

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON APRIL 14, 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 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, Greg C. Holden	
Council Member, Harry Beckwith III, PE	
Council Member, Sheri Sheppard	
Council Member, Jill Klein	

Staff in attendance: Eric Foerster, Chief of Police; Danny Segundo, Director of Public Works; Christian Somers, Building Official; and Gordon Gibson, Code Enforcement.

Isabel Kato, Finance Director; Mark Bitz, Fire Chief; and Michael Brown, Director of Parks and Recreation were not present at this meeting.

B. 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.

Fred W. Ziehe, 8409 Hawaii Lane, Jersey Village, Texas (713) 937-9194 – Mr. Ziehe spoke to Council expressing his support for an Ordinance amendment in connection with item C1 on the agenda. He told Council that he has been a resident of Jersey Village for 36 years and moved here because of the great Fire, EMS, and Police services offered by the City. He is proud to live in Jersey Village; but is very concerned about the current political sign ordinance and the fee/deposit that is required in order to post signs outside the 100 foot distance marker at the polling place. He stated that the ordinance makes it difficult for candidates to obtain a permit because most campaign workers post these signs after hours. Mr. Ziehe stated that our City Hall is used as a polling place for many types of elections; including state and federal elections. He felt that is unusual to expect someone like Greg Abbott to come in and register his political signs with a permit. He also told Council that there is confusion about the current ordinance and the permitting of signs. He stated that the ordinance only applies to those signs posted in the designated area outside the polling place. It has no bearing on signs posted on personal property. He felt that the ordinance was passed because candidates do not pick up their signs after an election is complete. Nonetheless, he believes that this concern may be addressed without the use of a permit. He believes that voting is a right and that the sign issue is a temporary problem. He told Council if there is a concern that there will be too many signs posted in the designated area, then Council should consider reducing the size of the area. As far as the removal of signs left by candidates once the election is complete, he suggested that the City recruit volunteers or give him a call, he will remove the signs. He closed by stating that the County Clerk will

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – April 14, 2014

discontinue using the Jersey Village site as an early voting location if an amendment is not made to the current Ordinance.

Charlotte L. Lampe, 11110 N. Eldridge Pkwy, Houston, Texas 77065 (713) 927-7961 – Ms. Lampe spoke to Council expressing her support for an Ordinance amendment in connection with item C1 on the agenda. She began by giving background information about herself. She closed by stating she was shocked to learn that she could not exercise her first amendment right to free speech in that she could not post signs at the polling place without a permit, and without paying a permit fee. She told Council that she supports an amendment change that removes the permit and fee requirements. She also stated that if the current ordinance is not amended that the County Clerk will move early voting to another location outside Jersey Village.

Upon completing her presentation, Mayor Erskine asked Ms. Lampe if she would read into the record her list of supporters. He stated that this would be the list she referred to during his meeting with her on March 26. With that, Ms. Lampe stated the following list of supporters:

1. Senator, Dan Patrick
2. County Clerk, Stan Stanart
3. Paul Bentencourt
4. County Commissioner, Jack Cagle
5. Secretary of State Elections Division
6. County Attorney, Vince Ryan
7. State Representative, Debbie Riddle
8. State Representative, Ron Simmons
9. State Representatives and growing
10. 4 Judges
11. Michael Kubosh
12. David Riddle
13. Media coverage
14. Legal Counsel
15. Senate District 7, Precinct Chairs
16. Community Activists
17. Veterans of Foreign Wars
18. JV Residents
19. Paul Simpson

Barbi Freeman, 15501 Jersey Drive, Jersey Village, Texas (713) 466-6903 – Ms. Freeman has been a resident of Jersey Village for 35 years. She told Council that she finds the assault on the City without merit and feels that the lack of support by County and State officials is unbelievable. With the passage of HB 259, the City had to change its standard of not allowing any signs at the polling place to implementing reasonable regulations that permit the posting of signs at the polling place with certain requirements. Until the ordinance change which occurred after the passage of HB 259, the City did not permit any campaign signs at the polling place. During that period, there were no complaints and those complaining now all won their races.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – April 14, 2014

Moving the early voting polling location out of Jersey Village will affect many. During this last primary election, 22,414 voters voted at this early voting location. Many of these voters are seniors. Ms. Freeman suggested that the Council extend the permitting period; however, she felt that a \$15 fee was not too much to pay. She closed by stating that even if the County moves the polling place, it will not dampen the resolve and spirit of Jersey Village.

