

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 14, 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 7:02 p.m. with the following present:

Mayor, Russell Hamley
Council Member, Joyce Berube
Council Member, Rod Erskine
Council Member, Curtis Haverty
Council Member, Ernie English
Council Member, Jill Klein

City Manager, Mike Castro
City Secretary, Lorri Coody
City Attorney, Martha Williams

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 – Keegan Phelps Rae, a member of Boy Scout Troop 1177 of the Sam Houston Area Council

FISCAL 2009-2010 MUNICIPAL BUDGET ITEMS

- 1. Conduct a public hearing on the City of Jersey Village municipal budget for fiscal year 2009-2010.**
 - a. Receive presentation pertaining to the City of Jersey Village municipal budget for fiscal year 2009-2010. *Mike Castro, City Manager*

Mayor Hamley opened the public hearing at 7:03 p.m. in order to give all interested parties the right to appear and be heard on the proposed fiscal year 2009-2010 Municipal budget. He advised those in attendance that City Manager Castro would give a short presentation concerning the municipal budget and then public comments would be had.

City Manager Castro gave his presentation which included information on the following topics:

- Budget Goals
- Systemic Issues
- FY 2009-2010 Revenues & Expenditures including Supplementals
- Revenue Estimates: General Fund for FY 2010
- Property Values from 2003 thru 2009
- Property Tax Rate
- Sales Tax Trend for FY 2006 thru FY 2009
- Franchise Fees, Service Fees, and Fines
- FY 2009-2010 General Fund Expenditure Estimates
- Supplementals
- Compensation
- Utility Fund

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

➤ Budget Calendar

With one person having signed up to speak at this hearing, the Mayor called:

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas 77040 (713) 937-0408 – Mr. Maloy spoke to Council about his concern over the marquee signs expense. He believes that this should be a two year project and would like for Council to consider same.

With no other persons signing up to speak on the Municipal budget hearing, Mayor Hamley closed the public hearing at 7:22 p.m. and called the next item on the agenda.

2. Consider Ordinance No. 2009-47, adopting the City of Jersey Village municipal budget for fiscal year 2009-2010.

Finance Director, Isabel Kato explained that Section 102-007 of the Local Government Code requires that upon conclusion of the public hearing on the municipal budget, Council shall take action on the proposed budget.

She explained that Council has held the public hearing on the proposed budget for fiscal year 2009-2010 and the proposed budget has been filed with the City Secretary. As a result, changes have been made to the proposed budget as requested by Council. Mrs. Kato recommends that the budget be adopted.

Council Member Berube moved to approve Ordinance No. 2009-47, adopting the municipal budget for fiscal year 2009-2010. Council Member English seconded the motion. The vote follows:

Ayes: Council Members English, Berube, Erskine, Haverty, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-47

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE CITY OF JERSEY VILLAGE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; MAKING APPROPRIATIONS AS REFLECTED IN SAID BUDGET; MAKING CERTAIN FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

3. Receive the Jersey Village Tax Assessor's statutory certifications, submissions, and calculations under Section 26.04 of the Tax Code and set date and time to adopt the proposed tax rate.

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

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

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

Mrs. Kato explained that this item accomplishes these tasks. She also explained since this year's proposed tax rate (.7425) does not exceed the effective tax rate, it is not necessary to conduct two public hearings and the motion to adopt the ordinance setting the tax rate does not require the language about "tax increase" as stated in Section 26.05(b) of Property Tax Code.

Mrs. Kato explained that the Tax Code in Section 26.05 requires a taxing unit to adopt its tax rate by the 60th day after the unit receives the certified appraisal roll. The City of Jersey Village received the certified appraisal roll on August 31, 2009; which means that the tax rate should be adopted before October 29, 2009.

Council Member English moved to set the time and date to adopt the proposed tax rate of .7425 as October 19, 2009 at 7:00 P.M. in the City of Jersey Village Council Chamber. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members English, Berube, Erskine, Haverty, and Klein

Nays: None

The motion carried.

PROCLAMATIONS

- 1. Proclamation recognizing the achievements of Keegan Phelps Rae, a member of Boy Scout Troop 1177 of the Sam Houston Area Council, for attaining the rank of Eagle Scout.**

Mayor Hamley presented the Proclamation to Keegan Phelps Rae for the accomplishment of attaining the rank of Eagle Scout.

- 2. Proclamation recognizing Tuesday, October 6, 2009 as National Night Out in Jersey Village to provide a unique opportunity for the City of Jersey Village to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts.**

Mayor Russell Hamley presented the Proclamation declaring October 6, 2009 as National Night Out in Jersey Village, Texas.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 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.

