

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 17, 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, Jennifer McCrea	

The following Planning and Zoning Commission Members were present:

Rick Faircloth, Chairman	Eric Heno, Vice Chairman	Debra
Mergel, Commissioner	Charles F. Butler, Commissioner	
Ashley Brown, Commissioner	David L. Lock, Commissioner	

Commissioner Standlee was not present at this meeting.

Staff in attendance: Robert Basford, Assistant City Manager; Mark Bitz, Fire Chief; Kirk Riggs, Chief of Police; Isabel Kato, Finance Director; and Abram Syphrett, Director of Innovation and Technology.

**B. INVOCATION, PLEDGE OF ALLEGIANCE**

1. **Prayer by:** Michael Stembridge
2. **Pledge by:** Hannah Stembridge

**C. PRESENTATIONS**

1. Presentation of Employee of the Month - Sebastian Marquis.

Austin Bleess, City Manager, presented the employee of the Month of October to Sebastian Marquis.

Chief Bitz recognized the new firefighters as follows:

Adolfo Andres Cepeda, Joel Beard, Cade Clark, Clifford Johnson, Freddie Lopez, Fabian Posso, Martin Perez, Chauncey Strickland, Simon Wilson, and Captain Kevin Sullivan – Newly promoted to Captain.

**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 repeal and replace Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards; and the proposal to amend Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to**

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**include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; and by removing Section 104-103.1 in its entirety.**

Mayor Warren called the item and Chairman Rick Faircloth announced a quorum for the Planning and Zoning Commission. Mayor Warren opened the Joint Public Hearing at 7:09 p.m., for the purpose of receiving oral comments from any interested person(s) concerning the proposal to repeal and replace Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards; and the proposal to amend Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; and by removing Section 104-103.1 in its entirety.

Before calling anyone to speak at this joint public hearing, Mayor Warren called upon Evan Duvall, the Building Official Representative, to give a presentation concerning the changes to the City’s Code of Ordinances which are the subject of this joint public hearing. Accordingly, Mr. Duvall’s presentation covered the proposed changes with a focus on the following areas:

1. **New Residential Use Table.**
2. **Incorporated general regulations from Sec. 14-88. into each residential district where applicable.**
3. **New Setback Tables for each Residential Zoning District.**
4. **Complete redesign of Accessory Structure regulations.**
  - a) Maximum square-footage for all freestanding structures on a building site is fifty percent (50%) of the square footage of the principal structure.
  - b) Maximum square-footage for any one freestanding structure on a building site is one thousand (1,000) square feet.
  - c) Maximum of four (4) accessory structures on a building site.
  - d) Maximum lot coverage in the rear yard of sixty percent (60%) (flatwork, buildings, pool coping, etc.).
  - e) Maximum of one (1) story in height, the height of the home, or fifteen (15) feet, whichever is less.
5. **Accessory Quarters/Guest Quarters**
  - a) Maximum of 600 SF (if built on the 2nd story of a garage, the maximum square footage shall be the footprint of the garage).
6. **Building height considering FEMA floodplain regulations.**
7. **Remove currently unused District C-2 (Townhouse district).**

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In completing the presentation, Mayor Warren called for public comments.

With no one signing up to speak at the hearing, Mayor Warren and Chairman Faircloth closed the joint public hearing at 7:26 p.m. and the Planning and Zoning Commission retired from the City Council meeting at 7:26 p.m. to conduct its posted meeting agenda and prepare final reports 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.

**Michael Mauriello, 8406 Hawaii, Jersey Village, Texas (713) 466-1716** – Mr. Mauriello spoke to City Council about Citizens' Comments and the item on the agenda about this topic. He is not in favor of making comments less than five minutes. He supports a five-minute rule. He also spoke to HB 2840 approved back in 2019. He read from the Bill. Basically, this Bill is about Citizen's Comments had before or during a public meeting. He feels that this means that residents should be able to stand up and ask questions during the meeting.

