

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON MARCH 18, 2013 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 7:03 p.m. with the following present:

Mayor, Russell Hamley  
Council Member, Rod Erskine  
Council Member, Harry Beckwith III, PE  
Council Member, Sheri Sheppard  
Council Member, Jill Klein

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

Council Member, Justin Ray, 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; Michael Brown, Director of Parks and Recreation; Christian Somers, Building Official; and Courtney Rutherford, Assistant City Secretary.

The following City of Jersey Village Planning and Zoning Commission members were present:

Chairman, Debra Mergel  
Tom Eustace, Commissioner

Joyce Berube, Commissioner  
George Ohler, Commissioner

Commissioners Rick Faircloth, Michael O'Neal, and Barbara Freeman were not present at this meeting.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

**1. Prayer and Pledge by Boy Scout Troop 61**

**C. JOINT PUBLIC HEARING**

**1. Conduct Joint Public Hearing with the Planning and Zoning Commission on the proposal to amend Chapter 14, Article IV of the Code of Ordinances to include Child Day-Care Operations as a permitted use with a specific use permit by amending Section 14-105(a)(21) by adding a subsection (b), by amending Section 14-106(a)(19) by adding a subsection (e), and by amending Section 14-110(a)(4) by adding a subsection (c).**

Mayor Hamley called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Hamley opened the Joint Public Hearing at 7:04 p.m., stating that the purpose of the meeting was to give those in attendance the right to speak and be heard concerning the proposal to amend Chapter 14, Article IV of the Code of Ordinances to include Child Day-Care Operations as a permitted use with a specific use permit by amending Section 14-105(a)(21) by adding a subsection (b), by amending Section 14-106(a)(19) by adding a subsection (e), and by amending Section 14-110(a)(4) by adding a subsection (c).

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With no one signing up to speak at the hearing, Mayor Hamley and Chairman Mergel closed the joint public hearing at 7:05 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 7:05 p.m. to conduct its posted meeting agenda and prepare the final report in connection with this joint public hearing.

**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.

**Dawn Ewbanks, 16302 Wall Street, Jersey Village, Texas 77040 (832) 816-0062** – Ms. Ewbanks spoke to Council about the City's pool ordinance. She moved to Jersey Village a few years ago. She recently checked into building a pool in her back yard. She called several contractors only to find out that none want to build pools in Jersey Village because the pool requirements are too stringent. She told Council that the landscaping and spacing requirements for pools in this city are too prohibitive and she would like to see them changed.

**Curtis Haverty, 15405 Ashburton, Jersey Village, Texas 77040 (713) 896-8408** – Mr. Haverty spoke to Council about the slab elevation ordinance that was passed a few years ago. He told Council that he is in the process of adding a closet on to his home. In doing this project, he met with the City's Building Official. He learned that since his home is in the flood plain, he must build the closet 18 inches above his current slab. He mentioned that he was on Council when the slab elevation Ordinance was passed. He told Council that at the time, he thought that the Ordinance applied to new construction, but as it turns out, it also applies to "re-models." He stated that the Building Official told him that he can ask the Board of Adjustment for a variance, but in the meantime, he wanted to bring this issue before Council and ask that they review the slab elevation Ordinance and make the necessary changes so this Ordinance does not apply to "small" remodels.

**E. CITY MANAGER'S REPORT**

City Manager, Mike Castro, gave his monthly 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, and Budget Projections as of February 2013**
- 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**

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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**

**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 February 18, 2013, the Work Session Meeting held on February 18, 2013 and the Special Session Meeting held on March 4, 2013.**
2. **Consider Resolution No. 2013-11, approving the application of the Municipal Court Clerk's appointment of Deputy Clerk.**

RESOLUTION NO. 2013-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE MUNICIPAL COURT CLERK'S APPLICATION FOR APPOINTMENT OF DEPUTY CLERK.

