

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON DECEMBER 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 telephone. To attend the meeting via telephone, please use the following toll-free number:

346-248-7799 along with Webinar ID: 879 2838 6502. If you do not wish to participate via telephone, 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 7:02 p.m. with the following present:

Mayor, Andrew Mitcham

Council Member, Drew Wasson

Council Member, Greg Holden

Council Member, Bobby Warren

Council Member, James Singleton

Council Member, Gary Wubbenhorst

City Manager, Austin Bleess

City Secretary, Lorri Coody

City Attorney, Scott Bounds

City Attorney, Justin Pruitt

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

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

C. CITIZENS' COMMENTS

Citizens who have signed a card and wish to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy. Citizens are limited to five (5) minutes for their comments to the City Council.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas - Mr. Maloy spoke to City Council about the recent surveys conducted by the City for the Parks Master Plan and the Comprehensive Plan. He told City Council that he requested information about the responses the City received when conducting these surveys and found that only 6% of the population responded to the Parks Survey and only 2% to the Comprehensive Plan Survey.

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In connection with these responses, Mr. Maloy told Council that he wants to know about the proposed trails around White Oak Bayou that are mentioned in the 2016 Comprehensive Plan. He stated that the 2020 Comprehensive Plan Update Committee is planning to amend the 2016 provisions for the trail system. He is concerned about the City using resident's property around the White Oak Bayou to build these trails. He stated that he has gained signatures from property owners stating that they do not want these trails. He wants to know why, with only a small percentage of the population responding to these surveys is City Council overruling what the property owner's want.

D. CITY MANAGER'S REPORT

In addition to his report, he recognized Maria Throne as the employee of the month for December. There was a question about trails and the comments made during public comments. It was stated that not all land that runs along the bayou is owned by residents. City Manager Bless explained that some of the land along the bayou is owned by Harris County Flood Control District. There was discussion about the trails and how these would be accomplished by the City using Harris County Flood Control District land.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – October 2020, General Fund Budget Projections as of November 2020, and Utility Fund Budget Projections – November 2020.**
- 2. Fire Departmental Report and Communication Division's Monthly Report**
- 3. Police Department Monthly Activity Report, Warrant Report, Staffing/Recruitment Report, and Police Open Records Requests**
- 4. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Speeding and Stop Sign Citations within Residential Areas Report, and Court Proceeds Comparison Report**
- 5. Public Works Departmental Status Report**
- 6. Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Budget Summary, and Parks and Recreation Departmental Report**
- 7. Code Enforcement Report**
- 8. December Employee of the Month**

E. CONSENT AGENDA

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

- 1. Consider approval of the Minutes for the Regular Session Meeting held on November 16, 2020 and the Special Session held on November 17, 2020.**

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- 2. Consider Resolution No. 2020-58, extending the term of the 2020 Comprehensive Plan Update Committee.**

RESOLUTION NO. 2020-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, EXTENDING THE TERM OF THE 2020 COMPREHENSIVE PLAN UPDATE COMMITTEE.

- 3. Consider Ordinance No. 2020-27, amending the General Fund Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 in the amount not to exceed \$314,220 to amend various line items from the General Fund at the same time amending the Impact Fee Fund by increasing line item 04-45-5515 Consultant Services not to exceed \$45,400 from the Impact Fee Fund Balance for the fiscal year beginning October 1, 2019 and ending September 30, 2020 and amending the Court Technology/Security Fund by increasing line item 12-28-6574 Computer Software in the amount not to exceed \$9,000 from the Court Technology/Security Fund Balance all these amendments are in order to provide for the over budget line items.**

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 IN THE AMOUNT NOT TO EXCEED \$314,220 TO ADJUST VARIOUS LINE ITEMS IN THE GENERAL FUND AND AMENDING THE IMPACT FEE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 BY INCREASING LINE ITEM 04-45-5515 CONSULTANT SERVICES FROM THE IMPACT FEE FUND BALANCE IN THE AMOUNT NOT TO EXCEED \$45,400 AND AMENDING THE COURT TECHNOLOGY/SECURITY FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 BY INCREASING LINE ITEM 12-28-6574 COMPUTER SOFTWARE IN THE AMOUNT NOT TO EXCEED \$9,000 FROM THE COURT TECHNOLOGY SECURITY FUND BALANCE.

- 4. Consider Resolution No. 2020-59, appointing an Emergency Management Coordinator and an Assistant Emergency Management Coordinator for the City of Jersey Village.**

RESOLUTION NO. 2020-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING AN EMERGENCY MANAGEMENT COORDINATOR AND AN ASSISTANT EMERGENCY MANAGEMENT COORDINATOR.

