

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON FEBRUARY 16, 2015 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, Mary Ann Powell
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; Gordon Mayer, Interim Public Works Director; and Michael Brown, Director of Parks and Recreation.

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

Chairman, Debra Mergel	George Ohler, Commissioner
Joyce Berube, Commissioner	Barbara Freeman, Commissioner
Michael O'Neal, Commissioner	

Commissioners Rick Faircloth and Ratan K. Jha were not present at this meeting.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer and Pledge by Pastor Vern Howard, Foundry United Methodist Church.

C. JOINT PUBLIC HEARINGS

1. **Conduct Joint Public Hearing with Planning and Zoning Commission on the request of Gordon NW Village LP to amend the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club.”**

Mayor Erskine called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Erskine opened the Joint Public Hearing at 7:04 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 Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club.”

With no one desiring to speak at the hearing, Mayor Erskine and Chairman Mergel closed the joint public hearing at 7:05 p.m.

2. **Conduct Joint Public Hearing with Planning and Zoning Commission on the request of Stone Development Group to amend the Specific Use Permit for the property located on a 1.8317 acre tract of land (being out of Lot 2, Block 1, a replat**

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of Gulf Coast Jersey Village), located in the Charles Clarkson Survey, Abstract 190, along Jones Road in Jersey Village, Harris County, Texas, by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive.

Mayor Erskine called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Erskine opened the Joint Public Hearing at 7:05 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 Specific Use Permit for the property 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, by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive. Mayor Erskine then called those signing up to speak as follows:

Karthik Ramakumar, 50 Cherry Hills, Jersey Village, Texas – Mr. Ramakumar addressed City Council, outlining his concerns with the proposed access drive. He listed security and safety as his primary concerns. He stated that the fence along the back of his property is not very high, and he fears that the access road will increase traffic along the property line and invite unwanted access to his property via the low fence. He opposes this access drive and asks that City Council deny the request.

Deborah Finlay, 30 Cherry Hills, Jersey Village, Texas (713) 816-2088 – Ms. Finlay spoke to Council concerning comments made during the last City Council Meeting. She outlined various items that she felt were misstated concerning the distance of the access drive to the back of her property and the issue of drainage for the area. She stated concerns about drainage and possible flooding coming from Jones Road to the homes located on Cherry Hills as well as safety concerns and signage as reasons the access drive should not be permitted.

Bill Schuster, 8 Peachtree Court, Jersey Village, Texas (832) 407-9011 – Mr. Schuster opposes the access drive. He told City Council he is concerned with safety issues, people entering the back yards of those living along the neighborhood fence, noise, and flooding. He asks that City Council deny the request for an access road.

Laura Boyd, 84 Cherry Hills, Jersey Village, Texas (281) 890-9870 – Ms. Boyd opposes the access drive and echoes all of the concerns already stated during this public hearing. She also stated that she is concerned about property values and asked that City Council deny the request.

With no one else desiring to speak at the hearing, Mayor Erskine and Chairman Mergel closed the joint public hearing at 7:20 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 7:20 p.m. to conduct its posted meeting agenda and prepare the final reports in connection with these joint public hearings.

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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.

Jane Arnett, 16506 Village Drive, Jersey Village, Texas (713) 983-7577 – Ms. Arnett spoke to City Council concerning the Jersey Meadow Golf Course and the most recent article appearing in the Houston Chronicle outlining future plans for replacing the course with a water park. She is concerned that this may be a serious suggestion and wants City Council to keep the golf course.

Pat Beckmeyer, 12042 Glenway Drive, Houston, Texas 77070 (281) 370-2435 – Ms. Beckmeyer is the President of the Jersey Meadow Ladies Golf Association. She spoke to the Houston Chronicle article as well and her concern that the golf course may be replaced. She listed the following areas for Council’s consideration:

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|-----------------------|--|
| 1. Maintenance | 5. Alternative Venues |
| 2. Control | 6. Residents |
| 3. Appeal | 7. Invitation of alternative suggestions |
| 4. Impact on revenues | |

E. CITY MANAGER’S REPORT

City Manager, Mike Castro, gave his monthly report. As part of the report, Police Chief Eric Foerster introduced Officer Jason Coble, joining his 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 January 2015.**
- 2. Open Records Requests**
- 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 (no report this month), 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 and Phase III Street 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 Officer Jason Coble**

F. CONSENT AGENDA

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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 January 19, 2015.

