

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JUNE 18, 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 7:09 p.m. with the following present:

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|----------------------------------------|------------------------------|
| Mayor, Russell Hamley | City Manager, Mike Castro |
| Council Member, Justin Ray | City Secretary, Lorri Coody |
| Council Member, Rod Erskine | City Attorney, Bobby Gervais |
| Council Member, Harry Beckwith III, PE | |
| Council Member, Sheri Sheppard | |
| 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 and Pledge by Former Council Member, Curtis Haverty.

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.

Frank Ybarguen, 16009 Acapulco Drive, Jersey Village, Texas (713) 937-6290 – Mr. Ybarguen spoke to Council about two separate issues. First he addressed his concerns about the request he made at the May 21, 2012 Council Meeting for the City to grant him a variance from the code requirement to care for trees in the City’s right-of-way since he claims that five (5) of his trees’ roots were damaged during the street reconstruction of Acapulco. He told Council that since he made that request back on May 21, 2012, no one from the City has contacted him in connection with same and he still has the problem. He wants to know what is going to be done about his trees. Mr. Ybarguen also spoke to Council about his concerns regarding the Texas Open Meetings Act and executive sessions. He told Council that he felt like the agenda postings for the executive session items concerning the right-of-way issues for Juneau Lane were not sufficient and did not give proper notice.

Barry Warner, 15805 Seattle Street, Jersey Village, Texas (713) 849-5344 – Mr. Warner spoke to Council about the shrubs behind his home. He told Council that recently the City workers trimmed the shrubs. He thinks the shrubs were trimmed due to complaints that some high school students were caught sneaking into this area to “smoke dope.” Nonetheless, he complained that now that the shrubs have been trimmed he is experiencing increased noise from US 290 and he is no longer protected from intruders. He wants to have the shrubs replanted in this area. He specifically requested “thorny” shrubs.

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Frank Maher, 16514 St. Helier, Jersey Village, Texas – Mr. Maher invited Council to come to Texas A&M the week of July 22 through July 27 for the State Fire Fighters’ and Fire Marshalls’ School. He told Council should they accept the invitation they would receive a guided tour of the facilities and even get to participate in the activities if they desire.

Zana Carter, 16242 Seattle Street, Jersey Village, Texas (713) 937-6119 – Ms. Carter spoke to the noise level from US 290. She told Council that she would like them to do whatever it takes to pursue noise abatement during the US 290 expansion project.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 461-1430 – Mr. Maloy thanked the Mayor for including information in his newsletter about noise abatement and the US 290 expansion project. He told Council that he met with the Cy-Fair ISD school board and asked them if they would join in seeking noise abatement from TxDOT and the HCTRA during the US 290 expansion project. He concluded his presentation to Council by thanking city staff and the elected officials for their work.

D. CITY MANAGER’S REPORT

City Manager, Mike Castro, gave his monthly report. In addition to the items listed below, Mr. Castro drew Council’s attention to the Charter Review Process and urged them to encourage residents to volunteer for their services for this Commission.

- 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 May 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, Phase 3 CIP Project Breakdown and Phase 3 Project Update**
- 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. Charter Review Commission – Status Update**

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

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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.

- 1. Consider approval of the Minutes for the Regular Session Meeting held on May 21, 2012, the special work session meeting held on May 22, 2012, and the special work session meeting held on June 4, 2012.**
- 2. Consider Resolution No. 2012-18, appointing an Emergency Management Coordinator and an Assistant Emergency Management Coordinator for the City of Jersey Village.**

RESOLUTION NO. 2012-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING AN EMERGENCY MANAGEMENT COORDINATOR AND AN ASSISTANT EMERGENCY MANAGEMENT COORDINATOR.

Council Member Beckwith moved to approve items 1 and 2 on the consent agenda. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Ray, Erskine, Beckwith, Sheppard, and Klein

Nays: None

The motion carried.

F. REGULAR AGENDA

- 1. Consider Ordinance No. 2012-16, amending the budget for fiscal year October 1, 2011 through September 30, 2012, in the amount not to exceed \$95,221 to increase line item 03-51-6126 from the debt service fund balance in order to pay the Cost of Issuance for the City of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2012.**

Finance Director, Isabel Kato introduced the item, telling Council that on April 16, 2012 Ordinance 2012-13 was approved which authorized the issuance of General Obligation Refunding Bonds, Series 2012 in order to refinance some of the City's callable debt. Certain maturities of the Series 2000 Certificates of Obligation, Series 2002 General Obligation and Series 2003 General Obligations Bonds that were at an average interest rate of 4.58% were refinanced to an "All Cost" true interest rate of 2.12%. The transaction equated to an average annual savings of \$80,500 per year from 2013 to 2024, with a total savings of approximately \$1,050,000.