**Judy Bruner, 15310 Philippine, Jersey Village, Texas (713) 443-9496** – Ms. Bruner spoke to City Council about air b-n-b's. She read information about what constitutes an air b-n-b. She is concerned about allowing air b-n-b's in our City. She explained that there is a large home next door to her that currently operates as an air b-n-b. It is a party home and typically has large attendance. While the listing states no parties and no street parking, these rules are not always adhered to. She went on to say that there are many young neighborhood children that live on this block and she is concerned for their safety. She stated that one night there were over 30 cars attending a party at this home. She said that the parties are loud and their driving is loud because they burn rubber when they leave. She does not support air b-n-b's. She would like that no parking signs be placed in this area to better control parking on the street. She gave her input as to how the City might control future air b-n-b's in the City.

**Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430** – Mr. Maloy spoke to City Council about the fund balance report from September 9, 2022 – the golf course fund. It appears that the golf course for the 2021-2022 budget year is showing an operating loss. He wants to know where the money will come from to cover this loss. He stated that when the course was purchased, the debt was only to be paid for by the revenues from the course. This is not happening and course revenues have not covered operation of the course in many months. He went on to give figures that the City has had to pay to help cover the cost of the course. He claims with the new project to build a club house, the City will have put \$26 million into the course that was not from course revenues. He went on to say that he does not support City Council to reduce the time allotted to residents to make Citizen Comments.

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**Bruce Bowden, 16325 Lewis Street, Jersey Village, Texas (713) 410-9766** – Mr. Bowden spoke to City Council about making a decision on the City’s golf course. He believes that the course is not profitable. City Council needs to make a decision to let the course become profitable by cutting expenses. If it still cannot make a profit, then the Council needs to make a decision about discontinuing the course. He also spoke to City Council about the tax rate. He wants to know what the Council will do with the funds that this rate will raise. He stated that the set rate will bring in more funds than expenses. He told City Council that when he was on Council, they allowed the residents to participate in the meeting and were allowed to interrupt the meeting to have their comments heard. He believes that Council should allow only 60 minutes for resident comments during the meeting. He does not support a limit per resident. He closed by stating that he does not support the Code changes that are being proposed.

**Jeff Kopecky, 16125 DeLozier, Jersey Village, Texas (713) 849-2918** – Mr. Kopecky spoke to City Council about the five-minute time limit for Council Comments. He supports the five-minute limit. He said that in years past, residents were allowed to ask questions and these questions were answered. He also stated that the City has code enforcement issues that need to be addressed.

**Robert Kubala, 16001 Lakeview Drive, Jersey Village, Texas (432) 553-3247** – Mr. Kubala told City Council that he sent an email to the Council members about his concerns. He is against a new golf course club house and likes the five-minute time limit for Council Comments.

**Dawn Eubanks, 16302 Wall Street, Jersey Village, Texas (832) 816-0062** – Ms. Eubanks spoke to City Council about Jersey Village. She said it is the best place in the world to live. She said when it comes to City services, things get addressed quickly. We have great City services. If we lived in Houston or only in Harris County, our services would not be as good. She feels that the golf course increases the value of our property. She also stated that we have a great police and fire department, and they have a response time in less than five minutes. We live in the best place and the best time in the whole world. She supports our City Council and our City.

**Jim Fields, 16413 St. Helier, Jersey Village, Texas (713) 206-1184** – Mr. Fields thanked the Mayor for his work. He stated that anytime he has emailed the Mayor, he has received a response within minutes. He also thanked Council Member McCrea, Wasson, and Sheppard. All three Council Members and the Mayor responded quickly. He stated that Council Member Singleton did not respond to his requests. He thanked the City for the new zip lines at two of the City’s Parks. He also had comments about Code Enforcement issues, pointing out issues that have not been addressed. He does not want Citizens’ Comment time limits to be reduced. He supports a five-minute limit. He closed by stating that Jersey Village residents are overtaxed. He believes that overages should be returned to Jersey Village residents. He is also against the large capital projects without resident input.

In response to Mr. Fields’ comments, Council Member Singleton explained that he did respond to Mr. Fields’ questions, but he was only satisfied with the response when he received input from the Mayor.

