

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON FEBRUARY 21, 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 Pro-tem Berube at 7:00 p.m. with the following present:

Mayor Pro-tem, Joyce Berube
Council Member, Rod Erskine
Council Member, Curtis Haverty
Council Member, Mark Maloy
Council Member, Jill Klein

City Manager, Mike Castro
City Secretary, Lorri Coody
City Attorney, Bill Olson

Mayor Russell Hamley was not present at this meeting. City Attorney Martha Williams was not present. Attorney Bill Olson stood in during her absence.

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: Austin Stephenson, Boy Scout Troop 1944**
- 2. Pledge by: Cole Peterson, Boy Scout Troop 1944**

C. MORATORIUM ITEMS

- 1. Conduct a public hearing to extend, for a period of 90 days, the December 13, 2010 moratorium imposed by City Council pertaining to commercial property development in the area located to the south of the US 290 right of way and within the corporate limits of the City of Jersey Village, with said 90 day extension becoming effective March 14, 2011 and ending June 11, 2011.**

Mayor Pro-Tem Berube opened the Public Hearing at 7:03 p.m., explained that the public hearing concerns a request to extend the 90-day moratorium on commercial property development in the area located to the south of the US 290 right of way and within the corporate limits of the City of Jersey Village. Everyone desiring to speak at this hearing should complete a public hearing comment card, and present the card to the City Secretary. Today's hearing is for the purpose of letting the citizens of Jersey Village speak regarding the request to extend the moratorium on commercial property development for 90-days.

City Manager Castro then gave a brief summary of the background information leading up to the public hearing. He explained that on December 13, 2010 City Council passed a moratorium on commercial property development in this area effective through March 13, 2011. However, he explained, the Form Based Code requirements, the reasons for the moratorium issuance, are not complete and will not be ready by time the Moratorium

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expires. Therefore, an additional 90-day extension is needed. This will extend the moratorium on commercial property development in the area through June 11, 2011.

There being no one desiring to speak, Mayor Pro-tem Berube closed the public hearing regarding the request to extend the 90-day moratorium on commercial property development in the area located to the south of the US 290 right of way and within the corporate limits of the City of Jersey Village at 7:10 p.m.

2. **Consider Ordinance No. 2011-03, extending the 90-day moratorium declared on commercial property development for property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village expiring March 13, 2011; making findings related to the extension; and providing that this ordinance shall take effect March 14, 2011.**

Council Member Maloy moved to approve Ordinance No. 2011-03, extending the 90-day moratorium declared on commercial property development for property located south of the U.S. Highway 290 right-of-way and within the corporate city limits of the City of Jersey Village expiring March 13, 2011; making findings related to the extension; and providing that this ordinance shall take effect March 14, 2011. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members, Erskine, Haverty, Maloy, and Klein
Mayor Pro-Tem Berube

Nays: None

The motion carried.

ORDINANCE NO. 2011-03

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, EXTENDING THE 90-DAY MORATORIUM DECLARED ON COMMERCIAL PROPERTY DEVELOPMENT FOR PROPERTY LOCATED SOUTH OF THE U.S. HIGHWAY 290 RIGHT-OF-WAY AND WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF JERSEY VILLAGE EXPIRING MARCH 13, 2011; MAKING FINDINGS RELATED TO THE EXTENSION; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT MARCH 14, 2011.

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.

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Frank Maher, 16514 St. Helier, Jersey Village, Texas (713) 466-3030 – Mr. Maher spoke to Council concerning the request for lighting along the new extension of Jones Road. He told Council that he supported this request and felt that the lighting was needed. He stated that he supported the decorative style lighting to coincide with the lighting in the other areas of Jersey Village.

Jim Pulliam, 15712 Tenbury, Jersey Village, Texas (713) 983-0932 – Mr. Pulliam told Council that the economy is tight and all governments have a budget and spending problem, including Jersey Village. The number one spending problem Jersey Village has right now is the money being spent south of 290 at Jones Road in Jersey Village Crossing.

He stated that he believes that the city has spent over 2.0 million of our tax dollars on this project and there will be another vote tonight to spend another \$589,000 on lights that are not needed.

Mr. Pulliam asked Council to vote against spending more tax dollars on Jones Road. He told Council that he believes that the greater majority of the tax dollars spent on the Jones Road extension project has come from money left over from the city road bonds, and that money should have been used for road replacement and repairs in the main part of the city north of 290, not south of 290.

