

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON OCTOBER 22, 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 Russell Hamley at 7:00 p.m. with the following present:

Mayor, Russell Hamley	City Manager, Mike Castro
Council Member, Justin Ray	City Secretary, Lorri Coody
Council Member, Harry Beckwith III, PE	City Attorney, Charles Williams
Council Member, Sherri Sheppard	attending for Bobby Gervais
Council Member, Jill Klein	

Council Member, Rod Erskine was 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.

Planning and Zoning Commission Members in attendance: Debra Mergel, Rick Faircloth, and Barbara Freeman.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. **Prayer by:** Michael Brittain, Chaplain, American Legion Post #324
2. **Pledge by:** Wayne Huebner, American Legion Post #324

C. PRESENTATIONS

1. **Presentation of Police Department Employee of the Third Quarter, 2012 – by Jimmy Baughman Commander and Howard Mead, Past Commander of American Legion Post #324.**

Howard Mead, Past Commander of American Legion Post #324 along with Mayor Russell Hamley, presented the Police Department Employee of the Third Quarter, 2012 to Officer Jared Taylor.

D. BUDGET ITEMS

1. **Discuss and consider approval of a motion to set the tax rate for debt service for tax year 2012.**

Council Member Beckwith motioned to approved setting the Debt Service tax rate of .256840 per \$100 value for the year 2012. Council Member Ray seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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2. Discuss and consider approval of a motion to set the tax rate for maintenance and operation for tax year 2012.

Council Member Sheppard moved to approve setting the Maintenance and Operation tax rate of \$.485660 per \$100 value for the year 2012. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

3. Consider Ordinance No. 2012-31, providing for the levy and collection of ad valorem taxes by the City of Jersey Village, Texas, for the year 2012.

Council Member Beckwith moved to approve Ordinance No. 2012-31, providing for the levy and collection of ad valorem taxes by the City of Jersey Village, Texas, for the year 2012; providing for the date on which such taxes shall be due and payable; and providing for penalty and interest on all taxes not timely paid. He further moved that property taxes be increased by the adoption of a tax rate of .7425, which is effectively a 2.31 percent increase in the tax rate. Council Member Ray seconded the motion. The record vote follows:

Council Member Ray:	Aye	Council Member Beckwith:	Aye
Council Member Sheppard:	Aye	Council Member Klein:	Aye

Mayor Hamley, although present, did not vote. Council Member Erskine was not present and did not vote.

The motion carried.

ORDINANCE NO. 2012-31

AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES BY THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE YEAR 2012; PROVIDING FOR THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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

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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.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 937-0408 – Mr. Maloy spoke to Council about the expansion of US 290 and noise mitigation. He gave each Council Member a handout and asked that one copy of the handout be made a part of the meeting record. He told Council that he did not want the City to accept TXDOT's offer for noise abatement for the project. Instead, he outlined what he felt was the appropriate solution for noise mitigation for this project and for the City of Jersey Village.

Zana Carter, 16242 Seattle Street, Jersey Village, Texas (713) 937-6119 – Ms. Carter stated that she supports the efforts of Mark Maloy and wants the City Council to seek noise mitigation for the US 290 expansion project. She also mentioned the issue of signs in connection with the City's construction project which has since been resolved. She thanked city staff for this. She stated a concern for sidewalk usage during Halloween and asked that something be placed on the City's website addressing same.

Andrew Mitchem, 15810 Acapulco Drive, Jersey Village, Texas (832) 547-1487 – Mr. Mitchem spoke to Council about his desire to continue the recycling program. He told Council that he supports the program and does not want to see it discontinued. He understands all the reasons for Council not to move forward – the lack of participation, the need to sort recyclables, it's difficult, etc.; however, he expressed his desire for Council to continue the program and move forward with the lowest possible cost.

Shane Morey, 16221 Tahoe Drive, Jersey Village, Texas (713) 466-8533 – Mr. Morey spoke to Council about a request for a new ordinance to address the activity of performing extensive car repairs in residential areas of the City. He gave council supporting documentation for his desire to have such an Ordinance. He cited an example of a situation where cars are being repaired, tires changed, and oil changed on numerous cars at one location in his neighborhood. He stated that the activity is such that it could be classified as near commercial and has been going on now for over four (4) years. Since the vehicles being repaired are not kept longer than 24 hours, current ordinances do not apply. Therefore, he is requesting a new ordinance to address the issue.

