

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON APRIL 18, 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 7:00 p.m. with the following present:

Mayor, Bobby Warren	City Manager, Austin Bless
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; and Kirk Riggs, Chief of Police.

B. INVOCATION, PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by Stefanie Otto, Commander, Jeremy E. Ray American Legion Post 324.

C. PRESENTATIONS

1. **Presentation of Police Department Employee of the First Quarter Award by Stefanie Otto, Commander of the Jeremy E. Ray American Legion Post 324.**

Stefanie Otto, Commander of the Jeremy E. Ray American Legion Post #324, along with Mayor Warren, presented the Police Department Employee of the First Quarter award to Officer Bryant Wells.

D. JOINT PUBLIC HEARING

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 Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District).**

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 Heno, Commissioner	Jennifer McCrea, Commissioner

Mayor Warren opened the Joint Public Hearing at 7:04 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 Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District).

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With no one signing up to speak at the hearing, Mayor Warren and Chairman Faircloth closed the joint public hearing at 7:05 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 7:05 p.m. to conduct its posted meeting agenda and prepare a final report in connection with this joint public hearing.

E. 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.

Jim Fields, 16413 St. Helier Street, Jersey Village, Texas (713) 206-1184: Mr. Fields spoke to City Council about Founder's Day. He was very pleased with the event. He was impressed by the contribution of all members of the Parks and Recreation Advisory Committee. Many details were handled with excellence. He also thanked the Police and Fire Departments for making the event safe. He went on to express his pleasure with the progress being made at the City Golf Course. Revenues have gone up from \$2,000 per month to \$20,000 per month. He told City Council that he is in favor of improving the City Golf Course Clubhouse. He also thanked City Manager Bless for all his efforts to improve our City. He did call attention to the black Camaro on Village Green. This issue should be addressed. He stated that we still have a problem with speeding in the City and he believes that hot spots could be addressed by a police presence.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430: Mr. Maloy would like to revise the City Charter to have voters approve expenditures for projects such as the construction of a new city hall or a golf course clubhouse. He also mentioned that the City has accumulated many dollars which has enabled the City to purchase land without the authority of voters. As a result, he believes that the tax rate has been too high for many years. He is in favor of having the homestead exemption raised to the full 20% instead of the present 14%.

Kimberly Henao, 15601 Singapore Lane, Jersey Village, Texas (832) 689-9878: Ms. Henao gave information about upcoming Spring and Summer events being sponsored by the City. She found her information by visiting the City's website.

F. CITY MANAGER'S REPORT

City Manager Bless gave the following monthly report. There was a request for an update on the TIRZ3 project and the trails along the bayou. City Manager Bless explained the TIRZ3 project. Basically, the homes were appraised and were sold for the appraised value. The homes will ultimately be destroyed. He went on to explain the trail system. There are no plans to put trails along and behind the homes on the bayou. Council discussed these projects. There was discussion about the golf course. There are concerns with the problem areas on the greens. Nonetheless the golf course is doing well. City Manager Bless reported that the Berm/Wall Street Project is for the most part complete.

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1. **Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – February 2022, General Fund Budget Projections as of March 2022, Utility Fund Budget Projections – March 2022, and the March 2022 Quarterly Investment Report.**
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**

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. Item 4 was pulled from the Consent Agenda for further discussion. Accordingly, Item 4 contains discussion information as well as Council’s vote. The vote on Items 1 through 3, and 5 is found at the end of the Consent Agenda.

1. **Consider approval of the Minutes for the Regular Session Meeting held on March 21, 2022.**
2. **Consider Ordinance No. 2022-12, amending Chapter 66, Article III, Section 66-112 of the Code of Ordinances of the City of Jersey Village, entitled “School Zones”, modifying the no speed limit times for certain streets during the school day; providing a penalty; providing for severability; providing for publication; and providing an effective date.**

BACKGROUND INFORMATION:

The school district has made changes to the release schedule and methods at Post Elementary. Post now dismisses at 4:10 pm. As such they have requested the speed limit in school zones be extended to 4:30pm.

The Texas Administrative Code calls for reduced speeds for 45 minutes before class begins and 30 minutes starting at the time school is released.

The proposed ordinance modifies the end time of school zone speed limit to conform with this.

ORDINANCE NO. 2022-12

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 66, ARTICLE III, SECTION 66-112 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, ENTITLED “SCHOOL ZONES”; MODIFYING THE NO SPEED LIMIT TIMES FOR CERTAIN STREETS DURING THE SCHOOL DAY; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

- 3. Consider Resolution No. 2022-16, finding that CenterPoint Energy Houston Electric, LLC’s application for approval to amend its Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the City should be denied; finding that the city’s reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.**

BACKGROUND INFORMATION:

CenterPoint Energy Houston Electric, LLC filed an application on April 5, 2022, to amend its Distribution Cost Recovery Factor (“DCRF”) Pursuant to 16 Tex. Admin. Code § 25.243 and increase distribution rates. CenterPoint is proposing a total DCRF revenue requirement of \$198,422,017 to be effective on September 1, 2022, which is a \$145,680,810 increase to the currently approved total distribution revenue requirement that is scheduled to go into effect on September 1, 2022.

