

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON AUGUST 15, 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 7:03 p.m. with the following present:

Mayor Pro tem, Joyce Berube
Council Member, Rod Erskine
Council Member, Harry Beckwith III, PE
Council Member, Mark Maloy
Council Member, Jill Klein

City Manager, Mike Castro
City Secretary, Lorri Coody
City Attorney, Bobby Gervais

Mayor Russell Hamley was not present at this meeting.

Staff in attendance: Rob Missall, Fire Training Officer; C. J. Harper, Detective Sergeant; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks and Recreation.

Fire Chief, Mark Bitz, Chief of Police, Eric Foerster, and Public Works Director, Danny Segundo were not present at this meeting.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by: Andrew Werley, Lead Pastor, Jersey Village Baptist Church

C. CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT

1. Receive the adopted fiscal year 2011-2012 budget from the Jersey Village Crime Control and Prevention District (CCPD).

Council received submission of the 2011-2012 fiscal year budget from the Jersey Village Crime Control and Prevention District (JVCCPD) through a presentation of a certified copy of the JVCCPD's Resolution No. 2011-02 by City Secretary, Lorri Coody.

2. Conduct a public hearing on the Jersey Village Crime Control and Prevention District's budget for the fiscal year 2011-2012.

Mayor Pro tem Berube opened the public hearing at 7:07 p.m. in order to give all interested parties the right to appear and be heard on the adopted fiscal year 2011-2012 Crime Control and Prevention District budget that had previously been submitted to Council by the Crime Control and Prevention District Directors for Council's approval.

Council received a short presentation from the City of Jersey Village Police Department concerning the 2011-2012 supplementals being requested by the department.

With no one signing up to speak on the JVCCPD budget, Mayor Pro tem Berube closed the public hearing at 7:09 p.m. and called the next item on the agenda.

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3. Consider Resolution No. 2011-49, adopting the Jersey Village Crime Control and Prevention District’s Budget for fiscal year 2011-2012.

With limited discussion, Council Member Maloy moved to approve Resolution No. 2011-49, adopting the Jersey Village Crime Control and Prevention District’s Budget for fiscal year 2011-2012. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE FISCAL YEAR 2011-2012 CRIME CONTROL AND PREVENTION DISTRICT BUDGET

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.

Nancy Daniel, 16125 Acapulco, Jersey Village, Texas 77040 (713) 466-0453 – Ms. Daniel gave an overview of the street issues pertaining to Acapulco street. She told Council that she was before them in order to represent the residents on their street. She stated that the residents would like Council to support the repairs for their street. She complained about the numerous water main breaks recently experienced by Acapulco residents. She said that these water main breaks caused discontinuation of service and flooding in the area. She stated that the residents support the repairs.

Rebecca Maddox, 16122 Acapulco, Jersey Village, Texas 77040 (281) 541-0801 – Ms. Maddox also complained about the problems for residents living on Acapulco. She reaffirmed Ms. Daniel’s statements about water breaks and added that once the water is reconnected there are still issues with the water not running clear. The cycle repeats itself with each water main break.

E. CITY MANAGER’S REPORT

City Manager, Mike Castro, gave his monthly report. In addition to the items listed below, he told Council of the need to address several budget questions voiced during the recent budget

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work sessions. He told Council that a special work session agenda is being planned for September 12, 2011 to address these questions.

- 1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, and Budget Projections as of July 2011**
- 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, Speeding and Stop Sign Citations within Residential Areas 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, the Parks and Recreation Departmental Report, Dave Deeds – Nice Job – Golf Course, and Paul Wilson – Great Attraction – Golf Course**
- 9. Report from Code Enforcement**
- 10. Capital Improvements Projects Report**
- 11. White Oaks Bayou Capital Improvements Projects Report**
- 12. Golf Course Advisory Committee 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 Regular Session Meeting held on July 18, 2011, the Work Session Minutes from the meetings held on July 18, 2011, August 1, 2011, and August 2, 2011, and the Special Session Meeting held August 5, 2011.**
- 2. Consider Resolution No. 2011-50, re-appointment Directors Hamley, Erskine, and Beckwith to the City of Jersey Village Crime Control and Prevention District for the term to begin on September 1, 2011 and end on August 31, 2013.**

RESOLUTION NO. 2011-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RE-APPOINTING DIRECTORS TO THE CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT.

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3. **Consider Resolution No. 2011-51, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District.**

RESOLUTION NO. 2011-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

4. **Consider Ordinance No. 2011-34, amending the city's budget for the fiscal year beginning October 1, 2010 and ending September 30, 2011, to cover cost associated with the operation of the city's fleet department.**

ORDINANCE NO. 2011-34

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, TO COVER COST ASSOCIATED WITH THE OPERATION OF THE CITY'S FLEET DEPARTMENT; AND PROVIDING FOR SEVERABILITY.

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

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

Nays: None

The motion carried.

G. REGULAR AGENDA

1. **Discuss and take appropriate action concerning SB-100 as it pertains to the City's election process.**

City Secretary, Lorri Coody gave a presentation to Council concerning SB-100. The power point presentation communicated the following information to Council pertaining to this legislation.