Council Member Beckwith moved to approve item one 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.

G. REGULAR AGENDA

1. Receive the 2014 Crime Report.

Eric Foerster, Chief of Police, gave a report of Crime Statistics in 2014. His presentation included information on the following:

- | | |
|------------------------------------|--|
| 1. Department Organizational Chart | 10. 2014 – Total Report – Burglary |
| 2. Department Work Schedules | 11. Aggravated Assault |
| 3. Calls for Service and Traffic | 12. Robbery |
| 4. Accidents | 13. Annualized – Crime Per 1K |
| 5. Total Arrests | 14. Priority Response Time |
| 6. Warrant Arrests | 15. Burglary from Motor Vehicle |
| 7. DWI Arrests | 16. Citations Written |
| 8. Burglaries – Commercial | 17. Surrounding Crime |
| 9. Burglaries – Residential | 18. Crime Statistics in Jersey Village |

Following the presentation, Chief Foerster fielded questions concerning the statistics and responded accordingly.

2. Consider Ordinance No. 2015-05, amending the Golf Course Fund Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$30,000 by increasing line item 11-83-4001 and decreasing line item 11-82-3536 by the same amount from the Golf Course Fund in order to replace the front entrance of the Jersey Meadows Golf Course.

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

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During the Fiscal 2014-2015 budget hearings, City Council approved the replacement of the front entrance of Jersey Village Meadows Golf Course. The amount budgeted for this project is \$10,000; however, according to the proposals, the cost for this job could be as high as \$40,000.

City staff requests that City Council approve the transfer from line item 11-82-3536 (Landscaping Materials) to 11-83-4001 (Building and Grounds) in the amount not to exceed \$30,000 in order to have sufficient funds to accomplish this project. State law requires that sufficient funds be appropriated before expenditure/purchase.

The expenditure item associated with the budget amendment follows (Item G3).

Council engaged in discussion about the need for the budget amendment and the amount being requested. Director Brown explained that the transfer will be supported by the cart-path repair line item, to which there was some discussion by City Council about supporting the transfer from the General Fund. City Manager Castro explained that the golf course is actually an enterprise fund and the general fund already supports the golf course fund to a certain degree due to negative golf course reserves.

Council then discussed the golf course repairs that will be delayed as a result of this transfer. Director Brown explained that the paths with the least amount of problems, about 25%, will be delayed/or repaired on an as needed basis over the course of the next year.

With no further discussion on the matter, Council Member Ray moved to approve Ordinance No. 2015-05, amending the Golf Course Fund Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$30,000 by increasing line item 11-83-4001 and decreasing line item 11-82-3536 by the same amount from the Golf Course Fund in order to replace the front entrance of the Jersey Meadows Golf Course. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2015-05

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GOLF COURSE FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 IN THE AMOUNT NOT TO EXCEED \$30,000 TO TRANSFER FROM LINE 11-82-3536 (LANDSCAPING MATERIALS) TO LINE ITEM 11-83-4001 (BUILDING AND GROUNDS) IN ORDER TO COVER THE COST OF REPLACING THE FRONT ENTRANCE OF JERSEY MEADOWS GOLF COURSE.

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3. Consider Resolution No. 2015-03, authorizing the City Manager to enter into a contract to replace the front entrance of the Jersey Meadows Golf Course.

Michael Brown, Director of Parks and Recreation, introduced the item. He explained that this item is to review the various proposals received for replacing the fence at the Golf Course entrance and authorizing the City Manager to contract for this service.

With limited discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2015-03, authorizing the City Manager to enter into a contract with Earth Essentials to replace the front entrance of the Jersey Meadows Golf Course with a full stone fence. 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. 2015-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO REPLACE THE FRONT ENTRANCE TO THE JERSEY MEADOWS GOLF COURSE.

4. Consider Ordinance No. 2015-06, amending the Capital Improvement Fund Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$50,000 to increase line item 10-91-7105 from the Capital Improvement Fund Balance in order to cover the expenditures related to the upgrading of the playground equipment at Clark Henry Park previously approved by city council during fiscal year 2013-2014.

