

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JANUARY 18, 2010 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

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

Mayor, Russell Hamley	City Manager, Mike Castro
Council Member, Joyce Berube	City Secretary, Lorri Coody
Council Member, Rod Erskine	City Attorney, Martha Williams
Council Member, Curtis Haverty	
Council Member, Ernie English	
Council Member, Jill Klein	

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.

B. 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**

C. PRESENTATIONS

1. **Presentation of Police Department Employee of the Quarter and 2009 Employee of the Year Award.**

Commander of American Legion Post #324, Howard Mead and Russell Hamley, Mayor, presented the award of Employee of the 4th Quarter of 2009 to Police Department employee, Sherry Jackson. Commander Mead stated that Ms. Jackson has played a vital role in the Police Department since 1992 and is a dedicated employee.

An award was also presented for the 2009 Police Department Employee of the Year. This award is made based upon the accomplishment of the 4 recipients of the Employee of the Quarter Awards for 2009. The 2009 Police Department Employee of the Year Award was presented to Corporal Art Woolery.

D. 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.

Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 937-0408 – Mr. Maloy thanked Council and the City Manager for meeting with the Harris County Toll Road Authority (HCTRA) on January 6 to discuss Noise Abatement issues. However, he

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was not happy with the outcome of that meeting and wanted to inquire about the information posted on the HCTRA website concerning noise abatement and wanted to know if the city had knowledge of this information. Mr. Maloy also spoke to Council about spending tax money on the proposed Transit Oriented Development (TOD) project. He is not in favor of spending tax dollars to subsidize developers for the TOD development on the south side of 290. He named several projects for which the city could and should be spending tax dollars.

Jerry Fowler, 16205 Saint Helier, Jersey Village, Texas (832) 875-8641 – Mr. Fowler spoke to Council concerning the Transit Oriented Development (TOD). He read a letter. He spoke to the current tax base for the City of Jersey Village, stating that it is comprised of four components, with two of those being tax exempt. He pointed out that there is little opportunity for shopping/stores and while we have some restaurants; most of the residents in the Village must go outside of the City for entertainment and other needs.

With this in mind, he told Council that he sees the TOD as an opportunity that the City should take advantage of and not sit by the sidelines while other communities around us continue to grow and take advantage of the revenue. He would like Council to consider the TOD concept, as it will bring only positive results to the City of Jersey Village, by increasing current property values and preventing strip center sprawl.

E. CITY MANAGER'S REPORT

Council asked for a brief update on the Recreational Vehicle Ordinance. Accordingly, Code Enforcement Officer, Gordon Gibson gave a brief update concerning the experience with the code changes and enforcement issues as it relates to this new ordinance.

1. Monthly Fund Balance Report, Red Light Camera Fund Report, Enterprise Funds Report, Quarterly Investment Report, and Governmental Funds Report.
2. 2009-2010 Open Records Requests, CD 2009-2010 Open Records Requests and Solicitor's Permit Requests
3. Fire Department Monthly Report
4. Police Activity Report, Crime Prevention Unit, Warrant Report, Investigations/Calls for Service Report, Red Light Camera Summary Report, Promotions and New Assignments Report and Staffing/Recruitment 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, Construction Update – Detail 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

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11. White Oaks Bayou Capital Improvements Projects Report
12. Introduction of Officer Arthur Petitt

F. CONSENT AGENDA

The following items are considered routine in nature by the City Council and will be enacted with one motion and vote. There will not be separate discussion on these items unless requested by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

1. **Consider approval of the Minutes for the Regular Session Meeting held on December 21, 2009.**
2. **Consider Resolution No. 2010-01, authorizing a contract with the law firm of A Linebarger Goggan Blair & Sampson, LLP for the collection of delinquent taxes.**

RESOLUTION NO. 2010-01

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 FOR THE COLLECTION OF DELINQUENT TAXES.

3. **Consider Ordinance No. 2010-01, amending Chapter 62 of the Code of Ordinances of the City of Jersey Village, Texas, relating to approval of Section 33.11 penalty under Texas Property Tax Code for delinquent tangible personal property taxes.**

ORDINANCE NO. 2010-01

AN ORDINANCE AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, RELATING TO APPROVAL OF SECTION 33.11 PENALTY UNDER TEXAS PROPERTY TAX CODE FOR DELINQUENT TANGIBLE PERSONAL PROPERTY TAXES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.

