

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON FEBRUARY 21, 2022, 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 Warren at 7:01 p.m. with the following present:

|                                  |                              |
|----------------------------------|------------------------------|
| Mayor, Bobby Warren              | City Manager, Austin Bleess  |
| Council Member, Drew Wasson      | City Secretary, Lorri Coody  |
| Council Member, Sheri Sheppard   | City Attorney, Justin Pruitt |
| Council Member, Michelle Mitcham |                              |
| Council Member, James Singleton  |                              |
| Council Member, Gary Wubbenhorst |                              |

Staff in attendance: Mark Bitz, Fire Chief; Isabel Kato, Finance Director; Kirk Riggs, Chief of Police; Robert Basford, and Director of Parks and Recreation.

Council Member, James Singleton was not physically present at this meeting but attended via video conferencing.

**B. INVOCATION, PLEDGE OF ALLEGIANCE**

1. Prayer and Pledge by: Ty Camp

**C. PRESENTATIONS**

1. None

**D. 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 (713) 461-1430** – Mr. Maloy spoke to City Council regarding Jersey Village transparency. He feels most agenda items are being placed upon the consent agenda, and as such, he does not think this is being transparent given there is no discussion on the items. He went on to say that he believes that City Council is frivolous with taxpayer money. He explained his position, which included the events that led up to the bond election discussions for a golf course clubhouse and the most recent item proposing the expenditure of additional funds for a golf course architect to revisit a remodel of the golf course clubhouse. He does not support this expenditure. Nor does he support an expenditure for a feasibility study for Village Center.

**Jeff Kopecky, 16125 De Lozier, Jersey Village, Texas (713) 385-6927** – Mr. Kopecky spoke to City Council about the Hempstead Hwy and his concern for the large amount of dumping taking place along this roadway. He is not sure which entity is responsible for addressing the

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trash piling up, but he would like to have this section of highway cleaned up. He stated that the dumping is occurring from Brittmore to the Beltway.

**Jo Hewett, 15917 Lakeview Drive, Jersey Village, Texas (713) 806-8453** – Ms. Hewett spoke to City Council about the Jersey Village Senior Outreach (JVSO) program. She gave membership information and told City Council that February 25, 2022, is National Village Day. She explained that JVSO is part of this movement with most of the Senior Villages being located on the East and West Coast with only four (4) in Texas. JVSO is five (5) years old, and membership continues to increase with 98% retention. She stated that the program helps seniors stay in their homes as long as possible. She gave statistics concerning their event attendance and volunteer contributions. She also shared some personal stories providing an example of how the organization serves seniors. JVSO appreciates the City’s support and will continue to encourage meaningful lives as we age.

**Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713) 206-1184** – Mr. Fields thanked City Secretary, Lorri Coody for her help with his candidacy filing for City Council. He also thanked the Jersey Village Police Department for keeping our City safe. He mentioned the Mayor’s town hall meetings, stating that he appreciates the Mayor for his efforts as the meetings are very informative. He is happy that the Golf Course is profitable though he is concerned that profit numbers do not include the debt service. He made mention of a developer for City Hall who stated that Village Center development is not a good idea. He stated that there are residents that do not want to move City Hall on the South side of US HWY 290. He is concerned about the Village Center development given that those on City Council are not experienced with development practices. In closing, he had questions about how developers and architects are selected for the golf course clubhouse remodel. Council Member Wasson explained the process, stating that RFQ’s were requested for the golf course. Submittals were reviewed by Staff and the information can be found in the meeting packet.

**Kimberlee Henao, 15601 Singapore Lane, Jersey Village, Texas (832) 689-9878** – Ms. Henao spoke to City Council about Jersey Village. She told City Council that she has been reading the minutes on the City’s website to learn more about the City. She told City Council about the information that she learned during her recent readings.

**E. CITY MANAGER’S REPORT**

City Manager Bless gave his monthly report, which follows. There were comments about the Parks and Recreation Report concerning the condition of the greens. It was mentioned that the photos included in the report are not clear given they were taken by drones. It was mentioned that the greens are not in the best condition and Staff should consider other solutions to address the problem areas on the greens. It was noted that the January 2022 revenue for the golf course was the 2<sup>nd</sup> highest in all years of reporting.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – December 2021, General Fund Budget Projections as of January 2022, and Utility Fund Budget Projections – January 2022.**

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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. **2021 Racial Profiling Report**

**F. JOINT PUBLIC HEARING WITH PLANNING AND ZONING COMMISSION**

1. **Conduct a Joint Public Hearing with the Planning and Zoning Commission for the purpose of receiving oral comments from any interested person(s) concerning the proposal to amend the City’s Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.**

Mayor Warren called the item and Chairman Rick Faircloth announced a quorum for the Planning and Zoning Commission, with the following Commissioners present:

|                               |                                      |
|-------------------------------|--------------------------------------|
| Rick Faircloth, Chairman      | Debra Mergel, Commissioner           |
| Eric Henao, Commissioner      | Ty Camp, Commissioner                |
| Jennifer McCrea, Commissioner | Charles A. Butler, III, Commissioner |

Mayor Warren called upon Chairman Faircloth who gave background information concerning the P&Z’s discussion on this issue.

