

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 17, 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 Holden	City Attorney, Bobby Gervais
Council Member, Harry Beckwith III, P.E.	
Council Member, Sheri Sheppard	
Council Member, Tom Eustace	

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by Boy Scout Troop 1944.

C. 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.

Jim Pulliam, 15713 Tenbury, Jersey Village, Texas (713) 983-0932 – Mr. Pulliam spoke to City Council concerning the “cut-through” traffic at the Jersey Meadow Golf Course. He mentioned that this subject has received much attention on the Next Door website. He said the comments ranged anywhere from implementing a gated mechanism similar to that used by the Toll Road Authority to keeping the current gate closed. However, Mr. Pulliam told City Council that, in his mind, there are two possible solutions to the problem: (1) Extend Jersey Meadows Drive; or (2) do nothing. He stated that City Council in a recent Council Meeting elected to do nothing in connection with this “cut-through” traffic and he supports this position. He thanked City Council for their service.

John Sherrington, 14870 Skinner Road, Cypress, Texas (281) 758-1531 – Mr. Sherrington appeared before City Council on behalf of W-Industries. He told City Council that W-Industries is located on Charles Road in the City’s ETJ. He explained that this company desires to run the necessary water and sewer lines in order to connect into the City’s services. However, he stated that should W-Industries run this line, it would make these services available to other businesses and he wondered if there was any mechanism in place that would make it possible for W-Industries to recoup some of its costs in laying the initial lines.

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D. CITY MANAGER’S REPORT

City Manager, Mike Castro, in addition to the items listed below, informed City Council that he had received word that TxDOT has approved the reimbursement to the City for the US Highway 290 Expansion Project activities associated with Segment 6 and the 20 inch water line. He stated that he expects to see a check from TxDOT by November 30.

Police Chief, Eric Foerster, introduced Peace Officer Cathy Braneff who has recently joined the Police Department.

- 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 October 2014.**
- 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, 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. Introduction of Peace Officer - Cathy Braneff**

Before calling the Consent Agenda for consideration, Mayor Erskine announced that item 2 on the consent agenda is not ready and is therefore being pulled from consideration.

E. 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 October 20, 2014, the Work Session Meeting held on October 20, 2014 and the Special Session Meeting held on November 5, 2014.**
- 2. Consider Resolution No. 2014-60, authorizing the City Manager to enter into a contract with Harris County, Texas to provide mutual aid consistent with the City’s mutual aid and emergency assistance plans.**

Item 2 was not called. It was not ready and was pulled from consideration.

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3. **Consider Resolution No. 2014-61, appointing Alternate Member 2 to serve in vacant Position 4 on the Comprehensive Planning Advisory Committee (CPAC); repositioning Alternate Member 3 to serve as Alternate Member 1; and appointing members to serve in Alternate Position Number 2 and Alternate Position 3 on the Comprehensive Planning and Advisory Committee.**

RESOLUTION NO. 2014-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING ALTERNATE MEMBER 2 TO SERVE IN VACANT POSITION 4 ON THE COMPREHENSIVE PLANNING ADVISORY COMMITTEE (CPAC); REPOSITIONING ALTERNATE MEMBER 3 TO SERVE AS ALTERNATE MEMBER 1; AND APPOINTING MEMBERS TO SERVE IN ALTERNATE POSITION NUMBER 2 AND ALTERNATE POSITION 3 ON THE COMPREHENSIVE PLANNING AND ADVISORY COMMITTEE.

Council Member Ray moved to approve items 1 and 3 on the consent agenda. Council Member Eustace seconded the motion. The vote follows:

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

Nays: None

The motion carried.

F. REGULAR AGENDA

1. **Consider with possible action removing from the table the action to amend the Code of Ordinances of the City of Jersey Village, by amending Chapter 42 – Offenses and Miscellaneous Provisions by adding a new Article VI. – Special Events.**

Lorri Coody, City Secretary, introduced the item. She explained that during the November 05, 2014 Special Meeting, City Council successfully tabled the action to amend the Code of Ordinances of the City of Jersey Village, by amending Chapter 42 – Offenses and Miscellaneous Provisions by adding a new Article VI. – Special Events.

Therefore, before any discussions can be had on this action, Council must remove the item from the table.

With no discussion on the matter, Council Member Eustace moved to approve removing from the table the action to amend the Code of Ordinances of the City of Jersey Village, by amending Chapter 42 – Offenses and Miscellaneous Provisions by adding a new Article VI. – Special Events. Council Member Holden seconded the motion. The vote follows:

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

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Nays: None

The motion carried.

- 2. Consider Ordinance No. 2014-39, amending the Code of Ordinances of the City of Jersey Village, by amending Chapter 42 – Offenses and Miscellaneous Provisions by adding a new Article VI. Special Events; providing a severability clause; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.**

Eric Foerster, Chief of Police, introduced the item. He explained that this item was discussed by the Council at its November 5, 2014 meeting. At that time, the Council outlined several suggested changes for the policy and asked that the policy be reviewed in connection with the suggested changes and then be brought back for consideration.

