

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON DECEMBER 19, 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 7:00 p.m. with the following present:

Mayor, Russell Hamley

Council Member, 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; Eric Foerster, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks and Recreation.

At 7:01 p.m. Mayor Hamley closed the Regular Meeting of the City Council of the City of Jersey Village, Texas in order to complete the Special Session Meeting which was posted for and began at 6:00 p.m. on December 19, 2011 and had not yet finished at 7:00 p.m. when the Regular Session Meeting was set and posted to begin.

Mayor Hamley re-opened the Regular Session Meeting of the City Council of the City of Jersey Village at 7:22 p.m. and called the following item:

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by: Mayor Russell Hamley

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.

Barbi Freeman, 15501 Jersey Drive, Jersey Village, Texas (713) 466-6903 - Mrs. Freeman addressed Council about the Spectacular Sign issue. She told Council that the bill boards in the City are currently grandfathered and no new bill boards are allowed. She feels that permitting Clear Channel to change out one of its existing signs with a new digital sign may be setting a precedent and does not support Clear Channel's request.

Rick Faircloth, 16010 Lakeview, Jersey Village, Texas (713) 466-8065 – Mr. Faircloth spoke to Council against Clear Channel's request to change out one of its existing signs with a new digital sign. He told Council that the planned location for this swap was in and around the newly established District d or Jersey Village Crossing Area where US 290 meets Jones Road. He reminded Council of the considerable amount of time, effort and money that went into planning for this development and stated that he did not feel that this type of sign was in accordance with the conceptual plans for this area.

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Lee Vela, 12852 Westheimer, Houston, Texas (281) 588-4222 – Mr. Vela appeared before Council as a representative for Clear Channel Communications. He reminded Council of his appearance before them a few meetings back and the presentation that was given about the request of Clear Channel to convert one of its existing bill boards to digital technology. At the time of the presentation, Council sent the request to the Planning and Zoning Commission for review, and tonight there is an item on the agenda for Council to receive the recommendation of the Commission which is to deny Clear Channel's request. In connection with the recommendation, Mr. Vela asked Council to delay making a ruling on the request in order that he has more time to present additional information. He presented reasons/positions why the delay should be granted.

Curtis Haverty, 15405 Ashburton Drive, Jersey Village, Texas (713) 896-8408 – Mr. Haverty serves as a volunteer firefighter and was called away from the meeting for an emergency prior to being called to speak. Therefore, he was not present when called to speak.

Dave Fisette, 17930 Northwest Freeway, Jersey Village, TX (713) 983-0900 – Mr. Fisette spoke to Council about his pawnshop, Capitol Pawn. He told Council that he wants to move the location of his pawnshop to the Northwest Shopping Center; but City Ordinances only permit pawnshops to be located within district J1. He wants Council to consider changing the ordinance so he can relocate.

D. CITY MANAGER'S REPORT

City Manager, Mike Castro, gave his monthly report which included the following items:

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 November 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

E. CONSENT AGENDA

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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 November 21, 2011.**
- 2. Consider Resolution No. 2011-69, establishing a policy regarding cancellation of general elections upon declaration of unopposed candidates elected to office.**

RESOLUTION NO. 2011-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ESTABLISHING A POLICY REGARDING CANCELLATION OF GENERAL ELECTIONS UPON DECLARATION OF UNOPPOSED CANDIDATES ELECTED TO OFFICE

- 3. Consider Resolution No. 2011-70, appointing Lawrence Paul Rex, III as Municipal Court Clerk of the City of Jersey Village for the term beginning January 1, 2012 and ending December 31, 2013.**

RESOLUTION NO. 2011-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING LAWRENCE PAUL REX, III AS MUNICIPAL COURT CLERK OF THE CITY OF JERSEY VILLAGE.

Council Member Berube moved to approve items 1 through 3 on the consent agenda. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

F. REGULAR AGENDA

- 1. Consider Resolution No. 2011-71, 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.**

Isabel Kato, Finance Director, introduced the item. Background information is as follows:

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Section 5.07 of the Charter requires appointment of municipal court judges for a term of two years. Since Gene H. Frohbieter, the City's current Presiding Judge, is not seeking reappointment, staff is respectfully requesting that Council appoint Jeffrey C. Brashear as the presiding Municipal Court Judge for the term beginning January 1, 2012 and ending December 31, 2013.

Presently, and since March of 2011, Mr. Brashear has served as the head prosecutor for our Municipal Court. He also has served as the Presiding Judge for the City of Katy since May, 2008. Mr. Brashear's Resume and Bio, outlining his qualifications and experience, were included in the meeting packet.