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**Kimberly Henao, 15601 Singapore Lane, Jersey Village, Texas (832) 689-9878** – Ms. Henao spoke to City Council about historical information from 1984 to include information about the Texas sesquicentennial celebration, Village Fair Day, City beautification with 27 live oak trees, over 65 tax exemption increases, stop sign placement and much, much more.

**Eric Henao, 15601 Singapore Lane, Jersey Village, Texas (832) 567-0974** – Mr. Henao spoke to City Council about the end of year activities. He thanked the City and JVPD for a great National Night Out. He stated that he had about 25 people show up to his home. He is looking forward to the fall festivities. He also told City Council that he does not support short term rentals and would like to see regulations. He supports a five-minute time limit for public comments. He stated that the City of Houston only gives three-minutes, and another area board only gives one minute. Nonetheless, he supports the five-minute time limit.

**F. CITY MANAGER’S REPORT**

City Manager Bless gave the following monthly report.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – August 2022, General Fund Budget Projections as of September 2022, Utility Fund Budget Projections – September 2022, and Quarterly Investment Report – September 30, 2022.**
- 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.

- 1. Consider approval of the Minutes for the Regular Session Meeting, the Special Session Meeting, and the Work Session Meeting all held on September 12, 2022 and Minutes from the Special Session Meeting held on September 26, 2022.**

Council Member Mitcham moved to approve item 1 on the Consent Agenda. Council Member Wasson seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**H. REGULAR AGENDA**

**1. Consider Resolution No. 2022-61, designating a city representative and an alternate representative to the Houston-Galveston Area Council's 2023 General Assembly.**

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

Houston Galveston Area Council (HGAC) has requested the City's participation in selecting a City representative for the Houston Galveston Area Council 2023 General Assembly.

Council Member Michelle Mitcham was the designated representative and Councilmember Drew Wasson was the designated alternate representative for the Houston Galveston Area Council 2022 General Assembly.

This item is to designate a city representative and alternate representative to the Houston Galveston Area Council 2023 General Assembly. The Representative will need to attend the November 3 meeting outlined below.

A dinner meeting of Home Rule city representatives is scheduled for **Thursday, November 3 at 6:30 pm to 9:00 pm**. It will be at the Embassy Suites Houston West-Katy (16435 Katy Freeway, Houston, TX, 77094). At that meeting, your 2023 Home Rule Cities' representatives will be elected to the H-GAC Board of Directors.

With limited discussion on the matter, Council Member Sheppard moved to approve Resolution No. 2022-61, designating Michelle Mitcham as city representative and James Singleton an alternate representative to the Houston-Galveston Area Council's 2023 General Assembly. Council Member McCrea seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2022-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DESIGNATING A CITY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE HOUSTON-GALVESTON AREA COUNCIL'S 2023 GENERAL ASSEMBLY.

**2. Discuss and provide feedback to staff regarding short term rentals in the City.**

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

There has been discussion about short term rentals (STR) in Jersey Village at the Planning and Zoning Commission. As such staff has done some research concerning this issue.

Currently we are aware of 7 homes in Jersey Village that are actively listed on short term rental sites (Air BnB, VRBO, etc.). We have worked with all of those homeowners to ensure that they are paying the appropriate hotel occupancy taxes. According to our records they are current on the taxes.

Of those 7 locations, we have had 4 calls for service to the Jersey Village Police Department, with none of the calls being reasonably associated with them being a short-term rental.

One area of concern has been deed restrictions that may exist that would require homes to be used for residential purposes only, and whether or not a short term rental would meet that requirement. In my research, I found a Texas Supreme Court case, TARR v. TIMBERWOOD PARK OWNERS ASSOCIATION INC, where the Texas Supreme Court ruled that a short-term rental does not violate the residential covenant of a deed restriction, unless the deed restriction is specific as to length of stay in a home. None of the deed restrictions in place today would meet that requirement.

