

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 27, 2023, 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	

Staff in attendance: Isabel Kato, Finance Director; Kirk Riggs, Chief of Police; Mark Bitz, Fire Chief; and Abram Syphrett, Director of Innovation.

Robert Basford, Assistant City Manager, was not present at this meeting.

B. INVOCATION, PLEDGE OF ALLEGIANCE

1. **Prayer and Pledge by: Council Member Sheri Sheppard**

C. PRESENTATIONS

1. **Presentation of Lifesaving Awards to Officer Morena, Sgt. Scott, Cpl. Broadus, and Officer Trevino.**

Kirk Riggs, Chief of Police, presented the Lifesaving Award to Officer Morena, Sgt. Scott, Cpl. Broadus, and Officer Trevino.

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.

Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713) 206-1184 - Mr. Fields spoke to City Council. He thanked the Council for the sidewalk at Parkway Drive and for taking care of the problems on Seattle Slew. He said that we are making progress with Code Enforcement but mentioned a problem with processing the complaints in Municipal Court. He is concerned about City Council meeting in Executive Session.

Kim Clements, 15926 Lakeview Drive, Jersey Village, Texas (713) 899-0999 – Ms. Clements spoke to City Council. She thanked the police for their hard work and Chief Riggs for his work as well. She spoke about the water meters and relayed her communications about what is happening in the City of Houston. She stated her concerns about the water bills and meters. She asked if City Council has seen the program concerning meters produced by KHOU called “Drain.”

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Jeff Kopecky, 16125 De Lozier, Jersey Village, Texas (713) 385-6927 – Mr. Kopecky stated that he had heard that the City is considering removing the sidewalk located inside Carol Fox Park. He stated that the handprints on the sidewalk were paid for by the parents of the children at the time of installation. He does not want to have this sidewalk removed as it represents Jersey Village history. He does not agree with that decision. City Manager Bless explained that the Parks and Recreation Committee has talked about these sidewalks and stated that these sidewalks and the City's history will be preserved. Council Member Mitcham stated that the ones being sought for removal/repair are those that are deteriorated. However, every effort will be made to preserve the City's history.

Kimberly Henao, 15601 Singapore Lane, Jersey Village, Texas (832) 689-9878 – Ms. Henao gave her 26th installment about the history of Jersey Village. She covered events that took place in 1995.

E. CITY MANAGER'S REPORT

City Manager, Austin Bless gave the following monthly report.

1. **Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – September 2023, General Fund Budget Projections as of October 2023, and Utility Fund Budget Projections – October 2023.**
2. **Fire Departmental Report and Communication Division's Monthly Report**
3. **Police Department Monthly Activity 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**

F. 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.

Before considering the Consent Agenda some members wanted to know when we will hear back on the grant applications. City Manager Bless stated we should hear back by next June and August.

Each Consent Agenda item appears below with background information. Item 3 was pulled from the Consent Agenda for further discussion. Accordingly, Item 3 contains discussion information

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as well as Council's vote, if applicable. The vote for Items 1, 2 and 4 through 6 is found at the end of the Consent Agenda.

1. **Consider approval of the Minutes for the Regular Session Meeting held on October 23, 2023, and the Special Session Meeting held on November 9, 2023.**
2. **Consider Resolution 2023-58, amending and restating the Emergency Water Supply Contract between the City of Jersey Village and Harris County Municipal Utility District No. 168.**

BACKGROUND INFORMATION:

Since 2000 the City of Jersey Village has had an Emergency Water Supply Contract with Harris County Municipal Utility District (MUD) 168. However, at some point in time, the meter for Interconnect #2 located on West Road was removed. Therefore, the MUD is requesting to reconnect that and for an appropriate meter to be installed so that the water usage can be tracked. City staff agrees that it is in the best interest of both parties for a new meter to be installed.