To comply with the federal Military and Overseas Voter Empowerment Act (MOVE), the Texas Legislature enacted Senate Bill 100 (SB 100) in the 82nd Regular Session. The presentation is to provide a basic summary of the impact of the bill on the election process and solutions for implementing the changes.

SB 100 goes into effect September 1, 2011. It does not apply to the November 8, 2011 election, but will affect the May 2012 election process for Jersey Village.

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As required by MOVE, SB 100 enhances the voting process for military and overseas voters who may encounter obstacles and time delays with the standard vote by mail process. SB 100 requires ballots to be mailed or emailed to military and overseas voters no later than the 45th day before the election. This requirement applies to:

1. All elections in which a federal office appears on the ballot;
2. Elections to fill a vacancy in the state legislature, unless the election is an emergency or expedited; and
3. An election held jointly with an election described in (1) or (2).

The mandate to mail ballots 45 days before an election has a significant impact on the entire election calendar. For example, although primary elections will continue to be the first Tuesday in March, runoff primary elections are moved from the second Tuesday in April to the fourth Tuesday in May. This change means that the early voting period for the primary runoff election will interfere with municipal elections, as the May uniform election date will now fall between the March primary and the May primary runoff. For 2012, early voting for the primary runoff will begin two days after the May uniform election date, making it impossible for the County to have enough resources to assist us with our election needs.

While we have always contracted with Harris County for election equipment, Harris County is not required to contract to conduct our election or provide us with election equipment. With this in mind, decisions must be made in order to provide for future election needs.

SB 100 provided several options to assist cities with making the adjustment in their election process in order to accommodate the changes. These options are as follows:

1. Move elections to November to be conducted along with the County, or
2. Adjust terms of office so that all City elections are held in odd-numbered years.

SB 100 does not require that we move our elections or adjust our terms. A third option is to purchase/lease equipment and continue holding elections on 2nd Saturday in May.

Because of the negative aspects associated with moving the elections to November and changing the terms, staff recommends that we continue to hold elections on the 2nd Saturday in May, and rather than purchase equipment, lease our election equipment for now.

Staff recommends leasing over purchasing the equipment because currently there are too many unknowns in the election arena due to this legislative change. Renting buys time for more research on what is available. It also provides the time for us to learn from other cities based upon the choices that they have made.

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Another reason to rent is that currently, there are two vendors (HART Intercivic and ES &S) that have given proposals for election equipment. Of the two vendors, only ES&S will rent their equipment.

The cost to purchase the equipment that is currently being used by the City (eSlate) and is only available from HART is approximately \$27,500. This includes programming, Election Day services, and central counting. The proposal also includes approximately \$6,000 in recurring costs.

ES&S will rent similar electronic equipment (iVotronic ADA Terminals) for \$4,673.34. However, there are known problems with the equipment that questions the equipment's stability. Therefore, a quote to purchase was not requested.

Considering the cost in keeping with the same equipment and the state's directive to provide for the disabled voter, the option to go with a paper ballot rather than keeping with the electronic device warrants consideration. ES&S's AutoMARK is an easy to learn disabled voter device that produces a paper ballot. The unit, because of how it is used, is approved for use in both early and Election Day voting. Therefore, only one unit is needed, reducing costs. The following table provides a perspective on the proposals received from both ES&S and HART for paper ballot solutions:

COMPARISON OF TWO VENDORS FOR PAPER BALLOTING			
Product Description/Vendor	HART - Buy	ES&S - Buy	ES&S - Rent
HAVA compliant voting device	\$ 5,720.00	\$ 4,950.00	\$ 1,300.00
JBC	\$ 4,400.00		
Heavy Duty, High Impact Ballot Box (4)	\$ 420.00	\$ 420.00	\$ 420.00
Programming Costs - Per Election*	\$ 5,450.00	\$ 1,000.00	\$ 1,000.00
Print Ballot Cost - 1000	\$ 340.00	\$ 350.00	\$ 350.00
License and Support Fees*	\$ 160.00		
Shipping	\$ 400.00	\$ 165.00	
Cost for 4 Counters for 8 hrs @ \$7.25 hrly	\$ 290.00	\$ 290.00	\$ 290.00
Subtotal:	\$ 17,180.00	\$ 7,175.00	\$ 3,360.00
Less Recurring Costs	\$ 6,240.00	\$ 1,640.00	\$ 2,940.00
TOTAL:	\$ 10,940.00	\$ 5,535.00	\$ 420.00

A chart reflecting the rental costs paid to Harris County for election equipment over the past seven years revealed that, on average, the cost was \$3,743.84 per election. It is estimated that going with the AutoMARK rental solution and the paper ballot will cost approximately \$800 less per year per election.

In completing the presentation, Council engaged in discussion asking questions for which Ms. Coody provided answers. With no further discussion on the matter, Council Member Klein motioned that the City proceed with the rental option recommended by staff and

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that the City Manager and City Secretary take the appropriate steps to secure a contract with the AutoMARK vendor. The motion was seconded by Council Member Maloy. The vote follows:

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

Nays: None

The motion carried.

