

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 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 Ray at 7:06 p.m. with the following present:

Mayor, Justin Ray

City Manager, Mike Castro, PhD

Council Member, Andrew Mitcham

City Secretary, Lorri Coody

Council Member, Greg Holden

City Attorney, Michael Gary

Council Member, C. J. Harper

Council Member, Tom Eustace

Council Member, Sheri Sheppard, was not present at this meeting.

Staff in attendance: Mark Bitz, Fire Chief; Eric Foerster, Chief of Police; Isabel Kato, Finance Director; Kevin T. Hagerich, Public Works Director; and Kimberly Terrell, Director of Parks and Recreation.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

- 1. Prayer and Pledge by: Pulpit Minister, John Gooch, Jersey Village Church of Christ**

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.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 553-8625 – Mr. Maloy presented City Council with a handout and spoke about the wasteful spending of tax payer monies on the Jersey Meadow Golf Course. He presented background information supporting his stance. He wants City Council to explain how spending tax payer dollars on the Golf Course is appropriate.

Jim Fields, 16413 Saint Helier, Jersey Village, Texas (713) 466-0804 - Mr. Fields reported some problems with the playground equipment at Carol Fox Park. He also spoke to code enforcement in the City. He told Council that resident property values are tied to code enforcement. He pointed out several code violations that he personally witnessed in the city. He stated that he would like to know the schedule of the Code Enforcement Officer and how often code enforcement rounds are made. He closed by stating the Golf Course is fantastic and he mentioned that during rainy weather water gathers in ponds on the course aiding the flooding issues Jersey Village has experienced in the past.

John McCaskill, 8321 Rio Grande, Jersey Village, Texas (713) 466-8486 – Mr. McCaskill spoke to the City's budget. He felt it is a bad idea to keep the tax rate the same even though city revenues are increasing. He also spoke to City Council about the article in the Mayor's newsletter regarding the most recent traffic calming report by the City's consultants. He mentioned that the article stated that there is not as much "cut-through" traffic as was expected."

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Mr. McCaskill takes exception to this claim. He gave examples supporting his position. He is opposed to the concept of extending Jersey Meadows Drive to Rio Grande.

D. CITY MANAGER'S REPORT

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

1. **Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – September 2015, and Budget Projections as of October 2015**
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, 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 Street Construction Update**
7. **Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Social Media Summary Report and the Parks and Recreation Departmental Report**
8. **Report from Code Enforcement**

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 19, 2015, the Work Session Meeting held on October 12, 2015, and the Special Session Meeting held on November 2, 2015.**

Council Member Mitcham moved to approve item 1 on the consent agenda. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

F. REGULAR AGENDA

1. **Consider Resolution No. 2015-91, authorizing the City Manager to engage Gunda Corporation, Inc. for Phase II engineering services as submitted within their traffic calming study proposal.**

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Kevin T. Hagerich, Director of Public Works, introduced the item. Background information is as follows: The City of Jersey Village is impacted by continuing development within Northwest Harris County. Continued residential development along the US 290 corridor has led to a perceived increase in the volume of neighborhood cut-through traffic. Ongoing construction related to the expansion of U.S. Highway 290 appears to be exacerbating the problem. In addition to traffic volume, residents have expressed concerns regarding the speed of vehicles traveling neighborhood streets.

At its December 15, 2014 regular meeting of the City Council, it was the consensus of Council that the City Manager move forward with the scope of work for this project as presented. The scope of services was the basis in creating the Request for Proposals.

A staff selection team was formed to score the proposals based on qualifications and the scope of services. Upon final scoring results, Gunda Corporation's proposal was selected for recommendation. Gunda Corporation's proposal is divided into (2) separate phases; Phase I consists of evaluation of existing conditions and problem analysis. Phase I materials were received based upon Resolution No. 2015-85. Phase II pertains to the development of alternative solutions and identification of preferred alternative(s). This item is to consider and approve Phase II only.

Council discussed the Phase II schedule. Additionally, discussion was had concerning the Phase I report and the method used to gather information. Some members felt that the time spent on gathering data was too short.