Mayor Warren opened the Joint Public Hearing at 7:29 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend the City’s Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.

Mayor Warren called upon those requesting to speak as follows:

**Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713) 206-1184** – Mr. Fields was concerned about the impact that such a facility would have on City Services. Mayor Warren stated that the Council would discuss this further during the Ordinance approval item on this agenda.

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With no one else signing up to speak at the hearing, Mayor Warren and Chairman Faircloth closed the joint public hearing at 7:31 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 7:31 p.m. to conduct its posted meeting agenda and prepare a final report in connection with this joint public hearing.

**G. 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.

Each Consent Agenda item appears below with background information. Items 6 and 8 were pulled from the Consent Agenda for further discussion. Accordingly, Items 6 and 8 contains discussion information as well as Council’s vote. The vote on Items 1 through 5, 7, and 9 is found at the end of the Consent Agenda.

- 1. Consider approval of the Minutes for the Regular Session Meeting held on January 17, 2022, the Special Session Meeting held on January 17, 2022, and the Special Session Meeting held on January 31, 2022.**
- 2. Consider Ordinance No. 2022-03, amending the General Fund Budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, in the amount not to exceed \$105,000 by decreasing line items 01-31-3001 (Salaries) by \$90,000 and line item 01-31-3055 (Health Insurance) by \$15,000 and increasing line item 01-31-5515 (Consultant) by \$105,000.**

**BACKGROUND INFORMATION:**

Since our building official left in the spring of 2021, we have been utilizing BBG Consulting for Building Official services, in addition to inspection services that we have used them to assist with for several years. At this point in time this service is working out well and I do not anticipate hiring a building official.

In looking at the consultant line budget we will need to transfer some money into the consultant line. Accordingly, we recommend that the transfer come from the salaries and health insurance line of the same department since we will not be using those funds.

I am also proposing that we engage BBG to do a Zoning Ordinance update. One of the goals in the Comprehensive Plan is to “Encourage quality Community-orientated Retail and Restaurants”, “Encourage quality Community-orientated Entertainment”, to update city codes to conform to the Comprehensive Plan, and to “Review existing development codes to identify incompatibility with the vision and desired uses (higher quality restaurants, services, and entertainment), and to protect residential neighborhoods.”

The not to exceed fee for this is \$25,000. These funds are already in the Community Development Department and will make no changes to the bottom line of the department

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budget. With this transfer we should be in good shape for the year for the consultant services line and we can also work on one of the goals in the Comprehensive Plan.

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 IN THE AMOUNT NOT TO EXCEED \$105,000 BY DECREASING LINE ITEMS 01-31-3001 (SALARIES) BY \$90,000 AND LINE ITEM 01-31-3055 (HEALTH INSURANCE) BY \$15,000 AND INCREASING LINE ITEM 01-31-5515 (CONSULTANT) BY \$105,000.

3. **Consider Resolution 2022-06, authorizing the City Manager to enter into an Agreement with Jeffery S. Ward & Associates, Inc. for the 2020 FMA Program Home Elevation Grant Administration & Project Management Services.**

**BACKGROUND INFORMATION:**

As part of the home elevation grant funds were included in the grant to pay for a third party grant administrator. As we are anticipating final award notification on the grant soon we have gone out to RFQ for the grant administration.

We received one qualified proposal which was from JSW & Associates Inc. They have clearly demonstrated their expertise and ability to manage all aspects of the grant.

We would not enter into any contract until the grant has been officially awarded. This contract would be for a total of \$218,400 and is a grant cost. The total grant amount is \$4,536,131 and our cost share is \$391,639 for a total project cost of \$4,927,770.

