

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 19, 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 7:02 p.m. with the following present:

Mayor, Justin Ray

City Manager, Jim Gray

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, Gary Wubbenhorst

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: Frank Maher, Assistant Fire Chief

**C. PROCLAMATIONS**

1. **Proclamation recognizing Tuesday, October 4, 2016 as National Night Out in Jersey Village to provide a unique opportunity for the City of Jersey Village to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts.**

Mayor Ray read the proclamation and presented it to Officer Michael Pribble of the Jersey Village Police Department.

**D. FISCAL 2016-2017 MUNICIPAL BUDGET ITEMS**

1. **Conduct a public hearing on the City of Jersey Village municipal budget for fiscal year 2016-2017.**
  - a. **Receive presentation pertaining to the City of Jersey Village municipal budget for fiscal year 2016-2017.**

After the Mayor opened the public hearing at 7:06 p.m., City Manager Gray gave a presentation which included information on the following topics:

- FY 2017 Budget Goals
- Challenges
- General Fund Revenues Vs. Expenditures Graph 2007 to 2016
- 2016-17 Revenues and Expenditures, including Supplementals
- Projected General Fund Revenue Graph for FY 2016-2017
- Assessed Valuations – FY 08 through FY 16
- Property Tax Rate
- Sales Tax Trend – FY 13 through FY 16
- Franchise Fees, Service Fees, and Fines
- Supplementals – General Fund

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- Supplementals – Utility Fund
- Budget Calendar

In completing the presentation from the City Manager, Mayor Ray called upon those appearing to be heard on the proposed fiscal year 2016-2017 Municipal budget as follows:

**Roger Kenworthy, 16305 Koester Street, Jersey Village, Texas (713) 896-1859** – Mr. Kenworthy spoke to the dynamics of the City's Golf Course. It is a public course and golf courses all across the country are experiencing funding issues. Accordingly, he told City Council that our golf course is not a profitable venture and a solution is needed. He suggested that the course be used to alleviate flooding in the City.

**Carl Jacksits, 16209 Wall Street, Jersey Village, Texas (713) 937-0090** – Mr. Jacksits spoke to flooding in Jersey Village and the City's Golf Course. He too told City Council that the Golf Course is not profitable and it contributes to flooding in the City. It is a liability. He suggested that the 110 plus acres could be used to reduce flooding. He also spoke to the proposed gray water project for the 2016-2017 budget year. He suggested that the City postpone this project until the results are in from the Long-Term Flood Recovery Study as this study may recommend using the golf course land for something other than a golf course and gray water will no longer be needed to water the course.

**Sharon Lindahl, 16238 Congo, Jersey Village, Texas (713) 206-1669** – Ms. Lindahl told City Council that the Golf Course is not needed. She stated that the run-off from the course is bad and it floods Wall Street. She also spoke against the gray water project and any other plans for spending dollars on the Golf Course. She stated that she would rather that money be spent on resolving flood issues.

**Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 553-8625** – Mr. Maloy spoke to the 2016-2017 proposed budget, specifically the amount of dollars proposed for golf course expenditures that will not come from golf course profits. He posed several questions to City Council concerning golf course debt service expenditures and operating costs. He is against spending additional funds on the proposed gray water project. He expressed his displeasure for previous decisions made concerning golf course expenditures and the commitment of future tax dollars for the course.

With no one else signing up to speak, Mayor Ray closed the public hearing at 7:30 p.m.

**2. Discuss and take appropriate action concerning any final changes to the proposed 2016-2017 Municipal Budget.**

Isabel Kato, Finance Director, introduced the item stating that this item is to discuss any changes to the 2016-2017 Municipal Budget. She reminded City Council that they met on July 18, 2016 and July 19, 2016 in a budget work session to review and discuss the proposed 2016-2017 budget, and during the regular council meeting on August 15, 2016, City Council approved several changes to the proposed budget. However, additional

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changes are still needed before approving the 2016-2017 budget. The changes proposed are as follows:

- **General Fund – Communications Department Budget:** A change is needed for CAD programming and hosting fees for a mutual aid agreement including Jersey Village, Cy-Fair, Harris County Comm Center, Harris County ESD1 and the City of Tomball in order to insure seamless dispatch capabilities between agencies. The amount of this change is \$12,000. \$8,000 of the total is needed to cover the onetime programming cost. \$4,000 of the total will continue year after year for these services.
- **General Fund – Streets Department Budget:** A change is needed to provide consultant services for the development of a Long Term Flood Recovery Plan. The total cost of the consultant service is approximately \$660,000 of which \$400,000 will be funded by the General Fund.
- **Utility Fund – Operations Department Budget:** A change is needed to provide consultant services for the development of a Long Term Flood Recovery Plan. The total cost of this consultant service is approximately \$660,000 of which \$260,000 will be funded by the Utility Fund.
- **General Community Improvement CIP Budget:** A change is needed for the repairs to the bridges on Senate Avenue, Tahoe and Lakeview. The amount of \$150,000 for these repairs was inadvertently budgeted for Fiscal Year 2017-2018 on the CIP Worksheets and Budget Planning Report when it should have been budgeted for Fiscal Year 2016-2017.

