

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON APRIL 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	

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. PRESENTATIONS**

1. **Presentation of Police Department Employee of the First Quarter, 2012.**

Jimmy Baughman, Commander, and Howard Mead, Past Commander of American Legion Post #324, along with Mayor Hamley, presented the Police Department Employee of the First Quarter, 2012 to Sgt. Sandy Joachim.

**D. 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.

**Hanh Nguyen, 17454 Northwest Freeway, Jersey Village, Texas (281) 372-6686** – Ms. Nguyen spoke to Council about her business located at 17454 Northwest Freeway where she operates IDesign Vision Center. She presented Council with a hand-out depicting pictures of her establishment and told Council of the problems she has had in advertising her business due to the enforcement of the City's sign laws. She explained that she started advertising with the use of a "transportable" metal sign just outside her door and felt that business had increased using this advertising method. Nonetheless, she was asked by the City to remove the sign because it failed to comply with the City's sign ordinance. She then stenciled her windows with the advertising information, and while it was not as good as the "transportable" metal sign, her business traffic did improve. However, once again, this form of advertising did not comply with the City's sign ordinance and she was asked to remove the signage. Ms. Nguyen presented various pictures of other business owners in the shopping center depicting forms of advertising methods used to promote business. She offered that while she was asked to remove her signage, there are other

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businesses in the shopping center that are permitted to continue similar advertising without consequence. She wanted Council to grant her permission to advertise her business outside her shop using the “portable” metal sign and/or to print the advertisement on the windows of her business.

**Susan Edwards, 16001 Jersey Drive, Jersey Village, Texas (713-466-4383)** – Ms. Edwards spoke to Council about two concerns. First she mentioned that she enjoyed having the American Legion Fun Run in our City and looked forward to having this event in the years to come. Second she spoke to the Annual Easter Egg Hunt. She mentioned that a “mishap” occurred during the event that centered on instructions that were given by the members of the Parks and Recreation Committee Members. During this time when the instructions were being given, Ms. Edwards explained that there was a ruckus wherein one Committee Member grabbed the mega phone away from another Committee Member. According to Ms. Edwards, this incident caused concern among attendees and was upsetting.

**Frank Ybarguen, 16009 Acapulco, Jersey Village, Texas (713-937-9290)** – Mr. Ybarguen spoke to Council to voice his disapproval of the repositioning of Juneau Lane due to Right-of-Way issues in connection with Phase 3 of the City’s Street Improvement Project. He told Council that the decision to move Juneau Lane was not made according to any “well thought out” plan or process, only that Council sought to fix an error that was made when the street was initially built. He stated that no consideration was given to the lot owners in making this decision. Mr. Ybarguen also stated that he believed the decision to move Juneau Lane was made during Executive Session, a violation of the open meetings act. He wanted Council to reconsider its decision. In support of such reconsideration, he tendered a petition signed by some 100 residents of the City supporting the current location of Juneau Lane.

**Barbara Burke, 16006 Juneau Lane, Jersey Village, Texas (713-466-9086)** – Ms. Burke while signing up to speak did not address Council when called upon.

**E. CITY MANAGER’S REPORT**

City Manager Castro gave his City Manager’s Report as follows:

- 1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report, Quarterly Investment Report – March 2012, and Budget Projections as of March 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 and Phase 3 Project Update**

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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**

**F. 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 March 19, 2012 and the Work Session Meeting held on March 19, 2012.**
2. **Consider Ordinance No. 2012-08, allowing a budgetary amendment to the 2011-12 budget (Asset Forfeiture Fund) in the amount not to exceed \$14,176, and authorizing the purchase of law enforcement equipment (Evidence Management Software) permitted by Chapter 59 of the Code of Criminal Procedures.**

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE ASSET FORFEITURE FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, AUTHORIZING THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT PERMITTED BY CHAPTER 59 OF THE CODE OF CRIMINAL PROCEDURE; AND PROVIDING FOR SEVERABILITY.