The duties they will be responsible for as part of the grant administration include:

**General Grant Administration**

- Fully administer all aspects of grant according to the contractual agreement with TWDB and the Flood Mitigation Assistance Grant Agreement with FEMA
- Report to local officials on the grant process
- Prepare required reports to the State
- Prepare requests for payment from the City to the property owners or contractor (as determined).
- Prepare requests for reimbursement from the City to the State
- Assist the City in evaluating options for procurement of qualified contractors in accordance with 2 CFR Part 200 and State of Texas procurement standards
- Assist the City in developing an agreement between the City and the Homeowners that passes along the relevant terms of the grant. This agreement will also establish Homeowner obligations that must be followed during the elevation of their home
- Coordination of inspection, structure requirement, and bid/contract process for elevation contractor procurement

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- Coordinate and facilitate meetings with Homeowners to outline the project's scope of work requirements. Work closely with the Homeowners throughout the duration of the project and respond to their questions in a timely manner
- Prepare reconciliation with State on all grant funds
- Prepare all reports and forms required for grant closeout
- Participate in any review or audit of grant by TWDB, FEMA or their assignee, and address any questions, findings, or deficiencies noted

**Per Parcel Project Management Services for Elevation projects**

- Meet with Homeowners to overview / explain the process and detail the owner's and elevation contractor's responsibilities
- Provide an overview of the budget the Homeowners must stay within for their individual elevation. This data will come from the grant award documents
- Manage budget to ensure that all homes are completed within the available Federal funding
- Assist the City in ensuring that the elevation contract specifications meet the FEMA grant requirements
- Develop process to ensure that construction is performed in compliance with engineering specifications.
- Ensure that professional engineer reviews all construction specifications
- Solicit elevation contractors in accordance with Federal and State procurement standards
- Provide list of qualified elevation contractors and describe the process for selection, review and approval
- Ensure Homeowner selects among the qualified contractors in the manner and method prescribed and supports the selection
- Prepare and present mitigation offer. Review details of mitigation offer and have offer signed by Homeowner
- Prepare and present Homeowner/City agreement for elevation. This agreement will provide the details of the Homeowner responsibility for hiring the elevation contractor and will have language indemnifying the City and their contractors from liability associated with the physical elevation. Have Homeowner sign the agreement
- Submit owner signed agreement to City for review and signature
- Facilitate payments to contractors from the City
- Meet with each Homeowner and review and concur with Elevation Contractor. Confirm bid is within grant limits and detail any/all costs that will not be reimbursable under the grant.
- Review work schedules and specifications to ensure that the elevation is completed in a timely manner and in compliance with the terms of the Grant. If problems are encountered, the Contractor will seek resolution from the City and the State.
- Facilitate the establishment and recordation of FEMA required post elevation deed restrictions.

Based upon the grant funding for this portion of the project, and the extensive work this outside company will do it seems like a valuable use of funds to use this company.

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RESOLUTION NO. 2022-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE 2020 FMA PROGRAM HOME ELEVATION GRANT ADMINISTRATION & PROJECT MANAGEMENT SERVICES.

- 4. Consider Resolution No. 2022-07, selecting contractors to complete home elevation work in relation to the FY2020 FEMA Flood Mitigation Assistance Grant.**

**BACKGROUND INFORMATION:**

City staff has gone out for RFQ for Home Elevation Contractors to complete the work for elevating the homes included in the FY20 FMA grant application. We received responses from 5 different contractors.

All of the responses were judged on the following categories:

| Item:   | Scoring Percentage |
|---|--------------------|
| Qualifications of firm  | 35%                |
| Demonstrated ability to perform building elevation services as requested in the Scope of Services | 40%                |
| Ability to efficiently provide building elevation services at project sites within Jersey Village | 25%                |
| Total   | 100%               |

Here is a summary of our rankings:

|                    | Total Points | Average Points |
|--------------------|--------------|----------------|
| Arkitektura        | 200          | 100            |
| Allied Foundation  | 145          | 72.5           |
| Excello            | 179          | 89.5           |
| Planet Three       | DQ           | DQ             |
| Comal Design Group | 193          | 96.5           |

In discussions with our Grant Administrator, he recommends the city select three contractors to do the work for the home elevations. The top three contractors have experience in elevating homes and doing so according to the grant standards set out by FEMA and TWDB. Staff feels confident these three contractors would do a good job on this project.

The companies would contract directly with the homeowners to do the work, the city would not be involved with that contract. This list simply narrows down the companies that can do the work, making sure it stays a manageable project for the city.

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RESOLUTION NO. 2022-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SELECTING CONTRACTORS TO COMPLETE HOME ELEVATION WORK IN RELATION TO THE FY2020 FEMA FLOOD MITIGATION ASSISTANCE GRANT.