This resolution finds that CenterPoint Energy Houston Electric, LLC’s Application for Approval to amend its Distribution cost recovery factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within Jersey Village should be denied and that the city’s reasonable rate case expenses shall be reimbursed by CenterPoint.

RESOLUTION NO. 2022-16

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC’S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

- 4. Consider Resolution No. 2022-17, authorizing the City Manager to enter into a contract with Garza EMC LCC for the design services, and construction management for the Congo Street Reconstruction Project.**

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BACKGROUND INFORMATION:

As part of the FY2022 CIP the Council allocated \$100,000 for the design work for the FY2023 street project. The Public Works Department has determined Congo Street from Senate to Ecuador is the next street that should be completed.

City staff is requesting that we utilize Garza EMC to do the design, bidding, and construction phase of the project. The total cost for this would be \$303,082. Currently staff is estimating the construction of the project to be \$2,337,353, for a total project cost of \$2,690,142. The construction estimate includes allowances for inflation and change orders. The construction of the project would be a discussion point during the budget meetings.

The construction plans for this project would be useful, even if we decide not to complete the project in FY2023. I'm also working on applying for a community funded project for this as well that would bring some federal funding in for the project.

Council engaged in discussion about this item. It was removed from consent in order to highlight the work being done and the work being planned. City Manager Bless was asked to explain the selection process used to contract with Garza EMC. He stated that this company has worked well with other Cities and has done several projects throughout the state. Given this is a professional service, the sealed bidding process is not used and companies are selected based upon their qualifications.

It was mentioned that there will be 180 days before any work will be done as these days are set aside for the planning and preparation work. The actual construction work will take some 300 days to complete. The contract includes a timeline for the project.

Mayor Warren explained the bidding process and why the sealed bidding process does not apply to contracts for professional services. He stated that companies submit their qualifications, and the best firm is selected and then the contract is negotiated.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2022-17, authorizing the City Manager to enter into a contract with Garza EMC LCC for the design services, and construction management for the Congo Street Reconstruction Project. 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. 2022-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,
TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT**

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WITH GARZA EMC LLC FOR THE DESIGN SERVICES AND CONSTRUCTION MANAGEMENT FOR THE CONGO STREET RECONSTRUCTION PROJECT.

5. **Consider Ordinance No. 2022-13, amending the Asset Forfeiture Fund Budget of the City for the fiscal year beginning October 1, 2021, and ending September 30, 2022; authorizing the funding necessary for parking lot maintenance at the Police Department, as permitted by Chapter 59 of the Code of Criminal Procedure; and providing for severability.**

BACKGROUND INFORMATION:

This budget amendment is required for maintenance of the Police Department parking lot. The project will include power washing and re-striping.

In accordance with Chapter 59 of the Code of Criminal Procedure, purchases made from the Seizure Fund must be for Law Enforcement purposes; this purchase meets that criteria.

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE ASSET FORFEITURE FUND BUDGET OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; AUTHORIZING THE FUNDING NECESSARY FOR PARKING LOT MAINTENANCE AT THE POLICE DEPARTMENT; AS PERMITTED BY CHAPTER 59 OF THE CODE OF CRIMINAL PROCEDURE; AND PROVIDING FOR SEVERABILITY.

Item 4 was 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 3, and 5 on the Consent Agenda. Council Member Wasson seconded the motion. The vote follows:

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

Nays: None

The motion carried.

H. REGULAR AGENDA

1. **Consider Resolution No. 2022-18, receiving the Planning and Zoning Commission's Final Report concerning the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District).**

Rick Faircloth, Planning and Zoning Commission Chairman, introduced the item. Background information is as follows:

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BACKGROUND INFORMATION:

The Planning and Zoning Commission met on February 8, 2022, and February 21, 2022, to discuss and take appropriate action regarding amendments to the Code of Ordinance at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District).

The Commission recommended in its preliminary report, which was submitted to Council at its March 21, 2022, meeting, that Council amend the Code of Ordinance at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District). Additionally, the Commission requested that a Joint Public Hearing be ordered for April 18, 2022.

On April 18, 2022, the City Council and the Planning and Zoning Commission will conduct the joint public hearing and the Planning and Zoning Commission will make its final report and recommendation.

With limited discussion on the matter, Council Member Sheppard moved to approve Resolution No. 2022-18, receiving the Planning and Zoning Commission’s Final Report concerning the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District). Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2022-18

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 JERSEY VILLAGE CODE OF ORDINANCES AT CHAPTER 14, ARTICLE IV, SECTION 14-107 CONCERNING PERMITTED AND SPECIFIC USES IN DISTRICT H (INDUSTRIAL DISTRICT).