4. **Consider Resolution No. 2010-02, authorizing a Memorandum of Understanding with the Harris County Flood Control District (HCFCD) which allows the District to process letters of map revisions (LOMAR) and conditional letters of map revisions (CLOMAR) in Jersey Village.**

RESOLUTION NO. 2010-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD) GRANTING PERMISSION FOR THE DISTRICT TO BE THE CUSTODIAN OF THE MASTER COMPUTER MODEL SETS AND SUPPORTING DATA FOR HARRIS COUNTY.

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- 5. Consider Resolution No. 2010-03, authorizing and adopting a revised City of Jersey Village Financial Accounting Policy.**

RESOLUTION NO. 2010-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AND ADOPTING A REVISED CITY OF JERSEY VILLAGE FINANCIAL ACCOUNTING POLICY.

- 6. Consider Ordinance No. 2010-02, amending the budget of such city, for the fiscal year beginning October 1, 2009 and ending September 30, 2010, to cover the cost of the Sanitary Sewer Control Easement proposal.**

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE BUDGET OF SUCH CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR SEVERABILITY.

- 7. Consider Resolution No. 2010-04, authorizing a contract with West Belt Surveying, Inc., for the surveying services, research, and report indicating findings pertaining to the sanitary sewer control easements.**

RESOLUTION NO. 2010- 04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ENTERING INTO A CONTRACT WITH WEST BELT SURVEYING, INC., FOR THE SURVEYING SERVICES, RESEARCH, AND A REPORT INDICATING FINDINGS PERTAINING TO THE SANITARY SEWER CONTROL EASEMENTS.

Council Member English moved to approve items 1 through 7 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.

G. REGULAR AGENDA

- 1. Consider Resolution No. 2010-05, reviewing and accepting the 2009 Comprehensive Annual Financial Report.**

Isabel Kato, Finance Director presented the item. She told Council that The City of Jersey Village is required to publish each year a complete set of financial statements

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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.

Monica Kohlenberg, an Auditor with our external auditing firm Belt Harris & Associates LLLP, made a presentation based on the audit findings and the financial position of the City.

Upon completion of the presentation and a short question and answer period, Council Member English moved to approve Resolution No. 2010-05, reviewing and accepting the 2009 Comprehensive Annual Financial Report. 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. 2010-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, ACCEPTANCE OF THE 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

2. Consider Resolution No. 2010-06, approving 90-Day Review Period for Municipal Court Judge Compensation.

Isabel Kato, Finance Director, introduced the item by reminding Council that at the December 21, 2009 Council Meeting, City Staff was instructed to analyze the cost of each docket and meet with the Presiding Judge in order to come to an agreement concerning compensation for the judges in the City of Jersey Village Municipal Court.

On January 4, 2010 a meeting took place between the Presiding Judge, Gene Frohbieter, the City Manager, Mike Castro, and the Finance Director, Isabel Kato. In this meeting, due to the implementation of the new ticket writer system by the Police Department which began on December 24, 2009, the parties agreed to delay any changes to the judges' compensation rate for a period of 90 days. It is expected that the new system will change the dynamics of "how court is conducted."

Consequently, City Staff is hopeful that this new ticket writer system will substantially change the operations of the Court thereby reducing the number of defendants appearing before prosecutors and judges.

Staff estimates that within 90 days enough data will have been gathered to analyze how the new court operations are affecting the Court's dockets which ultimately affect compensation costs. The information gathered from this analysis will be reported to

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Council with solutions beneficial to both the City and the Municipal Judges after this 90 day period.

Council engaged in discussion concerning what took place involving this item at the last Council meeting as well as the significance of a “90-day” review period.

With limited discussion, Council Member Berube moved to approve Resolution No. 2010-06, approving 90-Day Review Period for Municipal Court Judge Compensation. Council Member English seconded the motion. The vote follows:

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

Nays: None

The motion carried.

RESOLUTION NO. 2010-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, APPROVING 90-DAY REVIEW PERIOD FOR MUNICIPAL COURT JUDGE COMPENSATION.