- 5. Consider Resolution No. 2022-08, authorizing the City Manager to negotiate an agreement with FGM Architects for design of a new Jersey Meadow Golf Course Club House.**

**BACKGROUND INFORMATION:**

On January 7, 2022, during a city council workshop meeting the council reviewed the history of the Golf Course Clubhouse project and discussed the options available regarding the future of the Jersey Meadow Clubhouse. The options outlined included renovating the existing facility, using the existing new design from PGAL Inc., designing a more cost-efficient clubhouse and event space, and designing a new clubhouse while gutting and remodeling the existing facility to use as an event space. City council agreed that the best option moving forward would be to design a new clubhouse containing a pro shop, offices, bar & grill, bathrooms, and storage while also designing the remodel of the existing clubhouse into an enclosed pavilion for events and directed staff to prepare a request for proposal for the design of a new clubhouse facility.

The Request for Qualification (RFQ) was posted on the city website on January 12, 2022. Five responses to the RFQ were timely received and a team of city staff consisting of City Manager, Austin Bless; Chief of Police, Kirk Riggs; Golf Manager, Matt Jones; and Parks and Recreation Director, Robert Basford were assembled to review and rank the responses. All of the firms had relative experience including recreational buildings, clubhouses, and event centers.

After careful review and discussions with the review team, FGM Architects was unanimously selected as the firm to negotiate terms for work related to the golf course clubhouse. Their experience working with cities of buildings of all types, including a large number of clubhouses, along with their team of in-house staff and outside consultants where the main positives that were discussed by the group.

The average and median results of the rankings are below. Ratings are out of 100.

|        | Collaborate | FGM Architects | McLemore Luong | PGAL  | StudioRed |
|--------|-------------|----------------|----------------|-------|-----------|
| avg.   | 76.25       | 96.75          | 86.5           | 82.75 | 89.5      |
| median | 78          | 97             | 88             | 85    | 88.5      |

Tonight, we are recommending Council authorize the City Manager to negotiate terms for a contract to have FGM Architects to do the design work of the clubhouse. That contract would come back to the Council for approval, hopefully at the March Council meeting.

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Included in the meeting packet is a document outlining the discussions by City Council over the past several years as it pertains to the golf course clubhouse.

RESOLUTION NO. 2022-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH FGM ARCHITECTS FOR THE DESIGN OF A NEW JERSEY MEADOW GOLF COURSE CLUB HOUSE.

6. **Consider Ordinance No. 2022-04, amending the General Fund Budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, in the amount not to exceed \$75,000 by decreasing line items 01-12-5023 (Grants and Incentives) by \$75,000 and increasing line item 01-12-5515 (Consultant Services) by \$75,000 and authorizing the City Manager to execute all documents required to do an Economic Feasibility Study for a multi-purpose stadium to be located in TIRZ 2.**

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

**BACKGROUND INFORMATION:**

This budget amendment is necessary in order to hire a consultant to do an Economic Feasibility Study for a multi-purpose stadium to be located in TIRZ2. This ordinance also authorizes the City Manager to enter into a contract with a consultant for the economic feasibility.

Mr. Bless stated that we are looking at two companies and both are highly experienced.

There was discussion about Village Center and the situations that we had with developers. Some felt that before we spend further monies on development, it would be wise to understand the impact for the city, which a feasibility study will provide. Conducting a study will provide reassurance that we are pursuing the correct path.

There were also comments concerning the first study done for Village Center. It was done by a private developer. This study would provide unbiased information that City Council needs to make intelligent decisions. It was the consensus of Council that this study is needed.

Mayor Warren gave information about the multi-purpose stadium and how it could be used by the City as well as how it can increase foot traffic in the area. The study will provide information about many facets of this development, including if the railroad tracks will be an issue for development.

With no further discussion on the matter, Council Member Mitcham moved to approve Ordinance No. 2022-04, amending the General Fund Budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, in the amount not to exceed \$75,000 by

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decreasing line items 01-12-5023 (Grants and Incentives) by \$75,000 and increasing line item 01-12-5515 (Consultant Services) by \$75,000 and authorizing the City Manager to execute all documents required to do an Economic Feasibility Study for a multi-purpose stadium to be located in TIRZ 2. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Singleton, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 IN THE AMOUNT NOT TO EXCEED \$75,000 BY DECREASING LINE ITEMS 01-12-5023 (GRANTS AND INCENTIVES) BY \$75,000 AND INCREASING LINE ITEM 01-12-5515 (CONSULTANT SERVICES) BY \$75,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS REQUIRED TO DO AN ECONOMIC FEASIBILITY STUDY FOR A MULTI-PURPOSE STADIUM TO BE LOCATED IN TIRZ 2.