After receiving the information from Ms. Kato, it came to the attention of the Mayor that some residents did not get to speak during the public hearing. Accordingly, Council Member Mitcham moved to re-open the public hearing for additional comments. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

Mayor Ray re-opened the public hearing on the 2016-2017 Municipal budget at 7:36 p.m. and called upon those desiring to be heard as follows:

**Walter Stumpf, 8302 Hanley Street, Jersey Village, Texas (713) 466-7982** – Mr. Stumpf spoke to the need for addressing bayou flooding issues both in the City and outside the City. He outlined items he felt needed to be included in the Long-Term Flood Recovery Plan. He also spoke to budget issues with the golf course and how the City's general fund subsidizes golf course expenditures through budget transfers. He is against spending dollars on the gray water project until it is determined how the golf course land can be used.

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**Tom Eustace, 16005 Seattle, Jersey Village, Texas (713) 937-8541** – Mr. Eustace spoke in favor of the golf course and his support for same. He spoke to the positive income over the past nine (9) out of ten (10) years (excluding depreciation). He pointed out that should the golf course be repurposed there will still be maintenance costs with no supporting/incoming revenue to defer costs. Mr. Eustace went on to say that the golf course is public property that is no different than the City's pool. Residents have to pay to use both. He closed by saying that he believes the golf course does more to alleviate flooding than cause flooding in our City.

With no one else signing up to speak, Mayor Ray closed the public hearing at 7:48 p.m. and recalled item D2 for further discussion.

Council discussed the gray water project. The purpose of the project is to off-set the costs incurred by the City with the Northwest Regional Water Authority (NWRWA) for using ground water to water the course. The project will pay for itself in 5 years, resulting in a reduction of the fees paid to the NWRWA. Nonetheless, some felt it may be prudent to delay the project for one year in order to receive information from the Long-Term Flood Recovery Study.

There was also discussion about the course and how it attracts residents desiring outdoor activities by way of park services. Accordingly, some wondered if it is possible that the course serve a dual purpose, that is, a flooding solution and a green space solution.

Council also discussed the golf course in terms of the comprehensive plan's requirements for more green space. It was the consensus of Council that the gray water project be postponed until the results from the flood study are received. However, some felt it necessary to keep the project in the 2016-2017 budget, noting that Council approval would be necessary before moving forward with the project.

Council discussed the pros and cons of the following options:

1. Postpone the project until receipt of the flood study recommendations;
2. Postpone the project until the 2017-2018 budget year; and
3. Leave the project in the 2016-2017 budget, but require Council approval before moving forward on the project.

With no further discussion on the matter Council Member Harper moved to postpone the project until the 2017-2018 budget year. Council Member Holden seconded the motion. The vote follows:

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

Nays: Council Member Wubbenhorst

The motion carried.

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Then, Council Member Sheppard move to approve the City of Jersey Village 2016-2017 budget revision to include a change to the General Fund – Communications Department budget for the CAD programming and hosting fees for a mutual aid agreement with other dispatch agencies in the amount of \$12,000, a change to the General Fund – Streets Department budget in the amount of \$400,000 for part of the consultant services for the development of a Long Term Flood Recovery Plan, a change to the Utility Fund – Operating budget in the amount of \$260,000 for part of the consultant services for the development of a Long Term Flood Recovery Plan and a change to the General Community Improvement CIP budget for the repairs to bridges on Senate Avenue, Tahoe and Lakeview in the amount of \$150,000, these repairs was inadvertently budgeted for Fiscal Year 2017-2018 on the CIP Worksheets and Budget Planning Report when it should have been budgeted for Fiscal Year 2016-2017. Council Member Mitcham seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**3. Consider Ordinance No. 2016-26, adopting the City of Jersey Village municipal budget for fiscal year 2016-2017.**

Isabel Kato, Finance Director, introduced the item, stating that at the conclusion of the public hearing on the municipal budget, Council shall take action on the proposed budget.