Karen Lance, 16118 Capri, Jersey Village, Texas 77040 (713) 937-9161 – Ms. Lance spoke to Council about a splash pad. She would like to have one in our city and would like Council to consider this as an option for our recreational areas.

Doris Descant, 16205 Crawford, Jersey Village, Texas 77040 (713) 466-6258 – Ms. Descant spoke to Council about the flooding at Carlsbad and Crawford. Since Carlsbad has been re-done, she is concerned about an area near the intersection that is not level. She would like to see this problem resolved because it is causing the flooding.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas 77040 (713) 937-0408 Mr. Maloy addressed Council about a flood light not working properly that is located just off of Ecuador near Philippine - the first house on the right. Mr. Maloy is not exactly sure what is wrong with the light; however, it does not seem to be the motion sensor. Nonetheless, he would like to have this light fixed.

Council Member Joyce Berube told Council that she had received several emails from residents who stated that they could not be present at this meeting containing comments about items on this agenda. She stated that she would like to read these comments to Council at this time. The comments from the emails read by Council Member Berube follow:

Bill and Michele Walker, 16310 Acapulco Drive, Jersey Village, TX (832) 467-1189 – Bill and Michele Walker commented about the proposal to ban trash cans. They are concerned about the trash bag idea and the way it will make the city look. More specifically, there is concern about rodents and trash being strewn over the city if bags are approved as opposed to using trash cans. They are also concerned about the smell, the ability to get bags to the curb, and believe the use of bags is bad for the environment.

Debbie Abeyta, 16226 Seattle, Jersey Village, Texas (713) 896-3074 – Ms. Abeyta supports back door trash pickup.

Shan Nevils, 16005 St. John Court, Jersey Village, Texas (713) 856-7065 – Mrs. Nevils is concerned about loose dogs and wants the leash law enforced. She is concerned that dogs and rodents will get into plastic trash bags and believes bags will be unsightly. She supports recycling and believes that all residents should use the same kind of trash can for uniformity as opposed to trash bags.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

Karen Arnold (832) 282-3074 – Ms. Arnold would like to keep trash pick-up in the city the way it currently is being performed. She does not want to change the practice and have to start using plastic garbage bags.

Joan Coats, 14905 Lakeview Drive, Jersey Village, Texas (713) 849-3315 – Ms. Coats is against the use of plastic bags and is for back door pickup.

Angie Bullington, 15317 Jersey Drive, Jersey Village, Texas (713) 983-9969 – Ms. Bullington is opposed to the use of plastic bags for trash pickup in the City of Jersey Village.

Patrice Krus, 15410 Jersey Drive, Jersey Village, Texas (713) 466-0850 – Ms. Krus is opposed to the use of plastic bags for trash pickup in the City of Jersey Village.

CITY MANAGER’S REPORT

City Manager Mike Castro mentioned the upcoming Harris County Tour of the County’s emergency management operations facility which will take place on October 6. Council Members wishing to participate in the tour must sign up by September 15.

There was a question about the status of the Harris County Toll Road Authority noise abatement project, to which City Manager Castro gave a status update. The rest of the City Manager’s report follows:

- 1. Monthly Fund Balance Report, Red Light Camera Fund 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, Report Graphs, and Revenue Comparison Report.**
- 6. Public Works Departmental Report, and Construction Update Summary**
- 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. Report from Code Enforcement**
- 10. Capital Improvements Projects Report**

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.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

- 1. Consider approval of the Minutes for the City Council Regular Meeting held on August 17, 2009.**
- 2. Consider Resolution No. 2009-55, appointing a City Health Officer.**

RESOLUTION NO. 2009-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING CITY HEALTH OFFICER.

- 3. Consider Resolution No. 2009-56, authorizing a Contract with Harris County, Texas to provide Fire Protection Services to fire protection zone 38.**

RESOLUTION NO. 2009-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ENTERING INTO A CONTRACT TO PROVIDE FIRE PROTECTION SERVICES TO FIRE PROTECTION ZONE 38.

- 4. Consider Resolution No. 2009-57, designating a City Representative and an Alternate Representative to the Houston-Galveston Area Council's 2010 General Assembly.**

RESOLUTION NO. 2009-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, DESIGNATING A CITY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE HOUSTON-GALVESTON AREA COUNCIL'S 2010 GENERAL ASSEMBLY.

