

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JANUARY 20, 2014 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 7:02 p.m. with the following present:

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

Council Member Place 2 seat was Vacant when the meeting was called to order, but was filled by Council Member Greg C. Holden at 9:11 p.m.

Staff in attendance: Mark Bitz, Fire Chief; Eric Foerster, Chief of Police; Isabel Kato, Finance Director; Danny Segundo, Director of Public Works; and Michael Brown, Director of Parks and Recreation; Courtney Rutherford, Assistant City Secretary; Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

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

Commissioner Michael O'Neal was not present at this meeting.

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 Fourth Quarter and 2013 Employee of the Year Award by Jimmy Baughman Commander and Howard Mead, Past Commander of Jeremy E. Ray American Legion Post 324.**

Jimmy Baughman, Commander, and Howard Mead, Past Commander of American Legion Post #324, along with Mayor Erskine, presented the Police Department Employee of the Fourth Quarter, 2013 award to Officer Greg Brandon and the 2013 Employee of the Year award to Officer Greg Brandon.

D. COUNCIL MEMBERSHIP ITEMS

- 1. Consider with possible action removing from the table the action for making an appointment to fill the vacancy of City Councilmember, Place 2 and acknowledging that the position shall be filled by election at the next city general election for the remaining year of the unexpired term.**

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

Lorri Coody, City Secretary, introduced the item. She told Council that during the November 18, 2013 meeting, City Council successfully tabled the action making an appointment to fill the vacancy of City Councilmember, Place 2 and acknowledging that the position shall be filled by election at the next city general election for the remaining year of the unexpired term.

Therefore, before any discussions can be had on this item, Council must remove the item from the table. With no discussion on the matter, Council Member Beckwith moved to approve removing from the table the action for making an appointment to fill the vacancy of City Councilmember, Place 2 and acknowledging that the position shall be filled by election at the next city general election for the remaining year of the unexpired term. Council Member Ray seconded the motion. The vote follows:

Ayes: Council Members Ray, Beckwith, Sheppard and Klein

Nays: None

The motion carried.

2. Receive presentation of qualifications from interested applicants.

Mayor Rod Erskine introduced the item. Background information is as follows: On October 21, 2013, Council Member Joachim submitted a letter to the city resigning from the City Council, creating a vacancy on the Council. The City Charter provides that vacancies on the Council arising from any cause shall be filled by a vote of the Council. Additionally, the City Charter, section 2.03 also provides that a council position filled by appointment shall be filled by election at the next city general election for the remaining year of the unexpired term.

On November 18, 2013, Council accepted the resignation of Council Member Joachim; declared the position vacant; and directed staff to post notice in the January issue of the JV Star, on the City website, and on the City marquees, seeking applicants interested in being appointed to the vacant Council Member Place 2 position until the next General Election.

In the notice, applicants were asked to file application for the position with the City Secretary by 5 PM on January 15, 2014. They were also invited to attend the January 20, 2014 City Council Meeting in order to deliver a three to five minute presentation concerning their qualifications for office and to give an explanation outlining their desire to hold office. The notice was followed up with a formal letter to each candidate that filed an application reminding them of the January 20, 2014 meeting date and time.

This item is to receive presentations from the applicants. Presentations will be given by the applicants in the order in which their applications were received in the City Secretary's Office.

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

The Mayor began the process by roll call of the applicants. In completing the roll call, he thanked the applicants for their interest and he gave a brief explanation about the appoint process (presentations, executive session, vote, oath, and sworn applicant takes council place at council table.)

Applicants were then called in the following order to give their presentation:

- | | |
|----------------------|---------------------------|
| 1. George E. Ohler | 6. Joyce Berube |
| 2. Greg C. Holden | 7. Brian E. “Hank” Taylor |
| 3. Dr. Johnny Teague | 8. Linda Gragg |
| 4. Wesley K. Johnson | 9. Carl G. Jacksits, AIA |
| 5. Tom Eustace | |

There were no discussions or questions with the applicants during the presentation process. Upon completion of the presentations, Council convened into Executive Session pursuant to the Texas Open Meetings Act, Section 551.074.

