

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON APRIL 20, 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

Council Member, Ernie English

Council Member, Joyce Berube

Council Member Greg Holden

Council Member, Frances Wubbenhorst

Council Member, Jill Klein

City Manager, Mike Castro

City Secretary, Lorri Coody

City Attorney, Ken Wall

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.

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

INVOCATION AND PLEDGE OF ALLEGIANCE

1. Prayer by: Jimmie Baughman, Chaplain, American Legion Post #324
2. Pledge by: Howard Mead, Commander of American Legion Post #324

PRESENTATIONS

1. Presentation of Police Department Employee of the First Quarter, 2009.

Howard Mead, Commander of American Legion Post #324 made a presentation to Officer Art Woolery as the Jersey Village Police Department Employee of the First Quarter of 2009.

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.

Michael Brown, 16025 Wall Street, Jersey Village, TX (832) 683-2156 – Mr. Brown addressed Council concerning the speeding on Wall Street. He stated that sometimes cars travel on this residential road as fast as 50 MPH. He asked Council for a long-term solution as running radar is not the answer.

Linda Meleski, 16005 Wall Street, Jersey Village, TX (713) 896-0082 – Ms. Meleski addressed Council about the street light outages on Carlsbad. She told Council that there are five lights out in a row and that these lights have been out since January 9 despite the fact that she has tried numerous times to report the outages to both the City and CenterPoint Energy. She wants the street lights fixed.

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Jim Fields, 16413 St. Helier, Jersey Village, TX (713) 466-0804 – Mr. Fields addressed Council about Code Enforcement. He stated that there are “dead cars” that need to be dealt with in the City. He specifically stated that there is a car on Rio Grande with an expired inspection sticker since 2003 and another on Argentina with an expired inspection sticker since 2006.

Janice Crowley, 16201 Crawford Street, Jersey Village, TX (713) 937-9236 – Ms. Crowley addressed Council about street flooding with the completion of Carlsbad. She stated that while the City is working on the problem she is concerned that there may not be enough funds set aside to properly address this issue. She is requesting that Council fund the drainage projects necessary to address this issue. She presented pictures that will be preserved in the electronic council folder for this agenda.

Joyce Laha, 16110 Wall, Jersey Village, TX (713) 817-2101 – Ms. Laha addressed Council about the lights that were out along Wall and Capri. She also spoke to her concerns for the amount of traffic and the high rates of speed along Wall as well as the Road Alignment Project for Jersey Meadows. She told Council that the traffic and speed along Wall is a real issue. She stated that the number of cars traveling along Wall on any given day is upwards of 400 cars.

R. William Holle, 8309 Rio Grande, Jersey Village, TX (713) 466-9030 – Mr. Holle gave background information about the purchase of his property in Jersey Village in 1985. He addressed Council about the traffic problem on Rio Grande and he stated that cars are currently going through the Golf Course to Rio Grande. He told Council with traffic comes crime so he is against opening up Jersey Meadows to allow more traffic into the City.

Frank Maher, 16514 St. Helier, Jersey Village, TX (713) 466-3030 – Mr. Maher told Council that he was opposed to opening up Jersey Meadows and voiced his concern about same. He stated that he would much rather see a park in that area instead of a cut through and having to worry about the traffic and what that might bring.

Jerry DeFour, 16110 Congo Lane, Jersey Village, TX (713) 466-7744 – Mr. DeFour addressed Council about the Recreational Vehicle Ordinance. He told Council that he is against the new ordinance and believes that it should not be changed. He stated that the proposed changes will create an imposition to residents that is not necessary and to have an election to decide this matter is a waste of tax payers’ money.

John McCaskill, 8321 Rio Grande, Jersey Village, TX (713) 466-8486 – Mr. McCaskill spoke to Council about the Jersey Meadow Road Alignment Project. He stated he supports those who have complained about the traffic problem on Wall and is opposed to the Jersey Meadows Road extension. He believes this extension will just cause additional traffic problems for the City.

Larry David, 16006 Country Club Court, Jersey Village, TX (713) 896-4052 – Mr. David stated he is against the Jersey Meadows Road Alignment Project. He does not see how this project will benefit the City.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, TX (713) 461-1430 – Mr. Maloy stated he was not in favor of having an election to decide the zoning amendment but felt it would be a

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good idea to have an election for the residents to decide about the Jersey Meadows Road Alignment Project or how the Jones Road Extension funds should be spent.