- 5. Consider Resolution No. 2020-60, authorizing the City Manager to enter into an agreement with BBG Consulting Inc. to perform Community Development Services for the City.**

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RESOLUTION NO. 2020-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BBG CONSULTING, INC. TO PERFORM COMMUNITY DEVELOPMENT SERVICES FOR THE CITY.

6. **Consider Resolution No. 2020-61, receiving the Written Recommendation Report from the Building Board of Adjustment and Appeals pertaining to recommended amendments to the Jersey Village Code of Ordinances at Chapter 14, Section 14-5 in order to align the city’s floodplain higher standards with the Harris County Engineering Department.**

RESOLUTION NO. 2020-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE WRITTEN RECOMMENDATION REPORT FROM THE BUILDING BOARD OF ADJUSTMENT AND APPEALS PERTAINING TO RECOMMENDED AMENDMENTS TO THE JERSEY VILLAGE CODE OF ORDINANCES AT CHAPTER 14, SECTION 14-5 IN ORDER TO ALIGN THE CITY’S FLOODPLAIN HIGHER STANDARDS WITH THE HARRIS COUNTY ENGINEERING DEPARTMENT.

7. **Consider Resolution No. 2020-62, receiving the Written Recommendation Report from the Building Board of Adjustment and Appeals pertaining to recommended amendments to the Jersey Village Code of Ordinances at Chapter 14, Sections 14-333 and 14-334 in order to align the city’s floodplain higher standards with Harris County Engineering Department and to clarify exceptions the “twelve inches above highest adjacent grade rule.”**

RESOLUTION NO. 2020-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE WRITTEN RECOMMENDATION REPORT FROM THE BUILDING BOARD OF ADJUSTMENT AND APPEALS PERTAINING TO RECOMMENDED AMENDMENTS TO THE JERSEY VILLAGE CODE OF ORDINANCES AT CHAPTER 14, SECTIONS 14-333 AND 14-334 IN ORDER TO ALIGN THE CITY’S FLOODPLAIN HIGHER STANDARDS WITH HARRIS COUNTY ENGINEERING DEPARTMENT AND TO CLARIFY EXCEPTIONS THE “TWELVE INCHES ABOVE HIGHEST ADJACENT GRADE RULE.”

8. **Consider Resolution No. 2020-63, receiving the Written Recommendation Report from the Building Board of Adjustment and Appeals pertaining to recommended amendments to the Jersey Village Code of Ordinances at Chapter 14, Section 14-152 - Drainage/Floodway Easements; Section 14-221 – Permit to Construct Storm Water Improvements; Section 14-222 – General Provisions; Section 14-223 – Design**

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Criteria; Section 14-225 – Flood Damage Prevention; Section 14-226 – Stormwater Detention; and Section 14-359 – Local Amendments to the International Residential Code.

RESOLUTION NO. 2020-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE WRITTEN RECOMMENDATION REPORT FROM THE BUILDING BOARD OF ADJUSTMENT AND APPEALS PERTAINING TO RECOMMENDED AMENDMENTS TO THE JERSEY VILLAGE CODE OF ORDINANCES AT CHAPTER 14, SECTION 14-152 - DRAINAGE/FLOODWAY EASEMENTS; SECTION 14-221 – PERMIT TO CONSTRUCT STORM WATER IMPROVEMENTS; SECTION 14-222 – GENERAL PROVISIONS; SECTION 14-223 – DESIGN CRITERIA; SECTION 14-225 – FLOOD DAMAGE PREVENTION; SECTION 14-226 – STORMWATER DETENTION; AND SECTION 14-359 – LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE.

- 9. Consider Resolution No. 2020-64, receiving the Written Recommendation Report from the Building Board of Adjustment and Appeals pertaining to recommended amendments to the Jersey Village Code of Ordinances at Chapter 14, Section 14-353 in order to align the city’s floodplain higher standards with the Harris County Engineering Department.**

RESOLUTION NO. 2020-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE WRITTEN RECOMMENDATION REPORT FROM THE BUILDING BOARD OF ADJUSTMENT AND APPEALS PERTAINING TO RECOMMENDED AMENDMENTS TO THE JERSEY VILLAGE CODE OF ORDINANCES AT CHAPTER 14, SECTION 14-353 IN ORDER TO ALIGN THE CITY’S FLOODPLAIN HIGHER STANDARDS WITH THE HARRIS COUNTY ENGINEERING DEPARTMENT.

Council Member Wubbenhorst moved to approve items 1 through 9 on the consent agenda. Council Member Singleton seconded the motion. The vote follows:

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

Nays: None

The motion carried.

F. REGULAR SESSION

- 1. Consider Resolution No. 2020-65, 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.**

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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, Position 6 on the Board is vacant; and the term of office for Positions 3, 4, 5, and 7 expire on December 31, 2020.

