

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON FEBRUARY 20, 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 Acting Mayor Pro tem Klein at 7:00 p.m. with the following present:

Acting Mayor Pro tem, Jill Klein
Council Member, Rod Erskine
Council Member, Harry Beckwith III, PE
Council Member, Mark Maloy

City Manager, Mike Castro
City Secretary, Lorri Coody
City Attorney, Bobby Gervais

Mayor Russell Hamley and Council Member Joyce Berube were not present at this meeting.

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 and Pledge by: John Peterson, Houston/Cy-Fair Lion's Club

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.

Kelli Ripple, 16206 Wall Street, Jersey Village, Texas 77040 (281-684-8890): Ms. Ripple appeared before Council in order to honor the memory of Coach Gary Coffey. She told the Council that she is a resident of the City and over the years Coach Coffey has been her friend, mentor, boss and much more. She stated that she had worked for Coach Coffey at the pool for some six years and found him to be a great man. She would like to honor his memory at the pool with a plaque. She wanted the City to give her direction on how she might go about getting this accomplished.

D. CITY MANAGER'S REPORT

City Manager, Mike Castro, gave his monthly report. In addition to the items listed below, Mr. Castro described the changes that have been made to the report, explaining that some reports have been eliminated in accordance with recent correspondence with Council.

Michael Brown, Director of Parks and Recreation was called upon to give an update on the paving at the Golf Course.

Council engaged in discussion on the items excluded from the report and asked questions accordingly. Mr. Castro explained that where the reports have been excluded, staff is no longer preparing the information for these reports.

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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 January 2012**
2. **Open Records Request**
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, Speeding and Stop Sign Citations within Residential Areas Report, and Court Proceeds Comparison Report**
6. **Public Works Departmental Report**
7. **Golf Course Monthly Report, Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report**
8. **Report from Code Enforcement**
9. **Capital Improvements Projects Report**
10. **2011 Racial Profiling Report**
11. **Golf Course Advisory Committee Report to Council**

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 January 16, 2012.**
2. **Consider Resolution No. 2012-05, authorizing the City Manager to enter into a contract with Harris County, Texas to provide fire protection services to Fire Protection Zone 38.**

RESOLUTION NO. 2012-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HARRIS COUNTY, TEXAS TO PROVIDE FIRE PROTECTION SERVICES TO FIRE PROTECTION ZONE 38.

4. **Consider Ordinance No. 2012-04, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 62, Taxation, by Amending Section 62-45 of Article II Pertaining to Hotel Occupancy Tax to Update the City Code to Correspond to House Bill 2048, including Providing for Auditing of Records of Persons Required to Collect the Tax and Other Changes Related to Enforcement and Collection of the**

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Hotel Occupancy Tax; Providing a Severability Clause; Providing for Repeal; and Providing an Effective Date.

ORDINANCE NO. 2012-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, CHAPTER 62, TAXATION, BY AMENDING SECTION 62-45 OF ARTICLE II PERTAINING TO HOTEL OCCUPANCY TAX TO UPDATE THE CITY CODE TO CORRESPOND TO HOUSE BILL 2048, INCLUDING PROVIDING FOR AUDITING OF RECORDS OF PERSONS REQUIRED TO COLLECT THE TAX AND OTHER CHANGES RELATED TO ENFORCEMENT AND COLLECTION OF THE HOTEL OCCUPANCY TAX; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

With Item No. 3 being removed from the Consent Agenda, Council Member Beckwith moved to approve items 1, 2, and 4 on the Consent Agenda. Council Member Maloy seconded the motion. The vote follows:

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

Nays: None

The motion carried.

Before moving on to the Regular Agenda, Acting Mayor Pro tem Klein called item 3 from the Consent Agenda for discussion as follows:

3. Consider Resolution No. 2012-06, authorizing the City Manager to engage Urettek USA, Inc. to perform street raising work throughout various locations in the City of Jersey Village.

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

The Public Works Department is continuing its annual street raising program. The project includes street lifting, void filling, stabilizing and under sealing, proper drainage, and returning streets to proper load bearing capacity. Public Works will address 6 locations in the city that are experiencing concrete pavement settlement issues (ponding).

