

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JULY 15, 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 Rod Erskine at 7:00 p.m. with the following present:

Mayor, Rod Erskine	City Manager, Mike Castro, PhD
Council Member, Justin Ray	City Secretary, Lorri Coody
Council Member, Sandra Joachim	City Attorney, Charles Williams
Council Member, Harry Beckwith III, PE	
Council Member, Sheri Sheppard	
Council Member, Jill Klein	

City Attorney, Bobby Gervais, was not present at this meeting.

Staff in attendance: Mark Bitz, Fire Chief; Eric Foerster, Chief of Police; Danny Segundo, Director of Public Works; Donna Ginn, Accounting Clerk II; Michael Brown, Director of Parks and Recreation; Courtney Rutherford, Assistant City Secretary; and Christian Somers, City Building Official.

Isabel Kato, Director of Finance was not present at this meeting.

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

Chairman, Debra Mergel	George Ohler, Commissioner
Tom Eustace, Commissioner	Barbara Freeman, Commissioner
Rick Faircloth, Commissioner	Joyce Berube, Commissioner
Michael O'Neal, Commissioner	

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer by: Donna McCarty, Chaplain, Jeremy E. Ray American Legion Post 324.
2. Pledge by: Jimmy Baughman, Commander, Jeremy E. Ray American Legion Post 324.

C. PRESENTATIONS

1. Presentation of Police Department Employee of the Second Quarter, 2013.

Jimmy Baughman, Commander, and Howard Mead, Past Commander of the Jeremy E. Ray American Legion Post #324, along with Mayor Erskine, presented the Police Department Employee of the Second Quarter, 2013 award to Officer Landon Davis.

D. JOINT PUBLIC HEARING

1. **Conduct Joint Public Hearing with 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).**

Mayor Erskine called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Erskine opened the Joint Public Hearing at 7:09 p.m., stating that the purpose of the meeting was to give those in attendance the right

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to speak and be heard 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).

City Secretary, Lorri Coody, called attention to two (2) written responses received from Margaret M. Young Family and the Manor at Jersey Village prior to the public hearing and included in the meeting packets.

With no one else desiring to speak at the hearing, Mayor Erskine and Chairman Mergel closed the joint public hearing at 7:10 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 7:10 p.m. to conduct its posted meeting agenda and prepare the final report in connection with this joint public hearing.

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 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.

Tom Barbee, 9800 Northwest Freeway, Suite 307, Houston, Texas (281) 880-5252 – Mr. Barbee appeared before Council on behalf of Combined Law Enforcement Associations of Texas (CLEAT) to speak about membership in the organization. He explained the purpose of the organization and the services that are offered to law enforcement personnel. He left a brochure that explained the organization.

Andrew Mitcham, 15810 Acapulco Drive, Jersey Village, Texas (832) 547-1487 – Mr. Mitcham spoke to Council about neighborhood violence. He told Council about an incident that happened on his street the night before the Council meeting wherein young teens engaged in a “brawl.” He told Council what was unusual about this “brawl” was that the adult parents of these teens were encouraging the violence. He told Council that while the Jersey Village Police Department did an excellent job in controlling the situation and taking those responsible into custody, he is still very concerned about the potential for future violence from these residents. He explained that the responsible residents live in a “run-down” home on Acapulco. The home was bought through the auction process and was never repaired. He complained that our code enforcement does not have enough “teeth” as they have been unsuccessful in making the residents improve the property. He went on to say that there are too many homes in the community that are not being cared for in a manner that is pleasing. He wants action. He wants Council to look inside the City to address “quality of life issues.” He feels that the best approach is through proper code enforcement.

Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713) 466-0804 – Mr. Fields spoke to Council about code enforcement. He wants our city codes enforced. He explained that when we do not enforce our codes it affects everything—city revenues, salaries for city staff, etc. He feels

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it is the citizens' responsibility to assist the City Staff by reporting code violations when observed. It is important to work together. He supports City Manager, Mike Castro in his efforts with code enforcement and wants to help him. He went on to say that Mike Castro is the best City Manager that this City has ever had. He gave examples of how Mr. Castro has helped the City with his expertise in the areas of finance, vision, and planning. He finished his comments by telling Council of the need to replace the volleyball net which is in disrepair.