Robert Ottmann served in Position 6. He tendered his resignation on October 1, 2020. He has moved away from Jersey Village.

The new term for Positions 3, 4, 5, and 7 begins on January 1, 2021 and will end on December 31, 2022. The term for Position 6 began on January 1, 2020 and will expire on December 31, 2021.

The interested applicant(s) are as follows:

Ashley Hart and Charles A. Butler, III

In addition to any pending applications, all of the following members currently serving on the Board desire re-appointment:

| | <u>POSITION</u> | <u>FIRST TERM</u> | <u>TERM ENDS</u> |
|-----------------|-----------------|-----------------------|----------------------|
| Ceri Davies | 3 | 08/17 | 12/20 |
| Sean Anger | 4 | 01/19 | 12/20 |
| James MacDonald | 5 | 08/17 | 12/20 |
| VACANT | 6 | | 12/21 |
| Judy Tidwell | 7 | 06/19 | 12/20 |

Council engaged in discussion about the appointments. It was the consensus of Council that the incumbents be reappointed to their respective positions and that Ashley Hart be appointed to fill position 6.

With no further discussion on the matter, Council Member Wasson moved to approve Resolution No. 2020-65, 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 with those members discussed. 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. 2020-65

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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.

- 2. Consider Ordinance No. 2020-28, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” Article I, “In General,” Section 14-5, “Definitions;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date.**

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

The Building Board of Adjustment and Appeals has previously met on December 14, 2020 to discuss amendments to Chapter 14, “Building and Development,” Article I, “In General,” Section 14-5, “Definitions.”

After duly considering all the information before it, the Building Board of Adjustment and Appeals recommended in its report to Council on December 21, 2020 that:

The City of Jersey Village Code of Ordinances be amended at Chapter 14, “Building and Development,” Article I, “In General,” Section 14-5, “Definitions.”

This item is to consider adopting the changes to the Code of Ordinances recommended by the Building Board of Adjustment and Appeals. The Ordinance attached to this item outlines the recommended changes.

Mr. Ward gave additional information concerned with the amendments in Item 2, 3, 4, and 5 as they relate to Atlas 14 and the requests made by Harris County that all cities that drain to Harris County must adopt five (5) standards to their drainage regulation by year end. He went on to explain the need for these new drainage regulations to comply with Atlas 14. He also explained the process taken by his department to make these changes. They worked with Harris County consultants and had the changes reviewed and approved by Harris County.

He went on to explain the changes made to accommodate Atlas 14.

Council engaged in discussion about the updates. Some members wanted to know if these were the minimum standards recommended by Harris County. Staff confirmed, yes, the changes were minimum.

Council engaged in discussion about how the changes will affect our residents. Building Official Christian Somers directed City Council to pages 294 through 298 in the meeting packet. These pages depict the five (5) conditions that are the basis for the changes. Council engaged in discussion about these changes. Basically, the minimum flood damage prevention elevation for the 100 year and the 500 year flood plain is 24” above the 100 year base flood elevation (BFE) or the 500 year elevation, whichever is more restrictive.

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For the floodway and critical facilities, the elevation must be 36” above the 100 year BFE, or the 500 year elevation, whichever is more restrictive.

Building Official Somers explained the 50% rule and how it applies to property modifications. The number of homes affected by the changes was discussed. Building Official Somers stated it would affect less than 5%. Some Members wondered if there was a way for Staff to communicate the changes to residents in a more simplistic way.

It was pointed out that these changes are needed in order to participate in County-wide flood mitigation projects, like the E100 project currently underway.

With no further discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2020-28, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” Article I, “In General,” Section 14-5, “Definitions;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING, CHAPTER 14, “BUILDING AND DEVELOPMENT;” ARTICLE I, “IN GENERAL;” SECTION 14-5, “DEFINITIONS;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING FOR PENALTY; AND PROVIDING AN EFFECTIVE DATE.

- 3. Consider Ordinance No. 2020-29, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 1, “Generally,” Section 14-333, “Finished floor elevations;” and Section 14-334 “Reserved;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date.**

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

The Building Board of Adjustment and Appeals has previously met on December 14, 2020 to discuss amendments to Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 1, “Generally,” Section 14-333, “Finished floor elevations;” and Section 14-334 “Reserved.”

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After duly considering all the information before it, the Building Board of Adjustment and Appeals recommended in its report to Council on December 21, 2020 that:

The City of Jersey Village Code of Ordinances be amended at Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 1, “Generally,” Section 14-333, “Finished floor elevations;” and Section 14-334 “Reserved.”

This item is to consider adopting the changes to the Code of Ordinances recommended by the Building Board of Adjustment and Appeals. The Ordinance attached to this item outlines the recommended changes.