City Council has previously authorized the Public Works Department to receive proposals from entities approved by the Harris County Interlocal Agreement and authorized under Resolution 2007-60 dated December 17, 2007. Urettek USA, Inc. meets the criteria as an approved vendor under this interlocal agreement and has proposed street raising work for various locations throughout the City of Jersey Village as follows:

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1. 16022 Crawford	\$1,500.00	6. 15706 Australia	\$2,600.00
2. 16101 Crawford	\$1,200.00	7. 16101 Seattle	\$4,700.00
3. 15530 Congo	\$1,950.00	8. 16209 Seattle	\$3,200.00
4. 16415 Jersey	\$ 960.00	9. 16401 St. Helier	\$2,800.00
5. 15401 Jersey	\$2,300.00	10. 9 Pebble Beach	<u>\$1,250.00</u>
		Total	\$22,460.00

Mr. Segundo stated that Staff is requesting approval of Uretek’s proposal for this street raising work.

Discussion was had on the budget for this project. Mr. Segundo explained that this is an annual project and the funds are allocated/budgeted in the street budget. Council also wanted to know if there were any other streets in the city needing work. Mr. Segundo told Council that the list of streets requiring repair is greater than the list included in this item; however, this is the list of streets identified for repair in 2012.

With no further discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2012-06, authorizing the City Manager to engage Uretek USA, Inc. to perform street raising work throughout various locations in the City of Jersey Village. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENGAGE URETEK USA, INC. TO PERFORM STREET RAISING WORK THROUGHOUT VARIOUS LOCATIONS IN THE CITY OF JERSEY VILLAGE.

F. REGULAR AGENDA

1. Consider Resolution No. 2012-07, reviewing and accepting the 2011 Comprehensive Annual Financial Report (CAFR) Presentation of the Audit Report.

Isabel Kato, Finance Director, introduced the item. She told Council that the City of Jersey Village is required to publish each year a complete set of financial statements presented in conformity with Generally Accepted Accounting Principles (GAAP), and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

She introduced Robert Belt from Belt Harris & Associates LLLP who gave a presentation based on the audit findings and the financial position of the City.

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Upon completion of the presentation and a short question and answer period, Council Member Maloy moved to approve Resolution No. 2012-07, reviewing and accepting the 2011 Comprehensive Annual Financial Report. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2012-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ACCEPTANCE OF THE 2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

2. Consider Resolution No. 2012-08, awarding the bid and authorizing the City Manager to enter into a contract for the City's Phase 3 Street Improvement Project.

Erik Tschanz, Project Manager for Phase 3 of the City's Street Improvement Project, introduced the item, stating on February 7, 2012, the City of Jersey Village Engineer, Brooks & Sparks Inc., along with City staff received bid documents related to the City's Phase 3 street paving, drainage, and water line rehabilitation project. SER Construction Partners was the low bidder, submitting a bid of \$6,499,785.50. City Engineer Brooks & Sparks Inc. has reviewed the bid proposal and recommends that the City select SER Construction Partners as the contractors for the Phase 3 Street Improvement Project.

On August 15, 2011 City Council awarded Brooks & Sparks Inc., a contract to provide engineering services for Phase 3 of the City's Street Improvement Project.

With limited discussion on this item, Council Member Erskine moved to approve Resolution No. 2012-08, awarding the bid and authorizing the City Manager to enter into a contract for the City's Phase 3 Street Improvement Project. Council Member Maloy seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2012-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SER CONSTRUCTION PARTNERS, LTD FOR THE CITY'S PHASE 3

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STREET IMPROVEMENT PROJECT.

3. **Consider Ordinance No. 2012-05, amending the budget for fiscal year October 1, 2011 through September 30, 2012, in the amount not to exceed \$2,300,000, by allocating funds from the General Fund balance to the Capital Improvements Fund to provide additional appropriations for the City's Phase 3 Street Improvement Project.**

Danny Segundo, Director of Public Works explained that the budget amendment will appropriate funding for the Phase 3 street rehabilitation project and is comprised of three exhibits. He explained the reason for the three exhibits to the Ordinance, stating that the amendments will allow for the additional funding related to the Phase 3 project. Originally, five million dollars was allotted for this project during the budget process.

The Phase 3 Project will address street paving rehabilitation and drainage issues on selected streets, as well as utility issues that are occurring along Acapulco Drive.