The proposed amendment for the agreement has the following highlights:

- **Joint Ownership:** Both parties, the City and the District, will jointly own the interconnect facilities specified in Exhibit A of the Contract.
- **Water Meter Installation:** The District is responsible for installing a water meter at Interconnect #2, following competitive bidding rules applicable to the District. The costs of meter installation will be shared equally between the Parties.
- **Bid Information:** The District is required to provide the City with copies of all bids or quotes received for the meter installation project.
- **Invoice and Payment:** The District will invoice the City for its share of the meter installation costs before installation, with payment due within forty-five (45) days of receipt. Additionally, any necessary repairs to the Interconnect Facilities will be shared equally in cost, with the City agreeing to pay its portion within forty-five (45) days after receiving an invoice from the District upon completion of the repairs.
- **Maintenance Responsibilities:** Each party is responsible for maintaining the lines on their respective side of the Interconnect Facilities.
- **Interconnects #3 and #4:** Interconnects #3 and #4 will remain disconnected unless otherwise mutually agreed upon in writing by both Parties.
- **Access Rights:** Both parties have access to the cut-off valves at all times, and they may use the Interconnect Facilities to provide water during emergencies as outlined in the Contract.

These provisions ensure shared ownership, maintenance, and access to the interconnect facilities, fostering a cooperative approach to emergency water supply. It is important to note that if both parties face emergencies simultaneously, neither is obligated to deliver water to the other. Supplying water during such times is subject to mutual agreement.

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If the MUD uses water from the City, they would be charged the lowest tier residential rate per 1,000 gallons charged by the City to its residential customers. If the City uses water from the MUD the City would pay at the rate of \$1.50 per 1,000 gallons plus the then-current charges imposed upon the District by the North Harris County Regional Water Authority. City staff will monitor the meter monthly to ensure any usage is actively monitored.

The full agreement is a part of the resolution that is attached with this agenda request.

RESOLUTION NO. 2023-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE AMENDED AND RESTATED EMERGENCY WATER SUPPLY CONTRACT BETWEEN THE CITY OF JERSEY VILLAGE AND HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 168.

- 3. Consider Resolution 2023-59, authorizing and approving membership in the cities served by CenterPoint Gas for the purpose of protecting the interest of the city and its citizens with respect to CenterPoint matters; further suspending the December 4, 2023 effective date of the Statement of Intent of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas to change rates in the Texas division; to permit the city time to study the request and to establish reasonable rates; finding that the city's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the cities served by CenterPoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; 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: On October 30, 2023, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas (CenterPoint or Company) filed a Statement of Intent to Change Rates in. In the filing, CenterPoint is seeking a \$37.4 million increase in annual non-gas revenue or a 5.8% increase over current adjusted revenues, excluding gas costs. In addition to requesting a change in rates, the Company is proposing to consolidate the Houston, Texas Coast, South Texas and Beaumont/East Texas Divisions into a new single division, the Texas Division.

The Gas Utility Regulatory Act permits cities to suspend the rate change for 90 days after the date the rate change would otherwise be effective. The resolution allowing suspension of the rate change must be passed before the December 4, 2023, effective date. The proposed resolution accomplishes the following:

1. Authorizes and approves membership in the cities served by CenterPoint Gas for the purpose of protecting the interest of the city and its citizens with respect to CenterPoint matters;

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2. Suspends the December 4, 2023 effective date of the Statement of Intent of CenterPoint Gas to change rates in the Texas division;
3. Permits the city time to study the request and to establish reasonable rates;
4. Finds that the city's reasonable rate case expenses shall be reimbursed by the company;
5. Authorizes participation with the cities served by CenterPoint Gas; and
6. Hires legal and consulting services to negotiate with the company and direct any necessary litigation and appeals.

Council engaged in limited discussion about this item. Some wondered if we did something like this recently. City Manager Bless explained that we did do this in April or May of this year.

