

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JANUARY 19, 2009 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

The meeting was called to order by Mayor Hamley at 7:00 p.m. with the following present:

Mayor, Russell Hamley

Mayor Pro-Tem, Ernie English

Council Member, Joyce Berube

Council Member, Greg Holden

Council Member, Frances Wubbenhorst

Council Member, Jill Klein

City Manager, Mike Castro

City Attorney, Ken Wall

City Secretary, Lorri Coody

Staff in attendance: Mark Bitz, Fire Chief; Charles Wedemeyer, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; and Michael Brown, Director of Parks.

INVOCATION AND PLEDGE OF ALLEGIANCE – by Howard Mead, Commander of American Legion Post #324

PRESENTATIONS

1. Presentation of Police Department Employee of the Quarter and 2008 Employee of Year Awards. *Howard Mead, Commander of American Legion Post #324*

Commander Howard Mead from the American Legion Post # 324 presented Officer Allen Lopez with the award of Officer of the Fourth Quarter and Officer Chris Zermeno with the award of Officer of the Year for 2008.

CITIZENS COMMENTS

Citizens who have signed a card and wish to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and City Council Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy. Citizens are limited to five (5) minutes for their presentation to the City Council.

Jim Fields, 16413 St. Helier, Jersey Village, Texas 77040 (713-466-0804) – Mr. Fields told Council about the financial crisis being experienced world-wide and suggested the following actions to provide and plan for sufficient funds for the City: hiring freeze; no employee raises, no publicly funded events, no major purchases, shelve major projects, etc.

While the item was listed on the comment card, Mr. Fields did not address the low income housing project.

Rick Faircloth, 16010 Lakeview Drive, Jersey Village, Texas 77040 (713-466-8068) – Mr. Faircloth spoke to Council about the proposed Resolution 2009-03 on this agenda which pertained to the approval of fencing for City Parks. He told Council that he believes that wrought iron fencing is more pleasing to the eye than chain link and that Council should approve the option for wrought iron fencing.

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Shannon Griffith, 16410 Jersey Drive, Jersey Village, Texas 77040 (713-466-0772) – Mr. Griffith spoke to Council about Item Number 8 on this agenda – City Hall Parking. He told Council that this item directly affects him as he has been parking his over-sized truck on the City's lot. He stated that since the residential ordinance had recently changed, he had been trying to find a solution to his parking problem. He requested that if Council passed the no parking on the City Parking Lot at City Hall that he be grandfathered.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas 77404 (713-937-0408) – Mr. Maloy gave an update concerning the progress of the porous friction course/rubberized asphalt work planned for the Harris County Toll road main lanes between US 290 and FM 249. He stated several courses of action that he would like Council to take in connection with upcoming plans for this project.

Jeff Kopecky, 16125 De Lozier, Jersey Village, Texas 77040 (713-849-2918) – Mr. Kopecky thanked Council for the Code Enforcement work being done in the City.

CITY MANAGER'S REPORT

City Manager Castro presented specific information concerning Item 11, the review of the City's Water/Wastewater Bond Rating. He reviewed the report given by Standard & Poor's stating that the rating for Jersey Village went from A+ to AA-, being the 3rd increase in the last three years.

Mr. Castro also gave a brief update on the Hurricane Ike activities. Council asked briefly about the financial status of the City, to which City Manager Castro responded. Finance Director, Isabel Kato also provided information the Hurricane Ike reporting process and insurance payments on damaged property.