Ms. Kato explained that the requested budget amendment is to the Debt Service Fund, which is necessary to pay for the cost of issuance for the transaction that took place on June 5, 2012 at 10:00 a.m. The cost of issuance was factored into the refunding transaction, and on the same day of the closing the City of Jersey Village was wired

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\$97,743.04, representing \$95,221.37 for Costs of Issuance and \$2,521.67 in accrued interest.

With limited discussion on this matter, Council Member Beckwith moved to approve Ordinance No. 2012-16, amending the budget for fiscal year October 1, 2011 through September 30, 2012, in the amount not to exceed \$95,221 to increase line item 03-51-6126 from the debt service fund balance in order to pay the Cost of Issuance for the City of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2012. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Ray, Erskine, Beckwith, Sheppard, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2012-16

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 \$95,221 TO INCREASE LINE ITEM 03-51-6126 FROM THE DEBT SERVICE FUND BALANCE IN ORDER TO PAY FOR THE COST OF ISSUANCE OF THE CITY OF JERSEY VILLAGE, TEXAS \$9,050,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012; AND PROVIDING FOR SEVERABILITY.

- 2. Consider Ordinance No. 2012-17, approving the request of the Board of Directors of the Crime Control and Prevention District to amend the 2011-2012 Crime Control and Prevention District's Budget in the amount of \$171,893.19, and authorize the purchase of a mobile computing and video solution package (Titan M7) and the necessary antennas and modems from the Crime Control and Prevention District Fund.**

Chief of Police, Eric Foerster introduced the item. Chief Foerster explained that this item is necessary to approve the request of the Board of Directors of the Crime Control and Prevention District (CCPD) to amend the District's budget in order to purchase a mobile computing and video solution package (Titan M7) and the necessary antennas and modems from the Crime Control and Prevention District Fund. The Chief explained that the CCPD Board has previously met and has approved this budget amendment.

With no discussion on this matter, Council Member Ray moved to approve Ordinance No. 2012-17, approving the request of the Board of Directors of the Crime Control and Prevention District to amend the 2011-2012 Crime Control and Prevention District's Budget in the amount of \$171,893.19, and authorize the purchase of a mobile computing and video solution package (Titan M7) and the necessary antennas and modems from the Crime Control and Prevention District Fund. Council Member Beckwith seconded the motion. The vote follows:

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Ayes: Council Members Ray, Erskine, Beckwith, Sheppard, and Klein

Nays: None

The motion carried

ORDINANCE NO. 2012-17

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE REQUEST OF THE BOARD OF DIRECTORS OF THE CRIME CONTROL AND PREVENTION DISTRICT TO AMEND THE 2011-2012 CRIME CONTROL AND PREVENTION DISTRICT'S BUDGET IN THE AMOUNT OF \$171,893.19 AND AUTHORIZE THE PURCHASE OF A MOBILE COMPUTING AND VIDEO SOLUTION PACKAGE (TITAN M7) AND THE NECESSARY ANTENNAS AND MODEMS FROM THE CRIME CONTROL AND PREVENTION DISTRICT FUND; AND PROVIDING FOR SEVERABILITY.

3. Consider Resolution No. 2012-19, authorizing the City Secretary to advertise a Request for Proposals for the City's residential solid waste contract.

Danny Segundo, Public Works Director, introduced the item. Background information on the item is as follows: The City's current solid waste contract with WCA Waste Corporation will expire October 1, 2012, and City staff is in the process of meeting with prospective solid waste collection providers. Staff has prepared a Request for Proposals (RFP) for Council's review. The current contract with WCA began in 2006 with a three year contract that included an option to renew for another three year period. City Council approved the extension in June 2009.

City staff will adjust the RFP (if needed), and have the City Attorney review the document. If it is the desire of City Council to seek proposals for solid waste, a motion should be made to have the City Secretary advertise the RFP in the Houston Chronicle. Below is a proposed timeline:

| | |
|-------------------------|---------------------------|
| Council Approval to Bid | June 18, 2012 |
| RFP Release Date | June 19, 2012 |
| First Publication Date | July 5, 2012 |
| Second Publication Date | July 12, 2012 |
| Proposal Due Date | August 7, 2012, 2:00 pm |
| Proposal Review | August 9 and 10, 2012 |
| City Council – Award | August 20 Council Meeting |

Before engaging in discussion on this matter, the City Attorney advised that since the City is considering using a method other than competitive sealed bidding, it must determine before notice is given the method of purchase that provides the best value. Since the competitive sealed proposals requirement will apply to the contract for solid waste collection, the City must consider the criteria described by Section 252.043(b) and

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the discussions conducted under Section 252.042 to determine the best value for the municipality.

Council engaged in discussion about the current terms of the RFP as presented by staff. There was discussion about the current days for solid waste collection and that these days were agreeable and should be kept for future collection services. Council also discussed WCA Inc.'s proposal. They engaged in discussion about process, wondering if they were to avoid passage of the Resolution in this item if that would mean they could consider approving the WCA proposal. The City Attorney explained that the agenda posting did not include approval of the WCA proposal; however, should Council desire to approve this proposal, no action should be taken on the Resolution in this item and staff would bring back a new item next month for approval of a contract with WCA, Inc.

