

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JULY 20, 2009 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

The meeting was called to order by Mayor Hamley at 7:02 p.m. with the following present:

Mayor, Russell Hamley
Council Member, Joyce Berube
Council Member, Rod Erskine
Council Member, Curtis Haverty
Council Member, Ernie English
Council Member, Jill Klein

City Manager, Mike Castro
City Secretary, Lorri Coody
City Attorney, Martha Williams

Staff in attendance: Mark Bitz, Fire Chief, Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

INVOCATION AND PLEDGE OF ALLEGIANCE

PRESENTATION

1. Presentation of Police Department Employee of the Second Quarter, 2009.

Howard Mead, Commander of American Legion Post #324 along with Mayor Hamley made the presentation of the Police Department Employee of the Second Quarter, 2009 to Officer Kelly Lewis. He has five years of law enforcement experience with two of those years being in the City of Jersey Village. He is an accomplished officer with many arrests made within our City. He consistently does well and goes above and beyond his assigned duties.

2. Recognize members of the Planning and Zoning Commission for their service to the City of Jersey Village.

Council Member English and Mayor Hamley recognized the members of the Planning and Zoning Commission which is a seven member board. Council Member English outlined some of the responsibilities of this Commission which are follows:

- a. Advise the city council in the preparation and maintenance of a comprehensive plan and related studies;
- b. Advise the city council in establishing criteria for development of land;
- c. Approve or disapprove all subdivision and development plats within the city and its extraterritorial jurisdiction (ETJ);
- d. Assist the city council in conducting public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan and ordinances and regulations related to it;
- e. Recommend policies to the city council for guiding action affecting development in the city and its environs; and

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- f. Perform other duties that may be specifically assigned to it by the city council that may have a bearing on the preparation or accomplishment of the comprehensive plan.

The following citizens from Jersey Village are serving on this Commission and received certificates of recognition:

	<u>POSITION</u>	<u>FIRST APPOINTED</u>	<u>TERM ENDS</u>
HARRY BECKWITH, III	1	11/08	10/09
VACANT	2		10/09
JOHN HANLEY	3	06/04	10/09
TOM EUSTACE	4	6/08	10/09
DEBRA MERGEL	5	8/06	10/10
DAVID PAUL *CHAIRMAN	6	12/96	10/10
RICK FAIRCLOTH	7	02/08	10/10

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 presentation 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 presentation to the City Council.

Jim Fields, 16413 St. Helier, Jersey Village, Texas 77040 (713) 466-0804 – Mr. Fields addressed Council concerning the responsibility of citizen recognition. He believes Mark Maloy should be recognized for the accomplishments he made on achieving noise abatement with the Harris County Toll Road Rubberized Asphalt Project. Mr. Fields also thanked the City for being proactive with code enforcement and recognized public works for their hard work.

Jeff Kopecky, 16125 Delozier, Jersey Village, Texas 77040 (713) 849-2918 – Mr. Kopecky also spoke to Council concerning Mark Maloy’s noise abatement work and believes Mr. Maloy should be recognized for this work since he accomplished most of this work on his own, and the results of his accomplishments affect many City of Jersey Village residents. Mr. Kopecky told Council that public recognition is warranted.

CITY MANAGER’S REPORT

City Manager Castro introduced Chief of Police Charles Wedemeyer who presented Angela Miller, a new officer with the Jersey Village Police Department. Council welcomed this new officer. She has 8 years of experience in law enforcement.

City Manger Castro also gave an update concerning the recreational vehicle registration process. He told council that the registration process ended July 15, 2009 with 29 residents registering their vehicles and staff fielding 81 calls. In addition to the 29 registrations, two applications

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have been deferred for processing until December 15, 2009, due to the residents being out of town on extended visits. These residents have completed all aspects of the registration process with the exception of presenting the vehicles for measurement.

Mr. Castro reminded Council of the steps that were taken to notify residents of the new zoning change and briefly outlined the various steps.

In item 13 on the report, Mr. Castro called Council's attention to the Moody Bond rating upgrade for the Water and Sewer Fund.

Other items on the City Manager's report are as follows:

1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Red Light Camera Fund, and Quarterly Investment Report.
2. Departmental Request Report and Open Records Request
3. Fire & Emergency Services Departmental Report
4. Police Activity Report, Crime Prevention Unit, Warrant Report, and Investigations/Calls for Service Report.
5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Detailed Report, and Revenue Comparison Report.
6. Public Works Departmental Report and Construction Update Detail
7. Combined Monthly and Annual Mileage Report
8. Golf Course Monthly Report; Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report
9. Capital Improvements Projects Report
10. Code Enforcement Monthly Report
11. Introduction of Police Officer Angela Miller
12. Update on Recreation Vehicle Registration Program
13. Ratings Upgrade from Moody's for Water and Sewer System

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 of the Regular Session Meeting held on June 15, 2009.**

Council Member Berube moved to approve item 1 on the consent agenda. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

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The motion carried.

REGULAR AGENDA

1. Receive Kimley-Horn presentation of results from Notice to Proceed No. 2 of the Transit Oriented Development Feasibility Study.

City Manager, Mike Castro explained that in May 2009, Council authorized Kimley-Horn to undertake work associated with NTP # 2 of the TOD feasibility study. Accordingly, Kimley –Horn interviewed several agencies and individuals on June 17 and June 18. Those interviewed included both public and private entities. The purpose of the interviews was to determine stakeholder interest in potential development within the study area. Stakeholders were asked their concerns regarding Jersey Village’s actions to develop this area.

Mr. Castro explained that Sam Lott from Kimley-Horn was present to answer questions. Mr. Lott addressed Council. He told Council that he believed that the stakeholders appeared to be encouraged and believed this project to be beneficial to all concerned. Mr. Lott reported that the conclusions of the study thus far are that there are no fatal flaws.

Council engaged in discussion about the projected time table. Mr. Lott advised council that the study is on schedule and if we are still on time in accomplishing tasks. There was also discussion about the selection process on how the developers were chosen for the interviews. It was explained that the developers were selected who were familiar with this northwest quadrant of the County. A brief discussion was had concerning the responsiveness of the landowners and this being positive for the TOD.

With no further discussion on this matter, Mayor Hamley called the next item.

2. Receive Storm Water Management Presentation by Jones & Carter.

Danny Segundo, Director of Public Works introduced the representative from Jones & Carter to give a presentation regarding the City’s Storm Water Management Program.

Joseph Ruhnke with Jones and Carter gave the presentation, which covered the following areas:

- History and Background
- General Permit
- Record Keeping
- The Six Minimum Control Measures and Best Management Practices

Council engaged in discussion about using detention ponds constructively to clean storm water, a method called constructive wetlands. No action was required on this item and the Mayor called the next item for consideration.

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3. Consider Ordinance No. 2009-38, adopting a Storm Water Management Program for the City of Jersey Village to promote storm water quality.

Danny Segundo, Public Works Director explained that the purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Jersey Village through the regulation of discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) and Texas Pollutant Discharge Elimination System (TPDES) permit process.

Council Member Haverty moved to approve Ordinance No. 2009-38, adopting a Storm Water Management Program for the City of Jersey Village to promote storm water quality. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-38

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY ADDING A NEW ARTICLE XXI TO CHAPTER 14 THEREOF; PROVIDING RULES AND REGULATIONS RELATING TO STORMWATER MANAGEMENT; REQUIRING A PERMIT; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

4. Discuss and review the status report on the current medical plan as presented by Richard Hillyer.

Group Medical Insurance Consultant, Richard Hillyer gave the status report on the current medical plan to Council. He began by giving the history of the program. He also gave information to Council concerning the status of current claims with TML which have continued to be positive. He stated that it is too early to predict what TML will do during the bid process. He explained that we have visited self funding in the past and have received a proposal on self funding but the providers in the proposal were limited. With the change in our claim status this year, the self funding option may prove to be more positive.

Discussion was had concerning employee satisfaction as well as the percentage paid for by the employee as opposed to the percentage paid for by the City. There was also discussion concerning the number of employees participating in the program which went down 15%

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in total. Council also asked about the City's plan compared to other cities. Mr. Hillyer believes we are competitive with other cities.

5. Consider Resolution No. 2009-41, authorizing an agreement with Richard Hillyer for consultant services for the review of the employees' group medical insurance plans.

Karen Farris, Human Resources Generalist told Council that this item is a request for a consultant to assist the City of Jersey Village in the review of the group medical insurance plans and in the preparation and review of bid documents for proposals received for insurance coverage. Mr. Dick Hillyer has been a consultant for the City since 1998. Funds were approved and appropriated in the current fiscal year budget for such services. Ms. Farris told Council that the bid process will begin in September upon approval by Council of the bid document and authorization to solicit for proposals.

Council Member Berube moved to approve Resolution No. 2009-41, authorizing an agreement with Richard Hillyer for consultant services for the review of the employees' group medical insurance plans. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH RICHARD HILLYER FOR CONSULTANT SERVICES FOR THE REVIEW OF THE EMPLOYEES' GROUP MEDICAL INSURANCE PLANS.

6. Consider Resolution No. 2009-42, authorizing Utility Adjustment Agreement Contracts with Centerpoint Energy, TEPPCO Crude Pipeline and Union Pacific Rail Road for the Jones Road Extension Project.

Project Manager, Erik Tschanz explained to Council that there are three utility adjustments necessary prior to construction of the Jones Road Extension Project. The utility adjustments agreements are from CenterPoint Energy, TEPPCO, and Union Pacific Rail Road. These utility adjustment agreements are part of a formal process and must be signed between the City and each company prior to the project commencing. The utility adjustment agreements are for the following work:

CenterPoint Energy – The relocation of 3-phase electrical primary from nine (9) electrical poles from existing CenterPoint Energy easement at the proposed intersection of Jones Road / Charles Street into road right of way.

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TEPPCO Crude Pipeline – The lowering of two (2) eight-inch (8”) crude oil pipelines to accommodate the extension of Jones Road.

Union Pacific Rail Road - The installation of a 96’ track crossing and related automatic flashing light signals with gates at the proposed U.S. 290 / Jones intersect.

Council Member Berube moved to approve Resolution No. 2009-42, authorizing Utility Adjustment Agreement Contracts with CenterPoint Energy, TEPPCO Crude Pipeline, and Union Pacific Rail Road for the Jones Road Extension Project. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING UTILITY ADJUSTMENT AGREEMENT CONTRACTS WITH CENTERPOINT ENERGY, TEPPCO CRUDE PIPELINE AND UNION PACIFIC RAILROAD FOR THE JONES ROAD EXTENSION PROJECT.

7. Consider Ordinance No. 2009-39, amending the City of Jersey Village fiscal year 2008-09 annual budget (Utility Adjustment Cost for Jones Road Extension Project).

Project Manager, Erik Tschanz explained that this item is the budget amendment that is associated with agenda item number 6 which was just reviewed by Council.

Mr. Tschanz explained that the City received a check from Harris County on June 30, 2009 in the amount of 1,019,660.34; check # 02356290 for utility adjustment costs. However, a budget amendment is needed for an additional 10% above the estimated cost for these utility adjustments or \$101,966.03 for unknown material and labor adjustments which might fluctuate prior to this project commencing. He explained that the 10% contingency difference will come from the City’s general fund.

This item is to first approve the \$1,019,660.34 check received from Harris County for utility adjustment costs associated with the Jones Road Extension Project and second to approve the additional 10% contingency amount (\$101,966.03) from the general fund.

After brief discussion on this matter, Council Member Berube moved to approve Ordinance No. 2009-39, amending the City of Jersey Village fiscal year 2008-09 annual budget for the Utility Adjustment Cost for Jones Road Extension Project. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

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Nays: None

The motion carried.

ORDINANCE NO. 2009-39

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

8. Consider Ordinance No. 2009-40, amending the City of Jersey Village fiscal year 2008-09 annual budget (Retainage fee for North Tahoe Street Improvements).

Project Manager, Erik Tschanz explained that this item is a budget amendment pertaining to the retainage fee for Tahoe Street Improvements, not North Tahoe Street Improvements. He explained that Staff is in the process of closing out the street bond project. The City will pay SER eight percent of the ten percent retainage fee and hold the final 2 percent until the completion of Tahoe.

The Carlsbad portion of paving and drainage and water line repairs were paid out of the Tahoe line item.

The additional monies requested primarily resulted from overruns which occurred during construction of the project with the following:

- a) A “bust” with over all calculated quantities for some of the streets concerning additional concrete paving.
- b) Extra quantities in cost with placing down sod versus hydro-mulching which would not have taken hold in the City’s right of way in the summer’s extreme heat.
- c) An additional fire hydrant, extra water services, and removal of an additional 700 linear feet of storm sewer piping.

The funds will be transferred from the fund balance of Argentina.

After brief discussion on this matter, Council Member Haverty moved to approve Ordinance No. 2009-40 as amended (for Tahoe Street and not North Tahoe Street), which amends the City of Jersey Village’s fiscal year 2008-09 annual budget for the retainage fee for the Tahoe Street Improvements. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-40

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AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

9. Discuss with possible action Ordinance No. 2009-41, amending the City of Jersey Village fiscal year 2008-09 annual budget (2008-09 – Utility Fund Department 45 Salaries Appropriation).

Isabel Kato, Finance Director explained that while preparing the 2010-2011 salary projections, an error in the formula to determine the projected 2008-2009 salaries for the Water Sewer Utility Fund, Department 45 was discovered. Without the necessary corrections, this error will result in a shortage for different line items related to salaries for the Fiscal Year 2008-2009. This item is a request to correct the appropriate line items to cover the shortages connected with the error.

Council Member Berube moved to approve Ordinance No. 2009-41, amending the City of Jersey Village fiscal year 2008-09 annual budget for to correct the 2008-09 – Utility Fund Department 45 Salaries Appropriation. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-41

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

10. Consider Resolution No. 2009-43, appointing a member to fill the unexpired term for Position Two on the Planning and Zoning Commission.

Lorri Coody, City Secretary reported to Council that on June 16, 2009, John Adriance, who serves in position two on this Commission tendered his resignation via telephone stating that he has sold his home and will be moving to Conroe, Texas. As a result of the move, Mr. Adriance will no longer be a resident of Jersey Village; and therefore, is resigning his position on the Commission. Mr. Adriance has served on this Commission since November 2008 and his current term expires September 30, 2009.

Seven applicants seek appointment to this position. The applications were submitted for Council's review.

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Discussion was had on the applicants. A recommendation was made for Mr. O’Neal and Mr. Knerr.

Council Member English moved to appoint Michael O’Neal as Commissioner to fill the unexpired term ending September 30, 2009 for Position Two on the Planning and Zoning Commission. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, English, and Klein

Nays: Council Member Haverty

The motion carried.

RESOLUTION NO. 2009-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING A MEMBER TO FILL THE UNEXPIRED TERM FOR POSITION TWO ON THE PLANNING AND ZONING COMMISSION.

11. **Consider Ordinance No. 2009-42, establishing thirty-six (36) hours as a reasonable limit on the amount of time that personnel are required to spend producing public information to a requestor without recovering its costs attributable to that personnel time; amending Chapter 2, Article IV, Division 2, Section 2-142(e) by adding a new subsection (14) to the Jersey Village Code of Ordinances.**

Lorri Coody, City Secretary explained that the purpose of this item is to establish thirty-six (36) hours as the reasonable amount of cumulative time that personnel are required to spend producing public information for a requestor without recovering costs attributable to that personnel time and to amend Chapter 2 “Administration,” Article IV “Schedule of Fees and Special Funds,” Division 2 “Schedule of Fees,” Section 2-142(e) “Records charges enumerated” of the Jersey Village Code of Ordinances by adding a new subsection numbered subsection (14) to authorize personnel charges after such period of time.

She told Council that the Public Information Act was changed on October 1, 2007 when the 80th Texas Legislature passed HB 2564, which addresses High Volume Public Information Requestors. This bill was introduced because a School District was inundated with public information requests by the parents of a child who had become irate over a decision the school had made regarding a particular situation concerning their child. The requests became financially burdensome and pulled staff away from more important tasks. As a result, HB 2564 was passed which amended Subchapter F, Chapter 552, of the Government Code, adding Section 552.275.

With the amendments to the Public Information Act, governmental entities are now able to establish a reasonable limit (but not less than 36 hours) on the amount of time that personnel are required to spend producing public information for inspection or

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duplication by a requestor, providing copies to the requestor, or complying with a request submitted in the name of a minor without recovering costs attributed to that personnel time.

Staff is requesting that Council establish thirty-six (36) hours as a reasonable limit on the amount of time that personnel of the city are required to spend producing public information to a requestor.

Council engaged in discussion about this change and Ms. Coody and City Manager Mike Castro answered questions accordingly.

Council Member Berube moved to approve Ordinance No. 2009-42, establishing thirty-six (36) hours as a reasonable limit on the amount of time that personnel are required to spend producing public information to a requestor without recovering its costs attributable to that personnel time; amending Chapter 2, Article IV, Division 2, Section 2-142(e) by adding a new subsection (14) to the Jersey Village Code of Ordinances. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE 2009-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ESTABLISHING THIRTY-SIX (36) HOURS AS A REASONABLE LIMIT ON THE AMOUNT OF TIME THAT PERSONNEL OF THE CITY ARE REQUIRED TO SPEND PRODUCING PUBLIC INFORMATION TO A REQUESTOR WITHOUT RECOVERING ITS COSTS ATTRIBUTABLE TO THAT PERSONNEL TIME; AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE IV “SCHEDULE OF FEES AND SPECIAL FUNDS,” DIVISION 2 “SCHEDULE OF FEES,” SECTION 2-142(E) “RECORDS CHARGES ENUMERATED” OF THE CODE OF ORDINANCES, JERSEY VILLAGE, TEXAS, TO ADD A NEW SUBSECTION TO BE NUMBERED SUBSECTION (14) TO ESTABLISH A REASONABLE LIMIT ON THE AMOUNT OF TIME THAT CITY PERSONNEL ARE REQUIRED TO SPEND PRODUCING PUBLIC INFORMATION FOR INSPECTION OR DUPLICATION BY A REQUESTOR, OR PROVIDING COPIES OF PUBLIC INFORMATION TO A REQUESTOR, WITHOUT RECOVERING ITS COSTS ATTRIBUTABLE TO THAT PERSONNEL TIME; CONTAINING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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12. Discuss with possible action either a contract extension with the audit firm of Null-Lairson, PC or the preparation of an RFP for audit services for a period of three year.

Isabel Kato, Director of Finance explained to Council that the contract between the City of Jersey Village and the audit firm of Null-Lairson, PC has expired. Null-Lairson has been the external auditors for the City of Jersey Village since September 2003. They have offered to extend their relationship with the City of Jersey Village in order to perform the end of the year audit for fiscal year 2008-2009.

Ms. Kato told Council that due to the personal service nature of this agreement, staff is respectfully requesting recommendations from Council in either extending the contract with our current auditors Null-Lairson, PC or the preparation of an RFP for audit services for a period of three year.

Discussion was had on the options. The consensus of Council was that the City should take bids and/or proposals for these services.

Council Member English moved to direct staff to prepare an RFP and/or Bid for audit services for a period of three year commencing with the current year. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

13. Discuss and determine the preferred recreational amenities for the 43-acre detention basin.

Michael Brown, Director of Parks reminded Council about the meeting had with Harris County Flood Control District on June 9, 2009. One of the items discussed in this meeting related to potential recreational amenities located within the detention basin, north of Jersey Meadow. Flood Control requested that the city provide a list of desired amenities for planning purposes. Anything provided by the city will not be used to undertake detailed planning: Flood Control will not undertake detailed planning. Rather, the list will be used to gauge the impact of the amenities on the flood-reduction capacity of the basin.