He also told Council that he would like to see the City be more proactive in noise mitigation in terms of getting rubberized asphalt on the main lanes of 290.

Heather Giles, 15805 Honolulu, Jersey Village, TX (713) 896-0425 – Ms. Giles addressed Council concerning the Recreational Vehicle Ordinance. She stated that she owns a motor home and that the parking of same at her home does not decrease the value of her home. She believes that the value of homes is decrease by the lack of maintenance and the failure to maintain weeds and improper lawn care.

Kathy Sasser, 8329 Rio Grande Street, Jersey Village, TX (713) 937-3347 – Ms. Sasser addressed Council concerning the Jersey Meadows Road Alignment Project and the connection of same to Rio Grande Street. She stated that she is against this pass through into the City and believes that such a road alignment will be an avenue for increased crime and an escape route for criminals.

Terry Copeland, 16201 Singapore Lane, Jersey Village, TX (713) 466-7661 – Mr. Copeland told Council that he has been a resident in Jersey Village since 1976 and has owned recreational vehicles over that period of time while he has lived in the City. He has an eight foot fence and three foot of his recreational vehicle can be seen from the street. He does not believe that this is unsightly. However, what he does believe is unsightly is the large building that has been built on De Lozier Street.

Paul Mitchell, 15434 Chichester, Jersey Village, TX (832) 243-0909 – Mr. Mitchell spoke in favor of the Ordinance even though he owns a large recreational vehicle (RV). He told council that he does not want to look at stored RV's in neighbor's yards. He believes that times have changed and he believes it is time that people find a place to store their RV's.

Joe Navarro, 14906 Lakeview Drive, Jersey Village, TX (713) 466-1993 – Mr. Navarro does not support the new ordinance. He told Council that when he purchased his home it came with a driveway for which to park a recreational vehicle. He does not understand the need for change.

Earl Layton, 16109 Singapore Lane, Jersey Village, TX (713) 466-3057 – Mr. Layton told Council that he would like to see the new Ordinance passed. He thinks it is needed to protect property values.

John Pettijohn, 16034 Crawford, Jersey Village, TX (713) 907-7489 – Mr. Pettijohn told Council about recreational vehicles and that the storage of same on property does not affect property values. He stated that rusty carports affect property values. He also spoke to the legality of the ordinance. He read from a Supreme Court ruling.

Cliff Beckmeier, 10625 Tahoe, Jersey Village, TX (713) 856-6002 – Mr. Beckmeier addressed the Ordinance for a different perspective. He told Council that this Ordinance was all about what makes Jersey Village valuable to its residents. He stated that what makes our property go up in value is when citizens from outside Jersey Village want to come here to visit and to live. If it is

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beautiful and clean, then our property will go up in value; however, if it is not then the value will decline. Mr. Beckmier stated that when property maintenance becomes an issue the maintenance issue detracts from the value and makes people not want to come to Jersey Village and live here. The assortment of recreational vehicles that are stored in yards around the City makes people not want to live in our city and this detracts from property value. He told Council that there must be change to make Jersey Village better. We need this Ordinance.

Peter Blute, 15325 Chichester Lane, Jersey Village, TX (713) 460-5500 – Mr. Blute spoke against the passing of the new recreational vehicle ordinance. He owns a recreational vehicle and a 17 ft sailboat that will be illegal if this is passed. He believes that the passage of this ordinance will deny him of his property rights. He believes that the City already has the tools to enforce the storage of recreational vehicles in yards and to keep residents from living in same. He is concerned about 5 different areas where there are problems with the ordinance. He stated that while the City may be able to regulate the parking of recreational vehicles in yards that they may have an issue with the parking of these vehicles on the streets.

Bill Paluch, 15405 Clevedon Lane, Jersey Village, TX (713) 849-2055 – Mr. Paluch stated that this whole topic of parking of recreational vehicles has violated the friendliness that was once present in the City. He is not in favor of the ordinance. He believes that there will be damages and costs to those who are made to store their recreational vehicles.