With no further discussion on the matter, Council Member Sheppard moved to approve Resolution 2023-59, authorizing and approving membership in the cities served by CenterPoint Gas for the purpose of protecting the interest of the city and its citizens with respect to CenterPoint matters; further suspending the December 4, 2023 effective date of the Statement of Intent of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas to change rates in the Texas division; to permit the city time to study the request and to establish reasonable rates; finding that the city's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the cities served by CenterPoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; 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. 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. 2023-59

A RESOLUTION BY THE CITY OF JERSEY VILLAGE, TEXAS AUTHORIZING AND APPROVING MEMBERSHIP IN THE CITIES SERVED BY CENTERPOINT GAS (CITIES) FOR THE PURPOSE OF PROTECTING THE INTEREST OF THE CITY AND ITS CITIZENS WITH RESPECT TO CENTERPOINT MATTERS; FURTHER SUSPENDING THE DECEMBER 4, 2023 EFFECTIVE DATE OF THE STATEMENT OF INTENT OF CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS TO CHANGE RATES IN THE TEXAS DIVISION; TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; AUTHORIZING PARTICIPATION WITH THE

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CITIES SERVED BY CENTERPOINT GAS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; 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. 2023-60, casting its ballot for the election of Mike Sullivan to the Board of Directors of the Harris County Appraisal District.**

BACKGROUND INFORMATION:

During the September 18, 2023, Regular Council Session, City Council nominated Mike Sullivan as a candidate for a position on the Board of Directors of the Harris County Appraisal District. The Harris County Appraisal District closed its nomination period for board candidates and is currently requesting City Council to vote for the candidate of its choice. Mr. Sullivan is the only person listed on the ballot for consideration.

RESOLUTION NO. 2023-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

- 5. Consider Resolution 2023-61, authorizing applications for the FEMA FY23 FMA Grant to Elevate Homes.**

BACKGROUND INFORMATION:

Staff recommends the City Council authorize two grant applications for home elevations for the FY2023 FEMA FMA Grants.

Since 2017 there have been about 165 homes that have been identified for potential elevation. These homes are ones that have flooded multiple times and ones that are most susceptible to future flood events even after other flood mitigation projects, such as the expansion of the E100 branch of the bayou, the berm around the golf course, and street drainage improvement projects are completed. The list was created using data from FEMA and the Long-Term Flood Recovery Plan.

Since that time 55 of the homes have been awarded grant funding for home elevations, 6 have been or are being mitigated as part of TIRZ 3, 2 others were purchased by FEMA through HCFCFCD, and 3 others were mitigated by the individual property owners. We also have had about 7 homes that had been awarded grant funding that decided not to elevate their homes. That leaves approximately 92 homes that remain as good candidates to be mitigated as of today.

By my count, based upon conversations with homeowners or the lack of correspondence from homeowners when I've reached out to them by phone, email, and letters, we have

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nearly 95 homeowners that are not interested in home elevations. Tonight, I am recommending one grant application that would elevate 2 homes.

A preliminary benefit cost analysis was done for all those homes. A benefit cost analysis is a process used to measure the benefits of a home elevation (i.e. savings to the flood insurance program) minus the costs associated with doing the elevation. A BCA involves measurable financial metrics such as costs saved as a result of the decision to pursue a project.

The result of a BCA is a Benefit-Cost Ratio (BCR). A project is considered cost-effective when the BCR is 1.0 or greater. A BCR has a value of 1.0 when the costs and benefits equal. If the value is greater than 1 the benefits are greater than the costs. If it's less than 1 then the costs of the project are more than the benefits of it.

For this round of funding, FEMA is allowing a 3% Discount Rate, instead of the typical 7% Discount Rate, for projects that will protect against the impacts of future climate change. As heavy rainfall events are often cited as one of the impacts of climate change, we are using the 3% Discount Rate, which will give us a better BCA score.

Here are the general timelines that have occurred in the past. This does not mean the timelines are the same for future years but is meant to give an estimate of how long it takes.

The City will submit the application to the state in December.

The state will submit the application to FEMA in late January.

FEMA should identify applications for further review in Summer 2023. (This is the first step in the approval process.)

It could take anywhere from 10-20 months for final approval to be given. That means the award would not be final until March – December 2024. This is 16 – 26 months after the city submits the initial application to the state.