Council Member English moved to approve items 1 through 4 on the consent agenda. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

REGULAR AGENDA

- 1. Consider Resolution No. 2009-58, appointing Devron Limerick as Reserve Police Officer with the City of Jersey Village Police Department.**

Charles Wedemeyer, Chief of Police told Council that the police department has successfully completed the application process for Reserve Police Officer Devron Limerick and respectfully requests that Council appoint him as a reserve officer for the department.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

Council Member Haverty moved to approve Resolution No. 2009-58, appointing Devron Limerick as Reserve Police Officer with the City of Jersey Village Police Department. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPOINTING DEVRON LIMERICK AS RESERVE POLICE OFFICER WITH THE CITY OF JERSEY VILLAGE POLICE DEPARTMENT.

2. Administer Oath to Reserve Police Officer, Devron Limerick and presentation of the officer's badge by Chief of Police, Charles Wedemeyer.

Chief of Police, Charles Wedemeyer administered the oath of office to newly appointed Reserve Officer Devron Limerick and pinned him with the City of Jersey Village Police Department's officer badge.

3. Consider Resolution No. 2009-59, authorizing the volunteer membership of the Fire Department to retain Engine 3532 for events, shows, and parades while assuming all mechanical and financial responsibility of this classic truck.

Mark Bitz, Fire Chief explained that last year Council authorized the purchase of a new fire truck to replace engine 3532, a 1978 Pierce Fire Truck. The new truck has been purchased and has arrived.

The volunteer membership has requested to keep the 1978 fire truck as a show piece/parade truck. They recently presented a plan to store the fire truck, maintain the fire truck, pay for the up keep and insurance for the truck etc. There would be no cost to the city. This vehicle is being taken out of active service and will no longer respond to any calls. It does not meet NFPA standards and should not be a first line fire truck. The current value of this classic truck is approximately \$5000.

Fire Chief Bitz told Council that the volunteers of the organization were present to answer any questions.

Discussion was had about the City paying for the upkeep. Chief Bitz explained that the cost is minimal and that the volunteers already have a fund-raiser in place to handle these expenses. There was also discussion about how this truck was used prior to the delivery of the new truck even though it does not meet standards and could it continue to be used if a new station was built. Council also discussed storage and how it would be used by the volunteers.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

Council engaged in further discussion about the fund-raisers needed to pay for these expenses. Chief Bitz explained that the fund-raisers, one of which is the firefighter calendars. There was also discussion about the original plan of selling this truck to another fire fighting entity.

Council Member Haverty moved to approve Resolution No. 2009-59, authorizing the volunteer membership of the Fire Department to retain Engine 3532 for events, shows, and parades as amended by deleting paragraphs 6 and 7. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE VOLUNTEER MEMBERSHIP OF THE FIRE DEPARTMENT TO RETAIN ENGINE 3532 FOR EVENTS, SHOWS, AND PARADES WHILE ASSUMING ALL MECHANICAL AND FINANCIAL RESPONSIBILITY OF THIS CLASSIC TRUCK.

4. Discuss and take appropriate action concerning a presentation from Chief Wedemeyer regarding the Impact Study-First Week School Year 2009-2010.

Chief of Police, Charles Wedemeyer told Council that this item is to present information gathered since the August City Council meeting wherein concerns were voiced for the loss of Cy-Fair Independent School District bus service to portions of the City of Jersey Village. Since that meeting, the Police Department has developed a Plan of Action and Assignments to determine the effect of said loss of bus service. Chief Wedemeyer presented the information to Council.

He told Council that there were essentially little to no problems with the change. He explained the official student numbers to Council, those being 891 students with only 52 of these registered as walkers at Post Elementary.

Discussion was had about the comparison of the numbers to those from last year as well as discussion about the number of those students being bused in from outside of Jersey Village. There was discussion about the “traffic cones” being placed down Senate, the time of day that these cones are being placed and picked up, and how long this activity will continue. City Manager Castro explained that the practice will most likely take place for at least the first month of school and then again for one month after the Christmas break.

There was discussion about placing caution/school signs along Senate. Mr. Castro explained that it is possible to do so if Council desires. No action was taken on this item.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

5. Consider Resolution No. 2009-60, appointing members to the Planning and Zoning Commission, the Board of Adjustment, the Building Board of Adjustment, the Recreation and Events Committee, and the Golf Course Advisory Committee.

City Secretary, Lorri Coody told Council that each year during September, Council reviews the positions on the Boards and Commissions whose terms will expire in October and makes decisions to either re-appoint those members who desire re-appointment or consider appointments from the pool of new applicants.

The City currently has five active Boards requiring appointments. Ms. Coody explained that while each of the five Boards will have positions requiring appointments, only the Building Board of Adjustment and Appeals and the Recreation and Events Committee each have one vacant position.