Mr. Wallace Mitchell, 15301 Mauna Loa Lane, Jersey Village, TX (713) 849-0801 – Mr. Mitchell stated with background information. He is not in favor of the ordinance and he does not believe that the recreational vehicles affect the value of the property.

Mr. Jim Pulliam, 15713 Tenbury, Jersey Village, TX (713) 983-0932 – Mr. Pulliam spoke about the flood risks in Jersey Village and the recreational vehicle ordinance. He told Council that he had a difficult time locating information in our code of ordinances.

Anna Lewandowski, 16226 Capri Drive, Jersey Village, TX (713) 937-7389 – Ms. Lewandowski does not support the Ordinance change. She told Council that should this Ordinance pass, she will need to find a place to house her Recreational Vehicle and the least expensive place she has found thus far is \$125 per month for storage.

Ms. Beth Blute, 15325 Chichester, Jersey Village, TX (713) 466-1630 – Ms. Beth Blute told council that she has a circular drive that has recently been resurfaced. She parks her boat on a regular drive. She is concerned about the passage of this new ordinance.

Mr. Robbie Morrow, 15613 Congo Lane, Jersey Village, TX (713) 983-7887 – Mr. Morrow told council that he supports the change. The way things are now, the current Ordinance harms property values because properties are unsightly. Neighborhoods are affected.

James A. Carmody, 15910 Congo, Jersey Village, TX (713) 446-4234 – Mr. Carmody stated that he is opposed to the proposed Recreational Vehicle ordinance because it takes away an existing property right. He suggested that if they wanted to proceed with passage that they might consider that recreational vehicles must be parked behind the building line.

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Mark DeMarino, 16121 Lakeview, Jersey Village, TX (713) 937-8614 – Mr. DeMarino owns a boat and will not be able to park the boat in the back yard because of lot restrictions. He stated that this change will cause him a hardship.

Patrick Yaklin, 8213 North Tahoe, Jersey Village, TX (713) – 937-9470 – Mr. Yaklin stated that he would like to see a grandfather clause added to the ordinance if it is passed. He also stated that the traffic on Wall Street is very bad.

Rick Faircloth, 16010 Lakeview, Jersey Village, TX (713) 466-8068 – Mr. Faircloth spoke in favor of the Ordinance. This issue has been before Council 3 to 4 times in the past and it does affect property values.

Ronald Templeton, 16022 Crawford, Jersey Village, TX (713) 466-5683 – Mr. Templeton is against the passage of this Ordinance and believes that this change will affect everyone in the City whether they have a recreational vehicle or not.

Robert Patin, 16013 Country Club, Jersey Village, TX (713) 466-8002 – Mr. Patin spoke to Council about the Jersey Meadows Road Alignment Project. He is against this pass through and believes it will cause safety concerns for the City because of the major access it will give to traffic.

CITY MANAGER’S REPORT

City Manager, Mike Castro made special mention of a letter received by the City from the Harris County Toll Road Authority about the status of the rubberized asphalt. He read portions of the letter in order to bring Council up to date on this topic.

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Red Light Camera Fund, and March 2009 Investment 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, and Construction Update Detail**
- 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**

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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 Work Session Meeting held on March 16, 2009 and the Regular Session of the City Council Meeting held on March 16, 2009.**
- 2. Consider Resolution No. 2009-13, authorizing the City Manager to enter into a Memorandum of Understanding Agreement with Harris County in order that Jersey Village will receive 24 fire department T-pass units.**

RESOLUTION NO. 2009-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH HARRIS COUNTY TO RECEIVE T-PASS SYSTEM EQUIPMENT UNDER THE FEDERAL URBAN AREA SECURITY INITIATIVE GRANT PROGRAM

- 3. Consider Ordinance No. 2009-14, providing a penalty for delinquent taxes for tax collection costs under sections 33.07 and 33.08 of the Texas Property Tax Code.**

ORDINANCE NO. 2009-14

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS PROVIDING A PENALTY FOR DELINQUENT TAXES FOR TAX COLLECTION COSTS UNDER SECTIONS 33.07 AND 33.08 OF THE TEXAS PROPERTY TAX CODE.

