

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 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 Pro tem Berube at 7:00 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

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

Mayor, Russell Hamley and Chief of Police Eric Foerster were not present at this meeting.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

1. Prayer and Pledge by: Jimmy Baughman, Commander of American Legion Post #324

**C. PRESENTATIONS**

1. **Presentation of Police Department Employee of the Third Quarter, 2011 – by Jimmy Baughman Commander and Howard Mead, Past Commander of American Legion Post #324.**

Jimmy Baughman, Commander, and Howard Mead, Past Commander of American Legion Post #324, along with Mayor Pro tem Berube, presented the Police Department Employee of the Third Quarter, 2011 award to Officer Eric Lerma.

**D. FISCAL 2011-2012 MUNICIPAL BUDGET ITEMS**

1. **Receive presentation pertaining to the tax rate for the City of Jersey Village for tax year 2011.**

Finance Director, Isabel Kato gave a presentation pertaining to the City's tax rate for tax year 2011. Upon completion of the presentation, there was limited discussion by Council confirming that while the tax rate will remain flat the approved 2011-2012 budget remains balanced.

2. **Discuss and consider approval of a motion to set the tax rate for debt service for tax year 2011.**

With limited discussion on this item, Council Member Erskine moved to set the Debt Service tax rate of \$.279906 per \$100 value for the year 2011. Council Member Maloy seconded the motion. The vote follows:

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

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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 2011.**

With limited discussion on this item, Council Member Maloy moved to set the Maintenance and Operation tax rate of \$.462594 per \$100 value for the tax year 2011. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**4. Consider Ordinance No. 2011-46, providing for the levy and collection of ad valorem taxes by the City of Jersey Village, Texas, for the year 2011.**

With limited discussion on this item, Council Member Beckwith moved to approve Ordinance No. 2011-46, providing for the levy and collection of ad valorem taxes by the City of Jersey Village, Texas, for the year 2011. 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.

ORDINANCE NO. 2011-46

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES BY THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE YEAR 2011; 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.

**E. PUBLIC HEARING**

**1. Conduct a public hearing to permit members of the public to speak for or against the ad valorem taxation of goods-in-transit.**

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Mayor Pro tem, Joyce Berube, opened the public hearing at 7:10 p.m. by asking Finance Director Isabel Kato to give a summary explaining the purpose/need for the public hearing.

Ms. Kato explained that earlier this year, during the first called special session, the Texas Legislature passed Senate Bill 1 (SB 1) that made comprehensive changes to the goods-in-transit exemption. The changes required that the City may not continue to tax goods-in-transit unless it holds this public hearing permitting public input concerning this tax. Upon completion of the public hearing, should the city desire to continue to tax good-in-transit, it must adopt a new ordinance “opting out” of the goods-in-transit exemption despite the fact it has already “opted out” with the passage of ordinance 2007-33 back in 2007. Ms. Kato explained that she contacted the Harris County Appraisal District and learned that if the City does not “opt out” of this exemption it will lose \$680,000 in property tax valuation.

With no one signing up to speak at this public hearing, Mayor Pro tem Berube closed the public hearing at 7:15 p.m.

**F. 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.

**Jerry and Nancy Roberts, 16542 Village Drive, Jersey Village, TX 77040 (713) 466-4199** – Mr. and Ms. Roberts told Council that they have been working with Trees for Houston who has promised to provide 70 trees to be planted along the bayou. The tree planting will take place December 10. Trees for Houston will supply all the material. The City will supply the auger to dig the holes for the trees. Volunteers are needed to plant the trees. Mr. and Ms. Roberts are coordinating to get volunteers to help with the planting. Mr. and Ms. Roberts thanked the public works employees for their work and the City for offering the auger.