The city paid a lot of tax dollars to Kimley-Horn and Associates for development plans for Jersey Village Crossing. The only positive thing I can say about that plan is it could be the beginning of a master plan for the city. Today the city is doing an excellent job of replacing poor infrastructure in the main part of the city and it needs to continue doing that job. The citizens have supported rebuilding the infrastructure in the past by voting for the bond issues and they will continue to support it. Mr. Pulliam does not support the city developing the Jersey Village Crossing as the Kimley-Horn and Associates plan has two major problems:

1. It depends heavily on the city developing the property; not developers
2. It depends heavily on developers wanting to develop the property

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 item 12, the Racial Profiling Report for 2010.

1. **Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, and Budget Projections as of January 2011**
2. **Report of Open Records Requests and Solicitor's Permit Requests**
3. **Fire Departmental Report and Communication Division's Monthly Report**
4. **Police Activity Report, Investigations/Calls for Service Report, Red Light Camera Summary Report, Crime Prevention Unit Monthly Report, and Staffing/Recruitment Report**

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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. **Racial Profiling Report - 2010**
13. **Police Department Expansion Project – Change Order 19**

Mayor Pro-tem Berube called the Consent Agenda and asked for any items to be removed. Council Member Maloy asked that item (4) be removed for separate consideration.

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 Regular Session Meeting held on January 17, 2011, the Special Session Meeting held on January 21, 2011, and the Work Session Meeting held on February 15, 2011.**
2. **Consider Ordinance No. 2011-04, ordering a general election on May 14, 2011 for the purpose of electing a mayor and two (2) council members (Place 2, and Place 3).**

ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 14, 2011, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCILMEMBERS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

3. **Consider Ordinance No. 2011-05, amending the budget for fiscal year October 1, 2010 through September 30, 2011 by allocating \$8,000 from the General Fund Balance and by increasing the Consulting Services line item by \$8,000.**

ORDINANCE NO. 2011-05

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

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OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; AND PROVIDING FOR SEVERABILITY.

5. **Consider Ordinance No. 2011-06, amending the fiscal year budget beginning October 1, 2010 and ending September 30, 2011 in the amount of \$111,578 to purchase self-contained breathing apparatus that will be reimbursed by the 2010 Assistance to Fire Grant.**

ORDINANCE NO. 2011-06

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.

Council Member Maloy moved to approve items 1, 2, 3, and 5 on the consent agenda. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

Mayor Pro-tem Berube then called item (4) on Consent for consideration as follows:

4. **Consider Resolution No. 2011-03, authorizing the City to apply for the 2011 Assistance to Firefighter Grant program for Fire Prevention and Safety Grant.**

Fire Chief, Mark Bitz introduced the item. He told Council that the Federal Assistance to Fire Fighter Grant application period is opened to all fire departments to submit applications. This year the Federal Assistance to Fire Fighter Grants has \$35 million set aside to fund Fire Prevention and Safety Grants. The Fire Department's plan for this grant is to apply for (1) Fire Safety Education Trailer for \$100,000.

This trailer will be used to educate the youth and adults of our area. This trailer has the ability to teach children how to recognize the signs of fire, understand what a smoke detector looks like and sounds like and show them how to physically leave a bedroom to escape fire. In addition, this trailer has the ability to teach about kitchen safety and show adults how to properly put out a fire while using a fire extinguisher. We currently do not own this type of equipment that has great potential to be used in the education of fire safety. Our goal is to utilize this trailer for students during Fire Prevention Month, have it available during the Fire Department Open House and to bring it to functions such as the Fall Frolic, Spring Fling etc.

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This grant has a 5% city match which means the city would be responsible for up to \$5000. The Federal Government program will pay for 95% of the trailer. If we are awarded this Grant, it will require a budget amendment in the full amount of the cost of the trailer. Once the trailer is purchased and arrives, the city will receive reimbursement for 95% of the total portion.

With limited discussion on this item, Council Member Erskine moved to approve Resolution No. 2011-03, authorizing the City to apply for the 2011 Assistance to Firefighter Grant program for Fire Prevention and Safety Grant. Council Member Maloy seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

RESOLUTION NO. 2011-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR THE 2011 ASSISTANCE TO FIREFIGHTER GRANT PROGRAM FOR A FIRE PREVENTION AND SAFETY GRANT.

G. REGULAR AGENDA

1. Consider Resolution No. 2011-04, reviewing and accepting the 2010 Comprehensive Annual Financial Report.

Isabel Kato, Finance Director presented the item. She told Council that The City of Jersey Village is required to publish each year a complete set of financial statements presented in conformity with Generally Accepted Accounting Principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

Robert Belt, with our external auditing firm Belt Harris & Associates LLP, made a presentation based on the audit findings and the financial position of the City.