With limited discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2020-29, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 1, “Generally,” Section 14-333, “Finished floor elevations;” and Section 14-334 “Reserved;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-29

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING, CHAPTER 14, “BUILDING AND DEVELOPMENT,” ARTICLE XIII, “BUILDING CODE,” DIVISION 1, “GENERALLY,” SECTION 14-333, “FINISHED FLOOR ELEVATIONS;” AND SECTION 14-334 “RESERVED;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING FOR PENALTY; AND PROVIDING AN EFFECTIVE DATE.

- 4. Consider Ordinance No. 2020-30, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” at Section 14-152, “Drainage/Floodway Easements;” Section 14-221, “Permit to Construct Storm Water Improvements;” Section 14-222, “General Provisions;” Section 14-223, “Design Criteria;” Section 14-225, “Flood Damage Prevention;” Section 14-226, “Stormwater Detention;” and Section 14-359, “Local Amendments to the International Residential Code;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date.**

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

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The Building Board of Adjustment and Appeals has previously met on December 14, 2020 to discuss amendments to Chapter 14, “Building and Development,” Section 14-152, “Drainage/Floodway Easements;” Section 14-221, “Permit to Construct Storm Water Improvements;” Section 14-222, “General Provisions;” Section 14-223, “Design Criteria;” Section 14-225, “Flood Damage Prevention;” Section 14-226, “Stormwater Detention;” and Section 14-359, “Local Amendments to the International Residential Code.”

After duly considering all the information before it, the Building Board of Adjustment and Appeals recommended in its report to Council on December 21, 2020 that:

The City of Jersey Village Code of Ordinances be amended at Chapter 14, “Building and Development,” at Section 14-152, “Drainage/Floodway Easements;” Section 14-221, “Permit to Construct Storm Water Improvements;” Section 14-222, “General Provisions;” Section 14-223, “Design Criteria;” Section 14-225, “Flood Damage Prevention;” Section 14-226, “Stormwater Detention;” and Section 14-359, “Local Amendments to the International Residential Code.”

This item is to consider adopting the changes to the Code of Ordinances recommended by the Building Board of Adjustment and Appeals. The Ordinance attached to this item outlines the recommended changes.

With limited discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2020-30, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” at Section 14-152, “Drainage/Floodway Easements;” Section 14-221, “Permit to Construct Storm Water Improvements;” Section 14-222, “General Provisions;” Section 14-223, “Design Criteria;” Section 14-225, “Flood Damage Prevention;” Section 14-226, “Stormwater Detention;” and Section 14-359, “Local Amendments to the International Residential Code;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-30

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING, CHAPTER 14, “BUILDING AND DEVELOPMENT,” AT SECTION 14-152, “DRAINAGE/FLOODWAY EASEMENTS;” SECTION 14-221, “PERMIT TO CONSTRUCT STORM WATER IMPROVEMENTS;” SECTION 14-222, “GENERAL PROVISIONS;” SECTION 14-223, “DESIGN CRITERIA;” SECTION 14-225, “FLOOD DAMAGE PREVENTION;” SECTION 14-226, “STORMWATER DETENTION;” AND SECTION 14-359, “LOCAL AMENDMENTS TO THE INTERNATIONAL

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RESIDENTIAL CODE;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING FOR PENALTY; AND PROVIDING AN EFFECTIVE DATE.

5. **Consider Ordinance No. 2020-31, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 2 “Standards,” Section 14-353, “Local amendments to the International Building Code;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date.**

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

The Building Board of Adjustment and Appeals has previously met on December 14, 2020 to discuss amendments to Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 2 “Standards,” Section 14-353, “Local amendments to the International Building Code.

After duly considering all the information before it, the Building Board of Adjustment and Appeals recommended in its report to Council on December 21, 2020 that:

The City of Jersey Village Code of Ordinances be amended at Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 2 “Standards,” Section 14-353, “Local amendments to the International Building Code.”

This item is to consider adopting the changes to the Code of Ordinances recommended by the Building Board of Adjustment and Appeals. The Ordinance attached to this item outlines the recommended changes.

With limited discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2020-31, amending the Code of Ordinances of the City of Jersey Village, by amending, Chapter 14, “Building and Development,” Article XIII, “Building Code,” Division 2 “Standards,” Section 14-353, “Local amendments to the International Building Code;” providing a severability clause; providing for repeal; providing for penalty; and providing an effective date. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-31

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING, CHAPTER 14, “BUILDING AND DEVELOPMENT,” ARTICLE XIII, “BUILDING

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CODE,” DIVISION 2 “STANDARDS,” SECTION 14-353, “LOCAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING FOR PENALTY; AND PROVIDING AN EFFECTIVE DATE.

