

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JANUARY 16, 2012 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	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, Mark Maloy	
Council Member, Jill Klein	

Council Member Rod Erskine was not present when the meeting was called to order, but arrived shortly after the meeting began at 7:07 p.m.

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.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. **Prayer by: Michael Brittain, Chaplain, American Legion Post #324**
2. **Pledge by: Jimmy Baughman, Commander of American Legion Post #324**

C. PRESENTATION

1. **Presentation of Police Department Employee of the Fourth Quarter and 2011 Employee of the Year Award 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 Hamley, presented the Police Department Employee of the Fourth Quarter, 2011 award to Officer Virgil Thomas and the 2011 Employee of the Year award to Officer Devron Limerick.

D. JOINT PUBLIC HEARING

1. **Conduct Joint Public Hearing with 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.**

Mayor Hamley called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Hamley opened the Joint Public Hearing at 7:10 p.m.

Background information on this item is as follows:

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The Planning and Zoning Commission met on December 5, 2011 and recommended in its preliminary report that specific use permit be granted 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 preliminary report was submitted to the Council at its December 19, 2011 meeting, and Joint Public Hearings have been ordered for January 16, 2012.

Joint public hearings must be conducted by the City Council and the Planning and Zoning Commission in accordance with the requirements of the Code of Ordinances of the City of Jersey Village - Section 14-84.

The purpose of the hearing is to provide an opportunity for the public to give oral or written comments proposed amendments to the City's comprehensive zoning ordinance concerning the proposal 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.

Dave Petrakovitz, for Applicant T-Mobile West, Inc., 2 Greenway Plaza #1100, Houston, Texas 77046 (281) -701-0604 – Mr. Petrakovitz told Council that he is the agent for T-Mobile West and is present to answer any questions about the application for a specific use permit to place the 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 within the City limits of Jersey Village.

There was brief discussion about any additional tax revenue the tower will bring to the City. The City Manager explained that this amount of revenue would be negligible.

With no one else signing up to speak, Mayor Hamley and Chairman Mergel closed the joint public hearing at 7:12 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 7:12 p.m. to conduct its posted meeting agenda and prepare the final report in connection with this joint public hearing.

E. 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.

Sharon Reitman, 8009 Senate Ave., Jersey Village, Texas 77040 (713) 594-4565 – Ms. Reitman told Council that she is a jogger. She had a few recommendations that she felt would improve the City. She recommended that paper receptacles be placed throughout the City so that residents walking dogs could use same for pet waste. She also stated that she felt the City's recycling program could be improved if bins were used as opposed to bags.

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Lee Vela, 12852 Westheimer, Houston, Texas (281) 588-4222 – Mr. Vela represents Clear Channel Outdoors. He spoke to Council about the item on the agenda wherein Clear Channel is requesting approval to convert one of its existing billboards to an electronic billboard and that he is present to answer any questions that the Council might have in connection with this request. He reported that he had not met with the City in order to discuss any terms or conditions for the placement of the sign or conditions for a swapping program. He mentioned the advertising benefits the City will receive with approval of the sign.

Bud Casey, 12026 Marcia Drive, Houston, Texas (281) 469-5555 – Mr. Casey is the membership chairman for the Houston-Cy-Fair Lions Club. He spoke to Council about club membership benefit and the various service projects offered.

F. CITY MANAGER’S REPORT

City Manager, Mike Castro, gave his monthly report. In addition to the items listed below Mr. Castro inquired about Council’s desires as it applies to the number and content of the reports contained in the City Manager’s Report. He told Council that they would receive an email asking for input concerning suggestions on which reports, if any, should be eliminated from this section of up-coming agendas.

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

G. 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

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by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

In calling the Consent Agenda, Mayor Hamley announced that he would like to pull item one from Consent for further discussion.

- 2. Consider Resolution No. 2012-01, approving the City Attorney's selection of Brian Middleton, David Hunter, and Robert Rosenberg to serve as Prosecutors for the City of Jersey Village Municipal Court.**

RESOLUTION NO. 2012-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE CITY ATTORNEY'S SELECTION OF BRIAN MIDDLETON, DAVID HUNTER, AND ROBERT ROSENBERG TO SERVE AS PROSECUTORS FOR THE CITY OF JERSEY VILLAGE MUNICIPAL COURT.