Dorothy Starkey, 16206 Saint Helier, Jersey Village, Texas (713) 896-7911 – Ms. Starkey is a long-time resident of Jersey Village. She told Council that most people understand that constitutional rights are not absolute. They are subject to some limitations. Cities retain the authority to regulate operations within their boundaries. The author of the flyer that was posted around the City contains her interpretation of the City’s Political Sign Ordinance. She is not a lawyer or a judge, and not all agree with her. The statute permits Cities to use reasonable standards to regulate the time, place, and manner for posting political signs at the polling place. Candidates and their supporters are not entitled to go anywhere they wish without being held accountable for their actions. We would not behave thus in their neighborhoods, and it is reasonable for us to expect the same from them. The spirit of HB 259 was to permit reasonable regulations for posting political signs. Posting of these signs is not guaranteed by the first amendment right, and making threats does not allow one to trump the rights of an entire City. City Council can determine the reasonable language for its ordinance that protects the citizens and the City and at the same time permits reasonable access to those wishing to post political signs. She believes that there is an easy solution to this problem and has every confidence that Council will find it.

James Singleton, 15902 Juneau Lane, Jersey Village, Texas (281) 571-3299 – Mr. Singleton spoke to Council about the Political Sign Ordinance. He has been a resident for 7 years. He thanked Council for their service. He stated that he supports the current ordinance. It is not a freedom of speech issue. He stated that the Ordinance is acceptable according to case law. He supports having a “fee/deposit” for the posting of political signs at the polling place because the City will spend time picking up those political signs that are left behind. He mentioned that the State does not permit the posting of signs in its Right-of-Way. He reasoned that they do not allow it because these signs are basically “trash.” He closed by saying that he is against spending tax dollars to pick up these signs.

Tom Simchak, 15725 Juneau, Jersey Village, Texas - Mr. Simchak spoke to Council about the Political Sign Ordinance. He called Council’s attention to the handout prepared by Stan Stanart opposing the City’s current Political Sign Ordinance. In that material and in support of his suggestions to amend the ordinance, Mr. Stanart refers to “most of the voters.” Mr. Simchak pointed out that “most of the voters” are not present this evening. He stated that the only way to hear from “all the voters” is to conduct a referendum. He also stated that Mr. Stanart complained that a permit was unreasonable because most campaign staffers post signs after hours. Mr. Simchak pointed out that these campaigns are well funded and can pay a staffer to post these signs during working hours. He also commented that the statements made earlier this evening are inappropriate. Members of City Council are elected on a non-partisan basis. Council does not run on party lines. He pointed out that all of the names of the supporters previously stated

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – April 14, 2014

are Republican. He did not understand why it is important to this City Council who these elected officials are and what party they represent. He stated that what is important is Jersey Village; he does not appreciate someone placing flyers on his door. They are trespassing. He suggested that the Ordinance should be amended to allow one sign with a limit on size. He did not feel this would be unreasonable.

Howard Mead, 16105 Congo Lane, Jersey Village, Texas (713) 370-3230 – Mr. Mead has been a resident of Jersey Village since 1983. He told Council that this is not a freedom of speech issue. This is a public littering issue. He stated that candidates wanting to post signs in the City can find a place to do so. He reminded Council that during the last primary election several candidates posted signs at resident homes across the street from the early voting location. He told Council that the posting of these signs in neighborhood yards is freedom of speech. He also pointed out that these signs were quite large and were removed by the residents once the election was complete. However, he stated that when candidates post signs at the polling place they do not return to remove them. City Staff will be responsible for cleaning up the signs left behind and Jersey Village residents will pay for this service. He again stated that this is littering, not free speech. He closed by telling Council that if the County wants to move the early voting location, let them. He does not oppose the move. He explained that as the City of Houston grows so will the number of signs that will be posted at the polling place.

Rick Faircloth, 16010 Lakeview Drive, Jersey Village, Texas (713) 466-8065 – Mr. Faircloth has been a resident for over 35 years. He gave a brief background of his service to the City. He stated that City Council Members are elected by the residents of Jersey Village and are responsible for making these decisions. In doing so, they have always looked to the best interest of the City and its residents. He does not like this bullying.