Council elected to proceed with this item one Board at a time in the order consistent with that listed in Exhibit A. Accordingly, Mayor Hamley asked for appointment information for the Planning and Zoning Commission. City Secretary, Lorri Coody explained that there are no vacant positions on this Commission; however, the term of office for Positions 1, 2, 3, and 4 expire on September 30, 2009. The new term for these positions begins on October 1, 2009 and will end on September 30, 2011.

Ms. Coody explained that she has received applications from residents interested in serving on this Commission as follows:

Edwin Knerr,	Jim C. Box	Harold F. Smith, Jr.	Justin Ray
J. B. Pennington	M. Reza Khalili	Barbara Freeman	

In addition to the pending applications, the incumbent members serving on the Commission desire re-appointment.

In consideration of the new applicants desiring appointment to this Commission and the desire of those seeking re-appointment, Council Member English moved to approve the following appointments to this Commission for the term to begin October 1, 2009 and end September 30, 2011:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
HARRY BECKWITH, III	1	10/09	09/11
MICHAEL R. O'NEAL	2	10/09	09/11
JOHN HANLEY	3	10/09	09/11
TOM EUSTACE	4	10/09	09/11

Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

Nays: None

The motion carried.

Mayor Hamley called for the appointment information for the Board of Adjustment. Ms. Coody explained that this is a five member Board with two alternate members. Currently, there are no vacant positions on this Board; however, the term of office for Positions 1, 2, 3, and A1 will expire on September 30, 2009. The new term for these positions begins on October 1, 2009 and will end on September 30, 2011.

The incumbent members of this Board desire re-appointment to the two year term beginning October 1, 2009 and ending September 30, 2011.

Ms. Coody explained that there is only one application request to consider for this Board. Alternate member, Mary Neil Ormston is interested in being appointed as a full serving member of this Board. In consideration of this request and the desire of those seeking re-appointment, Council Member Berube moves to approve the following appointments to this Board for the term to begin October 1, 2009 and end September 30, 2011:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
HENRY R. HERMIS, JR.	1	10/09	09/11
ROBERT CUNNINGHAM	2	10/09	09/11
THOMAS SIMCHAK	3	10/09	09/11
MARY NEIL ORMSTON (Alternate)	A1	10/09	09/11

Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Mayor Hamley called for appointment information for the Building Board of Adjustment and Appeals. Ms. Coody explained that this is a seven member Board and there is one vacant position on the Building Board of Adjustment and Appeals with a term to expire September 30, 2010 and the term of office for Positions 5, 6, and 7 will expire on September 30, 2009. The new term for positions 5, 6, and 7 begins on October 1, 2009 and will end on September 30, 2011.

One application has been received from M. Reza Khalili who is interested in serving on this Board and the incumbent members serving on this Board desire re-appointment to the two year term beginning October 1, 2009 and ending September 30, 2011.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

In consideration of the new applicant desiring appointment to this Board and the desire of those seeking re-appointment, Council Member Berube moves approves the following appointments to this Board for the positions and terms listed:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
M. REZA KHALILI	1	10/08	09/10
ARI FLEITMAN	5	10/09	09/11
MICHAEL O’KELLEY	6	10/09	09/11
GARY VOSSLER	7	10/09	09/11

Council Member Erskine seconds the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Mayor Hamley called for appointment information on the Recreation and Events Committee. Ms. Coody explained that this is a seven member Committee. She told Council that when this committee was created, no term of office was set. Traditionally, member appointments to this committee are evaluated annually.

Currently, there is one vacant position on this Committee, and the term of office for the remaining 6 Positions will expire on September 30, 2009. The new term of office for all positions begins on October 1, 2009 and ends September 30, 2010.

Ms. Coody told Council that she has received one application from France Wubbenhorst who is interested in serving on this Committee.

In addition to this pending application, the incumbent members serving on this Committee desire re-appointment to a one year term beginning October 1, 2009 and ending September 30, 2010.

In consideration of the new applicant desiring appointment to this Committee and the desire of those seeking re-appointment, Council Member Klein moved to approve the following appointments to this Committee for a one year term beginning October 1, 2009 and ending September 30, 2010:

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
DOROTHY STARKEY	10/09	09/10
KAYLA TOWLE	10/09	09/10
BARBARA ERSKINE	10/09	09/10
KAREN LISTI	10/09	09/10
KELLEY BAKER	10/09	09/10
DORIS MICHALAK	10/09	09/10
FRANCES WUBBENHORST	10/09	09/10

Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Haverty, English, and Klein

Nays: None

Abstain: Council Member Erskine

The motion carried.