E. CLOSE THE REGULAR SESSION

Mayor Erskine closed the Regular Session at 7:52 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.074 - Appointment of a public officer, Section 551.071 - Consultation w/Attorney and Section 551.072 - Deliberation regarding real property.

F. EXECUTIVE SESSION

- 1. Pursuant to the Texas Open Meetings Act Section 551.074 - Conduct an Executive Session in order to deliberate the appointment of a public officer (Council Member Place 2).**
- 2. 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 located within the US 290 project expansion area.**

G. 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.

H. COUNCIL MEMBERSHIP ITEMS CONTINUED

- 1. Conduct possible follow-up questioning of applicants, and consider Resolution No. 2014-01, making an appointment to fill the vacancy of City Councilmember, Place 2; acknowledging that the position shall be filled by election at the next city election for the remaining year of the unexpired term.**

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

After calling the item, Mayor Erskine called upon City Attorney Gervais who introduced the item. Mr. Gervais gave a brief statement regarding the process for appointment and the passage of the Resolution. In completing the statement by the City Attorney, the Mayor called upon each Council Member for comments as follows:

Council Member Beckwith: Council Member Beckwith thanked all the applicants for their time and interest in applying for this position. He told the applicants that in filling the position, he is interested in someone active in the community, attends City Council Meetings, and is interested in where Jersey Village is “going.”

Council Member Ray: Council Member Ray stated that this is an excellent group of applicants. He too is looking for applicants with similar qualifying criteria. That is applicants that have an understanding of city matters and how the City “ticks” with prior committee and/or council involvement.

Council Member Sheppard: Council Member Sheppard agrees with all Council comments stated. She is happy to see so much interest and appreciates the time of all the applicants. The decision will be difficult.

Council Member Klein: Council Member Klein stated that it is great to have so many applicants interested in serving on City Council. Only one will be appointed to the position. She hopes that there will be this much interest during the May elections and she encourages each to consider running on the May ballot as each applicant has something good to offer.

Mayor Erskine: Mayor Erskine thanked the applicants for their interest.

Mayor Erskine then explained that the Council will take a roll call vote in order to determine the appointment for Council Member Place 2. The appointment will be made upon a majority vote of Council and the Mayor will only vote in the event of a tie vote. Each member of the Council will have an opportunity to vote for anyone of the applicants who made a presentation.

Mayor Erskine then called upon each Council Member by name to take the roll call vote, asking each Council Member to state the name of the applicant of their choice as follows:

<u>Council Member’s Name</u>	<u>Name of Desired Applicant</u>
Council Member Ray, state your vote	Greg C. Holden
Council Member Beckwith, state your vote	Tom Eustace
Council Member Sheppard, state your vote	Tom Eustace
Council Member Klein, state your vote	Greg Holden

Having received a tie vote of two (2) votes for Greg C. Holden and two (2) votes for Tom Eustace, Mayor Erskine placed his vote for Greg C. Holden to break the tie vote.

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

Mayor Erskine then announced that Applicant Greg C. Holden had received a majority of the votes of Council for the appointment. With no additional voting necessary, Mayor Erskine called for a motion on Resolution No. 2014-01. Accordingly, Council Member Ray moved to approve Resolution No. 2014-01, appointing Greg C. Holden to fill the vacancy of City Councilmember, Place 2; and acknowledging that the position shall be filled by election at the next city general election for the remaining year of the unexpired term. The motion was seconded by Council Member Klein. The vote follows:

Ayes: Council Members Ray, Beckwith, Sheppard and Klein

Nays: None

The motion carried.

2. If necessary, Administer Oath of Office to Appointed Official.

City Secretary, Lorri Coody, administered the Oath of Office to newly appointed Greg C. Holden, Council Member, Place 2; and Council Member Holden took his place at the Council dais.

I. JOINT PUBLIC HEARING

1. Conduct Joint Public Hearing with the Planning and Zoning Commission concerning the proposal to amend the city's zoning ordinance to grant a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F.

