

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JANUARY 17, 2011 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, Mark Maloy	
Council Member, Jill Klein	

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. **Prayer by:** Michael Brittain, Chaplain, American Legion Post #324
2. **Pledge by:** Jimmy Baughman, Commander of American Legion Post #324

C. PRESENTATIONS

1. **Presentation of Police Department Employee of the Fourth Quarter and 2010 Employee of the Year Award.**

Commander Jimmy Baughman and Howard Mead, Past Commander of American Legion Post #324 made presentations to Officer Kelley Lewis for Officer of the Fourth Quarter Award and to Officer Ryan Vasquez for the 2010 Police Department Employee of the Year Award.

D. CITIZENS COMMENTS

Citizens who have signed a card and wish to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the 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.

Vance Burnham, 16546 Village Drive, Jersey Village, Texas (713) 466-6227 – Mr. Burnham spoke to council concerning the City of Jersey Village Police Department.

E. CITY MANAGER'S REPORT

City Manager, Mike Castro, gave his monthly report. In addition to the items listed below, he called Council's attention to the updated construction report that has been put at each Council Member's place. He told Council that the report in the meeting packet contained errors and this report has been corrected to accurately reflect the proper figures for the project.

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City Manager Castro also called attention to the decrease in the Red Light Camera Revenue. He told Council that the report period is actually for the month of November, and it is felt that the decrease can be attributed to the publicity associated with the proposition on the City of Houston's ballot to eliminate the Red Light Camera Program in that City. Mr. Castro told Council that there were quite a few political ads encouraging citizens not to pay their red light camera tickets during the election period. It is felt that violator's receiving tickets in the City of Jersey Village were confused and were under the assumption that the proposition on the City of Houston's ballot applied to them. Thus, there was a reduction in revenue for the City of Jersey Village. City Manager Castro explained that it appears this anomaly has corrected itself. Nonetheless, City Manager Castro did caution that overtime, revenue from the Red Light Camera Program can be expected to drop because the purpose of the cameras is to produce safety and reduce the number of traffic accidents by encouraging compliance. Council engaged in discussion about the Budget Projections Report. The report indicates a decrease in the projected expenditures for the police department over last month's report. This reduction was explained by the Finance Director, Isabel Kato upon which discussion ensued pertaining to the Red Light Camera Fund and its relation to the Traffic Enforcement Fund.

Mr. Castro completed his report with the introduction of Court Administrator, Paul Rex, stating that Paul began his work in the City in December. He told Council that Paul brings much experience to the City and has already made much progress in his position as Court Administrator. Mayor Hamley welcomed Paul to the City.

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Investment Report – December 2010, Governmental Funds Report, and Budget Projections as of December 2010
2. Open Records Request and Solicitor's Permit Requests
3. Fire Departmental Report and Communication Division's Monthly Report
4. Police Activity Report, Warrant Report, Investigations/Calls for Service Report, Red Light Camera Summary Report, Crime Prevention Unit Monthly Report, and Staffing/Recruitment Report
5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Report Graphs, Municipal Citations within Residential Area Report, and Court Proceeds Comparison Report
6. Public Works Departmental Report, Jones Road Construction Up-Date Detail Report, and Jones Road 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 Oaks Bayou Capital Improvements Projects Report
12. Police Department Expansion Project – Change Orders 11 through 18.
13. Introduction of Paul Rex – Court Administrator

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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 Special Session Meeting held on December 13, 2010.**
- 2. Consider Resolution No. 2011-01, canceling the Monday, May 16, 2011 Regular City Council Meeting, and calling a Special City Council Meeting on Monday, May 23, 2011 in order to canvass the May 14, 2011 General Election results.**

RESOLUTION NO. 2011-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, CANCELING THE REGULAR COUNCIL MEETING TO BE HELD ON MAY 16, 2011 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS; CALLING A SPECIAL COUNCIL MEETING TO BE HELD ON MAY 23, 2011 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Council Member Maloy moved to approve items 1 and 2 on the consent agenda. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

