

Village of Jones Creek

7207 Stephen F. Austin

Jones Creek, TX 77541

(979)233-2700

CITY COUNCIL REGULAR CALLED MEETING AGENDA & PUBLIC HEARING MINUTES FOR THE MEETING HELD ON SEPTEMBER 20, 2022 AT 6:00 P.M.

The Board of Alderman of the Village of Jones Creek, Texas will hold a Special Called Council Meeting & Public Hearing on the Budget and Tax Rate on September 20th, 2022 at the Village Hall located at 7207 Stephen F. Austin Road, beginning at 6:00 p.m.

1. **CALL TO ORDER** *6:00 pm*
2. **INVOCATION AND PLEDGE OF ALLEGIANCE** *Led by Justin Wright, pledge said by all.*
3. **ROLL CALL OF MEMBERS** *All members present.*
4. **BUSINESS OF VISITORS** (limited to five minutes per person)
Mr. Justin wright gave a brief summary of when City Secretary, Brittney Fairchild came to work for the city, date of August 16, 2021. He was a member of council and the hiring committee at that time, and adequate training was a part of the hiring in process to be expected. He mentioned he did notice hostile actions taken at council meetings before he left as a council member. He mentioned that the predecessor had long term training and schooling for this position. Carl Watson went on to say, Mrs. Brittney Fairchild helped them when she first arrived with the city, his concerns are the same and would like to yield his time to Mr. Wright. Mr. Wright discussed and Submitted Exhibit A regarding New Business Line item f. "Consideration and possible action to terminate the employment of the City Secretary." He explained that the City Secretary was never provided adequate training, and that the city secretary was not subject to a Performance Improvement Plan (PIP) which should come in sequence only after adequate training. Time was yielded again to Mr. Wright by another visitor. Mr. Wright went over items that were addressed and mistakenly made by City Secretary, Beautification meeting not posted, internet services shut off to Marshal Department, Employee's away but falls within the policy, concerns that should have been directed to Brittney, failing to provide documentation to Emergency management coordinator, not working well with other departments, fuel receipts and maintenance records, all trivial and communications not directed to City Secretary. If presented, is this a lack of leadership on the Mayors behalf, to teach and guide her? Mr. Wright also submitted to the City Secretary Exhibit B as reference to yielding time of other individuals to others to be allowed to continue to speak. Reference made to Hutto, TX City Council Meeting –Resolution 2020-081. Exhibit C, which was a list of requests about the City Secretary, asking for No action to be taken at this time until an implementation of a Professional Development plan which would include adequate training and once the program was utilized, then progress into a Professional Improvement Plan (PIP). This to clearly define set learning objectives and competencies with target dates for completion, then following a progressive disciplinary program that shall be utilized with the PIP once proper steps are taken. All agreed upon from the City Secretary and Jones Creek City Council. Mr. Wright asked to initiate a complete Root Cause Investigation

(RCI), free from conflict as to why a legitimate succession and/or professional development plan, including but not limited to job/task-specific and other standardized and adequate training was never developed and implemented through the initial onboarding phase or subsequent employment status (to-date) for City Secretary. Regarding a “hostile working environment” (as defined by EEOC and in conjunction with good faith/practical terms that may not be covered by EEOC) that may have been imposed on City Secretary by Jones Creek City Council members (Individually or collectively) and/or Jones Creek Marshals Department personnel (individually or collectively). The Camera Man, John yielded his time. Mr. Wright went on to ask that all investigation findings that are not in violation with Federal, State, and/or Municipal laws, codes, regulations etcetera, available to Jones Creek Residents, including: Root causes, Contributing Factors, Action item(s) Corrective action(s) and Learnings. He also asked for a non-biased root cause investigation (RCI), which is free from conflict regarding potential “retaliation” that may have been imposed on City Secretary by Jones Creek City Council members (individually or collectively) and Jones Creek Marshals Department personnel (individually or collectively). Mr. Wright also asked for a RCI under the same terms stated before regarding one or more potential disabilities. That may have been caused and/or Exacerbated by actions of Jones Creek City Council members and/or Jones Creek Marshals Department personnel (individually or collectively) and to make all findings available to Jones Creek residents. Mr. Wright asked that Brittney just be given a chance to train. Mr. Wright also submitted after going over, Exhibit D-Goals and Expectations for Brittney Fairchild, City Secretary that was created July 22, 2022 a year after she started. Lack of knowledge, may be the main concern from all members including the mayor but we have to give Brittney a Fair chance. Mrs. Anna Galloway let everyone know that 113lbs of trash was collected this past weekend at the City Wide Clean –up event, a trailer full of tires, that is trash that isn’t in our drains or our water systems, tires that are no longer collecting water contributing to mosquito problems. She also added the Invitation to the Beautification committee’s upcoming meeting tomorrow, September 21, 2022 at 12(Noon). They are discussing how to improve and make the Clean-up event bigger and better for next year. She also added they would discuss the Trunk or Treat to be held here in Jones Creek, which would allow the Adults to be able to compete for the best decorated car, side by side, or pop up. This would also provide a safe and protected area for our residents.