3. **Consider Ordinance No. 2013-06, correcting and amending Ordinance 2012-12 adopted April 16, 2012 pertaining certain Articles and Sections of Chapter 70 of the Code of Ordinances; establishing a new rate structure for water and wastewater services.**

ORDINANCE NO. 2013-06

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, CORRECTING AND AMENDING ORDINANCE 2012-12 ADOPTED APRIL 16, 2012 PERTAINING CERTAIN ARTICLES AND SECTIONS OF CHAPTER 70 OF THE CODE OF ORDINANCES; ESTABLISHING A NEW RATE STRUCTURE FOR WATER AND WASTEWATER SERVICES.

4. **Consider Resolution No. 2013-12, authorizing the City Manager to enter into a contract with Harris County, Texas to provide fire protection services to Fire Protection Zone 38.**

RESOLUTION NO. 2013-12

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

5. **Consider Ordinance No. 2013-07, amending fiscal year 2012-2013 budget in the amount of \$44,000 to be placed in line item 25-6572 for the purchase of a cascade breathing machine that will be reimbursed by the 2012 Assistance to Fire Grant Program and the appropriation of the 95% federal grant revenue awarded to the City of Jersey Village Fire Department in the amount of \$41,800 to be placed in line item 10-9905.**

ORDINANCE NO. 2013-07

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING FISCAL YEAR 2012-2013 BUDGET IN THE AMOUNT OF \$44,000 TO BE PLACED IN LINE ITEM 25-6572 FOR THE PURCHASE OF A CASCADE BREATHING MACHINE THAT WILL BE REIMBURSED BY THE 2012 ASSISTANCE TO FIRE GRANT PROGRAM AND THE APPROPRIATION OF THE 95% FEDERAL GRANT REVENUE AWARDED TO THE CITY OF JERSEY VILLAGE FIRE DEPARTMENT IN THE AMOUNT OF \$41,800 TO BE PLACED IN LINE ITEM 10-9905; AND PROVIDING FOR SEVERABILITY.

6. **Consider Resolution No. 2013-13, authorizing the City Manager to enter into a contract with Microsoft to renew the software Enterprise Agreement.**

RESOLUTION NO. 2013-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MICROSOFT CORPORATION TO RENEW THE THREE YEAR SOFTWARE ENTERPRISE AGREEMENT.

Council Member Erskine moved to approve items 1 through 6 on the consent agenda. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

## **H. REGULAR AGENDA**

1. **Consider Ordinance No. 2013-08, establishing speed limits during construction on a portion of US 290 within the corporate limits of Jersey Village and providing a penalty for the violation thereof.**

Michael Brown, Director of Parks and Recreation, introduced the item. He explained that the Public Works Department received a request from the US 290 TXDOT Program

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Manager Larry W. Blackburn, P.E., to establish a construction speed zone ordinance along US 290.

In the interest of safety, TXDOT is requesting a speed zone that will establish a 45 miles per hour work zone along the 290 frontage from West Road to the city limit boundary just passed Eldridge. The preconstruction speed zone limit is 50 miles per hour (mph) while the proposed construction speed limit is 45 (mph).

TXDOT will furnish, install, maintain, and post all necessary signs required by this request. This ordinance will be in effect only during the period of construction, and upon completion of this project, the speed zones shall automatically cancel.

With limited discussion on the matter, Council Member Klein moved to approve Ordinance No. 2013-08, establishing speed limits during construction on a portion of US 290 within the corporate limits of Jersey Village and providing a penalty for the violation thereof. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2013-08

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON A PORTION OF US 290 WITHIN THE CORPORATE LIMITS OF JERSEY VILLAGE AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

*Mayor Hamley called the next two items out of order as follows:*

- 7. Consider Resolution No. 2013-17, receiving the Planning and Zoning Commission's Final Report as it relates amending Chapter 14, Article IV of the Code of Ordinances to include Child Day-Care Operations as a permitted use with a specific use permit by amending Section 14-105(a)(21) by adding a subsection (b), by amending Section 14-106(a)(19) by adding a subsection (e), and by amending Section 14-110(a)(4) by adding a subsection (c).**

Debra Mergel, Chairman of the Planning and Zoning Commission, presented the item. She told Council that the Planning and Zoning Commission met on February 12, 2013 to discuss amendments of the zoning Ordinance regarding Child Day-Care Operations to be a permitted use with a specific use permit.