- 4. Consider Resolution No. 2009-14, authorizing the submittal and acceptance of a grant from the Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance.**

RESOLUTION NO. 2009-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE SUBMITTAL OF APPLICATION FOR GRANT TO THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS (OJP), BUREAU OF JUSTICE ASSISTANCE FOR QUALIFIED ITEMS AS STIPULATED BY THEIR GUIDELINES.

Council Member Holden moved to approve the Consent Agenda items 1 through 4 as submitted. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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REGULAR AGENDA

1. Consider Resolution No. 2009-15, reviewing and accepting the 2008 Comprehensive Annual Financial Report (CAFR) Presentation of the Audit Report.

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

In connection with these requirements, our external auditor, Christopher Breaux from Null Lairson, gave a presentation based on the audit findings and the financial position of the City.

The presentation included information concerning the City's total assets and total liabilities in order to show the total net assets. Additionally, the Statement of Activities which included the City's expenses was reviewed as well as investments, cash, and long-term debt.

Graphs were reviewed to understand debt service requirements, revenue sources, and the trend data of a comparison of property tax to sales tax to franchise tax revenue.

The presentation also included operating statements of expenditures by department.

The unrecorded liabilities in the Capital Projects Fund were the only areas recommended for improvements. He reported that all recommendations for improvements to be made from last year's audit were resolved.

Council thanked staff for a job well done and Council Member Wubbenhorst moved to approve Resolution No. 2009-15, which reviews and accepts the 2008 Comprehensive Annual Financial Report (CAFR) Presentation of the Audit Report. Council Member Holden seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2009-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ACCEPTANCE OF THE 2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

2. Receive and discuss a report from Kimley-Horn and Associates on the TOD Feasibility Study Decision Point #1 and Consider Resolution No. 2009-16, authorizing Phase 1, Notice to Proceed #2 TOD Feasibility Study.

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City Manager, Mike Castro explained that on January 19, 2009, City Council approved a step by step contract with Kimley-Horn to conduct a feasibility study to examine the potential for commercial and retail development of the property south of Highway 290. In connection with the contract, Kimley-Horn and Associates has completed Phase I, Notice to Proceed #1 of this contract, which was designed to answer the following questions: Is there base data and interest from stakeholders to conduct a study? Is the site viable given existing transit facilities and other potential station areas?

Andrew Howard with Kimley-Horn reported the findings for Notice to Proceed #1. He gave a summary of what was looked at during this phase of the study and recommended that Council proceed with Notice to Proceed #2 for \$24,125. This portion of the study involves two tasks as follows:

1. Undertake interviews of area landowners and business owners to understand their interests and concerns. *The deliverable: Facilitate meetings with land owners, create a survey, conduct interview and summarize findings into a memo.*
2. Meet with METRO/Harris County/H-GAC/BNSF to analyze long term rail transit operational characteristics, including ridership, headways, and regional park-and-ride needs to understand station-area characteristic potential. *The deliverable: Facilitate meetings, preparation, and presentation to the parties and upon completion create a memo that reflects the information gained from the meetings.*

These tasks are designed to gather information in order to determine interests and related stakeholder information. The task will primarily determine land owner, property owner, and agency alignment toward a similar development goal and transportation service objective. Kimley-Horn will be ready to present findings of these tasks in June.

Council engaged in discussion about the work done in Notice to Proceed #1 and the future land use development changes needed to make the project feasible. There was discussion about how quickly these changes would need to be made in order to accommodate the project and come in line with the commuter rail project. Mr. Howard explained that as we go through the study, there will be different options explored and presented as we progress. Also, the study will present information that will answer many of the questions that we have and provide viable solutions for long-term land use development. Mr. Howard explained that the purpose of Notice to Proceed #1 was to see if this area of land was suitable to move forward, and the answer is yes, the land is suitable to move forward with the TOD.

There was discussion about the study encompassing more than the initial 53 acres and why this was necessary. Mr. Howard explained that it was important to study the entire area of the ETJ to understand the characteristics of the entire area in order to make specific decisions about the 53 acres. There was still concern that because the study encompassed the entire ETJ that all of this area would be needed for the TOD and as a

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result, Council was not ready to make a decision to move forward with approval of Notice to Proceed #2.

Council Member Holden moved to hold a Council Work Session Meeting to further discuss Decision Point #1 of the TOD Feasibility Study. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

3. Consider third and final reading for Ordinance No. 2008-35, granting a Franchise Agreement with CenterPoint Energy for the provision of electrical service.