- 1. Monthly Fund Balance Report, Investment Report – Calculation Portfolio, Investment Report, Enterprise Funds Report, and Governmental Funds Report.**
- 2. Departmental Request Report and Open Records Request**
- 3. Fire & Emergency Services Departmental Report**
- 4. Police Activity Report, Crime Prevention Unit, Warrant Report, and Investigations/Calls for Service Report.**
- 5. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Detailed Report, and Revenue Comparison Report.**
- 6. Public Works Departmental Report, Construction Update Summary, Construction Update Detail and SER Construction Project Report**
- 7. Combined Monthly and Annual Mileage Report**
- 8. Golf Course Monthly Report; Golf Course Financial Statement Report, and the Parks and Recreation Departmental Report**
- 9. Capital Improvements Projects Report**
- 10. Code Enforcement Monthly Report and Fire Marshal's Code Enforcement Report**
- 11. Review of City's Water/Wastewater Bond Rating**
- 12. Update on Hurricane Ike Activities**

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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 of the Regular Session of the City Council Meeting held on December 15, 2008 and approval of the Minutes of the Work Session Meeting held on January 15, 2009.**

Council Member English moved to approve the Consent Agenda as submitted. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Berube, Wubbenhorst, and Klein

Nays: None

The motion carried.

REGULAR AGENDA

- 1. Consider Resolution No. 2009-01, authorizing the agreement with Kimley-Horn Associates Inc., for services relating to the development of a feasibility study regarding Transit Oriented Development (TOD) within the City of Jersey Village.**

During the City Council Meeting on December 15, 2008, Council received a presentation concerning proposed services relating to a feasibility study. Staff recommended that the city utilize KHA, as they are the primary authors of the original rail study with HGAC. The work proposed in the presentation and under the initial proposed agreement outlined three blocks of work relating to TOD. Phase one of the feasibility study was to examine the potential for commercial and retail development at the site and to determine the “highest and best” use of the property south of 290. Council learned on December 15, 2008 that the results of Phase one could be utilized to determine if the study continues on to Phase 2 (the Planning Phase) and Phase 3 (the Implementation Phase) of an overall Transit Oriented Development strategy.

Staff had asked KHA to examine feasibility under two different scenarios, 1) With a commuter rail station, and 2) without a rail station. The length of the study would be approximately six months.

After receiving the presentation and having discussions, Council conducted a work session on January 15, 2009 for further in depth discussions and to receive additional information from the consultant. At the conclusion of the work session meeting, the Mayor asked that Kimley-Horn get the “ball park” figures for Phase 2 and 3 and to prepare the proposal in the requested format for moving forward with the feasibility study. The information requested by the Mayor was included in the Council packet.

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Council engaged in discussion of how the agreement works in conjunction with the payments. There were questions asked and these questions were answered accordingly.

Council Member Holden moved to approve Resolution No. 2009-01 as submitted. Council Member Wubbenhorst seconded the motion.

Council engaged in discussion concerning the content of the agreement. Questions were asked of the City Attorney and the City Manager about the need to approve the resolution as well as the need to approve the various steps of work within the agreement. City Attorney Wall explained that the entire agreement would be approved by the signing of Resolution and the motion of the table would need to be amended to authorize task one of phase one and that each task as it would come ready for work in the agreement would be brought to Council for review and approval before that work and/or phase would begin.

Accordingly, Council Member Holden moved to amend his motion to approve Resolution No. 2009-01 and authorize Task One of Phase One as outlined in the Agreement. Council Member Wubbenhorst seconded to motion to amend the initial motion. The vote to permit the amendment to the motion follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

Mayor Hamley then called for the vote to approve Resolution No. 2009-01 and authorize Task One of Phase One as outlined in the Agreement. The vote follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2009-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH KIMLEY-HORN ASSOCIATES INC., FOR SERVICES RELATING TO THE DEVELOPMENT OF A FEASIBILITY STUDY REGARDING TRANSIT ORIENTED DEVELOPMENT WITHIN THE CITY OF JERSEY VILLAGE

- 2. Consider Ordinance No. 2009-01, allowing a budgetary amendment to the 2008-09 budget (TOD – Phase One – Feasibility Study).**

City Manager Castro explained that the proposed Ordinance allows for a budgetary amendment to the 2008-09 budget for the TOD – Phase One – Feasibility Study in the amount of \$140,000.