Once the award is final it will take about 4 months for homeowners to select contractors (the city pre-qualifies contractors, and homeowners select one of the pre-qualified ones by the City), for contractors to come up with specifications for the exact work to be done.

Once that is done, it takes about 4 months to get the funding for the homes to be elevated. It takes roughly 3 months for a home to be elevated.

In total, it can take between 21 months to 33 months from application to project completion.

Because the grant relies heavily on information from FEMA about flood history of properties, and FEMA requires that information to stay private, the city does not disclose publicly the addresses of the homes that are going to be applied for. All of the homeowners who are in this grant application are aware that their home has been selected.

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Homes included in the proposed Grant are located on Elwood Drive and Jersey Drive. One home is designated as a Severe Repetitive Loss (meaning it has 4 or more losses, or at least 2 losses of more than 50% of the home value at the time of the loss), and one is insured. FEMA will pay 100% of the costs for a Severe Repetitive Loss home and 75% of the costs for an insured home.

The total project cost for this grant application is \$526,331. With a federal cost share of \$449,118 and a local cost share of \$77,213.

The project costs are broken down into construction costs of \$477,071, relocation costs of \$21,960, and administration costs of \$27,300.

RESOLUTION NO. 2023-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING APPLICATIONS FOR THE FEMA FY23 FMA GRANT TO ELEVATE HOMES.

6. Consider Resolution 2023-62, authorizing applications for the FEMA FY23 FMA Grant for a project scoping grant.

BACKGROUND INFORMATION:

As part of the FY23 Funding for the FEMA Flood Mitigation Assistance Program there is \$60,000,000 set aside for Project Scoping activities. A project scoping activity is something that studies the problem and proposes solutions to it.

Back in 2016-2017 the city took on a Long-Term Flood Mitigation Plan. That plan showed four main areas of things the city could do to help mitigate future floods. Those four main areas included a berm around the golf course, Wall Street Neighborhood Drainage Improvements, E100 Bayou Work, and Home Elevations or Buyouts. The Berm and Wall Street Projects are completed. The E100 Bayou Work is scheduled to be completed in Spring 2024. Home Elevations are underway and, as noted in the agenda item for the home elevation grant, it appears we have reached the end of the home elevations for those that are interested at this time. As such, this is a perfect time for us to seek a grant opportunity for a Project Scoping Grant to see if there is more we can do.

The vision for the Project is to have four main components consisting of field surveying, engineering evaluation, engineering mapping, and a Project Identification and Final Report.

Field Surveying – The field survey will involve the creation of an elevation certificate for all homes within the current and proposed 100- and 500-year flood plain in the city. This is approximately 1,500 single-family residential buildings within the city. The surveying will also include street and road surveying to map important pieces of our flood control measures, such as storm water inlets and infrastructure.

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Engineering Evaluation – The hired engineering firm will determine the base flood elevations throughout the city and tabulate against the surveyed finished floor elevations. The engineer will utilize existing hydrologic modeling data and wave surge transects as are published by FEMA to determine base flood elevations at each residential structure. The engineers will also look at what increasing the drainage on each street would do to mitigate flooding.

Engineering Mapping – The hired engineering firm will produce maps that graphically present flood zones, single-family residential addresses, finished floor elevations, adjacent ground elevations, and base flood elevations.

Project Identification and Final Report – The City and the selected Engineer will use the results of the above items to identify which projects should be pursued and applied for under the next funding cycle.

Some projects that are anticipated to be a part of the final project include street drainage improvement projects, home elevations, and other projects that could mitigate future flooding.

Similar to the Long-Term Flood Recovery Plan this project scoping would provide us with the data we need to apply for grants for future projects. Grants, such as ones for street drainage improvements, would allow us to pay for street projects via grant funding. We did this for the Berm/Wall Street Project that had a total project cost of \$7,646,527, and grant funding received from grants written by the city manager is covering about \$7,528,000 of that project. Overall the Long-Term Flood Recovery Plan provided us with the data that we needed to bring in over \$24,600,000 in grant funding for flood mitigation in the city.