City Manager, Mike Castro in accordance with Charter requirements read aloud the Caption of Ordinance No. 2008-35.

Mr. Castro then gave an update on the meeting that was had with CenterPoint Energy and City Attorney, Ken Wall on proposals for changes to the Franchise Agreement, stating that CenterPoint Energy will not consider any other proposals than those already presented, those being the Houston proposal, the Olsen & Olsen proposal, or no proposal.

CenterPoint Representative Bob Roy was present. He confirmed Mr. Castro's update of the meeting. He also stated that CenterPoint has over 90 of these agreements with other Cities and believes it is the right thing to do at this point.

Council Member Holden moved to approve the third and final reading for Ordinance No. 2008-35, granting a Franchise Agreement with CenterPoint Energy for the provision of electrical service. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: Council Member Klein

The motion carried.

ORDINANCE NO. 2008-35

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, GRANTING TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE, FOR A PERIOD OF THIRTY (30) YEARS, TO CONDUCT AN ELECTRIC DELIVERY BUSINESS AND TO ERECT, CONSTRUCT, MAINTAIN, OPERATE, USE, EXTEND, REMOVE, REPLACE AND REPAIR IN, UNDER, UPON, OVER, ACROSS, AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE PUBLIC ROADS, HIGHWAYS,

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STREETS, AND ALLEYS OF THE CITY, AND OVER AND ACROSS ANY STREAM OR STREAMS, BRIDGE OR BRIDGES, AND/OR EASEMENT, NOW OR HEREAFTER OWNED OR CONTROLLED BY THE CITY, A SYSTEM OF POLES, POLE LINES, TOWERS, TRANSMISSION AND DISTRIBUTION LINES, WIRES, GUYS, GAS AND OTHER PIPELINES, FIBER OPTIC AND OTHER CABLES, CONDUITS, METERS AND OTHER DESIRABLE EQUIPMENT, FACILITIES, INSTRUMENTALITIES, AND APPURTENANCES (INCLUDING FACILITIES FOR THE GRANTEE'S OWN USE) NECESSARY OR USEFUL FOR THE TRANSMISSION, DISTRIBUTION, FURNISHING AND/OR SELLING OF ELECTRICITY FOR LIGHT, POWER, AND HEAT, AND FOR ANY OTHER PURPOSE FOR WHICH ELECTRICITY AND OTHER RELATED SERVICES PROVIDED BY GRANTEE MAY BE USED, TO THE CITY AND ITS INHABITANTS, AND FOR ANY OTHER BUSINESS PURPOSE AS THE COMPANY MAY DESIRE FROM TIME TO TIME, SPECIFICALLY INCLUDING, BUT NOT LIMITED TO, THE GRANTING OF ACCESS TO THOSE FACILITIES FOR THE DELIVERY BY THIRD PARTIES OF BROADBAND THROUGH POWER LINES OR SIMILAR SERVICE; PROVIDING CONDITIONS CONTROLLING THE USE OF PUBLIC THOROUGHFARES AND EXTENSIONS THEREIN; ESTABLISHING STANDARDS OF SERVICE; PROVIDING FOR ACCEPTANCE; PROVIDING FOR COMPENSATION TO BE PAID TO THE CITY; PROVIDING THAT THE FRANCHISE GRANTED BY THIS ORDINANCE SHALL NOT BE EXCLUSIVE; PROVIDING THE GRANTEE'S OBLIGATION TO FURNISH EFFICIENT ELECTRICAL SERVICE AT RATES SPECIFIED IN THE TARIFF FOR ELECTRICAL SERVICES BETWEEN THE GRANTEE AND THE CITY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR OTHER MATTERS RELATING TO THE SUBJECT.

- 4. Discuss with possible action Resolution No. 2009-17 proposals from experts in the area of utility franchise taxes concerning recommendations for areas of possible improvements for the proposed franchise agreement with Center Point Energy.**

No action was taken on this item due to the passage of passage of Ordinance 2008-35 in Item No. 3 on this agenda.