Frank Maher, 16514 Saint Helier, Jersey Village, Texas (713) 466-3030 – Mr. Maher spoke to the noise coming from US 290. He told Council of a recent trip he made to New Jersey where they had a specialized road surface similar to that explained by Mark Maloy. He told Council that most of the roads in New Jersey have this type surface and that the noise reduction was considerable. He stated that if they could have those type roads in New Jersey, we ought to be able to have them in Texas.

F. PUBLIC HEARING AND RELATED ITEMS

- 1. Conduct first public hearing on the need to continue the City of Jersey Village Juvenile Curfew Ordinance.**

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Mayor Hamley opened the first public hearing on the need to continue the City of Jersey Village Juvenile Curfew Ordinance at 7:27 p.m.

Detective Sgt. C. J. Harper gave a presentation concerning the ordinance's effects on the community and on the problems the ordinance was intended to remedy. He recommended that the current juvenile curfew ordinance continue in effect with the following modifications:

- Amend the Ordinance to provide for curfew during school.

In completing his presentation, Mayor Hamley called the first person signing up to speak as follows:

Frank Maher, 16514 Saint Helier, Jersey Village, Texas (713) 466-3030 – Mr. Maher chose not to speak at this hearing.

Zana Carter, 16242 Seattle Street, Jersey Village, Texas (713) 937-6115 – Ms. Carter told Council that she teaches school and knows that students being out of school and on the streets during this time can be a problem. She cautioned; however, that school lets out early on Thursdays and may conflict with the new schedule being proposed in the ordinance modification.

With no one else signing up to speak, the first public hearing was closed at 7:35 p.m.

2. Conduct second public hearing on the need to continue the City of Jersey Village Juvenile Curfew Ordinance.

Mayor Hamley opened the second public hearing on the need to continue the City of Jersey Village Juvenile Curfew Ordinance at 7:35 p.m.

Susan Edwards, 16001 Jersey Drive, Jersey Village, Texas (713) 466-4383 – Ms. Edwards spoke to Council about the juvenile ordinance. She told Council that her home is situated such that she is home most of the time and is able to see much of what goes on in and around the streets that surround the schools. She told Council that she often sees students on the streets during the time when school is in session. She agreed with the police that this is a problem that should be addressed.

Council engaged in discussion about the concern for gang activity. Mention was made that there is provisions in the ordinance to accommodate school hours and changes in school hours.

With no one else signing up to speak, the second public hearing was closed at 7:39 p.m.

3. Review the City of Jersey Village Juvenile Curfew Ordinance's effects on the community and on problems the ordinance was intended to remedy.

Detective Sergeant C.J. Harper had no additional information to present.

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4. **Consider Ordinance No. 2012-32, continuing in effect Ordinance No. 1995-20, adopted on November 20, 1995, and codified as Chapter 42, Article III, Division 3, entitled “Curfew”; reflecting compliance with all requirements of state law and re-affirming the need to continue the curfew ordinance; amending Chapter 42, Article III, Division 3. “Curfew” to provide for a daytime curfew for persons under the age of 17 years, between the hours of 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday when school is in session providing defenses to prosecution for violations hereunder; and providing a penalty of an amount not less than \$50.00 nor more than \$500.00 for each day of violation of any provision hereof.**

In completing the public hearings and in receiving the information presented by Detective Sgt. Harper, Council reexamined the Curfew Ordinance to determine whether such provisions should be continued in effect, modified, or abolished. City Manager Mike Castro told Council of three recent incidents involving juveniles and expressed his concern that criminals are working smarter and may even be recruiting juveniles to participate in criminal activity since the penalty for a juvenile is much less if caught.

There was discussion that there are more juveniles on the streets, but this new ordinance is all encompassing, meaning it may target some unnecessarily. Nonetheless, the ordinance does have built in defenses to safeguard those that are doing right but happen to be on the streets at the wrong time. It also provides for officer discretion.