Isabel Kato, Finance Director, introduced the item. She explained that every budget year, City Council approves \$50,000 to the Parks Department in the Capital Improvement Fund Account No. 10-91-7105 for Park Improvements. For Fiscal Year 2013-2014 the Parks Department used these funds for the upgrading of the playground equipment at Clark Henry Park. During the same fiscal year, the funds were encumbered but the City of Jersey Village was billed for this job during Fiscal Year 2014-2015. Since the budget to actual expenditure must be presented within the Comprehensive Annual Financial Report (CAFR) for all the individual governmental funds with the legally adopted annual budget, in this case the Capital Improvement Fund, it is necessary to request from City Council the approval of this budget amendment in order to adjust the budget amount when compared to the actual amount expended during Fiscal Year 2014-2015.

With limited discussion on the matter, Council Member Beckwith moved to approve Ordinance No. 2015-06, amending the Capital Improvement Fund Budget for the fiscal

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year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$50,000 to increase line item 10-91-7105 from the Capital Improvement Fund Balance in order to cover the expenditures related to the upgrading of the playground equipment at Clark Henry Park previously approved by city council during fiscal year 2013-2014. Council Member Ray seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CAPITAL IMPROVEMENT FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 IN THE AMOUNT NOT TO EXCEED \$50,000 TO INCREASE LINE ITEM 10-91-7105 FROM THE CAPITAL IMPROVEMENT FUND BALANCE IN ORDER TO COVER THE EXPENDITURES RELATED TO THE UPGRADING OF THE PLAYGROUND EQUIPMENT AT CLARK HENRY PARK PREVIOUSLY APPROVED BY CITY COUNCIL DURING FISCAL YEAR 2013-2014.

- 5. Consider Resolution No. 2015-04, authorizing the City Manager to enter into Standard Utility Agreement U13979 for the relocations and adjustment of certain 8” and 12” water lines and certain 12” wastewater lines associated with Segment 7 of the State’s US Highway 290 expansion project.**

Gordon Mayer, Interim Public Works Director, introduced the item. Background information is as follows:

The State has deemed it necessary to make certain highway improvements along US Highway 290 that have been approved by the Federal Highway Administration. The proposed improvements will necessitate the adjustment, removal, and/or relocation of the following facilities for City of Jersey Village for Segment 7 of the State’s project:

**US 290 - SEGMENT 7
CITY OF JERSEY VILLAGE - CONFLICT LIST**

SEGMENT	UTILITY COMPANY	UTILITY TYPE	UTILITY SIZE	UTILITY MATERIAL	LOCATION
7	City of Jersey Village	Water	8” & 12”	PVC	Parallel to WB Frontage Road
7	City of Jersey Village	Sanitary	12”	PVC	Parallel to WB Frontage Road

The State will participate in the costs of the adjustment, removal, and/or relocation of these facilities to the extent as may be eligible upon receipt of evidence it deems sufficient. Entering into and completing the forms associated with the Standard Utility Agreement is part of the process designated by the State for submitting the appropriate

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evidence for reimbursement. Below is an excerpt from the agreement indicating that portion of the costs for which the City of Jersey Village is requesting reimbursement:

ITEMS	COST
Relocation of Existing 12" Water Line and 12" & 15" Sanitary Sewer	\$2,356,136.00
Engineering Fees	\$220,000.00
Grand Total	\$2,576,136.00
TXDOT SHARE (100%)	
CITY OF JERSEY VILLAGE SHARE (0%)	

This item is to approve the Standard Utility Agreement U13979 between the State of Texas and the City of Jersey Village as it pertains to certain 8” and 12” water lines and certain 12” wastewater lines. It becomes effective on the date of approval and execution by the State.

The agreement includes all forms, agreements, engineered designs, specifications, relocations and adjustment that are needed and required by TXDOT.