3. **Consider Ordinance No. 2012-09, amending the general fund budget for the fiscal year beginning October 1, 2011 and ending September 30, 2012 in the amount of \$5,900, to cover cost associated with the Police Department Jail Expense to cover the cost associated with the increase number of defendants transfer to the County Jail.**

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012, TO COVER COST ASSOCIATED WITH THE JAIL EXPENDITURES IN THE POLICE DEPARTMENT; AND PROVIDING FOR SEVERABILITY.

4. **Consider Ordinance No. 2012-10, allowing a budgetary amendment to the 2011-12 budget (Asset Forfeiture Fund) in the amount not to exceed \$6,380, and authorizing the purchase of law enforcement equipment (11 Bullet Proof Vests) permitted by Chapter 59 of the Code of Criminal Procedures.**

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ORDINANCE NO. 2012-10

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE ASSET FORFEITURE FUND BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, AUTHORIZING THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT PERMITTED BY CHAPTER 59 OF THE CODE OF CRIMINAL PROCEDURE; AND PROVIDING FOR SEVERABILITY.

- 6. Consider Ordinance No. 2012-11, amending chapter 2 of the Code of Ordinances of the City of Jersey Village, Texas by amending Article IV, Division 3, Subsection iii, Section 2-171 to include provisions for on-line credit or debit card payments; providing for severability; providing for repeal; and providing an effective date.**

ORDINANCE NO. 2012-11

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS BY AMENDING ARTICLE IV, DIVISION 3, SUBSECTION iii, SECTION 2-171 TO INCLUDE PROVISIONS FOR ON-LINE CREDIT OR DEBIT CARD PAYMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

In calling the Consent Agenda, Mayor Hamley asked if any items were to be removed for discussion. Council Member Beckwith asked that item No. 5 be removed for further discussion. With no discussion on the matter, Council Member Berube moved to approve items 1, 2, 3, 4, and 6 on the Consent Agenda. Council Member Maloy 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 No. 5 on Consent as follows:

- 5. Consider Resolution No. 2012-13, authorizing a lease/purchase agreement with HP Financial Services for a wide format scanner/printer.**

IT Director, Bob Blevins introduced the item. He told Council that the current scanner/plotter used to produce CAD drawings is currently on a lease that expires in May 2012. This item provides for a new lease in order to replace the dated equipment in accordance with the City's Computer Technology Replacement Plan. Mr. Blevins explained that the existing 48 month lease costs \$525/month, and the new 48 month lease will cost \$522/month or \$6,266/year. The equipment is being ordered from CDW-G, an

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authorized HP Government Reseller, and the lease, a State and Local Government Single Schedule Lease Purchase Agreement, is through HP Financial Services.

After receiving the item explanation from Mr. Blevins, Council engaged in limited discussion on this item. With no further discussion, Council Member Maloy moved to approve Resolution No. 2012-13, authorizing a lease/purchase agreement with HP Financial Services for a wide format scanner/printer. 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. 2012-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A LEASE/PURCHASE AGREEMENT WITH HP FINANCIAL SERVICES FOR A WIDE FORMAT SCANNER/PRINTER.

**G. REGULAR AGENDA**

Mayor Hamley called the next item on the Regular Agenda out of order as follows:

**3. Discuss and take and appropriate action relating to the construction of Juneau Lane west of Senate Avenue.**

Council Member, Mark Maloy introduced the item. He told Council and those in attendance that he requested that this item be placed on the agenda so that Council would have an opportunity to address the recent correspondence it had received as well as any public comments made in connection with Phase 3 of the City's Street Improvement Program and the relocating of Juneau Lane.

Council Member Maloy provided background information on this item, stating that the City's Phase 3 Street Improvement Project is being funded by the General Fund, making it unnecessary for the City to go out for debt to pay the \$6.5 million in costs associated with the project.

Mr. Maloy stated that during the engineering phase of the project, the City learned that Juneau Street, when initially constructed, was built according to the wrong Plat and because of this error, Juneau Street is currently located in the wrong place. The location of Juneau must be corrected in order for these repairs to be included in Phase 3 of the Street Improvement Project.