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 9:13 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 the city's zoning ordinance to grant a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F.

Before calling upon those signing up to speak at this public hearing, the Mayor called upon the Applicant, Service Franchise, Inc. to give a brief presentation summarizing the request. After the presentation, the applicant fielded questions from City Council and answered accordingly.

Once the presentation and questions were complete, Mayor Erskine then called those signing up to speak as follows:

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

Jay Shani, Jones and Jersey Meadows, Jersey Village, Texas (713) 789-1500 – Mr. Shani spoke to Council about the car wash facility. He told the Council that he owns the land where the car wash will be built. During the Executive Session he had an opportunity to speak with some of the residents. During these conversations, he learned their concerns, which centered mostly on noise and landscaping. He stated that some of these concerns will be addressed. He explained that he is here for the long-term. He wants to set a high-standard for the property because he intends to build a shopping center close by.

Nash Das, Jones and Jersey Meadows, Jersey Village, Texas (713) 789-1500 – Mr. Das spoke to Council about the car wash. He is one of the land owners and has a joint interest with IShine. He told Council that he takes the views of the residents and that of City Council seriously. He wants a “win/win” for all concerned. He has owned the property for 10 years and during that time has made improvements to the property. He pointed to the detention pond that was placed at the rear of the property. He told Council that the car wash is one of high standard that will add to the tax base and bring jobs into the City.

Greg Huddle, 4901 Pine Street, Houston, Texas (713) 397-4734 – Mr. Huddle did not speak given that all the comments he wanted to make had already been made.

Deborah Finlay, 30 Cherry Hills, Jersey Village, Texas (713) 816-2088 – Ms. Finlay spoke to Council about the car wash. She told Council that following the last meeting she had requested a meeting between the land owners, the developers, and the residents so that the issues could be worked out. She stated that no meeting was arranged; however, during the Executive Session the residents were able to speak with the landowners and the developers and some of the issues had been resolved. She stated that she hoped the City could learn from this and conduct such meetings in the future. It may save a lot of time and trouble as she felt that the issues are much better understood since the meeting occurred.

With no one else desiring to speak at the hearing, Mayor Erskine and Chairman Mergel closed the joint public hearing at 9:35 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 9:35 p.m. to conduct its posted meeting agenda and prepare the final report in connection with this joint public hearing.

J. 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.

There were no Citizens Comments made during this meeting.

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

K. CITY MANAGER’S REPORT

City Manager, Mike Castro, gave his monthly report as follows:

- 1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Governmental Funds Report, December 2013 Quarterly Investment Report, Property Tax Collection Report - December 2013, and Budget Projections as of December 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**

L. 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 December 16, 2013.**
- 2. Consider Ordinance No. 2014-01, ordering a general election to be held on May 10, 2014, for the purpose of electing three (3) councilmembers (Place 1, Place 4, and Place 5); providing for ballots; designating the time and place of holding such election; providing appointment of election officials and their compensation; providing for notices; providing for publication; providing for a runoff election if required; providing a severability clause; providing an effective date.**

ORDINANCE NO. 2014-01

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 10, 2014, FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS (PLACE 1, PLACE 4 AND PLACE 5); PROVIDING FOR BALLOTS; DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTION; PROVIDING APPOINTMENT OF ELECTION

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

OFFICIALS AND THEIR COMPENSATION; PROVIDING FOR NOTICES; PROVIDING FOR PUBLICATION; PROVIDING FOR A RUNOFF ELECTION IF REQUIRED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

3. **Consider Ordinance No. 2014-02, ordering a special election to be held on May 10, 2014, for the purpose of electing a councilmember to place 2 for the unexpired term which ends in May 2015; providing for ballots; designating the time and place of holding such election; providing appointment of election officials and their compensation; providing for notices; providing for publication; providing for a runoff election if required; providing a severability clause; providing an effective date.**

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 10, 2014, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO PLACE 2 FOR THE UNEXPIRED TERM WHICH ENDS IN MAY 2015; PROVIDING FOR BALLOTS; DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTION; PROVIDING APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION; PROVIDING FOR NOTICES; PROVIDING FOR PUBLICATION; PROVIDING FOR A RUNOFF ELECTION IF REQUIRED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

