

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 01, 2011 AT 6:00 P.M. IN THE FIRE DEPARTMENT TRAINING ROOM, 16501 JERSEY DRIVE, JERSEY VILLAGE, TEXAS.

**A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**

The meeting was called to order by Mayor Russell Hamley at 6:03 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 Attorneys – James B. Blackburn, Jr. and Adam M. Friedman
Council Member, Harry Beckwith III, PE	City Engineer, Frank Brooks
Council Member, Mark Maloy	Public Works Director, Danny Segundo
Council Member, Jill Klein	

Council Member, Harry Beckwith was not present when the meeting was called to order but arrived shortly after the meeting began at 6:07 p.m.

**B. REGULAR AGENDA**

**1. Discussion regarding utility relocation issues related to the U.S. 290 expansion project.**

After calling the item, Mayor Hamley called upon the City Manager Castro to give a brief summary, and stated that upon concluding the summary Council would close the Regular Session Agenda and convene into Executive Session.

City Manager, Mike Castro gave background information on the item by explaining that the Texas Department of Transportation (TxDOT) will soon begin the work associated with the expansion of US Highway 290. In connection with the expansion project, Mr. Castro told Council that staff has met with TxDOT on two occasions to discuss how this expansion will affect the City of Jersey Village. The main topic of discussion for these meetings centered on the relocation of the city's main water lines fronting US Highway 290.

Mr. Castro told the Council that 20% of the city's water lines are inside the TxDOT right-of-way (ROW). In relocating the water lines, TxDOT pays for the reconstruction costs and the city pays for the engineering, survey, legal, and easement acquisition costs. The city does have the option to locate the water lines within TxDOT's ROW; however, this may be problematic since repairs on the lines would require TxDOT approval, and costly in the future should TxDOT expand US 290 again since any costs associated with relocating the water lines at that time would be borne by the city.

In summary, Mr. Castro explained that should the City desire to have its own water line ROW, TxDOT will pay for the construction costs. This agenda contains the posting for an Executive Session in order that Council may convene into closed session to discuss legal ramifications in connection with this issue.

**C. CLOSE THE REGULAR SESSION**

SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – November 1, 2011

Mayor Hamley closed the Regular Session at 6:10 p.m. to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 – Consultation w/Attorney.

**D. EXECUTIVE SESSION**

1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 to discuss legal ramifications/strategies surrounding noise mitigation, utility relocation, and other issues associated with the US 290 expansion project.

**E. ADJOURN EXECUTIVE SESSION**

Mayor Hamley adjourned the Executive Session at 7:40 p.m. and reconvened the Regular Session, stating that no official business was taken during the Executive Session.

**F. CONVENE REGULAR SESSION**

2. **Consider Resolution No. 2011-62, defining the Scope of Services for professional services in relation to the city's efforts to mitigate adverse effects of the U.S. 290 expansion project.**

Mayor Hamley called this item for discussion. Council Member Erskine moved to approve Resolution No. 2011-62, defining the Scope of Services for professional services in relation to the city's efforts to mitigate adverse effects of the US 290 expansion project to include the following services:

1. Advise city council on the ability to challenge TXDOT's U.S. 290 Environmental Impact Statement (EIS) findings with regard to projected post-construction noise levels;
2. Engage TXDOT on issues impacting the City of Jersey Village caused by the planned expansion of US 290 and expend an amount not to exceed Five Thousand (\$5,000) Dollars to hire a consultant on noise related issues;
3. Recommend a course of action for council to follow to secure TXDOT implementation of noise mitigation measures;
4. Advise on the feasibility and effectiveness of various noise mitigation measures;
5. Advise on how best to approach TXDOT for compensation for lost property taxes and sales taxes associated with property takings required for the U.S. 290 expansion; and
6. Negotiate with TXDOT to cover costs of relocating utilities out of TXDOT right-of-way and covering costs of property acquisition for utilities.

Council Member Beckwith seconded the motion. Before the vote, Council engaged in discussion concerning the consequences of moving forward in this manner. Council discussed both the pros and the cons of these actions. With no further discussion on the motion, Mayor Hamley called for the vote. The vote follows:

SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – November 1, 2011

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DEFINING THE SCOPE OF WORK FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE CITY'S EFFORTS TO MITIGATE ADVERSE CONSEQUENCES OF THE U.S. 290 EXPANSION PROJECT.

**G. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 7:50 p.m.

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Lorri Coody, City Secretary