Therefore, in learning of the error, Council met in Executive Session to discuss the legal issues surrounding Juneau Lane with the City Attorney. The information discussed in the

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session is not public, but provided to Council in order that they make informed decisions. Mr. Maloy explained that in order to grant Mr. Ybarguen's request and keep the street in its current location, legal action would be required.

Council then engaged in discussion. Some members of the Council would like to see a solution to leave the street where it is currently located, but without legal ramifications to the City and where all residents agree.

City Manager Castro explained that there was discussion in Executive Session concerning this matter; however, the action taken on the item was made in open session with the public present.

Council engaged in discussion about Executive Session. The City Attorney explained why the Council met in Executive Session and the importance of protecting the attorney/client privilege. He further explained that Council met in Executive Session to discuss legal issues and later came out of Executive Session into a properly posted open session to discuss the item and vote. The vote was taken in open session and not behind closed doors.

Discussion was had about the likelihood of bringing all the residents together to get a compromise in moving forward. City Manager Castro stated we can work toward that end. Nonetheless, he reminded Council of the burdens for the residents that will be connected with leaving the street in its current location. It would be a financial hardship for the residents and the City would need to exercise eminent domain. This would mean that there would be a lawsuit wherein residents would incur legal fees that the City could not pay. This process takes time and would most likely extend the project. The City Manager encouraged placing this on a future agenda for further discussion should Council anticipate changing its decision.

Citizen Ybarguen challenged that the item was voted on in public session and stated it is in conflict with the open meetings act.

City Secretary, Lorri Coody read into the record the item from February 20, 2012 agenda as follows:

***Discuss and take appropriate action on matters discussed in Executive Session.***

*With no discussion on the matter, Council Member Beckwith moved to proceed with the street improvements for Phase 3 of the City's Street Improvement Project in accordance with the 1974 platted right of way. Council Member Erskine seconded the motion. The vote follows:*

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

*Nays: None*

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*The motion carried.*

Council Member Klein also recalled the events of February 20, 2012 concerning the vote being made in the public session as she was the Acting Mayor Pro tem.

With no further discussion, Council Member Berube moved to have our attorneys look into this to see if a compromise can bring a solution to this problem. Council Member Maloy seconded the motion.

Discussion was had about the project timeline and the likelihood that Juneau may be removed from the project if a speedy solution is not found to the right-of-way issue. City Manager Castro explained that there is concern that Juneau could be removed from the project, but it is too soon to make the call. Further discussion was had that if Juneau is added to the end of the project as opposed to building the street in the normal course of construction, would such placement cause additional cost? Mr. Castro stated that he was not prepared to answer without speaking with the Engineers. If there was a chance that additional costs would be incurred, wouldn't it make more sense to remove Juneau from the project? Mr. Castro explained yes, but the next round of street improvements may not be until 2018 or 2020 before we get to Phase 4. Discussion was had by Council that due to remobilization costs with the project, perhaps there should be a timeline added to the compromise discussions that the attorney will have with residents concerning leaving Juneau at its current location.

Council Member Beckwith moved that the motion on the table be amended as follows: If within 60 days, the City and the Residents have not reached an agreement that is suitable to everyone, meaning if only one does not agree, then it defaults to what Council originally agreed upon. The amendment was seconded by Council Member Maloy.

Citizen Barbara Burke told Council that everyone on the street has signed the petition and is in agreement that Juneau should be located in its current location.

Council engaged in discussion about the following concerns:

1. The cost to property owners involved in keeping Juneau in its current location;
2. The specifics for a compromise agreement; and
3. The process for implementing the compromise agreements;

With no further discussion, Mayor Hamley called for a vote on the amendment to the original motion. The vote follows:

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

Nays: None

The motion carried.

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Mayor Hamley then called for a vote on the original motion made by Council Member Berube and seconded by Council Member Maloy. With the amendment, the motion now reads as follows: To have our attorneys look into this to see if a compromise can bring a solution to this problem. If within 60 days, the City and the Residents have not reached an agreement that is suitable to everyone, meaning if only one does not agree, then it defaults to what Council originally agreed upon. The vote follows:

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

Nays: None

The motion carried.