In subsequent conversation with Flood Control officials, it was determined that they only require a broad level of detail at this point. They want to know if Jersey Village wants team fields (softball, football, soccer, cricket, polo, etc.) or “passive” recreation. Passive recreation includes hike and bike trails, bird-watching sites, gazebos, and mostly individual sport activities.

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Mr. Brown told council that this item is to discuss at a broad level, the preferences of council. Input from this discussion will be provided to Flood Control. It is anticipated that once made, this decision will be difficult to reverse.

Discussion was had concerning the available options for the detention area. There was discussion about the needs of the people with consideration given for an adult type park where residents can bring their pets. There was also discussion that consideration should be given to the Park Review Committee's recommendations/survey which suggested that a hike and bike trails are needed and wanted. Mr. Castro read information from the survey for Council regarding the results of this survey.

Walking, jogging, biking, and dog walking were at the top of the survey results with team sports being less important. There was discussion about the possibility of having both passive recreation and team sport recreation venues. There was discussion that Harris County Flood Control wants a general decision from Jersey Village on this item. Jim Pulliam was asked for input on behalf of the Park's Committee. He told Council that the Committee has recommended trails and passive type arrangements.

The consensus of Council was to recommend to the Harris County Flood Control the passive recreational venue options.

14. Discussion with possible action the nomination of a qualified candidate to the Board of Trustees of TML Intergovernmental Employee Benefits Pool, Region 14.

Mike Castro, City Manager explained that the Texas Municipal League Intergovernmental Employee Benefits Board of Trustee Terms for Region 14 will expire on September 30, 2009. The Pool Trust Agreement provides that the term of office is three years and that Pool Members have the opportunity to submit nominations, but must do so by August 12, 2009.

Mr. Ron Crabtree is the incumbent Board Member for Region 14. Mr. Crabtree or any other employee or elected official within Region 14 who is a member of the Pool may be nominated. There are specific rules for qualifying as is outlined in the attached TML Election Policy.

He told Council that this item is to consider and nominate a qualified candidate to the Board of Trustees of TML Intergovernmental Employee Benefits Pool, Region 14.

Council did not take any action on this item.

CITY MANAGER'S COMMENTS

1. Discussion of upcoming budget dates and meetings.

City Manager Mike Castro told Council that August 3, 4 and 5 are the dates set to review the Budget. Tuesday, August 4 will be the CCPD meeting. Mr. Castro also reviewed the other dates that are important to the budget process.

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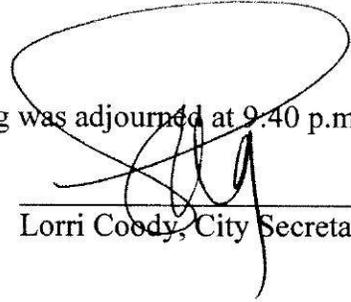
MAYOR'S COMMENTS

- 1. Comments concerning Harris County Flood Control District's work on the Jersey Village Channel Project and the upcoming Neighborhood Meeting to be held on July 23, 2009.**

Mayor Hamley gave information about the Neighborhood Meeting to be held on July 23, 2009.

ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:40 p.m.



Lorri Coody, City Secretary



MINUTES OF THE NEIGHBORHOOD MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JULY 23, 2009 AT 7:00 P.M. AT THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

A quorum of the members of the Jersey Village City Council met on Thursday, July 23, 2009 at 7:00 p.m. at the Civic Center, 16327 Lakeview Drive, Jersey Village, Texas, for the purpose of conducting a Neighborhood Meeting to discuss the Harris County Flood Control Channel Project.

Background information for the meeting included:

The Harris County Flood Control District has begun work on constructing a channel that will divert water from White Oak Bayou around the City during times of intense rain in order to prevent flooding in homes and neighborhoods. The 1.2-mile channel is designed to carry 30 percent of the storm water from White Oak Bayou during times when the Bayou flows are high. Construction began on June 1 and is expected to be completed by the end of 2010, weather permitting.

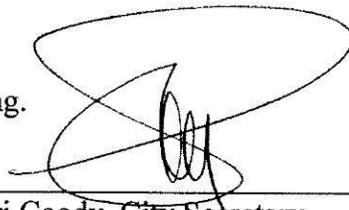
The early stages of the project consisted of harvesting certain trees along the right-of-way adjacent to the City's north corporate limits. This part of the project caused concerns in the area of security, crime, beautification and other areas for our residents. The purpose of the Neighborhood Meeting was to address concerns that residents had in connection with the project.

The following members attended the meeting:

Mayor Russell Hamley;
Council Member Ernie English;
Council Member Joyce Berube;
Council Member Curtis Haverty; and
Council Member Jill Klein

No official business was conducted at this meeting.





Lorri Coody, City Secretary

MINUTES OF THE WORK SESSION MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON AUGUST 3, 2009 AT 6:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order by Mayor Hamley at 6:00 p.m. with the following present:

Mayor, Russell Hamley
Council Member Ernie English
Council Member Joyce Berube
Council Member Rod Erskine
Council Member, Curtis Haverty
Council Member Jill Klein

City Manager Mike Castro
City Secretary, Lorri Coody

Staff in attendance: Mark Bitz, Fire Chief; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; Michael Brown, Director of Parks; Bob Blevins, IT Administrator; Michelle Yi, Assistant Director of Finance and Karen Farris, Personnel Generalist.

B. Review and discuss the proposed fiscal year 2009-2010 municipal budget.

City Manager Mike Castro began the review of the 2009-2010 municipal budget with a presentation including an overview of the following important areas:

- Budget Goals
- Systemic Issues
- FY 2008-2009 Departmental Accomplishments
- Revenue Estimates – General Fund for FY 2010
 - Sales Tax Receipts - Trends from FY 2006 thru FY 2009
 - Sales Tax Revenue Projections for FY 2010 = 9% increase
 - Property Values
 - Property Tax Rate – both Debt Service and Operations/Maintenance
- Franchise Fees, Service Fees, and Fines
- FY 2008-2009 Revenue and Expenditure Projections
- FY 2009-2010 Revenue and Expenditure Projections – Base Budget
- FY 2009-2010 Revenue and Expenditure Projections – Base Budget plus Supplementals
- Departmental Goals for FY 2009-2010
- Supplementals
- Compensation

Council engaged in discussion on the increase for peace officers and if the 4% recommended increase will be sufficient. There was concern that the City is losing experienced officers to the County due to low pay. Nonetheless, Chief Wedemeyer believes that the 4% pay recommendation is a good start. He stated that the City has to start somewhere and to offer the 4% during these hard economic times shows good faith.

WORK SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – August 3, 2009

Council continued to discuss the pros and cons of pay as well as hiring and recruiting procedures for the police department. When the discussion finished, Mr. Castro continued with his presentation as follows:

- Utility Fund
- Coming Attractions
- Budget Calendar

Upon completing the overview of the 2009-2010 fiscal municipal budget, Council asked various questions, which were answered accordingly by Mr. Castro and staff.

Council engaged in a short discussion concerning the tax rate for 2009-2010. Without having all the information from the Harris County Appraisal District, the consensus of Council at this time was that they would like to keep the rate constant.

Mayor Hamley then called for a review of the budget by division and department (the yellow sheets) as follows:

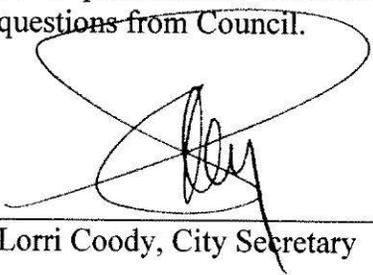
- General Fund - Revenues and Expenses
- Utility Fund - Revenues and Expenses
- Debt Service Fund - Revenues and Expenses
- Impact Fee Fund - Revenues and Expenses
- Motel Tax Fund - Revenues and Expenses
- Asset Forfeiture Fund - Revenues and Expenses
- Capital Replacement Fund - Revenues and Expenses
- Golf Course Fund - Revenues and Expenses
- Court Restricted Fee Fund - Revenues and Expenses
- Street Bond Fund - Revenues and Expenses
- Jones Road Extension Fund
- Red Light Camera Fund - Revenues and Expenses

Public Works Director, Danny Segundo gave a presentation concerning the Capital Improvements Projects for the City and fielded questions from Council.

C. Adjournment.

The meeting was adjourned at 10:45 p.m.





Lorri Coody, City Secretary

MINUTES OF THE WORK SESSION MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON AUGUST 4, 2009 AT 6:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order by Mayor Hamley at 6:22 p.m. with the following present:

Mayor, Russell Hamley
Council Member, Joyce Berube
Council Member, Rod Erskine
Council Member, Ernie English
Council Member Jill Klein

City Manager Mike Castro
City Secretary, Lorri Coody

Council Member, Curtis Haverty was not present when the meeting was called to order but joined the meeting in progress at 6:35 p.m.

Staff in attendance: Mark Bitz, Fire Chief; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; Michael Brown, Director of Parks; Bob Blevins, IT Administrator; Michelle Yi, Assistant Director of Finance and Karen Farris, Personnel Generalist.

B. Consider Resolution No. 2009-44, setting the date, time, and place for a public hearing on the proposed fiscal year 2009-2010 Jersey Village Crime Control and Prevention District budget.

Council Member English moved to approve Resolution No. 2009-44, setting a public hearing on the proposed fiscal year 2009-2010 Jersey Village Crime Control and Prevention District Budget to be held on the 17th day of August 2009, at 7:00 p.m., in the Civic Center Meeting Room, 16327 Lakeview Drive, Jersey Village, Texas 77040. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2009-2010 CRIME CONTROL AND PREVENTION DISTRICT BUDGET; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

C. Consider Resolution No. 2009-45, setting the date, time, and place for a public hearing on the proposed fiscal year 2009-2010 municipal budget.

WORK SESSION MEETING OF THE CITY COUNCIL
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Council Member Berube moved to approve Resolution No. 2009-45, setting a public hearing on the proposed fiscal year 2009-2010 municipal budget to be held on the 14th day of September 2009, at 7:00 p.m., in the Civic Center Meeting Room, 16327 Lakeview Drive, Jersey Village, Texas 77040. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2009-2010 MUNICIPAL BUDGET; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

- D. Consider Resolution No. 2009-46, approving the recommendations of the City of Jersey Village Planning and Zoning Commission concerning the subdivision plat of the Jones Road 290 Commercial Reserve, a 54.93 acre property located at the intersection of the proposed Jones Road extension and Highway 290 and granting an extension of up to one additional year to file the final subdivision plat.**

City Manager Mike Castro explained the item. He told Council that the Planning and Zoning Commission and City Council have given final approval of the plat that is the subject of today's meeting back in June of 2008. However, the City's Code of Ordinances requires that once final approval of a plat has been given, the plat must be recorded with the County Clerk within a 12 month period.

The Jones Road 290 Commercial Reserve Plat had not been signed by all participants until recently and was therefore not ready for filing. Mr. Castro explained that once all the signatures were secured, the 12 month period for recording had passed. As a result, the Code requires that the Planning and Zoning Commission meet to determine the developers' intent and make a recommendation to Council to extend the time to file the final plat with the County Clerk for a period of up to one additional year. Mr. Castro told Council that the Commission met on August 3, 2009 and made this recommendation.

Council Member English moved to approve Resolution No. 2009-46, approving the recommendations of the City of Jersey Village Planning and Zoning Commission concerning the subdivision plat of the Jones Road 290 Commercial Reserve, a 54.93 acre property located at the intersection of the proposed Jones Road extension and Highway 290 and granting an extension of up to one additional year to file the final subdivision plat with the County Clerk. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, English, and Klein

WORK SESSION MEETING OF THE CITY COUNCIL
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Nays: None

The motion carried.

RESOLUTION NO. 2009-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE RECOMMENDATIONS OF THE CITY OF JERSEY VILLAGE PLANNING AND ZONING COMMISSION CONCERNING THE SUBDIVISION PLAT OF THE JONES ROAD 290 COMMERCIAL RESERVE, A 54.93 ACRE PROPERTY LOCATED AT THE INTERSECTION OF THE PROPOSED JONES ROAD EXTENSION AND HIGHWAY 290 AND GRANTING AN EXTENSION OF UP TO ONE ADDITIONAL YEAR TO FILE THE FINAL SUBDIVISION PLAT.

At 6:30 p.m., Mayor Hamley recessed the meeting for ten (10) minutes during which time Council Member Haverty joined the meeting.

Mayor Hamley re-convened the meeting at 6:40 p.m. and asked Finance Director Isabel Kato to outline the changes that were made to the “yellow sheets” of the budget during the August 3, 2009 meeting.

Ms. Kato told Council about the following line items which were changed:

- Prosecutors and Judges
- A 2% COLA for Police was added and the 2% merit was deducted
- A \$1.00 an hour increase was applied to all police
- The Utility Fund was adjusted to reflect the City of Houston Rate Increase
- Fuel was adjusted from \$189,000 to \$172,000
- Engineering Services was decreased from \$15,000 to \$10,000
- The Revenues for the Golf Course Fund were increased
- The War Memorial was moved to the CIP Fund
- The Marquees were moved to the CIP Fund

E. Review and discuss the proposed fiscal year 2009-2010 municipal budget.

Council began the review of the General Fund – Supplementals one item at a time. Each item was introduced by the appropriate department head who fielded questions from Council as required. Upon concluding the introductions, Council engaged in discussion on the various items. There was discussion particularly on which items could be moved from the General Fund to the Crime Control and Prevention District Fund. There was also discussion on the 2% COLA for all employees and the \$1.00 per hour pay increase for police officers.

Council approved the General Fund Supplemental Requests Numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20. They approved a \$1.00 per hour pay increase for police officers along with the 2% COLA for all employees, including police officers to be applied after the \$1.00 per hour increase.

WORK SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – August 4, 2009

Utility Fund

There was discussion about the increase from the City of Houston and the White Oak Bayou Operations and Maintenance supplementals for this fund. After limited discussion, the consensus was that Supplementals 1, 2, and the City of Houston Rate Increase as well as the 2% COLA were approved.

Capital Replacement Fund

This fund is used to capture contributions for future purchases. The capital replacement program was not discussed.

Mayor Hamley called for a ten (10) minute break at 8:25 p.m. He re-convened the meeting at 8:35 p.m.

Golf Course Fund

This is a proprietary fund. Michael Brown explained the supplemental requests. Council engaged in discussion about the various supplemental requests and reached a consensus that supplemental requests 1 through 6 along with the 2% COLA are needed.

Fund 12 – Court Restricted Fee Fund

This fund is only used for Court expenditures. There are 12 supplemental requests for the FY 2009-2010 budget. These requests are not really new requests, because the line items appeared in FY 2008-2009 in the General Fund. These 12 supplemental requests gives the authority to no longer fund the particular accounts from the General Fund, but to fund these court related activities from the appropriate Court Restricted Fee Fund. After hearing the explanation from Finance Director Isabel Kato, Council was of the consensus to approve all 12 supplementals for this fund.

Fund 15- Red Light Camera

Chief Wedemeyer explained the two supplemental for this fund. Council engaged in discussion. They asked if the wearing apparel was for the two officers that were previously granted equipment in a council directive a few council meetings back. Chief Wedemeyer explained that this was for different officers in the Red Light Camera Program.

There was discussion about the fund balance and the spending of funds in order to maximize the program before having to split the funds with the State. Chief Wedemeyer explained that every effort was being made to spend the funds. The consensus of Council was that Supplemental Items 1, 2, and the 2% COLA are approved.

Fund 50 – JVCCPD

Chief Wedemeyer told Council that these Supplementals are for the items already discussed during the Crime Control and Prevention District Meeting earlier this evening. No

WORK SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – August 4, 2009

discussion was had on this fund, with the consensus being that the supplemental would be approved.

CIP Program Changes

Public Works Director, Danny Segundo explained the CIP Program.

He reviewed the changes made from the August 3, 2009 meeting as follows:

1. Veteran's Memorial for \$150,000 was added to year 1 (moved in from General fund)
2. Moved Street Construction for Jersey Meadows for \$2,330,000 to greater than 5 years
3. Added additional 5 Marques for \$183,000 in year 1 (moved in from General fund)
4. Reduced Park Development 43 Acre Detention site from \$500,000 to \$250,000

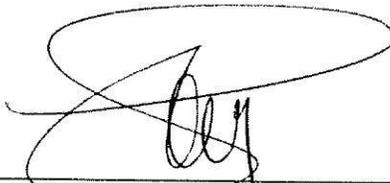
After discussion of the 2009-2010 proposed projects, the following changes were made to the proposed CIP Program as presented:

1. Move the Veteran's Memorial to year 2

Upon completing the discussion on the CIP Program, City Manager Castro reviewed the Budget Calendar with Council, outlining remaining significant dates.

F. Adjournment.

The meeting was adjourned at 9:57 p.m.



Lorri Coody, City Secretary



REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – August 17, 2009

Discussion was had about the required action and to have the City Manager look into what changes would need to be proposed for landscaping. Council also engaged in discussion about the existing permits and if it is necessary to stop the issuance of all permitting until this issue is resolved. Council was more of the mindset to gather information about what can be done to change the existing code to address the problem.

Council Member Erskine moved that staff be directed to investigate the necessary changes needed in the City's building code to address new homes built on lots where the current structure will be removed, with particular emphasis on ensuring that the requirement for significantly elevated slabs associated with the new structure does not result in landscaping that creates drainage problems on adjacent property. The motion was seconded by Council Member Haverty. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

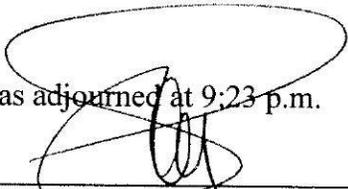
Nays: None

The motion carried.

ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:23 p.m.





Lorri Coody, City Secretary

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 14, 2009 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

The meeting was called to order by Mayor Hamley at 7:02 p.m. with the following present:

Mayor, Russell Hamley
Council Member, Joyce Berube
Council Member, Rod Erskine
Council Member, Curtis Haverty
Council Member, Ernie English
Council Member, Jill Klein

City Manager, Mike Castro
City Secretary, Lorri Coody
City Attorney, Martha Williams

Staff in attendance: Mark Bitz, Fire Chief, Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

INVOCATION AND PLEDGE OF ALLEGIANCE – Keegan Phelps Rae, a member of Boy Scout Troop 1177 of the Sam Houston Area Council

FISCAL 2009-2010 MUNICIPAL BUDGET ITEMS

1. Conduct a public hearing on the City of Jersey Village municipal budget for fiscal year 2009-2010.

- a. Receive presentation pertaining to the City of Jersey Village municipal budget for fiscal year 2009-2010. *Mike Castro, City Manager*

Mayor Hamley opened the public hearing at 7:03 p.m. in order to give all interested parties the right to appear and be heard on the proposed fiscal year 2009-2010 Municipal budget. He advised those in attendance that City Manager Castro would give a short presentation concerning the municipal budget and then public comments would be had.

City Manager Castro gave his presentation which included information on the following topics:

- Budget Goals
- Systemic Issues
- FY 2009-2010 Revenues & Expenditures including Supplementals
- Revenue Estimates: General Fund for FY 2010
- Property Values from 2003 thru 2009
- Property Tax Rate
- Sales Tax Trend for FY 2006 thru FY 2009
- Franchise Fees, Service Fees, and Fines
- FY 2009-2010 General Fund Expenditure Estimates
- Supplementals
- Compensation
- Utility Fund

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➤ Budget Calendar

With one person having signed up to speak at this hearing, the Mayor called:

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas 77040 (713) 937-0408 – Mr. Maloy spoke to Council about his concern over the marquee signs expense. He believes that this should be a two year project and would like for Council to consider same.