In August 2022, the Fifth Circuit US Court of Appeals ruled that a city cannot ban non-resident owners from renting out their homes for short term rentals in the case of Hignell-Stark v. City of New Orleans, 46 F.4th 317 (5th Cir. 2022).

Many cities, big and small, around the state and around the country are dealing with this issue in different ways. Some cities require these places to have city licenses, increased measures of fire safety, and limit the number of people in bedrooms, a guide for being a good neighbor, etc. Some other ordinances also have a Tier rating system, similar to what we have with hotels, that revokes the location's license to operate when a high number of calls for service is generated.

The exhibits for this item show possible ordinances the Council could consider on this issue. The Council will not take any action tonight, as staff is looking for direction from Council on how to move forward on this issue.

Council engaged in discussion about short term rentals. Some members agreed with the comments made by Judy Bruner during the public comment section of the meeting. The activities going on at that particular rental are loud and bothersome. Some members felt that we need to maintain the integrity of Jersey Village as being a residential area. Some agreed that we need to regulate short term rentals and that perhaps we need to set a maximum number of rentals with a maximum occupancy per rental. A maximum occupancy supports safety issues. Some support the tier rating method for short term rentals, but non-calls should not count against the owner. We should require inspections

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of any short-term rental facilities. Another ideal for regulating, would be to require that there is no parking on the street; however, enforcement may be an issue. It was also suggested that we require that these homes must have a fire sprinkler system, if this is legal, since these homes have a higher risk for loss of property and life. Other ideas are to have a maximum number of days for each rental, limit rental ages to 25, and owners must give the City a contact number in cases of emergencies and problems. The consensus was that these type rentals must be regulated.

The permitting of these type rentals was discussed. City Attorney Pruitt stated that it could be done by Specific Use Permits (SUP) where conditions can be set on a case-by-case basis. The more defensible method is through zoning and through a SUP.

Some members were concerned that in our community it might be possible to hide that these rentals exist and it may be difficult to enforce. Keeping this in mind, it was suggested that we may not want to over regulate which would result in operation in the shadows. However, some of the ideas mentioned tonight are good and should be explored. A permitting system should help with enforcement. City Attorney Pruitt added that if you have a problem, air b-n-b does have a mechanism to receive complaints about properties wherein air-b-n-b will address the issues with these properties. Some members felt that we need to know what less touristy cities are doing.

Council thanked staff for their work on bringing this information to City Council.

Council spoke to safety in renting these facilities. It is an issue and something that should be taken into consideration when setting regulations for these short-term rentals.

With no further discussion on the matter, Mayor Warren called the next item on the agenda as follows:

**3. Consider Resolution 2022-62, setting Rules for Public Comment at City Council Work Sessions, Special Sessions and Regular Sessions.**

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

Staff has looked at what other cities around the state do regarding Citizen Comments at Council meetings, including regular meetings, special meetings, and work sessions.

It appears that three minutes per speaker is what most cities in the area do for all meetings, regardless of the type of meeting. There are two that allow 5 minutes for public comment.

Some cities require citizen comment cards to be turned in before the meeting starts, and if a card is not turned in before the meeting starts the person is not allowed to speak during the public comment segment.

Currently there are no formally adopted rules of procedure for Council Comments. A resolution with possible rules has been drafted for the City Council to discuss and modify as they see fit.

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The Mayor gave some opening comments, mentioning the 2019 change in State Law that required the need for Citizen Comments at all public meetings. Prior to this, public comments were not required at Work Sessions or Special Sessions. Recently, there were many meetings in one evening that brought this issue to come to Council for discussion.

Council engaged in discussion about changing the time limit for these various meetings. Each member gave their input. Most seemed to agree that the five-minute limit is good. However, residents were encouraged to email the Council with their concerns as this form of communication will enable more in-depth conversation about the concern.

Some members felt that for meetings when speakers have opportunity to speak at several different times within an evening, it might be good to limit the length to three minutes.