Allen Bammel, 15301 Clevedon Lane, Jersey Village, Texas (713) 466-0626 – Mr. Bammel spoke to Council about the Political Sign Ordinance. He has been a resident of Jersey Village since 1976. He chose to live in Jersey Village because it is a great place to live. He is confused and concerned about the current Political Sign Ordinance. He stated that he does not want the County to stop using this location as a polling place for early voting. He does not know why Council would pass such an ordinance and reasons that it must have been because prior candidates did not remove their signs upon the completion of an election. He stated that he does not believe that a \$15 fee is going to cover the costs of removing these signs. He is against having a permit in order to be allowed to post a political sign at the polling place. He closed by telling Council that they have been misinformed about this issue.

Andrew Mitchem, 15810 Acapulco Drive, Jersey Village, Texas (832) 547-1487 – Mr. Mitchem spoke to Council about the Political Sign Ordinance. He told Council that he was present back in July when the current ordinance was approved. He recalled the events of that evening stating that Council was given detailed information about HB 259, including information about what other cities have done in response to same. He stated that he recalled that Staff told Council that the City of Deer Park has a permitting fee and a deposit. Our City Attorney approved the legality of the current Political Sign Ordinance and Council passed it.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – April 14, 2014

Mr. Mitchem stated that HB 259 is a terrible law. It has the word “reasonable regulations” in it. “Reasonable regulations” is a relative term. Nonetheless, the State, in this law instructed Cities that they could pass “reasonable regulations.” As a result the City did. This is a reasonable response. This happened back in July of 2013. He stated that he has attended every council meeting since then. Eight months have passed and no one has been before this Council to complain until now. The City has a process for receiving complaints. There is an item on every Council agenda for citizens’ comments, yet those in opposition chose to circulate flyers on doors of Jersey Village residences “outing” our City Council and our City. Mr. Mitchem stated that we have a well-organized Council. It is a well-oiled machine. Free speech was protected that night back in July 2013, and no one has complained until now. The flyer was not appropriate. He endorses the decisions of Council and is confident that they will come up with a solution.

Joyce Berube, 15926 Juneau Lane, Jersey Village, Texas (713) 254-9668 – Ms. Berube supports the Mayor, the City Council, and the City Manager. She does not want to lose the early voting polling location and looks to City Council to find a solution.

Tom Eustace, 16005 Seattle, Jersey Village, Texas (713) 937-8541 – Mr. Eustace spoke to Council about the Political Sign Ordinance. He has been a resident of Jersey Village for 36 years. He is irritated that the City was attacked with calls and leaflets, casting innuendos that could have been addressed through normal protocols. The City does not deserve these ridiculous, malicious outcries.

Shari Stone, 16006 Jersey Drive, Jersey Village, Texas (713) 849-5392 – Ms. Stone has been a resident of Jersey Village for 11 years. She was very offended by the flyer that was posted to her door. She felt the language contained therein was inflammatory and “slammed” Council. She likes our City Council. She felt strongly enough about the City and City Council that she wanted to come tonight to lend her support.

C. SPECIAL SESSION

- 1. Consider Ordinance No. 2014-09, amending the Code of Ordinances of the City of Jersey Village, by amending Chapter 58, “Streets, Sidewalks, and Other Public Places,” Article I. *In General*, Section 58-3 “Political Signs on Public Property;” amending Chapter 2, “Administration,” Article IV. - *Schedule of Fees and Special Funds*, Section 2-142(b)(5) “Schedule of Fees;” 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 Erskine gave background information about the events that have led to the calling of this Special Council Meeting concerning the City’s Political Sign Ordinance. After the background information, the Mayor told Council that we are basically here to:

1. Consider amendments to the Political Sign Ordinance, keeping in mind that Mr. Stanart has implied that the County will move the polling place if amendments are not made; or

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – April 14, 2014

2. Make no amendments and move forward.

The Mayor then reviewed the contents of the meeting packet with Council and gave background information about the City's Ordinances as they apply to the enforcement of political signs. He began with the 1970's period and ended with the current ordinance. He stated that the current law is legal and all parties currently complaining of same were properly notified shortly after the Ordinance was approved back in July of 2013. No complaints were received until February of this year when County Clerk, Stan Stanart called to complain.

Since that time, numerous calls and emails have circulated with the County Clerk, the author of HB 259, and many others. The Mayor even met with Ms. Lampe on March 26 to discuss the issue. Ms. Lampe was told at that time that this Special Meeting would be conducted. Nonetheless, she posted the flyer on doors of Jersey Village residents.

The Mayor explained that two versions of the ordinance were included in the meeting packet.

