

MINUTES OF THE WORK SESSION MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON MARCH 21, 2016 AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. The meeting was called to order by Mayor Ray at 6:00 p.m. with the following present:

Mayor, Justin Ray
Council Member, Andrew Mitcham
Council Member, Greg Holden
Council Member, C. J. Harper
Council Member, Sheri Sheppard
Council Member, Tom Eustace

City Manager, Mike Castro, PhD
City Secretary, Lorri Coody
City Attorney, Kim Mickelson

B. Discuss adoption of the Fiber Optic Right-Of-Way Agreement to be used by City Administration as the template in granting Right-Of-Way usage for fiber optic installation.

Keven T. Hagerich, Director of Public Works, introduced the item. He told City Council that in recent months, communication companies have requested use of the City's public Right-Of-Way (ROW) to install a new utility involving fiber optics. Accordingly, it became necessary to develop a good working agreement in order to protect the City's ROW.

In putting together the terms of the agreement, it is important to note that Mitch Grant, Interim Public Works Director, began the work with the first fiber installation request. A site visit was done in order to get familiar with a physical potential layout of the fiber optic utility. The initial agreement was sent to the fiber company for review and comment. It came back with numerous changes many of which did not appear to be in the best interest of the City's Right-Of-Way uses. Accordingly, Mitch Grant suggested consultation with an expert in the field.

Since the City was receiving pressure from vendors to approve an agreement, the City consulted with Attorney Clarence West, an expert in the field.

Combining the experience of Clarence West with the desires of the City, and using the City of Houston's Agreement as a guide, an agreement has been developed to serve as a template for current and future requests for installation of fiber optic utilities within the City's ROW.

This discussion item is to present the template for the agreement and gather Council's input.

Kimberly Mickelson from Olson & Olson is the City's attorney on this project. She will present the particulars of the agreement and will answer any questions from a legal prospective. Staff is comfortable with the agreement presented with a few minor administrative adjustments.

Ms. Mickelson walked Council through the particulars of the agreement template. She explained that the following areas of the agreement have been changed since the meeting packet:

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- Section 6.1.2 on page 21 – The last sentence of this section will be changed to reflect the Transit Oriented Development District as opposed to the Management District or TIRZ.
- Section 15.9 on page 44 – The first sentence will be changed to reflect “on behalf of the City Manager and Licensee.”
- Section 15.20 on page 47 will be deleted in its entirety.
- Exhibit E on page 55 will be deleted in its entirety.

Council engaged in discussion about the following areas of the agreement:

1. Sections where the City Manager is given authority to sign amendments to the agreement;
2. Staff can only make changes to the exhibits in the agreement. Any other changes will need to be approved by City Council;
3. Amendments could include term changes or an assignment change;
4. The current vendors interested in such an agreement are Crown Castle and four (4) other vendors;
5. The term Right-of-Way (ROW) includes the City’s ROW and it does not affect any other ROW’s;
6. The mapping of where poles will be located;
7. The term of the agreement will be no longer than ten (10) years;
8. Fees associated with the agreement;
9. The transferability of the use of ROW’s should be in the agreement;
10. Fiber optics will not interfere with other cell towers;
11. City and State ROW laws;
12. The template is for wireless facilities and poles in the ROW;
13. The desires of residents concerning poles/structures in their yards;
14. State law prohibits a vehicle in the agreement that permits residents to protest location of poles/structures, but City has some discretion in the placement; and
15. The number of poles to be located in Jersey Village.

With no further discussion, Mayor Ray called the next item on the agenda.

C. Discuss proposed text changes to the Code of Ordinances to allow for permanent residential subdivision signage in single-family residential areas.

Christian Somers, Building Official, gave a brief presentation outlining the need for a text change to the Code of Ordinances to allow for permanent residential subdivision signage in single-family residential areas.

He explained that David Weekley Homes would like to construct subdivision signage of specific, established dimensions, for their single-family residential home subdivision, “The Enclave.” An application to construct a monument sign; intended to replace the existing Monument Sign at “The Enclave”, was discussed with Mr. Mark Welch, Land Acquisition Manager for David Weekley Homes, LLC, in late 2014. This is when Mr. Welch was first

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informed that there weren't any provisions within the code of ordinances permitting residential subdivision signage.

The text change would amend Chapter 14, Article X, Section 14-251(2) by adding a new Subsection (e) to provide for changes related to sign regulations for single-family residential subdivisions.

City Attorney, Leah Hayes, gave input regarding the proposed text change. She stated that there should be some consideration to:

1. Add language that prohibits the placement of the signage in the City Right of Way;
2. Accommodate the "sight triangle" for drivers; and
3. Address temporary signage.

Council engaged in brief discussion about the proposed change, including the "sight-triangle" at intersections.

D. ADJOURN

With no further discussion, the meeting was adjourned at 6:48 p.m.

Lorri Coody, City Secretary