Mayor Hamley noted that the next two items on the agenda would be in joint session with the City of Jersey Village Planning and Zoning Commission with the following Planning and Zoning Commission members present:

1. Chairman David Paul
2. Commissioner John Hanley
3. Commissioner Richard Faircloth
4. Commissioner Tom Eustace
5. Commissioner Harry Beckwith, III

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5. Discussion regarding the merits of calling a special election to amend the City's Comprehensive Zoning Ordinance to regulate the parking and storage of recreational vehicles, boats, and similar items in zoning districts A, C, and C-2.

City Secretary, Lorri Coody explained that during the March 16, 2009 Council Meeting, the Council ordered that an item be placed on this agenda concerning the merits of calling a special election in order to give the citizens of Jersey Village the opportunity to decide a zoning Ordinance change/amendment to regulate the parking and storage of recreational vehicles, boats, and similar items in zoning districts A, C, and C-2.

The City Attorney has prepared a memorandum addressing some legal concerns surrounding this issue. The memorandum was included in the Council packet. Ms. Coody explained that the City Attorney would address any questions that Council had concerning this legal memorandum.

Discussion was had concerning the legal memorandum. Council asked Mr. Wall questions about the calling of an election concerning the amendments to the City's Comprehensive Zoning Ordinance. Mr. Wall explained that the law provides a process for amendments to the zoning ordinance. It is a public hearing process that begins with the Planning and Zoning Commission and ends with City Council making the final decision. It is not an election process.

6. Consider Ordinance 2009-15, amending the City's Comprehensive Zoning Ordinance to regulate the parking and storage of recreational vehicles, boats, and similar items in zoning districts A, C, and C-2.

Council Member Berube announced she had a conflict of interest with this issue.

Director of Public Works, Danny Segundo, explained that this item has been placed on the agenda at the direction of Council following the March 16, 2009 joint public meeting. The Ordinance amends the Comprehensive Zoning Ordinance in order to regulate parking and storage of recreational vehicles, boats, and similar items in zoning districts A, C, and C-2.

Discussion was had that Jersey Village is at a crossroads and redevelopment must take place in the City. Improper storage of recreational vehicles in the City will cause property values to decline. There was discussion about having a grandfather clause added to the ordinance. City Attorney Wall explained that it would not be a "grandfather clause," but would be more of a registration process.

Chairman David Paul of the Planning and Zoning Commission (P&Z) was called upon to discuss the amendment. Mr. Paul that the ordinance presented to Council basically permits the parking of recreational vehicles in backyards as long as they cannot be seen from the street, but prohibits parking in front and side yards.

Discussion was had that consideration should be given that staff bring back a modified Ordinance, containing a registration process from June 1 thru June 30, 2009, permitting residents to keep existing recreational vehicles until no longer usable.

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Council Member Wubbenhorst moved that staff be instructed to bring back a modified Ordinance, containing a registration process that permits residents to keep existing recreational vehicles until no longer usable. Council Member English seconded the motion. The vote follows:

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

Nays: None

Abstain: Council Member Berube

The motion carried.

7. Consider Resolution No. 2009-18, approving the road alignment design for the extension of Jersey Meadows Street.

Frank Brooks, City Engineer reported that nothing has happened on this project since last month's report. He asked that this item be placed on next month's agenda when he will present a layout of the future roadway. No action was taken on this item.

8. Consider Resolution No. 2009-19, approving Change Order No. 3 with SER, which allows for the addition of a paving and drainage improvement project to the 2007 Street Bond Program for North Tahoe Drive.

Frank Brooks, City Engineer explained that this item approves change order number 3 with SER which is necessary to extend the SER contract and to add the repair work of North Tahoe Drive to the 2007 Street Bond Program. This change order is being presented in connection with the council work session meeting held concerning this topic.

Council Member Holden moved to approve Change Order No. 3 with SER, which allows for the addition of a paving and drainage improvement project to the 2007 Street Bond Program for North Tahoe Drive. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2009-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING CHANGE ORDER NO. 3 WITH SER, WHICH ALLOWS FOR THE ADDITION OF A STREET PAVING, DRAINAGE AND WATER LINE IMPROVEMENTS PROJECT TO THE 2007 STREET BOND PROGRAM FOR NORTH TAHOE DRIVE.

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9. Accept Resignation of Board of Adjustment Member, Joe Pennington, and Consider Resolution No. 2009-20, appointing members to the Board of Adjustment.

