

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 19, 2018 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, Austin Bleess
Council Member, Andrew Mitcham	City Attorney, Leah Hayes
Council Member, Greg Holden	City Secretary, Lorri Coody
Council Member, Bobby Warren	
Council Member, James Singleton	
Council Member, Gary Wubbenhorst	

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

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

- 1. Prayer and Pledge by: Pastor Averri Lemalle, Champions Forest Baptist Church of Jersey Village.**

**C. PRESENTATIONS**

- 1. Presentation of Employee of the Month.**

The Employee of the Month Program was developed to encourage recognition of Jersey Village employees who show exemplary individual achievement, contribution, and performance in their jobs. These individuals consistently exhibit a positive and supportive attitude and make contributions beyond the usual expectations of their employment.

City Manager Austin Bleess presented the November employee of the month award to Devron Limerick.

**D. JUVENILE CURFEW PUBLIC HEARING AND RELATED ITEMS**

- 1. Conduct second public hearing on the need to continue the City of Jersey Village Juvenile Curfew Ordinance.**

Mayor Ray opened the second public hearing on the need to continue the City of Jersey Village Juvenile Curfew Ordinance at 7:07 p.m.

Eric Foerster, Chief of Police, gave a short presentation concerning the curfew ordinance and its effects on the community.

Council engaged in discussion about the Chief's presentation, asking questions about the statistics presented. There was discussion about the stops being made the reasons for probable cause to make the stops. While there is no information/statistics available that support the reasons for probable cause, Chief Foerster feels that the curfew ordinance is a necessary tool in preventing crime in the City.

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Some members wondered if we did not have the ordinance if there are enough other tools to maintain the same or better crime rate. Chief Forester explained that we have no way of knowing. City Attorney Hayes added that the effects of the ordinance could have a deterrent factor that cannot be measured or factored into the statistics.

Council discussed curfew citations versus traffic citations in terms of penalty as well as the time and place criteria for curfew violations.

With no further questions for Chief Foerster, Mayor Ray called the first person signing up to speak at the public hearing as follows:

**John Baucum, 15325 Chichester Lane, Jersey Village, Texas (713) 822-8405:** Mr. Baucum does not support the juvenile curfew ordinance and does not want City Council to pass this ordinance. He gave information about studies that do not support the ordinance.

**Fred W. Ziehe, 8409 Hawaii Lane, Jersey Village, Texas (713) 870-4162:** Mr. Ziehe supports the curfew ordinance. He believes it serves as a tool for our police department and there is no evidence that the department has abused the ordinance. He stated that the ordinance serves as a deterrent to prevent youth from getting into problems.

**Susan Edwards, 16001 Jersey Drive, Jersey Village, Texas (713) 466-4383:** Mrs. Edwards echoes the comments made by Fred W. Ziehe. She supports the ordinance and believes it is a useful tool for our police department.

**Nancy Yetter, 16121 Capri Drive, Jersey Village, Texas (713) 419-3609:** Ms. Yetter spoke to truancy laws versus curfew laws. She stated that she had called the school district about the issue. She stated that she was told that the district does not have truancy officers, they only have what is called attendance officers who do not leave the school to patrol the streets. Because of this information, she supports the curfew ordinance.

**Devron Limerick, Jersey Village, Texas:** Officer Limerick resides in Jersey Village and speaks to the Council as a resident in support of the juvenile curfew ordinance. Officer Limerick gave examples of how the curfew ordinance has helped the Jersey Village Police Department prevent crime in the City.

With no one else signing up to speak, Mayor Ray closed the first public hearing at 7:37 p.m.

- 2. Consider Ordinance No. 2018-23, continuing in effect Ordinance No. 1995-20, adopted on November 20, 1995, and codified as Chapter 42, Article III, Division 3, entitled “Curfew;” reflecting compliance with all requirements of state law and re-affirming the need to continue the curfew ordinance; and providing a penalty of an amount not less than \$50.00 nor more than \$500.00 for each day of violation of any provision hereof; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date.**

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Eric Foerster, Chief of Police, introduced the item. He stated that he supports passage of this ordinance.