Mr. Don R. Byrnes and Mr. Martin Halick currently serve as our Municipal Court Judges and desire reappoint. Staff supports their desire and requests Council to reappoint Don R. Byrnes and Martin Halick for the term beginning January 1, 2012 and ending December 31, 2013.

Council received brief statements from Mr. Brashear, Mr. Byrnes and Mr. Halick pertaining to their respective qualifications, and with no further discussion on the matter, Council Member Berube moved to approve Resolution No. 2011-71, 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. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING JEFFREY C. BRASHEAR AS THE PRESIDING MUNICIPAL COURT JUDGE; AND DON R. BYRNES AND MARTIN HALICK AS MUNICIPAL COURT JUDGES OF THE CITY OF JERSEY VILLAGE.

- 2. Consider Resolution No. 2011-72, receiving the Planning and Zoning Commission's Recommendation as it relates to a request for amending Section 66-146 of the City of Jersey Village Code of Ordinances relating to Junked Vehicles.**

Debra Mergel, Chairman of the Planning and Zoning Commission presented the item. She told Council that the Planning and Zoning Commission met on October 10 and December 5 to review a request to amend section 66-146 of the City of Jersey Village Code of Ordinances, and to make its recommendation to Council regarding same in accordance with Council's directions.

Ms. Mergel told Council that there have been changes in State law requiring updates to our ordinance. She explained the needed changes and the discussions had surrounding

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the request relating to Junked Vehicles. She then presented the Planning and Zoning Commission's written recommendation to Council and told them an item follows containing the proposed amendments to the Code of Ordinances for Council to discuss and approve should Council so desire.

With limited discussion on the item, Council Member Maloy moved to approve Resolution No. 2011-72, receiving the Planning and Zoning Commission's Recommendation as it relates to a request for amending Section 66-146 of the City of Jersey Village Code of Ordinances relating to Junked Vehicles. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AS IT RELATES TO A REQUEST FOR AMENDING SECTION 66-146 OF THE CITY OF JERSEY VILLAGE CODE OF ORDINANCES RELATING TO JUNKED VEHICLES.

3. **Consider Ordinance No. 2011-50, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 66, Traffic and Vehicles, by amending certain Sections of Article IV to provide for changes related to junked vehicles; providing a severability clause; providing for repeal; providing a penalty; and providing an effective date.**

Danny Segundo, Director of Public Works, introduced the item. He told Council that On September 19, 2011 Council charged the Planning and Zoning Commission with reviewing Section 66-146 of the City of Jersey Village Code of Ordinances relating to Junk Vehicles. The Commission met on October 10 and December 5 to discuss same; and has made its recommendation to amend the Code of Ordinances at Section 66-146 related to Junk Vehicles.

This item is to consider the amendments recommended by the Planning and Zoning Commission, and if so desired, approve the ordinance that will enact the recommendation amending the Code of Ordinances at Chapter 66, Traffic and Vehicles, by amending certain Sections of Article IV to provide for changes related to junked vehicles.

With limited discussion on this item, Council Member Erskine moved to approve Ordinance No. 2011-50, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 66, Traffic and Vehicles, by amending certain Sections of Article IV to provide for changes related to junked vehicles; providing a severability clause; providing

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for repeal; providing a penalty; and providing an effective date. Council Member Maloy seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2011-50

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, CHAPTER 66, TRAFFIC AND VEHICLES, BY AMENDING CERTAIN SECTIONS OF ARTICLE IV TO PROVIDE FOR CHANGES RELATED TO JUNKED VEHICLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

- 4. Consider Resolution No. 2011-73, receiving the Planning and Zoning Commission's Preliminary Report as it relates to the application request of T-Mobile West, Inc., 2 Greenway Plaza #1100, Houston, Texas 77046 (Applicant) and Danny Erdeljac, SW 1 Management Co. LLC, 7911 Capri Circle, Houston, Texas 77095 (Owner) for a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.**

Debra Mergel, Chairman of the Planning and Zoning Commission introduced the item. She told Council on December 5, 2011, the Planning and Zoning Commission met to review the application request of T-Mobile for a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.

As a result the discussions had surrounding the application and the request for a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village, the Planning and Zoning Commission presents its preliminary report in connection with its findings to City Council. Ms. Mergel explained that the report contains special conditions for the specific use permit and she outlined those conditions for Council.