Lorri Coody, City Secretary announced that Board Member, Joe Pennington had submitted his resignation from the Board of Adjustment due to personal and business reasons. Ms. Coody told Council that Thomas Simchak, currently serving in an Alternate Position on the Board has asked to be appointed to complete Mr. Pennington's unexpired term and Mr. M. Reza Khalili has submitted an application for service on the Board. The applications are presented for Council's review.

Council Member Wubbenhorst moved to accept the resignation of Joe Pennington and that Thomas Simchak be appointed to the Board of Adjustment, Place 3 for the unexpired October 1, 2007 thru September 30, 2009 Term; and M. Reza Khalili be appointed to the Board of Adjustment as an Alternate, Place 2 for the unexpired October 1, 2008 thru September 30, 2010 Term. Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2009-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT.

10. Consider Ordinance No. 2009-16, authorizing a collection fee in the amount of 30% of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution when such debts, accounts receivable and amounts are more than 60 days past due and have been referred to an Attorney or other vendor for collection.

Isabel Kato, Finance Director explained that Article 103.0031 of the Texas Code of Criminal Procedure permits a city to defray the cost it incurs from collection agencies in the collection delinquent court fines and fees. Article 103.0031 authorizes the addition of a 30% fee on each debt and account receivable, including fines and fees, and on each account in cases in which the accused has failed to appear, when each is more than 60 days past due and has been referred for collection.

Passage of Ordinance No. 2009-16 will authorize and impose the new fee as well as update the Jersey Village Code of Ordinances.

Council Member Klein moved to approve Ordinance No. 2009-16, authorizing a collection fee in the amount of 30% of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution when such debts, accounts receivable and amounts are more than 60 days past due and have been referred to an

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Attorney or other vendor for collection. Council Member Berube seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2009-16

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS AUTHORIZING COLLECTION FEE IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY, AND AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR WHEN SUCH DEBTS, ACCOUNTS RECEIVABLE AND AMOUNTS ARE MORE THAN 60 DAYS PAST DUE AND HAVE BEEN REFERRED TO AN ATTORNEY OR OTHER VENDOR FOR COLLECTION.

11. Consider Resolution 2009-21, authorizing the Collection Agency Contract with Linebarger for the collection of delinquent municipal court fines and warrants.

Isabel Kato, Finance Director explained that this item is for a two year contract for the collection of over 60 days Fines and Fees by the law firm of LINEBARGER GOGGAN BLAIR & SAMPSON. This firm had successfully been the City of Jersey Village tax collectors for the law few years. LINEBARGER will add a collection fee as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30% of each debt and account receivable, such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered when such debt or account receivable is more than 60 days past due.

Council Member Berube moved to approve Resolution 2009-21, authorizing the Collection Agency Contract with Linebarger for the collection of delinquent municipal court fines and warrants. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2009-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ENTERING INTO A CONTRACT WITH THE LAW FIRM OF LINEBARGER GOGGAN BLAIR & SAMPSON, LLP.

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12. Consider Ordinance No. 2009-17, allowing a budgetary amendment to the 2008-09 budget (Red Light Camera Fund - Traffic Enforcement Division).

Isabel Kato, Finance Director explained that the City of Jersey Village Council approved the red light camera program at selected intersections throughout the city in an effort to reduce red light running and enhance traffic safety. Revenue from the program was placed into a Red Light Camera Fund which was established to provide the necessary resources for staff to administer the program.

During the course of operating this program, it has been determined that in order for the program to operate more efficiently, it is necessary to create a Traffic Enforcement Division within the Red Light Camera Fund to better administer program expenses. Employees administering the program will be assigned to this division, initially paid out of the General Fund, and reimbursed from the Traffic Enforcement Division for their base pay, fringe benefits, and any costs for their appropriate gears.

Council engaged in discussion about the reconciliation of the accounts and the amount of monies available since the inception of this program.

Council Member Berube moved to approve Ordinance No. 2009-16, allowing a budgetary amendment to the 2008-09 budget in order to establish a Traffic Enforcement Division within the Red Light Camera Fund. Council Member Wubbenhorst seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2009-17

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

13. Discussion with possible action Ordinance No. 2009-18, amending the City of Jersey Village fiscal year 2008-09 annual budget (2008-09 Supplementals).