With no further discussion on the matter, Council Member Holden moved to approve Resolution No. 2015-91, authorizing the City Manager to engage Gunda Corporation, Inc. for Phase II engineering services as submitted within their traffic calming study proposal. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

RESOLUTION NO. 2015-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENGAGE GUNDA CORPORATION, INC. FOR PHASE II ENGINEERING SERVICES AS SUBMITTED WITHIN THEIR TRAFFIC CALMING STUDY PROPOSAL.

2. Discuss and take appropriate action concerning a presentation from North Harris Regional Water Authority (NHRWA) regarding upcoming capital projects.

Mike Castro, City Manager, introduced the item. He told City Council that the purpose of this agenda item is to review upcoming capital projects that will be undertaken by the

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North Harris Regional Water Authority. The Authority is asking if the City desires to become involved with the project. While it had been planned for Mr. Jimmie Schindewolf, Executive Director of the North Harris Regional Water Authority, to be present in order to brief City Council and answer questions, due to scheduling problems he was not able to attend tonight's meeting.

Background information for this item follows: Jersey Village Resident Jim Pulliam is a Board Member with the NHRWA. Mr. Pulliam has approached the City in the past regarding the City's willingness to contract with the NHRWA for delivery of surface water. Staff discussed with Mr. Pulliam the City's ongoing contract with the City of Houston (COH) for treated water delivery. We are currently in year 15 of a 40-year agreement with the COH. There are no provisions in the COH agreement for voluntary termination of the agreement.

The NHRWA is in the early stages of designing a significant project to connect dozens of MUDs in northwest Harris County to surface water. The total cost of the project will exceed \$1 billion. The central question posed by the NHRWA relates to Jersey Village participation. Does Jersey Village wish to be incorporated into the planning process for the delivery of surface water from NHRWA? Mr. Pulliam states that the City will not be asked to contribute to the capital funding for the project. Mr. Pulliam is unclear regarding a requirement for the City to contract with the NHRWA for surface water delivery.

Throughout the discussion, it is unclear what level of commitment NHRWA seeks from Jersey Village. Mr. Pulliam is confident that the NHRWA can deliver water to the City cheaper than the COH, but cannot guarantee cheaper delivery. He is also unclear with regard to what happens in the future if the COH water is cheaper than NHRWA water.

The City is likely unable to void its contract with the COH. The City is currently engaged in a "take or pay" contract with the COH. We pay for a minimum delivery amount, whether we use that amount or not. Mr. Pulliam states that the City could contract with the NHRWA for water requirements above and beyond the COH minimum amount.

There are many questions that need to be answered before the city would be able to make a firm commitment to the NHRWA. Namely:

- What level of commitment does the NHRWA seek from the City of Jersey Village? (signed contract, ordinance, letter of commitment, etc.) In the past, Mr. Pulliam has stated a Letter of Interest would be sufficient.
- What, if any, price guarantees can the NHRWA provide.
- Will the NHRWA contract be "take or pay"?
- How long of a commitment is the NHRWA looking for?
- How will gaps in capital funding be made up? How will Jersey Village be precluded from paying for the capital costs associated with this huge project?

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- What is the timeframe for the construction of the pipeline?
- May we have a copy of an existing NHWRA contract for review purposes

Council engaged in discussion. There are two factors to decide in connection with this item. First, does the City want to take part in the planning process of the NHWRA; and second, does the City want to buy water from the NHWRA? Both factors are connected.

There was discussion about the Freese and Nichols study and the needs associated with the Transit Oriented Development (TOD) area south of US Hwy 290. City Manager Castro explained that contracting with NHWRA will not help the City in that regard. He stated that NHWRA's goal is to build a pipeline and deliver water to a water plant very similar to how the City presently gets water from the City of Houston (COH). He went on to explain that he has checked with the City Attorney and there is not away to get out of the current contract with the COH. The contract is for 40 years. The City is currently into the contract 15 years and has 25 years to go.