Chief Foerster explained that the policy has been updated with the following changes:

1. The definition for First Amendment activities was updated to accommodate our existing sign ordinances;
2. Where and when special events may be held was clarified;
3. Sections C1 and C2 clearly specify church or city events;
4. Section C8 now includes City property; and
5. Time line limitation was set at 90/45.

Chief also called attention to the insurance question and pointed out that information was included in the meeting packet that addressed this concern.

With limited discussion on this item, Council Member Sheppard moved to approve Ordinance No. 2014-39, amending the Code of Ordinances of the City of Jersey Village, by amending Chapter 42 – Offenses and Miscellaneous Provisions by adding a new Article VI. Special Events; providing a severability clause; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2014-39

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, BY AMENDING CHAPTER 42 – OFFENSES AND MISCELLANEOUS PROVISIONS BY ADDING A NEW ARTICLE VI. SPECIAL EVENTS; PROVIDING A SEVERALBILITY CLAUSE; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

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3. **Consider Ordinance No. 2014-40, amending Chapter 2, “Administration,” Article IV, Schedule of Fees and Special Funds, Section 2-142 of the Code of Ordinances, City of Jersey Village, by adding a new subsection (i) Special Event Fees; providing for severability; and providing for repeal.**

Eric Foerster, Chief of Police, introduced the item explaining that this item places the Special Events Policy fees into the Code of Ordinances.

With no discussion on the matter, Council Member Holden moved to approve Ordinance No. 2014-40, amending Chapter 2, “Administration,” Article IV, Schedule of Fees and Special Funds, Section 2-142 of the Code of Ordinances, City of Jersey Village, by adding a new subsection (i) Special Event Fees; providing for severability; and providing for repeal. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2014-40

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 2, “ADMINISTRATION,” ARTICLE IV, *SCHEDULE OF FEES AND SPECIAL FUNDS*, SECTION 2-142 OF THE CODE OF ORDINANCES, CITY OF JERSEY VILLAGE, BY ADDING A NEW SUBSECTION (I) *SPECIAL EVENT FEES*; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.

4. **Consider Resolution No. 2014-62, adding the additional cost of \$174,684.50 for the relocation of existing utility lines required by the expansion of U.S. Highway 290 to the Phase III Street Rehabilitation Project, and approving Change Order No. 3 of the contract with SER Construction Partners, LLC.**

Isabel Kato, Finance Director, introduced the item. She explained that this agenda item is to increase to the SER contract by \$174,684.50 for additional costs associated with the relocation of existing utility lines required by the expansion of U.S. Highway 290 and approving Change Order No. 3 for these services. Background information on the project and needed services is as follows:

On March 17, 2014, City Council approved Change Order No. 2 in the amount of \$932,293 for the relocation of existing utility lines required for the U.S. 290 widening project labeled by TXDOT as Segment 6. Since that time, Brooks & Sparks has received a proposal from the City’s current street contractor, SER Construction Partners, for an additional \$174,684.50. The proposal is being submitted as a change order to the City’s existing street rehabilitation contract, and will allow SER to perform the necessary relocations.

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Council engaged in discussion about the reason for the additional cost. City Engineer, Frank Brooks explained that there were changes in the plans for the project and the cost of materials have increased since Change Order 2.

With no further discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2014-62, adding the additional cost of \$174,684.50 for the relocation of existing utility lines required by the expansion of U.S. Highway 290 to the Phase III Street Rehabilitation Project, and approving Change Order No. 3 of the contract with SER Construction Partners, LLC. Council Member Ray seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2014-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ADDING THE ADDITIONAL COST OF \$174,684.50 FOR THE RELOCATION OF EXISTING UTILITY LINES REQUIRED BY THE EXPANSION OF U.S. HIGHWAY 290 TO THE PHASE III STREET REHABILITATION PROJECT, AND APPROVING CHANGE ORDER NO. 3 OF THE CONTRACT WITH SER CONSTRUCTION PARTNERS, LLC.

- 5. Consider Ordinance No. 2014-41, amending the General Fund Budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014 in the amount not to exceed \$76,814.06 to increase various line items from the General Fund balance in order to provide for the over budget line items.**

Isabel Kato, Finance Director, introduced the item. She explained that this amendment is needed because some line items were over budget due to unforeseen expenditures necessary for the operation of the City. For this reason, it is necessary to request from City Council the approval of these budget amendments to the various line items outlined in order to make the necessary adjustments before the closing of fiscal year 2013-2014.