She explained that the proposed budget has been filed with the City Secretary. Council has held the public hearing on the proposed budget for fiscal year 2016-2017 and has addressed changes thereto.

Accordingly, she recommended that the budget be adopted. The vote to adopt the budget must be a record vote.

With no discussion on the matter, Council Member Sheppard moved to approve Ordinance No. 2016-26, adopting the municipal budget for fiscal year 2016-2017. Council Member Mitcham seconded the motion. The record vote follows:

Council Member Mitcham:	Aye
Council Member Holden	Aye
Council Member Harper:	Aye
Council Member Sheppard:	Aye
Council Member Wubbenhorst:	Aye

Mayor Ray, although present, did not vote.

The motion carried.

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**ORDINANCE NO. 2016-26**

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; MAKING APPROPRIATIONS AS REFLECTED IN SAID BUDGET; MAKING CERTAIN FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

**4. Consider Resolution No. 2016-36, receiving the Jersey Village Tax Assessor's statutory certifications, submissions, and calculations under Section 26.04 of the Tax Code.**

Isabel Kato, Finance Director, explained that Section 26.04 of the Tax Code requires that the Jersey Village Tax Assessor:

- Submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property for the City of Jersey Village;
- Certify the current year estimated collection rate and the amount of debt taxes collected in previous year in excess of the current year's anticipated amount of collections; and
- Calculate and submit the effective tax rate and rollback tax rate.

She explained that this item accomplishes these tasks.

Council Member Mitcham moved to approve Resolution No. 2016-36, receiving the Jersey Village Tax Assessor's statutory certifications, submissions, and calculations under Section 26.04 of the Tax Code. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**RESOLUTION NO. 2016-36**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE JERSEY VILLAGE TAX ASSESSOR'S STATUTORY CERTIFICATIONS, SUBMISSIONS, AND CALCULATIONS UNDER SECTION 26.04 OF THE TAX CODE.

**E. 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

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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.

**Michael Brown, 16025 Wall Street, Jersey Village, Texas (713) 937-3123** – Mr. Brown spoke to flooding and how the channel system works. He explained how the channels have been widened up and downstream, causing a bottleneck in the City.

**Nancy Yetter, 16121 Capri Drive, Jersey Village, Texas (713) 419-3609** – Ms. Yetter spoke to flooding sensors on the bayou. She voiced a concern for future flooding events and felt that the golf course should be considered as a flooding solution, but also as green space.

**Fred W. Ziehe, 8409 Hawaii Lane, Jersey Village, Texas (713) 870-4162** – Mr. Ziehe spoke to flooding issues and the Long-Term Flood Recovery Study. He was concerned about what the study would cover. He outlined several items that should be included in the study.

**Laurel Calkins, 16001 Wall Street, Jersey Village, Texas (713) 466-1122** – Ms. Calkins spoke to City Council about the golf course. She told City Council that golf is dying and walking, biking, trails, and dog parks are what residents want. Accordingly, she would like to see the golf course land repurposed. She believes that new amenities will attract young families.

**Sharon Lindahl, 16238 Congo, Jersey Village, Texas (713) 206-1669** – Ms. Lindahl told City Council that she moved to Jersey Village for the police and fire protection and emergency medical services, not because of the golf course. She would like to see the golf course repurposed into a green space that serves all residents.

**Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 553-8625** – Mr. Maloy spoke to the golf course and how play on the course is subsidized by the Jersey Village tax payer. He wants the course repurposed to resolve flooding in the City. He also expressed his displeasure with the manner in which the Council's Meeting Minutes currently reflect citizen comments. He asked if there is a legal requirement that citizen comments be recorded verbatim. He closed his comments with a reference to the 2012 refinancing of city bonds and how this refinancing makes it difficult, if not impossible, to know how much the general fund is paying on golf course debt.

**Carl Jacksits, 16709 Wall Street, Jersey Village, Texas (713) 937-0090** – Mr. Jacksits spoke to an email that he sent back in April concerning FEMA community block grants. He stated that he has not received a response to this email. He wants to know if the City is pursuing these grants. The grants can only be applied for by the City and he believes that some residents may benefit from this program. He voiced his desire that the City be pursuing all funding sources that may help residents with flooding issues.

**F. CITY MANAGER'S REPORT**

City Manager Gray gave his report as follows:

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1. **Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – July 2016, and Budget Projections as of August 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, Stop Sign and Speed 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 Construction and Field Projects 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**

**G. 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 August 15, 2016, the Work Session Meeting held on August 15, 2016, and the Special Session Meeting held on September 7, 2016.**
2. **Consider Resolution No. 2016-37, reviewing and approving the investment policy and investment strategies used for city funds in compliance with the Texas Government Code.**

RESOLUTION NO. 2016-37

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, REVIEWING AND APPROVING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES USED FOR CITY FUNDS IN COMPLIANCE WITH THE TEXAS GOVERNMENT CODE.