- 3. Consider Resolution No. 2012-02, declaring surplus equipment and authorizing disposition by the City Manager in accordance with the City's Administrative Procedures.**

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DECLARING SURPLUS EQUIPMENT AND AUTHORIZING DISPOSITION BY THE CITY MANAGER IN ACCORDANCE WITH THE CITY'S ADMINISTRATIVE PROCEDURES.

Council Member Maloy moved to approve items 2 and 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.

Mayor Hamley then called item 1 on the Consent Agenda, stating that an error in the minutes had been brought to his attention. A correction is needed in Section A of the Regular Session Meeting for December 19, 2011 to reflect that Council Member Mark Maloy was present at this meeting.

- 1. Consider approval of the Minutes for the Regular Session Meeting held on December 19, 2011 and the Special Session Meeting held on December 19, 2011.**

With no discussion on this matter, Council Member Beckwith moved to approve the Minutes for the Regular Session Meeting held on December 19, 2011 with the correction to reflect the presence of Council Member Maloy and to approve the minutes of the Special Session

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Meeting held on December 19, 2011. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

H. REGULAR AGENDA

Mayor Hamley called the next two items on the agenda out of order:

- 7. Consider Resolution No. 2012-04, receiving the Planning and Zoning Commission's Final Report to Council on the proposal to amend the City's comprehensive zoning 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.**

Debra Mergel, Planning and Zoning Commission Chairman presented the Final Report of the Planning and Zoning Commission on this item. Background information is as follows:

The Planning and Zoning Commission met on December 5, 2011 and recommended in its preliminary report that a specific use permit be granted 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 preliminary report was submitted to Council at its December 19, 2011 meeting, and the Joint Public Hearing was ordered and conducted on January 16, 2012.

Ms. Mergel told Council that the Commission's Final Report is identical to that of its Preliminary Report, which recommends approval of T-Mobile's 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. Ms. Mergel told Council that the Commission approved the report with unanimous vote.

With no discussion on this matter, Council Member Maloy moved to approve Resolution No. 2012-04, receiving the Planning and Zoning Commission's Final Report to Council on the proposal to amend the City's comprehensive zoning 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 Erskine seconded the motion. The vote follows:

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

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Nays: None

The motion carried.

RESOLUTION NO. 2012-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S FINAL REPORT TO COUNCIL ON THE PROPOSAL TO AMEND THE CITY'S COMPREHENSIVE ZONING 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.

- 8. Consider Ordinance No. 2012-03, amending Chapter 14, Article IV, of the Code of Ordinances, City of Jersey Village, said ordinance being City of Jersey Village Ordinance No. 77-14, as amended, originally adopted the 6th day of September 1977, and being the Comprehensive Zoning Ordinance of the City, by granting to T-Mobile West, Inc., a specific use permit to allow for the installation and use of a telecommunication tower on property described as Lot 3, Block 2, Northwest Station Section of District G; providing requirements and conditions for this specific use permit; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed two thousand dollars for violations hereof; providing for amendment of the official zoning map; providing for severability; and providing an effective date.**

Danny Segundo, Director of Public Works, introduced the item. He told Council that approval of this Ordinance will enact the final recommendation from the Planning and Zoning Commission regarding the granting of 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.

With no discussion on the matter, Council Member Berube moved to approve Ordinance No. 2012-03, amending Chapter 14, Article IV, of the Code of Ordinances, City of Jersey Village, said ordinance being City of Jersey Village Ordinance No. 77-14, as amended, originally adopted the 6th day of September 1977, and being the Comprehensive Zoning Ordinance of the City, by granting to T-Mobile West, Inc., a specific use permit to allow for the installation and use of a telecommunication tower on property described as Lot 3, Block 2, Northwest Station Section of District G; providing requirements and conditions for this specific use permit; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed two thousand dollars for violations hereof; providing for amendment of the official zoning map; providing for

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severability; and providing an effective date. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2012-03

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 14, ARTICLE IV, OF THE CODE OF ORDINANCES, CITY OF JERSEY VILLAGE, SAID ORDINANCE BEING CITY OF JERSEY VILLAGE ORDINANCE NO. 77-14, AS AMENDED, ORIGINALLY ADOPTED THE 6TH DAY OF SEPTEMBER 1977, AND BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING TO T-MOBILE WEST, INC., A SPECIFIC USE PERMIT TO ALLOW FOR THE INSTALLATION AND USE OF A TELECOMMUNICATION TOWER ON PROPERTY DESCRIBED AS LOT 3, BLOCK 2, NORTHWEST STATION SECTION OF DISTRICT G; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR VIOLATIONS HEREOF; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Hamley returned to regular order of the agenda calling the following item:

