

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JANUARY 18, 2016 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, C. J. Harper	City Attorney, Leah Hayes
Council Member, Sheri Sheppard	
Council Member, Tom Eustace	

Council Member, Greg Holden, 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 by: Donna McCarty, Chaplain, Jeremy E. Ray American Legion Post 324.**
- 2. Pledge by: Stefanie Otto, Commander, Jeremy E. Ray American Legion Post 324.**

C. PRESENTATIONS

- 1. Presentation of Police Department Employee of the Fourth Quarter and the 2015 Employee of the Year Award – by Stefanie Otto, Commander of the Jeremy E. Ray American Legion Post 324.**

Stefanie Otto, Commander of the Jeremy E. Ray American Legion Post #324, along with Mayor Ray, presented the Police Department Employee of the Fourth Quarter award to Officer Jimmy Holley, and the 2015 Employee of the Year award to Officer Albert Lopez.

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.

Dorothy Starkey, 16206 St. Helier Street, Jersey Village, Texas (713) 896-7911 – Ms. Starkey spoke to City Council about the traffic calming program and the need to have better communication with the residents regarding notification of such events. She stated that the notice for town hall meeting regarding the traffic calming program was not adequate and the City should make every attempt to utilize all the avenues for communicating this information to residents.

Richard Jacquet, 16313 Koester Street, Jersey Village, Texas (713) 896-8247 – Mr. Jacquet spoke to City Council regarding the filing of a petition on January 18, 2016 with the City Secretary to amend the City's Charter. He told City Council that the intention of the petition is

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to amend the City's Charter such that Red Light Cameras are banned permanently from the City of Jersey Village.

Barbi Freeman, 15501 Jersey Drive, Jersey Village, Texas (713) 466-6903 – Ms. Freeman spoke to City Council regarding opposition to the petition to amend the Charter that would include a provision to permanently ban red light cameras. She told Council that the red light cameras have proven to be a traffic safety measure for the City. In supporting same, she gave information about a car accident she had that was recorded by the cameras at US HWY 290 and Senate. She voiced her concern for amending the City's Charter with something that should be handled via a City Ordinance. She fears that making such amendments could lead to a burdensome Charter that is not effective. Ms. Freeman is against banning the red light cameras through a Charter amendment.

E. CITY MANAGER'S REPORT

City Manager, Mike Castro, gave his monthly report. As part of the report, Police Chief Eric Foerster introduced Officer Keith Moore, joining his department; and Christian Somers, Building Official, introduced Robert Pemberton, joining his department.

1. **Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – November 2015, Quarterly Investment Report – December 2015, and Budget Projections as of December 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**
9. **Officer Introduction – Mark Divel**
10. **2015 Racial Profiling Report**

F. 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 Special Session Meeting held on December 14, 2015.**

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- 2. Consider Ordinance No. 2016-01, ordering a general election to be held on May 07, 2016, for the purpose of electing three (3) councilmembers (Place 1, Place 4 and Place 5); providing for ballots; designating the time and place of holding such election; providing appointment of election officials and their compensation; providing for notices; providing for publication; providing for a runoff election if required; providing a severability clause; providing an effective date.**

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 07, 2016, FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS (PLACE 1, PLACE 4 AND PLACE 5); PROVIDING FOR BALLOTS; DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTION; PROVIDING APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION; PROVIDING FOR NOTICES; PROVIDING FOR PUBLICATION; PROVIDING FOR A RUNOFF ELECTION IF REQUIRED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

- 3. Consider Resolution No. 2016-01, authorizing the fire department to submit an application for the 2016 Assistance to Fire Grant program.**

RESOLUTION NO. 2016-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE ASSISTANCE TO FIRE GRANT PROGRAM.

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

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

Nays: None

The motion carried.

G. REGULAR AGENDA

- 1. Discuss and take appropriate action concerning Military Appreciation Day Presentation.**

Council Member Harper gave a brief presentation about conducting a Military Appreciation Day. He explained that the purpose of this event is to provide a learning experience for attendees and to foster a bonding of vets and families as well as build community value. He explained the various aspects of the event, including the Sixth

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Calvary Program. He also provided information on the costs and stated that he is seeking funding from the City's Hotel Occupancy Tax Fund for this event.

In concluding the presentation, there was no discussion on this item by City Council.

- 2. Discuss and take appropriate action to instruct the City Attorney to prepare an amendment to the City of Jersey Village – Code of Ordinances: Chapter 50, entitled Peddlers and Solicitors; Article II, Registration, to include any applicant for permit will be provided a list of residences registered with the city as residence who do not desire permitted persons to solicit at their home. Solicitors found violating the no-knock provision should be subject to municipal court citation.**

Council Member Harper presented the item for discussion. Background information is as follows:

The intent of our existing ordinance is to safeguard residents and protect their privacy through registration and identification of solicitors and peddlers. Residents should have the option to not be contacted, and may place their home address in the "No Knock" registry, a copy of which is distributed to a person seeking a permit to solicit.