Council also discussed what constitutes best value. The City Attorney explained that the LGC at Section 252.043(b) states that in determining the best value the City may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality's needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

With no further discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2012-19, authorizing the City Secretary to advertise a Request for Proposals for the City's residential solid waste contract. Council Member Ray seconded the motion. The vote follows:

Ayes: Council Members Ray, Erskine, and Beckwith

Nays: Council Members Klein and Sheppard

The motion carried.

RESOLUTION NO. 2012-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL.

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4. Consider Resolution No. 2012-20, appointing a Commissioner to fill the unexpired term ending September 30, 2012 for Position Six on the Planning and Zoning Commission.

City Secretary, Lorri Coody introduced the item. She told Council that the Planning and Zoning Commission is a seven member Commission appointed by the Mayor with approval of the Council. Each member shall be a resident of the city and shall be appointed to serve a term of two years. Should a vacancy occur, the Mayor, with approval of the Council, shall appoint a person to complete the unexpired term for the vacant position.

Effective May 21, 2012, Justin Ray, who served in position Six for this Commission, tendered his resignation in order to take his seat on the City of Jersey Village City Council. His resignation is attached. Mr. Ray has served on this Commission since June of 2010 and his current term expires September 30, 2012.

In order to prepare for this item the following actions were taken to inform residents of this opening and extend invitation for consideration of applications:

1. A notice was placed in the June 2012 JV Star
2. A notice was placed on the City's website
3. Letters were written extending invitation to former applicant's expressing an interest in this Commission

The applications of those qualified candidates who have expressed interest in serving on this Commission were presented for Council's review. After reviewing same, Council Member Ray moved to appoint Joyce Berube as Commissioner to fill the unexpired term ending September 30, 2012 for Position Six on the Planning and Zoning Commission. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Ray, Erskine, Beckwith, Sheppard, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2012-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING A MEMBER TO FILL THE UNEXPIRED TERM FOR POSITION SIX ON THE PLANNING AND ZONING COMMISSION.

Before moving on to Section G. Mayor and Council Member Comments, City Manager Castro asked the Mayor for clarification of the item approved under item 3 of the Regular Session agenda items. Mayor Hamley recalled the item for clarification as follows:

3. Consider Resolution No. 2012-19, authorizing the City Secretary to advertise a Request for Proposals for the City's residential solid waste contract. For Clarification Purposes

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City Manager Castro wanted to clarify the contents of the RFP and the criteria to be evaluated to insure that staff understood Council’s desires. Specifically, he wanted to clarify that the services being sought were for residential curbside solid waste and recycling and that there was no desire to bid the “Single Stream from the curb Recycling” wherein all residential trash including recyclable items are placed in one large trash receptacle.

Council engaged in discussion. The consensus of Council was that the services being sought were for residential curbside solid waste and recycling. With this consensus, Council discussed the criteria upon which these services would be evaluated and the weight that should be given to each. The RFP that was presented for Council’s review stated the criteria and weight as follows:

1. Cost - 25
2. Quality of Service -25
3. Company Experience/Residential Waste Collection Provider - 25
4. Experience of Company's Local Management Team - 25

While Council agreed that evaluation of residential curbside solid waste and recycling RFP’s through this set of criteria would assist staff in determine the best value for the City, there was discussion on the appropriate weight that should be assigned each category. Some felt that price should be given 50% of the total and the remaining 50% be distributed between the remaining three categories. Others felt that while price was important, the other criteria were important as well. After discussion on the matter, Council Member Erskine moved to set the weight for each as follows:

1. Cost – 40
2. Quality of Service -20
3. Company Experience/Residential Waste Collection Provider – 20
4. Experience of Company's Local Management Team - 20

Council Member Ray seconded the motion. The vote follows:

Ayes: Council Members Ray, Erskine, Beckwith, Sheppard, and Klein

Nays: None

The motion carried.

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;

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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 City Manager, Mike Castro upon receiving his PhD. from the University of Houston.

Council Member Sheppard: Council Member Sheppard thanked the City Secretary, Lorri Coody and her Assistant, Courtney Rutherford for all the hard work they do in getting Council packets ready for Council Meetings.

Council Member Ray: Council Member Ray welcomed the Mamacita's Restaurant to the community. He also thanked the Fire Department for their presentations to Post Elementary School about machine safety. He too congratulated City Manager Castro on his PhD. accomplishment.

Council Member Erskine: Council Member Erskine congratulated City Manager Castro.

Council Member Beckwith: Council Member Beckwith thanked staff for their work and the residents for coming.

H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:00 p.m.

Lorri Coody, City Secretary