- 7. Consider Resolution No. 2022-09, authorizing the City Manager to work with Tradition Energy to seek energy proposals and execute contract documents to provide electricity for City facilities.**

**BACKGROUND INFORMATION:**

The City's current contract with Cavallo Energy through the Texas General Land Office (GLO) for energy provided to City facilities will end on June 30. At this time, city staff would like to take a proactive approach, and seek a competitive rate for energy costs before the contract expires.

It is recommended that the city utilize Tradition Energy to monitor the day-to-day activity in the electricity market for competitive rates, as the GLO can no longer provide this service for us. Tradition Energy is utilized by many cities, counties, and school districts throughout Texas. Any fees paid to them would be included in our monthly electricity charges. Tradition Energy is also on the U.S. Communities Cooperative Purchasing Program.

Staff would like to be able to take advantage of any price breaks we may see and sign a contract that would allow the City to lock-in a price for energy at a rate of less than 5 cents per kilowatt hour, for a period not to exceed ten years. In accordance with section 252.022 of the Texas Local Government Code, the City is exempt from bidding procedures for an electricity services contract.

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Staff recommends approval of the proposed Resolution authorizing the City Manager to work with Tradition Energy to seek energy proposals and execute contract documents to provide electricity for city facilities.

RESOLUTION NO. 2022-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO WORK WITH TRADITION ENERGY TO SEEK ENERGY PROPOSALS AND EXECUTE CONTRACT DOCUMENTS TO PROVIDE ELECTRICITY FOR CITY FACILITIES.

- 8. Consider Ordinance No. 2022-05, amending the General Fund Budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022 in the amount not to exceed \$58,430 by increasing line items 01-13-4504 (Software Maintenance) by \$15,540 and line item 01-13-6573 (Computer Equipment) by \$42,890 from the General Fund Restricted Balance 01-0-2226 (Restricted 1% Cable Franchise Fee) in order to set up three cameras for the broadcasting of up to 15 council meetings a year; and authorizing the City Manager to execute all documents and agreements with Swagit Productions, LLC, a sole source vendor, for the purchase, installation, and maintenance of broadcasting/video streaming equipment.**

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

**BACKGROUND INFORMATION:**

This budget amendment is necessary to be able to use the reserved fund balance from account number 01-0-0226 (Restricted 1% Cable Franchise Fee) which as of Fiscal Year 20-21 has a balance of \$111,973 in order to set up three cameras to handle the broadcasting of up to 15 City Council meetings a year. The price for the equipment and installation is \$42,890 (this is a one-time charge) and the yearly cost for them to broadcast such meeting would be \$15,540. The total cost the first year is \$58,430.

The item is also to authorize the City Manager to enter into an agreement with Swagit Productions, LLC, a sole source vendor for this type of equipment. The agreement, along with the sole source information is included in the meeting packet.

Mr. Bless stated that this purchase will upgrade our broadcasting equipment and the quality of our meeting videos.

Council engaged in discussion about the franchise fee and how it contributes to the payment of these items. There was concern about the on-going annual cost and some felt that it was too great for only one broadcast per month. Also, some wondered if City Hall should be relocated if the equipment could be relocated as well. Yes, it can be relocated. City Manager Bless explained how the relocation would work.

It was noted that since broadcasting meetings began, there have been some issues with the quality of the broadcasting as well as missed broadcastings due to complications. This

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purchase should make improvements and provide better viewability. This service is used by many Cities throughout the Country. The local cities of Cleburne and Bellaire use this system. Mayor Warren explained some of the features the Swagit system offers.

The implementation timeline was discussed. City Manager Bless state that we hope to have the new system up and running for the April 2022 meeting. The agreement is for 15 meetings, but we can produce more on the equipment; however, only 15 are produced with the support of Swagit.

With no further discussion on the matter, Council Member Mitcham moved to approve Ordinance No. 2022-05, amending the General Fund Budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022 in the amount not to exceed \$58,430 by increasing line items 01-13-4504 (Software Maintenance) by \$15,540 and line item 01-13-6573 (Computer Equipment) by \$42,890 from the General Fund Restricted Balance 01-0-2226 (Restricted 1% Cable Franchise Fee) in order to set up three cameras for the broadcasting of up to 15 council meetings a year; and authorizing the City Manager to execute all documents and agreements with Swagit Productions, LLC, a sole source vendor, for the purchase, installation, and maintenance of broadcasting/video streaming equipment. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Singleton, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, IN THE AMOUNT NOT TO EXCEED \$58,430 BY INCREASING LINE ITEMS 01-13-4504 (SOFTWARE MAINTENANCE) BY \$15,540 AND LINE ITEM 01-13-6573 (COMPUTER EQUIPMENT) BY \$42,890 FROM THE GENERAL FUND RESTRICTED BALANCE 01-0-2226 (RESTRICTED 1% CABLE FRANCHISE FEE) IN ORDER TO SET UP THREE CAMERAS FOR THE BROADCASTING OF UP TO 15 COUNCIL MEETINGS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS AND AGREEMENTS WITH SWAGIT PRODUCTIONS, LLC, A SOLE SOURCE VENDOR, FOR THE PURCHASE, INSTALLATION, AND MAINTENANCE OF THIS BROADCASTING/VIDEO STREAMING EQUIPMENT.