It was pointed out that the intent of this discussion is to codify the time limit instead of just having a rule that this is how we have always done it. There was discussion about what will happen if after codifying the time limit will the Council be able to limit the time to less than five minutes if on a particular evening there are many signed up to speak. City Attorney Pruitt stated that Council can adjust the time limit and can ask residents to limit repetitious comments. The pros and cons of setting a time limit were discussed.

With no further discussion on the matter, Council Member Mitcham moved to approve Resolution 2022-62, setting Rules for length of time to give Public Comment at City Council Work Sessions at five minutes, Special Sessions five minutes and Regular Sessions five minutes and City Council may by majority on a meeting-by-meeting vote adjust those time periods. Council Member McCrea seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2022-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SETTING RULES FOR PUBLIC COMMENT AT CITY COUNCIL WORK SESSIONS, SPECIAL SESSIONS AND REGULAR SESSIONS.

- 4. Consider Resolution No. 2022-63, receiving the Planning and Zoning Commission's Final Report concerning the repeal and replacement of Chapter 14 "Building and Development", Article I "General", Section 14-88 "Regulations that apply to all districts", in order to allow for updates to residential development standards in accordance with the City's Comprehensive Plan.**

Rick Faircloth, Chairman of the Planning and Zoning Commission, introduced the item. Background information is as follows: The Planning and Zoning Commission met on July

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11, August 15, and September 7, 2022, to discuss and take appropriate concerning the proposal to repeal and replace Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards in accordance with the City’s Comprehensive Plan.

The Commission recommended in its preliminary report, which was submitted to Council at its September 12, 2022, meeting, that Council repeal and replace Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards in accordance with the City’s Comprehensive Plan. Additionally, the Commission requested that a Joint Public Hearing be ordered for October 17, 2022.

On October 17, 2022, the City Council and the Planning and Zoning Commission conducted the joint public hearing and the Planning and Zoning Commission now makes its final report and recommendation and asks that it be received.

Council Member Wasson, as liaison, explained that the P&Z has discussed this over several meetings and no one spoke at the public hearing.

With limited discussion on the matter, Council Member Mitcham moved to approve Resolution No. 2022-63, receiving the Planning and Zoning Commission’s Final Report concerning the repeal and replacement of Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards in accordance with the City’s Comprehensive Plan. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2022-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION’S FINAL REPORT CONCERNING THE REPEAL AND REPLACEMENT OF CHAPTER 14 “BUILDING AND DEVELOPMENT”, ARTICLE I “GENERAL”, SECTION 14-88 “REGULATIONS THAT APPLY TO ALL DISTRICTS”, IN ORDER TO ALLOW FOR UPDATES TO RESIDENTIAL DEVELOPMENT STANDARDS IN ACCORDANCE WITH THE CITY’S COMPREHENSIVE PLAN.

- 5. Consider Resolution No. 2022-64, receiving the Planning and Zoning Commission’s Final Report concerning amendments to Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14**

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**“Building and Development”;** by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety.

Rick Faircloth, Chairman of the Planning and Zoning Commission, introduced the item. Background information is as follows: The Planning and Zoning Commission met on July 11, August 15, and September 7, 2022, to discuss and take appropriate concerning the proposal to amend Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety.

The Commission recommended in its preliminary report, which was submitted to Council at its September 12, 2022, meeting, that Council amend Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety. Additionally, the Commission requested that a Joint Public Hearing be ordered for October 17, 2022.

On October 17, 2022, the City Council and the Planning and Zoning Commission conducted the joint public hearing and the Planning and Zoning Commission now makes its final report and recommendation and asks that it be received.

With limited discussion on the matter, Council Member Sheppard moved to approve Resolution No. 2022-64, receiving the Planning and Zoning Commission’s Final Report concerning amendments to Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety. Council Member Wasson seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2022-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION’S FINAL

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REPORT CONCERNING AMENDMENTS TO CHAPTER 14 “BUILDING AND DEVELOPMENT”, BY AMENDING SECTION 14-5 “DEFINITIONS” TO INCLUDE A DEFINITION FOR HOME OCCUPATION; BY ADDING SECTION 14-100 “RESIDENTIAL PERMITTED USE TABLE” TO CHAPTER 14 “BUILDING AND DEVELOPMENT”; BY REPEALING AND REPLACING SECTIONS 14-101 THROUGH 14-104 OF CHAPTER 14 “BUILDING AND DEVELOPMENT” TO ALLOW FOR UPDATES TO RESIDENTIAL DEVELOPMENT STANDARDS; BY REMOVING SECTION 104-103.1 IN ITS ENTIRETY.