4. **Consider Ordinance No. 2014-03, amending the budget for fiscal year October 1, 2013 through September 30, 2014, in the amount of \$5,000, by allocating funds from the Utility Fund balance to the Permits, Fees, and Credit Card Fees (02-45-5405) line item, in order to fund the cost associated with credit card fees.**

ORDINANCE NO. 2014-03

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014, IN THE AMOUNT OF \$5,000 TO INCREASE LINE ITEM 02-45-5405; AND PROVIDING FOR SEVERABILITY.

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

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

Nays: None

The motion carried.

M. REGULAR AGENDA

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

- 1. Consider on third reading Ordinance No. 2013-38, granting to CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Jersey Village, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date.**

City Attorney, Bobby Gervais, introduced the item. He explained that tonight's reading is the third and final reading of three readings of the caption. The readings must be done at three separate "Regular" Council Meetings.

Council conducted the third and final reading in accordance with the terms of the Charter.

With no further discussion, Council Member Klein moved to approve on the third and final reading Ordinance No. 2013-38, granting to CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Jersey Village, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2013-38

AN ORDINANCE GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF JERSEY VILLAGE, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

- 2. Consider Resolution 2014-02, assigning Council Members to serve as liaison to various city committees and boards.**

With limited discussion on this item, Council Member Ray moved to approve Resolution No. 2014-02, by assigning all Council Members to their previously assigned liaison

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

positions with the exception of Council Member Holden, who shall be assigned as Liaison to the Golf Course Advisory Committee. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Ray, Beckwith, Sheppard and Klein

Nays: None

Abstain: Council Member Holden

The motion carried.

RESOLUTION NO. 2014-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING COUNCIL LIAISONS TO VARIOUS BOARDS AND COMMITTEES.

- 3. Consider Ordinance No. 2014-04, accepting the dedication of a 585-foot easement along the rear property line of 16100 Dillard Drive, Jersey Village, Texas, for the installation of a sound barrier; approving an agreement with the property owner providing for stipulation as to building setback as a result of the dedication; authorizing the city manager to execute the pertinent documents.**

City Manager, Mike Castro introduced the item. Background information is as follows: The Texas Department of Transportation is proposing to construct a 16-foot sound barrier at the northern property line of the subject property. The construction cost of the sound wall will exceed one million dollars and will be borne entirely by TxDOT. The northern boundary of the property is the only location that TxDOT has agreed to construct the sound wall upon. Currently, an eight-foot masonry wall separates the developed portion of the subject property from the residential property and an eight-foot wooden fence separates the undeveloped portion.

TxDOT requires the City of Jersey Village to acquire the easement necessary to construct the sound wall. In exchange for a donated easement, Wallace Dillard (owner) is asking for consideration from the city's building setback requirements as outlined in Section 14-105 (b) (3). The existing standard requires a setback of 50 feet, 100 feet, and 150 feet for a single story, two-story, and "three-story plus" non-residential buildings respectively, in Zone F that abut residential construction. The owner seeks to reestablish the building setback requirement for the subject property to 25 feet for a single story, 50 feet for a two-story, or 75 feet for a three- or four-story non-residential structure.

The alternate to the proposal above is to acquire the easement for the sound wall through condemnation, which has the potential to cost the city and property owner many thousands of dollars. In addition to the subject property, the sound wall will be constructed on two adjacent lots (Joe Myers Ford and the Social Security Administration Building). The adjacent lots are developed and will not be seeking the variance sought

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

herein. An alternate site for construction of the sound wall is several feet north, within a developed residential subdivision. Placement of the wall on the residential side of the property line will require the unanimous consent of 34 property owners. Additionally, city sewer facilities are located on the residential (north) side of the property line, thus complicating placement and construction of any proposed sound wall.

Council engaged in discussion about the existing wall and who will have the responsibility to remove same. City Manager Castro explained that TxDOT will remove the existing wall when the new wall is constructed. There was also discussion about the amount of linear footage still needed from Joe Meyers in order to build the wall. City Manager Castro explained that some 2,000 feet is still needed.