- 1. Receive a presentation from Jonathan Blackwell of Valderrama Energy Services pertaining to the Advanced Metering Infrastructure Increased Water Revenue Project.**

Danny Segundo, Director of Public Works introduced the item. Background information is as follows:

The City's Finance Department and Public Works Department would like to address an issue in regards to the City's aging water meter system. A water meter replacement program is being considered by both departments in order to provide a more accurate billing and water accountability system.

In June of last year, Jonathan Blackwell of Valderrama Energy Services (VES) gave a presentation regarding a program that would allow the city to install new water meters accompanied by new technology that would provide for better accountability in both water pumped and water sold. This new system is able to work with INCODE, the City's existing billing software.

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In December, VES conducted meter testing on both residential and commercial meters within the city. Mr. Blackwell met with City Staff earlier this month to discuss the findings.

Mr. Segundo then introduced Mr. Jonathan Blackwell with Valderrama Energy Services who shared the results of the meter testing with City Council through a presentation centered on the following topics:

1. Review Testing results for both commercial and residential meters
2. How the results translate into additional revenue
3. Assess alternate terms based upon available increased revenue
4. Review Black & Veatch propagation study of FlexNet System

In completing the presentation, Council engaged in discussion about the cost of the program and the associated interest. Mr. Blackburn fielded this question and explained accordingly.

In the presentation, Council learned that the current meters have a 92% accuracy rating for residential customers. Discussion was had how this accuracy rating compares to other cities. Mr. Blackburn explained that the 92% rating was typical among residential meters, noting that discrepancies with higher ratings are more common among commercial meters.

Mr. Blackburn explained that the testing conducted was cursory and more stringent follow-up testing is needed since only a small number of meters were tested. Nonetheless, the preliminary results support advanced metering technology as a viable project.

City Manager Castro explained that no action is necessary at this time as staff still has some legal issues to work through with the City Attorney. Once these issues are resolved, the City Manager explained that staff will bring the issue back to Council.

Council also discussed how this issue is associated to the water rate study. City Manager Castro explained that these are two separate and different studies, but maintained that somewhere down the road, should the city decide to install the meters, it would be prudent to make adjustment in the water rates should such adjustments be necessary.

Council closed this item with discussion on other cities interested in this product. Mr. Blackburn told council that currently there are 33 Texas cities that have this product installed, with the biggest installation being Arlington, Texas.

2. **Discussion with possible action relating to a proposal from Transwestern Developers to rezone the area known as Jersey Village Crossing to Industrial zoning for the purposes of building an industrial park.**

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Mike Castro, City Manager introduced the item. He told Council that Representatives from Transwestern contacted councilman Beckwith to request a meeting to discuss development along the newly extended portions of Jones Road. Subsequently councilman Beckwith contacted the Mayor, who arranged a meeting between Transwestern, the two council members, the city manager, and the building official.

The meeting was held on January 9th at Transwestern's office. In the meeting, representatives from Transwestern presented their vision for development of the area known as Jersey Village Crossing. Presently, the area is subject to the provisions of Ordinance 2011-25. Ordinance 2011-25, passed in May 2011, established Form Based Codes for Jersey Village, and created a new district, District D.

Transwestern's vision incorporates an industrial park populated by ten, single-story, tilt-wall structures of various sizes. In the meeting, Transwestern stated their belief that the vision articulated by the city for the area is unworkable. They further stated that industrial zoning was the highest and best use for the property, and would generate the most revenue for the city. There are no elements of the city's form based codes that are incorporated into Transwestern's preliminary design. Transwestern is asking that the city abandon from based codes and return the area to its former, used-based status as industrial zoning. Transwestern is currently under contract for the property and is asking the city to consider their request with appropriate haste.

The process to change zoning in this area and subsequently abandon form based codes must be initiated by city council. City council must request the Planning and Zoning Commission to consider the item and make a formal recommendation to city council. Reversion to industrial zoning will require a series of public hearings, concurrent with appropriate notification procedures.