5. OLD BUSINESS

- a. *Discuss and approve the minutes (minutes) for the previous meetings. Alderman, Corey Thomas, Motion to approve the minutes for previous council meetings, City Secretary, Brittney Fairchild noted that a discrepancy in the minutes needed to be corrected under line item e. (Executive session) Alderman, AJ Jinkins made the motion, and Alderman, David Galloway, 2nd this action. Alderman, AJ Jinkins 2nd the motion, all in favor, motion carried.*
- b. *Discuss and consider approval of the financial statements. City Secretary went over a summarized report of funds for council, until CPA goes over accounting, reports for Budget vs actual will not be available, but she wanted to submit something to council. Alderwoman, Nicole Hardesty motion to approve the reports minus the City Financials, Alderman, Corey Thomas 2nd, all in favor, motion carried.*
- c. *Discuss and consider street and drainage updates from Drainage Liaison Corey Thomas. Mr. Thomas made everyone aware that the Live Oak project has been completed; they will need to address two roadway crossings. Pipe is available for the Road Crossing on Stephen F. Austin, City Secretary, Brittney Fairchild confirmed we are waiting on pipe*

for Mrs. Lisa Stockton's driveway. Complaint on Nelson has been completed and taken care of, they didn't have to redo the driveway but did regrade. Mr. Walls has made a complaint to the City Secretary that a culvert has collapsed. This would be taken care of when Smith is redone with funds we received from CenterPoint Energy. Quoted from County to provide labor within our interlocal agreement. Mr. Thomas wants to get with the county engineer to meet and discuss Robinhood Lane, County and City will have to work together to get this project in order and open up the far end for better drainage. Starting at the back outfall and moving forward towards Stephen F. Austin. The City will replace culverts when it does get to us, possible regrading. Alderman, Glenn Jordan mentioned a 2nd outfall in that area.

** Alderman Corey Thomas, motioned we move item New Business 6.c. after Old Business item c., 2nd Alderman, AJ Jinkins, all in favor, motion carried.*

- d. Discuss and consider Brazoria County Interlocal agreements and annual road plan. Discussion on FEMA Grant roads, Live Oak, E. Stephen F. Austin, and Frontier Ln. Alderman, David Galloway motion to approve Interlocal Agreement, 2nd Alderwoman, Nicole Hardesty, all in favor, motion carried. FEMA Grant funds that are available were around 66,000 would be applied to this project. The Marshal has not received confirmation that they will increase the amount but it has been requested. The ARPA Funds would be exhausted if used to reconstruct these roads based on County Pricing. \$195,000, estimated cost from County, but City Secretary added that The City would still be responsible for the estimated \$22,000 for FEMA. We can put these projects on the road plan, and pick and choose if we need to take projects off if needed due to costs. Alderwoman, Nicole Hardesty motion to approve the Annual Road Plan, City Secretary added that Smith Rd should be added because we do have funds from CenterPoint for this project. Alderman Corey Thomas added that due to inflation, this project estimate may have gone up as well. Alderwoman, Nicole Hardesty motioned to add Live Oak, E. Stephen F. Austin, Frontier Ln, and Smith to be added to the Annual Road Plan, to include overlay and reconstruction, Alderman, David Galloway 2nd, all in favor, motion carried.
- d. Discuss and consider updates on ARPA funds. City Secretary, Brittney Fairchild discussed the register items, it was mentioned that what has been spent is less than what was received. Grant Works advised that 2nd funding should start to be received within the next 2 wks or at least know the availability of these funds during that time frame. We added more attachments to the tractor to use the full amount of \$40,000 for Tractor. Premium Pay was based on both Fiscal Years payments for 1yr and set specific amounts.
- e. Discuss and consider payment for Brazoria County Invoice for work completed under HUD on Arrington Lane. Discussion on paying this invoice on out of Street and Drainage funds. Alderwoman, Nicole Hardesty asked Attorney, David Olson what is the next step as what is done next, since we paved a private citizen's driveway, and it is not up to city standards. Can they come after us once this deteriorates? Attorney asked for this information to them and they could review steps. Brief summary, we made the mistake of including a private road on a project, and need to pay invoice. Recommended by Alderwoman, Nicole Hardesty & Alderman, Glenn Jordan, to have the attorney review this invoice and actions relating to payment. Motion to approve payment of the Brazoria County Invoice by Alderman, Corey Thomas, 2ND by Alderman, AJ Jinkins, all in favor, Nay, Alderwoman, Nicole Hardesty, motion carried.
- f. Discuss and consider upcoming events.