- 9. Consider Ordinance 2022-06, amending the Jersey Village Code of Ordinances at Chapter 2, Article IV, Division 2, Section 2-142(c)(4) to provide for revisions to the schedule of fees related to Planning and Zoning (P&Z) fees.**

BACKGROUND INFORMATION:

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On July 19, 2021, City Council passed Ordinance Number 2021-30, amending the Jersey Village Code of Ordinances at Chapter 2, Section 2-142(c)(4) pertaining to Planning and Zoning (P&Z) fees as follows:

- (4) Rezoning requested by applicant for that person's special benefit: \$500.00 plus out-of-pocket costs for drafting and review by planner, engineer, attorney, and other consultants. A deposit is estimated by the city planner and may be increased as the matter proceeds. The deposit must be increased to cover the estimated full cost at these stages:
  - a. Before the meeting of the commission to consider a preliminary report,
  - b. Before any hearing notices are sent out, and
  - c. Before the meeting at which the Commission considers its final report.

Given the new fees and the invoicing requirements, I felt it necessary to put together a standardized process for accessing fees, which I have included in the meeting packet for your review.

Recently, I had the opportunity to put together an invoice using the new rules. The exercise was both shocking and revealing. I learned that the cost to the City involved in Planning and Zoning requests is more than I realized. I attach the prepared invoice for your review. As you can see, the costs are quite extensive, and I do not think that they are out of the ordinary. I believe that the costs will be this much each time and perhaps even more depending upon the amount of work required by BBG and the City Attorney.

With this in mind, I am proposing changes to the Planning and Zoning fee schedule.

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE JERSEY VILLAGE CODE OF ORDINANCES AT CHAPTER 2, ARTICLE IV, DIVISION 2, SECTION 2-142(C)(4) TO PROVIDE FOR REVISIONS TO THE SCHEDULE OF FEES RELATED TO PLANNING AND ZONING (P&Z) FEES.

Item 6 and 8 were removed from the consent agenda. The discussion and vote for the removed item can be found under the appropriate Consent Agenda item. The vote for the remaining items NOT removed from the Consent Agenda is as follows:

Council Member Wubbenhorst moved to approve items 1 through 5, 7, and 9 on the Consent Agenda. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Singleton, and Wubbenhorst

Nays: None

The motion carried.

REGULAR MEETING OF THE CITY COUNCIL  
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**H. REGULAR AGENDA**

- 1. Consider Resolution No. 2022-10, receiving the Planning and Zoning Commission’s Final Report concerning the proposal to amend the City’s Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G.**

Rick Faircloth, Chairman, Planning and Zoning Commission, introduced the item. Background information is as follows: The Planning and Zoning Commission met on January 10, 2022 to discuss and take appropriate action on the request of Vernon R. Young (Managing General Partner of 9300 Savile, LLC) filed on behalf of Jersey Village Lifestyle Ltd. (Applicant) for a specific use permit to allow the operation of an Assisted Living and Memory Care Center on a tract of land located at 9300 Savile, Jersey Village, TX 77040 within the city limits in zoning District G.

The Commission recommended in its preliminary report, which was submitted to Council at its January 17, 2022 meeting, that Council grant the request of Vernon R. Young (Managing General Partner of 9300 Savile, LLC) filed on behalf of Jersey Village Lifestyle Ltd. (Applicant) for a specific use permit to allow the operation of an Assisted Living and Memory Care Center on a tract of land located at 9300 Savile, Jersey Village, TX 77040 within the city limits in zoning District G. Additionally, the Commission requested that a Joint Public Hearing be ordered for February 21, 2022.

On February 21, 2022, the City Council and the Planning and Zoning Commission conducted the joint public hearing and the Planning and Zoning Commission presents its final report and recommendation to the Council and asks that it be received.