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Council Member Berube moved to approve Ordinance No. 2009-01 as submitted. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2009-01

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

- 3. Discuss and take appropriate action regarding the mailing of a letter of interest to key stakeholders as suggested by Judge Ed Emmett concerning the City of Jersey Village's interest for a commuter rail service.**

Mayor Hamley gave background information and explained that the content of this letter was reviewed and discussed during the Council work session on January 15, 2009. During that meeting, Council made suggested changes to the letter. These changes have been made and submitted for final review.

Council Member English moved to approve the mailing of the letter of interest to key stakeholders expressing support for commuter rail. Council Member Berube seconded the motion. Discussion was had to include in the last paragraph of the letter the engineering firm the City hired – Kimley-Horn. With that suggestion included in the motion, the vote on the motion follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

- 4. Consider Ordinance No. 2009-02, allowing a budgetary amendment to the 2008-09 General Fund by transferring funds within the communication division budget.**

Communications Supervisors, Tracy Martin explained the communication division's needs to transfer monies within its budget to cover overtime expenses for the remainder of the current budget year. The funds will be moved from line items "other salary/wage" accounts so there is no impact to the city's general fund. Mr. Martin explained that the following items have contributed to the need for additional funds:

1. 1 open position (Currently we have several applicants undergoing background check, both for full and part time)

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2. YTD Approximately 40 days of military leave with the potential for a longer deployment during this budget year
3. Lost time due to major medical issue
4. 5 city holidays during 1st quarter of budget year
5. Staffing shifts that have 1 dispatcher scheduled with a second dispatcher in an attempt to have 2 dispatchers on duty whenever feasible.
6. Part time staff working a reduced workload to address personal issues.

Council Member Wubbenhorst moved to approve Ordinance No. 2009-02 as submitted. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2009-02

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND - COMMUNICATIONS BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; AND PROVIDING FOR SEVERABILITY.

5. **Consider Resolution No. 2009-02, authorizing an agreement with Jones & Carter, Inc. for engineering services relating to the Storm Water Management Program.**

Public Works Director, Danny Segundo explained that on August 13, 2007 the Texas Commission on Environmental Quality (TCEQ) passed a new law that required that all counties, cities, towns, or other public entities develop a Storm Water Management Program (SWMP).

Mr. Segundo explained that the proposal being considered permits Jones & Carter to develop and implement Best Management Practices as set forth in the City of Jersey Village's SWMP for permit years one and two, and to prepare the annual reports for permit years one and two. The TCEQ has completed the technical review of our Notice of Intent that was submitted last February. This process is the next step in our five-year permitting schedule.

The program consists of six goals to be addressed within the five-year permitting process. The goals of the program are public education, public involvement and participation, illicit discharge detection, construction site run-off, post construction storm water management, and pollution prevention.

Council asked questions about the reporting process and the purpose of the program. The consultant from Jones & Carter fielded the questions and answered accordingly. The consultant explained the program requirements and the City's obligations towards Best

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Management Practices during years one and two. The program is for five years and we are in year two.

Council Member Klein moved to approve Resolution No. 2009-02 as submitted. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2009-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH JONES AND CARTER, INC. FOR ENGINEERING SERVICES RELATING TO THE STORM WATER MANAGEMENT PROGRAM.

6. Consider Resolution No. 2009-03, approving the list of recommended improvements for City Parks and Recreation for budget year 2008-09.

Parks Director, Michael Brown explained that during the December 15, 2008 Council Meeting, Council reviewed a list of recommended improvements for City Parks and Recreation for budget year 2008-09. Since there was concern that the list presented did not contain enough of the items presented by the Parks Review Committee in the Parks Master Plan Report, the Parks Director was asked to revise the list, keeping in mind the following priorities:

- Keep #1
- Place #2 Alternate
- Keep #3
- Keep #4
- Place #5 Alternate
- Benches and trash cans along the 43 acre jogging trail.