3. **Consider Resolution No. 2016-38, authorizing the City Manager to execute a one (1) year contract extension with Wells Fargo Bank for depository services.**

RESOLUTION NO. 2016-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE (1) YEAR CONTRACT EXTENSION WITH WELLS FARGO BANK FOR DEPOSITORY SERVICES.



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

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

Nays: None

The motion carried.

**H. REGULAR AGENDA**

- 1. Consider Ordinance No. 2016-27, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 70, Utilities, by amending certain articles and sections of Chapter 70 to provide for amendments to water and wastewater rate schedules; providing for a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date.**

Isabel Kato, Finance Director, introduced the item. She explained that City Council, at its April 25, 2016 meeting, approved Resolution No. 2016-16, authorizing the City Manager to enter into a contract with ARCADIS U.S., Inc. for completion of a Water and Wastewater Rate and Financial Planning Study. Over the past several weeks, ARCADIS has conducted a review of historical usage and financial information from the Utility Fund. During the City Council-Staff Work Session that took place on August 15, 2016, Ms. Jennifer Ivey from ARCADIS U.S., Inc. presented to Council the findings of this rate study, utilizing different scenarios. During the work session, a consensus was reached to amend the water and waste water rates in accordance with ARCADIS' recommendations.

Approval of this Ordinance will implement the recommended changes effective with the beginning of the billing cycle that starts on or about October 25, 2016.

With limited discussion on this matter, Council Member Holden moved to approve Ordinance 2016-27, amending the Code of Ordinances of the City of Jersey Village, Texas, Chapter 70, Utilities, by amending certain articles and sections of Chapter 70 to provide for amendments to water and wastewater rate schedules; providing for a severability clause; providing for repeal; providing a penalty as provided by Section 1-8 of the Code; and providing an effective date. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2016-27

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, CHAPTER 70, UTILITIES, BY AMENDING CERTAIN

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ARTICLES AND SECTIONS OF CHAPTER 70 TO PROVIDE FOR AMENDMENTS TO WATER AND WASTEWATER RATE SCHEDULES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

**2. Consider Resolution No. 2016-39, authorizing the City Manager to enter into an agreement with Dannenbaum Engineering Corporation for consulting services related to the development of a Long-Term Flood Recovery Plan.**

Kevin T. Hagerich, Public Works Director, introduced the item. Background information is as follows: Jersey Village is impacted by chronic flooding along White Oak Bayou, with major flooding occurring in 1998, 2001, 2002, and 2016. Despite multiple stormwater drainage improvement efforts by Harris County Flood Control District (HCFCD) and significant street and drainage reconstruction projects completed by the City, approximately 200 homes within Jersey Village were impacted by flooding during the April 18, 2016 rain event. As a result, the City desires to investigate options and develop a strategic plan to lessen the impact of flooding in Jersey Village.

At the August 15, 2016 Council Meeting, City Council approved Resolution No. 2016-32, which authorized the City Manager to negotiate a contract with Dannenbaum Engineering Corporation to assist the City with the development of a Long-Term Flood Recovery Plan. This agenda item is to authorize a contract with Dannenbaum Engineering based on the Scope of Work they have provided which includes data collection and assessment, environmental review, technical analysis, and public outreach.

Representatives from Dannenbaum were present and addressed questions by City Council concerning the project and proposed contract.

Council engaged in discussion about the public outreach portion of the contract. Most felt that the charges for this service were too high. Discussion ensued about the services offered for this price which included three (3) meetings to gather resident input, publication costs, stakeholder evaluations, a questionnaire to be completed by residents, and a website with status reports. Some members felt the fee was not warranted.

Discussion was had that the contract presented is a time and material agreement with a “do not exceed clause,” meaning that the fees outlined therein could be more or less than outlined depending upon the actual services rendered.

Council engaged in discussion about the reason for hiring an engineering firm for this service. Some felt that we engaged the firm in order to make decisions based upon engineering parameters and experience that should not be swayed by public opinion/input. The consultants explained that citizen input is important as some ideas may be valid and good to pursue. There was also discussion about the cost of the survey being \$85,000. The consultants explained that during this process, every slab elevation

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(approximately 1,000 homes) will be reviewed and evaluated. This review is very important to the study findings.