Council engaged in discussion about Transwestern's proposal. Transwestern's schematic for the property states on the face that the plan is subject to change. This gave cause for concern about what the final project might bring. In conjunction with this, City Manager Castro explained that should the City choose to go back to use based codes; the plan could change to match the market, whatever the market might be at the time of development.

Council also discussed the obligation of the City in terms of the regional detention basin. City Manager Castro explained that the basin should be sufficient to support any type of development; however, the need for revisions/improvements should be checked by an engineer as the City would be responsible there be a need.

Council also discussed the notion that the Jersey Village Crossing concept evolved around a train stop; however, having the train stop went from two years away to 20 years or more. So, in connection with the delay in the train stop, some members of the Council felt it important to consider if Form Based Codes are still something of value. City Manager Castro pointed out that this very question was addressed by the Consultants

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Kimley Horn and Associates during the development of the Form Based Code. The Consultant's terminology was that Jersey Village Crossing is not the cake, it is the icing on the cake; and therefore, the development is viable without a rail stop.

Discussion was had on the assessed valuation of the Transwestern project being \$35M, and staff believes that a minimum of one officer per shift will be needed to patrol the area of the current business model.

The consensus of Council seemed to be to stay with Form Based Code for Jersey Village Crossing.

Mayor Hamley spoke to the proposal and a letter he has received about the proposal. He is concerned about Jersey Village Crossing and that the rail stop delay may affect development in the area. City Manager Castro explained that there is flexibility in the Form Based Code for industrial construction. He believes that staff can work with Transwestern, if they are interested, in coming up with plans that conform to the code.

Mayor Hamley called for a motion to send this matter to the Planning and Zoning Commission to consider the item and make a formal recommendation to City Council. With no motion being made, the item died for lack of a motion and no further action was taken on this item.

3. Discussion with possible action regarding information requested by City Council at its December meeting related to Digital Billboards/Spectacular Signs.

Danny Segundo, Director of Public Works, introduced the item. Background information on the item is as follows:

At the December City Council meeting the Planning and Zoning Commission submitted its report related to the request from Clear Channel Communications Inc. to amend Section 14-243(15) of the City of Jersey Village Code of Ordinances to allow for the installation of approved off premise Spectacular Signs. The Planning and Zoning Commission recommend that Council deny the request by Clear Channel.

Mr. Lee Vela with Clear Channel Communications spoke in the public comments section of the City Council meeting and asked City Council to reconsider its request to amend the City's Ordinance and allow for the placement of an off premise spectacular sign within the Jersey Village city limits.

During the regular session of the December meeting, City Council accepted the Planning and Zoning Commission's report but did not vote on the request from Clear Channel. Rather, City Council requested additional information from City Staff related to Digital Billboards/Spectacular Signs as follows:

1. How many billboards will be affected by the 290 highway expansion? How many billboards will be going away?

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2. How many sign companies own signs within Jersey Village city limits?
3. Where are billboard signs located?
4. What are other cities saying/doing?
5. What do the billboard studies say?

In response, city staff identified three billboards that will be taken down and removed permanently. One is the onsite billboard located at Jack's Carpet and the other two signs are near the intersection of Hillcrest Road and NW 290 (north of 290).

The highway expansion will not interfere with any signs located along the railroad tracks (the area south of 290). These signs are located in the railroad right of way and will not be relocated or moved.

There are currently three billboard sign companies registered with our City having signs permitted within our city limits. These companies are CBS, SignAd, and Clear Channel.

The Council packet included a map showing where on-premise and off-premise billboard signs are located. The majority of billboard signs are along the NW Freeway 290 feeder. The signs on the map are differentiated by color to depict which signs are owned and operated by which companies.

City Staff made contact with representatives from the City of Conroe, City of Humble, City of League City, City of La Marque, and the City of Pasadena. Discussions with these cities revealed that each city handled the electronic billboard issue in a way that was best for city in question. The majority of the cities had to change their ordinances in order to address the billboard issue to allow for the conversion of a standard billboard to a digital billboard. A re-occurring factor was most cities were able to have Clear Channel remove existing signs as a condition of the agreement. In most cases the swapping agreement of 4 to 1 was standard. Also, there were requests from other sign companies (CBS) wanting to convert existing signs to digital billboards after the initial install.