Before moving to approve the Ordinance, discussion was had on the construction timeline for the project.

Council Member Beckwith moved to approve Ordinance No. 2014-04, accepting the dedication of a 585-foot easement along the rear property line of 16100 Dillard Drive, Jersey Village, Texas, for the installation of a sound barrier; approving an agreement with the property owner providing for stipulation as to building setback as a result of the dedication; authorizing the city manager to execute the pertinent documents. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2014-04

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ACCEPTING THE DEDICATION OF A 585-FOOT EASEMENT ALONG THE REAR PROPERTY LINE OF PROPERTY LOCATED AT 16100 DILLARD DRIVE, JERSEY VILLAGE, TEXAS, FOR A SOUND BARRIER; PROVIDING FOR VESTED BUILDING SETBACK LIMITS FOR SAID PROPERTY AS A RESULT OF THE DEDICATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PERTINENT DOCUMENTS.

4. Discuss and take appropriate action regarding the City's efforts to establish a Community Rating System (CRS).

Mayor Erskine called the item. Background information is as follows: With the passage of the Biggert-Waters Flood Insurance Reform Act in 2012, the City's residents have experienced higher insurance rates due to the new requirements of the law. The Biggert-Waters Act required the Federal Emergency Management Agency (FEMA) to take immediate steps to eliminate a variety of existing flood insurance subsidies. Subsidies are being phased out for properties that have experienced severe repetitive loss, and that have

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

incurred flood-related damages where claims payments exceed the fair market value of the property.

The Public Works Community Development Department is considering the establishment of a Community Rating System (CRS) Program. The CRS Program is a part of the National Flood Insurance Program (NFIP) and communities can help reduce the cost of flood insurance premiums in their community by seeking program credit for certain floodplain management practices. The CRS program offers reduced flood insurance premiums if communities are proactive in managing and mitigating flood risks. Communities are encouraged to adopt new flood reduction programs and maintain existing standards.

Prior to today's City Council meeting the Public Works Community Development Department gave a presentation regarding its effort to establish a Community Rating System for the City of Jersey Village.

Mayor Rod Erskine in calling this item gave a brief explanation concerning the CRS Program. He stated that it is possible that this program could help reduce insurance premiums for Jersey Village residents; however, the level of discounts is not known and will not go into effect for quite some time. Nonetheless, and in the meantime, the Mayor asks residents for the following support:

1. Encourage leaders in all levels of government to support a pending bill that will defer the financial impact of the Biggert-Waters Act until further information can be gathered;
2. Support efforts to update flood plain maps; and
3. Investigate what we as a City can do under the CRS system to get better insurance ratings that result in discounts.

With no discussion on the matter, Mayor Erskine called the next item on the agenda as follows:

- 5. Consider Resolution No. 2014-03, receiving the Planning and Zoning Commission's Final Report to Council on the proposal to amend the City's comprehensive zoning to grant a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F.**

Debra Mergel, Planning and Zoning Commission Chairman, introduced the item. She told Council that the Planning and Zoning Commission met on November 11, November 18, 2013, and December 5, 2013 and recommended in its preliminary report that a specific use permit be granted to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village)

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F.

The preliminary report was submitted to Council at its December 16, 2013 meeting, and the Joint Public Hearing was conducted January 20, 2014.

After duly considering all the information before it including that gathered at the Joint public Hearing with City Council on January 20, 2014 at 7:00 p.m., the Planning and Zoning Commission recommends that the City's comprehensive zoning ordinance be amended to grant a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F. Chairman Mergel asked that the report be received.

Council discussed the enforcement issues of this SUP should the Ordinance pass. Also, there was concern among Council that no residents of those attending spoke against the SUP when at last month's meeting so many spoke out against this facility. Accordingly, Resident Deborah Finlay asked if she could address this concern. Ms. Finlay stated that the residents still have the same concerns that were expressed at the last Council Meeting concerning this facility but did not feel the need to rehash them given they had already expressed these concerns to Council. The residents' opinions have not changed even though they have met with the property owners.