2. Consider Resolution No. 2011-52, authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for engineering services related to Phase Three of the City's Street Improvement Project.

Erik Tschanz, Project Manager for the City presented this item to Council. He told Council that the packet included documents related to a proposal for engineering services from Brooks & Sparks, Inc. for the streets identified as in need of rehabilitation at the July City Council meeting. These documents provide for engineering services during the design, bid, and construction phases of the proposed projects. Mr. Tschanz told Council that the agreements are broken down by street and engineering services and the estimates include basic services and special services.

Council engaged in discussion about the need to approve these contact prior to the budget approval. City Manager Castro explained that these services are not for the actual construction costs, rather they are for the engineering and design services associated with the project. He told Council that the funds to cover these costs would be coming from the remaining street bond funds. The total cost estimate for all design and engineering is approximately \$700,000.

Council also discussed the project start date and the fact that the engineering costs are 3% lower than amounts bid for prior projects. Council also reviewed revised cost estimates for the actual construction work to be done for these streets.

With no further discussion, Council Member Erskine moved to approve Resolution No. 2011-52, authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for engineering services related to Phase Three of the City's Street Improvement Project. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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RESOLUTION NO. 2011-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A CONTRACT WITH BROOKS AND SPARKS, INC. TO PROVIDE ENGINEERING SERVICES FOR PHASE THREE OF THE CITY'S STREET IMPROVEMENT PROJECT.

- 3. Receive update on the project with Harris County Flood Control District for the 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, Parks and Recreation Director, introduced the item. He told Council in 2007, City Council appointed the Parks Review Committee to review all the city parks and make a recommendation on the amenities that should be placed in all city parks, including the 43 acre detention facility. The Parks Review Committee recommended the installation of a 6 ft. wide crushed garnet trail, along with picnic and park benches.

At this time Harris County Flood Control is 90% complete on the plans for the Detention Basin. All plans will be completed by September with plans to go out for bid in September and a bid opening sometime in October. The anticipated start will be in December or January.

Council engaged in discussion about the trail and the requirements for same. Mr. Brown gave a detailed description of the trail, its width, the material it will be made from, and the design/layout/location of the trail on the 43 acres. The project does not include a bridge.

Council ended the discussion on this item with a final discussion on the outflows associated with this project.

- 4. Discuss and take appropriate action concerning noise mitigation associated with the U.S. 290 expansion project.**

Mark Maloy, Council Member introduced the item. He told Council that he has learned that TxDOT has "fast tracked" Section G of the US 290 Expansion Project. This is a major project and the section that will have the greatest affect on the City of Jersey Village in connection with noise, as it will run directly through the city. Council Member Maloy stated that the time to address these issues in now.

Council Member Maloy spoke to his concerns for the value of property decreasing as a result of the noise and what other areas near Jersey Village have done to address these issues with TxDOT.

Council engaged in discussion about the timeliness of such requests. Some felt that it may be too late since the project is almost ready to start and has therefore already been

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through the planning stages. Council acknowledged that this topic has been on the agenda for discussion numerous times.

Council Member Maloy stressed that noise mitigation is necessary. He pointed out that surrounding cities have hired attorneys to help them address the issues with TxDOT.

With no further discussion on the matter, Council Member Erskine moved that the City Manager and the City Attorney follow-up with Attorney Jim Blackburn and any other expert in the field to research a plan of action, including costs of services, for the City of Jersey Village in connection with mitigating noise along the US 290 Expansion. Council Member Maloy seconded the motion. The vote follows:

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

Nays: None

The motion carried.

5. Discussion and take appropriate action relating to compensation from TxDOT to the City of Jersey Village for lost property valuation and sales tax associated with the U.S. 290 expansion project.

Mark Maloy, Council Member, introduced the item. He explained that this item was to review the list of properties that will be lost as a result of the US 290 expansion project and to discuss the associated lost revenues in terms of lost property and sales tax.

The list of properties was circulated among the members. \$37,397.62 is the amount of revenue that will be lost as a result of the lost property. There were no numbers presented in connection with lost sales taxes.

Discussion was had in connection with the City receiving compensation from TxDOT for this loss of revenue due to the expansion of US 290. City Manager, Mike Castro explained that in his experience he has not heard of such reimbursement from TxDOT.

No further action was taken on this item.

H. MAYOR AND COUNCIL COMMENTS

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or

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public employment is not an honorary or salutory recognition for purposes of this subdivision;

- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Klein: Council Member Klein reminded everyone about the Ice Cream Social that will take place September 11. She invited all to attend, eat ice cream, and take a dip in the pool.

Council Member Maloy: Council Member Maloy thanked staff for all the work that they do.

Council Member Erskine: Council Member Erskine also thanked staff for their work and he recognized the citizens in attendance, thanking them for their participation.

Council Member Beckwith: Council Member Beckwith spoke of his experience with a recent burglary of a vehicle. He commented on the quick and thorough actions of our police department.

Mayor Pro tem Berube: Thanked everyone for coming.

I. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:15 p.m.

Lorri Coody, City Secretary