On the flip side, Council discussed the number of incidents surrounding the need for such an ordinance change. Some felt that the number of incidents is insignificant and may not warrant the ordinance change.

With no further discussion on the matter, Council Member Sheppard moved to approve Ordinance No. 2012-32, continuing in effect Ordinance No. 1995-20, adopted on November 20, 1995, and codified as Chapter 42, Article III, Division 3, entitled “Curfew”; reflecting compliance with all requirements of state law and re-affirming the need to continue the curfew ordinance; amending Chapter 42, Article III, Division 3. “Curfew” to provide for a daytime curfew for persons under the age of 17 years, between the hours of 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday when school is in session providing defenses to prosecution for violations hereunder; and providing a penalty of an amount not less than \$50.00 nor more than \$500.00 for each day of violation of any provision hereof. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Ray, Sheppard, and Klein

Nays: Council Member Beckwith

The motion carried.

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ORDINANCE NO. 2012-32

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, CONTINUING IN EFFECT ORDINANCE NO. 1995-20, ADOPTED ON NOVEMBER 20, 1995, AND CODIFIED AS CHAPTER 42, ARTICLE III, DIVISION 3, ENTITLED “CURFEW”; REFLECTING COMPLIANCE WITH ALL REQUIREMENTS OF STATE LAW AND RE-AFFIRMING THE NEED TO CONTINUE THE CURFEW ORDINANCE; AMENDING CHAPTER 42, ARTICLE III, DIVISION 3. “CURFEW” TO PROVIDE FOR A DAYTIME CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS, BETWEEN THE HOURS OF 9:00 A.M. AND 2:30 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY AND FRIDAY WHEN SCHOOL IS IN SESSION AND PROVIDING DEFENSES TO PROSECUTION FOR VIOLATIONS HEREUNDER; PROVIDING A PENALTY OF AN AMOUNT NOT LESS THAN \$50.00 NOR MORE THAN \$500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

G. CITY MANAGER’S REPORT

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

H. 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.

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1. **Consider approval of the Minutes for the Regular Session Meeting held on September 17, 2012, the Special Session Meeting held on October 4, 2012 at 6:00 p.m., the Special Session Meeting held on October 4, 2012 at 7:00 p.m., and the Special Session Meeting held on October 8, 2012.**
2. **Consider Resolution No. 2012-56, authorizing the City Manager to enter into a contract with Xerox Corporation for the replacement of the Municipal Court Xerox 5645 printer with a Xerox 5745 printer, fax option included.**

RESOLUTION NO. 2012-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH XEROX CORPORATION FOR THE REPLACEMENT OF THE MUNICIPAL COURT XEROX 5645 PRINTER WITH A XEROX 5745 PRINTER FAX OPTION INCLUDED.

3. **Consider Resolution No. 2012-57, authorizing the City Manager to enter into a contract with Xerox Corporation for a new lease agreement to replace the Police Department's Xerox WCPS40 printer with a Xerox WC7545P printer.**

RESOLUTION NO. 2012-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH XEROX CORPORATION FOR A NEW LEASE AGREEMENT TO REPLACE THE POLICE DEPARTMENT'S XEROX WCPS40 PRINTER WITH A XEROX WC7545P PRINTER.

Council Member Beckwith moved to approve items 1, 2, and 3 on the consent agenda. Council Member Ray seconded the motion. The vote follows:

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

Nays: None

The motion carried.

I. REGULAR AGENDA

1. **Consider Resolution No. 2012-58, receiving the Planning and Zoning Commission's Preliminary Report as it relates to changing the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio Home).**

Chairman of the Planning and Zoning Commission, Debra Mergel presented the item. She told Council that the Planning and Zoning Commission met on October 10, 2012 to

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review the application request of KB Home Lone Star, LP and WBC to change the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio home). As a result the discussions had surrounding the application, the Planning and Zoning Commission presents its preliminarily report recommending that Council approve the request to change the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio home), and asks that its Preliminary Report be received.