Council engaged in discussion about the comments made during the public hearing on the curfew ordinance. Some members felt that constitutional issues should be worked through at the state judicial level, recognizing that our current version of the ordinance has been upheld by the 5<sup>th</sup> Circuit. However, other members did not agree, and Council discussed the 5<sup>th</sup> Circuit's decision.

Council also discussed rights verses useful tools and if the juvenile curfew ordinance is necessary. Public safety was discussed in connection with the juvenile ordinance as well as the statistics presented by Chief Foerster.

With no further discussion on the matter, Council Member Mitcham moved to approve Ordinance No. 2018-23, continuing in effect Ordinance No. 1995-20, adopted on November 20, 1995, and codified as Chapter 42, Article III, Division 3, entitled "Curfew;" reflecting compliance with all requirements of state law and re-affirming the need to continue the curfew ordinance; and providing a penalty of an amount not less than \$50.00 nor more than \$500.00 for each day of violation of any provision hereof; making certain findings; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability; and providing an effective date. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, and Wubbenhorst

Nays: Council Members Warren and Singleton

The motion carried.

ORDINANCE NO. 2018-23

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, CONTINUING IN EFFECT ORDINANCE NO. 1995-20, ADOPTED ON NOVEMBER 20, 1995, AND CODIFIED AS CHAPTER 42, ARTICLE III, DIVISION 3, ENTITLED "CURFEW"; REFLECTING COMPLIANCE WITH ALL REQUIREMENTS OF STATE LAW AND RE-AFFIRMING THE NEED TO CONTINUE THE CURFEW ORDINANCE; PROVIDING A PENALTY OF AN AMOUNT NOT LESS THAN \$50.00 NOR MORE THAN \$500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING CERTAIN FINDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**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 comment is on the agenda, the City staff and City Council Members are prevented from discussing the subject

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and may respond only with statements of factual information or existing policy. Citizens are limited to five (5) minutes for their comments to the City Council.

**Jon Rosenthal, State Representative Elect, 7902 Swan Hollow Court, Houston, Texas (832) 876-7475:** Mr. Rosenthal introduced himself to the Council and residents, stating that he is the new State Representative for District 35. He told the Council that he will bring the City's concerns to Austin.

**Judy Brunner, 15310 Philippine, Jersey Village, Texas (713) 443-9496:** Ms. Brunner spoke to City Council about the issue of relocating the dog park. She does not support the change due to the new location's proximity to the schools and the safety of the children. She stated that dogs are unpredictable and as such are a safety hazard for the children.

**Fannie Messec, 8406 Argentine Street, Jersey Village, Texas (713) 865-3434:** Mrs. Messec spoke to City Council about relocating the dog park. She is concerned about the trees and is not sure we even need a dog park given there is a nice one located to the North of the City. There is a question of parking. She opposes the dog park and is concerned it may attract wild animals.

**Michael Stembridge, 15422 Jersey Drive, Jersey Village, Texas (713) 983-8647:** Mr. Stembridge thanked the Council and Staff for all that has been done to widen White Oak Bayou. He told City Council that his home is not eligible for grant reconstruction monies because it is located in the floodway. He wants to know the status of home elevation grants as he wants his home included. He is concerned about being included since the elevation project went from phased to pick and choose. He is concerned that relocating the dog park may affect the widening of White Oak Bayou.

**George McLure, 7802 Hamilton Circle, Jersey Village, Texas (713) 922-1923:** Mr. McLure spoke to the process in Jersey Village for locating the dog park. He stated that the City sought input from residents on where to locate the dog park. Residents chose the detention pond location and now the City wants to change the location. He stated that it feels like betrayal.

**Merrilee Beazley, 14910 Lakeview Drive, Jersey Village, Texas (342) 332-6074:** Ms. Beazley spoke to City Council about her survey on mail ballots. She also addressed issues she has with her personal email being used without her consent. She is concerned about the Jersey Village voting process. She spoke to the trouble she had in getting information from City Council Member Singleton's personnel file. She opposes the dog park and she opposes the installation of red light cameras. She is concerned about the purchase of land at Jersey Crossing and the amount spent on this purchase.