In receiving recommendations from staff, the Commission recommended in its preliminary report which was submitted to Council at its February 18, 2013 meeting, that Chapter 14, Article IV of the Code of Ordinances be amended to include Child Day-Care Operations as a permitted use with a specific use permit by amending Section 14-

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105(a)(21) by adding a subsection (b), by amending Section 14-106(a)(19) by adding a subsection (e), and by amending Section 14-110(a)(4) by adding a subsection (c). Additionally, the Commission requested that a Joint Public Hearing be ordered for March 18, 2013.

On March 18, 2013 the City Council and the Planning and Zoning Commission conducted the joint public hearing and after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on March 18, 2013 at 7:00 p.m., the Planning and Zoning Commission presents its final report and asks that it be received.

With limited discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2013-17, receiving the Planning and Zoning Commission's Final Report as it relates to amending Chapter 14, Article IV of the Code of Ordinances to include Child Day-Care Operations as a permitted use with a specific use permit by amending Section 14-105(a)(21) by adding a subsection (b), by amending Section 14-106(a)(19) by adding a subsection (e), and by amending Section 14-110(a)(4) by adding a subsection (c). Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2013-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S FINAL REPORT AS IT RELATES TO AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES TO INCLUDE CHILD DAY-CARE OPERATIONS AS A PERMITTED USE WITH A SPECIFIC USE PERMIT BY AMENDING SECTION 14-105(A)(21) BY ADDING A SUBSECTION (B), BY AMENDING SECTION 14-106(A)(19) BY ADDING A SUBSECTION (E), AND BY AMENDING SECTION 14-110(A)(4) BY ADDING A SUBSECTION (C).

8. **Consider Ordinance No. 2013-10, amending Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas, the Jersey Village Development Code, by adding to Section 14-5 new definitions of "child-care center", "child day-care operations," and "school-age program center"; amending Chapter 14. Building and Development, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include "child day-care operations" as a permitted use in District F, with a specific use permit; amending Chapter 14. Building and Development, Article IV, Section 14-106(a)(19) by adding a subsection (e) to include "child day-care operations" as a permitted use in district G, with a specific use permit; amending Chapter 14. Building and Development, Article IV, Section 14-110(a)(4) by adding a subsection**

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**(c) to include “child day-care operations” as a permitted use in district K, with a specific use permit; providing a severability clause; providing for repeal; providing a penalty as provided by section 1-8 of the code; and providing an effective date.**

Danny Segundo, Director of Public Works, introduced the item. He told Council that all of the procedural requirements of Section 14-84(c)(2) items a through c have been met. This item is to approve the ordinance that will enact the final recommendation from the Planning and Zoning Commission regarding amendments to Chapter 14, Article IV of the Code of Ordinances to include Child Day-Care Operations as a permitted use with a specific use permit by amending Section 14-105(a)(21) by adding a subsection (b), by amending Section 14-106(a)(19) by adding a subsection (e), and by amending Section 14-110(a)(4) by adding a subsection (c).

With limited discussion on the matter, Council Member Sheppard moved to approve Ordinance No. 2013-10, amending Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas, the Jersey Village Development Code, by adding to Section 14-5 new definitions of “child-care center”, “child day-care operations,” and “school-age program center”; amending Chapter 14. Building and Development, Article IV, Section 14-105(a)(21) by adding a subsection (b) to include “child day-care operations” as a permitted use in District F, with a specific use permit; amending Chapter 14. Building and Development, Article IV, Section 14-106(a)(19) by adding a subsection (e) to include “child day-care operations” as a permitted use in district G, with a specific use permit; amending Chapter 14. Building and Development, Article IV, Section 14-110(a)(4) by adding a subsection (c) to include “child day-care operations” as a permitted use in district K, with a specific use permit; providing 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 Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2013-10

