

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON MARCH 21, 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 7:00 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, Leah Hayes

Council Member, C. J. Harper

Council Member, Sheri Sheppard

Council Member, Tom Eustace

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 Sheri Sheppard, Council Member

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.

Tony Jones, 16302 Wall Street, Jersey Village, Texas (832) 672-3936: Mr. Jones spoke to City Council about Metro and Metro Lift Services. These services are not available in Jersey Village and Mr. Jones would like to see the City make provisions so that these services are available in the future.

Dawn Eubanks, 16302 Wall Street, Jersey Village, Texas (832) 816-0062: Ms. Eubanks also spoke in support of Metro and Metro Lift Services for Jersey Village.

Jim Fileds, 16413 Saint Helier, Jersey Village, Texas (713) 466-0804: Mr. Fields thanked the City for the Easter Egg Hunt Event. He also told City Council that he was very thankful for our water service and all that goes into supplying the City with good water. He closed with remarks about code enforcement, pointing out several areas in the City needing attention.

Richard Geloff, 14715 Timber Cliff Lane, Cypress, Texas (832) 722-5424: Mr. Geloff spoke in support of the Military Appreciation Day Event and asked that City Council support the event.

D. CITY MANAGER'S REPORT

City Manager, Mike Castro, gave his monthly report. As part of the report, Kimberly Terrell, Director of Parks and Recreation, introduced Golf Pro, Matt Jones, joining her department.

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1. **Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – January 2016, and Budget Projections as of February 2016.**
2. **Open Records Requests – Non-Police**
3. **Fire Departmental Report and Communication Division's Monthly Report**
4. **Police Activity Report, Warrant Report, Investigations/Calls for Service Report, Staffing/Recruitment Report, and Police Open Records Requests**
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. **Introduction of Golf Pro**

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 February 15, 2016.**
2. **Consider Resolution No. 2016-03, declaring surplus equipment and authorizing disposition by the City Manager in accordance with the City's Administrative Procedures.**

RESOLUTION NO. 2016-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DECLARING SURPLUS EQUIPMENT AND AUTHORIZING DISPOSITION BY THE CITY MANAGER IN ACCORDANCE WITH THE CITY'S ADMINISTRATIVE PROCEDURES.

Council Member Mitcham moved to approve items 1 and 2 on the consent agenda. Council Member Eustace seconded the motion. The vote follows:

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

Nays: None

The motion carried.

F. REGULAR AGENDA

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1. Consider Resolution No. 2016-04, approving the proposal to utilize Motel Tax Funds to conduct a Military Appreciation Day event and providing for severability.

Council Member, C. J. Harper, introduced the item. He explained that Council had allocated Motel Tax funding for a Military Appreciation Day Event. This item is to approve the actual event and the event budget for \$9,500.

Discussion was had concerning the event. It was discussed that the contract provided naming Foundry Methodist Church as the sponsor for this event was in order. However, it was pointed out that an additional contract is needed between the City and the recipient of the funds. The additional contract will be set on next month's agenda for approval.

With no further discussion on the matter, Council Member Harper moved to approve Resolution No. 2016-04, approving the proposal to utilize Motel Tax Funds to conduct a Military Appreciation Day Event and providing for severability. Council Member Eustace seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2016-04

AN RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE PROPOSAL TO UTILIZE MOTEL TAX FUNDS TO CONDUCT A MILITARY APPRECIATION DAY EVENT, AND PROVIDING FOR SEVERABILITY.

2. Consider Resolution No. 2016-05, reviewing and accepting the 2015 Comprehensive Annual Financial Report (CAFR).

Isabel Kato, Finance Director, introduced the item. The City of Jersey Village is required to publish each year a complete set of financial statements presented in conformity with Generally Accepted Accounting Principles (GAAP), and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

She introduced Ben Cohen from Belt Harris & Associates LLLP who gave a presentation based on the audit findings and the financial position of the City.

After a brief question and answer session concerning the findings, Council Member Harper moved to approve Resolution No. 2016-05, reviewing and accepting the 2015 Comprehensive Annual Financial Report (CAFR). Council Member Holden seconded the motion. The vote follows:

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

Nays: None

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The motion carried.

RESOLUTION NO. 2016-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, REVIEWING AND ACCEPTING THE 2015 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR).

3. **Consider Ordinance No. 2016-08, authorizing the issuance of the City of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2016; authorizing a Pricing Officer to approve the amount, the interest rates, price, redemption provisions and terms thereof and certain other procedures and provisions related thereto; and containing other matters related thereto.**

Isabel Kato, Finance Director, introduced the item. She explained that based on current market interest rates, the City has the opportunity to refund its Series 2007 General Obligation Bonds at lower interest rates and save approximately \$920,000.

Staff is recommending that City Council approve Ordinance 2016-08, authorizing the issuance of City of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2016; authorizing a Pricing Officer to approve the amount, the interest rates, price, redemption provisions and terms thereof and certain other procedures and provisions related thereto; and containing other matters related thereto.

The City's Financial Advisor, John Robuck, was present. He gave a short presentation and answered questions posed by Council.

With no further discussion on the matter, Council Member Mitcham moved to approve Ordinance No. 2016-08, authorizing the issuance of the City of Jersey Village, Texas, General Obligation Refunding Bonds, Series 2016; authorizing a Pricing Officer to approve the amount, the interest rates, price, redemption provisions and terms thereof and certain other procedures and provisions related thereto; and containing other matters related thereto. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2016-08

ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016; AUTHORIZING A PRICING OFFICER TO APPROVE THE AMOUNT, THE INTEREST RATES, PRICE, REDEMPTION PROVISIONS AND TERMS THEREOF AND CERTAIN OTHER PROCEDURES AND PROVISIONS RELATED THERETO; AND CONTAINING OTHER MATTERS RELATED THERETO.