**H. CLOSE THE REGULAR SESSION**

Mayor Hamley closed the Regular Session at 8:05 p.m. to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 - Consultation w/Attorney.

**I. EXECUTIVE SESSION**

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 to discuss to discuss legal ramifications/strategies surrounding noise mitigation and right-of-way issues associated with the US 290 expansion project.**

**J. ADJOURN EXECUTIVE SESSION**

Mayor Hamley adjourned the Executive Session at 8:56 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive session.

**K. CONVENE REGULAR SESSION**

Mayor Hamley called the following item on the Regular Session agenda:

- 1. Consider Ordinance No. 2012-12, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 70, Utilities, by amending certain articles and sections of Chapter 70 to provide for a new rate structure for water and wastewater services; providing for service charges for municipal customers; providing for amendments to water and wastewater rate schedules; providing for a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.**

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

At its September 19, 2011 meeting, Council approved Resolution No. 2011-57, authorizing the City Manager to enter into a contract with Red Oak Consulting Service for completion of a Water and Wastewater Rate and Financial Planning Study. Over the



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past several weeks, Red Oak has conducted a review of historical usage and financial information from the Utility Fund. During the City Council-Staff Work Session that took place on March 19, 2012, Ms. Jennifer Ivey from Red Oaks Consulting Service presented to Council the findings of this rate study, utilizing different scenarios. During the work session, a consensus was reached regarding the following discussion points:

1. Amending the current water rate structure by reducing the number of billing blocks from seven (7) blocks to five (5) blocks;
2. Adjusting the rate schedule to ensure that residential and commercial users pay an equitable share;
3. Providing for service charges for municipal customers in the General Fund, Utility Fund, and Golf Course Fund;
4. Initiating a program whereby water customers with a second (irrigation) meter pay a basic service fee for the second meter.

Ms. Kato told Council that the item this evening is to consider the Ordinance which outlines the changes discussed by Council on March 19. The Ordinance sets the changes to take effect beginning with the billing cycle that starts on or about September 25, 2012. Ms. Kato told Council that Jennifer Ivey with Red Oak Consulting was present to answer any questions about the Final Rate Study Report.

Council engaged in discussion. Council asked for confirmation about which items were included in the Final Rate Study Report. There was confusion if only the four items outlined in the agenda item request form were included or if all the items discussed at the last meeting were included. City Manager Castro confirmed that the Final Report includes a specific rate schedule that incorporates all of the specifics discussed at the last Council meeting for which a consensus was reached. Ms. Jennifer Ivey pointed out that the schedule is located on the 1<sup>st</sup> page of Appendix C and F in Exhibit A. City Manager Castro also confirmed that maintenance and operating costs as well as the City's CIP projects through 2016 as outlined in the City's current budget, and increases for the City of Houston for the next 5 years are included in the schedule.

Council engaged in discussion about the proposed rates. There was discussion about the rates for residential versus sprinkler. Ms. Ivey explained the rationale in the rates. Council engaged in discussion about the sprinkler rates being higher and wondered if these higher rates would discourage quality landscaping.

With no further discussion on the matter, Council Member Maloy moved to approve Ordinance No. 2012-12, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 70, Utilities, by amending certain articles and sections of Chapter 70 to provide for a new rate structure for water and wastewater services; providing for service charges for municipal customers; providing for amendments to water and wastewater rate schedules; providing for a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2012-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, CHAPTER 70, UTILITIES, BY AMENDING CERTAIN ARTICLES AND SECTIONS OF CHAPTER 70 TO PROVIDE FOR A NEW RATE STRUCTURE FOR WATER AND WASTEWATER SERVICES; PROVIDING FOR SERVICE CHARGES FOR MUNICIPAL CUSTOMERS; PROVIDING FOR AMENDMENTS TO WATER AND WASTEWATER RATE SCHEDULES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