There was discussion about providing water to the City for any needs beyond the minimum provided by the COH contract which is 22.5 million gallons "take or pay." The City has approximately six (6) months out of the year where we exceed the minimum. Any portion that exceeds the minimum, the City pays a higher cost for the water. Additionally, the price of COH water is increase by the CPI annually.

The COH contract was discussed further. Some wondered what the COH rates are for other entities, trying to determine if the water could be purchased from NHWRA at a cheaper rate. However, City Manager Castro told Council that there is really no guarantee that another entity can deliver water into JV cheaper than the COH.

Some felt that before the City should get involved in purchasing water from NHWRA that we will need to know the cost and we need to look at the liability associated with same. City Manager Castro pointed out that pricing of NHWRA's water is most likely not available at this juncture. Some felt that if the price of NHWRA's water is open ended without guarantees, that it might not be a good idea to purchase water from them.

Council also discussed the technical issues involved with mixing water supplies. However, City Manager Castro pointed out that both entities get their water from the same source – Lake Houston.

Council discussed the process in getting involved with NHRWA's planning process, but concluded that should we not want to purchase the water there is no need to be involved in the planning process.

It was the consensus of Council that Staff look into this further and gather more information. Additionally, Council would like to receive a presentation by Mr. Jimmie Schindewolf, Executive Director of the North Harris Regional Water Authority on their proposal.

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With no further discussion on the matter, Mayor Ray called the next item as follows:

3. Consider Resolution No. 2015-92, authorizing an Agreement and Agreement Amendment with Comcast Commercial Services, LLC for internet access service.

Bob Blevins, IT Director, introduced the item. He told Council that this is a contract renewal for a 36 month agreement between Comcast Cable Communications Management, LLC and the City of Jersey Village for dedicated 70.0mbps Internet Access. The current 36 month contract for our existing dedicated 20.0mbps Internet link with Comcast has expired. This renewal is for the same \$825 per month cost and increases the speed from 20mbps to 70mbps.

With limited discussion on the matter, Council Member Holden moved to approve Resolution No. 2015-92, authorizing an Agreement and Agreement Amendment with Comcast Commercial Services, LLC for internet access service Council Member Harper seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

RESOLUTION NO. 2015-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT AND AGREEMENT AMENDMENT WITH COMCAST COMMERCIAL SERVICES, LLC FOR INTERNET ACCESS SERVICE.

4. Consider Ordinance No. 2015-35, approving the request of the Board of Directors of the Crime Control and Prevention District to amend the 2015-2016 Crime Control and Prevention District's Budget in the amount of \$23,500, and authorize the purchase of a street lighting around the Promenade Apartments from the Crime Control and Prevention District Fund.

Eric Foerster, Chief of Police, introduced the item. Background information is as follows: In 2011, the City of Jersey Village had entered into an agreement with the Promenade Apartments in an effort to reduce crime in and around the complex located at 11011 Pleasant Colony. This agreement was never satisfied due to the complex being sold.

A new ownership group has since met all the goals previously asked of the property. The new management group has also far exceeded this by completing numerous crime reducing projects. Some of these projects include the following items:

- Trimming trees to expose more lighting
- Installing more lighting

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- Repairing fencing around the property
- Having JVPD officers as courtesy officers
- Hosting monthly crime awareness meetings on the property
- Repaired access gates
- Installed over 30 cameras on the property
- Renovations to the office, pool area, workout facility

To assist in further reducing crime in and around the area, these funds are being asked for to install 29 lights on Ruffian, Pleasant Colony, and Seattle Slew. The total purchase price, to include upkeep and maintenance is 23,500 (Twenty three thousand five hundred dollars). The City of Jersey Village will then include the operating cost of 6,873 (six thousand eighty three dollars) per year in the Maintenance and Operation budget. Currently, there are no lights in the existing area and this effort would assist in reducing crime.

Staff has heretofore requested that the CCPD amend its budget to accommodate this purchase. This item is to accomplish the approval of the CCPD Board's actions in connection with this budget amendment.