With limited discussion on the matter, Council Member Ray moved to approve Resolution No. 2012-58, receiving the Planning and Zoning Commission's Preliminary Report as it relates to changing the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio Home). Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2012-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S PRELIMINARY REPORT AS IT RELATES TO CHANGING THE ZONING DISTRICT CLASSIFICATION OF PROPERTIES CURRENTLY CLASSIFIED IN ZONING DISTRICT C2 (TOWNHOUSE) TO ZONING DISTRICT C (TOWNHOUSE/PATIO HOME).

2. **Consider Ordinance No. 2012-33, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to change the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio Home).**

Danny Segundo, Director of Public Works introduced the item. He told Council that the next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

With no discussion on the matter, Council Member Beckwith moved to approve Ordinance No. 2012-33, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to change the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio Home). Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2012-33

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS CALLING A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION CONCERNING THE PROPOSAL TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF PROPERTIES CURRENTLY CLASSIFIED IN ZONING DISTRICT C2 (TOWNHOUSE) TO ZONING DISTRICT C (TOWNHOUSE/PATIO HOME).

3. **Consider Resolution No. 2012-59, receiving the Planning and Zoning Commission's Final Plat Recommendation for the Fairview Industrial Park Development, which is comprised of a 14.9953 acre tract of land located in the City's extra-territorial jurisdiction (ETJ).**

Chairman of the Planning and Zoning Commission, Debra Merger introduced the item. She told Council that on September 17, 2012, Council approved the Planning and Zoning Commission's recommendation to approve the Preliminary Plat with the following modifications:

- a. Preliminary Plat must include any and all revisions/recommendations made by Harris County, Texas; and
- b. Preliminary Plat must provide a signature line for the Director of Public Works and Developer must submit one mylar (four mil) reproducible of the plat to the city upon approval.

Since the approval of the Preliminary Plat, the applicant, on September 21, 2012, filed application for approval of the Final Plat, which contains the required modifications. The Planning and Zoning Commission reviewed same on October 10, 2012 and now tenders its Final Plat Recommendation to Council and asks that the recommendation be received.

With no discussion on the matter, Council Member Ray moved to approve Resolution No. 2012-59, receiving the Planning and Zoning Commission's Final Plat Recommendation for the Fairview Industrial Park Development, which is comprised of a 14.9953 acre tract of land located in the City's extra-territorial jurisdiction (ETJ). Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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RESOLUTION NO. 2012-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S FINAL PLAT RECOMMENDATIONS FOR THE FAIRVIEW INDUSTRIAL PARK DEVELOPMENT, WHICH IS COMPRISED OF A 14.9953 ACRE TRACT OF LAND LOCATED IN THE CITY'S EXTRA-TERRITORIAL JURISDICTION (ETJ).

4. **Consider Resolution No. 2012-60, approving the Final Plat Recommendations of the City of Jersey Village Planning and Zoning Commission concerning the Fairview Industrial Park Development, a 14.9953 acre property located in the City's extra-territorial jurisdiction (ETJ).**

Danny Segundo, Director of Public Works introduced the item. He told Council that this Resolution approves the final plat for the Fairview Industrial Park Development. With no discussion on the matter Council Member Beckwith moved to approve Resolution No. 2012-60, approving the Final Plat Recommendations of the City of Jersey Village Planning and Zoning Commission concerning the Fairview Industrial Park Development, a 14.9953 acre property located in the City's extra-territorial jurisdiction (ETJ). Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2012-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE FINAL PLAT RECOMMENDATIONS OF THE CITY OF JERSEY VILLAGE PLANNING AND ZONING COMMISSION CONCERNING THE FAIRVIEW INDUSTRIAL PARK DEVELOPMENT, A 14.9953 ACRE PROPERTY LOCATED IN THE CITY'S EXTRA-TERRITORIAL JURISDICTION (ETJ).

5. **Discussion and take appropriate action to amend the City's contract with Sprint PSC to allow for an upgrade of Sprint's antenna equipment at the City's elevated water tower located at 15401 ½ Congo Lane.**

Danny Segundo, Director of Public Works, introduced the item. Background information is as follows: On June 15, 1998, City Council approved an agreement that allowed Sprint PSC to install six (6) antennas on the elevated water tower located at 15401 ½ Congo Lane (behind Jersey Village High School). The original agreement was for ten (10) years with (4) additional ten (10) year terms with six months before the expiration date. Currently, the City is in its first additional ten (10) year term of the agreement, which expires on June 14, 2018.