There was also discussion about hydraulic modeling; the concerns voiced by the residents; the widening of the channel up and downstream; the current bayou system; and the overall area of flooding, not just Jersey Village. The consultants confirmed that these issues will be captured in the study.

Discussion continued about the cost for public outreach. Alternatives were discussed. City Attorney Hayes explained that City Council can set a contractual cap for this task, approve the contract with the cap, and instruct the City Manager to negotiate the services to be included at the capped rate.

Accordingly, City Council discussed an amount at which to set the cap. Some felt that \$80,000 was appropriate.

Council Member Holden moved to approve Resolution No. 2016-39, authorizing the City Manager to enter into an agreement with Dannenbaum Engineering Corporation for consulting services related to the development of a Long-Term Flood Recovery Plan, and that the fees for public outreach be capped at \$80,000. Council Member Harper seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2016-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DANNENBAUM ENGINEERING CORPORATION FOR CONSULTING SERVICES RELATED TO THE DEVELOPMENT OF A LONG-TERM FLOOD RECOVERY PLAN.

**3. Consider Resolution No. 2016-40, awarding the bid and authorizing the City Manager to execute a contract with MC2 Main Lane for the City of Jersey Village Water & Sewer Utility Relocation Project along US Highway 290 (Segment 7).**

Kevin T. Hagerich, Public Works Director, introduced the item. Background information is as follows: On August 24, 2016, the City of Jersey Village Engineer, Brooks & Sparks Inc., along with City staff received bid documents related to the City's Water & Sewer Utility Relocation Project along US Highway 290 (Segment 7). MC2 Main Lane was the responsive, qualified bidder, submitting a bid of \$2,576,545.00. City Engineer Brooks & Sparks Inc. has reviewed the bid proposal, and it is the recommendation of Frank Brooks

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that the City select MC2 Main Lane as the contactors for the City's Water & Sewer Utility Relocation Project along US Highway 290 (Segment 7).

With limited discussion on the matter, Council Member Sheppard moved to approve Resolution 2016-40, awarding the bid and authorizing the City Manager to execute a contract with MC2 Main Lane for the City of Jersey Village Water & Sewer Utility Relocation Project along US Highway 290 (Segment 7). Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2016-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MC2 MAIN LANE FOR THE CITY'S WATER & SEWER UTILITY RELOCATION PROJECT ALONG US HIGHWAY 290 (SEGMENT 7).

- 4. Consider Resolution No. 2016-41, authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for engineering services related to Clarifier No.1 Renovation, Clarifier No. 2 Addition, and Plant Upgrades for the Castlebridge Wastewater Treatment Plant.**

Kevin T. Hagerich, Public Works Director, introduced the item. Background information is as follows: The City owns and operates the Castlebridge Wastewater Treatment Plant which serves the area of Jersey Village west of Jones Road. Upon inspection of the Plant, it was noted that there is only one clarifier on site; which is in need of rehabilitation. Adding a second clarifier is recommended to provide redundancy, and allow for future growth of the City.

Brooks & Sparks, Inc. have tendered a proposal to provide engineering services related to design, bid, and construction phase for the Castlebridge Wastewater Treatment Plant upgrades project. Acceptance of the proposal will allow Brooks & Sparks, Inc. to begin the process of designing the project. Surveying, geotechnical testing, and design will commence after the contract is executed.

This item is to authorize the City Manager to enter into a contract with Brooks & Sparks for engineering services related to design, bid, and construction phase for the Castlebridge Wastewater Treatment Plant upgrades project. Funding for this project has been written into the Capital Improvements Plan for the FY2016-2017 budget.

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With limited discussion on this item, Council Member Wubbenhorst moved to approve Resolution No. 2016-41, authorizing the City Manager to enter into a contract with Brooks & Sparks, Inc. for engineering services related to Clarifier No.1 Renovation, Clarifier No. 2 Addition, and Plant Upgrades for the Castlebridge Wastewater Treatment Plant. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2016-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BROOKS & SPARKS, INC., FOR ENGINEERING SERVICES RELATED TO CLARIFIER NO. 1 RENOVATION, CLARIFIER NO. 2 ADDITION, AND PLANT UPGRADES FOR THE CASTLEBRIDGE WASTEWATER TREATMENT PLANT.

**5. Consider Resolution No. 2016-42, authorizing the City Manager to extend the Pre-Storm Contract for Disaster Recovery Services with AshBritt, Inc. for an additional four (4) years.**

Kevin T. Hagerich, Public Works Director, introduced the item. Background information is as follows: Back in 2008 City staff interviewed several companies recommended by HGAC and came to the decision that AshBritt Environmental was the best fit for our needs during a disaster, and City Council approved a four year contract which was ultimately extended for another four (4) year period in August of 2013.

