owed through 12/16/2019; and
- 2) Reconstruction is underway.

This item is to receive the seventh progress report and take any action deemed appropriate.

Building Official, Christian Somers spoke to the progress being made at this location. He spoke to the mold remediation and the products being applied to eliminate same. Over the past two weeks he has reviewed several submittals of plans for the roof. There have been some problems, but they are working on a solution. He will need an engineer to sign off on the final plan submittal.

Attorney Jones gave an update. She stated that the walkways are complete and the roofing material has been ordered. She said that a majority of the mold remediation work has been completed. She got an email concerning the HOT tax and is reviewing it with her client. She hopes to have it resolved by next month.

Building Official Somers stated that a trailer with a dog had been moved on site for security. He also gave information on framing etc.

Discussion was held concerning the issuance of a certificate of occupancy before the HOT taxes have been paid. It is hopeful that this issue will be resolved before it comes time to issue the certificate. The next meeting will be held on January 20 at 7:00 PM. Council wants to see continued progress on the project.

G. MAYOR AND COUNCIL COMMENTS

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality;
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

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Council Member Warren: Council Member Warren wished everyone a merry Christmas and a happy new year. He wants everyone to be safe. He appreciates all of the Christmas decorations that he has seen throughout the city.

Council Member Holden: Council Member Holden had no comments.

Council Member Wasson: Council Member Wasson also wished everyone a merry Christmas and a happy new year.

Council Member Singleton: Council Member Singleton apologized for being late. He got tied up at work. He gave congratulations to Rayne Herzog for being employee of the year.

Council Member Wubbenhorst: Council Member Wubbenhorst had no comments.

Mayor Mitcham: Mayor Mitcham wished everyone a merry Christmas and a happy new year. He stated that we have much to be thankful for in the City of Jersey Village. He thanked City Staff and the Jersey Village Fire Department Volunteers for all their help in making Jersey Village a good place to live. He appreciates the support.

H. RECESS THE REGULAR SESSION

Mayor Mitcham recessed the Regular Session at 7:39 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.072 Real Property, Section 551.071 Consult with Attorney, and Section 551.087 - Economic Development Negotiations.

I. EXECUTIVE SESSION

- 1. Pursuant to the Texas Open Meeting Act Section 551.072 Deliberations about Real Property and Section 551.071 Consultations with Attorney, a closed meeting to deliberate the possible exchange, sale or value of property located at RES D 1 through 5, of Block 3, DIRECTORS LT, NORTHWEST STATION SEC 1.**
- 2. Pursuant to the Texas Open Meetings Act, Section 551.087, conduct deliberations regarding Economic Development Negotiations to locate a Retail Service Center within Jersey Village.**

J. ADJOURN EXECUTIVE SESSION

Mayor Mitcham adjourned the Executive Session at 7:59 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive Session.

K. RECONVENE THE REGULAR SESSION

- 1. Consider Resolution No. 2019-86, approving the sale of approximately 0.5739 acres of land north of US 290 at approximately 18200 Northwest Freeway in Jersey Village, Texas, to SB Ventures, LLC for the sum of \$135,000, pursuant to a real property**

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purchase agreement made by and between the City of Jersey Village and SB Ventures, LLC; and, authorizing the City Manager to take all appropriate and necessary steps to complete the sale of said property.

Austin Bless, City Manager, introduced the item. Background information is as follows: The City has been approached by SB Ventures LLC, 18340 Northwest Freeway, to buy city owned property abutting their land at approximately 18200 Northwest Freeway. The City Manager and the City Attorney have worked with SB Ventures LLC to comply with Texas Local Government Code Chapter 272, which authorizes the sale of land to abutting land owners for no less than the fair market value, as determined by an appraisal, when the land has no access to public roads.

The other abutting landowners were contacted and have not expressed interest in buying the parcels.

The City obtained the property when we annexed that area back in 1999. The property has sat vacant since then. The City has easements on the north and east side of the property for utilities (ie. Water, sewer, etc.) that run with the property.

With limited discussion on the matter, Council Member Warren moved to approve Resolution No. 2019-86, approving the sale of approximately 0.5739 acres of land north of US 290 at approximately 18200 Northwest Freeway in Jersey Village, Texas, to SB Ventures, LLC for the sum of \$135,000, pursuant to a real property purchase agreement made by and between the City of Jersey Village and SB Ventures, LLC and providing for a City of Jersey Village utility easement; and authorizing the City Manager to take all appropriate and necessary steps to complete the sale of said property. 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. 2019-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE SALE OF APPROXIMATELY 0.5739 ACRES OF LAND NORTH OF US 290 AT APPROXIMATELY 18200 NORTHWEST FREEWAY IN JERSEY VILLAGE, TEXAS, TO SB VENTURES, LLC FOR THE SUM OF \$135,000, PURSUANT TO A REAL PROPERTY PURCHASE AGREEMENT MADE BY AND BETWEEN THE CITY OF JERSEY VILLAGE AND SB VENTURES, LLC; AND, AUTHORIZING THE CITY MANAGER TO TAKE ALL APPROPRIATE AND NECESSARY STEPS TO COMPLETE THE SALE OF SAID PROPERTY.

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2. **Consider Resolution 2019-87, Resolution No. 2019-87, authorizing the City Manager to enter into a Chapter 380 Economic Development Agreement with Gordon NW Village, LP.**

No action was taken on this item.

RESOLUTION NO. 2019-87 – NO ACTION TAKEN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GORDON NW VILLAGE LP, RELATING TO THE PROVISION OF DEVELOPMENT SERVICES WITHIN THE CITY.

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:02 p.m.



Lorri Coody, City Secretary