With limited discussion on this item, Council Member Ray moved to approve Ordinance No. 2014-41, amending the General Fund Budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014 in the amount not to exceed \$76,814.06 to increase various line items from the General Fund balance in order to provide for the over budget line items. Council Member Beckwith seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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ORDINANCE NO. 2014-41

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014 IN THE AMOUNT NOT TO EXCEED \$76,814.06 TO INCREASE VARIOUS LINE ITEMS FROM THE GENERAL FUND BALANCE IN ORDER TO PROVIDE FOR OVER BUDGET LINE ITEMS.

- 6. Consider Resolution No. 2014-63, authorizing the City Manager to enter into an agreement with Texas First Group for interim Public Works Director services.**

Mike Castro, City Manager, introduced the item explaining that the Director of Public Works position for the City is vacant. He explained that the Public Works Director fulfills significant responsibilities within the management structure of the city, to include: supervision of utilities, code enforcement, streets, fleet management, as well as supervision of many activities associated with the U.S. 290 highway expansion. Mr. Castro felt that the current staff cannot assume these functions and remain proficient in their respective positions, particularly with the ongoing Highway construction effort.

Therefore, he recommended that the City employ Texas First Group to provide Interim Public Works Director services until such time that a permanent Director can be hired. He anticipates the length of time for this engagement will be four months.

With limited discussion on this matter, Council Member Beckwith moved to approve Resolution No. 2014-63, authorizing the City Manager to enter into an agreement with Texas First Group for interim Public Works Director services. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2014-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TEXAS FIRST GROUP FOR INTERIM PUBLIC WORKS DIRECTOR SERVICES.

- 7. Consider Ordinance No. 2014-42, amending the General Fund Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$40,000 to increase line item 01-30-5521 from the General Fund balance in order to cover the expenditures related to the position of the Interim Public Works Director.**

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Mike Castro, City Manager, introduced the item. He told City Council that this amendment is necessary to fund the expenditures related to the Interim Public Works Director position.

With no discussion on this matter, Council Member Ray moved to approve Ordinance No. 2014-42, amending the General Fund Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$40,000 to increase line item 01-30-5521 from the General Fund balance in order to cover the expenditures related to the position of the Interim Public Works Director. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2014-42

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 IN THE AMOUNT NOT TO EXCEED \$40,000 TO INCREASE LINE ITEM 01-30-5521 FROM THE GENERAL FUND BALANCE IN ORDER TO COVER THE EXPENDITURES RELATED TO THE HIRING OF THE INTERIM PUBLIC WORKS DIRECTOR.

- 8. Consider Resolution No. 2014-64, authorizing the City Manager to enter into an agreement with AAA Flexible Pipe Cleaning Co., Inc., for televising of the City's sanitary sewer lines.**

Michael Brown, Director of Parks and Recreation, introduced the item. Background information is as follows:

The City of Jersey Village Public Works Department will re-establish its biannual program of cleaning and televising sanitary sewer lines in the city. The program has long been a part of the City's capital improvement plan but had been temporarily put on hold until the City dealt with construction and relocation of water and sewer utilities related to the US Highway 290 expansion.

The Public Works Department will target the sanitary sewer system located in the following areas: Delozier Street; Cornwall Street; St. Helier Street; and St. John Street. Video inspection of the sanitary sewer lines will provide information related to any problems that are occurring in the system, such as tree root infiltration, cracked sewer lines, and house tap main breaks. Inspections will also show the conditions of manholes in the sanitary sewer collection system. Once the project is complete the Public Works Department will review the video and determine what areas need to be repaired. Repairs are scheduled to be completed in fiscal year 2015-16.

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The City solicited three bids for cleaning and video inspection of sanitary sewer lines. The lowest bidder is AAA Flexible Pipe Cleaning Co., Inc. at a cost of \$22,202.50. The Public Works Department has worked with AAA Flexible Pipe in the past and recommends that the proposal be accepted.

With no discussion on the matter, Council Member Holden moved to approve Resolution No. 2014-64, authorizing the City Manager to enter into an agreement with AAA Flexible Pipe Cleaning Co., Inc., for televising of the City's sanitary sewer lines. Council Member Eustace seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2014-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AAA FLEXIBLE PIPE CLEANING CO., INC., FOR CLEANING AND TELEVISIONING OF THE CITY'S SANITARY SEWER LINES.

G. 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 Eustace: Council Member Eustace did not make any comments.

Council Member Sheppard: Council Member Sheppard did not make any comments.

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Council Member Ray: Council Member Ray did not make any comments.

Council Member Holden: Council Member Holden did not make any comments.

Council Member Beckwith: Council Member Beckwith thanked staff for their hard work and he thanked the Boy Scouts for their participation in the meeting.

Mayor Erskine: Mayor Erskine thanked Jim Pulliam for his comments regarding Golf Course “cut-through” traffic.

H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 7:30 p.m.

Lorri Coody, City Secretary