This same list would be transmitted to the JV Dispatch Center to the attention of the Dispatch Supervisor. When received, the Dispatch Supervisor could update/replace the current list with addresses and place on a shared file or folder for access as requested by a dispatcher or police officer.

Council Member Harper explained that the "No Knock" list would not prohibit girl scouts and other non-profits from going door to door in the City.

In completing the introduction, the City Attorney cautioned against such an ordinance. She explained that under the current state laws for trespassing, a resident has the right to post "no solicitor" signs which prohibit solicitors from entering private property. The City, under the trespass laws is able to intervene in such instances.

City Attorney Hayes also voiced her concerns with the City regulating private property use with a "No Knock" list and the enforcement of same. She likened the list to that of the Federal Government's "No Call" list, a program that has been very difficult to enforce. She sees the "No Knock" list as problematic, especially with exceptions for various soliciting activities such as the girl scouts.

Council engaged in discussion about the logistics of such an Ordinance. There was discussion that the Ordinance could exclude certain groups (girl scouts) and that the Ordinance could specify that the "No Knock" list be distributed at the time of permitting.

There was further discussion that residents already call police when they see suspicious activity or when something does not appear "right." Additionally, some members felt

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that if a resident does not want to talk that they have the option of not answering the door; therefore, adding an additional burden on staff to maintain a list does not seem necessary.

There was further discussion about having exceptions for the “No Knock” list and the problems that exceptions may cause since those excepted would be able to knock on doors of residents that are on the “No Knock” list. Additionally, deciding which groups are eligible for exception is problematic and there may be constitutional issues/civil liberties issues concerning the exceptions.

Council discussed further the complications with enforcing a “No Knock” ordinance. Council discussed the fact that the home owner would have to be the complaining witness in the prosecution and that will take time away from residents’ schedules. Some felt that the home owner would not want to file the complaint and then appear in court to testify.

With no further discussion on the matter, Council Member Harper moved that the City Attorney examine the construction of an ordinance that requires a “No Knock” list for persons to peddle wares in the city. There was no second to this motion. Accordingly, the motion failed for lack of a second.

3. Consider Ordinance No. 2016-02, amending the City’s budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016, in the amount of \$100,000 to cover cost associated with streetlight installation for the Elwood Drive and Sue Lane Street Improvement Project.

Public Works Director, Kevin T. Hagerich, presented the item. Background information is as follows:

This item is to approve an increase in line item 10-91-7123 (Elwood Street Repair) by \$100,000. These funds will cover the cost of streetlight installation along Elwood Street and Sue Lane. During the planning process, it was discovered that CenterPoint Energy requires full payment to be made up front for scheduling of streetlight installation.

With no discussion on this item, Council Member Harper moved to approve Ordinance No. 2016-02, amending the City’s budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016, in the amount of \$100,000 to cover cost associated with streetlight installation for the Elwood Drive and Sue Lane Street Improvement Project. Council Member Mitcham seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE CAPITAL IMPROVEMENTS FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 BY INCREASING LINE ITEM 10-91-7123 (ELWOOD STREET REPAIR) IN THE AMOUNT NOT TO EXCEED \$100,000.

H. CLOSE THE REGULAR SESSION

Mayor Ray closed the Regular Session at 8:06 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071 - Consultation w/Attorney.

I. EXECUTIVE SESSION

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 regarding Cause No. 1061305; *Jones Road Holding Ltd. vs. City of Jersey Village, Texas*; County Civil Court at Law No. 2, Harris County, Texas. *Scott Bounds, City Attorney***

J. ADJOURN EXECUTIVE SESSION

Mayor Ray adjourned the Executive Session at 9:06 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive session.

K. RECONVENE REGULAR SESSION

- 1. Discuss and take appropriate action regarding the item discussed in Executive Session regarding Cause No. 1061305; *Jones Road Holding Ltd. vs. City of Jersey Village, Texas*; County Civil Court at Law No. 2, Harris County, Texas.**

Mayor Ray called the item. There was no discussion and there was no vote on this item.

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;

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- 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 acknowledged Martin Luther King and the day set aside to commemorate him.

Council Member Sheppard: Council Member Sheppard also recognized Martin Luther King.

Council Member Mitcham: Council Member Mitcham had no comments.

Council Member Harper: Council Member Harper thanked those responsible for getting the signatures for the Charter Amendment Petition and for getting involved.

Mayor Ray: Mayor Ray welcomed Officer Divel and Mr. Pemberton and he thanked the American Legion for all that they do.

M. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 9:10 p.m.

Lorri Coody, City Secretary