Chairman Faircloth told the Council that the vote by the P&Z for the final report was four (4) in favor and two (2) against. He reported that there was much discussion about the repercussions of this type of facility on our emergency services, but the recommendation is for City Council to grant the specific use permit.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2022-10, receiving the Planning and Zoning Commission’s Final Report concerning the proposal to amend the City’s Zoning Ordinance to grant a Specific Use Permit to allow the operation of an Assisted Living and Memory Care Center on the tract of land located at lot 2, block 5 of the Northwest Station, Section 2, with a street address of 9300 Savile Lane within the City of Jersey Village in Zoning District G. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Singleton, and Wubbenhorst

Nays: None

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The motion carried.

RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S FINAL REPORT CONCERNING THE PROPOSAL TO AMEND THE CITY'S ZONING ORDINANCE TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF AN ASSISTED LIVING AND MEMORY CARE CENTER ON THE TRACT OF LAND LOCATED AT LOT 2, BLOCK 5 OF THE NORTHWEST STATION, SECTION 2, WITH A STREET ADDRESS OF 9300 SAVILE LANE WITHIN THE CITY OF JERSEY VILLAGE IN ZONING DISTRICT G.

- 2. Consider Ordinance No. 2022-07, amending the Comprehensive Zoning Ordinance of the city, by granting Jersey Village Lifestyle, Ltd., a Specific Use Permit (the "Specific Use Permit") to allow the operation of an Assisted Living and Memory Care Center on a tract of land located within the city limits at 9300 Savile Lane, Jersey Village, Texas, 77040, and in "Zoning District G"; providing requirements and conditions for the Specific Use Permit; containing findings and other provisions relating to this Ordinance; providing a penalty in an amount not to exceed two thousand dollars (\$2,000) for violations hereof; providing for severability; and, providing an effective date.**

Background information on this item is as follows: The Planning and Zoning Commission met on January 10, 2022 to discuss and take appropriate action regarding the request of Vernon R. Young (Managing General Partner of 9300 Savile, LLC) filed on behalf of Jersey Village Lifestyle Ltd. (Applicant) for a specific use permit to allow the operation of an Assisted Living and Memory Care Center on a tract of land located at 9300 Savile, Jersey Village, TX 77040 within the city limits in zoning District G.

The Planning and Zoning Commission submitted its preliminary report to Council on January 17, 2022, and a Joint Public Hearing was ordered for February 21, 2022.

On February 21, 2022, the City Council and the Planning and Zoning Commission conducted a joint public hearing and the Planning and Zoning Commission made its final report and recommendations.

All of the procedural requirements of Section 14-84(c)(2) items a through c have been met. This item is to approve the ordinance that will enact the final recommendation from the Planning and Zoning Commission granting the request of Vernon R. Young (Managing General Partner of 9300 Savile, LLC) filed on behalf of Jersey Village Lifestyle Ltd. (Applicant) for a specific use permit to allow the operation of an Assisted Living and Memory Care Center on a tract of land located at 9300 Savile, Jersey Village, TX 77040 within the city limits in zoning District G.

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Council engaged in discussion. Chief Bitz was asked to explain the repercussions on our emergency services with this type facility. Chief Bitz told City Council that he is not against the facility. However, he does have concerns about the experience of the facility's staff in handling emergency situations. He stated that the Manor, which is run by this applicant, has about 13 emergency calls per month. He also told City Council that if the proposed facility is required to be a Type B facility, then under State law they will be required to have experienced and skilled staffing.

There was discussion about the Manor and the current high number of emergency calls. Chief Bitz explained that the Manor is an apartment complex and not an assisted living or memory care center.

There was also discussion about a Type B license. Chief Bitz explained that the skilled staff will not be making transportation to the hospital during emergencies. Under that situation, the City will be called. The difference between transport services and emergency care services was discussed.

The specific use aspect was discussed by City Council. Some members felt that looking at a specific use should bring a benefit to the City. That being said, some felt that this type of facility has the potential to tax the City's emergency services and that risk outweighs any benefits.

The Type B license was discussed. Chief Bitz stated that Type B requires licensed nurses. He also gave information about the Management Company, stating that this company has a great track record as far as his research has shown.

City Attorney Pruitt explained the conditions for a State B License and that the applicant will be required to report to the Council annually that they meet all the requirements of the State B License. Also, the specific use permit will not issue until the State issues the B license.

The size difference between the Manor and the proposed facility was discussed. There was concern about the number of emergency calls this type of facility will require.

Impact fees were discussed. City Attorney Pruitt stated that those fees are not applicable here. Some members wondered if we could add a condition that the facility would have to have their own contract ambulance service. City Attorney Pruitt stated that a condition could be added for contract ambulance service.

There was concern by City Council of the constraints that may be placed upon our emergency services and the cost to our taxpayers.