The total amount that the city can apply for in this grant is \$900,000. There is also a 25% cost share. That means the total project cost can be \$1,200,000. In doing some preliminary budget estimating, I anticipate the project cost to be approximately \$1,000,000 with a city cost share of \$250,000.

Grant applications are due to the state in January 2024, FEMA award announcements are not anticipated until summer 2024, and final grant award contracts typically take months to complete after the initial announcement before work can begin. It is highly unlikely any substantial costs would be incurred by the city until the Fiscal Year 2025.

RESOLUTION NO. 2023-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING APPLICATIONS FOR THE FEMA FY23 FMA GRANT FOR A PROJECT SCOPING GRANT.

Item 3 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:

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Council Member Mitcham moved to approve items 1, 2 and 4 through 6 on the Consent Agenda. Council Member Singleton seconded the motion. The vote follows:

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

Nays: None

The motion carried.

G. REGULAR AGENDA

- 1. Consider Resolution No. 2023-63, appointing a member to serve in vacant Position Two of the Planning and Zoning Commission (P&Z) and the Capital Improvements Advisory Committee (CIAC) for the term beginning October 1, 2023, and ending September 30, 2025.**

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

This item is for City Council to appoint a member to serve in vacant Position Two of the Planning and Zoning Commission (P&Z) and the Capital Improvements Advisory Committee (CIAC).

In terms of making appointments to the Planning and Zoning Commission and the Capital Improvements Advisory Committee, I have included the applications of interested candidates for the Council's review.

Given that there is already a member on the P&Z/CIAC from the building industry, there is no need to consider the following:

Note: *The P&Z may act as the CIAC if the P&Z includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the P&Z, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee.*

Council engaged in discussion about the interested applicants. After discussion, Council Member Singleton moved to approve Resolution No. 2023-63, appointing Cinthia Kopinitzi to serve in vacant Position Two of the Planning and Zoning Commission (P&Z) and the Capital Improvements Advisory Committee (CIAC) for the term beginning October 1, 2023, and ending September 30, 2025. Council Member Mitcham seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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RESOLUTION NO. 2023-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING A MEMBER TO SERVE IN VACANT POSITION TWO OF THE PLANNING AND ZONING COMMISSION (P&Z) AND THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (CIAC) FOR THE TERM BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2025.

- 2. Consider Ordinance 2023-28, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 70, Utilities, by amending certain Articles and Sections of Chapter 70 to provide for amendments to water and wastewater rate schedules; providing a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.**

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

In August 2023 when the utility rate ordinance was adopted there were some clerical errors made that caused the rate structure to not match what was recommended in the rate study. In order to provide quick and transparent information to the City Council and the citizens of Jersey Village, communications were sent out the same day the error was discovered.

Here's what happened:

Water Rates:

- The monthly base fee for water was correctly updated according to the study.
- However, the consumption rates were not adjusted, leading to a lower charge in the November 2023 bills than what was recommended.

Sewer Rates:

- The monthly base fee and consumption rates were updated, but the consumption rate table header was inaccurately marked, causing confusion.
- The consumption rates intended for Fiscal Year 2024 (FY24) were mistakenly labeled as FY21 rates, and the rates scheduled for FY24 were erroneously set for FY27. This has resulted in higher current consumption rates than recommended.

A preliminary review of all accounts that were billed shows that for the month customers (including residential and commercial) were over billed by a total of \$12,436 all combined. For context we billed about \$586,915 in total last month. For the average residential customer, they paid \$6.12 more than they should have for the monthly bill. It should be noted that some residents paid less than they should have.

The corrected rates are included here for adoption by the City Council. As part of this, Staff recommends that we re-calculate the October bills at the new rates. Those that paid more than should have been billed would receive a credit on their bill that comes out in December. There is nothing residents would have to do in this process, as the bill would be recalculated automatically for everyone. For those that were underbilled, we are

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proposing to not collect that balance, and let that error remain in their favor. If there was a balance due, we would not charge late fees for the month.

The ordinance attached has the correct amounts as recommended in the rate study.

