

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 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 Hamley at 7:02 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, Bobby Gervais
Council Member, Harry Beckwith III, PE	
Council Member, Jill Klein	

Staff in attendance: Frank Maher, Assistant 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.

Also attending were Municipal Court Clerk, Paul Rex and Municipal Court Judges Gene H. Frohbieter, Don R. Byrnes, and Martin Halick.

Council Member, Mark Maloy and Fire Chief, Mark Bitz were not present at this meeting.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by: Council Member Joyce Berube

C. 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.

There were no Citizen Comments made during this meeting.

D. CITY MANAGER'S REPORT

City Manager, Mike Castro, gave his monthly report. In addition to the items listed below Police Chief Eric Foerster introduced two new Police Officers to his Department – Ronnie Burleson Dooley and Gregory Stephen Lamkin.

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report, and Budget Projections as of October 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

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6. Public Works Departmental Report
7. Combined Monthly and Annual Mileage Report
8. Golf Course Monthly Report, Golf Course Financial Statement Report, Parks and Recreation Departmental Report, and Phil Warmington – Golf Course Recognition Letter
9. Report from Code Enforcement
10. Capital Improvements Projects Report
11. White Oaks Bayou Capital Improvements Projects Report
12. Introduction of Police Officers – Ronnie Burleson Dooley and Gregory Stephen Lamkin

E. 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 October 17, 2011 and the Special Session Meeting held on November 1, 2011.**
2. **Consider Resolution No. 2011-63, casting its ballot for the election of Ed Heathcott to the Board of Directors of the Harris County Appraisal District.**

RESOLUTION NO. 2011-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

3. **Consider Resolution No. 2011-64, authorizing an agreement with Jones and Carter, Inc. for engineering services relating to the Storm Water Management Program.**

RESOLUTION NO. 2011-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH JONES AND CARTER, INC. FOR ENGINEERING SERVICES RELATING TO THE STORM WATER MANAGEMENT PROGRAM.

4. **Consider Ordinance No. 2011-49, approving additional software and installation purchases for the CJIS Authentication Requirements Supplemental and amending the budget for fiscal year October 1, 2011 through September 30, 2012, in the amount not to exceed \$10,000 to provide for these additional software and installation purchases.**

ORDINANCE NO. 2011-49

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING ADDITIONAL SOFTWARE AND INSTALLATION PURCHASES FOR THE CJIS

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AUTHENTICATION REQUIREMENTS SUPPLEMENTAL AND AMENDING THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012, IN THE AMOUNT NOT TO EXCEED \$10,000 TO PROVIDE FOR THESE ADDITIONAL SOFTWARE AND INSTALLATION PURCHASES.

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 Berube, Erskine, Beckwith, and Klein

Nays: None

The motion carried.

F. REGULAR AGENDA

- 1. Consider Resolution No. 2011-65, adding that section of Acapulco Drive from Lakeview east to Carlsbad to the selection of streets for Phase 3 of the City of Jersey Village Street Rehabilitation Program, and authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for the related engineering services associated with this street addition.**

City Manager, Mike Castro introduced the item. He told Council that during the work session conducted on July 18, 2011, Council made formal motion as to the list of streets that were to be included in the bidding process for Phase 3 of the Jersey Village Street Rehabilitation Program. Subsequent to this presentation, the City Engineer provided Council with a construction cost estimate for the total rehabilitation project. The construction cost estimate provided by the City Engineer did not include the section of Acapulco Drive from Lakeview east to Carlsbad. In addition, a subsequent article in the JV Star did not list the section of Acapulco from Lakeview to Carlsbad as a part of the project bid.

City Manager Castro explained that he believed that the entirety of Acapulco was to be incorporated into Phase 3. The City Engineer has provided the City with a cost estimate of \$880,000 for the rehabilitation of Acapulco between Lakeview and Carlsbad. Additionally, he has presented a proposal for the engineering services associated with this addition in the amount of \$37,800.

The purpose of this agenda item is: 1) to bring the error to Council's attention, 2) to determine if Council desires to incorporate Acapulco between Lakeview and Carlsbad into the list of roads to be bid, and (3) provide for any additional engineering services.