With no other persons signing up to speak on the Municipal budget hearing, Mayor Hamley closed the public hearing at 7:22 p.m. and called the next item on the agenda.

2. Consider Ordinance No. 2009-47, adopting the City of Jersey Village municipal budget for fiscal year 2009-2010.

Finance Director, Isabel Kato explained that Section 102-007 of the Local Government Code requires that upon conclusion of the public hearing on the municipal budget, Council shall take action on the proposed budget.

She explained that Council has held the public hearing on the proposed budget for fiscal year 2009-2010 and the proposed budget has been filed with the City Secretary. As a result, changes have been made to the proposed budget as requested by Council. Mrs. Kato recommends that the budget be adopted.

Council Member Berube moved to approve Ordinance No. 2009-47, adopting the municipal budget for fiscal year 2009-2010. Council Member English seconded the motion. The vote follows:

Ayes: Council Members English, Berube, Erskine, Haverty, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-47

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; MAKING APPROPRIATIONS AS REFLECTED IN SAID BUDGET; MAKING CERTAIN FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

3. Receive the Jersey Village Tax Assessor's statutory certifications, submissions, and calculations under Section 26.04 of the Tax Code and set date and time to adopt the proposed tax rate.

Finance Director, Isabel Kato explained that Section 26.04 of the Tax Code requires that the Jersey Village Tax Assessor:

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

- Submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property for the City of Jersey Village;
- Certify the current year estimated collection rate and the amount of debt taxes collected in previous year in excess of the current year's anticipated amount of collections; and
- Calculate and submit the effective tax rate and rollback tax rate.

Mrs. Kato explained that this item accomplishes these tasks. She also explained since this year's proposed tax rate (.7425) does not exceed the effective tax rate, it is not necessary to conduct two public hearings and the motion to adopt the ordinance setting the tax rate does not require the language about "tax increase" as stated in Section 26.05(b) of Property Tax Code.

Mrs. Kato explained that the Tax Code in Section 26.05 requires a taxing unit to adopt its tax rate by the 60th day after the unit receives the certified appraisal roll. The City of Jersey Village received the certified appraisal roll on August 31, 2009; which means that the tax rate should be adopted before October 29, 2009.

Council Member English moved to set the time and date to adopt the proposed tax rate of .7425 as October 19, 2009 at 7:00 P.M. in the City of Jersey Village Council Chamber. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members English, Berube, Erskine, Haverty, and Klein

Nays: None

The motion carried.

PROCLAMATIONS

- 1. Proclamation recognizing the achievements of Keegan Phelps Rae, a member of Boy Scout Troop 1177 of the Sam Houston Area Council, for attaining the rank of Eagle Scout.**

Mayor Hamley presented the Proclamation to Keegan Phelps Rae for the accomplishment of attaining the rank of Eagle Scout.

- 2. Proclamation recognizing Tuesday, October 6, 2009 as National Night Out in Jersey Village to provide a unique opportunity for the City of Jersey Village to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts.**

Mayor Russell Hamley presented the Proclamation declaring October 6, 2009 as National Night Out in Jersey Village, Texas.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

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 presentation 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 presentation to the City Council.

Karen Lance, 16118 Capri, Jersey Village, Texas 77040 (713) 937-9161 – Ms. Lance spoke to Council about a splash pad. She would like to have one in our city and would like Council to consider this as an option for our recreational areas.

Doris Descant, 16205 Crawford, Jersey Village, Texas 77040 (713) 466-6258 – Ms. Descant spoke to Council about the flooding at Carlsbad and Crawford. Since Carlsbad has been re-done, she is concerned about an area near the intersection that is not level. She would like to see this problem resolved because it is causing the flooding.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas 77040 (713) 937-0408 Mr. Maloy addressed Council about a flood light not working properly that is located just off of Ecuador near Philippine - the first house on the right. Mr. Maloy is not exactly sure what is wrong with the light; however, it does not seem to be the motion sensor. Nonetheless, he would like to have this light fixed.

Council Member Joyce Berube told Council that she had received several emails from residents who stated that they could not be present at this meeting containing comments about items on this agenda. She stated that she would like to read these comments to Council at this time. The comments from the emails read by Council Member Berube follow:

Bill and Michele Walker, 16310 Acapulco Drive, Jersey Village, TX (832) 467-1189 – Bill and Michele Walker commented about the proposal to ban trash cans. They are concerned about the trash bag idea and the way it will make the city look. More specifically, there is concern about rodents and trash being strewn over the city if bags are approved as opposed to using trash cans. They are also concerned about the smell, the ability to get bags to the curb, and believe the use of bags is bad for the environment.

Debbie Abeyta, 16226 Seattle, Jersey Village, Texas (713) 896-3074 – Ms. Abeyta supports back door trash pickup.

Shan Nevils, 16005 St. John Court, Jersey Village, Texas (713) 856-7065 – Mrs. Nevils is concerned about loose dogs and wants the leash law enforced. She is concerned that dogs and rodents will get into plastic trash bags and believes bags will be unsightly. She supports recycling and believes that all residents should use the same kind of trash can for uniformity as opposed to trash bags.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

Karen Arnold (832) 282-3074 – Ms. Arnold would like to keep trash pick-up in the city the way it currently is being performed. She does not want to change the practice and have to start using plastic garbage bags.

Joan Coats, 14905 Lakeview Drive, Jersey Village, Texas (713) 849-3315 – Ms. Coats is against the use of plastic bags and is for back door pickup.

Angie Bullington, 15317 Jersey Drive, Jersey Village, Texas (713) 983-9969 – Ms. Bullington is opposed to the use of plastic bags for trash pickup in the City of Jersey Village.

Patrice Krus, 15410 Jersey Drive, Jersey Village, Texas (713) 466-0850 – Ms. Krus is opposed to the use of plastic bags for trash pickup in the City of Jersey Village.

CITY MANAGER’S REPORT

City Manager Mike Castro mentioned the upcoming Harris County Tour of the County’s emergency management operations facility which will take place on October 6. Council Members wishing to participate in the tour must sign up by September 15.

There was a question about the status of the Harris County Toll Road Authority noise abatement project, to which City Manager Castro gave a status update. The rest of the City Manager’s report follows:

- 1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, and Governmental Funds Report.**
- 2. Departmental Request Report and Open Records Request**
- 3. Fire & Emergency Services Departmental Report**
- 4. Police Activity Report, Crime Prevention Unit, Warrant Report, and Investigations/Calls for Service Report.**
- 5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Report Graphs, and Revenue Comparison Report.**
- 6. Public Works Departmental Report, and Construction Update Summary**
- 7. Combined Monthly and Annual Mileage Report**
- 8. Golf Course Monthly Report; Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report**
- 9. Report from Code Enforcement**
- 10. Capital Improvements Projects Report**

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.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

1. **Consider approval of the Minutes for the City Council Regular Meeting held on August 17, 2009.**
2. **Consider Resolution No. 2009-55, appointing a City Health Officer.**

RESOLUTION NO. 2009-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING CITY HEALTH OFFICER.

3. **Consider Resolution No. 2009-56, authorizing a Contract with Harris County, Texas to provide Fire Protection Services to fire protection zone 38.**

RESOLUTION NO. 2009-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ENTERING INTO A CONTRACT TO PROVIDE FIRE PROTECTION SERVICES TO FIRE PROTECTION ZONE 38.

4. **Consider Resolution No. 2009-57, designating a City Representative and an Alternate Representative to the Houston-Galveston Area Council's 2010 General Assembly.**

RESOLUTION NO. 2009-57

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 2010 GENERAL ASSEMBLY.

Council Member English moved to approve items 1 through 4 on the consent agenda. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

REGULAR AGENDA

1. **Consider Resolution No. 2009-58, appointing Devron Limerick as Reserve Police Officer with the City of Jersey Village Police Department.**

Charles Wedemeyer, Chief of Police told Council that the police department has successfully completed the application process for Reserve Police Officer Devron Limerick and respectfully requests that Council appoint him as a reserve officer for the department.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

Council Member Haverty moved to approve Resolution No. 2009-58, appointing Devron Limerick as Reserve Police Officer with the City of Jersey Village Police Department. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING DEVRON LIMERICK AS RESERVE POLICE OFFICER WITH THE CITY OF JERSEY VILLAGE POLICE DEPARTMENT.

2. Administer Oath to Reserve Police Officer, Devron Limerick and presentation of the officer's badge by Chief of Police, Charles Wedemeyer.

Chief of Police, Charles Wedemeyer administered the oath of office to newly appointed Reserve Officer Devron Limerick and pinned him with the City of Jersey Village Police Department's officer badge.

3. Consider Resolution No. 2009-59, authorizing the volunteer membership of the Fire Department to retain Engine 3532 for events, shows, and parades while assuming all mechanical and financial responsibility of this classic truck.

Mark Bitz, Fire Chief explained that last year Council authorized the purchase of a new fire truck to replace engine 3532, a 1978 Pierce Fire Truck. The new truck has been purchased and has arrived.

The volunteer membership has requested to keep the 1978 fire truck as a show piece/parade truck. They recently presented a plan to store the fire truck, maintain the fire truck, pay for the up keep and insurance for the truck etc. There would be no cost to the city. This vehicle is being taken out of active service and will no longer respond to any calls. It does not meet NFPA standards and should not be a first line fire truck. The current value of this classic truck is approximately \$5000.

Fire Chief Bitz told Council that the volunteers of the organization were present to answer any questions.

Discussion was had about the City paying for the upkeep. Chief Bitz explained that the cost is minimal and that the volunteers already have a fund-raiser in place to handle these expenses. There was also discussion about how this truck was used prior to the delivery of the new truck even though it does not meet standards and could it continue to be used if a new station was built. Council also discussed storage and how it would be used by the volunteers.

SPECIAL MEETING OF THE CITY COUNCIL
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Council engaged in further discussion about the fund-raisers needed to pay for these expenses. Chief Bitz explained that the fund-raisers, one of which is the firefighter calendars. There was also discussion about the original plan of selling this truck to another fire fighting entity.

Council Member Haverty moved to approve Resolution No. 2009-59, authorizing the volunteer membership of the Fire Department to retain Engine 3532 for events, shows, and parades as amended by deleting paragraphs 6 and 7. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE VOLUNTEER MEMBERSHIP OF THE FIRE DEPARTMENT TO RETAIN ENGINE 3532 FOR EVENTS, SHOWS, AND PARADES WHILE ASSUMING ALL MECHANICAL AND FINANCIAL RESPONSIBILITY OF THIS CLASSIC TRUCK.

4. Discuss and take appropriate action concerning a presentation from Chief Wedemeyer regarding the Impact Study-First Week School Year 2009-2010.

Chief of Police, Charles Wedemeyer told Council that this item is to present information gathered since the August City Council meeting wherein concerns were voiced for the loss of Cy-Fair Independent School District bus service to portions of the City of Jersey Village. Since that meeting, the Police Department has developed a Plan of Action and Assignments to determine the effect of said loss of bus service. Chief Wedemeyer presented the information to Council.

He told Council that there were essentially little to no problems with the change. He explained the official student numbers to Council, those being 891 students with only 52 of these registered as walkers at Post Elementary.

Discussion was had about the comparison of the numbers to those from last year as well as discussion about the number of those students being bused in from outside of Jersey Village. There was discussion about the “traffic cones” being placed down Senate, the time of day that these cones are being placed and picked up, and how long this activity will continue. City Manager Castro explained that the practice will most likely take place for at least the first month of school and then again for one month after the Christmas break.

There was discussion about placing caution/school signs along Senate. Mr. Castro explained that it is possible to do so if Council desires. No action was taken on this item.

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5. Consider Resolution No. 2009-60, appointing members to the Planning and Zoning Commission, the Board of Adjustment, the Building Board of Adjustment, the Recreation and Events Committee, and the Golf Course Advisory Committee.

City Secretary, Lorri Coody told Council that each year during September, Council reviews the positions on the Boards and Commissions whose terms will expire in October and makes decisions to either re-appoint those members who desire re-appointment or consider appointments from the pool of new applicants.

The City currently has five active Boards requiring appointments. Ms. Coody explained that while each of the five Boards will have positions requiring appointments, only the Building Board of Adjustment and Appeals and the Recreation and Events Committee each have one vacant position.

Council elected to proceed with this item one Board at a time in the order consistent with that listed in Exhibit A. Accordingly, Mayor Hamley asked for appointment information for the Planning and Zoning Commission. City Secretary, Lorri Coody explained that there are no vacant positions on this Commission; however, the term of office for Positions 1, 2, 3, and 4 expire on September 30, 2009. The new term for these positions begins on October 1, 2009 and will end on September 30, 2011.

Ms. Coody explained that she has received applications from residents interested in serving on this Commission as follows:

Edwin Knerr,	Jim C. Box	Harold F. Smith, Jr.	Justin Ray
J. B. Pennington	M. Reza Khalili	Barbara Freeman	

In addition to the pending applications, the incumbent members serving on the Commission desire re-appointment.

In consideration of the new applicants desiring appointment to this Commission and the desire of those seeking re-appointment, Council Member English moved to approve the following appointments to this Commission for the term to begin October 1, 2009 and end September 30, 2011:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
HARRY BECKWITH, III	1	10/09	09/11
MICHAEL R. O'NEAL	2	10/09	09/11
JOHN HANLEY	3	10/09	09/11
TOM EUSTACE	4	10/09	09/11

Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

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Nays: None

The motion carried.

Mayor Hamley called for the appointment information for the Board of Adjustment. Ms. Coody explained that this is a five member Board with two alternate members. Currently, there are no vacant positions on this Board; however, the term of office for Positions 1, 2, 3, and A1 will expire on September 30, 2009. The new term for these positions begins on October 1, 2009 and will end on September 30, 2011.

The incumbent members of this Board desire re-appointment to the two year term beginning October 1, 2009 and ending September 30, 2011.

Ms. Coody explained that there is only one application request to consider for this Board. Alternate member, Mary Neil Ormston is interested in being appointed as a full serving member of this Board. In consideration of this request and the desire of those seeking re-appointment, Council Member Berube moves to approve the following appointments to this Board for the term to begin October 1, 2009 and end September 30, 2011:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
HENRY R. HERMIS, JR.	1	10/09	09/11
ROBERT CUNNINGHAM	2	10/09	09/11
THOMAS SIMCHAK	3	10/09	09/11
MARY NEIL ORMSTON (Alternate)	A1	10/09	09/11

Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Mayor Hamley called for appointment information for the Building Board of Adjustment and Appeals. Ms. Coody explained that this is a seven member Board and there is one vacant position on the Building Board of Adjustment and Appeals with a term to expire September 30, 2010 and the term of office for Positions 5, 6, and 7 will expire on September 30, 2009. The new term for positions 5, 6, and 7 begins on October 1, 2009 and will end on September 30, 2011.

One application has been received from M. Reza Khalili who is interested in serving on this Board and the incumbent members serving on this Board desire re-appointment to the two year term beginning October 1, 2009 and ending September 30, 2011.

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In consideration of the new applicant desiring appointment to this Board and the desire of those seeking re-appointment, Council Member Berube moves approves the following appointments to this Board for the positions and terms listed:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
M. REZA KHALILI	1	10/08	09/10
ARI FLEITMAN	5	10/09	09/11
MICHAEL O’KELLEY	6	10/09	09/11
GARY VOSSLER	7	10/09	09/11

Council Member Erskine seconds the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Mayor Hamley called for appointment information on the Recreation and Events Committee. Ms. Coody explained that this is a seven member Committee. She told Council that when this committee was created, no term of office was set. Traditionally, member appointments to this committee are evaluated annually.

Currently, there is one vacant position on this Committee, and the term of office for the remaining 6 Positions will expire on September 30, 2009. The new term of office for all positions begins on October 1, 2009 and ends September 30, 2010.

Ms. Coody told Council that she has received one application from France Wubbenhorst who is interested in serving on this Committee.

In addition to this pending application, the incumbent members serving on this Committee desire re-appointment to a one year term beginning October 1, 2009 and ending September 30, 2010.

In consideration of the new applicant desiring appointment to this Committee and the desire of those seeking re-appointment, Council Member Klein moved to approve the following appointments to this Committee for a one year term beginning October 1, 2009 and ending September 30, 2010:

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	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
DOROTHY STARKEY	10/09	09/10
KAYLA TOWLE	10/09	09/10
BARBARA ERSKINE	10/09	09/10
KAREN LISTI	10/09	09/10
KELLEY BAKER	10/09	09/10
DORIS MICHALAK	10/09	09/10
FRANCES WUBBENHORST	10/09	09/10

Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Haverty, English, and Klein

Nays: None

Abstain: Council Member Erskine

The motion carried.

Mayor Hamley called for information on the Golf Course Advisory Committee. Ms. Coody explained that this is a seven member Committee. She told Council that currently, there are no vacant positions on this Committee; however, the term of office for Positions 1 through 7 will expire on September 30, 2009. The new term for these positions begins on October 1, 2009 and will end on September 30, 2010.

Ms. Coody told Council that there are no new applications to consider for appointments to serve on this Committee. The incumbent members desire re-appointment to a one year term beginning October 1, 2009 and ending September 30, 2010.

Council Member Erskine moved to re-appoint the following members to the Golf Course Advisory Committee for a one year term beginning October 1, 2009 and ending September 30, 2010:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
VANCE BURNHAM	1	10/09	09/10
GREG FAIR	2	10/09	09/10
ROBERT GONZALES	3	10/09	09/10
BILL SCHUSTER	4	10/09	09/10
BILL SMITH	5	10/09	09/10

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HAROLD SMITH, JR.	6	10/09	09/10
JOHN TERRELL	7	10/09	09/10

Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Council Member Berube moved to approve Resolution No. 2009-60, appointing members to the Planning and Zoning Commission, the Board of Adjustment, the Building Board of Adjustment, the Recreation and Events Committee, and the Golf Course Advisory Committee as outlined in Exhibit A. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Haverty, English, and Klein

Nays: None

Abstain: Council Member Erskine

The motion carried.

RESOLUTION NO. 2009-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION, ZONING BOARD OF ADJUSTMENT, BUILDING BOARD OF ADJUSTMENT, AND THE GOLF COURSE ADVISORY COMMITTEE.

- 6. Consider Resolution No. 2009-61, authorizing advertisement for Request for Proposals for employee group benefits should there is an increase in Texas Municipal League Intergovernmental Employee Benefits Pool’s re-rate numbers over the current medical premiums.**

City Manager, Mike Castro presented the item. He explained to Council that if there is an increase in Texas Municipal League Intergovernmental Employee Benefits Pool’s re-rate numbers over the current medical premium payments, the city is required to go out for proposal. However, Mr. Castro explained that during the past year, we have had a good claims history and as a result, there is a good possibility that we will not have a rate increase. Nonetheless, we do not have the re-rate numbers available for this meeting.

Mr. Castro explained the proposed resolution authorizes advertisement for Request for Proposals for employee group benefits should there be an increase in Texas Municipal

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League Intergovernmental Employee Benefits Pool's re-rate numbers over the current medical premiums.

There was discussion about going out for proposal even if there is not a rate increase in order to get an even lower rate.