Moving forward we've made it easier for the correct information to be copied from future studies straight into the rate ordinance to make it easier to update and reduce the chance of human errors, such as the one that led to this.

City Staff will communicate this issue to the residents via the weekly newsletter, on the website, social media posts, and of course information that goes out with the bills in December.

I also want to thank the residents for their patience and understanding as we have worked through this issue. Staff fully recognizes the inconvenience this caused, and we appreciate the residents' understanding.

Council engaged in discussion about the proposed Ordinance that will correct the errors previously made in the rate schedules. Some appreciated that the error was caught quickly and that those who were under-charged will not be billed. Others were thankful that a process is in place so this will not happen again.

Some members stated they are getting complaints about the sewer charges. Residents feel that these rates are too high and believe that Council should discuss this matter further. It was also mentioned that only having one meter instead of a second meter for irrigation may be the issue for higher sewer charges. It was felt that perhaps Council can come up with a program to help residents get a second meter.

Given that a Work Session Meeting is being planned, it seems that this topic can be discussed during that meeting. However, City Manager Bleess stated that it is worth considering that we do not have City Staff that can install second meters. Mayor Warren stated that it might be considered that we could go back to the old method of calculating the fees until these matters are resolved. The problem was discussed further.

Some members stated that it may not be fair to charge residents a monthly fee for the second meter if it is not being used. City Manager Bleess stated that residents can inactivate meters during periods of inactivity. Members of Council would like for this information be placed on the website so that residents are aware of this option.

Another idea for the Work Session is that if a resident has a spike in their bill and wants to contest this bill, the overage could be waived once a year. However, it was pointed out that we purchase water from the City of Houston. So, when the City of Houston raises the rates, we must raise the rates as well in order to cover the cost of providing these services. Discussing these issues is best had during a Work Session Meeting.

It was pointed out that the cost of infrastructure has gone up at least three times as much since 2019. This year we budgeted revenues of some \$5M (\$3.6M for water and \$2.1M

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for sewer) and we are spending some \$4.7M for services with the balance being saved for maintenance and repairs to infrastructure. The Utility Fund is only used for utility items. It is self-funding. The bonds are being used for certain projects outlined in the bond information, but these bonds have to be repaid and the repayment comes from the Utility Fund.

The grant monies were discussed. City Manager Bless explained the grant process.

With no further discussions on the matter, Council Member Singleton moved to approve Ordinance 2023-28, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 70, Utilities, by amending certain Articles and Sections of Chapter 70 to provide for amendments to water and wastewater rate schedules; 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 Sheppard seconded the motion. The vote follows:

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

Nays: Council Member McCrea

The motion carried.

ORDINANCE NO. 2023-28

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS; ADOPTING THE UTILITY RATE CALCULATION METHODS; AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, CHAPTER 70, UTILITIES, SECTION 77 TO PROVIDE FOR AMENDMENTS TO WATER AND WASTEWATER RATE SCHEDULES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

3. Discussion on the 2023 Bond Election and possible future bond elections.

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

At the November Election, the residents of Jersey Village authorized two bonds, one for streets/bridges and one for utilities. As such City Staff has put out an RFP for Engineering Services so we can have a list of firms that can do this work that the city can contract with. It should be noted that this RFP was scheduled to go out in November already and was not predicated on the bonds passing. It is Staff's goal to have a list of 3-5 companies that we can pre-qualify for projects.

The Congo Street Project is currently estimated to be ready for bid in February. I'm looking at possible grant applications that we can still use to offset some of the costs for that. As of this writing there is one grant that we may be eligible for, but I've not yet determined if we meet all the requirements.

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The other street/road projects need to be engineered, which we will have a contract to Council no later than March to award engineering to a contractor or contractors for the Singapore, Australia, Seattle, and Solomon Street projects, a pedestrian bridge across the bayou at Equador, and sewer pipe replacement.

As the park and pool bond did not pass the Council needs to discuss what next steps, if any, to take on those items.