Ordinance 2014-09 Version 1 – basically amends the ordinance to extend the permitting period through Election Day, changes the permitting fee to a permitting deposit and extends the time in which to remove signs before losing the deposit.

Ordinance 2014-09 Version 2 – basically provides for the posting of political signs (no limit on number but sets size limit of not larger than 4 sq. ft.) in the designated area beginning with the 1st day of Early Voting and ending on Election Day. Requires removal and penalty up to \$500 fine if not removed.

The Mayor opened the floor for discussion on this item. Each Council Member made comments concerning their position on the issue. A summary of these comments is as follows:

Council Member Ray thanked everyone for coming and for their comments. He explained that the current ordinance has a process and has been deemed legal. Nonetheless, Council can consider amendments to same. He stated that the City Council has a responsibility to the citizens of Jersey Village. The issue to be addressed pertains to "unattended signs," as candidates are still permitted to campaign; but cannot post a campaign sign without a permit under the current ordinance. Council Member Ray supports Version 1 of the Ordinance because under this version the City would not have to pay for removal of campaign signs left behind and the permitting process would provide contact information for those posting the signs.

Council Member Sheppard stated that she was offended by the flyer that was posted upon her door. She stated that she represents Jersey Village citizens and in doing so does it to the best of her ability. She too supports Version 1 of the Ordinance and believes that the City will still be able to regulate these signs given this type of change. She stated that

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – April 14, 2014

she would be opposed to a “free for all” type approach to the issue as that would produce no organized regulation.

Council Member Klein supports Version 1 of the ordinance without a fee/deposit. She stated that the work involved in having Staff track deposits may be more work than it is worth. At the end of the day, Council Member Klein was very concerned about losing the Civic Center as a polling place for County, State and Federal elections. She stated that the group most hurt by such a change would be senior voters.

Council Member Holden thanked those attending for their comments. He stated that he found the flyer offensive, inappropriate, and not a freedom of speech issue. Council Member Holden favors Version 1 of the Ordinance with a “registration” of political signs and without a fee/deposit.

Council Member Beckwith appreciated the comments of those attending. He explained that prior to this meeting; he spoke with many individuals about the current ordinance and about making amendments to same. Council Member Beckwith stated that he is confused about Ron Simmons’ position on the law. He stated that Mr. Simmons’ website specifically includes a statement that “language was specifically included in the bill [HB 259] to authorize reasonable time, place, and manner restrictions on electioneering conducted outside of the 100-foot marker, so long as electioneering is not prohibited altogether.” Our Ordinance does not conflict with this statement. Council Member Beckwith found the flyer abusing. He does like the convenience of Jersey Village being an early voting location.

While County Clerk Stan Stanart stated in his correspondence that he is “okay” with a permitting process, he would prefer that it did not come with a fee. Council Member Beckwith pointed out that other Cities in Texas charge a fee/deposit for these political signs, naming the City of Deer Park and the City of Amarillo. In speaking with others, he learned that for the most part, no one comes to pick up their signs from the polling place once the election is complete. Therefore, he supports Ordinance Version 1.

In completing Council comments, Mayor Erskine summarized the various positions and called for a motion. Council Member Holden moved to approve Version 1 of the Ordinance with amendments that provide for a “registration” of political signs without a fee/deposit. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Holden and Klein

Nays: Council Members Sheppard, Ray, and Beckwith

The motion failed.

Council Member Ray moved to approve Version 1 of Ordinance No. 2014-09, amending the Code of Ordinances of the City of Jersey Village, by amending Chapter 58, “Streets, Sidewalks, and Other Public Places,” Article I. *In General*, Section 58-3 “Political Signs

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – April 14, 2014

on Public Property;” amending Chapter 2, “Administration,” Article IV. - *Schedule of Fees and Special Funds*, Section 2-142(b)(5) “Schedule of Fees;” 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, Holden, Beckwith, and Sheppard

Nays: Council Member Klein

The motion carried.

ORDINANCE NO. 2014-09

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING CHAPTER 58, “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES,” ARTICLE I. *IN GENERAL*, SECTION 58-3 “POLITICAL SIGNS ON PUBLIC PROPERTY”; AMENDING CHAPTER 2, “ADMINISTRATION,” ARTICLE IV. - *SCHEDULE OF FEES AND SPECIAL FUNDS*, SECTION 2-142(B)(5) “SCHEDULE OF FEES”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

D. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:18 p.m.

Lorri Coody, City Secretary