**Hal Becker, 16309 Acapulco, Jersey Village, TX 77040 (713) 466-7193** – Mr. Becker told Council that he had attended the last council meeting when Council voted to do the streets project. He stated that he understood that Council had voted to include “all” of Acapulco in the upcoming street project. When the most recent issue of the JV Star came out, there was an article in the Star that stated only that portion of Acapulco from Jersey to Carlsbad would be included not the portion from Carlsbad to Lakeview. Mr. Becker told Council that he lives on the portion of Acapulco from Carlsbad to Lakeview and it is in ill repair. He would like to have this portion of the street included in the street improvement project.

**Janet Hall, 16317 Acapulco, Jersey Village, TX 77040 (713) 937-0874** – Ms. Hall told Council that she agrees with Mr. Becker. She too lives on that portion of Acapulco that runs

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from Carlsbad to Lakeview. She reported that it is in disrepair and should be included in the street improvement project.

**Al Bahler, 16313 Acapulco, Jersey Village, TX 77040 (713) 404-9422** – Mr. Bahler also lives on Acapulco and told Council that he too would like all of Acapulco included in the street improvement project.

**Lana Carter, 16242 Seattle, Jersey Village, TX 77040 (713) 937-6119** – Ms. Carter spoke to Council in support of noise abatement. She stated that she lives on Seattle near Joe Meyers and the noise is bad. She believes that it is going to get worse with the US 290 expansion project. She told Council that she supports anything that can be done to abate the noise, especially with the upcoming US 290 expansion project.

**Dr. Karen Arnold, 8606 Wyndham Village Dr., Jersey Village, TX 77040 (281) 897-8253** – Dr. Arnold told Council that she is in the process of selling her home in Jersey Village. She told Council that she would like to share some of the feedback that she has received from prospective buyers about the City of Jersey Village and her neighborhood. She stated that these prospective buyers have stated that they believe the neighborhood to be run down and that it appears that residents do not care about their homes. In receiving these comments, Dr. Arnold made an objective survey of the City. She noted that there are a number of good points such as nice parks and excellent fire and police service. However, she discovered room for improvement in the following areas:

- The dead oleanders along US Highway 290
- The area in and around What-a-Burger is trashy
- The Gazebo in the park is overgrown
- There is a sign on the ground on Philippine
- There is an abandoned home near Ginger
- The picket fence on Rio Grande is covered in dead vines

She would like to see positive change in these areas.

**G. CITY MANAGER'S REPORT**

City Manager, Mike Castro, gave his monthly report. In addition to the items listed below, he addressed the comments made during the public comment section of this agenda concerning the upcoming street project. He told Council that the confusion about what sections of Acapulco Street are included in the street project comes from a discrepancy in the August 15, 2011 Council Meeting material wherein the street project option maps did not coincide with the corresponding cost estimates that supported the maps. As a result, while it was Council's intent that "all" of Acapulco be included in the project, the actual dollar amounts for the project that were approved did not include the entire street. Therefore, staff will prepare an item to include "all" of Acapulco in the next street improvement project for Council's consideration.

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1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, Quarterly Investment Report – September 2011, Property Tax Collection Report, and Budget Projections as of September 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
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. 2011 Annual Red Light Camera Report

**H. 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 September 19, 2011.**
2. **Consider Ordinance No. 2011-47, amending the city's budget for the fiscal year beginning October 1, 2011 and ending September 30, 2012 in the amount of \$5,000 in order to transfer requested funds from account 1-10-9804 to 1-25-5412 to refurbish the Fire Departments historical fire truck.**

ORDINANCE NO. 2011-47

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 IN THE AMOUNT OF \$5,000 IN ORDER TO TRANSFER REQUESTED FUNDS FROM ACCOUNT 1-10-9804 TO 1-25-5412 TO REFURBISH THE FIRE DEPARTMENTS HISTORICAL FIRE TRUCK; AND PROVIDING FOR SEVERABILITY.

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Council Member Klein moved to approve items 1 and 2 on the consent agenda. 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.