G. REGULAR AGENDA

- 1. Consider Resolution 2011-02, authorizing the City Manager to enter into an agreement with CenterPoint Energy for the installation of street lighting in the vicinity of the Promenade Apartments.**

City Manager, Mike Castro introduced the item. Background information is as follows:

At the November City Council meeting, the Promenade Apartments Assistant Community Manager, Dustin Harwell, requested that the City of Jersey Village install street lighting along Ruffian Drive and Pleasant Colony. Currently these streets do not have any lighting. Mr. Harwell indicated that there have been several burglaries at the apartment complex and he felt that the installation of street lighting may be a deterrent to future criminal activity.

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Subsequent to Mr. Harwell's request, Chief Foerster met with management from the Promenade and conducted a security assessment of the complex. In response to Chief Foerster's assessment, the City took several proactive measures: 1) Implementation of a routine bicycle patrol of the complex, 2) Increased vehicular patrol of the complex, and 3) Implementation of weekly meetings with the manager regarding safety / security matters. Through discussions with apartment management and observations, Chief Foerster reached the conclusion that lighting was a relatively minor element in the overall list of security measures needed at the complex. Other areas that should be addressed by management, concurrent with any City expenditures include:

1. Improved residency background verification and criminal background checks,
2. Clearing of large volumes of vegetation in the areas where the proposed lights are to be placed,
3. Repairs or replacement of fencing to eliminate holes and passageways in the security / perimeter fence,
4. In conjunction with the city's Crime Prevention Officer, development of a focused crime reduction plan for the complex.

City staff contacted CenterPoint Energy to obtain pricing for the installation of streetlights. Staff has presented three options for council to consider. Pricing is available for option 1. The additional lighting associated with Option 1 will result in a \$ 600 per month (\$ 7,000 annual) increase to the City's electric bill.

Option 1- The installation of standard street lighting on Ruffian Drive, Pleasant Colony, and Seattle Slew, at a cost of \$11,451.00

Option 2- The installation of standard street lighting on Ruffian Drive and Pleasant Colony, at a cost of \$ (TBD)

Option 3- The installation of standard street lighting on Ruffian Drive at a cost of \$ (TBD)

On December 27th, staff met with Mr. Lowe to discuss the City's concerns and gauge the willingness of the Promenade to share in costs associated with the installation of street lighting. Staff communicated the belief that under no circumstances should the City proceed until the apartment management completes fence repair and tree trimming projects throughout the complex.

On January 12, the City Manager received a verbal commitment from the owner of the complex to agree to the proposed terms. The owner also agreed to pay for one-half of the installation costs of the lighting. Written confirmation is anticipated.

Council engaged in discussion about the style of lighting. There was concern that the lighting being proposed was not in line (decorative) with that in the rest of the City and that being considered for Jersey Village Crossing. City Manager Castro explained that the decorative lighting is more expensive than the cobra style being suggested for this

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area, but more importantly the decorative lighting does not provide the amount of lighting needed to address the safety and prevention measures requested at this location. The cobra style lighting is more efficient and effective at providing the lighting needed and accomplishing the desires of the community.

Council also discussed the \$12,000 proposal by CenterPoint Energy and what this proposal covers. City Manager Castro explained that the proposal is to place the cobra style lighting on three streets: Ruffian, Pleasant Colony, and Seattle Slew. The Promenade has agreed to pay \$5,700 toward the cost of this proposal.

With no further discussion on this matter, Council Member Haverty moved to approve Resolution 2010-02 authorizing the City Manager to enter into an agreement with CenterPoint Energy for the installation of street lighting in the vicinity of the Promenade Apartments, and that initiation of the project shall be contingent upon the Promenade's completion of fence repair, tree trimming projects to the city's satisfaction, and payment for 50% of the installation costs. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CENTERPOINT ENERGY FOR THE INSTALLATION OF STREET LIGHTING IN THE VICINITY OF THE PROMENADE APARTMENTS.