**Nancy Yetter, 16121 Capri, Jersey Village, Texas (713) 419-3609:** Ms. Yetter was called but did not speak.

**Gene Gant, 15403 Philippine Street, Jersey Village, Texas (832) 292-0103:** Mr. Gant thanked the Chief of Police for placing officers on Philippine Street. The new dog park location will not work due to the large amount of traffic on Philippine Street. He also felt that parking will be an

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issue at this location and it will be dangerous. He feels the detention pond location is best suited for a dog park.

**Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 553-8625**: Mr. Maloy spoke about his requests to have his citizen's comments, statements, and meeting handouts made a permanent record of the meeting. He complained that these records are only being kept for two (2) years as indicated by the City Secretary. He also spoke to the issue of relocating the dog park. He feels that resident were given two (2) options for locating the park and residents chose the detention pond location. He feels it is not proper for the City to change the location without notice to the residents.

**John Baucum, 15325 Chichester Lane, Jersey Village, Texas (713) 822-8405**: Mr. Baucum opposes red light cameras. He feels they are unconstitutional. As to relocating the dog park, he feels that this decision should be postponed until City Council has received additional input from the residents.

**Rod Erskine, 32 Parkway Place, Jersey Village, Texas (281) 827-1183**: Mr. Erskine spoke to City Council about the Red Light Camera (RLC) Program. He supports these cameras. He wants City Council to pass the Resolution and move forward with installing the cameras. He spoke to the May 2016 Special Election concerning the RLC propositions. During this time, much data was gathered by a group of residents. This data shows that the cameras in Jersey Village reduced crashes and injuries at red light camera intersections. The program was initiated in 2009 and almost immediately, the incidents at red lights were reduced. The cameras were phased out in 2014 with the expansion of US HWY 290 and since that time, incidents and accidents at these intersections have increased. Running red lights is dangerous. Mr. Erskine also spoke to the safety programs that are funded by the RLC Program. He reminded Council that 675 residents voted in the 2016 election in support of the cameras.

**Belerie Torres, 7819 Equador Street, Jersey Village, Texas**: Ms. Torres does not want the dog park relocated to Phillipine Street due to traffic problems. She also stated that Equador Street floods. She is afraid that the park will bring crime to the area. She is concerned about theft of property. She also stated that there are no street lights on Equador.

**F. CITY MANAGER'S REPORT**

City Manager Bless gave his monthly report as follows:

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – September 2018, General Fund Budget Projections as of October 2018, and Utility Fund Budget Projections – October 2018.**
- 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**

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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 Budget Summary; Golf Course Social Media Summary Report, and Parks and Recreation Departmental Report.**
8. **Report from Code Enforcement**
9. **City Social Media Summary Report**

**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 October 15, 2018.**
2. **Consider Resolution No. 2018-73, receiving the Capital Improvements Advisory Committee's November 2018 Semiannual Progress Report.**

RESOLUTION NO. 2018-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE'S NOVEMBER 2018 SEMIANNUAL PROGRESS REPORT.

3. **Consider Resolution No. 2018-74, declaring obsolete equipment and authorizing disposition by the City Manager in accordance with the City's Administrative Procedures.**

RESOLUTION NO. 2018-74

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

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

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

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**H. REGULAR AGENDA**

**1. Consider Resolution No. 2018-75, approving the Outside Service Agency Funding Policy and Application.**

Austin Bless, City Manager, introduced the item. Background information is as follows: As part of the budget meetings the City Council allocated \$10,000 towards grants for outside service agencies. Staff has created a policy that establishes the goals the council expressed, which includes providing funding in the form of grants to nonprofit outside service organizations and agencies which are located in Jersey Village which provide specific services and programs that support at least one of the following service objectives of the City:

- Provides a vital social service that is not duplicated by other organizations in the community
- Provides a service or program that is better delivered by a public service agency or organization rather than City government
- Provides a needed cultural or arts amenity to the public that is not duplicated in the community

The Texas Constitution, State statutes, and Federal regulations establish clear standards for the use of public funds. The standards require cities to spend taxpayer money for public purposes and prohibit the use of public money for private purposes. The application of this mandate for the purposes of this policy will be accomplished on the basis that the City will fund those agencies and programs that fully meet the requirements of this policy. Every agency must serve a public purpose by delivering services that the City government could provide itself but chooses to deliver the services through a non-profit entity.