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, THE JERSEY VILLAGE DEVELOPMENT CODE, BY ADDING TO SECTION 14-5 NEW DEFINITIONS OF “CHILD-CARE CENTER”, “CHILD DAY-CARE OPERATIONS,” AND “SCHOOL-AGE PROGRAM CENTER”; AMENDING CHAPTER 14. BUILDING AND DEVELOPMENT, ARTICLE IV, SECTION 14-105(a)(21) BY ADDING A SUBSECTION (b) TO INCLUDE “CHILD DAY-CARE OPERATIONS” AS A PERMITTED USE IN DISTRICT F, WITH A SPECIFIC USE PERMIT; AMENDING CHAPTER 14. BUILDING AND DEVELOPMENT, ARTICLE IV, SECTION 14-106(a)(19) BY ADDING A SUBSECTION (e) TO INCLUDE “CHILD DAY-CARE

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OPERATIONS” AS A PERMITTED USE IN DISTRICT G, WITH A SPECIFIC USE PERMIT; AMENDING CHAPTER 14. BUILDING AND DEVELOPMENT, ARTICLE IV, SECTION 14-110(a)(4) BY ADDING A SUBSECTION (c) TO INCLUDE “CHILD DAY-CARE OPERATIONS” AS A PERMITTED USE IN DISTRICT K, WITH A SPECIFIC USE PERMIT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

*Mayor Hamley resumed the regular order of the agenda by calling the following item:*

**2. Discuss and take appropriate action concerning the addition of a community news section to the Jersey Village Star Newsletter.**

Council Member, Sheri Sheppard, introduced the item. She told Council that she asked to have this item placed on the agenda in order to discuss the option of opening up the Jersey Village Newsletter to a Community News Section comprised of articles/events from local non-profit, noncommercial community groups in order to publicize group events. She told Council that the section would not be for residents to advertise garage sales, rather it would be civic/community groups like the Boy Scouts and the Jersey Village Baptist Church to advertise community events.

Discussion was had about this option. Mention was made that the City use to have a community section in the Jersey Village Star, but the section was discontinued because there were too many groups wanting to include items and there wasn't enough room for City business.

Discussion was had about the presented guidelines. It appeared that these guidelines would designate a certain amount of space for this section of the Star. Some members wondered if the allocated space could be managed in such a way that City news would not be affected. The consensus was yes since the events articles would basically be “when/where” articles.

Council also discussed social media as an alternative to advertising these community events in the Jersey Village Star. Most members of the Council felt that this median would require too much management and staff time and that the Jersey Village Star was better suited for the purpose being sought.

Council also discussed the e-blast functionality. While some felt this tool could be better utilized, they felt the Star would be better for the task at hand.

With no further discussion on the matter, Council Member Sheppard moved that a Community News Section be added to the Jersey Village Star Newsletter. Council Member Erskine seconded the motion. The vote follows:

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



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Nays: None

The motion carried.

**3. Consider Resolution No. 2013-14, approving and adopting guidelines for making event or article submissions to the Community News Section of the Jersey Village Star Newsletter.**

Mike Castro, City Manager introduced the item. He explained that this item was placed on the agenda for Council's consideration in the event a Community News Section was added to the Jersey Village Star Newsletter. The item presents a set of guidelines for making submissions to the Community Newsletter Section of the Jersey Village Star. He gave background information as to how the guidelines were prepared and asked for Council's review and approval.

Council discussed the guidelines in depth. Considerable discussion was given to the following ideas:

1. The Guidelines should include a provision that if the City needs the publication space for City News, the Community News Section will be eliminated for that particular month; and
2. A guideline should be added requiring that any single requestor cannot have an article/event in two newsletters in a row; and
3. The number of words for each article should be reduced from 100 words to 50 words.

With no discussion on the matter, Council Member Sheppard moved to approve Resolution No. 2013-14, approving and adopting guidelines for making event or article submissions to the Community News Section of the Jersey Village Star Newsletter, as amended to provide that should the City need the publication space for City News, the Community News Section will be discontinued for that particular month. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2013-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING AND ADOPTING GUIDELINES FOR MAKING EVENT OR ARTICLE SUBMISSIONS TO THE COMMUNITY NEWS SECTION OF THE JERSEY VILLAGE STAR NEWSLETTER.