Mike Castro, City Manager explained that during the work session held earlier in the evening, a series of proposed actions relating to the city's financial health were recommended. These amendments outline the steps necessary to implement the recommendations with respect to supplemental budget items.

Council engaged in discussion about the supplemental that were being deferred. There were questions asked of Staff, which were answered accordingly.

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Council Member Berube moved for approval of Ordinance 2009-18, amending the Fiscal Year 2009 City of Jersey Village annual budget. Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

ORDINANCE NO. 2009-18

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.

14. Consider Resolution No. 2009-22, authorizing the submittal and acceptance of a grant from the Department of Justice, Community Oriented Policing Services for two (2) uniform police officers.

Chief of Police, Charles Wedemeyer explained that the police department received notification from the U.S. Department of Justice, Community Oriented Policing Services that granting was available on a complete basis under the COPS Hiring Recovery Program (CHRP). In this the DOJ will fully fund positions for three years with the requirement that the grantee agree to accept and fund the approved positions for a one year period following closeout of grant. This particular granting opportunity allows the entity to also factor in the total granting request insurance, uniform allowance, certification and educational and fringe benefits for years two and three. The granting application is for two (2) entry level police officer positions.

With limited discussion on this item, Council Member Holden moved for approval of Resolution No. 2009-22, authorizing the submittal and acceptance of a grant from the Department of Justice, Community Oriented Policing Services for two (2) uniform police officers. Council Member Klein seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2009-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES, COPS HIRING RECOVERY PROGRAM (CHRP).

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15. Discussion regarding the retention of the firm Olson and Olson as City Attorney for the City of Jersey Village.

Russell Hamley, Mayor informed the Council that Ken Wall has provided notice to the city that he will no longer be serving in capacity as the City Attorney through the Law Firm of Olson and Olson.

Mr. Wall indicated that while he will remain an partner with the firm, he is cutting back on his participation in night meetings. Olson and Olson has represented the City for almost 30 years and for most of them Mr. Wall has been the firm's representative. Mr. Wall told Council that there has never been a formal agreement with the firm and this is not uncommon for Texas municipalities that outsource their legal requirements. The firm is recommending that Ms. Martha Williams transition into the City Attorney position beginning with the May council meeting.

Mayor Hamley stated that he had asked that the agenda item be placed to determine whether the city wishes to continue its relationship with Olson and Olson, or seek the services of another firm. Currently the city spends approximately \$40,000 per year in legal fees. The city does not have enough legal work to justify an in-house attorney.

With limited discussion on this item, the consensus of Council was to retain the services of Olson and Olson. Staff was directed to bring an item back for consideration to keep the services of this firm.

16. Discussion regarding dilapidated homes in Jersey Village.

Council Member, Ernie English presented the item. He stated that it had been brought to his attention the need to address dilapidated homes and/or homes in need of repair in Jersey Village. He asked for Council discussion on this topic and that consideration be given if this is an area that should be given to the Planning and Zoning Commission for review.

City Manager Castro explained that the City currently have ordinances that addressed dilapidated homes and maintenance thereof and these ordinances have been used to address issues within the Village. Mr. Castro explained examples of when the process was used that the amount of manpower required in implementing same. The examples he used were the house on Congo and the Joseph home. He stated that the process is quite extensive. As such Mr. Castro was concerned as to the level of enforcement that Council may have in mind.

City Attorney Wall gave input as to the "due process" requirements of governmental entities and stated that it is this process that makes it a time consuming process. Discussion was had on how the process could be made easier. Mr. Wall explained that changes could be made in the Code to make it somewhat easier, but there is also the issue that the owner's of the homes in question most likely do not have the funds to remedy the problem.

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Staff was directed to bring this issue back to Council for discussion during the budget retreat.

MAYOR'S COMMENTS

1. Receive comments regarding the up-coming Municipal Election and comments regarding departing Council Members.

Mayor Hamley gave comments about the up-coming election, stating that it is important for residents to find out about the candidates and vote. He also thanked Council Members Greg Holden and Frances Wubbenhorst for the great job that they have done during their 8 years of service on the Council.

ADJOURN

There being no further business on the Agenda the meeting was adjourned at 11:20 p.m.

Lorri Coody, City Secretary