The policy and application process has been designed to ensure the funding meets the requirements. Under the proposed policy the City Manager would assemble a review committee to review all applications. The City Manager would have the authority to approve or deny funding requests and to enter into the necessary agreements with the agency to ensure the essential public purpose and policy objectives are met. The City Manager will report to the City Council within 30 days of any funding approval the name of the agency receiving funding and the amount received.

Council engaged in discussion about the outside service agency funding policy. The grant amount budgeted for 2018-2019 is \$10,000. City Attorney Hayes told Council that this amount is set during budget discussions and may vary from year to year. Allocation of the funds was discussed. City Manager Bless explained that the funds will be allocated dependent upon the applicants received.

Council wanted to know what other cities are doing and if this policy is similar. City Manager Bless explained that in preparing the policy, policies from other cities were reviewed and the best of all were worked into the policy being considered for Jersey

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Village. Council also discussed the selection process and the process for notifying the public about the availability of these funds. City Manager Bless explained that the program will be ad driven, using the JV Star and Facebook.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2018-75, approving the Outside Service Agency Funding Policy and Application. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2018-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ESTABLISHING POLICIE AND APPLICATON PROCEDURES FOR OUTSIDE SERVICE AGENCY FUNDING

- 2. Consider Ordinance No. 2018-24, amending the Jersey Village Code of Ordinances, by amending Chapter 6, “Alcoholic Beverages”, Article II “Liquor Permit” at Sections 6-43 “Application”, 6-45 “Fees”, 6-46 “Issuance; Contents”, and 6-48 “Constitutes Personal Privilege; Expiration”; amending Article III “Beer License” at Sections 6-84 “Application”, 6-86 “Classes; Fee Prescribed”, 6-87 “Issuance; Contents”; 6-89 “Terms; Renewal”; 6-90 “Assignment; Sale Under Execution; Transfer to Another Location”, and 6-91 “Refund of Fees”; for the purpose of revising provisions affected by legislative amendments to the Texas Alcoholic Beverage Code; Providing for the codification and renumbering of the revised sections; providing for severability; and providing for a penalty in an amount not to exceed \$2,000.00 for each day of the violation of any provisions hereof.**

Lorri Coody, City Secretary, introduced the item. She told City Council that the City’s current Alcoholic Beverage permitting process operates on a one year basis and fees are charged on the basis of one half of the State permitting fees. This one year process has worked well until several years ago when the State changed its Alcoholic Beverage permitting process from a one-year process to a two-year process.

The proposed amendments will change our permitting process to a two year system that will coincide with the State issued permits, making the process less complicated.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Ordinance No. 2018-24, amending the Jersey Village Code of Ordinances, by amending Chapter 6, “Alcoholic Beverages”, Article II “Liquor Permit” at Sections 6-43 “Application”, 6-45 “Fees”, 6-46 “Issuance; Contents”, and 6-48 “Constitutes Personal Privilege; Expiration”; amending Article III “Beer License” at Sections 6-84 “Application”, 6-86 “Classes; Fee Prescribed”, 6-87 “Issuance; Contents”; 6-89 “Terms;



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Renewal”; 6-90 “Assignment; Sale Under Execution; Transfer to Another Location”, and 6-91 “Refund of Fees”; for the purpose of revising provisions affected by legislative amendments to the Texas Alcoholic Beverage Code; Providing for the codification and renumbering of the revised sections; providing for severability; and providing for a penalty in an amount not to exceed \$2,000.00 for each day of the violation of any provisions hereof. Council Member Singleton seconded the motion. The vote follows:

Ayes: Council Members Holden, Warren, Singleton, and Wubbenhorst

Nays: None

Abstain: Council Member Mitcham

The motion carried.