Council Member Erskine moved to approve Resolution No. 2009-61, authorizing advertisement for Request for Proposals for employee group benefits should there be an increase in Texas Municipal League Intergovernmental Employee Benefits Pool's re-rate numbers over the current medical premiums. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING ADVERTISEMENT FOR REQUEST FOR PROPOSALS FOR EMPLOYEE GROUP BENEFITS IF THERE IS AN INCREASE IN TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL'S RE-RATE NUMBERS OVER THE CURRENT MEDICAL PREMIUMS.

7. Discuss with possible action Ordinance No. 2009-48, amending the City of Jersey Village fiscal year 2008-09 annual budget (Utility Fund - for water purchased from the City of Houston).

Public Works Director, Danny Segundo explained that the allocation is necessary due to an increase in the City of Houston charges for water. Council Member Haverty moved to approve Ordinance No. 2009-48, amending the City of Jersey Village fiscal year 2008-09 annual budget for the purchase of water from the City of Houston. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-48

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE UTILITY FUND BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

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8. **Discuss with possible action Ordinance No. 2009-49, amending the City of Jersey Village fiscal year 2008-09 annual budget (General Fund - for Building Official Consultant Services).**

Public Works Director, Danny Segundo stated that due to a high volume of inspections associated with the remodels taking place at Post Elementary and Jersey Village High School, it is necessary to outsource some inspections in order to maintain a high level of customer service with regards to plan reviews, conferences, and daily inspection requests. The transfer is necessary to allow for costs associated with these consultant services.

Council Member Berube moved to approve Ordinance No. 2009-49, amending the City of Jersey Village fiscal year 2008-09 annual budget for Building Official Consultant Services. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-49

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

9. **Consider Ordinance No. 2009-50, by deleting Chapter 54, Solid Waste, in its entirety and substituting for it a new Chapter 54, Solid Waste; establishing regulations relating to the collection of garbage, rubbish and trash in the city; requiring the use of bags for residential collection; prohibiting the use of garbage cans and other trash receptacles for residential collection; establishing a collection fee for residences not on the city tax rolls; amending section 2-142 (f) (7) of the code of ordinances relating to garbage fees; containing other provisions relating to the subject; providing for severability; providing for repeal; and providing a penalty as provided by section 1-8 of the code.**

Director of Public Works, Danny Segundo explained that this new ordinance requires all residential household garbage and grass clippings to be placed in a plastic garbage bag. The ordinance will not take effect until January 1, 2010. Staff will notify the public via flyers, Jersey Village Star, Marquees, notices in the 1960 Sun, Houston Chronicle, and The Leader. Every attempt will be made to educate the public before January 1, 2010.

The ordinance addresses the unsightliness of trash cans being left on residential curbs.

Discussion was had about the comments made by residents during the public comment section of this meeting, more specifically the comments made about rodents/animals

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getting into the bags and causing issues with trash on the roadway. Mr. Segundo reported that he has not received any trash complaints concerning rodents/animals nor has he heard of any in connection with the use of plastic trash bags. After more discussion on the use of the plastic bags, it was the consensus of Council that the bags would be a positive move for the City.

There was discussion concerning the date the Ordinance would take effect. Mr. Segundo reported that staff would like this date to be January 1, 2010 in order to give time to educate the residents about the change. City Manager Castro pointed out that the Ordinance presented to Council does not have an effective date listed and he recommends that should Council approve the Ordinance, the motion approving same should include an effective date for the Ordinance.

Council Member English moved to approve Ordinance No. 2009-50, by deleting Chapter 54, Solid Waste, in its entirety and substituting for it a new Chapter 54, Solid Waste; establishing regulations relating to the collection of garbage, rubbish and trash in the city; requiring the use of bags for residential collection; prohibiting the use of garbage cans and other trash receptacles for residential collection; establishing a collection fee for residences not on the city tax rolls; amending section 2-142 (f) (7) of the code of ordinances relating to garbage fees; containing other provisions relating to the subject; providing for severability; providing for repeal; and providing a penalty as provided by section 1-8 of the code with effective date of January 2, 2010. Council Member Haverty seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, English, and Klein

Nays: Council Member Berube

The motion carried.

ORDINANCE NO. 2009-50

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY DELETING CHAPTER 54, SOLID WASTE, IN ITS ENTIRETY AND SUBSTITUTING FOR IT A NEW CHAPTER 54, SOLID WASTE; ESTABLISHING REGULATIONS RELATING TO THE COLLECTION OF GARBAGE, RUBBISH AND TRASH IN THE CITY; REQUIRING THE USE OF BAGS FOR RESIDENTIAL COLLECTION; PROHIBITING THE USE OF GARBAGE CANS AND OTHER TRASH RECEPTACLES FOR RESIDENTIAL COLLECTION; ESTABLISHING A COLLECTION FEE FOR RESIDENCES NOT ON THE CITY TAX ROLLS; AMENDING SECTION 2-142 (F) (7) OF THE CODE OF ORDINANCES RELATING TO GARBAGE FEES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

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10. Discuss with possible action the property and open spaces surrounding the Golf View Garden Homes on Village Drive.

Director of Public Works, Danny Segundo explained that staff has been asked to check into the current status of the ownership of the open spaces surrounding the Golf View Garden Homes. There have been several concerns raised regarding parking on the street and the problems associated with limited sight issues.

City Manager, Mike Castro reported to Council that staff has located the owner of this property and he appears to be delinquent in the payment of his taxes to both the City and the County. Mr. Castro also reported that research has been done concerning the ability to widen the road in order to provide for parking. He reported that this research proved that this effort would not be possible due to easement restrictions.

Council engaged in discussion about approaching the owner and about widening the road. The consensus of Council was to contact the landowner of this open space to see if he/she is amenable to either granting the use of this space for off-street parking or is amenable to offering to do something else with the property - in either instance to avoid paying the taxes owed on the property.

11. Discuss and take appropriate action concerning a presentation from Chief Wedemeyer regarding the feasibility of implementing a License Plate Recognition Program.

Chief of Police, Charles Wedemeyer told Council that his department has been investigating the feasibility of utilizing license plate recognition cameras to monitor vehicles entering the City. They have met with one nationwide vendor offering this type of technology and have learned that there are no active installations of this system in operation in the State of Texas with this type of surveillance. However, the vendor did state that there are several government entities in the process of evaluating a police car mounted camera system, which would identify stolen and/or wanted vehicles as the police cars drive through a given area.

Chief Wedemeyer told Council that a tentative cost for the cameras would be between \$12,000 and \$18,000 per camera and this figure does not include the engineering and peripheral installation of wireless or hard wire data retrieval. It also does not cover the computer system hardware and software needed to monitor these cameras at the Communication Division, nor salaries for additional people required to observe the signals sent by the cameras.

In researching the cameras, the department also learned that these types of cameras do not function similar to our Red Light Camera System in that each lane of the street being monitored requires its own camera. There are at least ten streets that enter the residential area of Jersey Village – some of them are multilane streets. As stated above, this is not a firm cost proposal, nor could a firm proposal be given without the vendor doing an

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engineering study as to the feasibility of such an installation. Nonetheless, the Chief estimates that such a system could have a tentative cost of \$300,000 to \$500,000, not including any salaries or maintenance.

Council engaged in discussion about how effective these cameras were in helping to reduce crime in the community. Chief Wedemeyer explained that the cameras are designed to check license plates in order to determine if the vehicle is stolen. He stated that statistics show that they are very effective in areas where there are many parking lots or shopping malls.

There was also discussion about how the images for these cameras are stored in a database and how some cities are using these images to solve crimes.

No action was taken on this item.

12. Receive update on the Red Light Camera Accident Statistics.

Chief of Police, Charles Wedemeyer told Council that the Police Department has scheduled a statistical report on the number of traffic accidents that have occurred over the previous 12-month period at the intersections that have red light camera enforcement. There are nine roadway approaches covered by the Jersey Village camera system. He stated that his department has attempted to get an accurate count of accidents at these nine approach areas and has been hindered by the following factors:

- The State of Texas changed the department that handles accident reports, from the Department of Public Safety to TXDOT.
- The legislature changed the department overseeing red light cameras and placed them under the jurisdiction of TXDOT, effective September 1, 2009.
- We are required by law to make a yearly report to the State of Texas (TXDOT), which we received the official form the last week of August, with a due date of October 30, 2009.
- The report criteria have changed drastically in that they require a statistical report on the nine-approach zone for an 18-month period prior to camera activation, which would be January 1, 2007.
- The current statistics required by TXDOT will be from July 1, 2008 through June 30, 2009.

Chief Wedemeyer told Council that the CRIMES operating software for his department activated its accident report form module in May of 2009. Therefore, in order to produce the required 18 month report, all previous accident report statistics prior to May of 2009, must be searched by hand – reading each accident report for the actual approach where an accident occurred, type of accident, and various other statistical requirements. This is an extremely labor intensive operation and must be completed and reported to TXDOT by October 30, 2009. When the statistics are completed, the department will make a presentation to Council on the exact accident statistics that are germane to the red light

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camera system. Any statistics prior to the completion of this report would be premature, and possibly not an accurate portrayal of the number of accidents and types that have occurred in the 12-month period.

No action was taken on this item.

13. Consider Resolution No. 2009-62, selecting an individual to serve on the Texas Municipal League (TML) Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 14.

City Manager, Mike Castro introduced the item, telling Council that the Texas Municipal League Intergovernmental Employee Benefits Board of Trustee Term for Region 14 expires on September 30, 2009. The Pool Trust Agreement provides that the term of office is three years. Pool Members have already submitted nominations and two candidates appear on the ballot for election. The ballot must be received by the Board Secretary no later than 5:00 p.m. on September 26, 2009 and the vote for a particular candidate must take place during an official meeting of the governing body.

Mr. Ron Crabtree is the incumbent Board Member for Region 14 and has served on the Board since 2005. He currently serves as the City Manager for the City of Deer Park and holds a Bachelor of Science, Architectural Construction, and a Master of Urban Planning from Texas A&M University. Mr. Crabtree was on the Board of Directors for the Deer Park Chamber of Commerce, is currently on the Board of Directors for the Bay Area A&M Club and is a current member of the Texas City Management Association.

Ms. Karen Schrom is the City Secretary for the City of Richwood. She is a current member of the Texas Municipal Clerk's Association and of the GFOAT. Ms. Schrom is also active in Keep Richwood Beautiful and in the Brazosport Chamber of Commerce.

Council Member English moved to elect Ron Crabtree to serve on the Board of Trustees of TML Intergovernmental Employee Benefits Pool, Region 14. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, English, and Klein

Nays: Council Member Berube

The motion carried.

RESOLUTION NO. 2009-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SELECTING AN INDIVIDUAL TO SERVE ON THE TML INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL BOARD OF TRUSTEES – TML REGION 14.

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14. Conduct the City Manager's annual performance evaluation and consider an increase in salary for budget year 2009-2010.

Mayor Hamley called the item and explained that each year the City Manager receives an evaluation. Mayor Hamley stated that each Council Member previously had been given a performance evaluation sheet for this process. He then called each Council Member to make comments concerning Mr. Castro's performance.

Council Member Erskine stated that this review was based upon his own observations, as he had not received feedback from staff. He rates Mr. Castro's performance "high" or "satisfied" in most areas. Council Member Erskine sees Mr. Castro's strengths in his fiscal management of the City as demonstrated by the City's excellent financial health and he appreciates Mr. Castro's conservative fiscal approach. He stated that Mr. Castro was well prepared with documented figures and findings during the budget process and he demonstrated proactive measures when it was apparent that the nation would fall on hard economic times. These skills are commendable.

Another of Mr. Castro's strengths mentioned is in the area of planning. Mr. Castro has long term vision and forward looking planning in terms of infrastructure and replacement of equipment and vehicles. He possesses a wealth of knowledge that equates to a smooth city operation, operating from a team perspective.

Council Member Erskine believes that Mr. Castro could improve his performance by:

1. Presenting council with more suggestions instead of waiting for Council to seek those suggestions;
2. Improving communication with council members by implementing a weekly contact; and
3. Improving public relations by demonstrating more empathy for resident issues and being more open to discussing of these issues with residents.

Council Member Haverty stated that he is happy with Mr. Castro's performance. He sees his strength as his fiscal management of the City and his great vision. He is proactive. He believes Mr. Castro to be a good problem solver, communicator, and that he makes good decisions. Mr. Castro truly adds value to the City of Jersey Village.

Council Member Haverty would like to receive weekly updates about what is going on in the City and sees this as one way that Mr. Castro could improve his performance.

Council Member Klein agrees with all that has been stated but would add that Mr. Castro's plans and long range goals are well thought out. She also stated that he did an excellent job in handling Hurricane Ike. Areas that she believes Mr. Castro could improve are in communicating with Council. She would like more information from him as it pertains to adversarial events or events that are newsworthy. For such events, she would like to receive a phone call.

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Council Member English is impressed. He too agrees with all that has been stated. He sees Mr. Castro's strengths as his knowledge of the City, his ability to manage tasks, and his timeliness and thoroughness in all that is done. Council Member English believes that Mr. Castro could improve his performance by developing his interpersonal relationships. Additionally, Mr. Castro should focus on giving Council opinions and recommendations on issues.

Council Member Berube also agrees with all that has been stated but would like to add that she sees Mr. Castro's areas of strength in budgeting and utilization of funds. She is very impressed with the outstanding achievements made in increasing our bond ratings and the extraordinary vision such as the Transit Oriented Development Project. She also commented on the excellent handling of Hurricane Ike.

Mayor Hamley stated that Mr. Castro is an excellent City Manager and he agrees with all that has been stated. He would like to add that Mr. Castro needs to work on his style of communication. He stated that he realizes that sometimes his style can be effective and that in instances like Hurricane Ike it works, but in terms of dealing with our citizens, a different communication style is more desirable.

In concluding the evaluation comments, Mayor Hamley called for consideration of an increase in the City Manager's salary for budget year 2009-2010.

Council Member Berube moved to set the base salary of the City Manager for budget year 2009-2010 at \$112,540.68. Council Member Haverty seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

EXECUTIVE SESSION

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.701 to discuss ongoing litigation in *Sign-Ad Ltd. vs. City of Jersey Village and Jersey Village Board of Adjustment*, C.A. No. 4:09-cv-01260 in the United States District Court for the Southern District of Texas, Houston Division.**

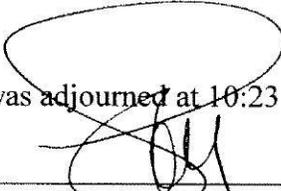
Mayor Hamley called the item as stated in the agenda. He then announced, "I hereby convene into Executive Session at 9:56 o'clock p.m. pursuant to the Texas Open Meetings Act, Government Code Section 551.071 for Consultation with our Attorney."

Mayor Hamley reconvened into Open Session from the Executive Session with the following statement, "I reconvene into Open Session at 10:22 o'clock p.m. No official Action was taken during the Executive Session."

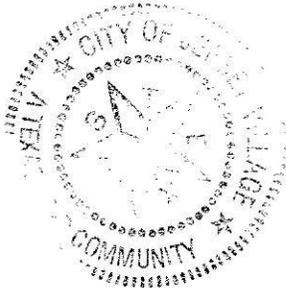
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

ADJOURN

There being no further business on the Agenda the meeting was adjourned at 10:23 p.m.



Lorri Coody, City Secretary



MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 23, 2009 AT 6:30 P.M. AT VARGO'S, 2401 FONDREN, HOUSTON, TEXAS 77063.

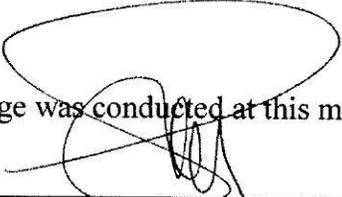
A quorum of the members of the Jersey Village City Council met on Thursday, September 23, 2009 at 6:30 p.m. Vargo's, 2401 Fondren, Houston, Texas 77063, for the purpose of attending a meeting of the Harris County Mayors' & Councils' Association.

The following members attended the meeting:

Council Member Joyce Berube;
Council Member Rod Erskine; and
Council Member Jill Klein

No official business for the City of Jersey Village was conducted at this meeting.





Lorri Coody, City Secretary

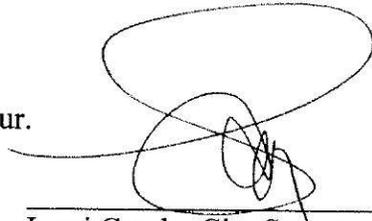
MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 6, 2009 AT 2:00 P.M. AT THE HARRIS COUNTY EMERGENCY MANAGEMENT FACILITY LOCATED AT 6922 KATY ROAD, OFF OF I-10, HOUSTON, TEXAS.

A quorum of the members of the Jersey Village City Council met on Tuesday, October 6, 2009 at 2:00 p.m. at the Harris County Emergency Management Facility located at 6922 Katy Road, off of I-10, Houston, Texas, for the purpose of touring this facility.

The following members attended the tour:

Council Member Rod Erskine;
Council Member Joyce Berube; and
Council Member Curtis Haverty

No official business was had during this tour.



Lorri Coody, City Secretary

MINUTES OF THE WORK SESSION MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 12, 2009 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order by Mayor Hamley at 7:00 p.m. with the following present:

Mayor, Russell Hamley
Council Member, Joyce Berube
Council Member, Rod Erskine
Council Member, Curtis Haverty
Council Member, Ernie English
Council Member Jill Klein

City Manager Mike Castro
City Secretary, Lorri Coody

Staff in attendance: Mark Bitz, Fire Chief; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; Michael Brown, Director of Parks.

B. Consider Resolution No. 2009-63, approving the preliminary design as presented by Harris County Flood Control District for the 43-acre Jersey Village Detention Basin located north of the Jersey Meadows Golf Course.

City Manager, Mike Castro introduced the item, explaining to Council that staff met with representatives of the Harris County Flood Control District on October 1, 2009 and was presented with a preliminary design for the 43-acre detention basin located north of Jersey Meadows Golf Course.

The proposed design layout of the basin calls for construction of an approximately 15-acre pond surrounded by a series of trails. The trails are proposed on a lower and upper shelf adjacent to the pond. The pond will contain several constructed wetland areas, along with open areas. The constructed wetlands will contain vegetation. The open areas will vary in depth from six feet to eight feet. The pond will be of an "off-channel nature," allowing for the detention of approximately 400 acre-feet of water. The basin will be constructed to have a permanent wet-bottom. The basin has been designed with a wet bottom to maximize the amount of water detained. In addition, Flood Control has designed the basin in accordance with preliminary city guidance: the emphasis is on the provision of walking trails as opposed to team sport recreation areas. Flood Control has also incorporated the "North" alternative for the extension of Jersey Meadows through to Rio Grande.

Mr. Castro explained that Flood Control will receive funding to construct the basin through a federal grant related to Hurricane Ike recovery, which places a time-constraint on the expenditure of funds for the project. Therefore, Flood Control will have two years to complete construction of the project once funds have been received from the federal government. The Jersey Village Basin is one of several proposed basins in the county that will be constructed using Ike funds. Flood Control is requesting that the city reach a decision sooner rather than later. Mr. Castro explained that it is his belief should the city not be able to reach a decision in a timely manner, it risks Flood Control pulling the project

WORK SESSION MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – October 12, 2009

off of the list of Ike-related projects and substituting other projects that are shovel-ready. In turn, this would mean that the JV Basin would revert to normal Flood Control funding cycles, meaning it could be several years before there is funding for this project due to other basin priorities that might need to be addressed.