6. Consider Resolution No. 2020-66, authorizing the City Manager to enter into a contract with Tyler Technologies – New World Public Safety for the purchase and implementation of a software system for use by the Police and Fire Departments.

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

For over 20 years, the Jersey Village Police and Fire Department have been utilizing CRIMES as our Public Safety software. The main reason for selecting CRIMES was for the low annual cost and it met the departments’ needs at the time. However, this software was developed by Sam Houston State University specifically for law enforcement, and does not meet the essential needs of our Fire Department.

Police and Fire Department staff conducted research, and have consulted with a few agencies across the State who use Tyler Technologies/New World Public Safety and we believe this would be the best software system for our agencies moving forward. In October, Tyler demonstrated their CAD, Police/Fire RMS, Mobile and other modules to police and fire personnel.

Tyler/New World Public Safety will provide us with a turnkey management system that will include, implementation, training, professional services, cloud hosting, maintenance and support. We are recommending replacing CRIMES with Tyler Technologies, who are located in Plano Texas.

We recommend funding the replacement of our current Public Safety software with our Radio Maintenance Program that has a current balance of \$625,631. The City currently uses INCODE, which is a Tyler product and will integrate with New World Public Safety. We would use the BuyBoard purchasing cooperative program contract #579-19 to make this purchase. As a member and participant in the BuyBoard purchasing cooperative, the City has met all formal bidding requirements pertaining to the purchase of this new software.

For Council consideration the purchase, installation and system support of Computer Aided Dispatch (CAD), Police Records Management System (RMS), and Fire Records Management System (FRMS) software from Tyler Technologies for Jersey Village Police and Fire Departments total a one-time cost of \$627,803. Annual maintenance and turnkey system support after 18 months totals \$128,861.

Investment Summary:

- Tyler Software - \$200,589

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- Services - \$323,124
- Third-Party Products - \$47,770
- Travel - \$56,320
- Annual Recurring Fees - \$81,798
- Tyler Software maintenance - \$47,063

Fire Chief Bitz gave a detailed explanation of how this software will be advantageous to his department.

He told City Council that the City currently has Tyler Technologies for Finance and Court and will soon move to the Tyler Technologies Payroll/time system called ExecuTime. Chief Riggs and I have met with Tyler Technology New World Group on their current Fire, Police Reporting Systems and their CAD system for Dispatching Emergency Units to emergency Calls.

For over 20 years, the City has been with Crimes CAD, which was developed by Sam Houston State University. Under 50 agencies still use the CRIMES CAD and Jersey Village is one of them.

CRIMES is a law enforcement tool, designed for law enforcement. Nonetheless, the functionality is antiquated. Chief Riggs will speak to the law enforcement side of this in a moment.

In terms of the fire side of CRIMES, Jersey Village is the only City that has a fire department utilizing this system. We use the CRIMES system because Cy-fair Fire Department changed their CAD to Tritec. At the time of the change, Tritec wanted over \$1 Million for our fire department to have their system, which was cost prohibitive.

To address the problem, we contacted CRIMES who agreed to create a fire module to be used by the City's fire department. The module is just an extension of the Law Enforcement portion of CRIMES and not a separate system. Therefore, when police and fire personnel are on the same call, they see our information and we can see their information. This is a major issue for Dispatch because it violates CJIS information protocols, not to mention that the information we would like for reporting purposes is minimal as it only provides address and time information.

Additionally, the system does not provide information to our EMS module, which complicates report writing in that critical information from these calls is not available. Therefore, staff and volunteers must spend extra time inserting this information into the report.

The New World Software and CAD from Tyler technologies would come with a brand new software program for fire department, which will work together with the CAD to insert all the information put into the system from Dispatch. The New World program also offers mobile inspections and plan reviews which in turn will allow divisions such as police and

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code enforcement to gain critical information during on scene calls or even during plan reviews. Currently, the Fire Marshal's Office does not have a key critical component to send violations to the reporting system.

As far as Dispatch, the system is windows based where CRIMES is not, requiring dispatch staff to have multiple screens open in order to bounce back and forth between them in order to have access to all needed information. Tyler Technologies New World will allow for a dispatcher to have one screen open and with a click of a button information is available to them on the one screen and only that screen eliminating the need to switch screens and wait for the information to display.

The CRIMES system is inadequate and does not have the depth needed for fire dispatching. Dispatchers cannot utilize the functionality of the EMD/EFD software because CRIMES does not have an agreement with Priority Dispatch, the company that has developed EMD/EFD. This software is what Dispatchers use to ask 911 callers the questions to send the correct emergency response. Even though we have built a response platform in the CAD, which tells which units should be sent to the emergency, the system on occasion dispatches the wrong units.

