

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON AUGUST 19, 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 7:10 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, Bobby Gervais
Council Member, Harry Beckwith III, PE	
Council Member, Sheri Sheppard	
Council Member, Jill Klein	

Council Member Klein was not present when this meeting was called to order, but arrived while the meeting was in progress at 7:45 p.m.

Staff in attendance: Mark Bitz, Fire Chief; Eric Foerster, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Finance Director; Michael Brown, Director of Parks and Recreation; and Christian Somers, City Building Official.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by: Justin Ray, Council Member

C. CITY OF JERSEY VILLAGE CRIME CONTROL AND PREVENTION DISTRICT

1. **Receive the adopted fiscal year 2013-2014 budget from the Jersey Village Crime Control and Prevention District (CCPD).**

Council received submission of the 2013-2014 fiscal year budget from the Jersey Village Crime Control and Prevention District (JVCCPD) through a presentation of a certified copy of the JVCCPD's Resolution No. 2013-03 by City Secretary, Lorri Coody.

2. **Conduct a public hearing on the Jersey Village Crime Control and Prevention District's budget for the fiscal year 2013-2014.**

Mayor Rod Erskine opened the public hearing at 7:12 p.m. in order to give all interested parties the right to appear and be heard on the adopted fiscal year 2013-2014 Crime Control and Prevention District budget that had previously been submitted to Council by the Crime Control and Prevention District Directors for Council's approval.

Council received a short presentation from the City of Jersey Village Police Department concerning the 2013-2014 supplemental consisting of (4) new cars valued at \$172,000.

With no one signing up to speak on the JVCCPD budget, Mayor Erskine closed the public hearing at 7:13 p.m. and called the next item on the agenda.

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3. Consider Resolution No. 2013-53, adopting the Jersey Village Crime Control and Prevention District’s Budget for fiscal year 2013-2014.

With limited discussion, Council Member Beckwith moved to approve Resolution No. 2013-53, adopting the Jersey Village Crime Control and Prevention District’s Budget for fiscal year 2013-2014. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2013-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE FISCAL YEAR 2013-2014 CRIME CONTROL AND PREVENTION DISTRICT BUDGET

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.

Zana Carter, 16242 Seattle, Jersey Village (713) 937-6119 – Ms. Carter spoke to Council about noise abatement along US Highway 290. She told Council that she believes there is much activity going on in the city as it relates to the US Highway 290 construction project and she would like to know more about what is happening as it relates to noise abatement. She would like to know more about the proposals made by TxDOT to build a 16 foot wall.

Mark Maloy, 7803 Hamilton Circle, Jersey Village (713) 461-1430 – Mr. Maloy spoke to Council about noise abatement and the US Highway 290 expansion project. He told Council that he wants help in getting noise abatement for the east side of Jersey. He is particularly interested in getting the schools involved. Accordingly, he has met with the School Board in order to get their support with trying to get both TxDOT and the HCTRA to use noise mitigation methods when building the new highways that will go through Jersey Village. Mr. Maloy outlined the various methods of noise abatement/mitigation that would be acceptable. He also outlined all the steps he has taken in order to get TxDOT, HCTRA, and the City to understand what is needed to abate noise in Jersey Village.

E. CITY MANAGER’S REPORT

City Manager, Mike Castro, gave his monthly report and called special attention to Boy Scout Troops 1907 and 40. Scouts from each troop introduced themselves.

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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 July 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**
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 July 15, 2013; the Special Work Session Budget Meetings held on July 22, 2013 and July 23, 2013; the Joint Work Session Meeting held on July 22, 2013 and the Special Session Meeting held on August 1, 2013.**
2. **Consider Resolution No. 2013-54, authorizing the City Manager to engage Lemons Auctioneers, LLP and Online Pros to perform auctioneering services for the disposal of surplus equipment.**

RESOLUTION NO. 2013-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENGAGE LEMONS AUCTIONEERS, LLP AND ONLINE PROS TO PERFORM AUCTIONEERING SERVICES FOR THE DISPOSAL OF SURPLUS EQUIPMENT.