With limited discussion on the matter, Council Member Maloy moved to approve Resolution No. 2011-73, receiving the Planning and Zoning Commission's Preliminary Report as it relates to the application request of T-Mobile West, Inc., 2 Greenway Plaza #1100, Houston, Texas 77046 (Applicant) and Danny Erdeljac, SW 1 Management Co. LLC, 7911 Capri Circle, Houston, Texas 77095 (Owner) for a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower)

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on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2011-73

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 THE APPLICATION REQUEST OF T-MOBILE WEST, INC., 2 GREENWAY PLAZA #1100, HOUSTON, TEXAS 77046 (APPLICANT) AND DANNY ERDELJAC, SW 1 MANAGEMENT CO. LLC, 7911 CAPRI CIRCLE, HOUSTON, TEXAS 77095 (OWNER) FOR A SPECIFIC USE PERMIT TO ALLOW FOR THE INSTALLATION AND USE OF A 100' STEALTH CELL TOWER (TELECOMMUNICATION TOWER) ON LOT 3, BLOCK NO. 2 LOCATED IN THE NORTHWEST STATION SECTION OF ZONING DISTRICT G WITHIN THE CITY OF JERSEY VILLAGE.

- 5. Consider Ordinance No. 2011-51, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to amend the city's zoning ordinance to grant a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.**

Danny Segundo, Director of Public Works, introduced the item telling Council that this Ordinance is needed to call for the joint public hearing concerning the specific use permit request from T-Mobile for the stealth cell tower.

With no discussion on the matter, Council Member Klein moved to approve Ordinance No. 2011-51, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to amend the city's zoning ordinance to grant a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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ORDINANCE NO. 2011-51

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 THE PROPOSAL TO AMEND THE CITY'S ZONING ORDINANCE TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR THE INSTALLATION AND USE OF A 100' STEALTH CELL TOWER (TELECOMMUNICATION TOWER) ON LOT 3, BLOCK NO. 2 LOCATED IN THE NORTHWEST STATION SECTION OF ZONING DISTRICT G WITHIN THE CITY OF JERSEY VILLAGE.

6. **Consider Resolution No. 2011-74, pertaining to the Planning and Zoning Commission's Recommendation as it relates to the request from Clear Channel Communications to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs.**

Debra Mergel, Chairman of the Planning and Zoning Commission presented the item. She began by explaining the definition of spectacular signs. She told Council that the Planning and Zoning Commission had met twice to consider this item. During the first meeting, they received a presentation from Clear Channel Communications and during the second meeting they received information from staff pertaining to the history of billboards in the city, non-conforming use, and case law involving same.

She told Council that the discussions by the Commission centered on the concern that granting the request was setting a precedent, that it would not be keeping with what had previously been approved, that non-conforming use signs would become conforming use signs and that the plans for Jersey Village Crossing development may be compromised. Accordingly, Ms. Mergel told Council that the Commission unanimously agreed to recommend that the request of Clear Channel Communications be denied.

Council engaged in discussion about non-conforming signs versus conforming signs. The City Attorney stated that non-conforming signs are eventually eliminated through attrition, while conforming signs will not be eliminated through attrition.

Discussion was had on the actual viewing of these type signs and whether the information presented on the signs was distracting to drivers. It was pointed out that there is a Federal Highway Department study on digital billboards that is set to be released which could provide better information in this regard.

There are 17 billboards along US 290 and some of these are two-sided. If State guidelines require 1500 feet between signs, perhaps the City could adopt a more stringent distance between signs. Discussion was had that substituting out these newer digital billboards may be an opportunity to reduce the number of bill boards along the US 290 corridor.

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There was mention that during the first Council presentation the Chief of Police felt the signs would be beneficial and the 40 hours of free advertising for the City was discussed.

Council also discussed the expansion of US 290 and the removal of signs. There was discussion on which signs would have to be taken down during the process. It was not clear and staff was directed to get additional information.

Council Member Beckwith moved to engage in further discussions pertaining to the request from Clear Channel Communications concerning the amendment of Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, and Beckwith

Nays: Council Members Maloy and Klein

The motion carried.

Council Member Beckwith moved to approve Resolution No. 2011-74, pertaining to the Planning and Zoning Commission's Recommendation as it relates to the request from Clear Channel Communications to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs with the option to engage in additional discussions checked. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, and Beckwith

Nays: Council Members Maloy and Klein

The motion carried.

RESOLUTION NO. 2011-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, PERTAINING TO THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AS IT RELATES TO THE REQUEST FROM CLEAR CHANNEL COMMUNICATIONS TO AMEND SECTION 14-243(15) OF THE CITY OF JERSEY VILLAGE CODE OF ORDINANCES TO ALLOW SPECTACULAR SIGNS.

7. Discuss with possible action a request from Clear Channel Communications to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs.

Danny Segundo, Director of Public Works introduced the item. He told Council of Staff's concerns in connection with granting the request of Clear Channel. He specifically pointed out concerns with:

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- a. District D development and how granting the request might affect positive development trends in the area; and
- b. He asked, “Why now?” He told Council that there is much going on in the City with the expansion of US 290 that is still unknown. Additionally, he pointed to the Federal Highway Safety Study that has not yet been released; and
- c. He voiced his concern that if the request of Clear Channel is granted, there will be other requests for other billboard owners to be considered.