The New World CAD adds a CAD built for fire service, adds a premier fire reporting system that works for fire service, adds a module for fire inspections and plan reviews and also allows for other city divisions such as Court and the Building Department to be able to see businesses, contacts, plan reviews and more.

The Tyler Technology CAD is used all over the United States and has been a proven leader in the Fire and Police Computer Aided Dispatch and Fire and Police Reporting Software. They meet all NFIRS, TLETS, CJIS requirements.

Police Chief Riggs also gave a detailed explanation of how this software will be advantageous to his department. He explained that the new system will enable him to better manage his data in a more efficient manner. Also, the functionality will be beneficial for Dispatch. 50% of the time on the current system, officers lose the narrative information. The new software will be a time saver. For the CID department, it will improve functionality by leaps and bounds. For evidence, the current CRIMES system does not even have a data management tool.

For the reasons stated, both Chief Bitz and Chief Riggs are requesting permission to purchase the Tyler New World System.

Council engaged in discussion. Some could not believe that the City is still using CRIMES and felt the change should have been made many years ago. There were questions about the New World Software. Some wondered if it would meet all of each departments' needs. Some members wanted to know what other systems were looked at other than New World. Chief Riggs stated that he had used this software for 14 years when he worked in his prior position. He stated that over the years he has looked at many different products. He felt

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that the New World Software will serve the needs of both Police and Fire. Current staff has reviewed the product and are excited. Chief Riggs pointed out that the City already has many of the Tyler products for other areas of the City. Therefore, having this functionality will enable seamless communication with other City Departments. Most other products do not interface with Tyler Technology in order to promote departmental communication.

There was discussion about the cost of other products on the market. They start at a minimum of \$1M plus, not including maintenance. There was concern that this request was not discussed during budget. Accordingly, some wondered the impact to the budget. The net impact will be \$112,000 per year and does include IT management costs. Currently, CRIMES costs \$16,000 per year. There was discussion about how long Tyler Technologies will be around. There was discussion that they have been around since the 1970's.

Council discussed the cost of this software and felt that given the functionality that it provides, it is warranted. Some wondered about the funding and if the CCPD funds could be used. City Manager Bless explained that on-going costs for future years will be funded by the CCPD.

There was discussion if the new software has functionality to provide better information and tools to residents to understand what is happening in the City. Chief Riggs stated that the new software is more robust and will be able to provide hot spot information of criminal activity on maps. It will also be able to give more detailed information via reports.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2020-66, authorizing the City Manager to enter into a contract with Tyler Technologies – New World Public Safety for the purchase and implementation of a software system for use by the Police and Fire Departments. 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. 2020-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TYLER TECHNOLOGIES – NEW WORLD PUBLIC SAFETY FOR THE PURCHASE AND IMPLEMENTATION OF A SOFTWARE SYSTEM FOR USE BY THE POLICE AND FIRE DEPARTMENTS.

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- 7. Consider Ordinance No. 2020-32, amending the Capital Replacement Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 by increasing line item 07-72-6581 (Radio/Radar Equipment) in the amount not to exceed \$515,900.**

Kirk Riggs, Chief of Police and Mark Bitz, Fire Chief, introduced the item. This item is to consider funding for the Tyler Technologies/New World Public Safety CAD to be used in the Police and Fire Departments through a budget amendment by increasing line item 07-72-6581 (Radio/Radar Equipment) in the amount not to exceed \$515,900.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Ordinance No. 2020-32, amending the Capital Replacement Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 by increasing line item 07-72-6581 (Radio/Radar Equipment) in the amount not to exceed \$515,900. Council Member Warren seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-32

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CAPITAL REPLACEMENT FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 BY INCREASING LINE ITEMS 07-72-6581 (RADIO/RADAR EQUIPMENT) IN THE AMOUNT NOT TO EXCEED \$515,900.

- 8. Discuss and take appropriate action regarding the City of Jersey Village Sales Tax Allocations.**

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

Last month the Council discussed a potential change to the sales tax allocation. The Council asked staff to look at future funding needs for the Police Department and the Fire Department so a better understanding of how the Crime Control and Prevention District (CCPD) and the Fire Control, Prevention, and Emergency Medical Services District (FCPEMSD) sales tax allocations would be utilized.

Just as a reminder currently the city collects 2% sales tax. It is collected in three pieces:

| Type of Sales Tax | Percentage of our 2% | Dollars Collected in FY20 |
|---------------------|----------------------|---------------------------|
| General Revenue | 1% | \$3,928,322 |
| Property Tax Relief | 0.5% | \$1,964,161 |
| Crime Control | 0.5% | \$1,964,161 |

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The Council should keep in mind that a change from Property Tax Relief sales tax to FCPMSD or anything else would result in a reduction of revenues to the General Fund. Assuming an FCPMSD Sales Tax was approved by the voters we would need to allocate nearly all of the sales tax collected for that for the first year to Fire Department Expenses that would then be transferred back to the general fund, just as the CCPD funds work now.