Council engaged in discussion about the type of fencing (wrought iron and chain link) as well as alternative funding sources as mentioned in the citizen comment section. The consensus was that wrought iron was the better choice.

Council Member Wubbenhorst moved to approve Resolution No. 2009-03 as submitted with wrought iron fencing. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

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RESOLUTION NO. 2009-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING THE LIST OF RECOMMENDED IMPROVEMENTS FOR CITY PARKS AND RECREATION FOR BUDGET YEAR 2008-09 WITHIN THE CITY OF JERSEY VILLAGE

7. Consideration and possible action relating to the City of Jersey Village Charter amendments resulting from the Charter Review Committee Recommendations.

Mayor Hamley explained that the Charter Review Commission's Report and Recommendation were accepted by Council during the December 15, 2008 Council meeting. However, during that meeting, the Mayor asked that an item be brought back on this agenda pertaining to the single charter amendment discussed by the Commission in order that Council would have time to reflect on the issue. With that being said, Mayor Hamley asked if there were any motions from the Council to amend the City of Jersey Village's Charter. With no motion being received, the Mayor called the next item on the agenda.

8. Consider Ordinance No. 2009-03, enacting Article III of Chapter 58 of the Code of Ordinances; prohibiting parking of vehicles in city parking facilities between the hours of 12:00 Midnight and 6:00 a.m.

Public Works Director, Danny Segundo explained that this ordinance will address the issue of residents parking on city property. Specific locations will be 16327 Lakewood Drive. No parking will be allowed between the hours of 12:00 midnight until 6:00 a.m. Monday through Sunday.

Council engaged in discussion about the issue. There were questions concerning the need for the Ordinance as well as reasons why this Ordinance was being submitted for approval. Each item was discussed by the Council. City Manager Castro explained that the main issues of concern were future issues with the parking of recreational vehicles and the fact that permitting and continuing to permit parking on City Property of this nature would be setting a precedent. Council engaged in the pros and cons of these two issues.

Council Member English moved to approve Ordinance No. 2009-03 as submitted.

The motion died for lack of a second.

9. Consider Ordinance No. 2009-04, amending section 70-77 of the Code of Ordinances of Jersey Village by establishing rates for water and sewer according to the United States Consumer Price Index for the Houston-Galveston-Brazoria Metropolitan area.

Finance Director, Isabel Kato explained that this Ordinance is to request that the rates of the water and wastewater utilities be adjusted annually based on the United States Consumer Price Index for the Houston-Galveston-Brazoria Metropolitan area in an

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attempt to cover the changes of the major operating costs and to demonstrate to our creditors and investors our responsible fiscal policies.

Ms. Kato explained that amendments have been made to the City's code in order to bring it into compliance with Texas Commission on Environmental Quality rules which require that water bills not be due for at least 16 days after issuance and that at least 10 days notice must be given of a discontinuance of service. The new ordinance also increases the disconnect fee from \$30 to \$50.

City Manager Castor explained that the City of Houston adjusts our rates annually based upon these rates. He also explained that the utility fund is unique. It is largely dependent upon the weather and therefore goes up and down with the season. So anything you can do to bring stability to you rates makes fiscal sense.

Discussion was had on the number of times that water and sewer rates have been increased over the past several years. Staff reported that the increase was twice over the past four years, but the City of Houston has been increasing the City's costs as well and one year it was considerable – some 19%.

Council Member Berube moved to approve Ordinance No. 2009-04 as submitted. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Holden, English, Berube, Klein, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2009-04

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING SECTION 70-77 OF THE CODE OF ORDINANCES OF SAID CITY; ESTABLISHING RATES FOR WATER AND SEWER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

10. Receive construction update regarding the current status of the Street Rehabilitation being performed by SER Construction.

Project Manager, Erik Tschanz gave the construction update regarding the current status of the street rehabilitation being performed by SER Construction. He told Council that

ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:20 p.m.

Lorri Coody, City Secretary