ORDINANCE NO. 2018-24

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE JERSEY VILLAGE CODE OF ORDINANCES, BY AMENDING CHAPTER 6, “ALCOHOLIC BEVERAGES”, ARTICLE II “LIQUOR PERMIT” AT SECTIONS 6-43 “APPLICATION”, 6-45 “FEES”, 6-46 “ISSUANCE; CONTENTS”, AND 6-48 “CONSTITUTES PERSONAL PRIVILEGE; EXPIRATION”; AMENDING ARTICLE III “BEER LICENSE” AT SECTIONS 6-84 “APPLICATION”, 6-86 “CLASSES; FEE PRESCRIBED”, 6-87 “ISSUANCE; CONTENTS”; 6-89 “TERMS; RENEWAL”; 6-90 “ASSIGNMENT; SALE UNDER EXECUTION; TRANSFER TO ANOTHER LOCATION”, AND 6-91 “REFUND OF FEES”; FOR THE PURPOSE OF REVISING PROVISIONS AFFECTED BY LEGISLATIVE AMENDMENTS TO THE TEXAS ALCOHOLIC BEVERAGE CODE; PROVIDING FOR THE CODIFICATION AND RENUMBERING OF THE REVISED SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH DAY OF THE A VIOLATION OF ANY PROVISIONS HEREOF.

- 3. Consider Ordinance No. 2018-25, amending the General Fund Budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019 by increasing line items 01-12-6570 (Land Acquisition) in the amount not to exceed \$5,183,704 for the purchase of approximately 23.34 acres of land southeast of US 290 on either side of Jones Road in Jersey Village, Texas, from Jones Road Holding Ltd., pursuant to an agreement to settle the claims asserted by Jones Road Holdings Ltd. in Cause No. 1061305; *Jones Road Holding Ltd. vs. City of Jersey Village, Texas*; County Civil Court at Law No. 2.**

Isabel Kato, Finance Director, introduced the item. Background information is as follows: On October 2, 2017 the City of Jersey Village entered into a Settlement Agreement and an Option Agreement with Jones Road Holding LTD to settle the claims asserted by Jones Road Holding Ltd, in Cause No. 1061305; Jones Road Holding LTD vs. City of Jersey Village Texas, County Civil Court at law No. 2. This Option Agreement provides for the

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purchase of approximately 23.34 acres of land Southeast of U.S. 290 on either side of Jones Road in Jersey Village.

On August 6, 2018, City Council approved Ordinance 2018-15 in order to exercise the option to purchase under the terms and conditions of said Option Agreement and amend the general fund budget for \$5,250,000 from the General Fund balance for the purchase of the land. Accordingly, \$5,250,000 was appropriated from the General Fund Balance to account number 01-12-6570 (Land Acquisition) for the purchase of this land. Unfortunately, we were not able to close the deal and make the final payment in the amount \$5,183,703.13 until October 2, 2018, which fell in the fiscal year 2018-2019.

With limited discussion on the matter, Council Member Wubbenhorst moved to approve Consider Ordinance No. 2018-25, amending the General Fund Budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019 by increasing line items 01-12-6570 (Land Acquisition) in the amount not to exceed \$5,183,704 for the purchase of approximately 23.34 acres of land southeast of US 290 on either side of Jones Road in Jersey Village, Texas, from Jones Road Holding Ltd., pursuant to an agreement to settle the claims asserted by Jones Road Holdings Ltd. in Cause No. 1061305; *Jones Road Holding Ltd. vs. City of Jersey Village, Texas*; County Civil Court at Law No. 2. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2018-25

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 BY INCREASING LINE ITEMS 01-12-6570 (LAND ACQUISITION) IN THE AMOUNT NOT TO EXCEED \$5,183,703 FOR THE PURCHASE OF APPROXIMATELY 23.34 ACRES OF LAND SOUTHEAST OF US 290 ON EITHER SIDE OF JONES ROAD IN JERSEY VILLAGE, TEXAS, FROM JONES ROAD HOLDING LTD., PURSUANT TO AN AGREEMENT TO SETTLE THE CLAIMS ASSERTED BY JONES ROAD HOLDINGS LTD. IN CAUSE NO. 1061305; *JONES ROAD HOLDING LTD. VS. CITY OF JERSEY VILLAGE, TEXAS*; COUNTY CIVIL COURT AT LAW NO. 2.

- 4. Consider Resolution No. 2018-76, receiving the Traffic Engineering Study in connection with the reactivation of the Red Light Camera Program, and authorizing the City Manager to proceed with installation of the cameras at the locations analyzed in the Study.**

Background information is as follows: During the May 19, 2018 City Council Work Session, Council members discussed the reactivation of the Red Light Camera Program,

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which had been disabled and removed as a result of the US HWY 290 expansion. Ultimately, Council expressed the desire for staff to move forward with the process of having the cameras reinstalled. The City's contract with the service provider, American Traffic Solutions (ATS), is still current.