Staff is compiling a list of the items that we know need to be worked on and getting cost estimates on that. However, as we have seen each of the past few years, there will likely be some unforeseen issue that occurs at the pool that will necessitate a repair. As we have said, it seems unlikely that the pool could last past the 2024 season, without some extensive and expensive maintenance. Staff would like Council feedback on how much money Council would be willing to invest in the repairs, and at what dollar threshold Council feels it is not the fiscally responsible action to put money into the pool.

If the Council is interested in putting another bond referendum on the ballot, staff would need direction on this. That would include project scope, amount, number of questions, etc. This could be put on the May ballot if Council desires. It is unlikely we would be able to refine the prices too much for the project. However, it would be good for Council to consider a bond committee to help evaluate the projects and provide for a better feedback opportunity from residents before putting it back on the ballot.

To summarize the items that staff would like direction from Council on this evening:

1. Does Council want to do another bond referendum for the pool and park projects?
 - a. If yes, what size and scope?
 - b. What time frame does Council wish to see this in?
2. What is the dollar threshold that Council feels is not fiscally feasible to keep the current pool running?

Council engaged in discussion about conducting a Bond Election in May of 2024. Some members felt that the pool is not worth spending taxpayer dollars on any repairs to the existing pool. We need to replace the pool. Other members felt that rushing this for a May election is not wise. A Bond Committee is a good idea to study the issue and get ready for a November Election.

It was pointed out that the November 2024 Election will be a Presidential Election and there may be a worry that the bond would be overlooked. However, it was also pointed out that County supported elections do draw more voters.

It was the consensus of City Council that they are not interested in spending extra dollars to do pool repairs. However, further discussion is needed to discuss a specific dollar amount. There was also concern about the swim team's use of the pool. There was discussion about closing the pool until further notice. Others felt that the threshold could be nothing over and above the maintenance we have spent over the course of the last two

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years. Others felt that the City should deal with pool problems on a case-by-case basis. Others felt that the City Manager should run the pool and come to City Council when he needs direction. Accordingly, the Council does not need to set a threshold.

City Manager Bless stated that every year we budget for pool maintenance. Is it Council's opinion that when these monies have been expended the pool will be closed? Council has asked that when that happens, Council should be consulted.

To discuss this further, Council would like to have an item on the December agenda.

4. Consider Ordinance No. 2023-29, amending the General Fund Budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, in the amount not to exceed \$2,242,878 to amend various line items from the General Fund Balance in order to provide for the over budget line items and required additional projects.

Isabel Kato, Finance Director, introduced the item. Background information is as follows:

In reviewing the governmental funds financial statements, we realized that some line items were over budgeted due to unforeseen expenditures necessary for the operation of the City. The budget to actual comparisons must be presented within the Annual Comprehensive Financial Report (ACFR) for all the individual governmental funds with legally adopted annual budget, in this case the General Fund. In addition, we need Marquee Screens Replacement \$130,000 since several screen on our marquees have failed and we are requesting a transfer of \$130,000 from the FY 22-23 general fund balance for the replacements of such screens. Furthermore, we are requesting a transfer from the FY 22-23 general fund balance of \$1,000,000 to the Capital Improvement Funds for the New Playground structure for Carol Fox and the ball fields at Clark Henry, which were part of our Capital Improvement Fund Projects. For this reason, it is necessary to request from City Council the approval of these budget amendments to the various line items included on the attached Exhibit A Budget Amendment/Transfer Forms in order to make the necessary adjustments before the closing of fiscal year 2022-2023.

Council engaged in discussion about the marquee signs. There was also a comment about the budget amendment form needing revisions.

With no further discussion on the matter, Council Member Singleton moved to approve Ordinance No. 2023-29, amending the General Fund Budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, in the amount not to exceed \$2,242,878 to amend various line items from the General Fund Balance in order to provide for the over budget line items and required additional projects. Council Member Wasson seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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ORDINANCE NO. 2023-29

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN THE AMOUNT NOT TO EXCEED \$2,242,878 TO ADJUST VARIOUS LINE ITEMS IN THE GENERAL FUND.