Upon completion of the presentation and a short question and answer period, Council Member Maloy moved to approve Resolution No. 2011-04, reviewing and accepting the 2010 Comprehensive Annual Financial Report. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

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The motion carried.

RESOLUTION NO. 2011-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ACCEPTANCE OF THE 2010 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

2. Consider Resolution No. 2011-05, receiving the Written Recommendation Report from the Building Board of Adjustment and Appeals pertaining to Slab Elevation Code Changes.

Danny Segundo, Director of Public Works, introduced the item. He told Council that The Building Board of Adjustment and Appeals had previously met on three occasions, January 17, 2011, January 24, 2011, and January 31, 2011, for the purpose of reviewing proposed amendments to the Code of Ordinances of the City of Jersey Village, Texas at Chapter 14 - Building and Development.

In completing their review and discussion, the Board recommended that amendments be made to the Code of Ordinances of the City of Jersey Village, Texas at Chapter 14 - Building and Development in order to address needed changes to the Code of Ordinances of the City of Jersey Village, Texas, at Chapter 14, Article XIII, Building Code, Section 14-353 as more specifically defined in Exhibit A, attached hereto and made apart hereof.

The Board recommended that the amendments be made to the Code of Ordinances of the City of Jersey Village, Texas at Chapter 14 - Building and Development in order to address the following concerns:

- 1) Water runoff issues resulting from conflicting floodplain requirements;
- 2) Utilization of fill to meet floodplain requirements;
- 3) Construction phase drainage patterns to avoid flooding; and
- 4) Internal consistency of ordinances, including building codes.

With limited discussion on this item, Council member Haverty moved to approve Resolution No. 2011-05, receiving the Written Recommendation Report from the Building Board of Adjustment and Appeals pertaining to Slab Elevation Code Changes. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

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RESOLUTION NO. 2011-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE WRITTEN RECOMMENDATION REPORT FROM THE BUILDING BOARD OF ADJUSTMENT AND APPEALS PERTAINING TO SLAB ELEVATION CODE CHANGES.

- 3. Consider Resolution No. 2011-06, authorizing an Interlocal Agreement with Harris County Flood Control District for the design and construction of a public hike and bike trail with related appurtenances on the 43-acre detention facility located with the City of Jersey Village, Texas.**

Michael Brown, Director of Parks and Recreation, introduced the item. He told Council that the City and the Harris County Flood Control have previously entered into an Interlocal Agreement, dated March 6, 2001, regarding the City's temporary use of the Harris County Flood Control District's (the District) 43.262 acre detention facility for recreational purposes. The terms of the agreement end on March 5, 2011.

The District now desires to construct a Stormwater Detention Basin on the Property and the City desires to construct a public hike and bike trail with related appurtenances. The City is willing to participate in the Project, pay for the construction cost of the Trail, and desires to maintain the Trail with related appurtenances. In order to reduce the District's cost and expense of Property maintenance, the District is willing to allow the City to use and maintain the Property for the stated recreational purposes; therefore, it is to the mutual benefit of the District and the City to enter into and implement this Agreement.

Council engaged in discussion about our current level of maintenance and if that level of involvement for maintenance is going to increase with the added recreational features. Mr. Brown explained that the City already mows a big part of the 43 acre tract and the design that will occur with the project will make the mowing work easier.

There was discussion about the \$500,000 cost. Mr. Brown explained that the City must commit to the terms of the contract within 90 days of signing by sending the County a \$500,000 check; however, within the 90 day window, the City can withdraw from participation should it so desire.

There was further discussion on the added costs for fuel, employee time and equipment wear and tear. Staff will prepare an estimate report of these costs for Council review.

Council also discussed the use of the soil from the project to construct an earth berm along the Tollway near the school for noise reduction. City Manager Castro explained that most often the terms of the bid for these type projects include that the Contractor receives the dirt as part of the project cost. Therefore, there would be no dirt for such a project. There was additional discussion about TXDOT input on building an earth berm in that it may not be feasible due to the required slope.

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Council engaged in discussion about the cost of the bridge that will cover the wetlands being approximately \$140,000 and that this amount was not included in the \$500,000.