The Mayor mentioned the BCCA Meeting to be hosted by the Village of Jones Creek, City Secretary, Brittney Fairchild mentioned National Night Out to be held on October 4, 2022 hosted by the Marshals Department, Trunk or Treat hosted by the Beautification committee being discussed, Christmas in the Creek, we will be needing volunteers for these upcoming events, help with donations, These are big community events and any help is appreciated. The Beautification committee is hosting many events so we can get a beautiful display sign/ board that is digital. Alderwoman, Nicole Hardesty mentioned that the 4H Club wanted to volunteer more and to please reach out to them.

- g. Discuss IRS mileage rate increase 0.04 for Business'.
City Secretary mentioned that this was just something to just make everyone aware of the increase. Rate increase would be going up 0.04 with a current rate of 0.54, (amending these mins to include that this was at the beginning of the year, current rate was 0.58 and now will increase to .62.5 per mile.)

6. NEW BUSINESS

- a. **Public Hearing on the 2022-2023 Budget** *Motion made by Alderwoman, Nicole Hardesty to go into Public Hearing, 2nd Alderman, AJ Jenkins, all in favor, motion carried.*

Mayor, Terry Jeffers thanked Kimberly Robinson, previous City Secretary for helping do our Budget for the 2022-2023 Budget. Mr. Wright commented saying that he did not know if Brittney (City Secretary) was engaged in doing this or not, but, it would have been great training for her for Budget process. Alderman, AJ Jenkins asked if we could discuss what all we need to do for this process in public record. No further discussion on the budget.

Public Hearing Closed.

- b. **Consider an ordinance 540 adopting the 2022-2023 Budget.**
Matters related to an ordinance adopting the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023 appropriating funds for such budget; containing findings and provisions relating to the subject. By Record Vote

Glenn Jordan , Alderman For / Against / Abstain / Absent / No Vote

Corey Thomas, Alderman For / Against / Abstain / Absent / No Vote

Nicole Hardesty, Alderwoman For / Against / Abstain / Absent / No Vote

David Galloway, Alderman For / Against / Abstain / Absent / No Vote

AJ Jenkins, Alderman For / Against / Abstain / Absent / No Vote

Terry Jeffers, Mayor For / Against / Abstain / Absent / No Vote

Alderwoman, Nicole Hardesty asked the Ordinance was in printed packet, City Secretary responded it was emailed to Council members for reference and the Mayor would sign this afterwards.

- c. TxDOT Representative to discuss road expansion project plans and updates.