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The City's Public Works department received a request by Sprint PSC in April 2012 to upgrade its existing antenna equipment. Sprint is upgrading its technology and implementing new quality communication standards, which necessitates the change of equipment at the City's site.

The scope of work includes changing the 6 antennas and associated hardware needed for the upgrade. During the plan review, City Staff discovered that the size of the new antennas are 6', a change from 4'8" (56") to 6' (72"). In the 1998 agreement, item number 7 states:

7. Equipment Upgrade. Licensee may update, replace, or change the location of the Antennae Facilities on the Water Tower from time to time with prior written approval of City, provided that the replacement facilities are **not greater in number or size** than existing facilities. Licensee shall submit to City a detailed proposal for any change in the location Antennae Facilities or any such replacement facilities and any supplemental materials as may be requested, for City's evaluation.

If City Council chooses to approve the requested amendment, Sprint will be permitted to install the new 6 foot antennas with no increase in the lease rate. Sprint has provided a structural analysis that states that the water tower can support the new antennas and the installation of the new antennas and equipment generally take 10-14 days.

Staff does not support revisions to the initial agreement and believes that now is the time to negotiate a better rate for this lease. In checking with other cities having similar lease agreements, it appears that we are underpaid for this service. Staff is asking that Council delay approval of the amendment at this time, and permit staff to negotiate for a better lease rate.

Council Member Beckwith motioned that staff be asked to negotiate with Sprint with the caveat that if Sprint is unwilling to increase the amount they are willing to pay, the City is unwilling to increase the size of the antennas.

Discussions continued on the matter. A representative from Sprint was present. He stated that he cannot speak to the legal side of things, but can offer that currently there are six (6) antennas. He told Council that Sprint is seeking to install three (3) antennas along with a radio unit. He said that the antennas and the radio unit together should contain about the same square footage as the original six (6) antennas.

Council engaged in discussion about agreements had in other cities. There was also discussion about the number of calls received from other vendors interested in placing antennas on the City's tower.

Council discussed the motion on the floor. It was felt that it may be too specific. While the motion's intent is understood, the motion may prohibit staff from negotiating the most

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favorable and best terms for the City. More flexibility is needed to insure that the negotiating process is not hampered.

With no further discussion on the matter, Mayor Hamley called for a second on the motion presented by Council Member Beckwith. With no second received, the motion died for lack of a second.

Council Member Ray moved that Staff enter into negotiations with Sprint concerning the antennas to derive the most favorable terms for the City. Council Member Sheppard seconded the motion.

Discussion followed concerning a date to report results to Council.

Council Member Ray moved that his motion be amended to reflect that the results of the negotiations be reported back to Council at the next Council Meeting in November. Council Member Sheppard seconded the motion.

Mayor Hamley called for a vote on the amendment. The vote follows:

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

Nays: None

The motion carried.

Mayor Hamley then called for a vote on the original motion as amended. The vote follows:

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

Nays: None

The motion carried.

6. Consider Resolution No. 2012-61, authorizing the City Manager to enter into a contract for curbside collection of recyclable items.

Danny Segundo, Director of Public Works introduced the item. Background information is as follows: City Manager Mike Castro received an email from Jim Adamoli, President of Tascon Industries, Inc. on September 5th. The email informed Mike Castro that effective October 31, 2012 Tascon Industries would discontinue its participation in the City's recycling program.

City Council approved a solid waste contract with WCA Waste Corporation of Texas at its August 20th meeting. Not knowing the circumstances until recently, there were no provisions for recycling included in the contract. At the September City Council meeting this topic was discussed and Staff was directed to request a proposal from WCA Waste

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Corporation of Texas regarding the addition of residential recycling/curbside pick-up to its existing contract.