With limited discussion on the matter, Council Member Mitcham moved to approve Ordinance No. 2015-35, approving the request of the Board of Directors of the Crime Control and Prevention District to amend the 2015-2016 Crime Control and Prevention District's Budget in the amount of \$23,500, and authorize the purchase of a street lighting around the Promenade Apartments from the Crime Control and Prevention District Fund. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

ORDINANCE NO. 2015-35

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE REQUEST OF THE BOARD OF DIRECTORS OF THE CRIME CONTROL AND PREVENTION DISTRICT TO AMEND THE 2015-2016 CRIME CONTROL AND PREVENTION DISTRICT'S BUDGET IN THE AMOUNT OF \$23,500.00 AND AUTHORIZING THE PURCHASE OF STREET LIGHTING AROUND THE PROMENADE APARTMENTS FROM THE CRIME CONTROL AND PREVENTION DISTRICT FUND; AND PROVIDING FOR SEVERABILITY.

5. **Consider Ordinance No. 2015-36, allowing a budgetary amendment to the 2015-16 budget in the amount of \$7,000.00 by increasing line item 01-32-5016 to cover operating and maintenance costs for street lighting around the Promenade Apartments.**

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Eric Foerster, Chief of Police, introduced the item. He explained that this item is necessary to cover the operating cost of 6,873 (six thousand eighty three dollars) per year in the Maintenance and Operation budget for street lighting around the Promenade Apartments. Currently, there are no lights in the existing area and this effort would assist in reducing crime.

With limited discussion on the matter, Council Member Mitcham moved to approve Ordinance No. 2015-36, allowing a budgetary amendment to the 2015-16 budget in the amount of \$7,000.00 by increasing line item 01-32-5016 to cover operating and maintenance costs for street lighting around the Promenade Apartments. Council Member Eustace seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

ORDINANCE NO. 2015-36

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING A BUDGETARY AMENDMENT TO THE 2015-16 BUDGET IN THE AMOUNT OF \$7,000.00 BY INCREASING LINE ITEM 01-32-5016 TO COVER OPERATING AND MAINTENANCE COSTS FOR STREET LIGHTING AROUND THE PROMENADE APARTMENTS; AND PROVIDING FOR SEVERABILITY.

6. **Consider Ordinance No. 2015-37, amending the General Fund Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$111,819.46 to increase various line items from the General Fund balance in order to provide for the over budget line items at the same time appropriate \$70,907.63 in the Red Light Camera Fund in line item 15-10-9751 for a transfer from the General Fund to the Red Light Camera Fund.**

Isabel Kato, Finance Director, introduced the item. She told Council that in reviewing the governmental funds financial statements, we realized that some line items were over budget due to unforeseen expenditures necessary for the operation of the City. The budget to actual comparisons must be presented within the Comprehensive Annual Financial Report (CAFR) for all the individual governmental funds with legally adopted annual budget, in this case the General Fund and the Red Light Camera Fund. For this reason, it is necessary to request from City Council the approval of these budget amendments to the various line items in order to make the necessary adjustments before the closing of fiscal year 2014-2015.

With limited discussion on the matter, Council Member Holden moved to approve Ordinance No. 2015-37, amending the General Fund Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 in the amount not to exceed \$111,819.46

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to increase various line items from the General Fund balance in order to provide for the over budget line items at the same time appropriate \$70,907.63 in the Red Light Camera Fund in line item 15-10-9751 for a transfer from the General Fund to the Red Light Camera Fund. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

ORDINANCE NO. 2015-37

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND AND RED LIGHT CAMERA FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 IN THE AMOUNT NOT TO EXCEED \$111,819.46 TO INCREASE VARIOUS LINE ITEMS FROM THE GENERAL FUND BALANCE IN ORDER TO PROVIDE FOR OVER BUDGET LINE ITEMS AND IN THE AMOUNT NOT TO EXCEED \$70,907.63 TO APPROPRIATE IN LINE ITEM 15-10-9751 IN THE RED LIGHT CAMERA FUND FOR A TRANSFER FROM THE GENERAL FUND.