- 6. Consider Ordinance No. 2022-38, 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”, by repealing and replacing Section 14-88 “Regulations that apply to all districts”, to allow for updates to residential development standards; providing a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows: The Planning and Zoning Commission met on July 11, August 15, and September 7, 2022, to discuss and take appropriate concerning the proposal to repeal and replace Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards in accordance with the City’s Comprehensive Plan.

The Planning and Zoning Commission submitted its preliminary report to Council on September 12, 2022, and a Joint Public Hearing was ordered for October 17, 2022.

On October 17, 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 recommendation.

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 repeal and replace Chapter 14 “Building and Development”, Article I “General”, Section 14-88 “Regulations that apply to all districts”, in order to allow for updates to residential development standards in accordance with the City’s Comprehensive Plan.

With limited discussion concerning the amendments, including the base floor flood elevation changes, Council Member Mitcham moved to approve Ordinance No. 2022-38, 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”, by repealing and replacing Section 14-88 “Regulations that apply to all districts”, to allow for updates to residential development standards; providing a severability clause; providing for repeal;

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providing a penalty as provided by Section 1-8 of the Code; and providing an effective date. Council Member Singleton seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2022-38

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”, BY REPEALING AND REPLACING SECTION 14-88 “REGULATIONS THAT APPLY TO ALL DISTRICTS”, TO ALLOW FOR UPDATES TO RESIDENTIAL DEVELOPMENT STANDARDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

- 7. Consider Ordinance No. 2022-39, amending Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas, by amending Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; adding Section 14-100 “Residential permitted use table” to Chapter 14 “Building and development”; repealing and replacing sections 14-101 through 14-104 of chapter 14 “building and Development” to allow for updates to residential development standards; providing that Section 104-103.1 is removed in its entirety; providing a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows: The Planning and Zoning Commission met on July 11, August 15, and September 7, 2022, to discuss and take appropriate concerning the proposal to amend Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety

The Planning and Zoning Commission submitted its preliminary report to Council on September 12, 2022, and a Joint Public Hearing was ordered for October 17, 2022.

On October 17, 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.

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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 Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; by removing Section 104-103.1 in its entirety.

With limited discussion on the matter, Council Member Mitcham moved to approve Ordinance No. 2022-39, amending Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas, by amending Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; adding Section 14-100 “Residential permitted use table” to Chapter 14 “Building and development”; repealing and replacing sections 14-101 through 14-104 of chapter 14 “building and Development” to allow for updates to residential development standards; providing that Section 104-103.1 is removed in its entirety; 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 Singleton seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2022-39

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14 “BUILDING AND DEVELOPMENT”, BY AMENDING SECTION 14-5 “DEFINITIONS” TO INCLUDE A DEFINITION FOR HOME OCCUPATION; ADDING SECTION 14-100 “RESIDENTIAL PERMITTED USE TABLE” TO CHAPTER 14 “BUILDING AND DEVELOPMENT”; REPEALING AND REPLACING SECTIONS 14-101 THROUGH 14-104 OF CHAPTER 14 “BUILDING AND DEVELOPMENT” TO ALLOW FOR UPDATES TO RESIDENTIAL DEVELOPMENT STANDARDS; PROVIDING THAT SECTION 14-103.1 IS REMOVED IN ITS ENTIRETY; 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**

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Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make 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 thanked everyone for coming and for their comments. She reminded all to go and vote.

**Council Member Sheppard:** Council Member Sheppard welcomed the nine new fire fighters. She attended the pinning ceremony this evening. She said she looks forward to great things to come to Jersey Village in the future.