Mayor Hamley called for information on the Golf Course Advisory Committee. Ms. Coody explained that this is a seven member Committee. She told Council that currently, there are no vacant positions on this Committee; however, the term of office for Positions 1 through 7 will expire on September 30, 2009. The new term for these positions begins on October 1, 2009 and will end on September 30, 2010.

Ms. Coody told Council that there are no new applications to consider for appointments to serve on this Committee. The incumbent members desire re-appointment to a one year term beginning October 1, 2009 and ending September 30, 2010.

Council Member Erskine moved to re-appoint the following members to the Golf Course Advisory Committee for a one year term beginning October 1, 2009 and ending September 30, 2010:

	<u>POSITION</u>	<u>TERM BEGINS</u>	<u>TERM ENDS</u>
VANCE BURNHAM	1	10/09	09/10
GREG FAIR	2	10/09	09/10
ROBERT GONZALES	3	10/09	09/10
BILL SCHUSTER	4	10/09	09/10
BILL SMITH	5	10/09	09/10

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

HAROLD SMITH, JR.	6	10/09	09/10
JOHN TERRELL	7	10/09	09/10

Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

Council Member Berube moved to approve Resolution No. 2009-60, appointing members to the Planning and Zoning Commission, the Board of Adjustment, the Building Board of Adjustment, the Recreation and Events Committee, and the Golf Course Advisory Committee as outlined in Exhibit A. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Haverty, English, and Klein

Nays: None

Abstain: Council Member Erskine

The motion carried.

RESOLUTION NO. 2009-60

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

6. **Consider Resolution No. 2009-61, authorizing advertisement for Request for Proposals for employee group benefits should there is an increase in Texas Municipal League Intergovernmental Employee Benefits Pool’s re-rate numbers over the current medical premiums.**

City Manager, Mike Castro presented the item. He explained to Council that if there is an increase in Texas Municipal League Intergovernmental Employee Benefits Pool’s re-rate numbers over the current medical premium payments, the city is required to go out for proposal. However, Mr. Castro explained that during the past year, we have had a good claims history and as a result, there is a good possibility that we will not have a rate increase. Nonetheless, we do not have the re-rate numbers available for this meeting.

Mr. Castro explained the proposed resolution authorizes advertisement for Request for Proposals for employee group benefits should there be an increase in Texas Municipal

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

League Intergovernmental Employee Benefits Pool's re-rate numbers over the current medical premiums.

There was discussion about going out for proposal even if there is not a rate increase in order to get an even lower rate.

Council Member Erskine moved to approve Resolution No. 2009-61, authorizing advertisement for Request for Proposals for employee group benefits should there be an increase in Texas Municipal League Intergovernmental Employee Benefits Pool's re-rate numbers over the current medical premiums. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

RESOLUTION NO. 2009-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING ADVERTISEMENT FOR REQUEST FOR PROPOSALS FOR EMPLOYEE GROUP BENEFITS IF THERE IS AN INCREASE IN TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL'S RE-RATE NUMBERS OVER THE CURRENT MEDICAL PREMIUMS.

7. Discuss with possible action Ordinance No. 2009-48, amending the City of Jersey Village fiscal year 2008-09 annual budget (Utility Fund - for water purchased from the City of Houston).

Public Works Director, Danny Segundo explained that the allocation is necessary due to an increase in the City of Houston charges for water. Council Member Haverty moved to approve Ordinance No. 2009-48, amending the City of Jersey Village fiscal year 2008-09 annual budget for the purchase of water from the City of Houston. Council Member English seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-48

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

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

- 8. Discuss with possible action Ordinance No. 2009-49, amending the City of Jersey Village fiscal year 2008-09 annual budget (General Fund - for Building Official Consultant Services).**

Public Works Director, Danny Segundo stated that due to a high volume of inspections associated with the remodels taking place at Post Elementary and Jersey Village High School, it is necessary to outsource some inspections in order to maintain a high level of customer service with regards to plan reviews, conferences, and daily inspection requests. The transfer is necessary to allow for costs associated with these consultant services.

Council Member Berube moved to approve Ordinance No. 2009-49, amending the City of Jersey Village fiscal year 2008-09 annual budget for Building Official Consultant Services. Council Member Klein seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

ORDINANCE NO. 2009-49

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.