3. **Consider Resolution No. 2013-55, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District.**

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RESOLUTION NO. 2013-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

4. **Consider Resolution No. 2013-56, authorizing the City Manager to extend the 2008 Pre-Storm Contract for Disaster Recovery Services with AshBritt, Inc. for an additional four (4) years.**

RESOLUTION NO. 2013-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXTEND THE 2008 PRE-STORM CONTRACT FOR DISASTER RECOVERY SERVICES WITH ASHBRIIT, INC. FOR AN ADDITIONAL FOUR (4) YEARS.

Council Member Sheppard moved to approve items 1 through 4 on the consent agenda. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

G. REGULAR AGENDA

1. **Receive for discussion a presentation regarding White Oak Bayou Joint Powers Board Wastewater Treatment Plant by Bethany A. Miller, P.E., of Jones & Carter.**

Danny Segundo introduced the item. Background information is as follows: The City of Jersey Village is considering review of its comprehensive plan. The comprehensive plan looks at the current condition of the city's infrastructure and plans for any needed.

To provide Council with information to consider in connection with comprehensive planning, Bethany Miller P.E., with Jones & Carter, was asked to give a presentation regarding the White Oak Bayou Wastewater Treatment Plant's current condition, potential solutions for repair, and costs associated with repairs.

The original wastewater treatment plant was constructed between 1976 and 1982 by Gulf Coast Waste Disposal Authority. Jersey Village owns 41 percent of the facility and thus pays 41 percent of all the associated operation costs. The White Oak Bayou facility currently processes approximately 90 percent of the city's wastewater.

Jones & Carter are White Oak Bayou Joint Powers Board Engineers. The presentation consisted of the following information:

- Facility History

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- Ownership
- Current Events and Challenges
- Grit Accumulation
- Failing Aeration Equipment
- Blowers
- Piping and Diffusers
- Increasing Energy Costs
- Solutions
- Funding
- Project Schedule
- Next Steps

In concluding the presentation, there was discussion about the cost estimates. The consultant explained that the estimates are all inclusive. The Consultants were asked if these repairs are made how problems of this nature can be prevented from happening again in the future. In answering, the Consultant explained that this plant has typically been maintained on a reactionary basis. That is, repairs have only been made once problems exist. He explained that many of these issues can be eliminated if the plant practiced a more preventative or predictive mode of maintenance.

There was also discussion about the replacement of the blowers and why repairs might not be a more cost effective solution. The Consultant explained that many of the parts associated with the blowers have been discontinued because the blowers are so old, making repairs quite difficult if not impossible.

Council engaged in discussion about the cost of building a new plant as opposed to making the suggested repairs to the existing plant. While the Consultant did not have these numbers prepared, he estimated that the cost of a new plant would be approximately \$30 million. Council pointed out that under the existing Board composition, the City of Jersey Village's portion of the \$30 million would be 40%. The idea of building a new plant was discussed. Some members felt that it might be a good idea to gain a better understanding between the two projects – that is the cost of upgrading versus the cost of building a new plant – before making any decisions.

Council Member Klein joined the meeting in progress at 7:45 a.m.

2. Consider Resolution No. 2013-57, appointing members to the Board of Adjustment.

Lorri Coody, City Secretary, introduced the item. She told Council that Andrew Henderson submitted his resignation from the Board of Adjustment as he is no longer a resident of Jersey Village. He served in Place 5 on the Board. The term of office for Place 5 began on October 1, 2012 and will expire on September 30, 2014. He has served on this Board since July of 1986.

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Alternate Member Debra Sappington has expressed her desire to be considered for appointment to serve the unexpired term for Place 5. If Council desires to appoint Debra Sappington to Place 5, then the Alternate A1 position will be vacant and will require appointment. The term of office for the Alternate A1 position began on October 1, 2011 and will expire September 30, 2013.

In addition to Alternate Member Debra Sappington, three (3) qualified candidates have expressed a desire to serve on this Board. Applications were included in the meeting packet for Council's review.

With limited discussion on the matter, Council Member Sheppard moved to appoint Debra Sappington to serve as Board Member in Place 5 and to appoint Joe Pennington to serve as Alternate Board Member in Place A1. The motion was seconded by Council Member Beckwith. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2013-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT.