At the October 8, 2012 Council Meeting, WCA Waste Corporation submitted a proposal for recycling pick-up. Tascon Industries also submitted a proposal. No action was taken on either proposal and Staff was asked to negotiate with both WCA Waste Corporation and Tascon Industries regarding recycling pick-up every other week, rather than weekly.

In response, Tascon Industries chose not to propose an every other week concept for recycling pick-up, as this would not be cost effective for them. However, Tascon did agree to extend recycling pick-up services through the end of November.

WCA Waste Corporation submitted two proposals the first one for once-weekly curbside collection of commingled recyclable items utilizing WCA-provided 18-gallon bins (service not limited to capacity of bins) allowing that additional recyclables to be placed in a paper bag or corrugated cardboard box for service, at a cost of \$2.35 per month per household.

The second proposal offered the same services as the first with the exception that collection would be every other week (bi-weekly) at a cost of \$2.15 per month per household.

Council engaged in discussion about the proposals and about the participation rate for recycling in Jersey Village. Currently One (1) out of five (5) households are using the service, or stated another way, for every five (5) households, four (4) households are supporting the one (1) household participating in the service. In discussing this further, some members of the Council felt that the 20% participation figure is skewed, since some households may not participate each week, but may be participating every other week or even monthly.

Council also discussed the recent trash collection contract and how dollars were saved on this contract over and above what had been spent on previous years only for the savings to be eliminated with the prospect of having to pay for recycling services. With this in mind, the lowest bidder for recycling services is more appealing. Council discussed the pros and cons of recycling as well as the cost and who should pay.

The proposal from Tascon was discussed. Council questioned the “no contract term” proposal and what is meant by Tascon’s request that the City increase participation.

With no further discussion, Council Member Ray moved to approve Resolution No. 2012-61, authorizing the City Manager to enter into a 1 year contract with Tascon for once a week recycling services at \$1.25 per home per month. Council Member Klein seconded the motion.

Before voting, Council discussed that this service is paid from the General Fund which is funded by ad valorem taxes.

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The vote follows:

Ayes: Council Members Ray, Sheppard, and Klein

Nays: Council Member Beckwith

The motion carried.

RESOLUTION NO. 2012-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CURBSIDE COLLECTION OF RECYCLABLE ITEMS.

7. **Consider Ordinance No. 2012-34, amending the utility fund budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 in the amount of \$95,000 to cover engineering cost associated with the US 290 expansion project and authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for engineering services related to the relocation of the City's utility infrastructure required by the expansion of U.S. Highway 290.**

Danny Segundo, Director of Public Works introduced the item. He told Council that this item is to appropriate the necessary funds for engineering services and to authorize the City Manager to enter into a contract for these services. Background information on the project and needed services is as follows:

The Texas Department of Transportation's (TXDOT) project to widen U.S. Highway 290 will require the City of Jersey Village to relocate its utility infrastructure that is currently located in the TXDOT right of way (ROW).

TXDOT has placed the project (Segment 6) out for bid (September 12) and has notified the City that it must take action to relocate its utilities. City Staff, along with City Engineer Frank Brooks of Brooks & Sparks Inc. have discussed with TXDOT the process and timeline for the City to submit its proposed placement of the "new" utilities.

Currently, Brooks & Sparks Inc. is not under contract with the City to provide the documentation needed. Brooks & Sparks has submitted a proposal to provide for engineering and services related to Segment 6 and the relocation of the City's utilities located within the U.S. Highway 290 expansion project area. This work is not budgeted in the 2012-2013 budget, and will need to be appropriated before entering into this contract.

The Segment 6 portion of the expansion project that is within the Jersey Village City limits extends from the Beltway 8 Interchange to Jersey Drive. Segment 6 is 1.9 miles long and the City has 12 and 8 inch water lines located within the ROW. The City's 20 inch interconnect water line is also located within Segment 6 and the City may need to

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encase the water line where it is under pavement, but this work is not covered in the proposal being discussed. The city also has sanitary sewer lines located within Segment 6 that will need to be relocated.

Appropriation of the funding and acceptance of the proposal will allow Brooks & Sparks to begin the process of engineering and design for this project.