- 9. Consider Ordinance No. 2009-50, by deleting Chapter 54, Solid Waste, in its entirety and substituting for it a new Chapter 54, Solid Waste; establishing regulations relating to the collection of garbage, rubbish and trash in the city; requiring the use of bags for residential collection; prohibiting the use of garbage cans and other trash receptacles for residential collection; establishing a collection fee for residences not on the city tax rolls; amending section 2-142 (f) (7) of the code of ordinances relating to garbage fees; containing other provisions relating to the subject; providing for severability; providing for repeal; and providing a penalty as provided by section 1-8 of the code.**

Director of Public Works, Danny Segundo explained that this new ordinance requires all residential household garbage and grass clippings to be placed in a plastic garbage bag. The ordinance will not take effect until January 1, 2010. Staff will notify the public via flyers, Jersey Village Star, Marquees, notices in the 1960 Sun, Houston Chronicle, and The Leader. Every attempt will be made to educate the public before January 1, 2010.

The ordinance addresses the unsightliness of trash cans being left on residential curbs.

Discussion was had about the comments made by residents during the public comment section of this meeting, more specifically the comments made about rodents/animals

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

getting into the bags and causing issues with trash on the roadway. Mr. Segundo reported that he has not received any trash complaints concerning rodents/animals nor has he heard of any in connection with the use of plastic trash bags. After more discussion on the use of the plastic bags, it was the consensus of Council that the bags would be a positive move for the City.

There was discussion concerning the date the Ordinance would take effect. Mr. Segundo reported that staff would like this date to be January 1, 2010 in order to give time to educate the residents about the change. City Manager Castro pointed out that the Ordinance presented to Council does not have an effective date listed and he recommends that should Council approve the Ordinance, the motion approving same should include an effective date for the Ordinance.

Council Member English moved to approve Ordinance No. 2009-50, by deleting Chapter 54, Solid Waste, in its entirety and substituting for it a new Chapter 54, Solid Waste; establishing regulations relating to the collection of garbage, rubbish and trash in the city; requiring the use of bags for residential collection; prohibiting the use of garbage cans and other trash receptacles for residential collection; establishing a collection fee for residences not on the city tax rolls; amending section 2-142 (f) (7) of the code of ordinances relating to garbage fees; containing other provisions relating to the subject; providing for severability; providing for repeal; and providing a penalty as provided by section 1-8 of the code with effective date of January 2, 2010. Council Member Haverty seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, English, and Klein

Nays: Council Member Berube

The motion carried.

ORDINANCE NO. 2009-50

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY DELETING CHAPTER 54, SOLID WASTE, IN ITS ENTIRETY AND SUBSTITUTING FOR IT A NEW CHAPTER 54, SOLID WASTE; ESTABLISHING REGULATIONS RELATING TO THE COLLECTION OF GARBAGE, RUBBISH AND TRASH IN THE CITY; REQUIRING THE USE OF BAGS FOR RESIDENTIAL COLLECTION; PROHIBITING THE USE OF GARBAGE CANS AND OTHER TRASH RECEPTACLES FOR RESIDENTIAL COLLECTION; ESTABLISHING A COLLECTION FEE FOR RESIDENCES NOT ON THE CITY TAX ROLLS; AMENDING SECTION 2-142 (F) (7) OF THE CODE OF ORDINANCES RELATING TO GARBAGE FEES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

10. Discuss with possible action the property and open spaces surrounding the Golf View Garden Homes on Village Drive.

Director of Public Works, Danny Segundo explained that staff has been asked to check into the current status of the ownership of the open spaces surrounding the Golf View Garden Homes. There have been several concerns raised regarding parking on the street and the problems associated with limited sight issues.

City Manager, Mike Castro reported to Council that staff has located the owner of this property and he appears to be delinquent in the payment of his taxes to both the City and the County. Mr. Castro also reported that research has been done concerning the ability to widen the road in order to provide for parking. He reported that this research proved that this effort would not be possible due to easement restrictions.

Council engaged in discussion about approaching the owner and about widening the road. The consensus of Council was to contact the landowner of this open space to see if he/she is amenable to either granting the use of this space for off-street parking or is amenable to offering to do something else with the property - in either instance to avoid paying the taxes owed on the property.

11. Discuss and take appropriate action concerning a presentation from Chief Wedemeyer regarding the feasibility of implementing a License Plate Recognition Program.

Chief of Police, Charles Wedemeyer told Council that his department has been investigating the feasibility of utilizing license plate recognition cameras to monitor vehicles entering the City. They have met with one nationwide vendor offering this type of technology and have learned that there are no active installations of this system in operation in the State of Texas with this type of surveillance. However, the vendor did state that there are several government entities in the process of evaluating a police car mounted camera system, which would identify stolen and/or wanted vehicles as the police cars drive through a given area.