City Manager Castro reminded Council that it is important to remember that the final determination of streets that will be included into Phase 3 will not be made until after all bids are received. As has been discussed in the recent past, it is highly unlikely that the City will be able to fund rehabilitation costs for all of the listed streets at this time, and as

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a result, it will be important to stress this point when discussing Phase 3 in any public venue.

Discussion was had on the list of all the streets to be included for bidding and the bidding process. City Engineer, Frank Brooks explained that all streets will be bid as a package, but each street within the package will receive a bid amount. Mr. Brooks explained that it is better to bid all the streets as a package as opposed to bidding the streets individually. In receiving the bid package, Council will be able to review each street's bid amount and make a decision about keeping or deleting the street from the project.

Council discussed the portions of Acapulco that were previously approved as being included in the project. There were varying opinions as to what was approved. It was stated that should the Resolution pass, the street would not be designated as an alternate and should not be referred to as an alternate.

Discussion was had that initial expenditure expectations for the Phase 3 Street Project were approximately \$6 million. Mr. Brooks reported that the project would bid in early January and would be ready for presentation to Council at its January Council Meeting.

With no additional discussion on this matter, Council Member Berube moved to approve Resolution No. 2011-65, adding that section of Acapulco Drive from Lakeview east to Carlsbad to the selection of streets for Phase 3 of the City of Jersey Village Street Rehabilitation Program, and authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for the related engineering services associated with this street addition. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ADDING THAT SECTION OF ACAPULCO DRIVE FROM LAKEVIEW EAST TO CARLSBAD TO THE SELECTION OF STREETS FOR PHASE 3 OF THE CITY OF JERSEY VILLAGE STREET REHABILITATION PROGRAM, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROOKS & SPARKS, INC. FOR THE RELATED ENGINEERING SERVICES ASSOCIATED WITH THIS STREET ADDITION.

- 2. Consider Resolution No. 2011-66, authorizing the City Manager to submit a letter to the Comptroller of Public Accounts detailing the City's legal authority to exercise the power of eminent domain, as required by Senate Bill 18 enacted by the 82nd Legislature.**

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City Secretary, Lorri Coody introduced the item. She told Council that Senate Bill 18, the eminent domain reform bill, enacted by the 82nd Legislature, requires all public and private entities that are authorized to exercise the power of eminent domain to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. Entities that fail to provide this letter by December 31, 2012, will cause that entity's power of eminent domain to expire.

The City of Jersey Village is authorized to exercise the power of eminent domain through its home-rule charter and through multiple provisions of state law.

This item is for Council to consider a Resolution that will preserve this power and authorize the City Manager to submit a letter to the Comptroller of Public Accounts detailing the City's authority as provided by law.

With limited discussion on this matter, Council Member Beckwith moved to approve Resolution No. 2011-66, authorizing the City Manager to submit a letter to the Comptroller of Public Accounts detailing the City's legal authority to exercise the power of eminent domain, as required by Senate Bill 18 enacted by the 82nd Legislature. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A LETTER TO THE COMPTROLLER OF PUBLIC ACCOUNTS DETAILING THE CITY'S LEGAL AUTHORITY TO EXERCISE THE POWER OF EMINENT DOMAIN, AS REQUIRED BY SENATE BILL 18 ENACTED BY THE 82ND LEGISLATURE.

- 3. Consider Resolution No. 2011-67, appointing members to the unexpired terms that began October 1, 2010 and will end September 30, 2012 for Place 4 and Alternate, Place 2 on the Board of Adjustment.**

City Secretary, Lorri Coody introduced the item. She explained that there are two openings on the Board of Adjustment requiring appointments. She reported that Herman Lauhoff submitted his resignation from the Board of Adjustment effective October 5, 2011. He served in Place 4 on the Board and his term began on October 1, 2010 and will expire on September 30, 2012. He has served on this Board since July, 2002.

Additionally, on October 15, 2011 Reza Khalili submitted his resignation from the Board of Adjustment stating that changes in his work responsibilities and increased travel

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schedule prevent him from continuing to serve. Mr. Khalili served as Alternate, Place 2. His term began October 1, 2010 and will terminate September 30, 2012.