The August 2013 extension will expire on September 18, 2016, and AshBritt has agreed to extend the Contract for another four (4) years with certain price adjustments to Exhibit A and B. The contract extension will begin on September 18, 2016 and expire on September 18, 2020.

With limited discussion on the matter, Council Member Holden moved to approve Resolution No. 2016-42, authorizing the City Manager to extend the Pre-Storm Contract for Disaster Recovery Services with AshBritt, Inc. for an additional four (4) years. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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RESOLUTION NO. 2016-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXTEND THE 2008 PRE-STORM CONTRACT FOR DISASTER RECOVERY SERVICES WITH ASHBRIIT, INC. FOR AN ADDITIONAL FOUR (4) YEARS.

6. **Consider Resolution No. 2016-43, authorizing an agreement with Waters & Company for consulting services in connection with the recruitment and hiring of a City Manager.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

On September 7, 2016, City Council approved the services of Waters & Company to recruit a City Manager for Jersey Village, and to instructed the City Secretary and City Attorney to prepare an agreement for these services for Council's review and approval at the September 19, 2016 City Council Meeting.

This item is to review and approve the agreement with Waters & Company for consulting services in connection with the recruitment and hiring of a City Manager.

With limited discussion on this matter, Council Member Mitcham moved to approve Resolution No. 2016-43, authorizing an agreement with Waters & Company for consulting services in connection with the recruitment and hiring of a City Manager. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2016-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH WATERS & COMPANY FOR CONSULTING SERVICES IN CONNECTION WITH THE RECRUITMENT AND HIRING OF A CITY MANAGER.

7. **Discuss and take appropriate action on the request from Lone Star Swim Team for use of City Pool.**

Kimberly Terrell, Director of Parks and Recreation, introduced the item. Background information is as follows: The Parks & Recreation Department has received a request from the Lone Star Swim Team to use the City Pool for swim practice on several week nights during the months October, November and December.

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Currently, the JV Stars are the only swim team to use the City's pool for practice and swim meets. The Lone Star Swim Team typically uses CyFair ISD facilities, however, there have been some facility closures leading to some availability issues for practices.

The City will require a copy of their coaches' lifeguard and CPR certifications to verify that they are in compliance with pool safety regulations. The pool officially closed on September 5th so they will not be in conflict with any users. The City maintains the pool all year at required chemical levels so there is little extra chemical expense. The City will charge the Swim Team the typical rental fee of \$50 per day to which the Swim Team has agreed.

Meeting minutes from the May 20, 1985 City Council meeting indicate that there was a unanimous vote to require that "any swim team that may desire to use the municipal swimming pool will address City Council no less than sixty days prior to any proposed use of the pool for approval by Council."

The Parks & Recreation Department recommends granting approval to the Lone Star Swim Team for weekday practices as needed during the months of October, November and December.

With limited discussion on the matter, Council Member Harper moved to approve the use of the City swimming pool for week day practice by the Lone Star Swim Team during the months of October, November and December of 2016 for a fee of \$50 per use. Council Member Mitcham seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**8. Consider Resolution No. 2016-44, selecting individuals to serve on the TML Intergovernmental Risk Pool Board of Trustees – Places 6, 7, 8, and 9 (Workers' Compensation, Property and Liability Benefits).**

Lorri Coody, City Secretary, introduced the item. She told Council that the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Term of Office for Places 6, 7, 8, and 9 will expire. The term of office for these positions is six years. A slate of interested candidates appears on the official ballot for election. Along with each name is a brief summary of qualifications for each candidate. The ballot must be received by the Board Secretary no later than September 30, 2016 and the official ballot must be properly signed and all pages of the ballot must be mailed in accordance with the instructions in order for the City of Jersey Village's vote to be counted.

The Pool offers various insurance and risk coverage including Workers' Compensation, Liability Insurance, Property Insurance and Special Risk Coverage.

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After limited discussion, Council Sheppard Member moved to vote for the following individuals to serve on the TML Intergovernmental Risk Pool Board of Trustees: **Place 6**: Mary Gauer; **Place 7**: C. J. Wax; **Place 8**: Larry Melton; and **Place 9**: Andres Garza.

Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

Council Member Sheppard then moved to approve Resolution No. 2016-44, selecting individuals to serve on the TML Intergovernmental Risk Pool Board of Trustees – Places 6, 7, 8, and 9. Council Member Mitcham seconded the motion. The vote follows:

Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**RESOLUTION NO. 2016-44**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SELECTING INDIVIDUALS TO SERVE ON THE TML INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES – PLACES 6, 7, 8, AND 9.