Chief Wedemeyer told Council that a tentative cost for the cameras would be between \$12,000 and \$18,000 per camera and this figure does not include the engineering and peripheral installation of wireless or hard wire data retrieval. It also does not cover the computer system hardware and software needed to monitor these cameras at the Communication Division, nor salaries for additional people required to observe the signals sent by the cameras.

In researching the cameras, the department also learned that these types of cameras do not function similar to our Red Light Camera System in that each lane of the street being monitored requires its own camera. There are at least ten streets that enter the residential area of Jersey Village – some of them are multilane streets. As stated above, this is not a firm cost proposal, nor could a firm proposal be given without the vendor doing an

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

engineering study as to the feasibility of such an installation. Nonetheless, the Chief estimates that such a system could have a tentative cost of \$300,000 to \$500,000, not including any salaries or maintenance.

Council engaged in discussion about how effective these cameras were in helping to reduce crime in the community. Chief Wedemeyer explained that the cameras are designed to check license plates in order to determine if the vehicle is stolen. He stated that statistics show that they are very effective in areas where there are many parking lots or shopping malls.

There was also discussion about how the images for these cameras are stored in a database and how some cities are using these images to solve crimes.

No action was taken on this item.

12. Receive update on the Red Light Camera Accident Statistics.

Chief of Police, Charles Wedemeyer told Council that the Police Department has scheduled a statistical report on the number of traffic accidents that have occurred over the previous 12-month period at the intersections that have red light camera enforcement. There are nine roadway approaches covered by the Jersey Village camera system. He stated that his department has attempted to get an accurate count of accidents at these nine approach areas and has been hindered by the following factors:

- The State of Texas changed the department that handles accident reports, from the Department of Public Safety to TXDOT.
- The legislature changed the department overseeing red light cameras and placed them under the jurisdiction of TXDOT, effective September 1, 2009.
- We are required by law to make a yearly report to the State of Texas (TXDOT), which we received the official form the last week of August, with a due date of October 30, 2009.
- The report criteria have changed drastically in that they require a statistical report on the nine-approach zone for an 18-month period prior to camera activation, which would be January 1, 2007.
- The current statistics required by TXDOT will be from July 1, 2008 through June 30, 2009.

Chief Wedemeyer told Council that the CRIMES operating software for his department activated its accident report form module in May of 2009. Therefore, in order to produce the required 18 month report, all previous accident report statistics prior to May of 2009, must be searched by hand – reading each accident report for the actual approach where an accident occurred, type of accident, and various other statistical requirements. This is an extremely labor intensive operation and must be completed and reported to TXDOT by October 30, 2009. When the statistics are completed, the department will make a presentation to Council on the exact accident statistics that are germane to the red light

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

camera system. Any statistics prior to the completion of this report would be premature, and possibly not an accurate portrayal of the number of accidents and types that have occurred in the 12-month period.

No action was taken on this item.

13. Consider Resolution No. 2009-62, selecting an individual to serve on the Texas Municipal League (TML) Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 14.

City Manager, Mike Castro introduced the item, telling Council that the Texas Municipal League Intergovernmental Employee Benefits Board of Trustee Term for Region 14 expires on September 30, 2009. The Pool Trust Agreement provides that the term of office is three years. Pool Members have already submitted nominations and two candidates appear on the ballot for election. The ballot must be received by the Board Secretary no later than 5:00 p.m. on September 26, 2009 and the vote for a particular candidate must take place during an official meeting of the governing body.

Mr. Ron Crabtree is the incumbent Board Member for Region 14 and has served on the Board since 2005. He currently serves as the City Manager for the City of Deer Park and holds a Bachelor of Science, Architectural Construction, and a Master of Urban Planning from Texas A&M University. Mr. Crabtree was on the Board of Directors for the Deer Park Chamber of Commerce, is currently on the Board of Directors for the Bay Area A&M Club and is a current member of the Texas City Management Association.

Ms. Karen Schrom is the City Secretary for the City of Richwood. She is a current member of the Texas Municipal Clerk's Association and of the GFOAT. Ms. Schrom is also active in Keep Richwood Beautiful and in the Brazosport Chamber of Commerce.

Council Member English moved to elect Ron Crabtree to serve on the Board of Trustees of TML Intergovernmental Employee Benefits Pool, Region 14. Council Member Berube seconded the motion. The vote follows:

Ayes: Council Members Erskine, Haverty, English, and Klein

Nays: Council Member Berube

The motion carried.

RESOLUTION NO. 2009-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, SELECTING AN INDIVIDUAL TO SERVE ON THE TML INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL BOARD OF TRUSTEES – TML REGION 14.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

14. Conduct the City Manager’s annual performance evaluation and consider an increase in salary for budget year 2009-2010.