With no further discussion on the matter, Council Member Ray moved to approve Resolution No. 2014-03, receiving the Planning and Zoning Commission's Final Report to Council on the proposal to amend the City's comprehensive zoning to grant a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2014-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S FINAL REPORT TO COUNCIL ON THE PROPOSAL TO AMEND THE CITY'S COMPREHENSIVE ZONING TO GRANT A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CAR WASH FACILITY ON A 1.8317 ACRE TRACT OF LAND (BEING OUT OF LOT 2, BLOCK 1, A REPLAT OF GULF COAST JERSEY

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

VILLAGE) LOCATED IN THE CHARLES CLARKSON SURVEY, ABSTRACT 190, ALONG JONES ROAD IN JERSEY VILLAGE, HARRIS COUNTY, TEXAS, WITHIN THE CITY LIMITS IN ZONING DISTRICT F.

6. **Consider Ordinance No. 2014-05, amending the Comprehensive Zoning Ordinance of the City of Jersey Village, by granting Service Franchise, Inc., a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F; providing requirements and conditions for this specific use permit; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed two thousand dollars for violations hereof; providing for severability; and providing an effective date.**

Danny Segundo, Director of Public Works, introduced the item. Background information is as follows: The Planning and Zoning Commission met on November 11, November 18, 2013, and December 5, 2013 and recommended in its preliminary report that a specific use permit be granted to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F.

The preliminary report was submitted to Council at its December 16, 2013 meeting, on January 20, 2014 the City Council and the Planning and Zoning Commission conducted the joint public hearing and the Planning and Zoning Commission made its final report and recommendation.

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 the granting of a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F.

After brief comments by Council Member Ray, Council Member Ray moved to approve Ordinance No. 2014-05, amending the Comprehensive Zoning Ordinance of the City of Jersey Village, by granting Service Franchise, Inc., a specific use permit to allow the operation of a car wash facility on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a Replat of Gulf Coast Jersey Village) located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, within the city limits in zoning District F; providing requirements and conditions for this specific use

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

permit; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed two thousand dollars for violations hereof; providing for severability; and providing an effective date. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Ray, Holden, and Beckwith

Nays: Council Members Sheppard and Klein

The motion carried.

ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING SERVICE FRANCHISE, INC., A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CARWASH FACILITY LOCATED ON A 1.8317 ACRE TRACT OF LAND (BEING OUT OF LOT 2, BLOCK 1, A REPLAT OF GULF COAST JERSEY VILLAGE), LOCATED IN THE CHARLES CLARKSON SURVEY, ABSTRACT 190, ALONG JONES ROAD IN JERSEY VILLAGE, HARRIS COUNTY, TEXAS, WITHIN THE CITY LIMITS IN ZONING DISTRICT F; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR VIOLATIONS HEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

N. 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.

REGULAR MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – January 20, 2014

Council Member Klein: Council Member Klein thanked the applicants for their interest in the Council Member Place 2 position. She also welcomed Council Member Holden to the Council.

Council Member Sheppard: Council Member Sheppard announced that the Jersey Village Women’s Group has adopted a stretch of Jones Road for a clean-up effort.

Council Member Ray: Council Member Ray also welcomed Council Member Holden to the Council and he thanked the Planning and Zoning Commission for their hard work.

Council Member Holden: Council Member Holden thanked the Council for appointing him to serve on the Council at Place 2. He recognized that all of the applicants are well qualified and he is honored to have been chosen.

Council Member Beckwith: Council Member Beckwith thanked Staff and the Planning and Zoning Commission for all their hard work. He also congratulated Officer Brandon for the awards he received this evening for his hard work and dedication.

Mayor Erskine: Mayor Erskine welcomed Council Member Holden and thanked the citizens for attending the meeting. He also thanked the applicants for applying to serve on Council, stating that the decision was difficult given the good pool of qualified applicants.

J. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 10:07 p.m.

Lorri Coody, City Secretary