Mr. Castro told Council that it is important to remember that Flood Control will not actually construct the trails for the city. They will grade the project to facilitate trail construction. Additionally, should the city desire to construct the depicted foot-bridges, the cost will be borne by the city. It is possible that the city may wish to enter into an agreement with Flood Control to have the trails constructed at the same time the basin is completed and there are many advantages with such an agreement. Flood Control will not maintain the landscaping of the facility either. Trail maintenance and maintenance of any city-installed amenities will be the responsibility of the city.

Flood Control is seeking city approval of the preliminary design. Should council wish to change elements of the design, flood control is amenable to a moderate level of changes such as changes to the shoreline, add an island or pier, or change the locations of the wetlands. Major changes: wet-bottom to dry-bottom, off-channel to on-channel, trails to soccer fields, would not be possible at this time. It is also important to recognize that Flood Control may proceed with or without some form of city approval.

Mr. Castro told Council that the city has an opportunity to complete this project much sooner than anticipated. There could be a park in this location in as little as three years. This is possible because of the Hurricane Ike funds available to Flood Control.

Two representatives from the Harris County Flood Control District were present at the meeting to answer questions of Council. There were questions pertaining to:

1. The contouring and elevation lines in the design drawing – each line equals one foot;
2. The need for a bridge between the detention basin and Jersey Meadows Golf Course and should it be desired it would be the responsibility of the City;
3. How the water will be maintained in the basin;
4. The depth of the basin now, which is approximately 5 feet and the proposed depth which will be approximately 16 feet;
5. Mosquito Control;
6. The use of the dirt that will be extracted from the basin. Flood Control explained any dirt extracted will belong to the contractor as this will be part of the bidding process and included to reduce the project costs;
7. Landscaping and the planting of trees; and
8. How the project might aid with future flooding.

The most significant design discussion centered on the placement of the proposed weir structure and how that affects traffic entering and exiting the Jersey Meadows Golf Course. It was the consensus of Council that this structure be moved to the east side of the Golf

WORK SESSION MEETING OF THE CITY COUNCIL
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Course Parking Lot on the preliminary design for this amendment would aid in avoiding any potential traffic issues once the basin project was complete.

Council Member Haverty moved to approve Resolution No. 2009-63, approving the preliminary design as presented by Harris County Flood Control District for the 43-acre Jersey Village Detention Basin located north of the Jersey Meadows Golf Course with the amendment that the weir structure be moved to the east side of the Jersey Meadows Parking Lot. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE PRELIMINARY DESIGN AS PRESENTED BY HARRIS COUNTY FLOOD CONTROL DISTRICT FOR THE 43-ACRE JERSEY VILLAGE DETENTION BASIN LOCATED NORTH OF THE JERSEY MEADOWS GOLF COURSE.

- C. Review and discuss the results of the Transit Oriented Development (TOD) Market Study performed by Kimley-Horn and Associates.

Kimley-Horn Representative Joe Willhite met with Council and gave an overview of the four areas of work, comprising Phase I of the Feasibility Study.

In his summary, Mr. Willhite explained that Notice to Proceed 1 of Phase I determined the level of base data and interest of stakeholders as well as the viability of the site for a TOD given existing transit facilities and other potential station areas. Notice to Proceed No. 1 consisted of three tasks which included:

- Facilitating the creation of technical working groups; working with staff to identify appropriate members including representative landowners in the TOD Area and pertinent stakeholders such as METRO, H-GAC, Harris County, City of Houston, HCTRA, , in addition to city staff.
- Undertaking initial review and analysis of the Mixed-Use/TOD Area, including planned and ongoing development projects within and adjacent to the Mixed Use/TOD Area, the 290 Corridor Plan, other prior corridor planning initiatives, etc.
- Creating a base map including major vehicular traffic patterns, adjacent neighborhoods, land uses, existing zoning, municipal infrastructure, topography, drainage--hydrology, existing vegetation, major utilities (as identifiable with existing information—may require additional survey information not included as part of this task) and other pertinent information.

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Mr. Willhite explained that Notice to Proceed No. 2, assured that the city is seen as a decision maker and began to form an opinion of highest and best land use and optimal transit station characteristics and function. The tasks associated with Notice to Proceed No. 2 were:

- Undertaking interviews of area landowners and business owners to understand their interests and concerns.
- Meeting with METRO/Harris County/H-GAC/BNSF to analyze long term rail transit operational characteristics, including ridership, headways, and regional park-and-ride needs to understand station-area characteristic potential.

He told Council that Notice to Proceed No. 3 pertained to conducting an environmental study to understand the obstacles to development of the area and whether or not these obstacles would be fatal or could be overcome.

The tasks of Notice to Proceed No. 3 were:

- Undertaking preliminary analysis of site conditions including soil conditions and phase 1 environmental.
- Presenting the initial review and analysis to the technical working group for feedback and completeness. Identifying key technical issues going forward that need to be addressed for planning, engineering, and funding.

The final step of Phase One was Notice to Proceed No. 4 which consisted of performing a market study to determine potential land uses, building forms, absorption capacity, and build-out capacity for a Mixed-Use/TOD.

Mr. Willhite and Scott Polikov fielded questions from Council concerning:

1. The success of a rail project;
2. The contractor chosen for the 290 commuter rail design work;
3. The location of the Hempstead Managed Lanes and how these lanes will follow the 290 corridor at Jersey Village, South of the existing railroad tracks;
4. Structural Parking as being recommended for the TOD; and
5. How the South Jersey Village Park and Ride figures into the scheme of things

Jon Hockenyos presented information about the Market Study to Council. He told Council that Rail is coming to Jersey Village in approximately 3 to 4 years. The locations for the rail stops will be determined in the next 6 months. Local partnership will be the key to success for rail projects as local contributions will be necessary.

Representatives from Kimley-Horn, Joe Willhite, Jon Hockenyos and Scott Polikov briefly explained Phase 2 of the feasibility study and the 4 to 5 month time frame associated with this phase of the study.

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Council engaged in discussion about the financial commitment and the amount of time it will take to get a TOD in the City of Jersey Village. There was also discussion about the need to annex land and how this might be accomplished.

Council instructed staff to bring an item at the next meeting for review and approval of Phase 2. They asked that this item include all the steps associated with Phase 2 along with the appropriate budget amendments.

D. Adjournment.

The meeting was adjourned at 9:30 p.m.



A handwritten signature in black ink, appearing to be "Lorri Coody", is written over a horizontal line.

Lorri Coody, City Secretary

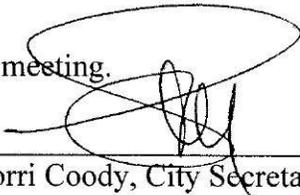
MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 17, 2009 AT 7:30 P.M. AT THE CLARK HENRY PARK PAVILION LOCATED AT 7804 EQUADOR, JERSEY VILLAGE, TEXAS.

A quorum of the members of the Jersey Village City Council met on Saturday, October 17, 2009 at the Clark Henry Park Pavilion located at 7804 Equador, Jersey Village, Texas, for the purpose of recognizing members of the Recreation and Events Committee for their service to the City of Jersey Village.

The following members attended the ceremony:

Mayor Russell Hamley
Council Member Rod Erskine;
Council Member Joyce Berube; and
Council Member Jill Klein

No official business was conducted during this meeting.



Lorri Coody, City Secretary



MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 19, 2009 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 Hamley at 7:00 p.m. with the following present:

Mayor, Russell Hamley	City Manager, Mike Castro
Council Member, Joyce Berube	City Secretary, Lorri Coody
Council Member, Rod Erskine	City Attorney, Martha Williams
Council Member, Curtis Haverty	
Council Member, Ernie English	
Council Member, Jill Klein	

Staff in attendance: Mark Bitz, Fire Chief; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Jeff Kopecky

C. PRESENTATIONS

1. Presentation of Police Department Employee of the Third Quarter, 2009.

Howard Mead, Commander of American Legion Post #324 and Mayor Hamley made the presentation to the Police Department Employee of the Third Quarter for 2009. Detective Sergeant, Shawn Horton received the award.

2. Recognize members of the Building Board of Adjustment and Appeals for their service to the City of Jersey Village.

The Building Board of Adjustment and Appeals is a seven member Board responsible for making recommendations to the city council on any code changes and shall be responsible for the study of any code changes brought before them dealing with the building code, the electrical code, the plumbing and gas codes, the mechanical code or the fire code. If there is need for an in depth study of one particular code, the board may appoint subcommittees to study and make their recommendations for any changes.

Council Liaison Haverty and Mayor Hamley assisted by Board Chairman Michael O’Kelley presented certificates to the Building Board of Adjustment and Appeals members.

The following citizens from Jersey Village are serving on this Board and received a certificate:

	<u>POSITION</u>	<u>FIRST APPOINTED</u>	<u>TERM ENDS</u>
M. Reza Khalili	1	09/09	09/10
Frank Gullo	2	03/96	09/10

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Benny Grimmer	3	06/03	09/10
Clint Childress	4	07/03	09/10
Ari Fleitman	5	10/08	09/11
Michael O’Kelley	6	03/96	09/11
Gary Vossler	7	03/96	09/11

D. PUBLIC HEARING AND RELATED ITEMS

1. Conduct a public hearing on the need to continue the City of Jersey Village Juvenile Curfew Ordinance.

Mayor Hamley opened the public hearing at 7:10 p.m. and with no one signing up to speak the public meeting was closed at 7:10 p.m.

2. Review the City of Jersey Village Juvenile Curfew Ordinance’s effects on the community and on problems the ordinance was intended to remedy.

Chief of Police, Charles Wedemeyer, gave a presentation to Council concerning the City’s Juvenile Ordinance and its effects on the community and on the problems the ordinance was intended to remedy. He told Council that this Ordinance has been a good tool for law enforcement as it was designed to protect those under age 17 by keeping them off the street. The Chief explained that his Officers are able to use this law for probable cause and the law has been effective in the past. He told Council that Harris County and the City of Houston have laws that mirror our juvenile laws.

3. Consider Ordinance No. 2009-51, continuing in effect Ordinance No. 1995-20, adopted on November 20, 1995, and codified as Chapter 42, Article III, Division 3, entitled “Curfew” of the Code of Ordinances of the City of Jersey Village, Texas.

With limited discussion on this item, Council Member English moved to approve Ordinance No. 2009-51, continuing in effect Ordinance No. 1995-20, adopted on November 20, 1995, and codified as Chapter 42, Article III, Division 3, entitled “Curfew” of the Code of Ordinances of the City of Jersey Village, Texas. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members English, Berube, Erskine, Haverty, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-51

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, CONTINUING IN EFFECT ORDINANCE NO. 1995-20, ADOPTED ON NOVEMBER 20, 1995, AND CODIFIED AS CHAPTER 42, ARTICLE III, DIVISION 3, ENTITLED “CURFEW” OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS;

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REFLECTING COMPLIANCE WITH ALL REQUIREMENTS OF STATE LAW;
PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVING CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.

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 presentation 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 presentation to the City Council.

Tom Williams, 8401 N. Tahoe, Jersey Village, Texas (713) 896-0111 – Mr. Williams addressed Council about the trash bag ordinance. He told Council that he is not in favor of this new ordinance and felt that its passage was a step backward for the city.

David Theiss, 15106 Lakeview, Jersey Village, Texas (713) 896-9464 – Mr. Theiss told Council that he too is against the trash bag ordinance. He stated that there will be problems in using the bags such as trash in yards due to broken bags. He stated that he does not understand the need for this change.

Keith Nevils, 16005 St. John Court, Jersey Village, Texas (713) 856-7065 – Mr. Nevils at one time felt that the bags were easier to use, but quit using them because he had a problem with the bags breaking. He stated that he would like the vendor to pick up the trash should the bags break and not leave the trash behind. He also complained about the vendor throwing the trash cans upon emptying them instead of placing them back at the curb so as to insure they would not roll into the street. He inquired into the cost of the new service and wanted to know if it contained a discount since it would mean less work for the vendor. He suggested an automated system be considered by council.

Michelle Walker, 16310 Acapulco, Jersey Village, Texas (832) 467-1189 – Ms. Walker does not support the new ordinance. She believes that bags are “see through” and she does not want anyone to see her trash. She told Council that the bags leak and she believes that leakage will cause unsightly stains on our streets and draw ants. She also stated that the bags are too heavy and will break.

Patrice Krus, 15410 Jersey Drive, Jersey Village, Texas (713) 466-0850 – Ms. Krus told Council that she is against the new ordinance. She presented a petition that she said was signed by over 200 people that also are against the new trash bag ordinance. She stated that the new ordinance is not for beautification and believes that there are more important areas for focus in our city. She stated that plastic bags break and the vendor will leave the trash behind. She told Council that she is in favor of backdoor pickup.

Mike Walker, 15502 Congo Lane, Jersey Village, Texas (713) 937-4697 – Mr. Walker told Council that he is against the trash bag ordinance and agrees with all that has been

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stated. He stated that there is a need to accommodate the elderly citizens and he would like to see backdoor trash pickup reinstated.

Brett Phanauf, 15605 Australia Street, Jersey Village, Texas (832) 480-9389 – Mr. Phanauf spoke to Council about there being a problem with animals and the use of plastic bags. He is not in favor of the new ordinance.

Nora Klier, 63 Parkway Place, Jersey Village, Texas (512) 797-2913 – Ms. Klier stated that she agrees with all that has been said and pointed out the environmental problems with using plastic bags.

Mr. Lee Ahlstrom, 8518 Wyndham Court, Jersey Village, Texas (281) 890-2396 – Mr. Ahlstrom presented a picture of a problem where trash was strewn in the street from a broken trash bag to demonstrate what can be expected from this new ordinance. He also stated that he would be in favor of backdoor trash pickup and suggested using the red light camera funds to pay for it.

Rodney Macon, 15326 Leeds, Jersey Village, Texas (713) 466-0107 – Mr. Macon stated that he agreed with all that has been said concerning the trash bag ordinance. He would like to know who and why this ordinance was brought into law. He was frustrated that he had written to Council members and received no response. He believes that there are bigger issues that Council should be addressing.

Bobby Plaster, 15502 Mauna Loa, Jersey Village, Texas (713) 937-8005 – Mr. Plaster told Council that he agrees with all that has been said about the trash bag ordinance. He believes that animals will be a problem and would like to have agendas published in the newsletter so they have time to respond to issues that will affect them.

Gloria Uroda, 15301 Leeds Lane, Jersey Village, Texas (713) 466-5694 – Ms. Uroda told Council that she agrees with all that has been stated. She stated the cost of the plastic bags as an issue. She also stated health issues as a problem.

Earl Layton, 16109 Singapore Lane, Jersey Village, Texas (713) 466-3057 – Mr. Layton told Council that no one at the meeting spoke for the new ordinance and that should tell the Council something about the use of plastic bags as opposed to cans. He also stated his concern for the elderly and their ability to get the bags to the curb.

Mr. Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 937-0408 – Mr. Maloy thanked the Council Members for their work. He told Council that he attends council meetings so he can keep up with what is happening in City Government. He asked Council to help him in (1) getting the rubberized asphalt coating along the toll road feeder area from the bypass channel to hwy 290 and along the feeder roads at Senate and Jones Road to help with the noise problem; and (2) building an earthen berm on the toll roll feeder near the high school with the dirt excavated from the 43 acre detention pond.

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Larry Biemer, 16217 Tahoe, Jersey Village, Texas (713) 849-4471 – Mr. Biemer told Council about a security light problem. He stated that he received notice that his light was not in compliance with the city's code. When he inquired about the letter and told city staff that it had not been a problem, he was told that the interpretation of the code had changed, thus making his light unacceptable. While he has removed the light, he has since seen many similar lights in the city and does not understand why his light was a problem and these other lights are permitted to remain. He is requesting a written response to his question and his problem.

Edward Mitchell, 15301 Mauna Loa, Jersey Village, Texas (713) 849-0801 – Mr. Mitchell thanked the city for trimming the trees on Senate. He also spoke to Council about the recreational vehicle ordinance. He told Council that he has his vehicle registered for the 10 year grandfather program but is not happy and is having a problem in understanding why seeing a recreational vehicle behind a fence is a problem.

Al Bahler, 16313 Acapulco, Jersey Village, Texas (713) 466-9422 – Mr. Bahler told Council about small lawn clippings and twigs being an issue with plastic trash bags.

Stephen Scott, 16202 Acapulco, Jersey Village, Texas (832) 283-5500 – Mr. Scott told Council that this new ordinance was unreasonable and untimely. He stated that having a time restriction of 7:00 p.m. to place trash at the curb was not a good time and he would like the city to send out notices before passing ordinances.

Glenn Williamson, 15322 Lakeview, Jersey Village, Texas (713) 937-8595 – Mr. Williamson agrees with all that has been stated. He would like to have backdoor trash pickup reinstated. He believes that the cost would only be \$5.00 per month and he is willing to pay this amount for the service. He also spoke to the problem with the Recreational Vehicles. He owns a small RV and stated that he must pay to store his RV because it is too small to qualify for the program. He felt that the RV grandfather clause was unfair and he did not understand the logic in implementing this program.

Carolyn Venible, 8014 Argentina, Jersey Village, Texas (281) 386-8385 – Ms. Venible discussed issues with heavy trash and also discussed issues with recycling.

Carol Townsend, 8705 Wyndham Village Drive, Jersey Village, Texas (281) 807-4937 – Ms. Townsend agrees with all that has been stated. She also complained that there seems to be many inconsistencies in the city. She complained about the traffic lights at 290 and Senate, the new stop sign on Wall, and how information is improperly being given out by our dispatch department.

F. CITY MANAGER'S REPORT

City Manager, Mike Castro, called Council's attention to items 11 and 12 on his report. Police Chief, Charles Wedemeyer introduced Officers Christopher Murphy and Louis

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Arriazola, III who have started work with his department. Fire Chief, Mark Bitz reminded Council of the Fire Department's Open House on October 24, 2009.

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Quarterly Investment Report, and Governmental Funds Report.
2. Departmental Request Report and Open Records Request and Solicitor's Permit Requests
3. Fire & Emergency Services Departmental Report
4. Police Activity Report, Crime Prevention Unit, Warrant Report, Investigations/Calls for Service Report and Red Light Camera Summary Report.
5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Report Graphs, and Revenue Comparison Report.
6. Public Works Departmental Report and North Tahoe Construction Update
7. Combined Monthly and Annual Mileage Report
8. Golf Course Monthly Report; Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report
9. Report from Code Enforcement
10. Capital Improvements Projects Report
11. Introduction of Officer Christopher Murphy and Officer Louis Arriazola, III.
12. Jersey Village Fire Department Open House Set for October 24, 2009

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 Council Minutes for the following meetings: Neighborhood Meeting held on July 23, 2009; Special Meeting held on September 14, 2009; Special Meeting held on September 23, 2009; and Special Meeting held on October 6, 2009.**
2. **Consider Resolution No. 2009-63, authorizing an Interlocal Agreement with Harris County for housing City prisoners.**

RESOLUTION NO. 2009-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ENTERING INTO AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY FOR THE HOUSING OF MUNICIPAL PRISONERS

3. **Consider Resolution No. 2009-64, setting a two year staggered term of office for the Recreation and Events Committee beginning October 1, 2010.**

RESOLUTION NO. 2009-64

REGULAR MEETING OF THE CITY COUNCIL
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SETTING A TWO YEAR STAGGERED TERM OF OFFICE FOR THE RECREATION AND EVENTS COMMITTEE.

4. **Consider Ordinance No. 2009-52, amending Ordinance No. 2009-50 passed, approved, and adopted September 14, 2009 to reflect 5:00 p.m. as the correct time for residents to place trash out on the street for pick- up the day preceding the day of collection.**

ORDINANCE NO. 2009-52

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING ORDINANCE NO. 2009-50 PASSED, APPROVED, AND ADOPTED SEPTEMBER 14, 2009.