**I. REGULAR AGENDA**

**1. Consider Ordinance No. 2011-48, taxing tangible personal property in transit which would otherwise be exempt pursuant to the Texas Tax Code, Section 11.253.**

With limited discussion on this item, Council Member Maloy moved to approve Ordinance No. 2011-48, taxing tangible personal property in transit which would otherwise be exempt pursuant to the Texas Tax Code, Section 11.253. 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.

ORDINANCE NO. 2011-48

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, TAXING TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253; AND PROVIDING AN EFFECTIVE DATE.

**2. Consider Resolution No. 2011-61, authorizing the City Manager to sign a Letter of Engagement for the provision of consulting services in relation to the city's ongoing efforts to mitigate adverse effects of the U.S. 290 expansion project.**

City Manager, Mike Castro, introduced the item, stating that during the August 15, 2011 Regular Meeting, Council motioned for the City Manager to follow up with attorneys possessing expertise in the field of noise mitigation to secure a proposal for services. As a result, staff developed a request for proposals / RFP that was sent to six law firms identified by the city attorney as possessing expertise in the field of environmental law. Staff established a deadline of September 30 for the receipt of proposals from interested firms. A total of four proposals were received by the deadline. Mr. Castro told Council that the proposals were included in the Council Meeting packet for Council's review.

A three-member team consisting of the City Manager, Finance Director, and Public Works Director evaluated the proposals in accordance with guidelines published in the

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RFP. The evaluation team concluded that the proposal of Blackburn / Carter was most responsive to the RFP. The evaluation team felt that Blackburn / Carter offered specific experience that was relevant to the city's needs at this present time. Namely, the firm has a history of working with TxDOT on municipal noise mitigation issues relating to highway expansion projects. Blackburn / Carter received the highest score from each member of the team. It should be noted that all of the proposals were deemed responsive to the RFP.

Mr. Castro explained that since the services to be provided in relation to this item are defined as Professional Services, there will not be a fixed-fee contract approved by city council. Rather, the city manager will sign a Letter of Engagement with the approved firm. It is anticipated that a specific scope of services will be defined by city council and the consultant jointly, after an initial orientation session. Absent a specific scope of services, staff is unable to determine a complete budgetary impact at this time. Initially, funding for this effort will derive from the city's Legal Service line item. A future budget amendment will likely be required.

In completing his presentation of the item, Council engaged in discussion about anticipated meeting dates with the prospective applicant in order to discuss scope of work. The concern is that the work on the US 290 expansion is set to begin shortly and the sooner the scope of work can be put into place the better it will be for the residents of the City. City Manager Castro felt that a meeting could be arranged within a few weeks, but certainly no later than the next Council Meeting which is November 21. He explained that the next course of business for Council on this matter would be to conduct a work session meeting.

With no further discussion on this matter, Council Member Maloy moved to approve Resolution No. 2011-61, authorizing the City Manager to sign a Letter of Engagement with Blackburn Carter for the provision of consulting services in relation to the city's ongoing efforts to mitigate adverse effects of the U.S. 290 expansion project. Council Member Erskine 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. 2011-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BLACKBURN CARTER FOR THE PROVISION OF CONSULTING SERVICES IN RELATION TO THE CITY'S EFFORTS TO MITIGATE THE ADVERSE AFFECTS OF THE U.S. 290

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EXPANSION PROJECT.

**J. 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 salutory 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 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 that the Fall Frolic will be held Friday, October 21, 2011 at 6:30 p.m. There will be a DJ and food.

**Council Member Maloy:** Council Member Maloy thanked Jerry and Nancy Roberts for their tree planting efforts.

**Council Member Erskine:** Council Member Erskine welcomed Michael Brown back from sick leave.

**Council Member Beckwith:** Council Member Beckwith also welcomed Michael Brown back from sick leave.

**Mayor Pro tem Berube:** Mayor Pro tem Berube thanked staff for coordinating National Night Out and she thanked the school for their efforts associated with the Homecoming Parade.

**K. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 7:40 p.m.

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Lorri Coody, City Secretary