Maria Pilar Aponte, Brazoria County Area Engineer was present with Project Manager Jason Case, A small presentation over the North Corridor, segment from South of Brazoria to South of Jones Creek. Lane Figuration, 4 lanes which includes the turning lane. Plans for the Hwy 36 Expansion were presented via a PowerPoint by Tx Dot Representative. Drainage plans are to include a trunk system but also include ditches on both sides. Half of the roadway will be completed including drainage which will have the trunk system in place. They plan to build one side of the road, and then switch traffic to the new constructed roadway and then complete the other side. The Hwy would have a full center turning lane once construction is finished in the Rural area. Residents asked in depth about drainage issues along the highway once it is built. Alderman, Corey Thomas asked if they would be able to take on more water. Residents were reassured that upon planning the Hwy Expansion, they took into consideration the water displacement, they included they planned for inline flow. Resident, Judge Beverly Widner asked about Creekwood Subdivision, blocked ditches currently and there isn't any draining at the current time due to dirt, equipment, construction debris etc. TxDot mentioned that they always take into consideration the drainage, but they would look into this complaint and follow up. Alderman, Corey Thomas asked if plans have been shared with the city. We will get these items from the Marshal. Alderman, David Galloway asked if they took into consideration water draining into ditches. They do indicate in plans flow of water, they ensure the trunk system and ditches can handle the capacity of water that currently flows into them. Resident Tim Hardesty asked if they also took into consideration for storm drainage as well. TxDot responded with the Ditches and trunk system in place it can adequately hold flow of water based on area and current flows. They did not additionally add storm waters but if properly maintained the water should flow as needed, and to storm drains. They did mention that at any time, please report issues on the website. They are quick to respond to these issues. For reference-(www.txdot.gov/about/contact-us.html). This was also posted on our villageofjonescreektexas.com website.

d. Discuss and consider Rezone Application recommendation from the Zoning Commission.

Re: APPLICATION TO GRANT A REZONE AT SMITH STREET & HWY 36, JONES CREEK, TEXAS; LEGAL DESCRIPTION: A0020 S F AUSTIN TRACT 2D1 (DIV 17)ACRES 4.695 (JONES CREEK) FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO A C-NEIGHBORHOOD BUSINESS DISTRICT. Tabled due to no meeting held by Zoning Commission. Another meeting must be held in order for this to be presented. Mayor, Terry Jeffers mentioned to reappoint new members if they cannot show up. Notice was emailed ahead of time prior to meeting.

e. Discuss and consider approving city ordinances.

Ordinance 536 Adding an administrative fee to permits of \$15

Ordinance 537 Trash rate increase

Ordinance 538 Court Fine increase for traffic tickets (*Corrected ordinance mis-type from 548 to 538*)

Ordinance 539 Amendment to Ordinance 471 to also include Animal vs Animal attacks.

City Secretary mentioned that the Minutes for these items were included in council packets for review of previously approved council items relating to the above ordinances. Attorney mentioned that due to obligations, these were not available at this time and since these were approved and passed by council, these could be approved. City Secretary also mentioned the mis-type of 548, which should be 538. Motion made by

Alderwoman, Nicole Hardesty to approve, Ordinance 536, Ordinance 537, Ordinance 538 and Ordinance 539, 2ND Alderman, Corey Thomas, all in favor, motion carried.

f. Consideration and possible action to terminate the employment of the City Secretary.