- 9. Consider Resolution No. 2016-45, appointing members to the Planning and Zoning Commission and Capital Improvements Advisory Committee, the Board of Adjustment, the Building Board of Adjustment and Appeals, the Recreation and Events Committee, and the Golf Course Advisory Committee.**

City Secretary, Lorri Coody, presented the item. She explained that the terms for members serving on various Boards, Commissions, and Committees have expired, requiring that new appointments be made by the Council at this time.

In order to prepare for this item the following actions were taken to inform residents of these appointments and extend invitation for consideration of applications:

1. A notice was placed in the August 2016 and September 2016 JV Star;
2. A notice was placed on the City's website; and
3. Letters were sent extending invitation to former applicant's expressing an interest in serving on City Boards/Committees.



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The applications of those qualified candidates who have expressed interest in serving on these Boards and Commissions were included in the Council meeting packet.

Council reviewed the openings on each of the following Boards and Committees and made the appropriate appointments as follows:

**Planning & Zoning Commission and the Capital Improvements Advisory Committee**

Council Member Sheppard moved to appoint Debra Mergel to Position 5, Joyce Berube to Position 6, and Rick Faircloth to Position 7 for the term that begins on October 1, 2016 and ends September 30, 2018; and to appoint William Dillion to Position 1 for the unexpired term that began October 1, 2015 and will expire on September 30, 2017. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**The Board of Adjustment**

Council Member Holden moved to appoint Ken Nguyen to Position 4, Debra Sappington to Position 5, and M. Reza Khalili to Position A2 for the term that begins on October 1, 2016 and ends September 30, 2018. Council Member Mitcham seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**The Building Board of Adjustment and Appeals**

Council Member Mitcham moved to appoint Henry Hermis, Jr. to Position 1, Frank Gullo to Position 2, William Berger to Position 3, and Robert Bonagurio to Position 4 for the term that begins on October 1, 2016 and ends September 30, 2018. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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**The Recreation and Events Committee**

Council Member Andrew moved to appoint Dana Johnson to Position 5, Doris Michalak to Position 6, and Eloisa Arteaga to Position 7 for the term that begins on October 1, 2016 and ends September 30, 2018; and David L. Lock to Position 3 for the unexpired term that began on October 1, 2015 and will expired on September 30, 2017. Council Member Sheppard seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**The Golf Course Advisory Committee**

Council Member Mitcham moved to appoint Vance Burnham to Position 1, Greg Fair to Position 2, Jane Arnett to Position 3, David L. Lock to Position 4, Ronald Schielke to Position 5, Robert Karlin to Position 6, and James Sappington to Position 7 for the term that begins on October 1, 2016 and ends September 30, 2017. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

In completing the appointments, Council Member Mitcham moved to approve Resolution No. 2016-45, appointing members to the Planning & Zoning Commission, the Capital Improvements Advisory Committee, the Board of Adjustment, the Building Board of Adjustment and Appeals, the Golf Course Advisory Committee; and the Recreation and Events Committee. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**RESOLUTION NO. 2015-84**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION, THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, THE BOARD OF ADJUSTMENT, THE BUILDING BOARD OF ADJUSTMENT AND APPEALS, THE GOLF COURSE ADVISORY COMMITTEE; AND THE RECREATION AND EVENTS COMMITTEE.

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**10. Consider Resolution No. 2016-46, appointment members to the 2016 Charter Review Commission.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

Section 9.14 of the city's Home Rule Charter calls for the appointment of a Charter Review Commission every four years, beginning in July, 1996. The last Charter Review Commission was appointed by council in July of 2012. Council must appoint a Commission for 2016.

To comply with this provision, Council must appoint a charter review commission to review the city charter for possible amendments. The Charter Review Commission must consist of seven (7) members and three (3) alternate members. In the past, a standing member of Council has been appointed to the Review Commission to serve as a liaison or council members have served as alternate members on the Commission. The term of service of the Charter Review Commission is to be six months. This can be extended by Council.

In order to prepare for this item the following actions were taken to inform residents about the Charter Review process and extend invitation for consideration of applications:

1. A notice was placed in the August and September 2016 JV Star
2. A notice was placed on the City's website
3. Letters were written extending invitation to the 2012 Charter Review Commission Members

The applications of those qualified candidates who have expressed interest in serving on this Commission were included in the meeting packet for Council's review. Of the eight resident applicants, Council will need to appoint 7 regular members and 1 alternate member. Additionally, Council will need to consider appointing two (2) Council Members to serve in the remaining Alternate Positions.