**4. Consider Resolution No. 2013-15, expressing opposition to HB 2420 and HB 2421 and calling for withdrawal of said legislation.**

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Mike Castro, City Manager, introduced the item. He told Council on March 5, 2013, Representative Elkins filed HB 2420 and HB 2421, relating to Safety Cameras (AKA Red Light Cameras). HB 2420 would prevent the city from assessing a civil penalty on individuals making an illegal right turn at intersections where photo enforcement exists. Similarly, HB 2421 would prevent the state from barring vehicle registration on individuals with outstanding assessments relating to photo enforcement violations. HB 2421 would eliminate the scofflaw program. In total, HB 2420 and HB 2421 would gut the city's traffic safety program.

Mr. Castro explained that the presented resolution was written to express the city's dissatisfaction with proposed legislation that would eliminate the traffic safety program. Of particular concern is the difficulty that would ensue were the city desirous of eliminating its contract with American Traffic Solutions (ATS). The city is contractually obligated to operate its photo enforcement program with ATS until May of 2024. The changes contemplated would likely result in a program where the dollar amount received per annum in civil penalties would be less than the contractual costs due ATS to operate the cameras. There are provisions in the contract that address such a circumstance; however, it is expected that the city would find itself entangled in legal matters were it to consider such an option.

Currently six patrol officers are funded through proceeds from the Traffic Safety Fund. The obligation to fund these officers would shift to the General Fund in an amount proportional to the reduction in penalties received for violations.

Council discussed the bills, questioning what other Cities in like situations are doing concerning this proposed legislation. Chief Forester explained that he is a member of a law enforcement organization that is against the legislation and is actively seeking to have the bills dismissed. There was discussion that only a small number of cities are affected.

Council discussed the issue of turning right on red. The Chief explained that many violators are not properly stopping before proceeding through the red light. Their complaint is that they do not feel they should be ticketed for such violations.

Council also discussed the issue of a few months back when TxDOT contacted the City concerning the red light camera at Jones Road. City Manager Castro explained this issue in detail. Basically, TxDOT claimed that the red light cameras were disrupting the flow of traffic at Jones Road and wanted the City to disengage the cameras for right turns on red. After investigating this claim by viewing some 20 hours of video footage, it was found that there was no support for this claim. TxDOT, upon learning same, did not respond to the City's findings.

Council engaged in discussion about the red light camera program, about red light cameras in general, and about the legislation being presented.

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With no further discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2013-15, expressing opposition to HB 2420 and HB 2421 and calling for withdrawal of said legislation. Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2013-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, EXPRESSING OPPOSITION TO HOUSE BILL 2420 AND HOUSE BILL 2421 AND CALLING FOR WITHDRAWAL OF SAID LEGISLATION.

After passage of the Resolution, there was brief discussion about distribution of the Resolution. Staff stated that it would be distributed to the Transportation Committee, State Senator Patrick, and State Representative Elkins.

- 5. Consider Resolution No. 2013-16, receiving the Planning and Zoning Commission's Preliminary Report as it relates to a request to amend the zoning ordinance at Chapter 14, Section 14-103.1(b)(2) of the Code of Ordinances to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse).**

Debra Mergel, Chairman of the Planning and Zoning Commission, presented the item. She told Council that the Planning and Zoning Commission met on March 11, 2013 to review the application request of request of Brownstone Development, LP and WBC Land LLC to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse).

After review and discussion, the Commissioners preliminarily recommend that Council deny the applicant's request to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse), and presents its preliminarily report in connection with its findings to City Council tonight and asks that it be received.