During discussions with the City of Conroe, staff learned that they were not happy about a situation that developed with Clear Channel. Clear Channel cut and cleared trees in the right-of-way without a permit. As a result, their request for a second conversion which was originally approved was rescinded.

In the packet, Council was provided sign studies, articles, and presentations, regarding digital billboards, which were the same articles the Planning and Zoning Commission reviewed. Clear Channel included the Tantala Executive Summary, the Virginia Tech Executive Summary, an FBI Article, and Digital Billboards today.

The Federal Highway Department's Study regarding digital billboards has not been released yet, and city staff would like to wait for that report in order to consider its opinions.

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In addition to the background information, Mr. Segundo explained that Council must decide which course of action it will take in connection with the request by Clear Channel to amend the City's ordinance for the placement of digital billboards/spectacular signs. The options are:

1. Accept the Planning and Zoning Commission's recommendation and deny the request by Clear Channel; or
2. Direct staff to work with the Planning and Zoning Commission in drafting an ordinance allowing digital billboards/spectacular off premise signs as a specific use in District H.
3. Take no action on this request and revisit this issue at a later date.

In hearing the introduction material, Council then engaged in discussion about a conversion/swapping program; wherein the requestor is permitted to convert one sign and in return must remove/eliminate others. There was concern how such a plan might affect other requests from other vendors. The City Attorney explained that each request must be reviewed and decided upon its own merits.

Council reviewed and discussed the City Survey conducted by Staff. There was particular interest in the information gathered about the pros and cons of having these electronic bill boards within the various cities. Council received information about the experience had in Conroe that lead to that City rescinding approval of a second conversion due to problems had with the billboard installation.

Staff informed Council that in the City of Pasadena experience, some residents had reported that the signs were "too bright."

In addition to the City Survey, Council discussed the following areas pertaining to the electronic billboard signs:

- Emergency messaging
- Swapping program
- Packet Information from other Cities pertaining to the signs
- Safety Issues
- Prior Council decisions about billboards
- The Wisconsin Study and the number of crashes before and after sign installation

With no further discussion on this issue, Council Member Beckwith moved to direct staff to work with the Planning and Zoning Commission in drafting an ordinance allowing digital billboards/off-premise signs as a specific use in District H. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube and Beckwith

Nays: Council Members Erskine, Maloy, and Klein

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The motion failed.

Council Member Beckwith then moved to take no action on this request and revisit this issue at a later date. Council Member Berube seconded the motion. After limited discussion, Council Member Beckwith withdrew his motion.

Council Member Maloy moved to accept the Planning and Zoning Commission's recommendation and deny the request by Clear Channel to convert an existing billboard into an electronic digital billboard. Council Member Klein seconded the motion.

Council then reviewed the actions taken at the December 19, 2011 meeting in connection with this item. The review revealed that the request from Clear Channel was never voted upon. The City Attorney was asked for direction in terms of moving forward. He was specifically asked if a vote is needed to vote upon the request of Clear Channel. The City Attorney pointed out that to move forward with the Clear Channel request, a majority vote of Council is required. Without such a vote, the issue dies for lack of action. With this in mind, Council Member Klein withdrew her second on Council Member Maloy's motion. Having no other second on the motion, the motion died for lack of a second and Mayor Hamley called the next item on the agenda.

4. Consider Ordinance No. 2012-01, amending the budget for fiscal year October 1, 2011 through September 30, 2012, in the amount not to exceed \$50,000 to increase line item 15-22-5523 in order to fund the overtime for the Red Light Camera Review Officers.

Eric Foerster, Chief of Police, introduced the item. He told Council that the budget amendment is for the Red Light Camera Fund, and is necessary due to the increase number of walk-in customers that come to the office to take care of citations due to the scofflaw. He explained that additional officers are required to work overtime and assist in reviewing these citations since the officer assigned to work in the Red Light Camera has to take care of these customers. The increase numbers of scofflaw walk-in customers as well as citations is well reflected in the amount of revenues collected as of December 31, 2011, which is \$680,189 compared to \$287,235 for the same period during last fiscal year. This is an increase of 137%.