5. **Consider Resolution No. 2009-65, approving change order No. 4 with SER, which allows for the change in elevations to the Storm Water System on North Tahoe Drive.**

RESOLUTION NO. 2009-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING CHANGE ORDER NO. 4 WITH SER, WHICH ALLOWS FOR THE CHANGE IN ELEVATIONS TO THE STORM WATER SYSTEM ON NORTH TAHOE DRIVE.

Council Member English moved to approve items 1 through 5 on the consent agenda. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

H. REGULAR AGENDA

1. **Receive presentation pertaining to the tax rate for the City of Jersey Village for tax year 2009.**

Finance Director, Isabel Kato gave a presentation pertaining to the City's tax rate for the City for tax year 2009. Upon completion of the presentation, there was limited discussion by Council pertaining to the decrease in property tax valuation for our City and the reasons for same.

City Manager, Mike Castro was asked to give a brief summary of why the City is experiencing good financial health in these trying times. He explained that three years ago, even though economic conditions looked promising, the City of Jersey Village

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proceeded with caution in its fiscal programs. Last year, when the budget year began in October, many major purchases were deferred; others were monitored; and about 2/3rds were eliminated. Additionally, staff cut 3% of its budget which annualized to about 1.5% after it was put into place for the 2008-09 budget and in putting together the 2009-10 budget staff cut their budgets by 3% and major ticket items were also cut from this budget. All of this was done given the economic conditions.

Mr. Castro stated that in addition to the concrete steps taken to insure the financial stability of the city, there were also policy changes made and other steps taken which have increased the city's credit worthiness. In the past four years, the city has received six (6) bond rating increases, moving from a B to an AA which puts Jersey Village in the 95 percentile in credit worthiness.

2. Discuss and consider approval of a motion to set the tax rate for debt service for tax year 2009.

With limited discussion on this item, Council Member English moved to set the Debt Service tax rate of \$0.277225 per \$100 value for the year 2009. Council Member Haverty seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

3. Discuss and consider approval of a motion to set the tax rate for maintenance and operation for tax year 2009.

With limited discussion on this item, Council Member English moved to set the Maintenance and Operation tax rate of \$0.4653 per \$100 value for the year 2009. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

4. Consider Ordinance No. 2009-53, providing for the levy and collection of ad valorem taxes by the City of Jersey Village, Texas, for the year 2009.

With limited discussion on this item, Council Member English moved to approve Ordinance No. 2009-53, providing for the levy and collection of ad valorem taxes by the City of Jersey Village, Texas, for the year 2009. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

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Nays: None

The motion carried.

ORDINANCE NO. 2009-53

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES BY THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE YEAR 2009; PROVIDING FOR THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

5. Discuss and take appropriate action regarding the passage of Ordinance No. 2009-50, which requires the use of plastic bags for residential waste and grass clippings.

Council Member Joyce Berube presented this item. She told Council that she had received many calls pertaining to the passage of this Ordinance and would like Council to consider rescinding this Ordinance for the following reasons:

- The ordinance places an undue hardship on the elderly
- Unprotected bags present a problem with animals
- Plastic bags will become damaged and trash will litter the streets
- Getting trash out before work will be an issue
- Heavy trash pick-up has been eliminated
- Why has backdoor pickup been eliminated

The City Attorney advised Council that the posting for this item was not adequate for rescinding the ordinance.

Council engaged in discussion about:

- Heavy trash pick-up had not been eliminated by the changes that were made to the trash ordinance.
- About 40% of the residents are already using plastic trash bags
- The reason why we are no longer using backdoor pick-up
- Statistical information from other cities and what they are doing concerning the use of plastic bags and/or paper bags as opposed to cans
- The budget process and how this topic was discussed
- The fact that the vendor will not pick up trash from broken bags

After a lengthy discussion on this topic, Council Member Berube moved to revise Ordinance 2009-50 to make the change to provide for the use of trash cans and to bring this ordinance back for Council's review at the November meeting for approval. Council Member Haverty seconded the motion. The vote follows:

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Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

6. Consider Resolution No. 2009-66, authorizing an agreement with Kimley-Horn Associates Inc., for services relating to Phase Two of a Feasibility Study regarding Transit Oriented Development within the City of Jersey Village.

City Manager, Mike Castro introduced the item. He explained the Transit Oriented Development concept in conjunction with the Jones Road Extension Project, Commuter Rail, and Managed Lanes initiatives. All of these initiatives are meeting up in Jersey Village where we have undeveloped land in our ETJ. This location is ideal for a rail stop but also ideal for commercial development. Currently, this land is mixed development and is not well planned. With these initiatives, the City has a unique opportunity and with this prime location, we want to make the most of it. Mr. Castro explained that Kimley-Horn is the consulting firm looking at the feasibility of this location. The purpose of Phase One was to make sure the area was suited for a TOD. No decisions have been made thus far except to study the options.

Mr. Castro explained that Phase Two is the planning phase. It expands upon Phase One and begins to look at what is possible with this area. Joe Willhite with Kimley-Horn addressed Council. He explained Phase Two and its tasks.

Discussion was had on the options available to the City and the possibility of getting to the cost of this project sooner. Mr. Willhite explained that the soonest that information would be available would be in Notices to Proceed 5 and 6 which is 2/3rds to 3/4th of the way through Phase Two.

There was discussion about the time line of the project and if that time line remains ahead of or at least in line with the County's rail project as a whole. Mr. Willhite believes it will.

With no further discussion on this matter, Council Member Berube moved to approve Resolution No. 2009-66, authorizing an agreement with Kimley-Horn Associates Inc., for services relating to Phase Two of a Feasibility Study regarding Transit Oriented Development within the City of Jersey Village. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

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RESOLUTION NO. 2009-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH KIMLEY-HORN ASSOCIATES INC., FOR SERVICES RELATING TO PHASE TWO OF A FEASIBILITY STUDY REGARDING TRANSIT ORIENTED DEVELOPMENT WITHIN THE CITY OF JERSEY VILLAGE.

7. Consider Ordinance No. 2009-54, allowing a budgetary amendment to the 2009-10 budget (Transit Oriented Development – Phase Two – Feasibility Study).

City Manager, Mike Castro told Council that in approving Resolution 2009-66, a budget amendment is needed to ensure sufficient budget authority is available. Staff is recommending amendment the General fund (Fund 01) to authorize \$175,000 for the Consulting Services line item.

Council Member Berube moved to approve Ordinance No. 2009-54, allowing a budgetary amendment to the 2009-10 budget (Transit Oriented Development – Phase Two – Feasibility Study). Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-54

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

8. Receive presentation on the status of the Police Department Expansion Project from Hall, Barnum, Lucchesi, Architects.

Mr. Hall with Hall, Barnum, Lucchesi, Architects appeared before Council and gave an update on the status of the Police Department Expansion Project. He explained that the Council Packet contains plans of the proposed Police Department Expansion Building. He also told Council that he had a scheduled meeting for October 20 to develop the front end specifications for the sealed proposals. During that meeting, all of the particulars for the proposals will be ironed out and the specifications will be completed by November 2, 2009.

Council engaged in discussion on the time line for the project including the proposal through completion. There was also discussion on why the city is going out for a seal

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proposal as opposed to a sealed bid. Our City Attorney explained the difference between the two, stating that a sealed proposal gives the city the opportunity for negotiations.

9. Consider Resolution No. 2009-67, authorizing a contract with Belt Harris & Associates, LLLP for auditing services.

Finance Director, Isabel Kato presented the item. She stated that Council had directed staff to prepare request for proposals (RFP) for auditing services for a period not to exceed three years. Two firms responded to the City's Request for Proposal (RFP). One was our current auditor Null-Lairson, who has provided this service for the last six years, and the other was the firm of Belt Harris and Associates. A comparison schedule of the two proposals was created according to the criteria outlined in the RFP. The review team consisted of the City Manager, the Finance Director, and the Assistant Finance Director. Results of the review indicated a higher score for Belt Harris and Associates.

Robert Belt with Belt Harris and Associates was present and briefly addressed Council. With limited discussion on this item, Council Member English moved to approve Resolution No. 2009-67, authorizing a contract with Belt Harris & Associates, LLLP for auditing services. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A CONTRACT WITH BELT HARRIS & ASSOCIATES LLLP FOR AUDITING SERVICES.

10. Consider Resolution No. 2009-68, changing the name of the City's fire fighting organization from "The City of Jersey Village Emergency Services" to "The City of Jersey Village Fire Department."

Council Member, Jill Klein introduced the item. She gave background information as to why the name for this department should be changed and how the change would/could take place. With limited discussion on this item, Council Member Klein moved to approve Resolution No. 2009-68, changing the name of the City's fire fighting organization from "The City of Jersey Village Emergency Services" to "The City of Jersey Village Fire Department." Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

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RESOLUTION NO. 2009- 68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, CHANGING THE NAME FROM CITY OF JERSEY VILLAGE EMERGENCY SERVICES TO CITY OF JERSEY VILLAGE FIRE DEPARTMENT.

11. Discuss and take appropriate action concerning the enforcement of traffic laws within the residential areas of the City of Jersey Village.

Council Member Curtis Haverty introduced the item and gave background information. Included in the Council packet was a summary of police department statistics from 2004 through 2009. Council engaged in discussion about the need for enforcement of our traffic laws particularly in the residential areas of our city. Council also discussed the statistics provided by the police department. There was discussion about the decline in the number of tickets issued from 2007 to 2008, almost half as many. Chief Wedemeyer explained that the drop was due to Hurricane Ike and a reduction in manpower and the inability to hire replacement officers.

Council discussed solutions to the enforcement problems and suggested the use of the speed machine and asked about its effectiveness. The Police Chief stated that they have had success in using the machine in the areas it is situated but once it is removed, the speeders return. Council then discussed the allocation, availability, and placement of resources within the police department. Council would like to understand these issues better in order to understand how it relates to a decline in the number of tickets being issued and how that affects traffic enforcement in our city.

Council also considered a directive for stricter enforcement in the residential areas of Jersey Village and the affects such a directive would have on the police department staff.

Council Member Haverty moved to encourage the City Manager to take the appropriate action to increase the traffic enforcement within the residential areas of the City of Jersey Village. Council Member Berube seconded the motion. Discussion followed.

City Manager, Mike Castro asked for clarification on what is meant by “increased traffic enforcement” which evoked discussion from Council that it may be better for staff to come back with a plan on how this issue might be resolved. Following this discussion, Council Member Haverty withdrew his motion and Council Member Erskine moved that the City Manager work with the Chief of Police to present a plan, similar to the one that was done for the first day of school, on how the city can better manage traffic in the residential areas of the city. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

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The motion carried.

12. Discuss and take appropriate action concerning the need for a part-time public relations position and/or public relations consultant.

Council Member Curtis Haverty presented the item. He gave background information and explained the need for a part-time public relations person to assist the City Manager in getting information out to the residents of the city.

Discussion was had concerning this item and how it might be an important topic once the TOD project begins, but with the day to day operations of the City it may not be needed. Council Member Haverty asked that the City Manager review the needs of the city in this area and come back with a request for help should there be a need.

I. EXECUTIVE SESSION

1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.701 to discuss a proposed settlement agreement for ongoing litigation in *Sign-Ad Ltd. vs. City of Jersey Village and Jersey Village Board of Adjustment*, C.A. No. 4:09-cv-01260 in the United States District Court for the Southern District of Texas, Houston Division.

Mayor Hamley called the item as stated in the agenda. He then announced, "I hereby convene into Executive Session at 10:20 o'clock p.m. pursuant to the Texas Open Meetings Act, Government Code Section 551.071 for Consultation with our Attorney."

Mayor Hamley reconvened into Open Session from the Executive Session with the following statement, "I reconvene into Open Session at 10:33 o'clock p.m. No official Action was taken during the Executive Session."

J. MAYOR'S COMMENTS

1. Receive comments from Mayor Hamley concerning Transit Oriented Development.

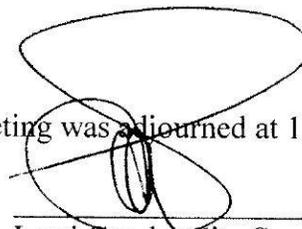
No comments were made on this item.

2. Receive comments from Mayor Hamley concerning reactions to citizen's comments.

No comments were made on this item.

K. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 10:40 p.m.



Lorri Coody, City Secretary



MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 16, 2009 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 Hamley at 7:00 p.m. with the following present:

Mayor, Russell Hamley	City Manager, Mike Castro
Council Member, Joyce Berube	City Secretary, Lorri Coody
Council Member, Rod Erskine	City Attorney, Martha Williams
Council Member, Curtis Haverty	
Council Member, Ernie English	
Council Member, Jill Klein	

Staff in attendance: Mark Bitz, Fire Chief; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Council Member Curtis Haverty

C. PRESENTATIONS

1. Recognize Mrs. Imo Sappington for her volunteer work with the City of Jersey Village Police Department.

Mayor Hamley and Chief of Police Charles Wedemeyer presented Mrs. Imo Sappington a certificate in honor of her years of volunteer work with the City of Jersey Village Police Department.

D. CITIZENS COMMENTS

1. 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 presentation 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 presentation to the City Council.

Carolyn Venable, 8014 Argentina, Jersey Village, Texas (713) 956-1400 – Ms. Venable spoke to Council about the trash bag ordinance. She is opposed to the changes requiring trash bags and wants to have the ordinance changed so that cans are permitted. She likes having back door services. She thinks it is a service the community wants and wants a compromise on the service. She referred to the Mayor’s November Newsletter and the costs outlined for this service. She also was concerned about heavy trash pickup and felt that the regulations for trash are petty.

Russell Stevens, 15506 Lakeview Drive, Jersey Village, Texas (713) 466-9488 – Mr. Stevens spoke to Council about the garbage ordinance. He is in favor of a “nice looking” environment, but does not believe that using trash bags as opposed to trash cans is the

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solution. He stated that there will be an issue with bags breaking and animals getting into the trash, causing the trash to be strewn up and down the streets.

Mary Ormston, 39 Parkway Place, Jersey Village, Texas (932) 467-4997 – Ms. Ormston spoke in favor of the new ordinance. She told Council that she believes that there are too many cans on the streets and the cans are not attractive. She is not in favor of backdoor service and is not willing to pay for the added cost of having this service.

Janice Crowley, 16201 Crawford Street, Jersey Village, Texas (713) 937-9236 – Ms. Crowley spoke to Council about the garbage ordinance. She read a prepared letter stating that she is in favor of recycling and that using the garbage bags does not promote recycling. She mentioned the costs associated with having to use garbage bags and that they will break, giving animals easy access to the trash. She does not believe that using the bags will make the city more “eye appealing.” She asked the City to pay for the bags if the ordinance is not changed back to permit the use of trash cans.

Eddie Thompson, 15810 Seattle, Jersey Village, Texas (713) 983-9114 – Mr. Thompson spoke to Council about the trash bag issue. He is opposed to the change and cannot understand why Council is not focused on more important issues. He also spoke to the traffic problems on Seattle. He told Council about the speeders and the through traffic which includes 18-wheelers.

Jill L’Abbate, 15814 Tahoe, Jersey Village, Texas (713) 896-9985 – Ms. L’Abbate is opposed to having to use trash bags and agrees with all that has been said. She too raised the issue of animals having access to broken trash bags.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 937-0403 – Mr. Maloy spoke to Council about a recent traffic count that was conducted on the Toll Road Feeder and the results of that count. Traffic is increasing and is expected to increase in the future. He also talked about noise readings that he took for the area and the effects of these readings. He states his noise readings as a reason for Council to ask TXDOT to re-surface the roads with noise abatement material. Mr. Maloy outlined several other noise abatement methods for Council to consider.

Meg and Charlie Crady, 15321 Jersey Drive, Jersey Village, Texas (713) 466-4598 – Mr. and Mrs. Crady wanted to tell Council thank you for the policing efforts. They have noticed a motorcycle officer patrolling near their home and they just wanted to say thank you.

Bill Phillips, 15805 Juneau, Jersey Village, Texas (713) 937-0228 – Mr. Phillips spoke to Council about the vacant house located next door to his home. He told Council that this home has been vacant for at least 12 years, and he wants to know if there is an ordinance on how long a house can be vacant.

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He also spoke about the garbage issue and while he does not have any issues with the ordinance changes, he would like to know why the City decided to change from cans to bags.

- 2. Receipt of comments from CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas' (CenterPoint) regarding agenda item G. 3, relating to CenterPoint's requested rate increase.**

Although present, no one from CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex or CenterPoint Energy Texas Gas' had any comments.

E. CITY MANAGER'S REPORT

- 1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Quarterly Investment Report, and Governmental Funds Report.**
- 2. Departmental Request Report and Open Records Request and Solicitor's Permit Requests**
- 3. Fire & Emergency Services Departmental Report**
- 4. Police Activity Report, Crime Prevention Unit, Warrant Report, Investigations/Calls for Service Report and Red Light Camera Summary Report.**
- 5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Report Graphs, and Revenue Comparison Report.**
- 6. Public Works Departmental Report and North Tahoe Construction Update**
- 7. Combined Monthly and Annual Mileage Report**
- 8. Golf Course Monthly Report; Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report**
- 9. Report from Code Enforcement**
- 10. Capital Improvements Projects Report**
- 11. White Oak Bayou Capital Improvements Projects 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.

- 1. Consider approval of the Minutes for the Work Session Meeting held on October 12, 2009, for the Special Session Meeting held on October 17, 2009 and for the Regular Session Meeting held on October 19, 2009.**
- 2. Consider Resolution No. 2009-69, authorizing a contract with Brooks and Sparks, Inc. for engineering services related to the addition of the Crawford Street Drainage Project to the 2007-2008 Street Bond Project.**

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RESOLUTION NO. 2009-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A CONTRACT WITH BROOKS AND SPARKS, INC. FOR ENGINEERING SERVICES RELATED TO THE ADDITION OF THE CRAWFORD STREET DRAINAGE PROJECT TO THE 2007-2008 STREET BOND PROJECT.

- 3. Consider Resolution No. 2009-70, authorizing an agreement with Jones and Carter, Inc. for engineering services relating to year 3 of the Storm Water Management Program.**

RESOLUTION NO. 2009-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH JONES AND CARTER, INC. FOR ENGINEERING SERVICES RELATING TO THE STORM WATER MANAGEMENT PROGRAM.

- 4. Consider Resolution No. 2009-71, authorizing the City Manager to enter into a contract with Insituform Technologies, Inc., to perform the repair and rehabilitation of the sanitary sewer lines throughout the City for FY 2009-2010.**

RESOLUTION NO. 2009-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INSITUFORM TECHNOLOGIES, INC., FOR THE REPAIR AND REHABILITATION OF THE SANITARY SEWER LINES THROUGHOUT THE CITY FOR FY 2009-2010.

- 5. Consider Resolution No. 2009-72, authorizing the City Manager to engage Urettek USA, Inc. to perform street raising work throughout various locations in the City of Jersey Village.**

RESOLUTION NO. 2009-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENGAGE URETEK USA, INC. TO PERFORM STREET RAISING WORK THROUGHOUT VARIOUS LOCATIONS IN THE CITY OF JERSEY VILLAGE.