With limited discussion on the matter, Council Member Holden moved to approve Resolution No. 2015-04, authorizing the City Manager to enter into Standard Utility Agreement U13979 for the relocations and adjustment of certain 8” and 12” water lines and certain 12” wastewater lines associated with Segment 7 of the State’s US Highway 290 expansion project. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2015-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO STANDARD UTILITY AGREEMENT U13979 FOR THE RELOCATION AND ADJUSTMENT OF CERTAIN 8” AND 12” WATER LINES AND CERTAIN 12” WASTEWATER LINES ASSOCIATED WITH SEGMENT 7 OF THE STATE’S US HIGHWAY 290 EXPANSION PROJECT.

6. Consider Resolution No. 2015-05, approving an Interlocal Agreement with Harris County ESD#9/Cy-Fair Fire Department for hosting services and programming of radios.

Mark Bitz, Fire Chief, introduced the item. Background information is as follows: currently, Jersey Village Fire Department is using Harris County as a host for the radios we use on our apparatus and assigned personnel. These radios are on an 800 MHz

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frequency. ESD#9/Cy-Fair Fire Department has installed their own radio system to ensure that they have radio coverage within their jurisdiction. Their radio frequency is on the 700MHz system.

Over the past two years that we have been on the 800MHz radio frequency, the department has had a few safety concerns. The first concern is with Harris County Radio tower strength and an occasional system loss. Harris County system slaves our radios to the Gessner tower and when the tower goes down, we have lost our radios. They tell us that we should automatically slave to another tower, but the next closest tower to us is in Tomball and that has not happened each and every time.

The second concern I have is communications between CY-Fair and us with our current radio design. To speak to CY-Fair now, we have to patch our 800 radio system with Cy-Fairs old UHF system. Because we do this now, we have a 2 second delay before words come across our system. When CY-Fair speaks on their system, they do not have the delay. It is only because of this patch, we have the delay on our end. This is a safety concern when firefighters are listening and talking on the radio. They need to be able to hear every word stated on the radio without any delays. This will ensure safety to the firefighter.

With the installation of a new system with CY-Fair Fire Department, the system antenna's surround our department. There are multiple towers installed and in proximity of our city. The installation of these antennas will provide for secondary backup from Cy-Fair which will guarantee that we should not lose radios if a radio tower goes down. In addition, if we move to CY-Fair as a host, we can get the 700 radio system installed in our radios which would allow us to have seamless communications with CY-Fair Fire Department.

What it boils down to is safety. If CY-Fair hosts our radios, it will be safer to our firefighters since we work so close with them.

ESD#9/CY-Fair Fire Department have agreed to host us on their system and have agreed to keep the cost at the same rate of \$12.50 per radio per month. We will keep approximately 10 radios on the Harris County System as a backup. Our Police Department will also remain on the Harris County System. We will patch our Police and Fire Department radios together in dispatch if we need to speak to our Police Department.

It is staff's recommendation that council authorize the Mayor to enter into this agreement with ESD#9/Cy-Fair Fire Department for Interlocal Radio Service agreement.

With limited discussion on the matter about program costs, Council Member Sheppard moved to approve Resolution No. 2015-05, approving an Interlocal Agreement with Harris County ESD#9/Cy-Fair Fire Department for hosting services and programming of radios. Council Member Beckwith seconded the motion. The vote follows:

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

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Nays: None

The motion carried.

RESOLUTION NO. 2015-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY ESD#9/CY-FAIR FIRE DEPARTMENT FOR HOSTING SERVICES AND PROGRAMMING OF RADIOS.

7. Consider Resolution No. 2015-06, opposing Senate Bill 343 and any other legislation which would erode the authority of a home rule municipality.

Lorri Coody, City Secretary, introduced the item. She explained that Senator Don Huffines (Dallas area) has filed Senate Bill 343. Senate Bill 343 would have the effect of turning home rule cities into general law cities. The bill erodes the power of a home rule municipality to adopt ordinances affecting the City's ability to govern its citizens. Under the bill, city voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinance, rule, or regulation.

The Texas Municipal League has written to Senator Huffines and also published a white paper regarding this bill. Both were included in your meeting packet for review.

Council engaged in discussion about how the passage of this bill will affect city operations. City Manager Castro and City Attorney Powell outlined the areas that will be affected should this bill pass. There was concern that passing this Resolution may have negative political implications for our City in that Council's opposition may be interpreted incorrectly.