At the August 20, 2018 Council session, funding was approved to move forward with a traffic engineering study to evaluate the reactivation, usefulness, and placement of red light cameras in the City. The study focused on 11 (eleven) approaches to include locations where the red light cameras had previously been installed.

The purpose of this agenda item is to receive the Traffic Engineering Study, and authorize the City Manager to proceed with installation of the cameras at the locations analyzed in the Study.

Eric Foerster, Chief of Police, gave a presentation on the Report and recommended moving forward with the program with the cameras situated in the same locations that they were installed prior to the reconstruction of US HWY 290. He told Council that the study shows that the City would benefit from installing cameras at these intersections. Chief Foerster also addressed the yellow light control and pointed to the study concerning same. He told City Council that every intersection has be reengineered.

Council engaged in discussion about the study. Some wondered about the inclusiveness of the study. Chief Foerster stated that the study was well done and all inclusive.

There was discussion about control of the yellow lights. Chief told Council that this control falls under TxDOT, but that he has been working closely with this entity and does not foresee any issues.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2018-76, receiving the Traffic Engineering Study in connection with the reactivation of the Red Light Camera Program, and authorizing the City Manager to proceed with installation of the cameras at the locations analyzed in the Study. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2018-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE TRAFFIC ENGINEERING STUDY IN CONNECTION WITH THE REACTIVATION OF THE RED LIGHT CAMERA PROGRAM, AND AUTHORIZING THE CITY MANAGER TO PROCEED WITH INSTALLATION OF THE CAMERAS AT THE LOCATIONS ANALYZED IN THE STUDY.

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**5. Consider Ordinance No. 2018-26, amending the Jersey Village Code of Ordinances at Chapter 2, Article IV, Division 2, Section 2-142 to provide for revisions to the schedule of fees related to permits and other miscellaneous services; and amending Chapter 14, Article XIII, Section 14-532(b) relating to the expiration of permits.**

Kevin Hagerich, Director of Public Works, introduced the item. Background information is as follows: Historically city staff has done a comprehensive fee study every three years to make sure our fees are still in line and competitive with our neighboring communities. Another purpose of this study is to make sure the costs that are being charged cover the costs of providing the service. The last time this study has been completed was 2013.

In connection with the review, an extensive request for information on fees charges by other cities was made. The other cities that we studied include Bellaire, La Porte, Stafford, Friendswood, Tomball, Richmond, West University, Hedwig Village, Seabrook, League City, Spring Valley Village, Webster, and Katy. The information that was received was reviewed in order to compare what these cities are charging with what Jersey Village currently charges and with that which staff is seeking to charge for similar or like services.

This item is to request revisions to the Code of Ordinances that will update/increase the fees charged for certain services in order to bring these charges in line with the cost of providing the service. We are also proposing to add a section authorizing the City Manager to waive permit fees for permits issued for the repair, replacement, removal, or demolition of damaged property for up to 90 days in the event of a natural or man-made disaster, similar to what has been done in previous disasters.

Council engaged in discussion about the building permit fees and wondered how our fees compared to the other cities surveyed. Staff explained that our current fees are much lower than that of the other cities. Council also discussed the section that waives building permit fees during an emergency and felt that this was a good addition to the code.

Council discussed if the changes in fees will result in receiving more for the service than it costs to offer the service. Staff explained that the fees are set in order to recoup the costs for services and explained how the resulting increases were determined.

With no further discussion on the matter, Council Member Wubbenhorst moved to approve Ordinance No. 2018-26, amending the Jersey Village Code of Ordinances at Chapter 2, Article IV, Division 2, Section 2-142 to provide for revisions to the schedule of fees related to permits and other miscellaneous services; and amending Chapter 14, Article XIII, Section 14-532(b) relating to the expiration of permits. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

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ORDINANCE NO. 2018-26

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE JERSEY VILLAGE CODE OF ORDINANCES, CHAPTER 2, ARTICLE IV, DIVISION 2, SECTION 2-142 TO AMEND THE SCHEDULE OF FEES RELATED TO PERMITS AND OTHER MISCELLANEOUS SERVICES; AND AMENDING CHAPTER 14, ARTICLE XIII, SECTION 14-532(b) TO REVISE THE PROVISIONS RELATING TO THE EXPIRATION OF PERMITS; AND PROVIDING FOR REPEAL.