- 2. Consider Ordinance No. 2011-01, amending the fiscal year budget beginning October 1, 2010 and ending September 30, 2011, to cover cost associated with the installation of street lights along Ruffian Drive.**

This item is associated with item G1 on the agenda and represents the necessary budget amendment to cover the cost associated with the installation of street lights along Ruffian Drive.

With limited discussion on this item, Council Member Maloy moved to approve Ordinance No. 2011-01, amending the fiscal year budget beginning October 1, 2010 and ending September 30, 2011, to cover cost associated with the installation of street lights along Ruffian Drive. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

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The motion carried.

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; AND PROVIDING FOR SEVERABILITY.

- 3. Consider Ordinance No. 2011-02, amending the Code of Ordinances of the City of Jersey Village, Texas, by adding to Chapter 14, Building and Development, Article XX, Miscellaneous Regulations: Penalty, a new Section 14-665 to limit the use of, and require a permit for, certain dumpsters and temporary portable storage units; providing a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the code; and providing an effective date.**

Christian Somers, City Building Official, introduced the item. He told Council that currently the City does not have an effective ordinance that prohibits the outdoor storage and placement of dumpsters and bagsters in residential area and commercial areas. Nor does the City have any criteria related to the placement and storage of temporary portable storage units (TPSU).

The City Attorney at the guidance of Staff has provided a proposed ordinance that addresses these issues by adding a new subsection 14-665 to address reoccurring issues of how long dumpsters, bagsters, and temporary storage units will be allowed to remain in residential and commercial districts. The ordinance establishes guidelines and criteria for both uses. The ordinance also provides requirements for permitting the usage of these devices within the City.

Council engaged in discussion about the current status of dumpsters in the City and where these dumpsters are located. Mr. Somers explained that currently there are those dumpsters being used for refuse, but this change is meant to regulate dumpsters, bagsters, and TPSU's brought in for house cleans, construction projects, remodels, and the like.

Council engaged in discussion about the content of the Ordinance. There was discussion if the Ordinance covered portable toilets. Mr. Somers explained that it did not. He told Council that portable toilets are encouraged at construction sites.

Council also discussed the possibility of extending the set time limits for placing dumpsters, bagsters, and TPSU's during emergencies. Mr. Somers explained that there are provisions for this and that will not be a problem.

With no further discussion, Council Member Maloy moved to approve Ordinance No. 2011-02, amending the Code of Ordinances of the City of Jersey Village, Texas, by adding to Chapter 14, Building and Development, Article XX, Miscellaneous Regulations: Penalty, a new Section 14-665 to limit the use of, and require a permit for, certain dumpsters and temporary portable storage units; providing a severability clause;

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

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

Nays: None

The motion carried.

ORDINANCE NO. 2011-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY ADDING TO CHAPTER 14, BUILDING AND DEVELOPMENT, ARTICLE XX, MISCELLANEOUS REGULATIONS: PENALTY, A NEW SECTION 14-665 TO LIMIT THE USE OF, AND REQUIRE A PERMIT FOR, CERTAIN DUMPSTERS AND TEMPORARY PORTABLE STORAGE UNITS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

H. CLOSE THE REGULAR SESSION

Mayor Hamley closed the Regular Session at 7:40 p.m. to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.072 – Value/Transfer of Real Property.

I. EXECUTIVE SESSION

1. Deliberate the purchase, exchange, lease, or value of real property pursuant to Section 551.072 of the Texas Open Meetings Act. *Mike Castro, City Manager*

J. ADJOURN EXECUTIVE SESSION

Mayor Hamley adjourned the Executive Session at 8:44 p.m. and reconvened the Regular Session, stating that no official business was taken during the Executive Session.

K. CONVENE REGULAR SESSION

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:46 p.m.

Lorri Coody, City Secretary