3. Consider Ordinance No. 2010-03, amending Section 70-77 of the Code of Ordinances to allow for an 8% water and sewer rate increase.

Danny Segundo, Public Works Director introduced the item. He pointed out that while the item was posted for an increase in water and sewer, the increase being requested, only applies to water rates.

Background information on the item is as follows: On December 11th, 2009, the City of Houston notified the City of Jersey Village of a 16% water rate increase effective January 1, 2010. The City will now pay \$ 2.18 per thousand gallons used. The previous cost was \$ 1.88 per thousand gallons used. The new rate will increase our annual water purchase budget by \$ 120,000.00.

Upon receipt of this letter, staff contacted the City of Houston in order to negotiate a reduction in the rate increase. During the negotiations, the City of Houston stated that according to the water rate studies the increases were necessary. Additionally, it is their position that the water and sewer fund is a proprietary fund which needs to be handled like a business. During the negotiations, Staff learned that the City of Houston is conducting additional rate studies and it is possible that as a result of these additional rate studies, the City of Jersey Village can expect more rate increases in the coming years.

In addition to negotiations with the City of Houston, the city manager has contacted several other cities that contract with Houston for water service. None of these cities were willing to pursue any form of action against the City of Houston in relation to the increased rates.

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Therefore, in order to accommodate this increase, City staff recommends an 8% increase in water rates for fiscal year 2009-2010 and with an additional 8% increase in rates for fiscal year 2010-2011. The recommendation is over and above the CPI adjustments required by Section 70-77 of the City of Jersey Village Code of Ordinance which are made annually for the water and sewer system. For FY 2009-2010 this amount was a 3% adjustment.

The recommended increases are necessary to:

- Adequately fund the utility fund balance;
- Enable the City to maintain adequate fund balance required by City ordinances and credit rating agencies (Standard & Poor's, Moody's);
- Allow for the continuation of services; and
- Fund important projects such as the Sewer Rehabilitation every other year.

Based upon an average water bill from March 2009 which was \$22.69, the recommended increases for FY 2009-2010 (3% CPI and 8% due to the City of Houston) would increase this bill (water only) to \$25.19 or \$2.50 more for the average resident.

The residential lowest bill of 3,000 gallons or less for the month of March 2009 was \$12.63. The recommended increased for FY 2009-2010 (3% CPI and 8% due to the City of Houston) would increase this bill (water only) to \$14.02 or \$1.39 more for the lowest paying resident.

The average water bill for a commercial account in the month of March 2009 was \$263.21. The recommended increased for FY 2009-2010 (3% CPI and 8% due to the City of Houston) would increase this bill (water only) to \$292.16 or \$28.95 more for the average commercial account.

If passed, the rate effected by Ordinance No. 2010-03 will be effective January 25, 2010 for this fiscal year.

Council engaged in discussion concerning the time frame of when the City stopped pumping its own water and began buying water from the City of Houston. Mr. Segundo explained that in the late 90's the City lost its water well and looked to the City of Houston to help with our water needs. Additionally, it was at that time that the State required that 80% of the water be from surface water. City Manager Castro explained that the problem pushing this was subsidence issues. The only other avenue for purchasing water is the North Harris County Regional Water Authority, but this entity also purchases its water from the City of Houston.

There was discussion concerning the fact that currently there are no controls in place that govern how the City of Houston may implement increases on the sale of its water. Our only recourse is a 30-day out in the contract.

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Council Member Berube moved to approve Ordinance No. 2010-03, amending Section 70-77 of the Code of Ordinances to allow for an 8% water rate increase. 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. 2010-03

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

4. Receive Update Regarding Meeting on January 6 with Harris County Toll Road Authority Officials.

Mike Castro, City Manager explained to Council that on January 6th, 2010, the Harris County Toll Road Authority (HCTRA) staff met with the Mayor, Councilwoman Berube, Councilman Haverty, and the City Manager to discuss noise mitigation efforts.