- 6. Consider Resolution No. 2018-77, locating the dog park at the Philippine Park location and authorizing the City Manager to negotiate and enter into an agreement with the White Oak Bayou Joint Powers Board concerning the extension of the dog park into their property.**

Jason Alfaro, Director of Parks and Recreation, introduced the item. Background information is as follows: In June of 2017, City Council approved Staff to proceed with design and construction of a dog park facility on the Harris County retention pond property. In March and April of 2018 Staff had discussions with Harris County Flood Control District in order to determine the types of documents needed to move the project forward.

Staff submitted the documents and proceeded to receive quotes from contractors for the fence construction. Staff secured a fence contractor by May and we informed the county that we were ready to start the project. We were then advised to seek approval from another division within the County. After discussions with the flood control the City was informed that City Staff needed to submit construction documents for approval from the watershed division within flood control. City staff then submitted documents to the County to obtain a permit for the construction of the dog park.

After the permit review process was completed, we then received requests for additional documents that required engineering services. Our engineer met with the County and afterwards submitted a quote for the scope of work needed to complete the project. The quotes were significantly higher than anticipated and more than the budget allowed. After receiving this information Staff felt that placing the dog park at a different location would be beneficial to the project. We reviewed the public input comments and found the Philippine location as the next best site. However, locating the dog park at the Philippine Park location will result in the park extending into the White Oak Bayou Joint Powers Board's property; requiring the need for a formal agreement with that Board prior to construction of the park.

Council engaged in discussion about the reasoning for the relocation. Parks and Recreation Director Alfaro explained that Staff has recommended the relocation based upon the additional engineering costs associated with the detention pond location. These increased engineering costs will increase the total project by \$20,000, resulting in a total project cost of \$70,000.

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Some members felt that all amenities offered by the City make Jersey Village make it an attractive destination. The dog park is just one of those amenities that make the quality of life in Jersey Village important.

Council discussed the location of the dog park. The dog park project was one that has been listed in the City's Comprehensive Plan, thus resulting in funding by the City Council.

Council discussed leaving the park at its current location, acknowledging the increased costs or if an alternate location should be sought.

The town hall meeting results of locating the dog park near the detention pond were discussed. Some felt that the citizens made a choice during that town hall meeting, but things have changed since making that choice. Now is the time to take a step back and look at other solutions. Others felt that alternate locations were looked at before making the first selection. To re-evaluate now would be duplicating efforts.

It was the consensus of Council to leave the park at its current location and the process for moving forward on items H6 and H7 were discussed as well as the increase in cost for leaving the park at its current location.

With no further discussion on the matter, Mayor Ray called for a motion on item H6. With no motion being made, no action was taken and the Resolution failed for lack of a motion.

RESOLUTION NO. 2018-77 – NO MOTION - FAILED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, LOCATING THE DOG PARK AT THE PHILIPPINE PARK LOCATION AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE WHITE OAK BAYOU JOINT POWERS BOARD CONCERNING THE EXTENSION OF THE DOG PARK INTO THEIR PROPERTY.

- 7. Consider Ordinance No. 2018-27, amending the General Fund Budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019 in the amount not to exceed \$39,500 to increase line item 01-39-6516 (Parks and Landscaping Projects) from the General Fund balance to complete construction of the Dog Park.**

Jason Alfaro, Director of Parks and Recreation, introduced the item. Background information is as follows: Due to the request of many residents, during the budget process for Fiscal Year 2016-2017, City Council approved funds for the construction of a dog park. The amount approved by City Council was \$50,000. The line item was part of the 2016-2017 Operating Budget.

However, after the approval and adoption of the 2016-2017 operating budget, the Parks Director resigned and the Dog Park Project was never initiated during budget year 2016-2017. As a result, on May 14, 2018, City Council approved Ordinance 2018-10 re-appropriating these funds on the same line item for budget year 2017-2018.