City Secretary, Brittney Fairchild was given the opportunity to speak on her behalf. She mentioned that this termination was brought up quickly. She did proceed to say that she does acknowledge off and on mistakes in her current role. It has been overwhelming and frustrating, as it was more than she had expected upon taking on this position. Due to time, availability and being short staffed she has not had the proper training to progress in this role. She has reached out to other cities, google, paid for training as it came up that it was needed. She is currently in City Secretary School and completing these courses on her own time. She addressed that financials are not her strong point. She had a basic knowledge of QuickBooks, documents are there but the input has not been up to date. She asked for the availability and consideration from council to approve an extended stay in this position to get the training and prove with the training that she can move forward with the city. This could possibly be with a timeline of what to be done, she said she is where she was last year in the timeline, which means, she knows what to expect. She mentioned getting through elections after never doing this, with help from County for guidance. She has learned and taught the Permitting and Trash departments, any issues with the City, she feels confident that she has an answer or at least knows who to reach out for an answer. Residents now ask specifically for her when calling into the city. She feels that the personable side of this position she has accomplished. She knows that there is a lot more to learn and is willing to do so with more training, if she knows who to learn that from as well. She mentioned she is the sole provider for her family and this is her permanent job. She wants the opportunity to prove herself. She understands that Council does want what's best for the city and that knowledge is key. Mr. Justin Wright made a quick comment stating that during this meeting City Secretary, Brittney has contributed to 12 out of 14 line items, clarification and information as well as keeping council on track with putting her own potential termination on the agenda. He says that, that speaks volumes and she has been actively engaged in almost everything on this agenda tonight very quickly. Judge Beverly Widner stated that from the beginning Brittney has brought a breath of fresh air to City Hall after coming out of a period of a toxic environment before her. She works very well with the public, she has seen her cry many times, sat with her many times with ways to better organize and stay on track, she has been very receptive and in her view she feels that she has failed her as a city in not providing her with proper training. We also failed her with a lack of a timeline. She mentioned that multiple people have come in and out in other departments and she has been thrown into a tailspin. She lacks being able to delegate tasks by staying on one at a time. But this also falls on lack of knowledge. She spends her time helping other departments when the lines get busy, she can't tell someone no because it is needed right then which pushes her work back. When she doesn't know the work being asked, she has to spend time looking into it. She has family commitments at home, she's at a point in her career that she's unsure if this is what she wants because she doesn't have the training and confidence levels are not there, which has her questioning the position. On the items Brittney has learned, she has done very well, not having the resources, she is fully aware she needs more training. When the Mayor gave her the go ahead to only focus on a specific task she did do this. Other departments have to start focusing on trying to find out the answers without disturbing her during this time so she can fully commit to the tasks needing to proceed. She works well with the public, and is teachable; Mrs. Widner thinks she is willing to make that commitment to the city. Do we terminate and have to look for someone else, and be in the same position we are in. Do we give her time? She's been pleasant to work with, is she still willing to do this? Mr. Justin Wright pointed out that again this was knowledge and Lack of leadership. Alderman, David Galloway asked if council could terminate the City Secretary based on Lack of Confidence, and if a time of separation could be presented in the motion. Mayor, Terry Jeffers summarized by saying that the City has never seen this situation. Every City Secretary that has worked here has gone through extensive training and schooling. Brittney has started this schooling and with available time, it takes about a year per module, 4 modules. She has made mistakes along the way, but anyone in this position without training for this position in the future if we have to replace her would have these issues too. People are human, and once a mistake is made, you learn from it and move forward and make sure it doesn't happen again.