- 6. Consider Resolution No. 2009-73, which revises Resolution No. 2009-32, and permits the Chief of Police to apply for, accept, reject alter or terminate a grant with the Office of the Governor, Criminal Justice Division on behalf of the City of Jersey Village Police Department.**

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RESOLUTION NO. 2009-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

7. **Consider Resolution 2009-74, authorizing the Mayor to sign all necessary documents required to exempt CenterPoint Energy personnel from mandatory evacuation requirements issued pursuant to Texas Government Code Section 418.185.**

RESOLUTION NO. 2009-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE EXEMPTING CENTERPOINT ENERGY EMPLOYEES FROM MANDATORY EVACUATION REQUIREMENTS ISSUED PURSUANT TO TEXAS GOVERNMENT CODE SECTION 418.185.

8. **Consider Resolution No. 2009-75, authorizing a joint resolution with Harris County establishing a Harris County Emergency Management organization consisting of City and the County officers, and authorizing an interlocal agreement between the City and Harris County for Mutual Aid.**

RESOLUTION NO. 2009-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A JOINT RESOLUTION WITH HARRIS COUNTY ESTABLISHING A HARRIS COUNTY EMERGENCY MANAGEMENT ORGANIZATION CONSISTING OF CITY AND THE COUNTY OFFICERS, AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND HARRIS COUNTY FOR MUTUAL AID.

9. **Consider Resolution No. 2009-76, reviewing and adopting the Investment Policy and investment strategies used for city funds in compliance with the Texas Government Code.**

RESOLUTION NO. 2009-76

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, REVIEWING AND APPROVING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES USED FOR CITY FUNDS IN COMPLIANCE WITH THE TEXAS GOVERNMENT CODE.

10. **Consider Resolution No. 2009-77, casting its ballot for the election of a person to the Board of Directors of the Harris County Appraisal District.**

RESOLUTION NO. 2009-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,

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TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

Council Member Berube moved to approve items 1 through 10 on the consent agenda. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

G. REGULAR AGENDA

1. Consider Ordinance No. 2009-55, amending Ordinance 2009-50 of the City of Jersey Village, Texas, to permit the use of trash cans for residential trash collection.

Background information on this item is as follows: On September 14, 2009 Council approved Ordinance No. 2009-50 which implemented a new Chapter 54. Among other things, this new ordinance required that all residential household garbage and grass clippings be placed in a plastic garbage bag effective January 1, 2010.

During the October 19, 2009 Council discussed the passage of Ordinance No. 2009-50, and Council Member Berube moved to revise Ordinance 2009-50 to make the change to provide for the use of trash cans and to bring this ordinance back for Council's review during the November meeting.

Council Member Berube told Council that she asked that this item be brought for a review of Ordinance No. 2009-50 and a vote on implementing changes that provide for the use of trash cans. She addressed the issue of back door garbage pick-up stating the cost for same and how it works differently now that it worked under the old system. She explained that there is not enough support for this service to re-implement it in the City.

Council Member Berube moved to approve Ordinance No. 2009-55, amending Ordinance 2009-50 of the City of Jersey Village, Texas, to permit the use of trash cans for residential trash collection. Council Member English seconded the motion.

Discussion continued about what is meant by the amendment. City Manager Castro explained that the amendment makes it permissible for residents to use both trash cans and trash bags. Additionally, Mr. Castro explained that heavy trash pick-up is the same as it always has been and he clarified that there were never any changes to this section to the code.

There was discussion about the amendment including language for a time of day in which residents must have the trash cans off the street after trash pick-up. The amendment did not provide for same. Therefore, Council Member Berube moved to amend her motion on the floor by moving to approve Ordinance No. 2009-55, amending Ordinance 2009-50

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of the City of Jersey Village, Texas, to permit the use of trash cans for residential trash collection and that the trash cans will be removed from the street by 7 a.m. the following morning after trash is collected. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Discussion continued about the cost of back door service. City Manager Castro told Council that the current vendor has no interest in performing this service and has declined participation in such a program. As a result, should the City consider implementing such a program, it would have to be bid for prospective vendors. City Manager Castro reminded Council that the reason the current waste contract was extended for a three year period was because the other vendor contract prices were so much higher than those offered by WCA. He cautioned that going out for bids would probably result in higher costs for regular garbage collection, resulting in over-all higher costs for the back-door service than is currently being discussed.

Mayor Hamley then called for a vote on the original motion on the floor as amended. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-55

AN ORDINANCE AMENDING ORDINANCE 2009-50 OF THE CITY OF JERSEY VILLAGE, TEXAS, WHICH ENACTED A NEW CHAPTER 54 OF THE CODE OF ORDINANCES, TO PERMIT THE USE OF TRASH CANS FOR RESIDENTIAL COLLECTION; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

2. Consider with possible action authorizing staff to seek Competitive Sealed Proposals for the Police Department Expansion Project.

Michael Brown, Director of Parks and Recreation explained the item to Council. He told them in September 2007, City Council authorized HBL Architects to prepare a Master Plan for the expansion of the Police Department Building, and Bill Hall, with HBL Architects, presented this plan for expansion in February 2008. After reviewing the report, Council accepted the plan and directed staff to add the expansion to the Capital Improvement Program for FY 2009-2010.

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Mr. Brown explained that the Project Manual, included in the council packet, contains all the spec sheets and requirements for bidding the project as well as a section on the Competitive Sealed Proposal Evaluation Criteria. If approved, the competitive sealed proposal process will begin in mid December, with advertising in the Houston Chronicle, followed by a Pre-Proposal Conference on January 12, 2010 at 2:00 PM. Sealed proposals will be opened on January 26, 2010 at 2:00 PM, at 16327 Lakeview, City of Jersey Village. The estimated cost for the build out is as follows:

\$600,000.00	2500 sq ft addition
<u>\$150,000.00</u>	Allowances (additional carpet, panting, moving computers, recording systems and additional cameras)
\$750,000.00	Total

Council engaged in discussion about the criteria and the proposal process. Bill Hall with HBL, fielded these questions and answered accordingly.

Council Member Berube moved to authorize staff to seek Competitive Sealed Proposals for the Police Department Expansion Project. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein
Nays: None

The motion carried.

- 3. Consider Resolution No. 2009-78, finding after reasonable notice and hearing, that CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas' (CenterPoint) requested increases to its natural gas rates and charges within the city should be denied; providing for recovery of rate case expenses; preserving regulatory rights of the city; resolving other provisions related to the subject matter hereof; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the company and legal counsel.**

City Attorney, Martha Williams explained this item. On July 31, 2009 CenterPoint Energy Resources Corporation d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas filed with the City of Jersey Village their Statement of Intent to Increase Gas Utility Rates within the Incorporated Areas Served by the Houston Division.

The summary letter accompanying the Statement of Intent basically stated that the overall average increase for a residential customer using 35 Ccf will be \$4.09 per month exclusive of revenue related taxes. The proposed effective date of the rate change was September 4, 2009.

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Council at its August 17, 2009 meeting agreed to join forces with the cities served by the Houston Division of CenterPoint who had formed a coalition to address concerns and protect their interests. The coalition hired the law firm Lloyd Gosselink. Attorney and representative of the firm, Thomas Brocato was present at the August 17, 2009 meeting. He presented the coalition's recommendations to Council on this issue and Council agreed to suspend the effective date of CenterPoint's rate increase for 90 days in order to allow the City time to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue.

The legal limits of the 90 day deadline are approaching and Cities have until December 3 to act upon CenterPoint's rate request. The coalition is recommending a resolution to deny the rate increase. The deadline for passing the resolution is December 3 and failure to take action by that date will result in CenterPoint's full rate request going into effect within Jersey Village.

With limited discussion on this item, Council Member Haverty moved to approved Resolution No. 2009-78, finding after reasonable notice and hearing, that CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas' (CenterPoint) requested increases to its natural gas rates and charges within the city should be denied; providing for recovery of rate case expenses; preserving regulatory rights of the city; resolving other provisions related to the subject matter hereof; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the company and legal counsel. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS FINDING, AFTER REASONABLE NOTICE AND HEARING, THAT CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS' (CENTERPOINT) REQUESTED INCREASES TO ITS NATURAL GAS RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; PROVIDING FOR RECOVERY OF RATE CASE EXPENSES; PRESERVING REGULATORY RIGHTS OF THE CITY; RESOLVING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

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4. Consider Ordinance No. 2009-56, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for addition of the Crawford Street Drainage Project to the 2007-2008 Street Bond Project.

Danny Segundo, Director of Public Works explained that Council has approved the engineering and construction costs associated with Change Order No. 5, which pertains to drainage repair work on Crawford Street, and has added this project into the 2007-2008 Street Bond Project with approval of consent item number two.

Accordingly, this item is to request for the allocation of funds for this project in the 2007-2008 Street Bond Project and to provide funds for the construction work.

Mr. Segundo explained that the funds will be allocated for engineering fees (Brooks & Sparks) in the amount of \$8,500.00 and paving and drainage construction cost (SER) \$89,367.00. Funding will allow for the installation of storm sewer inlets on Crawford Street to alleviant street flooding. The funds will be taken out of the 2007 street bond fund balance.

Council engaged in discussion about the problem to be solved and what initially caused this problem. City Engineer, Frank Brooks and City Manager, Mike Castro explained the issues surrounding the Crawford Street drainage problem and the steps that will be taken to address the problem. In short, the inlets along Crawford Street are not sufficient to handle to flow and increasing the size of these inlets should resolve the issue.

Council Member Haverty moved to approve Ordinance No. 2009-56, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for addition of the Crawford Street Drainage Project to the 2007-2008 Street Bond Project. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-56

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

5. Consider Resolution No. 2009-79, adding the Crawford Street Drainage Project to the 2007-08 Street Bond Program and approving Change Order No. 5 with SER Construction, Inc.

Danny Segundo, Director of Public Works explained that this agenda item will address the drainage problem at the intersection of Crawford Street and Carlsbad Street. The

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drainage at this location consists of three small inlets constructed by city crews over fifteen years ago. All three inlets are connected to a six inch PVC pipe that drains into a storm sewer inlet approximately 450 feet away.

These inlets are inadequate and simply cannot handle the amount of rain water received after a 10 to 15 minute rainfall. Street flooding occurs and water rises over the curbs in this area, rendering the intersection impassible to residents living on Crawford.

The installation of 24-inch reinforced concrete pipe (RCP) and four new storm sewer inlets will aid in alleviating the problem and allow for proper drainage along Crawford Street.

Council Member Berube moved to approve Resolution No. 2009-79, adding the Crawford Street Drainage Project to the 2007-2008 Street Bond Program and approving Change Order No. 5 with SER Construction, Inc. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ADDING THE CRAWFORD STREET DRAINAGE PROJECT TO THE 2007-08 STREET BOND PROGRAM AND APPROVING CHANGE ORDER NO. 5 WITH SER CONSTRUCTION, INC.

6. Receive Update on Red Light Camera Accident Statistics.

Chief of Police, Charles Wedemeyer told Council that a yearly report, as outlined in the State Laws for cities operating red light camera, must be submitted to the Texas Department of Transportation this month. The report outlines statistics *prior* to the installation of red light cameras and *after* the installation of red light cameras for the nine cameras placed at specific intersections in the City. The report reflects a decrease in the total number of accidents at these intersections.

7. Receive Update from the Chief of Police concerning the License Plate Recognition Program.

Chief of Police, Charles Wedemeyer explained that the Police Department has received information from the vendor on November 3, 2009 concerning the License Plate Recognition Program. This vendor has mobile cameras on police cars and demonstrated a car to Jersey Village for the department to preview. The Chief told Council that the vendor mentioned that they are not clear on fixed surveillance cameras. The department

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is continuing to pursue this program, and the receipt of this information from the vendor is helpful.

Discussion was had about the need to have these cameras at the entrances to the City rather than on the cars. The differences between the two approaches were discussed and the Chief explained the pros and cons of each approach (mobile cameras vs. stationary cameras). While no proposals have been received for the stationary cameras, the operational costs for said cameras may make such a program cost prohibitive.

The police department is gathering more information on this program and will continue to update Council as information becomes available. No further action is required on this item at this time.

8. Discuss and take appropriate action on the Police Department's Plan for enforcing traffic laws within the residential areas of the City of Jersey Village.

Chief of Police, Charles Wedemeyer explained that during the October Council Meeting, the City Manager was directed to work with the Police Chief to develop a plan for enforcing traffic within the residential areas of Jersey Village.

In response to this directive, Chief Wedemeyer told Council that beginning in September, he directed the shift sergeants to add an additional patrol unit to the East District of the City for the purpose of traffic enforcement. That assignment appears to be effective, as projected enforcement should raise the yearly number of citations issued to approximately 1,000 over the number issued in 2008. In addition to this staffing change, the Department is bring two new officers out of training, has hired a new motorcycle officer, and expects to hire the two in-training reserve officers by January of 2010.

These additions should fill most of the open positions and make a significant addition to the police department staff, making more officers available for traffic enforcement. Accordingly, the Chief told Council that he expects to increase the number of assigned officers in the East District by one or two on both the Day and Evening Shifts.

With the changes mentioned, the Chief stated that he expects a higher visibility and enhanced traffic enforcement in the single-family home portion of Jersey Village. He recommends monitoring the plan for 90 days and then re-evaluating it for effectiveness.

Discussion was had about the effectiveness of speed trailers and the idea of purchasing additional speed trailers as an alternative to using police officers for enforcing speed laws. The consensus was that the trailers do help to slow drivers on the streets where they are operational and the trailers provide useful data; however, once the trailer is re-located, the speeding problem returns.

Council also discussed cell phone signage in school zones as a deterrent to speeders.

No official action was taken on this item.

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9. Consider Ordinance No. 2009-57, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for the provision of Consultant Services.

Charles Wedemeyer, Chief of Police explained that a consulting firm is required to inventory the property room at the Police Department. The funds are available because of savings due to the Traffic Safety Fund. However, a budget transfer is needed to hire a consulting firm to inventory the property room at the Police Department.

The Chief told Council that circumstances that surround this item are part of an on-going investigation with the Harris District Attorney's Office and the City of Jersey Village Police Department. As a result of this investigation, he is limited in his comments and in answering questions.

With limited discussion on this item, Council Member English moved to approve Ordinance No. 2009-57, amending the budget of such city for the fiscal year beginning October 1, 2009, and ending September 30, 2010 for the provision of Consultant Services. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-57

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

10. Consider Resolution No. 2009-80, authorizing an agreement with Property and Evidence Consultant, Kolene Dean for Consultant Services for the review of the City of Jersey Village Police Department Evidence Room.

Chief of Police, Charles Wedemeyer explained that a consulting firm is required to inventory the property room at the Police Department. There are a number of active cases with the Harris County District Attorney's Office in the police department property room that will require verification. This is a requirement by the Harris County District Attorney's Office due to a joint investigation with the police department to maintain the integrity of the evidence. This is in conjunction with the resignation of the supervisor responsible for the property room management.

The Chief explained that this item is to accept the proposal of Kolene Dean, Property & Evidence Consultant, to reorganize and inventory the police department property room.

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The Chief told Council that circumstances that surround this item are part of an on-going investigation with the Harris District Attorney's Office and the City of Jersey Village Police Department. As a result of this investigation, he is limited in his comments and in answering questions.

With limited discussion on this item, Council Member Berube moved to approve Resolution No. 2009-80, authorizing an agreement with Property and Evidence Consultant, Kolene Dean for Consultant Services for the review of the City of Jersey Village Police Department Evidence Room. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH PROPERTY AND EVIDENCE CONSULTANT, KOLENE DEAN FOR CONSULTANT SERVICES FOR THE REVIEW OF THE CITY OF JERSEY VILLAGE POLICE DEPARTMENT EVIDENCE ROOM.

- 11. Discuss and take appropriate action to consider directing staff to seek information from TXDOT and the Harris County Toll Road Authority to see if it is feasible to continue coating the Toll Road feeder area, abutting Jersey Village from the By-pass Channel to Hwy 290 and to coat the newly planned road surface on the Senate and Jones Road feeders with the noise deterrent substance to be used for noise abatement.**

Council Member Berube introduced this item stating the need to discuss the feasibility of asking TXDOT to coat the Toll Road feeder lanes from the By-pass Channel to Hwy 290 and the feeder Roads along Senate and Jones Road with the noise deterrent substance to be used for noise abatement.

City Manager, Mike Castro gave an update on activities that staff has undertaken to promote noise abatement in the city. He stated that many steps have been taken toward noise abatement in conjunction with the Hwy 290 expansion project. Staff has met with the Hwy 290 TXDOT team on many occasions and the concerns for noise abatement has been mentioned each time as well as the other traffic concerns of the city such as the affects that the expansion will have on businesses, signage, drainage and of course the noise. Mr. Castro explained that as part of the expansion project, TXDOT holds public hearings to receive comments. These public hearings were held and during same, the City voiced its concerns. TXDOT must give formal feedback on all comments received. This feedback has not been received yet.

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Discussion was had that the steps taken in conjunction with the 290 expansion are good, but TXDOT will soon begin resurfacing parts of the Harris County Toll Road. It will be important to get in a request to see if it is feasible to apply the noise abatement material to the feeder roads during the resurfacing of the main lanes, and when making this request to also put in a request for the feeder roads along Senate and Jones Road. There was also discussion about the different types of noise abatement techniques mentioned by Mark Maloy during citizen comments.

Council Member Haverty moved that the City Manager write TXDOT a letter formally requesting that the noise deterrent substance to be used for noise abatement be applied to the Toll Road feeder from the By-pass Channel to Hwy 290 and the Senate and Jones Road feeders. Council Member Berube seconded the motion.

There was further discussion about what should be included in the letter. It was the consensus of Council that the letter should address the noise abatement items stated in the motion and the City Manager should come back with a plan on how to move forward with the other options and areas discussed.

The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

12. Discuss and take appropriate action to consider directing staff to seek information from TXDOT and the Harris County Flood Control District to see if it is feasible to build an earthen berm on the Toll Road feeder, abutting the Jersey Village High School, with the dirt excavated from the 43 acre detention pond.

Council Member Berube introduced this item stating the need to discuss the feasibility of asking TXDOT to build an earthen berm on the Toll Road feeder, abutting the Jersey Village High School with the dirt excavated from the 43 acre detention pond.

Discussion was had about the dirt that would come from the detention pond and that this dirt would be subject to the contract made by Harris County. Mention was made of the discussion Council had with Harris County Flood Control when they were told that it is the County's practice to offer the dirt to the contractors as part of the contract in order to keep costs down.

Further discussion was had on the area in question. It was the consensus of Council that additional information is needed on the types of noise abatement before this item can be properly addressed.

No action was taken on this item.

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13. Discuss and take appropriate action about the feasibility of adding an addendum to the City sign ordinance in order to allow political candidate signs to be posted during "early voting" and on "Election Days" on City property.

Council Member Berube introduced this item stating the need to discuss the feasibility of adding an addendum to the City sign ordinance in order to allow political candidate signs to be posted during "early voting" and on "Election Days" on City property. Council Member Berube explained that our current ordinance does not permit the posting of these signs and that while in the past the ordinance has been relaxed, during the most recent electing, the ordinance was enforced.

City Manager Castro gave background information concerning the ordinance. He explained that it is correct that the ordinance does not provide for the posting of signs on public property, including political signs during elections. He explained that during the most recent election it became a problem because of the Fire Department Open House which has life flight land and the signs become a safety issue.

Discussion was had about an amendment and how such an amendment might be applied. There was discussion about the signs and the problems with the Fire Department Open House which is always held during early voting.

It was the consensus of Council that political signs should be permitted on the "City Hall" property and that staff should present an ordinance for consideration.

14. Discuss and take appropriate action regarding the property and open spaces surrounding the Golf View Garden Homes on Village Drive.