With no further discussion on this matter, Council Member Holden moved to approve Resolution No. 2015-06, opposing Senate Bill 343 and any other legislation which would erode the authority of a home rule municipality. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2015-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, OPPOSING SENATE BILL 343 AND ANY OTHER LEGISLATION WHICH WOULD ERODE THE AUTHORITY OF A HOME RULE MUNICIPALITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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Mayor Erskine announced a short recess at 8:25 p.m. The meeting was reconvened at 8:32 p.m. with the following agenda item.

- 8. Consider Resolution No. 2015-07, receiving the Planning and Zoning Commission’s Final Report as it relates to amending the Jersey Village Code of Ordinances, Chapter 14, Article IV, Section 14-105(a) by adding a new Subsection (24) to include “health club” as a use regulation in District F; and to amend Section 14-5 by adding a definition for “health club.”**

Having no final report from the Planning and Zoning Commission, Mayor Erskine did not call this item for action. No action was taken on this item.

- 9. Consider Ordinance No. 2015-07, amending Chapter 14 of the Code of Ordinances of the City of Jersey Village, Texas, by amending Chapter 14, Article IV, Section 14-105(a) by adding a new subsection (24) to include “health club” as a use regulation in District F; and amending Section 14-5 by adding a definition for “health club;” 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 did not call this item for action. No action was taken on this item.

- 10. Consider Resolution No. 2015-08, receiving the Planning and Zoning Commission’s Final Report amending the Specific Use Permit for the property 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, by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive.**

Debra Mergel, Planning and Zoning Chair, introduced the item. Background information is as follows:

The Planning and Zoning Commission met on January 13, 2015 to discuss and take appropriate action regarding amendments the Specific Use Permit for the property 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, by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive.

The Commission recommended in its preliminary report which was submitted to Council at its January 19, 2015 meeting, that the Specific Use Permit for the property 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, be amended by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive with the condition that the previously approved landscaping is carried through to Jersey

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Meadow Drive. Additionally, the Commission requested that a Joint Public Hearing be ordered for February 16, 2015.

This evening, February 16, 2015, the City Council and the Planning and Zoning Commission conducted the joint public hearing and the Planning and Zoning Commission, after duly considering all the information before it, recommends to City Council that NO amendments be made to the Specific Use Permit for the property 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, and that the request to allow a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive be denied. The Commission further asks that its Final Report be received.

Council engaged in discussion with Chairman Mergel about the Commission's thoughts concerning their recommendation given that the Preliminary Report recommended the amendments. Chairman Mergel cited concerns for safety, noise, and the fact that the applicant stated that the access drive was not essential for conducting their business. She also reminded City Council that the Preliminary Report was not approved with a unanimous vote.

With no further discussion on the matter, Council Member Beckwith moved to approve Resolution No. 2015-08, receiving the Planning and Zoning Commission's Final Report that NO amendments be made to the Specific Use Permit for the property 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, and that the request to allow a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive be denied. 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. 2015-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S FINAL REPORT AMENDING THE SPECIFIC USE PERMIT FOR THE PROPERTY 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, BY ALLOWING A CONTINUOUS ACCESS DRIVE ALONG THE EAST SIDE OF THE COMMERCIAL DEVELOPMENT THROUGH TO JERSEY MEADOW DRIVE.

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- 11. Consider Ordinance No. 2015-08, amending City of Jersey Village, Texas, Ordinance No. 2014-05, which granted a Specific Use Permit for the property 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, to be used for the operation of a carwash by Service Franchise, Inc. and any successor in interest of the property, by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive; providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.**

Gordon Mayer, Interim Public Works Director, introduced the item. He explained that this item is to consider granting the request to amend the Specific Use Permit for the property 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, to be used for the operation of a carwash by Service Franchise, Inc. and any successor in interest of the property, by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive.

Council engaged in discussion about the Harris County Flood Control's processes for determining the various types of construction when establishing flood zones. Director Mayer explained that the District does take into consideration the various types of structures that may be built in the various flood zones when establishing these zones.

City Council also discussed with the Chairman of the Planning and Zoning Commission if the Commission discussed the fact that should the vacant lot owner wish to pursue an access drive for a permitted business use, it would be permitted to do so and none of the restrictions that could be applied under an SUP would be applicable. Chairman Mergel confirmed that the Commission did discuss this aspect.