Chief Bitz stated that since the P&Z Meeting on February 8, 2022, he has had no discussions with the applicant.

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The use of the land and the liability to the City was discussed. City Attorney Pruitt answered this question, stating that the City will have no liability. Some members wondered if there are other Centers in an around Jersey Village to service Memory Care and Assisted Living individuals. Chief Bitz stated that Jersey Village has group homes, but no facilities of this nature. However, there are at least 15 located in the surrounding areas.

Mayor Warren gave information concerning his understanding of a Type B facility. There was further discussion about the Manor and the number of emergency calls made to that facility, using this information as a guideline for the number of calls that the proposed facility might experience. Some members cautioned about this type of a comparison.

Some wondered if the decision can be postponed. City Attorney Pruitt stated that the Council is permitted to postpone making a decision. He also suggested that additional conditions can be researched as well as the average number of calls made to these type of facilities across the State.

Council directed Staff to bring back additional information about the Type B license and conditions that might be added to control the number of emergency calls.

No action was taken on this item.

**I. 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 Mitcham:** Council Member Mitcham happy President's Day. She stated that she has joined the Jersey Women's Group. It is a great group.

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**Council Member Sheppard:** Council Member Sheppard thanked Jo Hewitt for the update on JVSO activities and she encourages residents to volunteer for this great program.

**Council Member Wasson:** Council Member Wasson also thanked Jo Hewitt for the update on JVSO activities. He stated that JVSO is an incredible organization. He appreciates the hard work and kudos on the membership growth.

**Council Member Singleton:** Council Member Singleton had no comments.

**Council Member Wubbenhorst:** Council Member Wubbenhorst also thanked JVSO for all that they do for the Community.

**Mayor Warren:** Mayor Warren also thanked JVSO for their work. The program is a great asset for our community. Founder's Day is coming up on April 9. He encouraged all to visit the City website for more information. He thanked everyone for attending his recent town hall meeting.

**J. RECESS THE REGULAR SESSION**

**Mayor Warren asked City Council Members if the Executive Session is needed in order to ask the City Attorney about legal matters before making a decision concerning the Letter of Intent with KHJR Real Estate Advisory Services LLC. Hearing that no members had any questions, the Executive Session was not called and the regular session was not recessed.**

**K. EXECUTIVE SESSION**

1. Pursuant to the Texas Open Meeting Act Section 551.087 Deliberation Regarding Economic Development Negotiations, Section 551.072 Deliberations about Real Property, and Section 551.071 Consultations with Attorney, a closed meeting to deliberate information from a business prospect that the City seeks to locate in Jersey Village TIRZ Number 2 and economic development negotiations, including the possible purchase, exchange or value of real property, related thereto.

The Executive Session was not conducted. This item was not called by the Mayor.

**L. ADJOURN EXECUTIVE SESSION**

**Given that the Executive Session was not conducted, this item is not necessary.**

**M. RECONVENE REGULAR SESSION**

1. **Consider Resolution 2022-11, authorizing the City Manager to sign the Letter of Intent between the City of Jersey Village and KHJR Real Estate Advisory Services LLC relating to the development of Jersey Village TIRZ Number 2.**

Austin Bless, City Manager, introduced the item. Background information is as follows: In Executive Session the City Council had the opportunity to discuss a potential Letter of Intent (LOI) with KHJR Real Estate Advisory Services LLC to develop the area in Jersey Village TIRZ Number 2.

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KHJR has as part of their work portfolio developed, owned and operated several mixed-use developments. They are proposing to develop the land in TIRZ 2 generally under the vision that is set forth in our current zoning ordinances.

This LOI is nonbinding, but it is the general framework for the rest of the documents that would be a part of the development agreements, such as a Master Development Agreement and a Chapter 380 incentive agreement for the project. The other documents would be negotiated and approved by the City Council at later dates.

There was discussion about the LOI. Some wondered if we are committing to any financial arrangements. City Attorney Pruitt stated it is a non-binding agreement that provides the framework for moving forward. Mayor Warren gave additional information about the path moving forward.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution 2022-11, authorizing the City Manager to sign the Letter of Intent between the City of Jersey Village and KHJR Real Estate Advisory Services LLC relating to the development of Jersey Village TIRZ Number 2. Council Member Wasson seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2022-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN THE LETTER OF INTENT BETWEEN THE CITY OF JERSEY VILLAGE AND KHJR REAL ESTATE ADVISORY SERVICES LLC RELATING TO THE DEVELOPMENT OF JERSEY VILLAGE TIRZ NUMBER 2.

**N. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 8:32 p.m.



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Lorri Coody, TRCM, City Secretary