F. 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, Quarterly Investment Report – June 2013 and Budget Projections as of June 2013**
- 2. Open Records Request and 2013 RV Registration Update**
- 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**

G. 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 June 17, 2013.**
- 2. Consider Resolution No. 2013-46, authorizing an agreement with Richard Hillyer for Consultant Services for the review of the Employees' Group Medical Insurance Plans for Calendar Year 2014.**

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RESOLUTION NO. 2013-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH RICHARD HILLYER FOR CONSULTANT SERVICES FOR THE REVIEW OF THE EMPLOYEES' GROUP MEDICAL INSURANCE PLANS.

3. **Consider Resolution No. 2013-47, authorizing the Request for Proposals for the performance of depository services for the City of Jersey Village, Texas, for the contract period beginning October 1, 2013 and ending September 30, 2016.**

RESOLUTION NO. 2013-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE REQUEST FOR PROPOSALS FOR THE PERFORMANCE OF DEPOSITORY SERVICES FOR THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE CONTRACT PERIOD BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2016.

4. **Consider Resolution No. 2013-48, declaring surplus equipment and authorizing disposition by the City Manager in accordance with the City's Administrative Procedures.**

RESOLUTION NO. 2013-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DECLARING SURPLUS EQUIPMENT AND AUTHORIZING DISPOSITION BY THE CITY MANAGER IN ACCORDANCE WITH THE CITY'S ADMINISTRATIVE PROCEDURES.

5. **Consider Resolution No. 2013-49, re-appointment Directors Joachim, Erskine and Beckwith to the City of Jersey Village Crime Control and Prevention District for the term to begin on September 1, 2013 and end on August 31, 2015.**

RESOLUTION NO. 2013-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RE-APPOINTING DIRECTORS TO THE CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT.

Council Member Beckwith moved to approve items 1 through 5 on the consent agenda. Council Member Ray seconded the motion. The vote follows:

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

Nays: None

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The motion carried.

H. REGULAR AGENDA

- 1. Consider Ordinance No. 2013-25, amending the general fund budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 in the amount of \$40,000 to cover cost associated with the consulting services of Blackburn Carter to assist with the city's efforts to mitigate adverse effects of the U.S. 290 expansion project.**

City Manager, Mike Castro introduced the item. He explained that the City has been working with Blackburn Carter since the October 2011 Council Meeting for the provision of consulting services in relation to the city's efforts to mitigate adverse effects of the U.S. 290 expansion project. These fees are currently being paid from the legal services line item along with the monthly services of the City Attorney, Olson and Olson.

This amendment will transfer funds from the general fund balance to legal services to allow staff to process future invoices the legal cost from Olson & Olson and Blackburn Carter.

With limited discussion on this matter, Council Member Sheppard moved to approve Ordinance No. 2013-25, amending the general fund budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 in the amount of \$40,000 to cover cost associated with the consulting services of Blackburn Carter to assist with the city's efforts to mitigate adverse effects of the U.S. 290 expansion project. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2013-25

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 IN THE AMOUNT OF \$40,000.00 TO COVER COST ASSOCIATED WITH THE CONSULTING SERVICES OF BLACKBURN CARTER TO ASSIST WITH THE CITY'S EFFORTS TO MITIGATE ADVERSE EFFECTS OF THE U.S. 290 EXPANSION PROJECT; AND PROVIDING FOR SEVERABILITY.

- 2. Consider Ordinance 2013-26, amending Chapter 14. "Building and Development," Article X. *Signs*, of the Code of Ordinances, City of Jersey Village, by providing that certain political signs used for electioneering shall be governed by Chapter 58. "Streets, Sidewalks, and Other Public Places," amending Chapter 58, "Streets,**

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Sidewalks, and Other Public Places,” Article I. *In General*, of the Code of Ordinances, City of Jersey Village, by adopting regulations concerning the time, place and manner of electioneering on public property used as a polling place; amending Chapter 2, “Administration,” Article IV. - *Schedule of Fees and Special Funds*, Section 2-142(b)(5) of the Code of Ordinances, City of Jersey Village, by adopting a special permit fee; providing a severability clause; providing for repeal; providing a penalty as provided by section 1-8 of the code; and providing an effective date.