**Council Member Wasson:** Council Member Wasson welcomed the new fire fighters. He recognized Sebastian on receiving employee of the month award. He encouraged everyone to vote and reminded them of the changes in the districting map.

**Council Member Singleton:** Council Member Singleton recognized Sabastian and his dedication to the city. He is always working for the City and takes very good care of our City. He made mention of the upcoming events for the Police and Fire Departments open house and the Fall frolic. He encouraged all to go and vote.

**Council Member McCrea:** Council Member McCrea thank you to police and fire for work with the home coming parade and National Night Out. She made mention that the City is growing and we have many new families in Jersey Village.

**Mayor Warren:** Mayor Warren recognized the new fire fighters. It is exciting to see them all ready to go and eager to serve. Congrats to Sabastian on employee of the month.

**J. RECESS THE REGULAR SESSION**

Mayor Warren recessed the Regular Session to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.087 Deliberation Regarding Economic Development Negotiations, Sections 551.072 – Deliberations about Real Property and 551.071 – Consultations with Attorney at 9:01 p.m.

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**K. EXECUTIVE SESSION**

- 1. Pursuant to the Texas Open Meeting Act Section 551.072 Deliberations about Real Property, and Section 551.071 Consultations with Attorney, a closed meeting to deliberate the potential and possible purchase, exchange, sale, or value of real property, located within TIRZ 3.**
- 2. 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.**

**L. ADJOURN EXECUTIVE SESSION**

Mayor Warren adjourned the Executive Session at 10:27 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive Session.

**M. RECONVENE REGULAR SESSION**

- 1. Consider Resolution No. 2022-65, authorizing the City Manager to finalize negotiations and enter into Purchase Agreements and related documents regarding the acquisition of certain real property located within the boundaries of Tax Increment Reinvestment Zone Number 3 (the “TIRZ”) as recommended by the Board of Directors of the TIRZ, to implement the Project Plans of the TIRZ.**

Austin Bless, City Manager, introduced the item. Background information is as follows: City Council has heretofore recessed into an Executive Session pursuant to Section 551.072 Deliberations about Real Property, and Section 551.071 Consultations with Attorney, to discuss the potential and possible purchase, exchange or value of real property, located within TIRZ 3.

This item is to take action on the possible purchase of land in the TIRZ 3.

With limited discussion on the matter, Council Member Mitcham moved to approve Resolution No. 2022-65, authorizing the City Manager to finalize negotiations and enter into Purchase Agreements and related documents regarding the acquisition of certain real property located within the boundaries of Tax Increment Reinvestment Zone Number 3 (the “TIRZ”) as recommended by the Board of Directors of the TIRZ, to implement the Project Plans of the TIRZ. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

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The motion carried.

RESOLUTION NO. 2022-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE NEGOTIATIONS AND ENTER INTO PURCHASE AGREEMENTS AND RELATED DOCUMENTS REGARDING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER 3 (THE “TIRZ”) AS RECOMMENDED BY THE BOARD OF DIRECTORS OF THE TIRZ, TO IMPLEMENT THE PROJECT PLANS OF THE TIRZ.

2. **Consider Resolution No. 2022-66, authorizing the City Manager to finalize negotiations and enter into Sale Agreements and related documents regarding the sale of certain real property located within the boundaries of Tax Increment Reinvestment Zone Number 3 (the “TIRZ”) as recommended by the Board of Directors of the TIRZ, to implement the Project Plans of the TIRZ.**

This item was not called. No action was taken on this item.

RESOLUTION NO. 2022-66 – NO ACTION TAKEN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE NEGOTIATIONS AND ENTER INTO SALE AGREEMENTS AND RELATED DOCUMENTS REGARDING THE SALE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER 3 (THE “TIRZ”) AS RECOMMENDED BY THE BOARD OF DIRECTORS OF THE TIRZ, TO IMPLEMENT THE PROJECT PLANS OF THE TIRZ.

**N. ADJOURN**

There being no further business on the agenda the meeting was adjourned at 10:28 p.m.



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Lorri Coody, TRMC, City Secretary