With no further discussion on the matter, Council Member Haverty moved to approve Resolution No. 2011-06, authorizing an Interlocal Agreement with Harris County Flood Control District for the design and construction of a public hike and bike trail with related appurtenances on the 43-acre detention facility located with the City of Jersey Village, Texas. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

RESOLUTION NO. 2011-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY FLOOD CONTROL DISTRICT FOR THE DESIGN AND CONSTRUCTION OF A PUBLIC HIKE AND BIKE TRAIL WITH RELATED APPURTENANCES ON THE 43-ACRE DETENTION FACILITY LOCATED WITH THE CITY OF JERSEY VILLAGE, TEXAS.

4. Consider Resolution No. 2011-07, receiving the Planning and Zoning Commission's Preliminary Report as it relates to amending the City's Comprehensive Zoning Ordinance regarding Slab Elevation Requirements in the City of Jersey Village.

Debra Mergel, P&Z Chairperson, introduced the item. She told Council that on February 15, 2011, City Council and the Planning and Zoning Commission met in a joint work session to receive a presentation from HDR – Claunch & Miller Engineering Consultants pertaining to the consultant's recommendation concerning amendments the City's Comprehensive Zoning Ordinance regarding Slab Elevation Requirements in the City of Jersey Village.

After receiving the presentation, explanation, and recommendation for the slab elevation requirements from HDR – Claunch & Miller Engineering Consultants, the Planning and Zoning Commission met in separate session to discuss same.

As a result their separate meeting and the discussions had surrounding amendments to the City's Comprehensive Zoning Ordinance regarding the regulation of Slab Elevation Requirements in the City of Jersey Village, the Planning and Zoning Commission presents its preliminary report in connection with its findings to City Council tonight and asks that it be received.

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With limited discussion on this matter, Council Member Erskine moved to approve Resolution No. 2011-07, receiving the Planning and Zoning Commission's Preliminary Report pertaining to amendments the City's Comprehensive Zoning Ordinance regarding Slab Elevation Requirements in the City of Jersey Village. Council Member Maloy seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

RESOLUTION NO. 2011-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S PRELIMINARY REPORT AS IT RELATES TO AMENDING THE CITY'S COMPREHENSIVE ZONING ORDINANCE REGARDING SLAB ELEVATION REQUIREMENTS IN THE CITY OF JERSEY VILLAGE.

- 5. Consider Ordinance No. 2011-07, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to amend the city's comprehensive zoning ordinance regarding Slab Elevation Requirements in the City of Jersey Village.**

Danny Segundo, Director of Public Works, introduced the item. He told Council that Council has heretofore received the Planning and Zoning Commissions Preliminary Report concerning the proposal to amend the city's comprehensive zoning ordinance regarding Slab Elevation Requirements in the City of Jersey Village.

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

This item is to set the date and time for the joint public hearing with the Planning and Zoning Commission.

Council Member Maloy moved to approve Ordinance No. 2011-07, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to amend the city's comprehensive zoning ordinance regarding Slab Elevation Requirements in the City of Jersey Village. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

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The motion carried.

ORDINANCE NO. 2011-07

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS CALLING A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION CONCERNING A PROPOSAL TO AMEND THE CITY'S COMPREHENSIVE ZONING ORDINANCE REGARDING SLAB ELEVATION REQUIREMENTS WITHIN THE CITY OF JERSEY VILLAGE.

6. **Consider with possible action removing from the table, Resolution No. 2010-82, authorizing the City Manager to enter into a contract with CenterPoint Energy for the installation of street lighting along the Jones Road Extension.**

Council Member Haverty moved that Resolution No. 2010-82, authorizing the City Manager to enter into a contract with CenterPoint Energy for the installation of street lighting along the Jones Road Extension be removed from the table. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

7. **Consider Resolution No. 2010-82, authorizing the City Manager to enter into a contract with CenterPoint Energy for the installation of street lighting along the Jones Road Extension.**

Erik Tschanz, Project Manager, introduced the item. He explained that City Council considered this item at its December 13, 2010 Council meeting. The item was tabled in order that staff could gather additional information concerning pricing for the "Senate Style" lighting as opposed to the lighting that was proposed in Options 1 and 2.

He told Council that the Jones Road Expansion contract currently does not provide for the installation of street lighting. It does, however, provide for the installation of 2" conduit and the pulling of electrical wiring needed to acquire electrical service for lighting. Therefore, Staff is asking that Council consider the addition of streetlights along the Jones Road extension as a safety precaution in order to provide better visibility for motorists, and to provide encouragement for future development in the area.

Mr. Tschanz explained the CenterPoint Energy products.