City Secretary, Lorri Coody, introduced the item. She gave a short presentation in order to provide information for Council to make a decision about the placement of campaign signs on public property when used as a polling place. She explained that currently, Section 58.2 of the Code of Ordinances prohibits any person from erecting, placing or maintaining a sign within, on, across or over any public property or public right-of-way.

The Texas Legislature recently enacted House Bill 259 which provides that a public entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building’s premises, outside of the 100 foot prohibited electioneering area prescribed by sections 61.003 and 85.036 of the Texas Election Code.

The new law defines “electioneering” as the posting, use, or distribution of political signs or literature; and permits the City to enact reasonable regulations concerning the time, place, and manner of electioneering on the public building’s premises, outside of the 100 foot prohibited electioneering area prescribed by sections 61.003 and 85.036 of the Texas Election Code.

Staff has reviewed the new law and its existing sign regulations and has determined that the City should consider adopting reasonable regulations for electioneering signs to be placed on public property. The proposed Ordinance basically amends to City Code to provide for the following:

1. When a city facility is used as a polling place a designate area outside of the 100 foot prohibited electioneering area shall be used for the posting, use, or distribution of political signs or literature during elections.
2. A special permit shall be required to post signs in the designated area.
3. Signs are limited to two (2) per candidate, measure, or political party and the permit fee for two signs is \$15.00.
4. Posting time begins with early voting and ends with Election Day Voting.
5. Prohibits Tents, canopies, and other structures.

Council asked several questions concerning the new legislation. Most questions centered on the topic of charging a fee for the placement of these signs. Council wanted to know if the legislature had given any direction on this particular topic. Ms. Coody explained that it had not, but mentioned she had looked to what other cities in this area are doing.

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She explained that since the legislation is new there was not much by way of new regulations, but she did find that the City of Deer Park had implemented a new Ordinance that included a fee but chose to reimburse the fee if the applicants properly remove the signs upon the completion of the election. Ms. Coody went on to explain that the purpose of a fee is to off-set the city's costs; therefore, refunding the fee did not seem appropriate. Ms. Coody told Council that the proposed ordinance had been reviewed and approved by the City Attorney.

With no further discussion on this matter, Council Member Klein moved to approve Ordinance No. 2013-26, amending Chapter 14. "Building and Development," Article X. *Signs*, of the Code of Ordinances, City of Jersey Village, by providing that certain political signs used for electioneering shall be governed by Chapter 58. "Streets, Sidewalks, and Other Public Places," amending Chapter 58, "Streets, Sidewalks, and Other Public Places," Article I. *In General*, of the Code of Ordinances, City of Jersey Village, by adopting regulations concerning the time, place and manner of electioneering on public property used as a polling place; amending Chapter 2, "Administration," Article IV. - *Schedule of Fees and Special Funds*, Section 2-142(b)(5) of the Code of Ordinances, City of Jersey Village, by adopting a special permit fee; 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 Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2013-26

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 14. "BUILDING AND DEVELOPMENT," ARTICLE X. *SIGNS*, OF THE CODE OF ORDINANCES, CITY OF JERSEY VILLAGE, BY PROVIDING THAT CERTAIN POLITICAL SIGNS USED FOR ELECTIONEERING SHALL BE GOVERNED BY CHAPTER 58. "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES,"; AMENDING CHAPTER 58, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE I. *IN GENERAL*, OF THE CODE OF ORDINANCES, CITY OF JERSEY VILLAGE, BY ADOPTING REGULATIONS CONCERNING THE TIME, PLACE AND MANNER OF ELECTIONEERING ON PUBLIC PROPERTY USED AS A POLLING PLACE; AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE IV. - *SCHEDULE OF FEES AND SPECIAL FUNDS*, SECTION 2-142(B)(5) OF THE CODE OF ORDINANCES, CITY OF JERSEY VILLAGE, BY ADOPTING A SPECIAL PERMIT FEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

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3. **Consider Resolution No. 2013-50, receiving the Planning and Zoning Commission's Final 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).**

Debra Mergel, Chairman of the Planning and Zoning Commission introduced the item. She told Council that the Planning and Zoning Commission has previously met on June 12, 2013 and recommended in its preliminary report that City Council change the zoning district classification of properties currently classified in zoning district C2 (townhouse) to zoning district C (townhouse/patio Home).