At the meeting, the following items were discussed:

1. Recap of the Noise Abatement Material laid at 4 locations with sites receiving a 2 to 3 decibel reduction in noise;
2. The Hempstead Managed Lanes would not be pursued by HCTRA for noise mitigation;
3. High rail to be used as a barrier to sound – HCTRA stated that the roadway is not built such that it could support the weight of such a structure. HCTRA also stated that high rail would not be effective beyond 150 feet, but that within 150 feet there would be a 1 to 2 decibel reduction in noise.
4. A lower speed of 5 miles per hour would decrease the noise by 1 decibel
5. Earthen Berm – HCTRA explained that an earthen berm would require a significant commitment of land, some 14 to 16 feet and the area being discussed does not contain enough room for such a project.

Council discussed pursuing a high rail that was not comprised of concrete and that TXDOT be contacted concerning noise abatement materials and about extending the retainer wall past Philippine. Since staff has prior authorization to contact TXDOT concerning such matters, no further action was taken by Council at this time.

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5. Consider Ordinance No. 2010-04, re-imposing the city's one and one half percent (1.5%) sales and use tax on the residential use of gas and electricity.

Mike Castro, City Manager explained that at the December 2009 Regular Meeting, Council motioned to postpone consideration of this item until the January Council meeting, pending receipt of data on sales tax figures and a letter to residents explaining the potential tax increase.

A draft of the letter was forwarded to council on January 8, 2010, for comment and included with the Council packet was the original draft of the citizen communication. City Manager Castro explain that the comments he has received to date are at odds with each other and he does not feel that it is possible to incorporate all of the comments received so far into a communication that would satisfy all individual concerns. He told Council that the January 2010 sales tax figures for November 2009 are down 12.5% compared to the January 2009 sales tax figures.

Discussion was had by Council. Staff's efforts are appreciated, however, before this Ordinance is implemented, more information is needed. Council Member Erskine moved to defer further discussion on re-imposing the city's 1.5% sales and use tax on the residential use of gas and electricity as well as on the informational letter until the budget workshop meetings later this year. Council Member Haverty seconded the motion. The vote follows:

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

Nays: None

The motion carried.

6. Discuss and take appropriate action concerning communication issues.

Council Member Klein introduced the item. She told staff that she appreciated receiving the most recent correspondence concerning the sales tax increase and being given the opportunity to provide input.

She told Council that the main purpose of this item was to impress upon Council that communication with the residents of Jersey Village such as the most recent letter concerning the Trash Bag Ordinance and the Mayor's Newsletter are all representations of the City Council. As such, she believes that Council should have an opportunity to review these communications and provide input before being disseminated to the residents. She stated that this could best be accomplished through a Public Relations staff member to assist with Council Communications.

The City Manager stated that adding staff is a budget move – an added expense. It is hard to justify this expense. He told Council that he has been tracking communications between staff and the residents for several months and has recorded 150 such

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communications in the past two months. He told Council that the level and quality of communication has improved over what it was 5 years ago. It is not practical for Council to review all citizen communications. City Manager Castro told Council that he realizes that there was a short coming with the Trash Bag Ordinance Letter and he accepts responsibility for this letter. He told Council that we will do better; we understand the direction that Council wants us to take.

Discussion was had about the recent TOD meetings and how this project might require communication with the residents in the future. There was communication about the level of expertise the consultants had on the subject matter and how this expertise may be of value during communications with the residents both in written communications and during public forums. City Manager Castro explained that the consultants will be of some value but should the City decide to fund the TOD through a bond election, any communication with the residents will have to be approached very cautiously as the law is very specific as to what can and cannot be done during bond elections as it relates to “political advertising.”

Discussion continued about how a public relations consultant might be helpful to staff in crafting communications for important topics rather than the day to day operation communications. There was also discussion about the Mayor’s Newsletter and how this communication sometimes contains “personal opinions” and that such communications should “stick to the facts.” It was discussed that perhaps it might be beneficial to have this Newsletter reviewed before it is released to the public.

Mayor Hamley commented about the letter containing “personal comments.” He stated that he has heard the criticisms pertaining to the content of the Newsletter, and is happy to step aside and let others on the Council have a chance to write something for the letter. He told Council that preparing this letter is work and he explained the process and the deadlines associated with same.

H. ADJOURN

There being no further business on the Agenda the meeting was adjourned at 8:30 p.m.

Lorri Coody, City Secretary