- Option 1 – The installation of standard street lighting at a cost of \$14,960

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- Option 2 – The installation of decorative street lighting similar to other residential areas in Jersey Village at a cost of \$40,019

City Manager Castro explained that the “Senate Style” lighting is not sold by CenterPoint Energy; rather it is sold by Lighting Associates, Inc. Should Council desire the “Senate Style” lighting, the information for same is presented under the agenda items 8 and 9, and Council should not act on item 7. However, should Council desire one of the CenterPoint Energy Options, then there is no need to consider items 8 and 9.

Council engaged in discussion about lighting on County roads in and around Jersey Village. It was noted that none have lighting except at intersections, and much of the lighting is done by structures. There was discussion about whether the city should pay for this lighting and the cost to run the lights once they are installed.

Discussion was also had that the \$14,960 proposal included 44 lights, the installation of the lights, and maintenance of the lights once installed. Mr. Tschanz explained that this was a \$1,200 discount per pole by CenterPoint Energy.

Council also discussed the notion that the City has this opportunity to “brand” itself with an image by installing the decorative style lighting.

Council Member Haverty moved to approve Option 2– The installation of decorative street lighting similar to other residential areas in Jersey Village at a cost of \$40,019. The motion died for lack of a second.

RESOLUTION NO. 2010-82 – FAILED – NO SECOND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH CENTERPOINT ENERGY FOR THE INSTALLATION OF STREET LIGHTS ALONG THE JONES ROAD EXTENSION.

- 8. Consider Resolution No. 2011-08, authorizing the City Manager to enter into a contract with Lighting Associates Inc. for the installation of street lighting along the Jones Road Extension.**

Erik Tschanz, Project Manager, introduced the item. He explained that the “Senate” style street lights local vendor is Lighting Associates Inc. Approximately 50 lamp posts are needed along Jones Rd extension, and the cost per pole is \$9,119.02. The cost of the installation is \$183,380.00. If the city would like the option of installing LED lighting along Jones Rd. than additional cost for LED lighting would be \$93,865.00.

There is currently not enough funding in the existing Jones Road Project budget to complete this proposal, additional funding will be needed.

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Mayor Pro-tem Berube called for discussion on the item. Having no discussion, she called for a motion. Receiving no motion, the item died for lack of a motion.

RESOLUTION NO. 2011-08 – FAILED – NO MOTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH LIGHTING ASSOCIATES, INC. FOR THE PURCHASE AND INSTALLATION OF STREET LIGHTS ALONG THE JONES ROAD EXTENSION.

- 9. Consider Ordinance No. 2011-08, amending the budget for fiscal year October 1, 2010 through September 30, 2011, in the amount of \$589,331.00 to provide for the installation of street lighting along the Jones Road Extension by Lighting Associates Inc.**

Erik Tschanz, Project Manager, introduced the item. He explained that this item is the budget amendment that supported item 8 on this agenda. Mayor Pro-tem Berube called for discussion on the item. Having no discussion, she called for a motion. Receiving no motion, the item died for lack of a motion.

ORDINANCE NO. 2011-08 – FAILED – NO MOTION

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011, IN THE AMOUNT OF \$589,331.00, TO PROVIDE FOR THE INSTALLATION OF STREET LIGHTING BY LIGHTING ASSOCIATES INC. ALONG THE JONES ROAD EXTENSION; AND PROVIDING FOR SEVERABILITY.

- 10. Consider Resolution No. 2011-09, allowing the City Manager to enter into an agreement with CenterPoint Energy concerning the Easement Amendment and Mutual Consent to Encroach at 41 Cherry Hills.**

Danny Segundo, Director of Public Works, introduced the item. He explained that the resident that currently lives at 41 Cherry Hills would like to install a swimming pool in their back yard. Unfortunately, CenterPoint Energy has a 16 foot utility easement (UE) that runs in their back yard that prohibits them from building the pool. The home owner asked CenterPoint to locate their utility lines to verify that a conflict did exist with building of the pool. The result of the findings was that there were no CenterPoint utility lines located on the property of 41 Cherry Hills. The homeowner has requested from CenterPoint that the 16' UE be released since there are no facilities within this 16' UE. CenterPoint has agreed to do this if the homeowner and the City of Jersey Village would allow them a five foot 5' UE that would overlap a 5' Sanitary Sewer Easement on their lot at 41 Cherry Hills. The city is not being asked to give up its easement, we are being asked to share the five-foot easement with CenterPoint. At this time, CenterPoint does not foresee a usage for the overlapped easement, but would like to preserve their options.