In putting the information requested by Council together I asked the Police Chief and Fire Chief to provide a list of what they felt they might need within the next 5 years and then 6-10 years out. They have provided the list. However, it should be noted that it is not a given that all of these things will be required or requested, and each item would still have to go through the budgeting and justification process before it is included in the budget. Staff is just trying to look and see what may be required in the future.

The memos from the Police and Fire Chief are included in the meeting packet. There is also a spreadsheet covering the next ten years that is similar to what Council sees for the CIP during each budgeting process.

The other piece of this is that there are four Chapter 380 agreements that the city would need to re-negotiate if a change to the sales tax allocation were to be made. There are two that we have made no payments on yet, and those may be easier to renegotiate.

For the current fiscal year we have budgeted \$1,905,000 in sales tax revenue for CCPD Revenue and budgeted \$1,933,380 in expenses. We do expect final expenses to be less, since the bulk of expenses are salaries and we have had open positions this year. CCPD has a fund balance of approximately \$4,790,000 as of November 30, 2020.

Regardless of the desired option, if the Council wishes to change our allocation, such change will require it to be approved by the voters in May. The Council could put any type of allocation change at any 1/8 increment to the voters that they wish. Based upon our FY2019 sales tax collections, below is a listing of the amount of sales tax collected for each 1/8 increment:

| Dollar Amount | Percent |
|-----------------|---------|
| \$ 491,040.25 | 1/8 |
| \$ 982,080.50 | 1/4 |
| \$ 1,473,120.75 | 3/8 |
| \$ 1,964,161.00 | 1/2 |
| \$ 2,455,201.25 | 5/8 |
| \$ 2,946,241.50 | 3/4 |
| \$ 3,437,281.75 | 7/8 |
| \$ 3,928,322.00 | 1 |

Tonight this item is for discussion and feedback. Based upon the discussion, staff and the city attorney will work to draft the necessary language and bring the next steps to the

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Council. If an election will be called, we will try to have the Council approval of the election in January so it can be held in May.

Council engaged in discussion about the re-allocation of the 1/2% sales tax currently allocated to sales tax relief. There was discussion about the impact to property tax for owners. City Manager Bleess stated that the impact will come down to what rate the City Council sets for property tax each year. The impact was discussed. City Manager Bleess explained that the first year all of the 1/2% will be transferred from the Fire Department to the General Fund as it is done with the CCPD.

Mayor Mitcham explained the process of sales tax allocation and how these funds can be allocated. He explained that currently 1/2% of the City's allowable 2% goes into the CCPD Fund. Also 1/2% goes into property tax relief and 1% goes into the General Fund. So the discussion tonight is to decide if the 1/2% that is currently set towards property tax relief can be better allocated elsewhere, such as with a FCP EMSD. A FCP EMSD works like the current CCPD which helps fund the Police Department. Regardless of the decision of City Council, the final say will go to the voters in May 2021.

City Manager Bleess stated that the no new revenue rate without the 1/2% property relief rate would have been .7453%. Council set the rate at the no new revenue rate which was .7234%.

Council engaged in discussion about changing the allocation. There was discussion that the CCPD currently has \$4M in its fund balance. There was concern that changing the 1/2% to a FCP EMSD would result in too high of a fund balance that cannot be used. It was discussed that in prior years, there was a conservative approach to spending CCPD funds. The current budget utilized much more of these funds. It was also pointed out that red light camera monies are no longer available and CCPD funds have picked up the expenses no longer funded by red light camera revenue.

City Council discussed the impact to the Chapter 380 agreements. City Manager Bleess explained that he did not think it would be too difficult to re-negotiate the Chapter 380 agreements. Some members were not in favor of re-negotiating these agreements. There was also concern about the Village Center Chapter 380 agreement.

There was discussion about allocating sales tax revenues. Some members felt that it should be 1/2% to CCPD and 1/2% to FCP EMSD and 1% to the General Fund. This allocation was discussed by City Council. Some members wanted to decrease the sales tax relief allocation to 1/4% and allocate the 1/4% balance to FCP EMSD and keep CCPD at 1/2% and the General Fund at 1%. The constraints of SB 2 were discussed and how this affects the allocation. Some felt that not addressing the full 1/2% of sales tax relief may not help relieve the effects of the SB 2 constraints.