2. **Consider Ordinance No. 2012-13, authorizing the issuance of “City Of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2012”; levying an ad valorem tax; approving an official statement, authorizing the execution of a Bond Purchase Agreement, a Transfer and Paying Agency Agreement, and an Escrow Agreement; authorizing Officials to approve the amounts, interest rates, prices and terms thereof and certain other matters relating thereto; and other matters in connection therewith.**

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

Due to the favorable current market conditions and the City’s financial profile, Ryan O’Hara, Financial Advisor for the City of Jersey Village, met with City Manager, Mike Castro and Finance Director, Isabel Kato to discuss the possibility of refinancing some of the City’s callable debt.

Certain maturities of the Series 2000 Certificates of Obligation, Series 2002 General Obligation and Series 2003 General Obligation Bonds that are currently at an average interest rate of 4.58% can be refinanced. Based on the current market, a Bank Qualified transaction would allow the City to refinance these bonds to an “All Cost” true interest rate of 2.55%. The result would be that the City could save approximately \$670,000 in interest cost (net of estimated transaction expenses). According to Mr. O’Hara the bonds are expected to price around the week of May 7<sup>th</sup>, 2012.

Staff is recommending that City Council approve Ordinance 2012-13 Authorizing the Issuance of City of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2012; Levying an Ad Valorem Tax; Approving an Official Statement, Authorizing the Execution of a Bond Purchase Agreement, a Transfer and Paying Agency Agreement, an

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Escrow Agreement; Authorizing Officials to Approve the Amounts, Interest Rates, Prices and Terms Thereof and Certain Other Matters Relating Thereto; and Other Matters in Connection Therewith.

Mr. Ryan O'Hara was present to answer Council's questions.

Discussion was had on the \$8.9 million being refinanced. There was concern that the 2000 Certificates that were used to finance the Golf Course were being refinanced along with the other certificates and would no longer be separate. However, Finance Director, Isabel Kato explained that since the general fund is covering the Golf Course debt as voted on and approved by Council there is no need to keep the debt separate.

With no further discussion on the matter, Council Member Berube moved to approve Ordinance No. 2012-13, authorizing the issuance of the City of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2012; levying an ad valorem tax; approving an official statement, authorizing the executing of a Bond Purchase Agreement, a Transfer and Paying Agency Agreement, an Escrow Agreement; authorizing Officials to approve the amounts, interest rates, prices and terms thereof and certain other matters relating thereto; and other matters in connection therewith. 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. 2012-13

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE ISSUANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012; LEVYING AN AD VALOREM TAX; APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTING OF A BOND PURCHASE AGREEMENT, A TRANSFER AND PAYING AGENCY AGREEMENT, AN ESCROW AGREEMENT; AUTHORIZING OFFICIALS TO APPROVE THE AMOUNTS, INTEREST RATES, PRICES AND TERMS THEREOF AND CERTAIN OTHER MATTERS RELATING THERETO; AND OTHER MATTERS IN CONNECTION THEREWITH.

- 4. Consider Resolution No. 2012-14, appointing one member to the Golf Course Advisory Committee to complete the unexpired term that began October 1, 2011 and ends September 30, 2012.**

City Secretary, Lorri Coody introduced the item. She told Council that there is an opening on the Golf Course Advisory Committee. The Golf Course Advisory Committee is a seven member board. It is the responsibility of this Committee is to provide oversight to the ongoing operation of the municipal golf course, including fiscal

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management, long-term facilities, and grounds maintenance programs, capital improvement programs and management effectiveness.

In early March, the City learned that Committee Member John Terrell passed away. Mr. Terrell had served on the Golf Course Advisory Committee since September of 2002. This item is to appoint one member to the Golf Course Advisory Committee to complete Mr. Terrell's unexpired term that began October 1, 2011 and ends September 30, 2012.

Five Applications from candidates expressing interest in serving on this Committee were submitted for Council's review in the meeting packet. One additional application was received during the meeting.