Council engaged in discussion about other uses that could be built by existing businesses in this area where the access road is being requested to be built. Director Mayer explained that it could be used for a parking lot. Council also discussed what approving the Ordinance would mean.

With no further discussion on the matter, Council Member Eustace moved to NOT approve Ordinance No. 2015-08, amending City of Jersey Village, Texas, Ordinance No. 2014-05, which granted a Specific Use Permit for the property 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, to be used for the operation of a carwash by Service Franchise, Inc. and any successor in interest of the property, by allowing a continuous access drive along the east side of the commercial development through to Jersey Meadow Drive; providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision

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hereof; and providing for severability. Council Member Ray seconded the motion. The vote follows:

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

Nays: Council Member Beckwith

The Ordinance Failed.

ORDINANCE NO. 2015-08 - FAILED

AN ORDINANCE AMENDING CITY OF JERSEY VILLAGE, TEXAS, ORDINANCE NO. 2014-05, WHICH GRANTED A SPECIFIC USE PERMIT FOR THE PROPERTY 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, TO BE USED FOR THE OPERATION OF A CARWASH BY SERVICE FRANCHISE, INC. AND ANY SUCCESSOR IN INTEREST OF THE PROPERTY, BY ALLOWING A CONTINUOUS ACCESS DRIVE ALONG THE EAST SIDE OF THE COMMERCIAL DEVELOPMENT THROUGH TO JERSEY MEADOW DRIVE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

H. CLOSE THE REGULAR SESSION

Mayor Erskine closed the Regular Session at 8:47 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 - Consultation w/Attorney and Section 551.072 - Deliberation regarding real property.

I. EXECUTIVE SESSION

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 and Section 551.072 regarding condemnation proceedings located within the US 290 project expansion area.**

J. ADJOURN EXECUTIVE SESSION

Mayor Erskine adjourned the Executive Session at 8:56 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. Consideration and possible action regarding the use of eminent domain authority to condemn the property as follows: Resolution 2015-09 of the City of Jersey Village, Texas, determining that an easement containing 0.1754 acres of land, and including a temporary construction easement containing 1.0681 acres, is needed for the**

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construction, maintenance, inspection, replacement, and removal of a sound reduction wall as part of the 290 Right-of-Way extension project for the City of Jersey Village, Texas; and authorizing the institution of eminent domain proceedings.

With no discussion on the matter, Council Member Beckwith moved that the City of Jersey Village authorize the use of the power of eminent domain to acquire the 0.1754 acre tract of land, along with the 1.0681 acre temporary construction easement, on the Joe Myers' property for the construction of a sound reduction wall in connection with the expansion of U.S. Highway 290. Council Member Ray seconded the motion. The record vote follows:

Council Member Ray:	Aye	Council Member Sheppard:	Aye
Council Member Holden:	Aye	Council Member Eustace:	Aye
Council Member Beckwith:	Aye		

Mayor Erskine, although present, did not vote.

The motion carried.

RESOLUTION NO. 2015-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DETERMINING THAT AN EASEMENT CONTAINING 0.1754 ACRES OF LAND, AND INCLUDING A TEMPORARY CONSTRUCTION EASEMENT CONTAINING 1.0681 ACRES, IS NEEDED FOR THE CONSTRUCTION, MAINTENANCE, INSPECTION, REPLACEMENT, AND REMOVAL OF A SOUND REDUCTION WALL AS PART OF THE 290 RIGHT-OF-WAY EXTENSION PROJECT FOR THE CITY OF JERSEY VILLAGE, TEXAS; AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS.

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 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

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attended by a member of the governing body or an official or employee of the municipality; and

- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Beckwith: Council Member Beckwith thanked staff for their hard work.

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

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

Council Member Sheppard: Council Member Sheppard welcomed City Attorney Mary Ann Powell.

Council Member Eustace: Council Member Eustace thanked the Chief of Police for the Crime Statistics Report.

Mayor Erskine: Mayor Erskine also welcomed City Attorney Mary Ann Powell and he thanked the Chief of Police for the Crime Statistics Report.

I. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:03 p.m.

Lorri Coody, City Secretary