- 7. Consider Ordinance No. 2015-38, amending the Capital Replacement Budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016 in the amount not to exceed \$27,450 to increase line item 07-72-6598 from the Capital Replacement Fund balance in order to cover for the purchase of six (6) additional 2016 Yamaha DRIVE electric golf cars.**

Kimberly Terrell, Director of Parks and Recreation, introduced the item. She explained that during the October City Council meeting, a Resolution was approved for the City to purchase seventy-three golf carts from Yamaha Golf-Car Company. After further review of the funds available in the City's vehicle replacement account specifically allocated for the purchase of golf carts it was determined that there was an additional \$58,025 available for golf cart purchase in the Capital Replacement Fund for FY15-16.

Staff has obtained a proposal from Yamaha Golf-Car Company for the purchase of six (6) additional 2016 Yamaha DRIVE electric golf cars. Having a total of eighty golf carts is considered a "full fleet" for the Jersey Meadow Golf Course – the maximum tournament size for the course.

Parks & Recreation Department staff respectfully request the approval of Ordinance 2015-38 in order to purchase these additional golf carts during this budget year. The proposed vendor is currently listed as a State of Texas Authorized Vendor (vendor #447-14), and the City of Jersey Village participates in the State of Texas Buy Board offered through the State of Texas Purchasing and General Services Commission.

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With limited discussion on the matter, Council Member Harper moved to approve Ordinance No. 2015-38, amending the Capital Replacement Budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016 in the amount not to exceed \$27,450 to increase line item 07-72-6598 from the Capital Replacement Fund balance in order to cover for the purchase of six (6) additional 2016 Yamaha DRIVE electric golf cars. Council Member Eustace seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

ORDINANCE NO. 2015-38

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CAPITAL REPLACEMENT FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 IN THE AMOUNT NOT TO EXCEED \$27,450 TO INCREASE LINE ITEM 07-72-6598 FROM THE CAPITAL REPLACEMENT FUND BALANCE IN ORDER TO COVER FOR THE PURCHASE OF SIX (6) ADDITIONAL 2016 YAMAHA DRIVE ELECTRIC GOLF CARTS.

8. Consider Resolution No. 2015-93, casting its ballot for the election of a person to the Board of Directors of the Harris County Appraisal District.

Lorri Coody, City Secretary, introduced the item. Background information is as follows: During the September 21, 2015, Regular Council Session, City Council nominated Ed Heathcott as a candidate for a position on the Board of Directors of the Harris County Appraisal District. The Harris County Appraisal District closed its nomination period for board candidates and is currently requesting City Council to vote for the candidate of its choice.

James P. Avioli and Ed Heathcott are nominees for the board position representing cities other than the City of Houston.

With limited discussion on the matter, Council Member Holden moved to approve Resolution No. 2015-93, casting its ballot for the election of Ed Heathcott to the Board of Directors of the Harris County Appraisal District. Council Member Eustace seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

RESOLUTION NO. 2015-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,

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TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

9. **Consider Resolution No. 2015-94, canceling the Monday, December 21, 2015, Regular City Council Meeting, and calling a Special City Council Meeting on Monday, December 14, 2015 due to the Christmas holidays.**

Justin Ray, Mayor, introduced the item in order to discuss canceling the Monday, December 21, 2015, Regular City Council Meeting, and calling a Special City Council Meeting on Monday, December 14, 2015 due to the Christmas holidays.

With limited discussion on the matter, Council Member Mitcham moved to approve Resolution No. 2015-94, canceling the Monday, December 21, 2015, Regular City Council Meeting, and calling a Special City Council Meeting on Monday, December 14, 2015 due to the Christmas holidays. Council Member Eustace seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

RESOLUTION NO. 2015-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, CANCELING THE REGULAR COUNCIL MEETING TO BE HELD ON DECEMBER 21, 2015 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS; CALLING A SPECIAL COUNCIL MEETING TO BE HELD ON DECEMBER 14, 2015 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

G. CLOSE THE REGULAR SESSION

Mayor Ray closed the Regular Session at 8:00 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.