3. Discuss and take appropriate action regarding city efforts to mitigate the effects of U.S. 290 expansion project.

City Manager, Mike Castro introduced the item. He explained that recently the city was informed by TxDOT that there is sufficient resident support to proceed with a 16-foot sound wall in the vicinity of Seattle Street. The wall would be constructed at the back lot line of homes on Seattle, west of Senate. The wall would also proceed along the side lot line of homes on Singapore and Congo, along the border with Joe Myers Ford. TxDOT would like to meet with the city to initiate property acquisition and construction of the wall. From the communication received, it appears that TxDOT has assumed that the city is in favor of the wall construction and welcomes this endeavor. This item is to gather comments from Council concerning TxDOT's sound wall proposal.

Background information on the sound wall is as follows: A consultation with the city's sound engineer on this matter (Arno Bommer,) revealed that the sound wall will have limited noise reduction value for homes beyond Seattle Street. That is to say that noise levels in the interior of the city would be unaffected by the wall construction. Mr. Bommer's initial analysis indicates a 10 dba reduction in ambient noise levels for adjacent homeowners; however, there is a minimal reduction for residents beyond the second row of homes.

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City Manager Castro voiced concern that acceptance of the sound wall may preclude other mitigation efforts / proposals from TxDOT. In previous conversations with TxDOT, the city was led to believe that no additional mitigation efforts in this area would be forthcoming. The sound wall was mentioned, but in passing only. It is not known why this proposal has come forth at this time.

Separately, City Manager Castro reports that TxDOT has made their initial submission to the Federal Highway Administration (FHWA) regarding the Focused Reevaluation of the US 290 Environmental Impact Statement. What follows is a series of comment periods between TxDOT and the FHWA prior to the release of initial findings by the FHWA. There will be a 30-day comment period for the city to respond to the FHWA determination. It might be that the TxDOT sound wall proposal relates to the pending release of the FHWA determination.

Council engaged in discussion about the sound wall proposal. City Manager Castro recommended that Council wait on making any decisions until the FHWA decision becomes final. The consensus of Council agreed with City Manager Castro's recommendation.

Discussion was had about the previous information that the City had received from our sound expert. The information provided gave information on how noise mitigation would be enhanced if a sound wall was coupled with treatments to the road surface. Discussion continued about construction of the wall. There were many unanswered questions. Who will pay for the wall? How effective will the wall be for the whole of Jersey Village? Who will maintain the wall? Who will pay for the right of way for the wall?

The deadline to respond to TxDOT's proposal was discussed. City Manager Castro indicated that there was no deadline stated in the correspondence received from TxDOT.

The City Manager and the Mayor are to meet with TxDOT to discuss the proposal. At this time, Council is undecided and wants to wait to see the results of the FHWA's Focused Reevaluation of the US 290 Environmental Impact Statement before moving forward. Also, Council would like more information on the difference between the two walls proposed by TxDOT.

H. CLOSE THE REGULAR SESSION

Mayor Erskine closed the Regular Session at 8:11 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.074 – Personnel Matters.

I. EXECUTIVE SESSION

- 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.**

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J. ADJOURN EXECUTIVE SESSION

Mayor Erskine adjourned the Executive Session at 9:27 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive session.

K. CONVENE REGULAR SESSION

1. Discuss and take appropriate action on the items discussed in Executive Session.

With no discussion on the matter, Council Member Ray moved to authorize the City Attorney to draft a revised employment agreement for the City Manager as per the discussion details had in the Executive Session. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

L. MAYOR AND COUNCIL COMMENTS

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

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary 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 salutary 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 announced that the Recreation and Events Committee will have the Ice Cream Social at the Pavilion on September 8. Also, the tentative date for the Fall Frolic is October 25.

Council Member Joachim: Council Member Joachim thanked the citizens for coming.

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Mayor Erskine: Mayor Erskine also thanked the citizens for coming and he thanked the Council Members for working together.

I. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:34 p.m.

Lorri Coody, City Secretary