City Engineer, Frank Brooks addressed Council. He stated that this agreement does not include work related to the 20" water line. It will be covered under a separate agreement. The 20" line will need to be encased at the City's cost, but it does not have to be relocated.

Mr. Brooks explained and Council discussed that the City will need to acquire right-of-way in order to move the utilities addressed in this agreement. If we do not prevail in the lawsuit that the City brought against TXDOT, the purchase cost of the easements outside the TXDOT right-of-way will not be reimbursed. Everything else will be reimbursed. The 20" water line work is not reimbursable. The acquisition costs could be \$250,000 to \$500,000.

Council Member Beckwith move to approve Ordinance No. 2012-34, amending the utility fund budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 in the amount of \$95,000 to cover engineering cost associated with the US 290 expansion project and authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for engineering services related to the relocation of the City's utility infrastructure required by the expansion of U.S. Highway 290. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2012-34

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE UTILITY FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 IN THE AMOUNT OF \$95,000 TO COVER ENGINEERING COST ASSOCIATED WITH THE US 290 EXPANSION PROJECT; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROOKS & SPARKS, INC. FOR ENGINEERING SERVICES RELATED TO THE RELOCATION OF THE CITY'S UTILITY INFRASTRUCTURE REQUIRED BY THE EXPANSION OF U.S. HIGHWAY 290; AND PROVIDING FOR SEVERABILITY.

8. **Consider Ordinance No. 2012-35, amending the utility fund budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 in the amount of**

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\$31,000 to cover surveying cost associated with the US 290 expansion project and authorizing the City Manager to enter into a contract with West Belt Surveying, Inc. for surveying services related to the relocation of the City's utility infrastructure required by the expansion of U.S. Highway 290.

Danny Segundo, Director of Public Works, introduced the item. He explained that this item is directly connected to the previous item except that it represents the surveying services related to the relocation of the City's utility infrastructure required by the expansion of U.S. Highway 290 as opposed to the engineering and design services.

With limited discussion on this matter, Council Member Ray moved to approve Ordinance No. 2012-35, amending the utility fund budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 in the amount of \$31,000 to cover surveying cost associated with the US 290 expansion project and authorizing the City Manager to enter into a contract with West Belt Surveying, Inc. for surveying services related to the relocation of the City's utility infrastructure required by the expansion of U.S. Highway 290. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2012-35

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE UTILITY FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 IN THE AMOUNT OF \$31,000 TO COVER SURVEYING COST ASSOCIATED WITH THE US 290 EXPANSION PROJECT; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WET BELT SURVEYING, INC. FOR SURVEYING SERVICES RELATED TO THE RELOCATION OF THE CITY'S UTILITY INFRASTRUCTURE REQUIRED BY THE EXPANSION OF U.S. HIGHWAY 290; AND PROVIDING FOR SEVERABILITY.

9. Consider Resolution No. 2012-62, appointing members to the 2012 Charter Review Commission, the Building Board of Adjustment and Appeals, and the Recreation and Events Committee.

City Secretary, Lorri Coody introduced the item. She told Council that after last month's meeting wherein annual appointments were made to City Boards and Commissions, several positions still remained unfilled.

In an effort to find interested applicants and in following Council's directives, invitation letters were sent to those applicants not appointed to positions at the September Meeting. Additionally, news articles were placed in the JV Star and on the City's website.

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The following items are ready for appointment: Positions 1 and 3 for the Building Board of Adjustment and Appeals, Positions 2 and 7 for the Recreation and Events Committee and one vacant position on the 2012 Charter Review Commission.

Council first considered appointments to the Building Board of Adjustment and Appeals Position 1 for the term that began on October 1, 2012 and will terminate September 30, 2014 and for Position 3 for the term that began October 1, 2012 and will terminate on September 30, 2014.

Discussion was had that the appointments either be made for Howard A. Mead and Terry Vanderpool or William Berger and Ratan Jha. The pros and cons were discussed. Council Member Sheppard moved to appoint Howard A. Mead for Position 1 and William Berger for Position 3 to the Building Board of Adjustment and Appeals. Council Member Ray seconded the motion the vote follows:

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

Nays: None

The motion carried.