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City staff does not foresee any problems associated with granting the homeowners request. The City will still have access for repairs and maintenance in the event of any problems related to the sanitary sewer line. City staff feels that this is a reasonable request that will not jeopardize city interests going forward.

With limited discussion on this item, Council Member Erskine moved to approve Resolution No. 2011-09, allowing the City Manager to enter into an agreement with CenterPoint Energy concerning the Easement Amendment and Mutual Consent to Encroach at 41 Cherry Hills. Council Member Maloy seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

RESOLUTION NO. 2011-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH CENTERPOINT ENERGY FOR AN EASEMENT AMENDMENT AND MUTUAL CONSENT TO ENCROACH AT 41 CHERRY HILLS.

11. Consider Resolution No. 2011-10, nominating a city representative for the Regional Transportation Plan Subcommittee of the Houston-Galveston Area Council.

Mike Castro, City Manager, introduced the item. He explained that on February 17, 2011, he received a call from the Houston-Galveston Area Council requesting that the city participate in the development of the Regional Transportation Plan for 2040. Specifically, HGAC desires the city to nominate someone to represent northwest Harris County on the subcommittee that oversees development of the regional transportation plan. The selected individual will serve as part of a 17-member working group that will have as its charge, the following:

- Participate and provide input into transportation visioning exercises
- Determine and recommend projects for inclusion into the 2040 plan
- Oversee HGAC staff in the development of the plan
- Determine regional transportation priorities and projects

In discussions with HGAC, the position was characterized as a “working” position that would require a fair level of commitment. The Subcommittee would initially meet on a quarterly basis, with the frequency of meetings increasing, as we get closer to final publication of the regional transportation plan. The plan will be finalized within two years. Meetings of the subcommittee will predominantly occur in the daytime, with some meetings at night (public hearings). The representative may be either a staff member, or

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an elected official. HGAC would prefer a staff member; however, they are not averse to elected officials on the committee. They caution that if we desire to select an elected official, it should be someone who: 1) Can make all of the various meetings (day and night), 2) Has a reasonable knowledge of transportation issues, and, 3) Can fairly represent regional interests. Should council desire to select a staff member, I would recommend the city choose Danny Segundo, the city's Public Works Director.

The action requested of council is to nominate an individual for membership on the subcommittee. The chosen individual will be forwarded to HGAC for consideration by the HGAC board. I am confident that the city's choice will have a high probability of being selected for the Subcommittee. The city's nominee will need to forward their resume to HGAC, along with the city resolution, to be considered for the position.

I believe this is an excellent opportunity for the city to be able to influence public policy in the region. We should not let this request go unanswered.

Discussion was had that Danny Segundo would do well in the position and that noise abatement should be a priority for road expansion projects in the area.

Council Member Maloy moved to approve Resolution No. 2011-10, nominating Danny Segundo as the City's representative for the Regional Transportation Plan Subcommittee of the Houston-Galveston Area Council. Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, Maloy, and Klein
Mayor Pro-tem Berube

Nays: None

The motion carried.

RESOLUTION NO. 2011-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,
NOMINATING A REPRESENTATIVE OF THE CITY TO THE REGIONAL
TRANSPORTATION PLAN SUBCOMMITTEE OF THE HOUSTON-GALVESTON
AREA COUNCIL.

Mayor Pro-Tem Berube recognized Boy Scout Troop 61, attending the Council Meeting in order to obtain their Citizenship Merit Badge.

H. CLOSE THE REGULAR SESSION

Mayor Pro-tem Berube closed the Regular Session at 8:10 p.m. to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.072 – Value/Transfer of Real Property.

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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 Pro-tem Berube adjourned the Executive Session at 8:25 p.m. and reconvened the Regular Session, stating that no official business was taken during the Executive Session.

K. CONVENE REGULAR SESSION

- 1. Consider Resolution No. 2011-11, authorizing the city manager to enlist the services of a commercial broker to acquire real property.**

Mike Castro, City Manager, introduced the item. He explained that this item is to consider authorizing the City Manager to enlist the services of a commercial broker to acquire real property.

Mayor Pro-tem Berube called for discussion on the item. Having no discussion, she called for a motion. Receiving no motion, the item died for lack of a motion.

RESOLUTION NO. 2011-11 – FAILED – NO MOTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO HIRE A COMMERCIAL BROKER TO ACQUIRE REAL PROPERTY.

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:26 p.m.

Lorri Coody, City Secretary