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Unfortunately, due to problems with the chosen location, the project was not able to be completed in budget year 2017-2018. Since the funds were never expended, the amount budgeted rolled into the General fund balance for fiscal year 2017-2018.

With this Agenda item, staff requests the appropriation of \$39,500 from fund balance into line item 01-39-6516 to complete construction of the Dog Park.

Council discussed increasing the budget amendment amount from \$39,500 to \$59,500 to cover the increased engineering costs in leaving the dog park at its current location.

Council Member Warren moved to increase the amount of the requested budget amendment from \$39,500 to \$59,500 to cover the increased engineering costs in leaving the dog park at its current location. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

With no further discussion on the matter, Council Member Warren moved to approve Ordinance No. 2018-27, by amending the General Fund Budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019 for the new amount not to exceed \$59,500 to increase line item 01-39-6516 (Parks and Landscaping Projects) from the General Fund balance to complete construction of the Dog Park. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2018-27 – AS AMENDED

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 IN THE AMOUNT NOT TO EXCEED \$59,500 TO INCREASE LINE ITEM 01-39-6516 (PARKS AND LANDSCAPING PROJECTS) FROM THE GENERAL FUND BALANCE TO COMPLETE CONSTRUCTION OF THE DOG PARK.

**8. Consider Resolution No. 2018-78, authorizing the City to apply for a grant from the Texas Parks and Wildlife Department in order to enhance the City's trail system.**

Jason Alfaro, Director of Parks and Recreation, introduced the item. Background information is as follows: During the budget process we identified trail connectivity

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opportunities near the retention pond. There are many people who use Jersey Meadow Drive to exercise. We currently do not have any trail or walking path along that roadway. We would also like to connect the Lakes of Jersey Village subdivision to the same trail system.

Texas Parks and Wildlife administers the National Recreational Trails Fund in Texas under the approval of the Federal Highway Administration (FHWA). This federally funded program receives its funding from a portion of federal gas taxes paid on fuel used in non-highway recreational vehicles. The reimbursable grants can be up to 80% of project cost with a maximum of \$200,000 for non-motorized trail grants and a maximum award of \$400,000 for motorized. Funds can be spent on both motorized and non-motorized recreational trail projects such as the construction of new recreational trails, to improve existing trails, to develop trailheads or trailside facilities, and to acquire trail corridors.

With limited discussion on the location of the trail system, Council Member Warren moved to approve Resolution No. 2018-78, authorizing the City to apply for a grant from the Texas Parks and Wildlife Department in order to enhance the City's trail system. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Mitcham, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2018-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT IN ORDER TO ENHANCE THE CITY'S TRAIL SYSTEM.

**I. 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



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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 Wubbenhorst:** Council Member Wubbenhorst had no comments.

**Council Member Singleton:** Council Member Singleton thanked Officer Limerick for his excellent work. He thanked City Staff for all the work involved in applying for grants.

**Council Member Mitcham:** Council Member Mitcham congratulated Jersey Village High School for advancing in the playoffs. He thanked the citizens for contacting him concerning agenda items.

**Council Member Holden:** Council Member Holden spoke to the bureaucratic measures placed upon us by the Harris County Flood Control District in trying to build the dog park. He suggested that perhaps State Representative Elect Rosenthal might be able to help.

**Council Member Warren:** Council Member Warren thanked the citizens for reaching out to the Council Members regarding their concerns.

**Mayor Ray:** Mayor Ray thanked Staff, City Council, and the residents for their attendance and input.

**J. RECESS THE REGULAR SESSION**

Mayor Ray recessed the Regular Session at 9:26 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.087 – Economic Development Negotiations.

**K. EXECUTIVE SESSION**

- 1. Pursuant to the Texas Open Meetings Act, Section 551.087, conduct deliberations regarding Economic Development Negotiations in connection with Jersey Village Crossing.**

**L. 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.

**M. RECONVENE REGULAR SESSION**

- 1. Discuss and take appropriate action regarding items discussed in Executive Session concerning Economic Development Negotiations in connection with Jersey Village Crossing.**

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No discussion had. No action taken.

**N. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 10:32 p.m.



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Lorri Coody, City Secretary