He said that he can give her that, once brought to her attention the issue gets resolved. Alderman, David Galloway, said that Brittney has worked her tail end off to get to where she is today. The issue is that the Chief Officer of the city did not sit there and guide her to where she needed to be. He didn't provide her assistance and didn't know how to provide her assistance. When asked for reports that were requested, how do you do so when you do not know? The city secretary was allowed to go that long without any questioning. When you get so far into something and you don't say anything, this becomes an issue. All financials flow through that office, and we cannot do anything if this is not in order. Every dollar is based on a budget and if this budget is not in place than that is an issue. As a human being, he cares for Brittney; he just wants what is best for the city. That's why we (council) were elected. The City Secretary spoke on the reports, saying that up until May, all reports were approved by council, this was not presented as a concern so she was not aware that these financial reports were even needed since what was in the packets was approved. When it was presented, she looked into this and realized it was incorrect; she was uninformed that the Budgeting process was even an issue until this time in May. After finding these issues, we agreed to hire a CPA to further look into these issues to get back on track. She does have her own reconciliation on spreadsheets she uses that isn't apart of QuickBooks, which is councils preferred program. It has been addressed meeting after meeting to move forward with financials. It is time consuming to go back and reconcile based on categories and classes needed but it is in progress. The CPA is helping with this process; she has not sat down with the CPA but has sent them information requested for bookkeeping. They began with the previous fiscal year, end of last year to this New Year we are currently in. Judge Beverly Widner asked to present the time period where these issues were brought to front, and not knowing these mistakes were made, How far along were you (Brittney) in the program? A halt was made so that no continued mistakes were made and presented to council that this was looked into and needed corrections. A new system was also halted so that we did not move into a new place with issues. She sat down with the Marshals department to go over categories and classes that she was not made aware of for items in QuickBooks. She is working on this on her own personal time, as well in between normal business held at the city. A timeframe cannot be given because it is a day to day process but the CPA is helping with this process to speed things up. Possibly in a month these things can progressively be addressed. Mr. Wright asked if Brittney was fully trained to do so and the answer was No. Mr. Tim Hardesty mentioned when applying for a position the job description is presented in detail of what is needed including training. Alderman, AJ Jinkins mentioned that he was led to believe before hiring that she had knowledge of QuickBooks. Alderwoman, Nicole Hardesty mentioned that she was also led to believe this as Brittney knew QuickBooks and the other candidates did not know QuickBooks and that's why she was hired. Marshal Tidwell said it was said that she knew QuickBooks. The Mayor mentioned as well as Mr. Wright that it was acknowledged that she knew basic QuickBooks. Mr. Wright said he would take blame for this misinterpretation of her skillset and to hold him accountable, not her. Resident mentions that a person has to be trained no matter what upon hiring, and now she is being blamed for stuff she hasn't been taught. She came into a mess and now it's not right, give her a chance. Alderwoman, Nicole Hardesty mentioned that if a PIP is given to Brittney, who is going to manage this and make sure it is done. She needs leadership. Alderman, David Galloway asked if he could talk about items in executive session, about her (Brittney's) position could it be talked about and the attorney said yes they could talk about it. City Council put together a smaller council with the Mayor to put together goal settings 3 months ago. Within the last 60 days they put a PIP together, and tried to get that presented to her. This wasn't given to her. The committee consisted of Alderman, AJ Jinkins, Alderwoman, Nicole Hardesty, and the mayor. The 3 of them were going to sit down with Brittney and this did not happen. Alderwoman, Nicole Hardesty, said it was because the Mayor chose to do this himself. When the Mayor was asked if this meeting did happen, he said yes, per Alderman, David Galloway. Mayor, Terry Jeffers said that he went over issues but they were past and already resolved or in progress, QuickBooks, time consuming process. Alderman, Glenn Jordan stated that he doesn't think our leadership hasn't been done correctly. She (Brittney) didn't complete her job because she didn't know what she was supposed to do. If we get rid of her then we are in the same hole we are already in. He loses sleep over this all the time. He doesn't know the answer; he doesn't think we did her any justice.

Alderman, David Galloway motions to moves to terminate the employment of the City Secretary on October 28th, 2ND Alderman, Corey Thomas. Discussion: Mayor Jeffers asked if this was even before an improvement plan was in place? Terminate even if she improves or not? Alderman, Corey Thomas, and David Galloway both were in agreement for this to happen. Alderwoman, Nicole Hardesty did mention that we should give Brittney the opportunity to work on the PIP that David created and worked so hard on. But under the guidance under 2 council members and not the mayor. Lack of Confidence would be the basis of the termination. Attorney said it requires 4 members. The motion on the table is Alderman, David Galloway motions to moves to terminate the employment of the City Secretary on October 28th based on Lack of Confidence, 2ND Alderman, Corey Thomas, in favor Alderman, Corey Thomas, Alderman, David Galloway, Nay Alderman, AJ Jinkins, Alderwoman, Nicole Hardesty, and Alderman, Glenn Jordan. Motion did not pass.

7. ADJOURNMENT

Motion to adjourn by Alderman, Corey Thomas, 2nd Alderman, David Galloway, all in favor, motion carried.

CERTIFICATION

The minutes of this Regular Called and Public Hearing meeting have been reviewed and are known to be true.

Brittney Fairchild, City Secretary

NOTE: ITEMS WILL NOT NECESSARILY BE DISCUSSED AND ACTED ON IN THE ORDER THEY APPEAR ON THE AGENDA. THE BOARD OF ALDERMAN, AT ITS DISCRETION, MAY DISCUSS AND TAKE ACTION ON ANY OR ALL OF THE ITEMS LISTED IN A DIFFERENT ORDER IF A MAJORITY OF THE BOARD SO DETERMINES.

This notice is being posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code). In compliance with the American with Disabilities Act, on request the Village of Jones Creek will provide for reasonable accommodations for persons attending meetings of its Board of Aldermen. Request for such accommodations or for interpreter services should be received 48 hours prior to any meeting. Please contact the Village Secretary's office at 979-233-2700 to request such accommodations.