City Manager, Mike Castro presented the background information on this item as follows. He told Council that staff has concluded its research of the Golf View Garden Homes Open Spaces issue and has found an issue on the plat that only named Northwest Village III LTD as the owners of the open spaces in blocks 10 and 11 but not block 9. Accordingly, a call was placed to the Harris County Appraisal District (HCAD) and discussion was had with regard to the ownership of block 9.

After its investigation, HCAD found that a correction should be made to the legal description to include block 9. The change will show Northwest Village III LTD as the owner of the open spaces in block 9. The values and acreage will also change, but will not be recorded with HCAD until 2010.

The ongoing discussion surrounds the concerns raised regarding parking on the street and problems associated with limited sight issues, being that Village Drive is a highly traveled street. There has been discussion on how to alleviate this issue.

Council previously directed staff to determine ownership of the parcel in question and make contact with the land owner, which has been done.

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City Attorney Williams addressed the question concerning the ability to use public funds to construct a parking lot on the property in question. She stated that public funds could be used for such a project as long as the funds were used for a public purpose. She explained that if an individual, in this case the homeowner, happen to benefit from the public purpose, it would still be permissible.

Discussion was had that the parking lot is needed in this area to promote safety. Having parked cars along this area of Village Drive is not safe, and providing alternative parking in the open space would promote safety.

Discussion was had about moving forward on pursuing the title to the land across from the Golf View Garden Homes. The City Manager cautioned that since there is no appraised value on this property with the appraisal district comparable values will need to be used to determine the value of the property. He reminded Council of the limited expertise on staff and the need to make arrangements for the help of an appraiser and title person in order to come back with a negotiated value on this property. If this outside assistance requires a budget amendment, he will bring same back for council approval.

Council Member Haverty moved to direct the City Manager to negotiate acquiring the property for the benefit of the City. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

15. Discuss and take appropriate action regarding incentive pay for Jersey Village Police Officers.

Council Member Haverty introduced the item. He told Council that he wanted to discuss this issue because there have been multiple openings in the city police department for many months. It has become increasingly more difficult to fill these positions. Council Member Haverty believes that the problem with filling the positions is one of quality applicants.

The Council packets contained information outlining the incentive pay for Jersey Village Police Officers compared to the incentive pay of other municipalities and entities. In reviewing this information, Council Member Haverty told Council that Jersey Village offers incentive pay that is 2 to 5 times less for high quality talent, which puts our police department at a competitive disadvantage. He mentioned that our police officers work many hours of overtime in order to bring their salaries into the competitive range. This wears on morale.

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Discussion was had that it would take \$80,000 to bring the incentive pay of the City's police officers in line with Harris County officers and that this kind of an increase would affect the tax rate by \$0.01.

In discussing the packet information, it was noted that the Jersey Village Police Department's incentive pay package is in line with other cities of comparable size.

There was also discussion about police department recruiting practices, the police department's large overtime budget, and if filling the vacant positions would decrease the need for overtime. The Council discussed increasing incentive pay options at a rate of \$40,000 as opposed to \$80,000.

City Manager Castro stated that a police department benefits program may not be the answer if the problem is pay. He reminded Council that licensed police officers received a pay increase beginning October 1 well above other city employees and the City has not had an opportunity to see the effects of this increase.

It was the consensus of Council that the Chief add a monthly staffing/recruiting report for review. No action was taken on this item.

H. CLOSE THE REGULAR SESSION

Close the Regular Session to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 for Consultation with our Attorney.

I. EXECUTIVE SESSION

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.701 to discuss a proposed settlement agreement for ongoing litigation in *Sign-Ad Ltd. vs. City of Jersey Village and Jersey Village Board of Adjustment*, C.A. No. 4:09-cv-01260 in the United States District Court for the Southern District of Texas, Houston Division.**

Mayor Hamley inquired if the Executive Session was necessary at this time. City Attorney Williams explained that should any members of Council have any questions concerning the agreement that need to be asked and answered that doing so in Executive Session protects the attorney-client privilege. With no members having a need to ask questions, Mayor Hamley moved to Item K on the agenda.

J. ADJOURN EXECUTIVE SESSION

K. CONVENE REGULAR SESSION

- 1. Consider Resolution No. 2009-81, authorizing a settlement agreement with Sign-Ad Ltd in the Sign-Ad Ltd. Vs. City of Jersey Village and Jersey Village Board of Adjustment, C.A. No. 4:09-CV-01260 in the United States District Court for the Southern District of Texas, Houston Division.**

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Council Member Berube moved to approve Resolution No. 2009-81, authorizing a settlement agreement with Sign-Ad Ltd in the Sign-Ad Ltd. Vs. City of Jersey Village and Jersey Village Board of Adjustment, C.A. No. 4:09-CV-01260 in the United States District Court for the Southern District of Texas, Houston Division. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

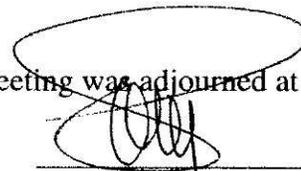
RESOLUTION NO. 2009-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A SETTLEMENT AGREEMENT WITH SIGN-AD LTD IN THE SIGN-AD LTD. VS. CITY OF JERSEY VILLAGE AND JERSEY VILLAGE BOARD OF ADJUSTMENT, C.A. NO. 4:09-CV-01260 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION.

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:55 p.m.





Lorri Coody, City Secretary

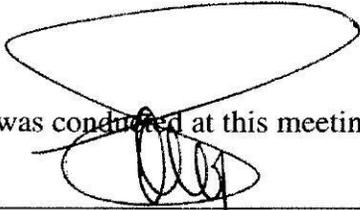
MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 19, 2009 AT 6:30 P.M. AT MONUMENT INN, 4406 BATTLEGROUND ROAD, LAPORTE, TEXAS, 77571.

A quorum of the members of the Jersey Village City Council met on Thursday, November 19, 2009 at 6:30 p.m. Monument Inn, 4406 Battleground Road, LaPorte, Texas, 77571, for the purpose of attending a meeting of the Harris County Mayors' & Councils' Association.

The following members attended the meeting:

Council Member Joyce Berube;
Council Member Rod Erskine; and
Council Member Jill Klein

No official business for the City of Jersey Village was conducted at this meeting.



Lorri Coody, City Secretary



MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON DECEMBER 21, 2009 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 Hamley at 7:00 p.m. with the following present:

Mayor, Russell Hamley	City Manager, Mike Castro
Council Member, Joyce Berube	City Secretary, Lorri Coody
Council Member, Rod Erskine	City Attorney, Martha Williams
Council Member, Curtis Haverty	
Council Member, Ernie English	
Council Member, Jill Klein	

Staff in attendance: Mark Bitz, Fire Chief; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

B. INVOCATION AND PLEDGE OF ALLEGIANCE – Curtis Haverty, Council Member

C. 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 presentation 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 presentation to the City Council.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 937-0408 – Mr. Maloy thanked the City Manager for writing the letter to the Harris County Toll Road Authority and TXDOT concerning noise abatement.

D. CITY MANAGER'S REPORT

In addition to the items listed in the report below, City Manager, Mike Castro, told Council about the recent letter he had received from the United State Post Master concerning a response to Council's request for a zip code to be issued to the City of Jersey Village. Basically, the letter informed the City that the Post Master would not be issuing a unique zip code for Jersey Village. City Manager Castro also addressed the Noise Abatement Letters that were sent to the Harris County Toll Road Authority (HCTRA) and to TXDOT, He explained that both entities were willing to meet with the City to discuss the matter. He told Council that a meeting was already set with the HCTRA for January 6, 2010 at 2:00 p.m.

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, and Governmental Funds Report.
2. Departmental Request Report and Open Records Request and Solicitor's Permit Requests
3. Fire & Emergency Services Departmental Report

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4. Police Activity Report, Crime Prevention Unit, Warrant Report, Investigations/Calls for Service Report, Red Light Camera Summary Report and Staffing/Recruitment Report.
5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Report Graphs, and Revenue Comparison Report.
6. Public Works Departmental Report, and Construction Update Summary
7. Combined Monthly and Annual Mileage Report
8. Golf Course Monthly Report; Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report
9. Report from Code Enforcement
10. Capital Improvements Projects Report
11. White Oak Bayou Capital Improvements Projects Report
12. Noise Abatement Letters to TXDOT and HCTRA
13. Letter Response dated 12-10-09 from US Postal Service on Unique Zip Code Request

E. 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 held on November 16, 2009 and the Special Session Meeting held on November 19, 2009.**
2. **Consider Resolution No. 2009-82, appointing Gene W. Frohbieter as the presiding Municipal Court Judge; and Don R. Byrnes and Martin Halick as Municipal Court Judges for the City of Jersey Village for the term beginning January 1, 2010 and ending December 31, 2011.**

RESOLUTION NO. 2009-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING GENE W. FROHBIETER AS THE PRESIDING MUNICIPAL COURT JUDGE ; DON R. BYRNES AND MARTIN HALICK AS MUNICIPAL COURT JUDGES OF THE CITY OF JERSEY VILLAGE.

4. **Consider Resolution No. 2009-84, appointing Deborah Anne Haun as Municipal Court Clerk of the City of Jersey Village for the term beginning January 1, 2010 and ending December 31, 2011.**

RESOLUTION NO. 2009-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING DEBORAH ANNE HAUN AS MUNICIPAL COURT CLERK OF THE CITY OF JERSEY VILLAGE.

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5. **Consider Resolution No. 2009-85, authorizing a New Public Road at Grade Crossing Agreement with Union Pacific Rail Road covering the construction, maintenance, and use of the new Jones Road at grade crossing for the Jones Road Extension Project.**

RESOLUTION NO. 2009-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A NEW PUBLIC ROAD AT GRADE CROSSING AGREEMENT WITH UNION PACIFIC RAIL ROAD COVERING THE CONSTRUCTION, MAINTENANCE, AND USE OF THE NEW JONES ROAD AT GRADE CROSSING FOR THE JONES ROAD EXTENSION PROJECT.

6. **Consider Ordinance No. 2009-58, amending the budget of such city for the fiscal year beginning October 1, 2009 and ending September 30, 2010 for additional equipment that will be reimbursed with the HGAC Criminal Justice Program Grant.**

ORDINANCE NO. 2009-58

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

7. **Consider Ordinance No. 2009-59, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September 30, 2010, to cover increases in the Texas Commission on Environmental Quality (TCEQ) Public Health Service Fee.**

ORDINANCE NO. 2009-59

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

9. **Consider Resolution No. 2009-87, authorizing the City Manager to enter into a contract with Harris County, Texas, allowing the City Of Jersey Village Fire Department to train in homes under the control of said county before they are scheduled for FEMA demolition.**

RESOLUTION NO. 2009-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HARRIS COUNTY, TEXAS, ALLOWING THE CITY OF JERSEY VILLAGE

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FIRE DEPARTMENT TO TRAIN IN HOMES UNDER THE CONTROL OF SAID COUNTY BEFORE THEY ARE SCHEDULED FOR FEMA DEMOLITION.

10. **Consider Ordinance No. 2009-60, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September 30, 2010, to purchase a computer, printer, and necessary hardware in order to equip the Police Department's second motorcycle unit with the new traffic citation system.**

ORDINANCE NO. 2009-60

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

Items three and eight were removed from the consent agenda for further discussion and considering same, Council Member Berube moved to approve items 1, 2, 4, 5, 6, 7, 9, and 10 on the consent agenda. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Mayor Hamley called the following item:

3. **Consider Resolution No. 2009-83, setting compensation for Gene W. Frohbieter, as presiding Municipal Court Judge, and setting compensation for Don R. Byrnes and Martin Halick as Municipal Court Judges.**

Finance Director, Isabel Kato explained the item. She told Council that on January 28, 2009, she conducted a meeting with the Judges, the Prosecutors, and the Court Administrator in which a survey of surrounding area Municipal Courts was presented. The survey, which is attached to this request, looked at Municipal Court case load and the payment method used for compensating Judges and Prosecutors. The purpose of the survey was to determine how Cities of comparable size pay their Judges and Prosecutors and to recommend a solution for the City of Jersey Village's Municipal Court in order that it operates more efficiently.

As a result of the findings of this survey, in October 2009 with the opening of the 2009-2010 budget year, the Prosecutors compensation for the Municipal Court was adjusted from \$100.00 per hour to \$250.00 per docket. Compensation for the Judges was not adjusted in October because adjustment of same was held for consideration after the appointment for new terms of office which was accomplished in the prior agenda item.

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Finance Director Kato told Council that this item is to recommend that Council consider adjusting the compensation of the City of Jersey Village Municipal Court Judges from \$125.00 per hour to \$350.00 per docket and from \$125.00 per hour for jail visits to \$125.00 per jail visit effective January 1, 2010.

Municipal Court Judge, Gene W. Frohbieter was present. He addressed Council stating his position on the item. He told council about the case load in his court and the number of dockets he handles. He explained his position concerning case load and dispositions and mentioned to Council that there are many defendants in the Jersey Village Municipal Courts that do not show up for Court.

City Manager, Mike Castro explained that Jersey Village is one of the few Cities that pays its Municipal Court Judges on an hourly basis. He gave background information to Council concerning budget information pertaining to budget cuts for the past 18 months and stated that even with these projected adjustments, the Judges' compensation for Jersey Village Municipal Court will remain comparable to other Cities.

Council engaged in discussion about the Jersey Village Municipal Court dockets and how the Court operates. They discussed how the operations equate to hours and how other cities may break their dockets into more than one while our court only has one docket. Discussion continued about the number of dockets versus the number of hours. No action was taken on this item.

Mayor Hamley called the next item that was pulled from the consent agenda as follows:

- 8. Consider Resolution No. 2009-86, of authorizing the City Manager to enter into a contract with KBR to make repairs to the city swimming pool and to replace and upgrade the marking according to new standards.**

Parks and Recreation Director, Michael Brown introduced the item. He told Council that this item is to cover repairs to the City's Swimming Pool. During the 2009-2010 Budget Work Sessions, a \$70,000 Supplemental was presented because the plaster at the City Pool is over 8 years old and in disrepair. Additionally, because of new standards, all of the pool markings need to be updated and replaced as well as the pool furniture.

Council approved the supplemental for FY 2009-2010 in the amount of \$70,000. Staff has received a proposal from KBR, a vendor that is currently listed as a State of Texas Authorized Vendor to perform such services. Accordingly, Staff requests that Council authorize the City Manager to engage KBR to perform the swimming pool repair work.

Council engaged in discussion about why the work is being purchased off the State contracts as opposed to the proposal process. Director Brown explained and Council Member English moved to approve Resolution No. 2009-06, authorizing the City Manager to enter into a contract with KBR to make repairs to the city swimming pool and to replace and upgrade the marking according to new standards. Council Member Berube seconded the motion. The vote follows:

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Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KBR TO MAKE REPAIRS TO THE CITY SWIMMING POOL AND TO REPLACE AND UPGRADE THE MARKING ACCORDING TO NEW STANDARDS.

F. CLOSE THE REGULAR SESSION

Close the Regular Session to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 (2) for Consultation with our Attorney.

Mayor Hamley closed the Regular Session of the City of Jersey Village Council Meeting to Convene into Executive Session with the following statement at 7:47 p.m.:

As provided under Section 551.071 (2) of the Texas Open Meetings Act, City Council is now going to retire to a Closed Session in order to receive legal advice from the City Attorney.

We will return to Open Session and continue with the remainder of tonight's agenda after the City Attorney has provided the legal advice.

G. EXECUTIVE SESSION

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 (2).**

H. ADJOURN EXECUTIVE SESSION

I. CONVENE REGULAR SESSION

Council returned to Open Session at 8:10 p.m. and continued with the remainder of the Regular Session agenda after the City Attorney provided the legal advice. No official Action was taken by the Council during Executive Session.

J. REGULAR AGENDA

- 1. Receive Construction Update for the North Tahoe Construction Project and the Jones Road Extension Project.**

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Erik Tschanz, Project Manager, gave the project update concerning the North Tahoe Construction Project and the Jones Road Extension Project. Council engaged in limited discussion on this item.

2. Consider Ordinance No. 2009-61, amending Section 58-2 of the Code of Ordinances of the City of Jersey Village, Texas, to provide for placing of non-commercial signs.

Council Member Berube, who asked for this item to be placed on the agenda for consideration, asked that the item be withdrawn from consideration. Therefore, no action was taken.

3. Consider Ordinance No. 2009-62, re-imposing the city's one and one half percent (1.5%) sales and use tax on the residential use of gas and electricity.

Finance Director, Isabel Kato presented the item, explaining to Council that the 81st Legislature passed SB 575, permitting Crime Control and Prevention Districts to impose sales tax throughout special purpose districts on residential use of gas and electricity, which brings about the topic of this item.

She also explained that legislation enacted in 1978, (House Bill 1, 65th Legislature, Second Called Session) exempted residential use of natural gas and electricity from sales and use taxes. However, the legislation also included a grandfather clause that authorized any city that imposed sales tax prior to October 1, 1979 to either retain the tax by ordinance on or before May 1, 1979; or if the city properly exempted residents from the tax, it could re-impose the tax at any time after May 1, 1979. The City of Jersey Village by Ordinance No. 1978-15 properly exempted residents from the sales tax for the use of natural gas and electricity effective October 1, 1978.

With the passage of SB 575, Council should consider re-imposing the local sales tax which may be done by a majority vote. If adopted, the re-imposition would take effect beginning on the first day of the calendar quarter next succeeding the elapsed quarter. The exemption or re-imposition of the local tax does not apply to sales of natural gas and electricity for residential use made during a customer's regular monthly billing period which begins before the effective date of the exemption or re-imposition. The exemption or re-imposition shall apply to each regular monthly billing period beginning on or after the effective date of the exemption or re-imposition.

In checking the records, 768 cities across the State impose this tax, and 152 cities, although eligible, have not re-imposed the tax after some 30 years. The local tax applies to sales of natural gas and electricity for use in a city that has adopted the local tax and must be collected for the city in which delivery is made to the consumer.

If adopted, Ms. Kato explained the projected revenue that this tax would generate for the City.

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Council engaged in discussion concerning the amounts of income that would be generated by the tax. City Manager Castro explained why the tax is needed stating:

1. The sales tax differential of \$50,000 less this December than one year ago;
2. The decrease in property tax evaluations, which means lower taxes equating to lower tax revenues for the City;
3. City budgets have already been cut.

The City Manager stated that the re-imposition of this tax will help off-set the loss in city revenues from other areas and it is a source of revenue that the City gave up over 30 years ago.

Discussion continued about this increase as well as the increase in water rates. It was the consensus of Council that a letter should be sent to residents explaining the tax increase and then Council should vote on whether or not to re-impose the tax. Council also believed that more data was needed pertaining to sales tax revenues to see if the recent decline in revenue is an anomaly or if it is a trend.

After discussion, Council Member Haverty moved to postpone approval of Ordinance No. 2009-62, for re-imposing the city's one and one half percent (1.5%) sales and use tax on the residential use of gas and electricity until next month in anticipation of more data on tax receipts and in order that a letter be composed to the citizens on what we are doing. Council Member Berube seconded the motion.

Discussion on the motion followed. It was the consensus of Council that a review of the letter was necessary before it is sent out.

The vote on the motion follows:

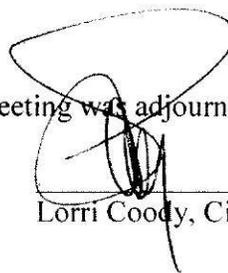
Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

K. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:29 p.m.



Lorri Coody, City Secretary