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There was discussion if all can go to the General Fund. City Attorney Bounds stated that all of the 2% can be allocated to the General Fund. While this approach provides more flexibility, it may not be as appealing to the voters.

The allocation was discussed further. Some wondered how it will be worded on the ballot. City Attorney Bounds explained that the language is set by the State Comptroller. The ballot language was discussed further. It will be one proposition and would be worded in order to make the swap from one to the other. The City Attorney stated that the city will need to be sure to educate the residents.

The FCPEMSD formation was discussed. The process will need to be revisited if the proposition passes.

The documentation in the meeting packet in terms of expenses for the FCPEMSD was discussed. City Manager Bless explained that he felt that allocating the full 1/2% would not grow a large fund balance if a new FCPEMSD fund is established.

It was the consensus that 1/2% from the property tax relief fund should be re-allocated to a new FCPEMSD fund.

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; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Warren: Council Member Warren wished all a Merry Christmas and Happy New Year.

Council Member Wasson: Council Member Wasson wished all a Merry Christmas and Happy New Year.

Council Member Holden: Council Member Holden had no comments.

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Council Member Wubbenhorst: Council Member Wubbenhorst had no comments

Council Member Singleton: Council Member Singleton wished all a Merry Christmas and Happy New Year.

Mayor Mitcham: Mayor Mitcham recognized all the festive outfits being worn by City Council. He wished everyone a Merry Christmas and Happy Hanukah. He encouraged all to be kind and look out for your neighbors. He recognized Staff and volunteers.

H. RECESS THE REGULAR SESSION

Mayor Mitcham recessed the Regular Session at 9:01 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 – Consult with Attorney and Section 551.072 – Deliberation Regarding Real Property.

I. EXECUTIVE SESSION

- 1. Pursuant to the Texas Open Meetings Act Section 551.072 – Deliberations Regarding Real Property regarding the potential purchase of Land – Reserve Detention B JERSEY VILLAGE COUNTRY CLUB, ESTATES SEC 4 2ND AMEND R/P. *Austin Bless, City Manager***
- 2. Pursuant to the Texas Open Meetings Act Section 551.071, consult with attorney regarding pending lawsuit: Jersey Village :Lodging LLC v. City of Jersey Village, Cause No. 2019-40593, 11th Judicial District, Harris County, Texas. *City Attorney***
- 3. Pursuant to the Texas Open Meetings Act Section 551.071, consult with City Attorney regarding the Comcast Franchise Fee dispute. *City Attorney***
- 4. Pursuant to the Texas Open Meeting Act Section 551.074, deliberate the appointment of election judges for the City of Jersey Village. *City Council***

J. ADJOURN EXECUTIVE SESSION

Mayor Mitcham adjourned the Executive Session at 9:46 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive Session.

K. RECONVENE REGULAR SESSION

- 1. Discuss and take appropriate action on matter discussed in Executive Session regarding the pending lawsuit: Jersey Village Lodging LLC v. City of Jersey Village, Cause No. 2019-40593, 11th Judicial District, Harris County, Texas.**

With no further discussion on this matter, Council Member Singleton moved to authorize the City Attorney to take the necessary steps on the City's behalf to effect the Agreed Motion for Nonsuit without Prejudice in the lawsuit: Jersey Village Lodging LLC v. City

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of Jersey Village, Cause No. 2019-40593, 11th Judicial District, Harris County, Texas. 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 Ordinance No. 2020-33, finding that the structures at 16884 NW FWY, Jersey Village, Texas 77040, (Res B1, Northwest Village Business Park, R/P), the “Property”, have been repaired to the extent the property is not substandard; and making other findings and provisions related thereto.**

With no further discussion on this matter, Council Member Warren moved to approve Ordinance No. 2020-33, finding that the structures at 16884 NW FWY, Jersey Village, Texas 77040, (Res B1, Northwest Village Business Park, R/P), the “Property”, have been repaired to the extent the property is not substandard; and making other findings and provisions related thereto. Council Member Singleton seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2020-33

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, FINDING THAT THE STRUCTURES AT 16884 NW FWY, JERSEY VILLAGE, TEXAS 77040, (RES B1, NORTHWEST VILLAGE BUSINESS PARK, R/P), THE “PROPERTY”, HAVE BEEN REPAIRED TO THE EXTENT THE PROPERTY IS NOT SUBSTANDARD; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.

3. **Discuss and take appropriate action regarding the matter discussed in Executive Session concerning a Settlement Agreement with Comcast regarding franchise fees.**

With no further discussion on this matter, Council Member Warren moved to authorize the City Manager to enter into a settlement agreement with Comcast regarding franchise fees. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

L. ADJOURN

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There being no further business on the Agenda the meeting was adjourned at 9:50 p.m.



Lorri Coody, City Secretary