With limited discussion on this item, Council Member Erskine moved to approve Ordinance No. 2012-01, amending the budget for fiscal year October 1, 2011 through September 30, 2012, in the amount not to exceed \$50,000 to increase line item 15-22-5523 in order to fund the overtime for the Red Light Camera Review Officers. Council Member Maloy 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. 2012-01

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012, IN THE AMOUNT NOT TO EXCEED \$50,000 TO INCREASE LINE ITEM 15-22-5523 IN ORDER TO FUND THE OVERTIME FOR THE RED LIGHT CAMERA REVIEW OFFICERS; AND PROVIDING FOR SEVERABILITY.

5. Consider Resolution No. 2012-03, authorizing the City Manager to seek energy proposals and execute contract documents to provide energy for city facilities.

Michael Brown, Director of Parks and Recreation, introduced the item. He told Council that the City's current energy contract is with Reliant Energy through the Texas General Land Office (GLO), and this contract will end June 30, 2012.

Accordingly, City Staff is seeking approval to take a proactive approach in order to secure a lower rate for energy costs before the contract expires. On the City's current contract, the rate paid for electricity is \$0.091102 per kWh (kilowatt hour); today's current market rates range from \$0.05 to \$0.06 per kWh.

City Staff would like to monitor the day to day activity in the natural gas market for competitive rates as these rates closely reflect electricity rates. Once a drop in rates is identified, staff is seeking Council approval for the City Manager to be able to take advantage of the price break and sign a contract, allowing the City to lock-in a price for energy for a period not to exceed five years.

Staff has checked with the City Attorney and according to Section 252.022 of the Texas Local Government Code, the City is exempt from bidding procedures for an electricity services contract.

With limited discussion on the review process for gas rates, Council Member Maloy moved to approve Resolution No. 2012-03, authorizing the City Manager to seek energy proposals and execute contract documents to provide energy for city facilities. 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. 2012-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO SEEK ENERGY PROPOSALS AND EXECUTE CONTRACT DOCUMENTS TO PROVIDE ENERGY FOR CITY FACILITIES.

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6. Consider Ordinance No. 2012-02, ordering a general election on May 12, 2012 for the purpose of electing three (3) council members (Place 1, Place 4, and Place 5).

City Secretary, Lorri Coody introduced the item. She explained that this item was to order the general election for the city will be held on May 12, 2012, for the purpose of electing the following officials of the City:

Councilmember, Place 1

Councilmember, Place 4

Councilmember, Place 5

However, before acting on the Ordinance, Ms. Coody gave a power point presentation to Council the covered the past, present and future election process for the City of Jersey Village. The purpose of the presentation was to outline for the Council the past voting practices and demonstrate how Senate Bill 100 enacted by the 82nd Legislature changed voting for Municipal Elections in Texas. The presentation also reminded Council of its actions/decisions made during the August 15, 2011 meeting to:

- Continue holding elections on 2nd Saturday in May
- Discontinue electronic voting (eSlate)
- Use a paper ballot
- Use the AutoMARK Voter Assist Terminal for disabled voter
- Use election workers to count ballots

Ms. Coody gave an overview of the election activities she has undertaken since the August 2011 meeting and she briefly outlined for council the steps that remain in order that the May 12, 2012 election process is properly executed.

In completing the presentation, Ms. Coody asked that Council approve Ordinance 2012-02 and call the May 12, 2012 Municipal Election.

With limited discussion on this item, Council Member Erskine moved to approve Ordinance No. 2012-02, ordering a general election on May 12, 2012 for the purpose of electing three (3) council members (Place 1, Place 4, and Place 5). Council Member Berube 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. 2012-02

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 12, 2012, FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS; PROVIDING FOR BALLOTS; DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTIONS; PROVIDING APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION; PROVIDING FOR NOTICES; PROVIDING FOR PUBLICATION; PROVIDING FOR A RUNOFF ELECTION IF REQUIRED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

I. 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 Beckwith: Council Member Beckwith thanked the citizens for coming to the meeting.

Council Member Erskine: Council Member Erskine thanked Council for their work and stated he looks forward to working together in this coming year.

Council Member Berube: Council Member Berube thanked the Fire Department and EMS for the care she recently received.

Council Member Maloy: Council Member Maloy thanked the City Manager and the Public Works Department for the “in-house” repair of Philippine Street.

Council Member Klein: Council Member Klein welcomed Council Member Joyce Berube on account of her recent illness. She stated that the Recreation and Events Committee has recently met and are working on upcoming events – the Spring Fling and the Easter Egg Hunt.

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J. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:15 p.m.

Lorri Coody, City Secretary