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4. Consider Resolution No. 2016-06, adopting 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.

Kevin T. Hagerich, Director of Public Works, introduced the item. He explained that this item is to approve the template for the Fiber Optic Right-Of-Way Agreement that was discussed in the Work Session Meeting this evening.

Background information is as follows: 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. To ensure that City Administration is a good steward of that ROW, initial attempts to develop a working agreement were unsuccessful.

The development of an agreement was turned over to attorneys who had experience in the field. Combining their experience, and this Administration's desires, an agreement was developed to serve as a template for current and future requests for installation of fiber optic utilities within the City's ROW.

Council engaged in discussion about the template and the proper time for approving same. Some felt that more time was needed to consider the elements of the agreement, and to get a better idea what other cities are doing in this instance. Additionally, there was concern for the physical impact to the community and the resistance from residents not wanting poles or other visual elements of the system located in front of their homes.

In connection with what other cities are doing, City Manager Castro explained that this is a relatively new area for cities and the Jersey Village template will most likely be the first for smaller cities. He reminded City Council that the template presented is patterned after the City of Houston's agreement. He also explained that there are only a handful of cities in the Houston area looking at this option, and the vendors are looking to see what Jersey Village approves as they will then use the Jersey Village agreement for other small cities in the area.

Council discussed that vendors will be required to do a study of the area in order to find gaps in service before installing the fiber optics. Once the gaps in service are determined, the solution to fill the gap in service will be determined. The solution could be a tower; but it could also include other solutions such as an underground cable or a small box.

City Attorney Hayes gave a brief history of her experience with this type of agreement, and she recommended moving forward with the base agreement template. She stated that to ease City Council's concerns, the agreement could be amended to require that City Council approve the first couple of installations.

Council then discussed in detail the difference between a right-of-way and a city easement. City Attorney Hayes explained these two types of land use. She stated that this agreement controls the placement of towers or other solutions in the City's right-of-way and grants access for maintenance by the vendor. There was concern that the

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template agreement being considered would grant the ability for a vendor to place a tower in the City's utility easement which is located in residents' back yards. It was decided that a location of this nature would not be suitable for placement. Additionally, location is ultimately approved by Staff through the approval process established in the agreement.

Some Council Members were in favor of moving forward with the agreement as it will be a positive move for businesses wanting to locate in Jersey Village in that it will provide better communication services. Additionally, Members felt that it is better to move forward now under our terms than to have the Legislature mandate the move under their terms.

In closing the discussions, it was the consensus of Council that the agreement is needed and it provides the needed protections.

With no further discussion on the matter, Council Member Sheppard moved to approve Resolution No. 2016-06, adopting 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. Council Member Mitcham seconded the motion. The vote follows:

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

Nays: Council Member Harper

The motion carried.

RESOLUTION NO. 2016-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ADOPTING 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.

5. Consider Resolution No. 2016-07, setting a date and time to conduct the 2016-2017 Council/Staff Budget Retreat.

Mike Castro, City Manager, introduced the item. Background information is as follows:

Every year, after the May Election, Staff meets with Council in a retreat setting to discuss the financial condition of the city. During this retreat, in addition to receiving information about the overall condition of the City, Council receives information about:

- Accomplishments achieved since the last retreat
- Supplemental requests being made for the upcoming budget year
- Short-term concerns for the City with a review of both short and long-term incentives
- Departmental presentations

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Proposed dates for the annual Council/Staff Budget Retreat are the:

- 1st Friday following the General Election at 9:00 a.m. (May 13, 2016)
- 1st Saturday following the General Election at 9:00 a.m. (May 14, 2016)
- 1st three days of the 2nd week following the General Election (May 16, 17 and 18, 2016) beginning at 6:00 p.m.

This item is to select a date for the annual Council/Staff Budget Retreat.

After limited discussion on the matter, Council Member Eustace moved to approve Resolution No. 2016-07, setting a date and time to conduct the 2016-2017 Council/Staff Budget Retreat as the 1st three days of the 2nd week following the General Election (May 16, 17 and 18, 2016) beginning at 6:00 p.m. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: Council Member Holden

The motion carried.

RESOLUTION NO. 2016-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE,
TEXAS, SETTING A DATE AND TIME TO CONDUCT THE 2016-2017
COUNCIL/STAFF BUDGET RETREAT.

G. MAYOR AND COUNCIL COMMENTS

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

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

Council Member Eustace: Council Member Eustace had no comments.

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Council Member Sheppard: Council Member Sheppard thanked Staff and the Recreation and Events Committee for a wonderful job on the Egg Hunt. It was well attended.

Council Member Mitcham: Council Member Mitcham also thanked everyone for a job well done on the Egg Hunt.

Council Member Holden: Council Member Holden had no comments.

Council Member Harper: Council Member Harper thanked everyone for their hard work on the Egg Hunt. He also thanked Foundry Methodist Church for their support of the Military Appreciation Day Event.

Mayor Ray: Mayor Ray thanks Staff and the Recreation and Events Committee for a successful Egg Hunt event.

L. ADJOURN

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

Lorri Coody, City Secretary