Council discussed and reviewed the applications. With limited discussion on this item, Council Member Maloy moved to approve Resolution No. 2012-14, appointing Jane Arnett to the Golf Course Advisory Committee to complete the unexpired term that began October 1, 2011 and ends September 30, 2012. 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. 2012-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING ONE MEMBER TO THE GOLF COURSE ADVISORY COMMITTEE TO COMPLETE THE UNEXPIRED TERM THAT BEGAN OCTOBER 1, 2011 AND ENDS SEPTEMBER 30, 2012.

**5. Discuss and take appropriate action concerning the implementation of a No Smoking Ordinance in the City of Jersey Village.**

Council Member, Harry Beckwith introduced the item. He told Council that he would like to discuss the possibility of implementing a smoking ordinance in our city. He stated that he has received concerns from those having to work in smoke filled environments, and given the condition of the economy he would like discuss the implementation of an ordinance that would ban smoking in all enclosed work spaces within Jersey Village.

Council Member Beckwith mentioned that currently there are several cities in Texas that have such an ordinance that bans smoking in the workplace. He stated that his interest is in helping employees who have no say in where they are working or about the environment in which they work. He mentioned two studies, one where such an ordinance was put in place and businesses did not notice any effects on revenues, and another where tax revenues increased as a result of such ban.

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Discussion was had that enforcement of such an ordinance would be difficult. Council Member Beckwith explained that the ordinance would be “complaint driven” much like that of other city ordinances enforced by the city; and therefore, would not require any additional staff.

Discussion then was had on the number of businesses that such an ordinance would affect. Staff stated that there are currently some 400 businesses within our City limits.

It was the consensus of Council that the City’s ordinances should be actively enforced, if not the City opens itself to complaints about selective enforcement. Council also discussed if it was “right” for Council to make this choice for businesses. There was concern that such an ordinance would be considered “government intrusion.”

With no further discussion on the matter, Council Member Beckwith moved that the City Attorney draft a No Smoking Ordinance for all work places of the City of Jersey Village. The motion died for lack of a second.

**K. CONVENE REGULAR SESSION - Continued**

**1. Discuss and take appropriate action on matters discussed in Executive Session.**

Council Member Maloy read a statement into the record about a Cy-Fair ISD meeting he attended on April 12, 2012, wherein he approached the Board as a resident of Jersey Village concerning noise mitigation measures for Cy-Fair ISD facilities during the US 290 roadway expansion project. In his statement, he told the Board that Cy-Fair ISD should work with the City of Jersey Village in negotiating with TxDOT and the Harris County Toll Road Authority to achieve effective noise abatement design measures for Beltway 8 and its feeder roads in the areas of Clark Henry Park and the Cy-Fair ISD facilities as a condition of the US 290 expansion project. Currently, the city has not engaged TxDOT with respect to noise mitigation associated with Beltway 8 construction projects.

In concluding the statement, Council Member Maloy moved that the City of Jersey Village allow the legal counsel that was hired to represent the City in noise abatement include in its scope of representation potential noise mitigation along Beltway 8 north of US 290 along the area of the Cy-Fair ISD facilities and Jersey Village Clark Henry Park in addition to the already approved representation. The motion died for lack of a second.

**L. 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;

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- 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 congratulated Sandy Joachim on her award for Officer of the Quarter.

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

**Council Member Beckwith:** Council Member Beckwith commented on the new vests for the City's police department.

**Council Member Erskine:** Council Member Erskine thanked the police department and fire department for making the City of Jersey Village a safe place to live.

**Council Member Berube:** Council Member Berube thanked everyone for their prayers and support while she was in the hospital.

**Mayor Russell Hamley:** Mayor Hamley thanked Council for their work. He stated that he appreciates Council's help in getting through some very difficult decisions – water rates, bond purchases, etc. He thanked Council and the citizens for their professional manner. He mentioned the upcoming election and encouraged voting. He also recognized Council Member Berube and her 16 years of service as a member of the City Council.

**J. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 9:50 p.m.

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Lorri Coody, City Secretary