With limited discussion on the item, Council Member Beckwith moved to approve Ordinance No. 2012-05, amending the budget for fiscal year October 1, 2011 through September 30, 2012, in the amount not to exceed \$2,300,000, by allocating funds from the General Fund balance to the Capital Improvements Fund to provide additional appropriations for the City's Phase 3 Street Improvement Project. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2012-05

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 \$2,300,000, BY ALLOCATING FUNDS FROM THE GENERAL FUND BALANCE TO THE CAPITAL IMPROVEMENTS FUND TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE CITY'S PHASE 3 STREET IMPROVEMENT PROJECT; AND PROVIDING FOR SEVERABILITY.

4. **Consider Resolution No. 2012-09, receiving the Building Board of Adjustment and Appeal's Report as it relates to the proposed amendments to the Code of Ordinances of the City of Jersey Village, Texas, Chapter 14, Building and Development in order to resolve finish floor elevations with additions to residential and commercial structures.**

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Michael O’Kelley, Chairman of the Building Board of Adjustment and Appeals, appeared before Council to give the Board’s report in connection with proposed amendments to the Code of Ordinances related to finished floor elevations.

Background information on the item is as follows: After the adoption of Ordinance No. 2011-14 (slab elevation ordinance), the Building Official came to realize that in one sense, one new criterion was overly restrictive, adversely affecting proposed additions to even those properties well outside the 1% probability floodplain (aka: the 100 year floodplain). Proposed additions to existing structures that were greater or equal to 18” above the base flood elevation (BFE) – which is the City’s design flood elevation (DFE) - - could not, nonetheless, meet the additional criterion that the slab height be 12” above adjacent grade; hence, one would need to install a step or two up to a new addition, which is unwarranted when a structure is well outside the floodplain and greater than 18” above the BFE. These structures should be allowed to have any addition that is to directly communicate to the existing structure to match the existing lowest contiguous finished floor elevation as long as the provisions for protection against decay found in the International Residential Code and the International Building Code are met.

Mr. Kelley told Council that the Building Board of Adjustment and Appeals had met on January 24, 2012 and February 7, 2012 to discuss the proposed changes to the ordinance as requested by the Building Official. The Board engaged in a discussion pertaining to Section 14-333 Finished Floor Elevations and after consideration of same, voted in favor of the recommended changes.

Mr. O’Kelley submitted the Board’s written report to Council.

With limited discussion on this item, Council Member Maloy moved to approve Resolution No. 2012-09, receiving the Building Board of Adjustment and Appeal’s Report as it relates to the proposed amendments to the Code of Ordinances of the City of Jersey Village, Texas, Chapter 14, Building and Development in order to resolve finished floor elevations with additions to residential and commercial structures. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2012-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE WRITTEN RECOMMENDATION REPORT FROM THE BUILDING BOARD OF ADJUSTMENT AND APPEALS PERTAINING TO

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CHAPTER 14, ARTICLE XIII, BUILDING CODE, SECTION 14-333 FINISHED FLOOR EVELVATIONS.

5. **Consider Ordinance No. 2012-06, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 14, Building and Development, by amending Section 14-333 of Article XIII to provide for changes related to Finished Floor Elevations; 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 passage of this Ordinance will implement the recommended changes of the Building Board of Adjustment and Appeals to provide for changes related to finished floor elevations.

With limited discussion on this item, Council Member Maloy moved to approve Ordinance No. 2012-06, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 14, Building and Development, by amending Section 14-333 of Article XIII to provide for changes related to Finished Floor Elevations; providing a severability clause; providing for repeal; providing a penalty; and providing an effective date. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2012-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, CHAPTER 14, BUILDING AND DEVELOPMENT, BY AMENDING SECTION 14-333 OF ARTICLE XIII TO PROVIDE FOR CHANGES RELATED TO FINISHED FLOOR ELEVATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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

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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 stated that he had attended the Volunteer Fire Department's Annual Awards Banquet on Saturday Evening. He told Council that this is an outstanding group of men and women that go above and beyond and he appreciates their hard work and contributions to the community.

Council Member Erskine: Council Member Erskine echoed Council Member Beckwith's comments about the Volunteer Fire Department membership. He too attended the banquet and appreciated being invited and participating in the event.

Acting Mayor Pro tem Klein: Acting Mayor Pro tem Klein also appreciates the Volunteer Fire Fighters. She too attended the Banquet. She also announced that the Recreation and Events Committee has two events coming in the near future: the Spring Fling on March 23 and the Easter Egg Hunt on April 1.

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

J. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 7:35 p.m.

Lorri Coody, City Secretary