Council then considered appointments to the Recreation and Events Committee. Council Member Klein moved that consideration on appointments for the two vacant positions be delayed until next month's agenda. Council Member Ray seconded the motion. The vote follows:

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

Nays: None

The motion carried.

Then Council considered appointments to the 2012 Charter Review Commission. Council Member Ray moved that Fannie Messec be appointed to fill the vacant position cause by the resignation of George Ohler and that Terry W. Vanderpool be appointed to Fannie Messec's alternate position. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

In concluding the appointments, Council Member Ray moved to approve Resolution No. 2012-62, appointing members to the 2012 Charter Review Commission, the Building

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Board of Adjustment and Appeals, and the Recreation and Events Committee. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2012-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE BUILDING BOARD OF ADJUSTMENT AND APPEALS, THE RECREATION AND EVENTS COMMITTEE, AND THE 2012 CHARTER REVIEW COMMISSION.

10. Discuss and take appropriate action regarding the request to start an annual community service day.

Council Member, Sheri Sheppard introduced the item. She told Council that this item is on the agenda as a follow-up from last month's agenda wherein she presented an idea about implementing an annual community service day. At the last Council Meeting she was asked to obtain input from residents via the JV Star about her idea. She reported that since the article has run and since the last Council Meeting, she has received positive feedback regarding an annual community service day.

She reported to Council that she would like to move forward with this idea. The purpose of the Annual Community Service Day would be to build community by helping neighbors and residents. The program would seek to involve people in community and would not utilize city staff or resources.

The focus would be small projects such as painting and cleaning for homes, churches, small businesses, and schools in the city. Projects would be funded through donations, collections, and local charities. Projects would be assigned through a registration and matching process – those needing help and those wanting to help will both register and based upon the registration information matching of skills to projects will result.

The plan is to oversee the work by a seven (7) member "working" committee. City staff will not be used. The Committee will solicit funds and plan the event. It will not be a Committee focused on beautifying the community, rather one with a focus on helping residents in the community.

Discussion was had by Council. Most felt this was a good idea. A suggestion was made that perhaps Staff should be permitted to review proposed events in order to determine if the event will have any budget implications for the City. Council also discussed the history of the City's "informal committees," calling to mind the Beautification Committee. The thought was that the Beautification Committee did not go well. There

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were issues related to scope, what was approved and what actually was undertaken, and the amount of time and city resources needed to accomplish projects or care/maintain completed projects. It was felt that the committee was good in theory but fell short of its goals.

Council discussed that should an Annual Community Service Day Committee be successful, the emphasis needs to be on structure, functionality, and authority.

There was concern about a City Committee going onto personal property and the liability that this action might pose for the City. Some felt that this issue would need to be reviewed by the City Attorney. There was also concern that City funds would be needed and used for events and/or administration costs.

Council then discussed how such a Committee would be different than a local group meeting similar to a local garden club. Council Member Sheppard stated that having it as a City Committee shows that the City is committed and demonstrates a bond with its residents.

Council again discussed the issue of private property and should government be involved in such activities. The question was posed: Is this the role of government?

Council Member Sheppard stated that she appreciated the input and has a better understanding of the desires of Council. She will continue to work on the idea and bring the final plan to Council at a later date.

J. 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.

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Council Member Beckwith: Council Member Beckwith appreciates citizen participation, staff and first responders.

Council Member Ray: Council Member Ray gave thanks to HEB for the grand opening breakfast. He stated that he was happy to see the revitalization occurring along Jones Road. He recognized the passing of State Senator Mario Gallegos. He will be missed.

Council Member Sheppard: Council Member Sheppard welcomed the Adriatic Cafe and Italian Grill to Jersey Village.

Council Member Klein: Council Member Klein invited everyone to attend the Fall Frolic on October 26 at Clark Henry Park Pavilion from 6:30 pm to 9:30 p.m. She said there will be food and fun.

Mayor Russell Hamley: Mayor Hamley stated that he has received lots of feedback on his latest newsletter. For the quiz included, he stated that the best score reported was 80% correct. He urged everyone to get out and vote.

K. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:05 p.m.

Lorri Coody, City Secretary