- 2. Consider Ordinance No. 2022-14, amending Chapter 14 “Building and Development”, Article I “General”, Section 14-5 “Definitions” by adding definitions for certain uses; amending Chapter 14 “Building and Development”, Article IV “Zoning Districts”, Section 14-107 “Regulations for District H (Industrial District)”, Subsection (a)(1) “Permitted Uses” by removing certain uses from zoning District H; amending Article IV “Zoning Districts”, Section 14-107 “Regulations for District H (Industrial District)”, Subsection (d) “Specific Use” by adding specific uses in Zone**

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H; providing a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and, providing an effective date.

BACKGROUND INFORMATION:

The Planning and Zoning Commission met on February 8, 2022, and February 21, 2022, to discuss and take appropriate action regarding the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District).

The Planning and Zoning Commission submitted its preliminary report to Council on March 21, 2022, and a Joint Public Hearing was ordered for April 18, 2022.

On April 18, 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 regarding the proposal to amend the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-107 concerning Permitted and Specific Uses in District H (Industrial District).

There was discussion about the detail of the proposed ordinance and the attention given to aesthetics and the other specifics that make for a better city. It was good to see that the City's code is being updated with such detail. City Council Member Wasson, the Planning and Zoning Commission Liaison, gave additional background information concerning the discussions had by the Commission during this process. Additionally, Mayor Warren provided information about the process.

With no further discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2022-14, amending Chapter 14 "Building and Development", Article I "General", Section 14-5 "Definitions" by adding definitions for certain uses; amending Chapter 14 "Building and Development", Article IV "Zoning Districts", Section 14-107 "Regulations for District H (Industrial District)", Subsection (a)(1) "Permitted Uses" by removing certain uses from zoning District H; amending Article IV "Zoning Districts", Section 14-107 "Regulations for District H (Industrial District)", Subsection (d) "Specific Use" by adding specific uses in Zone H; providing a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and, providing an effective date. Council Member Mitcham seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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ORDINANCE NO. 2022-14

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14 “BUILDING AND DEVELOPMENT”, ARTICLE I “GENERAL”, SECTION 14-5 “DEFINITIONS” BY ADDING DEFINITIONS FOR CERTAIN USES; AMENDING CHAPTER 14 “BUILDING AND DEVELOPMENT”, ARTICLE IV “ZONING DISTRICTS”, SECTION 14-107 “REGULATIONS FOR DISTRICT H (INDUSTRIAL DISTRICT)”, SUBSECTION (a)(1) “PERMITTED USES” BY REMOVING CERTAIN USES FROM ZONING DISTRICT H; AMENDING ARTICLE IV “ZONING DISTRICTS”, SECTION 14-107 “REGULATIONS FOR DISTRICT H (INDUSTRIAL DISTRICT)”, SUBSECTION (d) “SPECIFIC USE” BY ADDING SPECIFIC USES IN ZONE H; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND, PROVIDING AN EFFECTIVE DATE.

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 salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; 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 stated that Founder’s Day was a great hit. It went smoothly. So gave thanks to Staff and the Parks and Recreation Advisory Committee (PRAC) for their hard work. Great job! She also wished a Happy Mother’s Day to all moms and reminded everyone to vote in the upcoming election. Early voting is April 25 through May 3 and Election Day is May 7.

Council Member Sheppard: Council Member Sheppard also stated that Founder’s Day was a big success. She too thanked Staff and all the volunteers for their hard work. The event was very successful. She is looking forward to next year’s celebration.

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Council Member Wasson: Council Member Wasson stated that the Founder’s Day event was great. He mentioned that a beautification event to be held on April 30. Early voting begins April 25. Please vote. He recognized Council Member Gary Wubbenhorst for his service to the City and thanked him for his service and experience.

Council Member Singleton: Council Member Singleton also stated that the Founder’s Day event was great. He gave thanks to all the Staff, PRAC Members and volunteers who made it happen. He was surprised that after all that hard work, Staff organized egg hunts at two City Parks. How great! The Fire Department and Police Department had a HWY 290 clean up. Great work! There will be another on April 30. Thank you to Gary Wubbenhorst for his work and service to the City. Please go vote.

Council Member Wubbenhorst: Council Member Wubbenhorst thanked all for their comments. Founder’s Day was great. Thank you to Senate Avenue Brewery for the fireworks show. Our police department is very busy making arrests. They are doing a great job. He also gave kudos to the Fire Department for their work and service to the Community. These jobs are dangerous, and our Staff and volunteers do a great job. He also recognized Public Works Staff the Finance Department, Municipal Court, and City Manager for their hard work.

Mayor Warren: Mayor Warren also felt that the Founder’s Day event was great. So many people made it possible. Thanks to Staff, PRAC Members and all volunteers. Please vote. He also agreed that our Police Department handles very dangerous crimes in addition to the more minor ones like speeding. He gave thanks for their hard work and service.

J. ADJOURN

There being no further business on the agenda the meeting was adjourned at 7:53 p.m.



Lorri Coody, TRCM, City Secretary