With limited discussion on the item, Council Member Beckwith moved to approve Resolution No. 2013-16, receiving the Planning and Zoning Commission's Preliminary Report as it relates to a request to amend the zoning ordinance at Chapter 14, Section 14-103.1(b)(2) of the Code of Ordinances to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum

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(excluding garage) in zoning district C2 (townhouse). Council Member Erskine seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2013-16

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 A REQUEST TO AMEND THE ZONING ORDINANCE AT CHAPTER 14, CHAPTER 14, SECTION 14-103.1(B)(2) OF THE CODE OF ORDINANCES TO CHANGE THE MINIMUM HOME SIZE FROM THE EXISTING 1,400 SQUARE FOOT MINIMUM (EXCLUDING GARAGE) TO 750 SQUARE FOOT MINIMUM (EXCLUDING GARAGE) IN ZONING DISTRICT C2 (TOWNHOUSE).

6. **Consider Ordinance No. 2013-09, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to amend the zoning ordinance at Chapter 14, Section 14-103.1(b)(2) of the Code of Ordinances to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse).**

Danny Segundo, Director of Public Works, introduced the item. He told Council that the Planning and Zoning Commission has submitted its Preliminary Report in the prior item on this agenda. 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.

This item is to set the date and time for the joint public hearing with the Planning and Zoning Commission.

Council asked its City Attorney if it must call a Joint Public Hearing. City Attorney Gervais explained that Council does not have to call for the Joint Public Hearing. He went on to say, should Council decide not to call for the Joint Public Hearing, the applicant's request would proceed no further in the process.

With no discussion on the matter, Council Member Beckwith moved to approve Ordinance No. 2013-09, calling a joint public hearing of the City Council and the Planning and Zoning Commission concerning the proposal to amend the zoning ordinance at Chapter 14, Section 14-103.1(b)(2) of the Code of Ordinances to change the minimum home size from the existing 1,400 square foot minimum (excluding garage) to 750 square foot minimum (excluding garage) in zoning district C2 (townhouse). Having received not second, the motion died for lack of a second.

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ORDINANCE NO. 2013-09 – FAILED – NO SECOND

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 AMEND THE ZONING ORDINANCE AT CHAPTER 14, SECTION 14-103.1(B)(2) OF THE CODE OF ORDINANCES TO CHANGE THE MINIMUM HOME SIZE FROM THE EXISTING 1,400 SQUARE FOOT MINIMUM (EXCLUDING GARAGE) TO 750 SQUARE FOOT MINIMUM (EXCLUDING GARAGE) IN ZONING DISTRICT C2 (TOWNHOUSE).

**I. CLOSE THE REGULAR SESSION**

Mayor Hamley closed the Regular Session at 8:08 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 - Consultation w/Attorney and Section 551.072 - Deliberation regarding real property.

**J. EXECUTIVE SESSION**

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 and Section 551.072 to consult with City Attorney regarding condemnation proceedings filed by TXDOT against the City regarding City owned easements located within the US 290 project expansion area. *Bobby Gervais and Loren Smith, City Attorneys***

**K. ADJOURN EXECUTIVE SESSION**

Mayor Hamley adjourned the Executive Session at 8:50 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive session.

**L. CONVENE REGULAR SESSION**

- 1. Discuss and take appropriate action on matters discussed in Executive Session, including authorizing the filing of responses to the condemnation proceedings in District Court regarding City owned easements located within the US 290 project expansion area.**

With no discussion on the matter, Council Member Beckwith moved to authorize Olson and Olson to pursue claim for the City's condemned interest in the Werner tract and on future tracts with valuation less than \$1 Million with Notice of Appearance for all potential claims. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – March 18, 2013

**M. MAYOR AND COUNCIL COMMENTS**

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

**Council Member Klein:** Council Member Klein reminded everyone that the City's Easter Egg Hunt is March 24, 2013 at 2:00 p.m. at Carol Fox Park.

**Council Member Sheppard:** Council Member Sheppard stated that the Jersey Village Woman's Group has set April 8, 2013 as the date for the first annual Tour of Homes event.

**Council Member Erskine:** Council Member Erskine thanked those for attending the meeting.

**Council Member Beckwith:** Council Member Beckwith thanked City Staff for working on issues facing the City. Good Job!

**Mayor Hamley** – Mayor Hamley thanked everyone for coming.

**H. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 8:58 p.m.

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Lorri Coody, City Secretary