Mayor Hamley called the item and explained that each year the City Manager receives an evaluation. Mayor Hamley stated that each Council Member previously had been given a performance evaluation sheet for this process. He then called each Council Member to make comments concerning Mr. Castro’s performance.

Council Member Erskine stated that this review was based upon his own observations, as he had not received feedback from staff. He rates Mr. Castro’s performance “high” or “satisfied” in most areas. Council Member Erskine sees Mr. Castro’s strengths in his fiscal management of the City as demonstrated by the City’s excellent financial health and he appreciates Mr. Castro’s conservative fiscal approach. He stated that Mr. Castro was well prepared with documented figures and findings during the budget process and he demonstrated proactive measures when it was apparent that the nation would fall on hard economic times. These skills are commendable.

Another of Mr. Castro’s strengths mentioned is in the area of planning. Mr. Castro has long term vision and forward looking planning in terms of infrastructure and replacement of equipment and vehicles. He possesses a wealth of knowledge that equates to a smooth city operation, operating from a team perspective.

Council Member Erskine believes that Mr. Castro could improve his performance by:

1. Presenting council with more suggestions instead of waiting for Council to seek those suggestions;
2. Improving communication with council members by implementing a weekly contact; and
3. Improving public relations by demonstrating more empathy for resident issues and being more open to discussing of these issues with residents.

Council Member Haverty stated that he is happy with Mr. Castro’s performance. He sees his strength as his fiscal management of the City and his great vision. He is proactive. He believes Mr. Castro to be a good problem solver, communicator, and that he makes good decisions. Mr. Castro truly adds value to the City of Jersey Village.

Council Member Haverty would like to receive weekly updates about what is going on in the City and sees this as one way that Mr. Castro could improve his performance.

Council Member Klein agrees with all that has been stated but would add that Mr. Castro’s plans and long range goals are well thought out. She also stated that he did an excellent job in handling Hurricane Ike. Areas that she believes Mr. Castro could improve are in communicating with Council. She would like more information from him as it pertains to adversarial events or events that are newsworthy. For such events, she would like to receive a phone call.

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

Council Member English is impressed. He too agrees with all that has been stated. He sees Mr. Castro's strengths as his knowledge of the City, his ability to manage tasks, and his timeliness and thoroughness in all that is done. Council Member English believes that Mr. Castro could improve his performance by developing his interpersonal relationships. Additionally, Mr. Castro should focus on giving Council opinions and recommendations on issues.

Council Member Berube also agrees with all that has been stated but would like to add that she sees Mr. Castro's areas of strength in budgeting and utilization of funds. She is very impressed with the outstanding achievements made in increasing our bond ratings and the extraordinary vision such as the Transit Oriented Development Project. She also commented on the excellent handling of Hurricane Ike.

Mayor Hamley stated that Mr. Castro is an excellent City Manager and he agrees with all that has been stated. He would like to add that Mr. Castro needs to work on his style of communication. He stated that he realizes that sometimes his style can be effective and that in instances like Hurricane Ike it works, but in terms of dealing with our citizens, a different communication style is more desirable.

In concluding the evaluation comments, Mayor Hamley called for consideration of an increase in the City Manager's salary for budget year 2009-2010.

Council Member Berube moved to set the base salary of the City Manager for budget year 2009-2010 at \$112,540.68. Council Member Haverty seconded the motion. The vote follows:

Ayes: Council Members Berube, Erskine, Haverty, English, and Klein

Nays: None

The motion carried.

EXECUTIVE SESSION

- 1. Consult with Attorney pursuant to the Texas Open Meetings Act Section 551.701 to discuss ongoing litigation in *Sign-Ad Ltd. vs. City of Jersey Village and Jersey Village Board of Adjustment*, C.A. No. 4:09-cv-01260 in the United States District Court for the Southern District of Texas, Houston Division.**

Mayor Hamley called the item as stated in the agenda. He then announced, "I hereby convene into Executive Session at 9:56 o'clock p.m. pursuant to the Texas Open Meetings Act, Government Code Section 551.071 for Consultation with our Attorney."

Mayor Hamley reconvened into Open Session from the Executive Session with the following statement, "I reconvene into Open Session at 10:22 o'clock p.m. No official Action was taken during the Executive Session."

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JERSEY VILLAGE, TEXAS – September 14, 2009

ADJOURN

There being no further business on the Agenda the meeting was adjourned at 10:23 p.m.

Lorri Coody, City Secretary