H. EXECUTIVE SESSION

1. **Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 regarding the Texas Transportation Commission and Ted Houghton, in his official capacity as Chair of the Texas Transportation Commission V. City of Jersey Village, in the 14th Court of Appeals, Case No. 14-14-00823-CV. Charles Irvine, City Attorney**

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2. **Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071, and Section 551.072, Deliberation Regarding Real Property, regarding proposed settlement offer for one Water Line Easement, being 0.1114 acres, being out of and a part of a called 3.1577 acre tract as described in the deed to J&M Leasing, Inc. recorded under Harris County Clerk's File Number T267912 and out of and a part of Unrestricted Reserve "D", Northwest Station Section One a subdivision recorded under Volume 323, Page 79 of the Harris County Map Records, located within the City of Jersey Village, Harris County, State of Texas. *Scott Bounds, City Attorney***

I. ADJOURN EXECUTIVE SESSION

Mayor Ray adjourned the Executive Session at 8:20 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive session.

J. RECONVENE REGULAR SESSION

1. **Discuss and take appropriate action regarding item discussed in Executive Session regarding the Texas Transportation Commission and Ted Houghton, in his official capacity as Chair of the Texas Transportation Commission V. City of Jersey Village, in the 14th Court of Appeals, Case No. 14-14-00823-CV.**

Mike Castro, City Manager, introduced the item. Background information is as follows: On October 15, 2015, the 14th Court of Appeals rendered its decision in the city's Declaratory Action against the Texas Transportation Commission (aka: TxDOT). The 14th reversed the decision of the 165th District Court; they decided against the city.

Charles Irvine, with the firm Irvine Conner (formerly Blackburn Carter) presented a synopsis of the decision to city council.

This item is for Council to decide whether it wishes to appeal the decision of the 14th Court of Appeals to the Texas Supreme Court. The City has 45 days from the date of the decision to appeal. A 30-day extension of the appeal suspense is possible.

With no discussion on the matter, Council Member Mitcham motioned that the City move forward with a petition to appeal the case of the Texas Transportation Commission and Ted Houghton, in his official capacity as Chair of the Texas Transportation Commission V. City of Jersey Village to the Texas Supreme Court. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

2. **Discuss and take appropriate action on matters discussed in Executive Session, including consideration and possible action on Resolution No. 2015-95, approving a**

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settlement agreement with J & M Leasing, Inc., for the acquisition of a water line easement across a 0.1114 acre tract of land (Parcel 715) as part of the 290 water line project within the City of Jersey Village; and making other findings related hereto; and authorizing the City Manager to execute the settlement agreement and related documents.

With no discussion on the matter, Council Member Eustace moved to approve Resolution No. 2015-95, approving a settlement agreement with J & M Leasing, Inc., for the acquisition of a water line easement across a 0.1114 acre tract of land (Parcel 715) as part of the 290 water line project within the City of Jersey Village; and making other findings related hereto; and authorizing the City Manager to execute the settlement agreement and related documents. Council Member Harper seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Harper, and Eustace

Nays: None

The motion carried.

RESOLUTION NO. 2015-95

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS APPROVING A SETTLEMENT AGREEMENT WITH J & M LEASING, INC., FOR THE ACQUISITION OF A WATER LINE EASEMENT ACROSS A 0.1114 ACRE TRACT OF LAND (PARCEL 715) AS PART OF THE 290 WATER LINE PROJECT WITHIN THE CITY OF JERSEY VILLAGE; AND MAKING OTHER FINDINGS RELATED HERETO; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT AND RELATED DOCUMENTS.

K. MAYOR AND COUNCIL COMMENTS

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

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and

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- 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 had no comments.

Council Member Mitcham: Council Member Mitcham had no comments.

Council Member Holden: Council Member Holden had no comments.

Council Member Harper: Council Member Harper provided information concerning the health of Ms. Louise I. Sappington, a longtime volunteer with the City's Police Department.

Mayor Ray: Mayor Ray thanked Staff for their hard work. He thanked the citizens for coming and he wished everyone a Happy Thanksgiving.

L. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:25 p.m.

Lorri Coody, City Secretary