The preliminary report was submitted to the Council at its June 17, 2013 meeting. The report was accepted and a Joint Public meeting was ordered for July 15, 2013 at 7:00 p.m.

At this evening's meeting, City Council and the Planning and Zoning Commission conducted the joint public hearing. Based upon the directives of Council; the discussions had concerning these issues at prior P&Z meetings; and the comments made by the public during the public hearing, the Planning and Zoning Commission has approved a final report. This item is to receive the Planning and Zoning Commission's Final Report.

With no discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2013-50, receiving the Planning and Zoning Commission's Final 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 Ray seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2013-50

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 CHANGING THE ZONING DISTRICT CLASSIFICATION OF PROPERTIES CURRENTLY CLASSIFIED IN ZONING DISTRICT C2 (TOWNHOUSE) TO ZONING DISTRICT C (TOWNHOUSE/PATIO HOME).

4. **Consider Ordinance No. 2013-27, changing the classification of a 22.371 acre tract of land presently classified in zoning District C2 (townhouse) to zoning District C Townhouse/Patio Home District.**

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Danny Segundo, Public Works Director, introduced the item. He told Council that this item is to approve an ordinance that will enact the final recommendations from the Planning and Zoning Commission changing the classification of a 22.371 acre tract of land presently classified in zoning District C2 (townhouse) to zoning District C Townhouse/Patio Home District.

With limited discussion on the matter, Council Member Beckwith moved to approve Ordinance No. 2013-27, changing the classification of a 22.371 acre tract of land presently classified in zoning District C2 (townhouse) to zoning District C Townhouse/Patio Home District. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDNANCE NO. 2013-27

AN ORDNANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, CHANGING THE CLASSIFICATION OF A 22.371 ACRE TRACT OF LAND DESCRIBED HEREIN PRESENTLY CLASSIFIED IN ZONING DISTRICT C2 TO ZONING DISTRICT C TOWNHOUSE/PATIO HOME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.

Before calling the next item on the agenda, Mayor Erskine read the following Citizen's Comment into the record which was properly tendered but inadvertently omitted from being presented during the Citizen's Comment section of this agenda:

The City of Jersey Village is very fortunate to have a city manager the caliber, education and integrity of Mike Castro. Because of his management skills, we have one of the most solvent and stable municipalities in the United States. Our fire and police protection is to be included with the best in the nation. It would be disastrous for us not to do everything in our power to continue enjoying the services of Mike Castro as our City Manager. s/Barbi Freeman, 15501 Jersey Drive – Dated July 15, 2013

I. CLOSE THE REGULAR SESSION

Mayor Erskine closed the Regular Session at 7:58 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.074 – Personnel Matters.

J. EXECUTIVE SESSION

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1. Pursuant to the Texas Open Meetings Act Section 551.074 - Personnel Matters, conduct an Executive Session in order to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

K. ADJOURN EXECUTIVE SESSION

Mayor Erskine adjourned the Executive Session at 9:00 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

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 Beckwith: Council Member Beckwith stated it is budget time. He thanked staff for all the hard work in preparing the budget workbook. He knows a lot of work goes into the budget preparations. He is impressed. He thanked everyone for a very good job.

Council Member Joachim: Council Member Joachim thanked the City Manager and Staff for the recent new Council Member Orientation. She stated that while she was once a city employee, she found the orientation to be very helpful and she appreciated the time that Staff took to show her the areas of the City that were not so familiar.

Council Member Ray: Council Member Ray thanked the residents for coming and for their input. He too thanked Staff for their hard work in preparing the budget for next week's meetings.

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Council Member Sheppard: Council Member Sheppard thanked the citizens for coming to the meeting and for providing input. She stated that it is important and she appreciates their involvement.

Council Member Klein: Council Member Klein thanked Michael Brown, Director of Parks and Recreation, and his crew for their hard work. She stated that the esplanades on Senate look great. She said this is hard work and she is thankful for the good work.

Mayor Erskine: Mayor Erskine thanked to residents for coming. He referenced his most recent Mayor's Newsletter that discussed how important citizen involvement can be. He told of how the actions of the citizens can influence the actions of Council. He encouraged input, stating that City Council represents the citizens. He also stated that he appreciates the work that went into preparing for next week's budget meetings.

I. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:07 p.m.

Lorri Coody, City Secretary