Two qualified candidates have expressed interest in serving on this Board. The applications were included in the meeting packet for Councils' review.

After a brief discussion, Council Member Klein moved to approve Resolution No. 2011-67, appointing Gerald Laws to the unexpired term that began October 1, 2010 and will end September 30, 2012 for Place 4 and Ken Nguyen to the unexpired term that began October 1, 2010 and will end September 30, 2012 as the Alternate, Place 2 on the Board of Adjustment. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

4. Discuss and take appropriate action regarding city efforts to mitigate the effects of U.S. 290 expansion project.

City Manager, Mike Castro introduced the item. He told Council that the purpose of this agenda item is to receive an update regarding the city's efforts to mitigate the impacts of the U.S. 290 expansion project. He explained in the recent past, council had authorized the firm Blackburn Carter to engage TxDOT in an effort to determine the ultimate effects of the expansion on Jersey Village residents. A scope of services for Blackburn Carter was approved at a special council meeting conducted on November 1, 2011.

Included in the Council packet was the final letter to TxDOT prepared by Blackburn Carter, and TxDOT's response letter. Blackburn Carter has suggested that the next step in the process is to meet with TxDOT to discuss both letters and attempt to resolve the City's concerns. Blackburn Carter is unsure whether this meeting should occur before or after the meeting that the Mayor has scheduled with TxDOT officials for December 15th.

Mr. Castro explained that since this item is being discussed in open session, Council will not be able to discuss in detail the City's underlying legal strategy. Nor should Council talk about matters previously discussed in executive session.

Council engaged in discussion about the scheduled meeting that the Mayor has with TxDOT. Council was concerned about the Mayor's meeting with TxDOT because at its prior meeting an established process for moving forward with the City's efforts to mitigate the impacts of the U.S. 290 expansion project had been approved that identified the individuals and the schedule for meeting with TxDOT. That strategy was that Blackburn Carter would meet with TxDOT. The Mayor clarified that he intends to meet with individuals at TxDOT to discuss the US 290 project as a whole, and not to discuss

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the specifics of the letter that was written to them in connection with issues outlined by the City.

Having heard this clarification from the Mayor, City Manager Castro was asked how this meeting will be viewed by Blackburn Carter. Mr. Castro explained that Blackburn Carter initially was averse to having anyone meet with TxDOT, so it is not sure what their position will be at this point.

Council discussed the response letter received from TxDOT. They asked for Mr. Castro's input. He explained that he still has concerns as not all the issues have been addressed by TxDOT. He explained that additional meetings and discussions will be necessary. The next meeting for Council to meet with Blackburn Carter is set for December where there will be an executive session on the agenda.

G. 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 551.074 – Personnel Matters.

H. EXECUTIVE SESSION

- 1. Deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of the Presiding Municipal Court Judge and the Municipal Court Judges of the City of Jersey Village, pursuant to the Texas Open Meetings Act Section 551.074.**

I. ADJOURN EXECUTIVE SESSION

Mayor Hamley adjourned the Executive Session at 8:23 p.m. and reconvened the Regular Session, stating that no official business was taken during the Executive Session.

J. CONVENE REGULAR SESSION

- 1. Consider Resolution No. 2011-68, appointing the Presiding Municipal Court Judge and the Municipal Court Judges of the City of Jersey Village for the term beginning January 1, 2012 and ending December 31, 2013.**

Mayor Hamley called the item. Hearing no discussion or motion for approval, the Resolution failed for lack of a motion.

K. 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;

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- 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 Holiday in the Park will be held December 4, 2011 from 1:00 p.m. to 4:00 p.m. There will be snow and vendors. Also judging for the annual Christmas Decorating Contest will be held on December 19 and 20.

Council Member Berube: Mayor Pro tem Berube thanked the Police and Fire Department for their Open House.

Council Member Erskine: Council Member Erskine thanked City Staff for all their hard work.

Council Member Beckwith: Council Member Beckwith thanked the Chief of Police for his Holiday Safety training.

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:25 p.m.

Lorri Coody, City Secretary