- 5. Consider Ordinance 2023-30, amending the Capital Replacement Fund Budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, in the amount not to exceed \$270,000 by increasing revenue line item 07-71-9804 (Sales of Assets – Fire Department) in the amount of \$45,000, 07-72-6574 (Vehicles Fire Department) in the amount of \$95,000 to address typographical errors that were identified after the adoption of the Capital Replacement fund and 07-73-6573 (Computer Equipment) to allocate \$130,000 for the replacement of the screen of the four marquees.**

Isabel Kato, Finance Director, introduced the item. Background information is as follows: These budget amendment are necessary to address typographical errors that were identified after the adoption of the Capital Replacement Fund FY 23-24 budget. Additionally, \$130,000 needs to be allocated for the replacement of the screen on the four marquees. City Council is aware that several screens have malfunctioned, with one repaired and two others replaced using discontinued models, none of which have met our performance expectations. In light of this, we propose the replacement of the screens in our four marquees with new Absen 55” double side outdoor displays. Each display is estimated to cost \$30,000. These screens have a proven record of performance and durability in full sun environments.

With limited discussion on the matter, Council Member Singleton moved to approve Ordinance 2023-30, amending the Capital Replacement Fund Budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, in the amount not to exceed \$270,000 by increasing revenue line item 07-71-9804 (Sales of Assets – Fire Department) in the amount of \$45,000, 07-72-6574 (Vehicles Fire Department) in the amount of \$95,000 to address typographical errors that were identified after the adoption of the Capital Replacement fund and 07-73-6573 (Computer Equipment) to allocate \$130,000 for the replacement of the screen of the four marquees. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2023-30

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CAPITAL REPLACEMENT FUND BUDGET FOR THE FISCAL YEAR BEGINNING

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OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024 IN THE AMOUNT NOT TO EXCEED \$270,000 BY INCREASING REVENUE LINE ITEM 07-71-9804 (SALES OF ASSETS – FIRE DEPARTMENT) IN THE AMOUNT OF \$45,000, EXPENDITURE LINE ITEM 07-72-6574 (VEHICLES FIRE DEPARTMENT) IN THE AMOUNT OF \$95,000 THESE ARE TO ADDRESS TYPOGRAPHICAL ERRORS THAT WERE IDENTIFIED AFTER THE ADOPTION OF THE CAPITAL REPLACEMENT FUND AND EXPENDITURE LINE ITEM 07-73-6573 (COMPUTER EQUIPMENT) TO ALLOCATE \$130,000 FOR THE REPLACEMENT OF THE SCREEN OF THE FOUR MARQUEES.

H. 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 hopes all had a Happy Thanksgiving. She is looking forward to Candy Cane Lane activities. She mentioned that there will be an annual hay ride with Post Elementary on December 21. She invites all to attend.

Council Member Sheppard: Council Member Sheppard stated that the next Community Event is Holiday in the Park on December 2. She invited all to attend.

Council Member Wasson: Council Member Wasson stated that the Holiday in the Park is followed by a parade. There will also be a movie on December 16. He invited all to attend.

Council Member Singleton: Council Member Singleton invited all to attend the Work Session Meeting on water meters.

Council Member McCrea: Council Member McCrea stated that this whole water meter issue is the first time that she has seen so much citizen involvement. It is helpful.

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Mayor Warren: Mayor Warren hopes all had a very Happy Thanksgiving. There are some great City events coming up. He invites all to attend.

I. RECESS THE REGULAR SESSION

Mayor Warren recessed the Regular Session at 8:22 p.m. 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.

J. 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.**

K. ADJOURN EXECUTIVE SESSION AND RECONVENE REGULAR SESSION

Mayor Warren adjourned the Executive Session at 8:56 p.m., and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive Session.

L. RECONVENE REGULAR SESSION

- 1. Discuss and take appropriate action on items discussed in the Executive Session regarding 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.**

No action was taken on this item. No discussion was had.

M. ADJOURN

There being no further business on the agenda the meeting was adjourned at 8:56 p.m.



Lorri Coody, TRMC, City Secretary