Council Member Sheppard moved to approve Resolution No. 2016-46, appointing Barbara Freeman, Debra Mergel, Richard Faircloth, Joyce Berube, Karie Lawrence, Susan Edwards, Ron Dupre, Fannie Messec as Alternate, Council Member Andrew Mitcham as Alternate, and Council Member C. J. Harper as Alternate members to the 2016 Charter Review Commission. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2016-46

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

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TEXAS, APPOINTING MEMBERS TO THE 2016 CHARTER REVIEW COMMISSION.

**I. CLOSE THE REGULAR SESSION**

Mayor Ray closed the Regular Session at 9:45 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.071– Consult with Attorney and Section 551.072 Deliberation of Real Property.

**J. EXECUTIVE SESSION**

1. **Consult with attorney pursuant to the Texas Open Meetings Act Section 551.071 regarding pending lawsuit: *City of Jersey Village v. Texas Transportation Commission and Tryon D. Lewis, In His Official Capacity as Chair of the Texas Transportation Commission*, Case No. 15-0874, in the Supreme Court of Texas. *City Attorney, Mary Conner***
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 a 0.0900 acre tract of land located in the Charles Clarkson Survey, Abstract Number 190, and being a part of a called 8.0853 acre tract described in a deed to PS LPT Properties Investors and recorded under Harris County Clerk’s File Number 20130516754 and being out of and a part of Restricted Reserve “A-1” Steeplechase Park Section Five Reserve “A” Replat, a subdivision recorded under Film Code Number 359129 of the Harris County Map Records, located within the City of Jersey Village, Harris County, State of Texas. *City Attorney, Leah Hayes***
3. **Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.071 – regarding the Right of Entry Agreement for the Joe Myers Ford property as it relates to US 290 Soundwall construction. *City Attorney, Leah Hayes***

**K. ADJOURN EXECUTIVE SESSION**

Mayor Ray adjourned the Executive Session at 10:30 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive session.

**L. REGULAR SESSION CONTINUED**

1. **Discuss and take appropriate action on matter discussed in Executive Session regarding the pending lawsuit: *City of Jersey Village v. Texas Transportation Commission and Tryon D. Lewis, In His Official Capacity as Chair of the Texas Transportation Commission*, Case No. 15-0874, in the Supreme Court of Texas.**

No action was taken on this matter.

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2. **Discuss and take appropriate action on matters discussed in Executive Session, including consideration and possible action on Resolution No. 2016-47, approving a Settlement Agreement with PS LPT Properties Investors for the acquisition of a water line easement across a 0.0900 acre tract of land (Parcel 716) as part of the 290 Water Line Project within the City of Jersey Village; and authorizing the City Manager to execute the settlement agreement and related documents; and making other findings related hereto.**

With no discussion on the matter, Council Member Sheppard moved to approve Resolution No. 2016-47, approving a Settlement Agreement with PS LPT Properties Investors for the acquisition of a water line easement across a 0.0900 acre tract of land (Parcel 716) as part of the 290 Water Line Project within the City of Jersey Village; and authorizing the City Manager to execute the settlement agreement and related documents; and making other findings related hereto. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2016-47

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING A SETTLEMENT AGREEMENT WITH PS LPT PROPERTIES INVESTORS FOR THE ACQUISITION OF A WATER LINE EASEMENT ACROSS A 0.0900 ACRE TRACT OF LAND (PARCEL 716) AS PART OF THE 290 WATER LINE PROJECT WITHIN THE CITY OF JERSEY VILLAGE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT AND RELATED DOCUMENTS; AND MAKING OTHER FINDINGS RELATED HERETO; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT AND RELATED DOCUMENTS; AND MAKING OTHER FINDINGS RELATED HERETO.

3. **Discuss and take appropriate action on matters discussed in Executive Session regarding the Right of Entry Agreement for the Joe Myers Ford property as it relates to US 290 Soundwall construction.**

No action was taken on this matter.

**M. 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;

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- 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 Wubbenhorst:** Council Member Wubbenhorst had no comments.

**Council Member Sheppard:** Council Member Sheppard expressed her appreciation for the opportunity to play golf at the City golf course.

**Council Member Mitcham:** Council Member Mitcham had no comments.

**Council Member Holden:** Council Member Holden had no comments.

**Council Member Harper:** Council Member Harper had no comments.

**Mayor Ray:** Mayor Ray had no comments.

**N. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 10:33 p.m.

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Lorri Coody, City Secretary