At this juncture, Council has two options in moving forward:

- Accept the Planning and Zoning Commission’s Recommendation, and motion to deny Clear Channel’s request to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs; or
- Motion to charge the Planning and Zoning Committee with amending the Code of Ordinances to provide for the placement of Spectacular Signs/Digital Billboards in district H as a specific use.

Council engaged in discussion about billboards and the opportunity that the request from Clear Channel may bring the City. The discussion ended with the conclusion that the following information is needed from staff:

- a. The number of billboards within the City.
- b. How many of those billboards will be removed/taken down with the expansion of US Highway 290.
- c. Comments from other cities that have these type billboards. What problems have they encountered? What are the pros and the cons?
- d. Copies of the latest traffic studies.

Council Member Beckwith motioned to table the discussion pertaining to the request from Clear Channel Communications to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow Spectacular Signs until staff develops the information requested (outlined above). Council Member Erskine seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, and Beckwith

Nays: Council Members Maloy and Klein

The motion carried.

8. Discuss and take appropriate action for reworking the zoning ordinance as it pertains to trailers, travel trailers, boats, boat trailers, other trailers, motorcycles, recreational vehicles (RV’s) and the regulations pertaining to these vehicles.

Council Member, Harry Beckwith, introduced the item. He explained the provisions of the City’s recreational vehicle ordinance. He told Council that the current temporary

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requirement for parking recreational vehicles is: *shall not be parked or stored in front or side yards in zoning districts A, C, or C-2, except for temporary periods of time not exceeding seven days within a 30-day period.*

Council Member Beckwith explained that he believed the intent of the temporary parking period was to allow for a period of time, up to seven (7) days in which residents could have these vehicles parked temporarily at their residence; however, some are circumventing the ordinance by parking one type of vehicle for six (6) days and replacing it with another type of vehicle for six (6) days on a continuous basis so that some type of vehicle is parked in the front or side yard all the time and this was not the intent. Accordingly, a possible solution might be to change the ordinance so that the temporary period is seven (7) days total within a 30 day period with no more than two (2) consecutive time periods.

Discussion was had on the intent of the seven (7) day time frame.

City Manager Castro stated that should such a change be considered, before any recommendations for same are made, public notice should be given through the JV Star and town hall meetings should be conducted in order that input is received from the concerned and affected citizens.

Another consideration is the enforcement issue. The City Manager cautioned Council about the ramifications of such a change. He told Council that he is not certain that staff can logistically work/enforce this type of an ordinance change. This prompted further discussion about enforcement. Rick Faircloth, a member of the Planning and Zoning Commission, was called upon for input. Mr. Faircloth stated that the list of those owning the oversized RV's would not be complete for notices as the change being contemplated could affect any number of citizens that are currently parking any type of recreational vehicle legally in their front yard. This would include those that fall outside the oversized vehicles.

Discussion was had about how the change affects land use. The City Attorney explained that a change would create a non-conforming use for those residents currently using their property for the seven (7) day temporary parking.

Council Member Beckwith moved that staff be directed to look into limiting the amount of time that one address may have any type of recreational vehicle parked on property and that the time be no more than seven (7) days total within a 30 day period with no more than two (2) contiguous time periods. Council Member Berube seconded the motion.

Council Member Beckwith explained that the purpose of this request came about as a result of his meetings with residents and hearing the following four standard complaints:

1. Speeding;
2. Running Stop Signs;

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3. The condition of one particular home within the City; and
4. Dog problems

This request would address issue three (3).

Discussion followed concerning non-conforming use. It was the consensus that because the change would create a non-conforming use, it would not resolve the issue.

With no further discussion on this matter, the vote follows:

Ayes: Council Member Beckwith

Nays: Council Members Berube, Erskine, Maloy, and Klein

The motion failed.

G. 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 reported that Holiday in the Park was successful even though the weather was questionable. There was snow and vendors. And Mr. and Ms. Clause were present.

Council Member Maloy: Council Member Maloy thanked Staff and Council for all their hard work and he wished everyone a very Merry Christmas.

Council Member Berube: Council Member Berube thanked the prosecutors for their hard work.

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Council Member Erskine: Council Member Erskine thanked all the members for serving on Committees, especially those serving on the Planning and Zoning Commission, and he wished everyone a very Merry Christmas and a Happy New Year.

Council Member Beckwith: Council Member Beckwith wished everyone a Merry Christmas and a Happy New Year.

H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:55 p.m.

Lorri Coody, City Secretary